

93, Jan 8

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# Briefly

## *The Minnesota Senate Week in Review*

January 8, 1993

### **Senators take oath of office**

The 1993 Senate came to order Tue., Jan. 5, as Joanell Dyrstad, lieutenant governor, brought down the gavel, signaling the start of the 78th Legislative Session.

Sen. Florian Chmielewski (DFL-Sturgeon Lake) served as Clerk Pro Tem. Chmielewski conducted a roll call of the Senate as his colleagues came forward to present their certificates of election to Chief Justice A.M. Sandy Keith of the Minnesota Supreme Court. Keith then administered the oath of office to the body of Senators.

Sen. Allan Spear (DFL-Mpls.) received the gavel after the Senate elected him President of the Senate. Spear, a professor at the University of Minnesota, is a twenty year veteran of the Senate. Spear thanked his colleagues for their vote of confidence, and pledged to preside over the Senate in a scrupulously fair manner and to maintain respect for the traditions and history of the institution.

Senators then elected the officers of the Senate, including Patrick E. Flahaven as Secretary of the Senate, and Janine Mattson as First Assistant Secretary. Other Senate Desk Officers elected include Patrice Dworak, Second Assistant Secretary; Catherine Morrison, Engrossing Secretary; Sven Lindquist, Sergeant at Arms; and Ralph Graham, Assistant Sergeant at Arms. Members also approved the nomination of Bishop David W. Preus for Senate Chaplain.

After the officers subscribed to the oath of office, the body approved several resolutions, including ones that named Sen. Roger Moe (DFL-Erskine) as Majority Leader, Sen. Dean Johnson (IR-Willmar) as Minority Leader, and Chmielewski as President Pro Tem. Other resolutions related to Senate operations.

The Senate re-convened briefly on Wed., Jan 6., and again on Thur., Jan. 7, to approve minor procedural motions and resolutions, one of which allows the governor to address a Joint Session with the other body on Thur., Jan 14, at 6:45 p.m. to present the State of the State

address. Senators also agreed to freeze their pay at 1992 levels, but disagreed as to whether it should be done through administrative or legislative action.

### **1994-95 budget forecast**

The Senate Finance Committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), met Wed., Jan. 6, to hear the 1994-1995 biennium budget forecast by Commissioner John Gunyou, Minnesota Dept. of Finance. According to Gunyou, a \$769 million budget shortfall for the 1994-95 biennium awaits Gov. Carlson and the 1993 Legislature. Forecasted revenues from taxes and other revenues are expected to increase by \$1.318 billion (9.1 percent) over the current biennium. Current state expenditures, however, without any additional commitments, are expected to rise by \$2.206 billion (15 percent, Gunyou added). A \$986 million dollar imbalance will be slightly reduced due to a \$217 million balance now forecast for the current biennium, according to department estimates.

Tom Stinson, state economist, Dept. of Finance, explained that the \$217 million balance is due to a better than expected economic performance in Minnesota during 1992. Stinson added that from Nov. 91-Nov. 92, jobs in Minnesota increased by 2.4 percent compared to the national average of 0.4 percent. Although Minnesota fared better than most states in 1992, most of the employment growth occurred in the service sector, according to department estimates. Stinson said that Minnesota also experienced an increase in trade during 1992, but the change was largely due to the creation of 6,000 new jobs last summer at the Mall of America.

Merriam expressed concern over the 38.5 percent (or \$632 million) increase in spending on health care in the next biennium. George Hoffman, Dept. of Human Services, responded that an increase in the number of aged and disabled persons needing medical assistance, as well as a growing nursing home caseload, accounts for the bulk of the

projected increase. Discussion of the budget shortfall will continue.

### **Community rating phase-in endorsed**

The Health Care Committee, chaired by Sen. Linda Berglin (DFL-Mpls.), met Wed., Jan. 6, to consider a bill that would modify language in the MinnesotaCare legislation on community rating of Medicare supplement insurance policies.

Under current legislation, all such coverage is required to be offered, issued, sold or renewed at these newly established community rates beginning Jan. 1, 1993. S.F. 2, co-sponsored by Berglin and Sen. Duane Benson (IR-Lanesboro), modifies the date of community rates by allowing a two year phase-in implementation schedule for insureds who reside in the non-Metro counties (all counties except eight in the Metro Area). The bill proposes that half the anticipated premium adjustment be implemented Mar. 1, 1993 and the other half on Jan. 1, 1994.

An amendment, offered by Berglin, allows health plans other than health maintenance organizations (HMO's) to choose to use the phase-in timetable only for renewal coverage and fully implement community rating for any newly-issued coverage. Berglin's amendment was approved, as was an amendment applying to Medicare enrollees. Under the amendment, issuers of Medicare supplement policies are prohibited from imposing preexisting condition limitations or discriminating in pricing of a policy because of an enrollee's health record for a six-month period beginning when the person first enrolls under Medicare Part B (hospital) coverage. A person under 65 can qualify for Medicare based on a disability.

Berglin said that some insureds have delayed issuance of premiums because of the controversy generated by the proposed rate increases. She explained that passage by the end of January will allow insurance companies to give 30 days notice to their policyholders.

The committee approved the bill and re-referred it to the Commerce and Consumer Protection Committee.

# Committee update

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## Commerce and Consumer Protection

### Rating bill advances

The Commerce and Consumer Protection Committee, chaired by Sen. Sam Solon (DFL-Duluth), met Thurs., Jan. 7, to consider S.F. 2. The bill, co-sponsored by Sen. Linda Berglin (DFL-Minneapolis) and Sen. Duane Benson (IR-Lanesboro), modifies language in the MinnesotaCare legislation on community rating of Medicare supplemental insurance policies.

Under current legislation, all such coverage is required to be offered, issued, sold or renewed at newly established community rates beginning Jan. 1, 1993. S.F. 2 modifies the date of community rate implementation by allowing a phase-in schedule for insureds who reside in non-metro counties (all counties except Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, or Washington).

The bill specifies that half of the anticipated premium adjustment may be implemented on Mar. 1, 1993 and the other half on Jan. 1, 1994.

"We need to provide for some phase-in during this transitional period," said Berglin of last year's health care reform legislation and the anticipated impact of community-based ratings.

Sen. Cal Larson (IR-Fergus Falls) expressed concern over the impact of community rating in rural areas and asked Berglin how the new community rating system would affect the average Medicare supplement insured. "In the short term, some will experience increases and others will experience decreases," said Berglin of projected premium adjustments...the big difference is that as the enrollees age, they will pay less than they would have under the old system."

The committee approved S.F. 2 as amended and sent the bill to the Floor for final consideration.

## Jobs, Energy and Community Development

### Overview of BMC and MHFA

Members of the Jobs, Energy and Community Development Committee gathered for the first meeting of the legislative session, Wed., Jan. 6. Chair Steven Novak (DFL-New Brighton) announced that the committee will be divided into 3 subcommittees - Economic Development, Employment, and Energy and Public Utilities.

Following this announcement, Commissioner Peter Obermeyer, Bureau of Mediation Services presented an overview of his agency's role and responsibilities. He said the agency's primary goal is to improve the quality of Minnesota's labor-management relationships through a variety of services including assistance in collective bargaining, maintaining rosters of qualified arbitrators, and providing training and information. Obermeyer said that although small, his agency has a substantial impact on preventing employment disruptions in Minnesota's private, public, and non-profit sectors. He added that the bulk of the agency's budget is committed to providing a professional staff of mediators to assist labor and management in resolving bargaining disputes at no charge. Responding to a question from Sen. Kevin Chandler (DFL-White Bear Lake), Obermeyer said that the State does not charge a fee because it might create an inequitable situation in that some parties could afford the fee while others could not.

Commissioner James Solem, Minnesota Housing Financial Agency (MHFA), said that the main objective of the MHFA is to provide both technical and financial assistance to low and moderate income Minnesotans in need of decent, affordable housing. A second objective, Solem added, is to provide for stronger communities and neighborhoods by preserving or expanding the housing stock, and by providing for economically and racially diverse populations. Solem said that the MHFA provides low or no-interest loans and other forms of financing through 45 different housing programs available to private individuals, corporations, non-profit and community development organizations, financial institutions, and cities.

Responding to a question by Novak, Solem said that the term "homelessness" itself does not accurately describe the complexity of the issue. He stated that there is not a lack of housing in Minnesota, but rather a lack of social services to assist individuals facing mental and physical challenges which ultimately lead to homelessness. He added that there needs to be greater integration between MHFA and social services that are in place to assist the homeless.

### Overview of DTED

Members of the Jobs, Energy and Community Development Committee met Thurs., Jan. 7, to hear an overview of

the Dept. of Trade and Economic Development (DTED) by Commissioner Peter Gillette. He explained that the DTED acts as a facilitator to enhance Minnesota's economic environment with the aim of producing net new job growth at a rate in excess of the national average. The department's clients are mainly small and medium-sized manufacturing businesses and a selection of service businesses. Gillette briefly discussed the governor's new six point plan for small employer job growth in Minnesota. He added that if the plan were enacted by the Legislature, it would provide financial incentives to smaller businesses through property tax abatement and credit, workers' compensation cost reductions, and greater access to technology and capital assistance.

Committee members also received an overview on Minnesota Technology, Inc., from the organization's president, Jacques Koppel. Koppel stated that Minnesota Technology, a non-profit organization with six offices statewide, provides technological knowledge and expertise to Minnesota's small and medium-sized manufacturing firms. These custom-tailored services specifically target the manufacturing sector which, according to agency estimates, accounts for the largest, single portion (21 percent) of Minnesota's gross state product, and has the highest collective annual payroll. He added that unlike the DTED, Minnesota Technology does not provide any financial assistance to businesses.

## Metropolitan and Local Government

### Met Council gives overview

There is "trouble at the core" of the Twin Cities, according to testimony from Metropolitan Council officials at the first meeting of the Metropolitan and Local Government Committee on Wed., Jan. 6. Dottie Rietow, Metropolitan Council chair, and her staff presented an overview of the organization and its legislative concerns.

Deepening poverty and deteriorating neighborhoods have stalled income growth in the central cities, according to the council's reports. The reports also note that many of the older suburbs have an aging and dwindling population, in addition to an older stock of housing with an uncertain future.

Rietow informed the committee that the council needs to further analyze the



# Senate committee assignments

## Agriculture and Rural Development (10)

Chair: Bertram Vice Chair: Hanson  
Office: 323 Telephone: 296-7405  
Meets: M, W; 12 noon-2 p.m.; Room 107

Berg	Morse	Stevens
Dille	Murphy	Vickerman
Lesewski	Sams	

## Commerce and Consumer Protection (15)

Chair: Solon Vice Chair: Wiener  
Office: 303 Telephone: 296-4158  
Meets: M, W; 12 noon-2 p.m.; Room 112

Anderson	Janezich	Luther	Samuelson
Belanger	Johnston	Metzen	
Chandler	Kroening	Oliver	
Day	Larson	Price	

## Crime Prevention (13)

Chair: Spear Vice Chair: Anderson  
Office: G-27 Telephone: 296-4191  
Meets: M, W, Th; 2-4 p.m.; Room 15

Beckman	Kelly	McGowan	Piper
Belanger	Laidig	Merriam	Ranum
Cohen	Marty	Neuville	

## Crime Prevention Finance Division (9)

Chair: Beckman  
Office: 301 Telephone: 296-571

Kelly	McGowan	Ranum
Laidig	Merriam	Spear
Marty	Neuville	

## Education (22)

Co-Chair: Pogemiller Co-Vice Chair: Krentz  
Co-Chair: Stumpf Co-Vice Chair: Price  
Office: 235 Telephone: 296-4185  
Meets: T, W, Th; 10-12 noon Room 112

Beckman	Langseth	Olson	Solon
Benson, J.E.	Larson	Pappas	Terwilliger
Hanson	Moe, R.D.	Ranum	Wiener
Janezich	Murphy	Reichgott	
Knutson	Neuville	Robertson	

## Education Division (15)

Chair: Pogemiller  
Office: 235 Telephone: 296-7809

Beckman	Krentz	Pappas	Stumpf
Hanson	Langseth	Ranum	Terwilliger
Janezich	Larson	Reichgott	
Knutson	Olson	Robertson	

## Higher Education Finance Division (10)

Chair: Stumpf  
Office G-24 Telephone: 296-8660

Benson, J.E.	Murphy	Price
Larson	Neuville	Solon
Moe, R.D.	Pogemiller	Wiener

## Environment and Natural Resources (18)

Chair: Lessard Vice Chair: Chandler  
Office 111 Telephone: 296-1113  
Meets: T 2-4 p.m., F 10-2 p.m.; Room 107

Anderson	Finn	Merriam	Olson
Benson, J.E.	Frederickson	Mondale	Pariseau
Berg	Johnson, J.B.	Morse	Price
Dille	Laidig	Novak	Riveness

## Environment and Natural Resources Finance Division (12)

Chair: Morse  
Office G-24 Telephone: 296-5649

Berg	Johnson, J.B.	Merriam	Price
Finn	Laidig	Olson	Riveness
Frederickson	Lessard	Pariseau	

## Ethics and Campaign Reform (12)

Chair: Marty Vice Chair: Luther  
Office: G-9 Telephone: 296-8866  
Meets: T, Th; 12 noon-2 p.m.; Room 107

Cohen	Laidig	Pogemiller
Flynn	McGowan	Reichgott
Johnson, D.E.	Moe, R.D.	
Johnson, D.J.	Pariseau	

## Family Services (16)

Chair: Piper Vice Chair: Betzold  
Office: G-9 Telephone: 296-9248  
Meets: T, Th; 12 noon-2 p.m.; Room 15

Adkins	Johnson, J.B.	Krentz	Solon
Benson, J.E.	Kelly	Riveness	Stevens
Berglin	Kiscaden	Robertson	
Chandler	Knutson	Samuelson	

## Finance (21)

Chair: Merriam Vice Chair: Kelly  
Office: 122 Telephone: 296-4157  
Meets: M, T, W, Th; 4-6 p.m.; Room 123

Beckman	Johnston	Luther	Samuelson
Cohen	Kroening	McGowan	Spear
Frederickson	Laidig	Morse	Stumpf
Johnson D.E.	Langseth	Piper	Terwilliger
Johnson J.B.	Larson	Ranum	

## Finance State Government Division (12)

Chair: Cohen  
Office: 317 Telephone: 296-5931

Frederickson	Kroening	McGowan	Piper
Johnston	Langseth	Merriam	Terwilliger
Kelly	Luther	Morse	

## Gaming Regulation (10)

Chair: Berg Vice Chair: Janezich  
Office: 328 Telephone: 296-5539  
Meets: T, W; 8-10 a.m.; Room 107

Adkins	Marty	Neuville
Bertram	McGowan	Spear
Johnson D.E.	Mondale	

**Governmental Operations and Reform (13)**

Chair: Metzen Vice Chair: Riveness  
 Office: 303 Telephone: 296-4175  
 Meets: T, W, F; 8-10 a.m.; Room 15

Beckman	Morse	Sams	Terwilliger
Benson, D.D.	Pogemiller	Stevens	Wiener
Hottinger	Runbeck	Stumpf	

**Health Care (12)**

Chair: Berglin Vice Chair: Sams  
 Office: G-9 Telephone: 296-4151  
 Meets: T, W, Th.; 10 a.m.-12 noon; Room 15

Benson, D.D.	Hottinger	Samuelson
Betzold	Kiscaden	Vickerman
Day	Oliver	
Finn	Piper	

**Health Care and Family Services Finance Division (12)**

Chair: Samuelson  
 Office 124 Telephone: 296-4875

Benson, D.	Day	Riveness	Stevens
Berglin	Kiscaden	Sams	Vickerman
Betzold	Piper	Solon	

**Jobs, Energy and Community Development (13)**

Chair: Novak Vice Chair: Johnson J.B.  
 Office: 322 Telephone: 296-1767  
 Meets: T, W, Th; 10 a.m.-12 noon; Room 107

Anderson	Dille	Kelly	Metzen
Chandler	Frederickson	Kroening	Runbeck
Chmielewski	Johnson, D.J.	Lesewski	

**Jobs, Energy and Community Development Finance Division (10)**

Chair: Kroening  
 Office: 124 Telephone: 296-4302

Anderson	Frederickson	Metzen
Chandler	Johnson, J.B.	Novak
Chmielewski	Lesewski	Runbeck

**Judiciary (10)**

Chair: Reichgott Vice Chair: Finn  
 Office: 306 Telephone: 296-2889  
 Meets: M, W; 12 noon-2 p.m.; Room 15

Berglin	Kiscaden	Robertson
Betzold	Knutson	Spear
Cohen	Krentz	

**Metropolitan and Local Government (15)**

Chair: Adkins Vice Chair: Mondale  
 Office: 309 Telephone: 296-4150  
 Meets: M, W, Th; 2-4 p.m.; Room 107

Betzold	Janezich	Pappas	Wiener
Day	Langseth	Pariseau	
Flynn	Lessard	Robertson	
Hottinger	Oliver	Runbeck	

**Metropolitan and Local Government Tax Division (9)**

Chair: Flynn Vice Chair: Hottinger  
 Office: G-29 Telephone: 296-4274

Adkins	Oliver	Runbeck
Lessard	Pappas	
Mondale	Pariseau	

**Rules and Administration (30)**

Chair: Moe, R.D. Vice Chair: Luther  
 Office: 208 Telephone: 296-4196  
 Meets: On call

Adkins	Flynn	McGowan	Pogemiller
Belanger	Frederickson	Merriam	Reichgott
Benson, D.D.	Johnson, D.E.	Metzen	Solon
Berg	Johnson, D.J.	Novak	Spear
Berglin	Laidig	Olson	Stumpf
Bertram	Lessard	Pariseau	Terwilliger
Chmielewski	Marty	Piper	Vickerman

**Taxes and Tax Law (22)**

Chair: Johnson D. J. Vice Chair: Pappas  
 Office: 205 Telephone: 296-4839  
 Meets: M, T, W, Th; 4-6 p.m.; Room 15

Belanger	Day	Mondale	Pogemiller
Benson, D.D.	Finn	Neuville	Price
Benson, J.E.	Flynn	Novak	Reichgott
Berglin	Hottinger	Olson	Riveness
Bertram	Marty	Pariseau	Sams

**Transportation and Public Transit (15)**

Chair: Chmielewski Vice Chair: Ranum  
 Office: 325 Telephone: 296-4186  
 Meets: T, W, F; 8-10 a.m.; Room 112

Belanger	Johnston	Murphy	Vickerman
Dille	Krentz	Novak	
Flynn	Langseth	Olson	
Hanson	Lesewski	Pappas	

**Transportation and Public Transit Finance Division (9)**

Chair: Langseth  
 Office: G-24 Telephone: 296-3205

Belanger	Flynn	Novak
Chmielewski	Hanson	Vickerman
Dille	Johnston	

**Veterans and General Legislation (10)**

Chair: Vickerman Vice Chair: Murphy  
 Office: 226 Telephone: 296-1771  
 Meets: T, Th; 12 noon-2 p.m.; Room 112

Bertram	Johnston	Lesewski
Chmielewski	Larson	Metzen
Hanson	Lessard	

# Committee update

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poverty issues before making specific recommendations. Sen. Carol Flynn (DFL-Mpls.) urged the officials to make progress in this area because of the need to address poverty issues this Session.

The Met Council officials did make some specific recommendations, namely a request for the authority to pursue the development of a regional public safety communications system. The system would provide a common radio frequency for law enforcement agencies, making it easier for different police departments to communicate with each other. The officials stressed that approval is needed during the 1993 Session because the Federal Communications Commission needs to receive the application for the radio bands by the summer of 1993.

The representatives from the Met Council also emphasized consolidating

local government services and improving the public transit system. Reitow said the governor is requesting \$1 million to provide technical assistance relating to local government consolidation. Other Metropolitan Council legislative initiatives include maintaining the regional park system, developing regional water conservation standards, and streamlining solid waste reporting requirements.

The committee, chaired by Sen. Betty Adkins (DFL-St. Michael), will meet again on Mon., Jan. 11, to discuss the legislative concerns of the Metropolitan Airports Commission.

## Rules and Administration

### Committee deadlines set

The Rules and Administration Committee met on the opening day of session

Tues., Jan. 5, to approve a number of opening day resolutions. The panel, chaired by Majority Leader Roger D. Moe (DFL-Erskine), approved resolutions naming leadership, approving temporary rules, approving postage allowances, setting committee membership, and adopting temporary joint rules.

In addition, Moe announced that the first committee deadline will be Apr. 2. The first committee deadline is the date by which Senate bills must be heard by Senate Committees. The second committee deadline, said Moe, is Apr. 16. The second deadline is the date by which Senate Committees must hear bills originating in the other body. Moe also said that this session there will be a third deadline of Apr. 23 for appropriations bills to clear policy committees. The Legislature must adjourn by May 17.

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, January 11

The Senate will meet at 11 a.m.

#### Metropolitan and Local Government Committee

Chair: Sen. Betty Adkins  
2 p.m. Room 107 Capitol  
Agenda: Overview of Metropolitan Airports Commission by David Dombrowski and Jeff Hamiel.

### Tuesday, January 12

#### Governmental Operations and Reform Committee

Chair: Sen. James Metzen  
8 a.m. Room 15 Capitol  
Agenda: Overview of the Administrative Procedure Act.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak  
10 a.m. Room 107 Capitol  
Agenda: An overview with presentations by: Don Storm, commissioner of the PUC; Aviva Breen, executive director of the Legislative Commission on the Economic Status of Women; and Peter Coyle of the Minnesota Outreach Project.

#### Ethics and Campaign Reform Committee

Sen. John Marty  
12 noon Room 107 Capitol  
Agenda: Open testimony on ethics and campaign finance reform.

#### Family Services Committee

Chair: Sen. Pat Piper  
12 noon Room 15 Capitol  
Agenda: Overview of Dept. of Human Services.

#### Taxes and Tax Laws Committee

Chair: Sen. Douglas Johnson  
4 p.m. Room 15 Capitol  
Agenda: Revenue and expenditure forecast.

### Wednesday, January 13

#### Horizons '93

### Thursday, January 14

#### Ethics and Campaign Reform Committee

Sen. John Marty  
12 noon Room 107 Capitol  
Agenda: Testimony on ethics and campaign finance reform.

#### Family Services Committee

Chair: Sen. Pat Piper  
12 noon Room 112 Capitol  
Agenda: Overview of Dept. of Human Services.

#### Governmental Operations and Reform Committee

Chair: Sen. James Metzen  
1:30 p.m. Room 15 Capitol  
Agenda: A presentation by Ted Gaebler, co-author of *Reinventing Government*.

#### Metropolitan and Local Government Committee

Chair: Sen. Betty Adkins  
2 p.m. Room 107 Capitol  
Agenda: Overview of the Metropolitan Transit Commission. Overview of the Regional Transit Board and discussion of legislative concerns.

The Senate will meet at 6:15 p.m. and in Joint Session at 7 p.m. to hear the State of the State Address.

### Friday, January 15

#### Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse  
10 a.m. Room 107 Capitol  
Agenda: To be announced.

# Minnesota Senate

## Senate Members --- 1993 Session

Party	Phone	Name	Room	Dist.	Party	Phone	Name	Room	Dist.
DFL	296-5981	Adkins, Betty A.	309	Cap. 19	DFL	8869	Luther, William P.	205	Cap. 47
DFL	5537	Anderson, Ellen R.	G-27	Cap. 66	DFL	5645	Marty, John	G-9	Cap. 54
DFL	5713	Beckman, Tracy L.	301	Cap. 26	IR	2159	McGowan, Patrick D.	129	SOB 33
IR	5975	Belanger, William V., Jr.	113	SOB 41	DFL	4154	Merriam, Gene	122	Cap. 49
IR	3903	Benson, Duane D.	119	SOB 31	DFL	4370	Metzen, James P.	303	Cap. 39
IR	6455	Benson, Joanne E.	153	SOB 16	DFL	2577	Moe, Roger D.	208	Cap. 2
DFL	5094	Berg, Charles A.	328	Cap. 13	DFL	7-8065	Mondale, Ted A.	309	Cap. 44
DFL	4261	Berglin, Linda	G-9	Cap. 61	DFL	5649	Morse, Steven	G-24	Cap. 32
DFL	2084	Bertram, Joe, Sr.	323	Cap. 14	DFL	4264	Murphy, Steve L.	226	Cap. 29
DFL	2556	Betzold, Don	G-24	Cap. 48	IR	1279	Neuville, Thomas M.	123	SOB 25
DFL	9307	Chandler, Kevin M.	111	Cap. 55	DFL	4334	Novak, Steven G.	322	Cap. 52
DFL	4182	Chmielewski, Florian	325	Cap. 8	IR	4837	Oliver, Edward C.	121	SOB 43
DFL	5931	Cohen, Richard J.	317	Cap. 64	IR	1282	Olson, Gen	131	SOB 34
IR	9457	Day, Dick	105	SOB 28	DFL	1802	Pappas, Sandra L.	G-27	Cap. 65
IR	4131	Dille, Steve	103	SOB 20	IR	5252	Pariseau, Pat	109	SOB 37
DFL	6128	Finn, Harold R. "Skip"	306	Cap. 4	DFL	9248	Piper, Pat	G-9	Cap. 27
DFL	4274	Flynn, Carol	G-29	Cap. 62	DFL	7809	Pogemiller, Lawrence J.	235	Cap. 59
IR	8138	Frederickson, Dennis R.	139	SOB 23	DFL	7-8060	Price, Leonard R.	235	Cap. 57
DFL	3219	Hanson, Paula E.	328	Cap. 50	DFL	7-8061	Ranum, Jane B.	325	Cap. 63
DFL	6153	Hottinger, John C.	G-29	Cap. 24	DFL	2889	Reichgott, Ember D.	306	Cap. 46
DFL	8017	Janezich, Jerry R.	328	Cap. 5	DFL	7-8062	Riveness, Phil J.	317	Cap. 40
IR	3826	Johnson, Dean E.	147	SOB 15	IR	4314	Robertson, Martha R.	125	SOB 45
DFL	8881	Johnson, Douglas J.	205	Cap. 6	IR	1253	Runbeck, Linda	107	SOB 53
DFL	5419	Johnson, Janet B.	322	Cap. 18	DFL	7-8063	Sams, Dallas C.	G-9	Cap. 11
IR	4123	Johnston, Terry D.	117	SOB 35	DFL	4875	Samuelson, Don	124	Cap. 12
DFL	5285	Kelly, Randy C.	122	Cap. 67	DFL	4188	Solon, Sam G.	303	Cap. 7
IR	4848	Kiscaden, Sheila M.	143	SOB 30	DFL	4191	Spear, Allan H.	G-27	Cap. 60
IR	4120	Knutson, David L.	133	SOB 36	IR	8075	Stevens, Dan	127	SOB 17
DFL	7061	Krentz, Jane	235	Cap. 51	DFL	8660	Stumpf, LeRoy A.	G-24	Cap. 1
DFL	4302	Kroening, Carl W.	124	Cap. 58	IR	6238	Terwilliger, Roy W.	115	SOB 42
IR	4351	Laidig, Gary W.	141	SOB 56	DFL	5650	Vickerman, Jim	226	Cap. 22
DFL	3205	Langseth, Keith	G-24	Cap. 9	DFL	7-8073	Wiener, Deanna	303	Cap. 38
IR	5655	Larson, Cal	145	SOB 10	<b>Capitol or State Office Building, St. Paul, MN 55155</b>				
IR	4125	Lesewski, Arlene J.	135	SOB 21	<b>TDD number 296-0250</b>				
DFL	4136	Lessard, Bob	111	Cap. 3	<b>Senate Information 296-0504</b>				

### Senate Publications

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# Briefly

The Minnesota Senate Week in Review

January 15, 1993

## Horizons

Prof. Lewis Branscomb, Director of the Science, Technology and Public Policy Program, John F. Kennedy School of Government, Harvard University, delivered the keynote address on technology and competitiveness to more than 150 legislators, staff and community representatives attending this year's Minnesota Horizons '93 Conference held Wed., Jan. 13, at the Minnesota History Center. The theme of this year's conference was "Competitiveness: foundations for the future."

According to Branscomb, Minnesota, like the rest of the nation, must move ahead with technological innovations and federal and state investment in research and development projects. He challenged legislators to work toward an organized, strategic and broad-based approach of establishing long-term economic policy in a global marketplace.

Three panel discussions, featuring a collage of views and perspectives by small business concerns and corporate, public and non-profit institutions, offered opinions on such topics as Policy Needs/Policy Gaps in Industry, Creating the Modern Workforce and Policy Challenges for the Legislature.

In addition, Dr. Hazel Reinhardt, president of her own consulting company, discussed the long term implications of shifting trends in population, cultural make-up and age, in future profiles of Minnesota. "As we move into the 21st century, the direction we take must have realistic goals," said Reinhardt of shifting demographic patterns. "We need to look less to the past and more to the future," she said.

Following the lunch break, conference attendees reassembled to hear William Gray III, president, United Negro College Fund deliver his keynote message. The most pressing need of our society today, according to Gray, is to create a modern workforce capable of meeting the demands of a growingly diverse global marketplace.

The conference concluded with tours of the History Center and a reception that

allowed legislators, conference participants, and conference sponsors to further discuss the issues.

## Revenue and expenditure forecast

A team of economists from the Department of Finance discussed the state's budget with members of the Taxes and Tax Laws Committee, Tue., Jan. 13. The November forecast predicts a budget shortfall of \$769 million for the 1994-95 biennium.

Forecast revenues are expected to grow by \$1.318 billion (9.1 percent) over the current biennium, and current state spending (if no changes are made) is expected to increase by \$2.206 billion (15.1 percent), according to the forecast. The forecast also notes that an estimated \$217 million balance partially reduces the \$986 million imbalance between forecast revenues and projected spending.

The economists were quick to add that the final budget decisions will be based on the March forecast. Sen. Douglas Johnson (DFL-Cook), committee chair, pointed out that the March forecast may indicate that the budget shortfall is not as severe as what the November forecast suggests.

During the budget discussion, the revenue officials noted that Minnesota's share of manufacturing jobs has increased over the past decade, while many of the surrounding states, such as Wisconsin, have lost some of their share.

In addition to the economists' report, George Hoffmann from the Department of Human Services (DHS) briefed the committee on some of the human services aspects of the budget. Hoffman stressed the increasing number of nursing home residents that are dependent upon the state. Enrollment has also increased for programs that help elderly, blind, and disabled persons who are in need, according to DHS statistics. The statistics also show a decline in the number of General Assistance recipients and Work Readiness program enrollees. Hoffman added that budget pressure from medical programs will continue into the foreseeable future.

## Ted Gaebler presentation

Legislators and various state government officials returned to the Minnesota History Center Thurs., Jan. 15, to hear

Ted Gaebler, author of *Reinventing Government*, outline strategies for improving state government. Gaebler's main themes involve the need for governments to develop entrepreneurial attitudes and focus on meeting the needs of citizens. Gaebler said that governmental entities need to keep the customer (citizen) in mind when developing policies.

## Service for hearing-impaired

The Minnesota Senate is continuing to offer TDD service for the hearing impaired. Located in Senate Index, the TDD telecommunications service allows deaf or hearing-impaired persons to communicate with Index staff in order to find out bill status, bill content and bill authorship. The telephone number for the TDD service is (612) 296-0250. In addition a public access TDD pay telephone is located near the Information Desk on the first floor of the Capitol Building.

## Information Office services

The Senate Information Office and the Office of the Secretary of the Senate are located in Room 231 of the Capitol. These offices distribute all public materials and handle inquiries about Senate committee meetings, Senate districts, Senate telephone numbers, bill reference numbers and status, and bill sponsorship. Interested citizens may also request copies of bills or ask to be put on the mailing list for Senate publications. If you want to know the name of your Senator or have any other questions concerning the Minnesota Senate, call 296-0504. Senate staff members are available to answer general questions about the Senate and the legislative process. For daily updates on committee meetings, call the Senate Hotline at 296-8088.

## Television coverage offered

Senate Media Services plans to provide live gavel-to-gavel television coverage of committee hearings from 8 a.m. until 5 p.m. weekdays. The hearings will run on Channel 6 the Metro Cable Network. In addition, Media Services will continue to broadcast gavel-to-gavel coverage of Senate floor sessions on Channel 6 the Metro Cable Network.

# Committee update

## Ethics and Campaign Reform

### Election reform urged

Races for elected office in Minnesota must become more open, fair and competitive, according to testimony at the first meeting of the Ethics and Campaign Reform Committee on Tues., Jan. 12. Sen. John Marty (DFL-Roseville), chair of the committee, invited opening testimony from several groups, including Common Cause Minnesota, represented by its president, Jim Ketcham; the Citizens League; the IR Party; and the Government Resource Group.

The combination of partisan redistricting, unfair campaign financing and special-interest groups' influence has created unfair elections, according to Nancy Zingale, vice-chair of the Citizen's League. Power has shifted to those candidates in the best position to take advantage of large campaign contributions and well-organized groups with parochial interests. "The public perceives that legislators can be bought through Political Action Committee (PAC) contributions and [campaign fund] transfers," said Barbara Sykora, deputy chair of the IR Party. Testimony from all groups concurred that the Legislature should prohibit PAC contributions to individual candidates while continuing to allow contributions to political parties.

Zingale concluded that not only do PAC contributions lead to the perceived "buy-off" of candidates, but also the transfer of funds between candidates themselves. She expressed concern about the "internal relationships" between candidates who transfer funds from one campaign to another.

In final testimony, Wy Spano of the Government Relations Group reiterated comments made by Zingale and Sykora, and added that substantial campaign support should be generated from within the candidates' district, demonstrating a connection to the community. To further reform of the system of campaign financing, the groups urge the Legislature to prohibit candidates who run unopposed in both the primary and general elections from receiving direct public financing for their campaigns.

Testimony will continue at the committee meeting scheduled on Thurs., Jan. 14.

## Family Services

### DHS briefs Senators

The Family Services Committee began its work for the Session Tue., Jan., 12. Sen. Pat Piper (DFL-Austin), committee chair, told the committee and its audience that she was looking forward to chairing the new committee, which has jurisdiction over bills relating to family and

human services.

Piper noted one source that defined "family" eighteen different ways, saying there is a very good rationale for so many definitions. She asked her colleagues to keep in mind the diversity of family structures in society as the committee does its work.

The work commenced as officials from the Department of Human Services (DHS) presented an overview of the agency. Natalie Haas Steffen, DHS commissioner, led the effort to inform Senators about the department's legislative concerns.

Steffen pointed out that the DHS is the largest state agency, accounting for approximately 20 percent of the state's budget. Contrary to the perception of many, only 11 percent of the DHS budget is spent on welfare payments--Aid To Families With Dependent Children (AFDC) and General Assistance, noted Steffen. She added that over 60 percent of the DHS budget is spent on health care, much of which is related to nursing home costs.

Agency officials dispelled other myths, rejecting the notion that many families who receive public assistance come from other states. Just as many welfare recipients leave Minnesota as come into the state, according to DHS reports. The DHS representatives underscored the fact that Minnesota's per capita use of AFDC (30th in the nation) is less than that of comparison states and the U.S. average.

The officials also said there was a great need to reform welfare policies, which are mostly structured under federal law. Minnesota received federal waivers allowing the DHS to implement the Minnesota Family Investment Program (MFIP), a pilot project that combines AFDC, Family General Assistance, and Food Stamps into a single, simpler program that will begin in 1994, said John Petrabor, assistant commissioner. Petrabor added that the MFIP will help overcome programmatic barriers which act as disincentives to work and will introduce a two-way responsibility between parents and government.

## Governmental Operations and Reform

### Overview of APA

Members of the Governmental Operations and Reform Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Tues., Jan. 12, to hear an overview of the Administrative Procedure Act. Among those testifying at the meeting were Jocelyn Olson, assistant attorney general and chair of the Administrative Law Committee of the Attorney General's Office, and Maryanne Hruby,

executive director, Legislative Commission to Review Administrative Rules.

One particular concern expressed by several Senators is the way in which state agencies assume broad authority in using the administrative process to rewrite a policy passed by the Legislature. As a result, the original intent of the law may be changed, Sen. Steven Morse (DFL-Dakota) pointed out. Hruby responded that this often occurs because the Legislature fails to provide agencies with specific directions as to what the rules should accomplish. She added that in doing so, the need for a number of rules is eliminated because the law becomes self-executing. The LCRAR, according to Hruby, is in place to assist agencies to formulate more specific policies to implement laws enacted by the Legislature, and to investigate any complaints about state agency rulemaking.

## Jobs, Energy and Community Development

### Overviews presented

"The battle is technical," testified Joseph Shuster, chair, Teltech Resource Network Corporation at a Jobs, Energy and Community Development committee meeting chaired by Sen. Steve Novak (DFL-New Brighton), Tues., Jan. 12. Shuster described the development and implementation of Minnesota Project Outreach (MPO), a comprehensive information service providing access to low-cost technical advice to businesses with annual sales of less than \$10 million. According to Shuster, MPO offers its service to clients directly (at their location) or through a state-wide network of public access sites (such as small business development centers). About 2,000 Minnesota businesses receive the service; approximately half from the Metro Area and half from Greater Minnesota. According to agency reports, rural companies in particular have benefitted from the MPO service that provides equal access to technical information. As a result, the rural companies are equipped to compete with their urban counterparts. Responding to a question from Sen. Linda Runbeck (IR-Circle Pines), Shuster said that the difference between MPO and Minnesota Technology, Inc. is that MPO furnishes companies with more tactical, day to day support while the latter provides innovative technological approaches to manufacturing.

Second on the agenda was an overview of the Legislative Commission on the Economic Status of Women by Director Aviva Breen. Defining the role of the commission, Breen described the services offered to the Legislature, including

comprehensive statistical information on the economic status of women in Minnesota, preparation of reports, publication of information, and testimony in support of commission-endorsed legislation. The commission also works with state agencies in monitoring areas of concern and implementing programs servicing women's needs. According to Breen, one of the biggest challenges facing the commission in 1993 is how to enact a 4 percent across-the-board state budget cut presented by the governor.

Lastly, Donald Storm, Commissioner, Public Utilities Commission (PUC), presented committee members with a brief overview on upcoming legislative proposals. Among specific recommendations, the Commission will seek to raise the certificate of need threshold from 5 to 50-megawatts. According to agency reports, the current low threshold amount is preventing utilities and large customers (e.g. hospitals and industries) from installing small units to provide emergency power. Other PUC initiatives include permitting the commission to require utilities to file general rate cases on a periodic basis, extending the case investigation period from 15 to 30 days

before the hearing, and allowing the PUC to adjust rates between general rate changes to reflect changes in individual items (such as conservation expenditures, weather, and interest rates).

## **Metropolitan and Local Government**

### **MAC may delay airport decision**

The Metropolitan Airports Commission (MAC) may not have enough information about the airport planning process to make a decision by 1996, said Jeff Hamiel, executive director of the Metropolitan Airports Commission (MAC). Hamiel testified before the Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), Mon., Jan. 11.

While giving Senators a general overview of the MAC, Hamiel said that it may be several years after 1996 before the MAC is able to collect the information that is needed to make a sound decision about whether to build a new airport or expand the existing Minneapolis/St. Paul International Airport (MSP). The Metropolitan Airport Planning Act of 1989 requires MAC and the Metropolitan

Council to make a recommendation by 1996. Additional airport capacity is needed in the future to meet the long-term aviation needs of the region, according to MAC and Metropolitan Council studies.

In terms of the number of take-offs and landings, the MAC system (MSP and six reliever airports) is the third busiest airport system in the United States, noted Hamiel. He also pointed out the success of the reliever airport system--smaller airports in the region are used as a back-up to MSP to relieve congestion. Hamiel said the reliever system is "safety oriented, congestion oriented, and serves the community well."

On another note, Hamiel said that at this date he still believes that Northwest Airlines will build the airbus facilities in Northeastern Minnesota, a project that was an integral part of a financial deal between the state and Northwest Airlines. The committee briefly discussed what the ramifications may be if Northwest Airlines does not succeed. Hamiel stressed the complexities of the situation, and told the committee he would address the issue at subsequent meetings.

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# Preview

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## *The Minnesota Senate Week at a Glance*

### **Monday, January 18**

**Martin Luther King Day. No meetings scheduled.**

### **Tuesday, January 19**

#### **Gaming Regulation Committee**

*Chair: Sen. Charles Berg*  
8 a.m. Room 107 Capitol

**Agenda:** Overview of the Minnesota State Lottery given by George Andersen, director. Overview of Canterbury Downs given by Richard Krueger, executive director.

#### **Governmental Operations and Reform Committee**

*Chair: Sen. James Metzen*  
8 a.m. Room 15 Capitol

**Agenda:** Introduction to pension issues by George McCormick, Governmental Operations Committee counsel. Panel discussions concerning public employees' retirement program. Panel discussions of

teachers' retirement program.

Presentation by Larry Martin, executive director of the Legislative Commission on Pensions and Retirement.

#### **Transportation and Public Transit Committee**

*Chair: Sen. Florian Chmielewski*  
8 a.m. Room 112 Capitol

**Agenda:** Overview of the Dept. of Transportation by James N. Denn, commissioner.

#### **Education Committee**

*Co-Chairs: Sen. Lawrence Pogemiller and Sen. LeRoy Stumpf*  
10 a.m. Room 15 Capitol

**Agenda:** Overview of the committee and discussion of S.F. 47-Lesewski:Verdi school levies.

#### **Health Care Committee**

*Chair: Sen. Linda Berglin*  
10 a.m. Dept. of Human Services

**Agenda:** A tour of the Dept. of Human Services.

### **Jobs, Energy and Community Development Committee**

*Chair: Sen. Steven Novak*  
10 a.m. Room 107 Capitol

**Agenda:** Presentation by Kris Sanda, commissioner of the Dept. of Public Service.

### **Senate in session at 12 noon.**

#### **Family Services Committee**

*Chair: Sen. Pat Piper*

12 noon Dept. of Human Services

**Agenda:** An Open House will be held at the Minnesota Dept. of Human Services including a tour of department.

### **Wednesday, January 20**

#### **Gaming Regulation Committee**

*Chair: Sen. Charles Berg*  
8 a.m. Room 107 Capitol

**Agenda:** Overviews of gaming issues from the Gambling Control Board and the Dept. of Revenue, and the Dept. of Public Safety, Gambling Enforcement Division.

## **Governmental Operations and Reform Committee**

*Chair: Sen. James Metzen*  
8 a.m. Room 15 Capitol

**Agenda:** Presentations by George McCormick, Senate Counsel, and Greg Hubinger, Legislative Commission on Employee Relations. Dept. of Employee Relations presentations by Linda Barton, commissioner, Bob Cooley, employee compensation manager, Nancy McClure, deputy commissioner, and Jan Wiessner, deputy commissioner.

## **Transportation and Public Transit Committee**

*Chair: Sen. Florian Chmielewski*  
8 a.m. Room 112 Capitol

**Agenda:** Overview of the Dept. of Public Safety by Michael Jordan, commissioner. Discussion of S.F. 12-Chmielewski: A resolution expressing the Legislature's opposition to federal legislation requiring suspension of licenses for individuals convicted of violations of the federal Controlled Substances Act.

## **Health Care Committee**

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol

**Agenda:** Overview of the Dept. of Human Services.

## **Jobs, Energy and Community Development Committee**

*Chair: Sen. Steven Novak*  
10 a.m. Room 107 Capitol

**Agenda:** Presentations will be given by: Jane Brown, commissioner of the Dept. of Jobs and Training; David Geary, director of the Energy Assistance Program; and Gary Sorensen, assistant commissioner of Job Service and Unemployment Insurance.

## **Metropolitan and Local Government Committee**

*Chair: Sen. Betty Adkins*  
2 p.m. Room 107 Capitol

**Agenda:** Overview of organizations and discussion of legislative concerns by: David Fricke, executive director of the Minnesota Association of Townships; Vern Peterson, executive director of the Association of Metropolitan Municipalities; and Terry Merritt, executive director of the Minnesota Municipal Board.

## **Finance Committee**

*Chair: Sen. Gene Merriam*  
4 p.m. Room 123 Capitol

**Agenda:** Background information on bonding and the capital budget process.

**Thursday, January 21**

**Senate in session at 9:30 a.m.**

## **Health Care Committee**

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol

**Agenda:** Overview of the Dept. of Health.

## **Jobs, Energy and Community Development Committee**

*Chair: Sen. Steven Novak*  
10 a.m. Room 107 Capitol

**Agenda:** Overview of the Dept. of Labor and Industry with presentations by: John Lennes, commissioner, discussing the history of the department; Gary Bastian, deputy commissioner, discussing general support; Leo Eide, assistant commissioner, discussing workers' compensation; and Nancy Christensen, assistant commissioner, discussing OSHA.

## **Veterans and General Legislation Committee**

*Chair: Sen. Jim Vickerman*  
12 noon Room 112 Capitol

**Agenda:** Overviews including: Jeff Olson, deputy commissioner, Dept. of Veterans Affairs; Tom Ryan, executive director, Dept. of Military Affairs; and Richard Zierdt, executive director, Veterans Homes Board.

## **Crime Prevention Committee**

*Chair: Sen. Allan Spear*  
2 p.m. Room 15 Capitol

**Agenda:** Juvenile justice issues and perspectives with presentations by: Justice Sandra Gardebring, chair, Advisory Task Force on the Juvenile Justice System; Mark Shields, director, Criminal Justice and Law Enforcement Services, Attorney General's Office; John Stuart, state public defender; minorities in the juvenile justice system report; and local juvenile corrections representatives.

## **Finance Committee**

*Chair: Sen. Gene Merriam*  
4 p.m. Room 123 Capitol

**Agenda:** The debt capacity forecast will be discussed by representatives from the Dept. of Finance.

**Friday, January 22**

**No meetings scheduled at press time.**

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# Briefly

The Minnesota Senate Week in Review

January 22, 1993

## State of the State Address

Senators joined members of the House to hear Gov. Arne Carlson present the 1993 State of the State Address Thurs., Jan. 14. An audience of dignitaries, including the constitutional officers, state supreme court justices, and former governors, among others, attended the evening session.

The governor opened the address by telling the crowd that he believed "1993 will be a year when we will be proud we are Minnesotans." Jobs and the environment are key priorities said the governor; however, he declared that children are the state's number one customer.

Carlson said that "families and children who need help are frustrated by the complexity of the system and often do not get the kind of help they need." The governor cited a report that "identified at least 250 children's programs that are administered through 33 different state agencies, boards, and commissions, costing taxpayers \$4.5 billion a year."

The central focus of the address was the governor's proposal to create a Department of Children and Education Services "to address the needs of the total child, from infancy to the teenage years." The new department would replace the Department of Education and the Higher Education Coordinating Board, and would coordinate and administer dozens of other programs that are currently under the jurisdiction of different agencies.

Other aspects of the governor's proposal include the development of a youth apprenticeship training program, and the formation of education training accounts to encourage families to save for their children's education. The governor also proposed legislation that will prohibit young people who have not graduated from high school from working more than 20 hours per week during the school year. Carlson said that "too many young people today are being held back by peer pressure to earn money and by a culture tied to cars, clothes, and CDs."

The governor will make more specific recommendations when he presents his budget address Tues., Jan. 26.

Community rating phase-in passes

The Senate met for a brief floor session Thurs. evening, Jan. 14, to consider passage of a bill that would modify language in the MinnesotaCare legislation on community rating of Medicare supplement insurance policies.

The Senate suspended the rules in order to give final passage to H.F. 22, the bill providing a two year phase-in of community rating. The bill is co-sponsored by Sen. Linda Berglin (DFL-Mpls.) and Sen. Duane Benson (IR-Lanesboro).

The Senate also met briefly on Mon., Jan. 11, to process bill introductions and to process work at the Senate Desk.

The full Senate met briefly Tue., Jan. 19, and Thurs., Jan. 21., to process a number of bill introductions, motions and resolutions.

## ADA, anti-violence statements

Members of the Committee on Rules and Administration, chaired by Sen. Roger D. Moe (DFL-Erskine), met Tues., Jan. 19, and approved several routine resolutions, a statement defining the Legislature's policy on the Americans with Disabilities Act (ADA) and a statement on the Legislature's policy of zero tolerance of violence. In addition, the panel also adopted the annual Senate audit report conducted by the firm of KPMG Peat Marwick.

Resolutions gaining approval included mileage, per diem and housing allowances for the 78th Legislature. The ADA statement, which was adopted earlier by the Legislative Coordinating Commission, specifies that "the Minnesota Legislature is committed to complying with the provisions of the Americans with Disabilities Act, which prohibits discrimination against individuals with disabilities on the basis of disability. It is the responsibility of the legislators and legislative employees to support the goals, objectives and concept of the ADA in their dealings with the public, prospective employees and co-workers."

The statement of zero tolerance of violence was developed jointly by legislators and legislative employees. The

statement specifies that "It is the policy of the Legislature that legislators, employees and members of the public treat one another with respect and dignity and share the responsibility of maintaining a safe and nonviolent work environment."

Members also discussed but took no action on S.F. 38, a measure providing for designation of successor committees.

## Legislators receive advice

Ted Gaebler, veteran city manager and co-author of "Reinventing Government", discussed state services and functions with members of the Governmental Operations and Reform Committee, chaired by Sen. James Metzen (DFL-South St. Paul), Thurs., Jan. 14.

According to Gaebler, a good government should strive to provide a higher quality of life for its residents. One way to accomplish this, Gaebler explained, is to have legislatures and state bureaucrats act as a catalyst by empowering their staff members to change costly, archaic systems of government that don't encourage creative problem-solving.

Management has to start concentrating on creative output, Gaebler said. Gaebler recommends that employees take an entrepreneurial approach to reducing inefficiencies within the state system, which will ultimately produce new revenues.

"What about the legislative process - is that in need of reinventing as well?" asked Sen. Duane Benson (IR-Lanesboro). Gaebler responded that legislators need to spend more "contemplative, reflective" time finding ways to establish their catalytic role rather than taking the traditional, "heavy-handed regulatory" approach.

Gaebler said that legislators accept a bad rap from citizens who resent government historically. Legislators need to take the "higher road" in developing thoughtful policies over quick-fix remedies, he concluded.

The meeting closed with an announcement that a subcommittee on "Reform and Innovation" would be created to consider Gaebler's recommendations.

# Committee update

## Education Committee

### New education approach discussed

The Education Committee, co-chaired by Sen. Lawrence Pogemiller (DFL-Minneapolis) and Sen. LeRoy Stumpf (DFL-Thief River Falls), met Tues., Jan. 19, to discuss a new approach and vision for K through 12 and Higher Education division responsibilities.

Stumpf opened the meeting with introductions and emphasized the importance of the Education Committee's co-chair structure in providing opportunities to look at overall educational goals in a continuous, interconnected fashion. "Most of the educational legislation which will be introduced will find its way to one of two divisions...this will give us an opportunity cross-check both needs and funding," he said.

Both Stumpf and Pogemiller introduced a unique Education Committee framework guide to Legislators inviting them to take a few minutes to set out a vision for both K-12 and higher education divisions. According to Pogemiller, the guide was meant for long-term, constructive discussion and he said that he hoped that it would also serve as a living document for future legislation.

Several Senators voiced concern over clarification of terms and said that educational initiatives like apprenticeship programs, retraining of displaced workers and the process of life-long, transitional learning should not be left out of the framework.

In other action, the Education Committee considered S.F. 47, authored by Sen. Arlene Lesewski (IR-Marshall). The bill authorizes the Lake Benton and Pipestone School District to direct the Lincoln County auditor to certify certain 1993 levies for the Verdi School District. According to Lesewski, the bill needs to be enacted before Feb. 1 in order for county auditors to be able to include the levy for pay in 1993.

Lesewski explained that the Verdi district, which is dissolving effective July 1, 1993, failed to pass a necessary levy referendum and that the Lake Benton and Pipestone School district is in agreement on the proposal. The committee approved S.F. 47 and sent the bill to the Senate floor for final consideration.

## Education Division on Education

### Educational mandates discussed

Members of the Education Division on Education, chaired by Sen. Lawrence

Pogemiller (DFL-Mpls.), met Thurs., Jan. 21, to review current educational mandates and rules now in effect around the state. Pogemiller said the division should consider drafting a bill, in concert with current Department of Education initiatives, to consider the elimination of unnecessary or outdated rules during the course of the 1993 Session.

Pogemiller provided examples of at least 712 rules now in effect under state mandated guidelines and told committee members that excessive rules may likely hamper school districts, communities and administrators in their move toward innovation and outcome based, results-oriented education.

"In many ways, the Legislature has released its power by initiating too many demands. Maybe we need to look at cleaning the slate and only keeping what we perceive as the most important rules to the overall mission of public education," said Pogemiller.

## Environment and Natural Resources Finance Division

### LCMR 1994-95 budgetary forecast

The Senate Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse (DFL-Dakota), met Fri., Jan. 15, to hear the biennial budget forecast delivered by John Velin, director of the Legislative Commission on Minnesota Resources (LCMR). Velin also provided Senators with an overview of LCMR's function and outlined both revenue forecasts and funding recommendations.

Velin said the overall revenue funding recommendation for 1994-1995 is \$40.8 million. The LCMR estimates that \$24.6 million will be generated from anticipated state lottery proceeds (The Minnesota Environmental and Natural Resources Trust Fund), that a total of \$14.2 million will come from a 2 cent per pack tax on cigarettes (The Minnesota Future Resource Fund), and another \$2 million in revenue will be added from federal oil overcharge funds.

However, Velin explained to committee members that they should anticipate a 2 percent annual decrease in future tax receipts from cigarette sales, noting that there has been some discussion about phasing-out the cigarette sales tax revenue now earmarked for the trust fund and redirecting it into the general fund. According to Velin, long term revenue from Minnesota State Lottery proceeds is also expected to slow.

Velin said that projected lottery revenue for the next year was fairly optimistic, but cautioned members about

anticipated revenue decreases in 1995 through 1997. "What we're seeing is a tapering off of tax receipts from cigarette sales and perhaps a softening of revenue generated by the state lottery. There is greater competition in gambling forms now, and from what we have seen in other states, perhaps the novelty of the Minnesota lottery is wearing off."

Much of the concluding discussion centered on the 96 LCMR project recommendations that will be given specific funding consideration by the Finance Committee. Questions were raised by several members on what process would be most effective in the committee review and prioritizing of project proposals for legislative approval. "I'm suggesting that we, as a committee, look at this list and maybe just set out the priorities for approval," said Sen. Harold "Skip" Finn (DFL-Cass Lake).

Morse responded that it is the committee's responsibility to decide if the projects should be funded and added that in these days of tight resources, there is even greater need to scrutinize the projects.

## Ethics and Campaign Reform

### Campaign funding challenged

Final testimony was heard by the Ethics and Campaign Reform Committee on Thurs., Jan. 14 on S.F. 25 authored by committee chair Sen. John Marty (DFL-Roseville).

The League of Women Voters encourages informed and active participation of citizens in government, and works to make government open and accessible, according to Kay Erickson, president. To achieve these goals, she said, requires that a campaign finance system allow a combination of private and public funding. She said that to combat undue influence in the election process, the Legislature needs to set limitations on the size and type of contributions from all sources. She also said that the league does not support distribution of public funding for unopposed candidates saying "it is not a judicious use of public money."

In an effort to define constitutional parameters as set by Buckley vs. Valeo, Peter Wattson, senate counsel, clarified the state constitutional position on campaign expenditures and contributions. He explained that limitations on contributions were constitutional whereas limitations set on expenditures were not. He said "expenditure limitations would undesirably limit freedom of expression."

Before adjourning, Marty distributed a list of his goals for the committee mem-

bers' consideration. He urged that the committee not tilt the system in favor of either party or any interest and recognize differences between districts/geographic regions.

## Family Services

### DHS notes challenges

Social problems are on the rise, according to Dept. of Human Services officials who briefed the Family Services Committee Thur., Jan. 14. The DHS representatives also told the committee, chaired by Sen. Pat Piper (DFL-Austin), that there is need to integrate human services systems, especially in light of the scarcity of funding sources.

Service system integration is needed so that the state, counties, non-profit agencies, and other providers can "more appropriately and directly serve clients," said James Stoebner, assistant commissioner. Sen. Phil Riveness (DFL-Bloomington) echoed the need for more cooperation between human services providers, pointing out that no one is responsible for the "totality" of the services that a person receives. Stoebner stressed the need for more "eyeball to eyeball" discussions that will encourage discussion of "real" problems.

Laura Skaff, assistant commissioner, stated that the complexities stemming from myriad programs create an inability to track clients across program lines. She added that more freedom in spending decisions may help families more than rigid program restrictions. Skaff also emphasized the need to increase prevention and early intervention efforts that support family stability and help children succeed.

In addition to receiving the DHS overview, committee members toured the DHS Tue., Jan. 19.

## Finance

### Bonding, debt capacity forecast

Members of the Finance Committee chaired by Sen. Gene Merriam (DFL-Coon Rapids), met Wed., Jan. 20, to hear an overview on debt management policy and bond financing presented by Peter Sausen, assistant commissioner, Dept. of Finance.

Introducing new committee members to Minnesota's debt management, Sausen outlined the policy's three primary goals: to restore Aaa/AAA Bond Ratings; to minimize state borrowing costs; and to provide a reasonable financing capacity within a prudent debt limit. Sausen said that Minnesota had maintained bond ratings at a level judged to be superior until 1982, when the state's rating dropped to AA due to revenue shortfalls in the early 1980's.

One of most crucial aspects of debt management policy, Sausen pointed out, is the guideline which prohibits the state's general obligation debt from exceeding 2.5 percent of state personal income. This measurement, which reflects Minnesota's ability to pay back its bond debt, is used by rating agencies to compare states nationwide. Of the 40 states that issues bonds, Minnesota falls in the middle of this rating, according to Sausen.

Sausen continued his overview by explaining the key role the Legislature plays in bond financing. The Legislature is responsible for appropriating the amount of money necessary to be annually transferred from the general fund to the state's debt service fund to meet bond obligations. Should the Legislature fail to transfer sufficient funds, the constitution mandates that the governor levy a statewide property tax to cover payments to bond holders.

Responding to a question from Merriam, Sausen replied that depending on when the state sells bonds during the next biennium, total capital bond capacity is currently somewhere between \$66-\$114 million.

## Gaming Regulation

### Overviews of gaming, racing

The Senate Gaming Regulation Committee, chaired by Sen. Charles Berg (DFL-Chokio) met Tues., Jan. 19, to hear an overview by George Andersen, director of the Minnesota State Lottery, and a briefing given by Dick Krueger, executive director of the Minnesota Racing Commission.

According to Andersen, instant games remain the staple of Minnesota gambling activity, accounting for approximately 69 percent of sales. Lottery sales in 1992 stood at \$297.6 million with net proceeds and tax revenues of \$74.4 million benefiting the state and roughly \$22 million of the \$74.4 million earmarked for natural resources and environmental projects. He said that lottery sales are expected to climb once again in 1993 to a projected \$313.8 million and then level off in 1994-1995.

Andersen told Legislators that well over 60 percent of Minnesota adults participate in instant games at least monthly. In 1993 that will translate to an anticipated \$71.8 million in net lottery proceeds to the state in 1993. "I think we have moved into an era of wide, market acceptance," said Andersen.

In addition to favorable sales projections, Andersen told legislators that the lottery has revised some of its market strategy to confront increased competition from expanded casino gaming and noted that Minnesota's instant sales

games ranked sixth in per capita sales among all U.S. lotteries for fiscal year 1992. "I think we're moving back up again," said Andersen of the Minnesota's Lottery life cycle. "Hopefully that cycle will continue," he said.

Dick Krueger, executive director, Minnesota Racing Commission presented an overview of racing in 1992 and brought Legislators up to date on a number of issues surrounding the future state of horse racing in Minnesota.

Krueger outlined a series of setbacks experienced by the horse racing industry and the resulting negative impact on the future of Canterbury Downs. "We're seeing a down-scaling in the racing industry and paramutual racing is down all over the country," said Krueger of an industry that has been overwhelmed in recent years by other forms of legalized gambling.

According to Krueger, a total of \$57.3 million was wagered in 1992 with \$18.8 million spent on live racing events compared to \$38.5 million wagered on simulcast races. He told Legislators that actual racing days were reduced to 93 during the summer of 1992 and pointed out that average daily wagering amounts have dropped since 1989 by as much as 47 percent. "In 1990, the average daily handle in 'live' races was \$678,600. In 1991, that number dropped to \$362,600 and in 1992, handles plummeted to an average of \$203,000," said Krueger.

Senators also heard testimony from Carin Offerman, president, Minnesota Thoroughbred Association (MTA) and James Olson, president, Minnesota Quarter Horse Racing Association. "We ask on behalf of our membership, to support the necessary legislation to bring off-track wagering to the people of Minnesota in 1994," said Olson.

### Update of regulatory activities

The Senate Gaming Regulation Committee, chaired by Sen. Charles Berg (DFL-Chokio), met Wed., Jan. 20, to hear an overview of Minnesota gaming activities and regulatory efforts presented by Harry Baltzer, Gambling Control Board director and chief of the governor's advisory committee on gambling.

Baltzer provided committee members with a report from the Governor's Advisory Committee on Gambling which profiled Minnesota's gambling activity in 1992. The report showed an estimated \$2 billion spent in casino wagering, \$1.2 billion spent in lawful (charitable) gambling and nearly \$300 million spent in lottery gaming. The report also estimated that \$1 billion was bet illegally with more than 250 active sports bookmakers.

There is some form of gambling available in virtually every corner of the state, said Baltzer of the report. He added

# Committee update

that estimates show that more than 25,000 Minnesotans are employed in legalized gambling. "We believe there is a growing need for gaming expansion to be fully regulated and investigated," he said. Six separate state agencies now play a role in the regulation and control of Minnesota's gambling industry.

"The Gambling Board is purely a regulatory agency that issues licenses and provides technical assistance to roughly 1,700 nonprofit organizations which sponsor lawful gambling," said Baltzer. The board is also involved in the licensing of gambling equipment, distributors, and manufacturers as well as investigating the owners of bingo halls.

According to Baltzer, the Gambling Control Board has been put to the test during a surge of lawful gambling activity and during a time when statutory requirements are changing. Baltzer told Legislators that the agency has actively promoted the idea of public and industry education on regulatory issues and that they have sponsored a series of educational seminars to assist organizations in the self-regulation of Minnesota's lawful gambling industry.

Tom Brownell, director of the Gambling Enforcement Division, Dept. of Public Safety, described the divisions scope of responsibility as primarily a law enforcement agency with limited regulatory responsibilities. The division investigates illegal gambling violations, provides enforcement assistance to gambling regulatory agencies and licenses distributors and manufacturers of video gambling devices.

In final testimony, Roger Swanson, Department of Revenue, Special Taxes Division, informed Legislators about the mechanics of the computerized tax system in place for gambling activities. Swanson pointed out that Minnesota's tax filing system has been refined and streamlined resulting in fewer errors in reported gambling activity and tax return information.

According to Swanson, the department has seen a downturn in lawful gambling figures during 1991. Current data shows that the number of tax returns by quarter has fallen from over 5,800 in December 1989 to approximately 5,000 in September 1992. The number of licensed gambling organizations has fallen from 1,922 in December 1989 to roughly 1,707 in September 1992.

## Governmental Operations and Reform

### Pension issues overview

Members of the Governmental Operations and Reform Committee, chaired by Senator James Metzen (DFL-South St.

Paul), met Tues., Jan. 19, to hear an overview on pension issues from representatives of Minnesota's three major statewide pension funds.

First on the agenda was Laurie Hacking, Director, Public Employees Retirement Association (PERA). Hacking provided an outline of the 3 retirement funds including memberships, plans administered, and retirement board duties. She pointed out that of the 3 pension funds, the TRA has the highest number of assets (\$6.6 billion) because salaries are generally higher in the teaching profession.

Following Hacking's presentation, David Bergstrom, Director, Minnesota State Retirement System (MSRS), described different types of benefits available to state employees. He included an explanation on the difference between the defined benefit plan and the defined contribution plan. Senator Steven Morse (DFL-Dakota), said that he felt the latter plan penalizes mobile, shorter-service employees since the state refunds only the employee contributions (plus 6 percent interest compounded annually), at the time of withdrawal. "People who move and feel obligated to leave their money in the system", Morse added, "are basically underwriting those who remain in the fund".

Bergstrom said that if the state were to match the employee's contributions, monthly contributions to the fund would need to increase by 2 percent, placing a heavy burden on both sides.

Finally, Gary Austin, Director, Teachers Retirement Association (TRA), gave an overview of pension financing. Austin said that one legislative goal of the TRA would be to increase the dollar amount of survivor protection for coordinated members who pass on before age 50.

### Overview of LCER and DOER

Members of the Governmental Operations and Reform Committee chaired by Sen. James Metzen (DFL-South St. Paul), met Wed., Jan 20, to hear overviews of the Department of Employee Relations (DOER) and the Legislative Commission on Employee Relations (LCER).

The LCER, according to Director Greg Hubinger, was created in 1980 for the purpose of approving labor contracts for state employees, and salaries for state officials, negotiated by DOER. Additional responsibilities include monitoring public employment issues. Hubinger outlined several major issues that may be coming before the Legislature this session including changes in binding arbitration, negotiations on employee salaries, and reform of the state personnel system.

Linda Barton, commissioner, DOER, provided committee members with an overview on a broad spectrum of DOER activities, including employee insurance,

labor relations, and human resources. Barton said the primary function of DOER is to provide guidance and direction to state agencies in the areas of job classification, affirmative action, training and development, and employee selection. Responding to a question from Sen. Linda Runbeck (IR-Circle Pines) on sexual harassment, Barton said that DOER is currently developing a more systematic approach for state agencies to utilize when dealing with claims of sexual harassment.

## Health Care

### DHS overview presented

The mission statement "Prevention, protection, and independence" captures the focus of the Dept. of Human Services, explained Commissioner Natalie Haas Steffen at the meeting of the Health Care Committee Wed., Jan. 20. She said that the Department, which spends 66.5 percent of its budget on health care, "is not a welfare agency, but a health care agency." Noting Minnesota's rapidly changing demographics, she reported that long term care constitutes two-thirds of the budget, making the Department one of the largest purchasers of health care in the state.

Helen Yates, assistant commissioner of Health Care Administration, said that her division "emphasizes preventive care, prioritized services and concentration on children." She reported that the division plans for the future of a rapidly growing elderly population who will need long-term care. There is a large percentage of nursing home beds occupied by those who do not need a great level of care, Yates said. "Determining the appropriate level of care is a problem we will have to deal with," she said. The key to success, she said, is for all state and county agencies to work together to achieve their goals.

James Stoeber, assistant commissioner of Mental Health and State Operated Services Administration, had a similar message for the committee. He said his goal was to strive to collaborate and integrate systems to become more client focused. According to reports, the division is responsible for statewide implementation of the Comprehensive Adult and Children's Mental Health Acts, assuring high quality, cost-effective, and efficient services to the mentally ill, chemically dependent, and developmental disabled.

### Health goals presented

The Health Care Committee, chaired by Sen. Linda Berglin (DFL-Mpls.), met Thurs., Jan. 21, to hear an overview of the Dept. of Health, presented by Commissioner Marlene Marschall. She said that



the goal is to work directly with 49 community health service agencies throughout Minnesota. According to Marschall, the department strives to "determine health needs and health goals, and to provide grants to assist community efforts." According to Marschall, federal funds constitute 52 percent of department's total budget, and 53 percent of all department funds are distributed in the form of grants.

She said that the department provides technical assistance to county agencies, working as a partner with local people providing local services. One of the services, Women, Infant, Children (WIC), reached approximately 800,000 people last year - an significant increase over previous years, according to Marschall. Efforts in public education about environmental health, such as radon gas; disease prevention and control; and maternal and child health, have led to a better informed public, she said. Marschall said that knowledge of the services available assist in improved prenatal care. She said that one of her goals is to increase the percentage of women getting prenatal care, because as many as 24 percent of pregnant women do not receive care in the first three months of pregnancy. She emphasized the need to maximize services to the minority population whose incidence of low birth weight and infant mortality rates are higher than average.

## Jobs, Energy and Community Development

### Dept. of Public Service overview

Kris Sanda, commissioner, Department of Public Service (DPS), presented an overview to members of the Jobs, Energy and Community Development Committee chaired by Sen. Steven Novak (DFL-New Brighton), Tues., Jan 19.

Sanda outlined the activities of the DPS within its three major areas of responsibilities: energy, telecommunications, and weights and measures. Among the agency's duties are rate intervention, quality control, and enforcement of PUC orders.

Sanda said that the DPS is the state's lead agency for the development of energy policy. On the same topic, Sanda announced that the 1992 Energy Policy and Conservation Report (required by the Legislature) will soon be available for distribution. The report will map Minnesota's energy strategy for the next 30 years.

One of the agency's primary goals, according to Sanda, is to improve energy efficiency in the commercial/industrial sector through the its program commonly known as CIP - Conservation Improvement Plan. Under CIP, regulated gas and

electric utilities must spend 0.5 and 1.5 percent of their gross revenues, respectively, on conservation projects, according to agency reports. Since the last biennial filing, CIP spending commitments by utilities have increased from \$33 million to \$85 million, Sanda said.

Sen. Janet Johnson (DFL-North Branch), said she felt the DPS has not moved Minnesota sufficiently forward in the area of wind generated electrical power. She added that producers of wind turbines hesitate to move into the state because Minnesota hasn't shown a serious commitment to alternative energy sources. "Minnesota could lose \$85 million in foregone federal tax credits due to its lack of commitment", Johnson stated.

Sanda replied that the difficulty lies in transporting the power from rural to urban areas without high rates of "line loss". In addition to problems of transport, Sanda said that an over-stretched DPS budget does not allow a faster approach.

### Jobs and Training overview

R. Jane Brown, commissioner, Dept. of Jobs and Training, presented an overview to members of the Jobs, Energy, and Community Development Committee chaired by Sen. Steven Novak (DFL-New Brighton), Wed., Jan. 20. Brown stated that the role of the Dept. of Jobs and Training, with 68 offices statewide, is primarily to assist unemployed and/or disabled persons to achieve economic security. To accomplish this goal, the department offers its clients a variety of community based programs including training and employment services, unemployment insurance, and rehabilitation services.

After reviewing a breakdown of agency expenditures, Sen. Douglas Johnson (DFL-Cook), asked if it were possible to move the tax branch of the Job Service/Unemployment Insurance Division to rural areas in Minnesota where levels of unemployment are considerably higher. "With all the subsidies that may go to building a light rail transit system to aid commuters from affluent suburbs", Johnson added, "we can't forget the need to bring jobs to underserved areas in our state".

Gary Sorensen, assistant commissioner, responded that while these jobs are not "glued" to St. Paul, the majority of employers are located in the Metro Area which makes it logical for the division to stay here. He also pointed out that more decentralization has been occurring within other headquarter divisions creating a spread of operations throughout the state.

### Labor and Industry overview

Committee Chair Steven Novak (DFL-New Brighton), called the sixth meeting

of the Jobs, Energy, and Community Development Committee, to order Thurs., Jan 21.

John Lennes, commissioner, Dept. of Labor and Industry presented a historical overview of the agency including a summary of various department activities. The agency's primary function is to create a safe and productive workplace environment for Minnesotans. The agency gives technical support for employers and employees in the areas of workers' compensation, general support, and workplace safety regulation.

Referring to an annual safety report he released earlier, Lennes reemphasized the fact that Minnesota workplaces are among the safest in the U.S. Minnesota ranks sixth lowest among states for overall injury and illness incidence and has rates below the national average for all major industrial classes, according to Lennes.

Lennes said that one of the department's current goals is to examine the Worker Compensation Reinsurance Association (WCRA) to determine how much of its excess reserves should be given back to insurers and self-insured employers. "Unfortunately, I have no authority to tell insurance companies to send it back to employers," Lennes said.

Lastly, Nancy Christensen, assistant commissioner, outlined the main features of the department's apprenticeship program. She focused on the agency's desire to expand the program by including secondary school students and moving into the field of high tech training.

## Metropolitan and Local Government

### Regional transit needs

Changing demographics in the Twin Cities have created a number of public transit challenges for planners and citizens, according to regional transit officials who testified before the Metropolitan and Local Government Committee Thur., Jan. 14.

Officials from the Regional Transit Board (RTB) and the Metropolitan Transit Commission (MTC) briefed the committee, chaired by Sen. Betty Adkins (DFL-St. Michael), on their legislative concerns. Michael Erlichman, out-going RTB chair, presented a five-year transit plan entitled "Vision '97." The plan, which needs approval from the Metropolitan Council, sets forth several suggestions for goals, service improvements, capital improvements, and funding mechanisms, including a proposal to extend the general sales tax to automobile repair services and to the purchase of gas at the retail level.

Over 70 percent of the jobs in the Metro Area will be located in the suburbs, according to Erlichman, who added that the RTB recognizes "the need to get

# Committee update

people to those jobs." Sen. Ted Mondale (DFL-St. Louis Park) encouraged the officials to take into account the transportation needs of single parents and their children. Mondale cited a Success By Six Northwest transportation study that calls for a more flexible response to those needs. Erlichman said that "Vision '97" adopts the study's recommendations.

MTC representatives said they supported much of the RTB's vision for the future, particularly efforts to increase the use of public transit. Tom Weaver, MTC general counsel, said the commission wants to create its own law enforcement agency, noting an increase in problems on buses. Weaver added that police chiefs will no longer allow the current security force system (which uses off duty peace officers) to continue because of liability concerns.

One official noted that the MTC has met Sen. Carol Flynn's (DFL-Mpls.) challenge to increase bus ridership. Flynn said she was pleased that ridership has increased, but renewed her challenge, citing the benefits of using public transportation.

## Government structures discussed

The seven county Metro Area is home to more than half of Minnesota's entire population, according to reports that members of the Metropolitan and Local Government Committee's Subcommittee on Metropolitan Affairs discussed Fri., Jan. 15.

Members of the subcommittee, chaired Sen. Ted Mondale (DFL-St. Louis Park), discussed the high cost of city services and the demographic changes that challenge existing local governmental structures.

Taxpayers can save money if local governments combine and share services, said David Childs, Northwest Ramsey Cooperative Ventures. There is a need for policy analysts to evaluate local government services delivery entities and identify areas where coordination and cooperation could produce mutual benefits, added Childs. He also noted that there are ways to coordinate services without pitting the suburbs against the central cities.

In addition to re-evaluating local government services, policy makers need to analyze how demographic changes are affecting people's productivity and their quality of life, said Hal Freshley, principal human services planner for the Metropolitan Council. Freshley pointed out that the "band-aid" approach to human services has become very expensive. He suggested that policy makers propose new principles for making human investment decisions.

To illustrate the complex nature of the current system, Freshley outlined a recent

report: "Inventory of Human Investment in the Twin Cities Area." The report provides statistics on a broad range of programs relating to health, basic needs, transportation, safety and security, and environmental quality. According to the report, the infant mortality rate for ethnic minorities in the Metro Area has risen to 17.1 deaths per thousand residents, rivaling the rates of some third world countries. The report also shows an increase in births to unmarried women, as well as suburban poverty.

## Local government presentations

The Minnesota Association of Townships presented a list of legislative concerns to the Local Government and Metropolitan Affairs Committee Wed., Jan. 20. Dave Fricke, executive director, told lawmakers that they were concerned about a number of issues, including beaver control funding, roads and bridges, wetlands rules, and land use planning, among others.

Fricke said township officials were especially concerned about recent changes in the laws governing annexation procedures. He said that the changes amount to a "piecemeal" approach to the issue, suggesting that the changes be rescinded, or that lawmakers conduct a more comprehensive analysis of the problem.

The committee, chaired by Sen. Betty Adkins (DFL-St. Michael), also heard testimony from Vern Peterson, executive director, Association of Metropolitan Municipalities (AMM). Peterson informed the committee that the AMM has recently conducted a survey on shared government services. "We want to spread that information and give other people new ideas" about shared services, he said.

During a discussion of metropolitan governance, Peterson told the committee that AMM recommends that the Metro Council have more authority. He added that the council "should get out of the minutia" and focus on an overall vision for the Metro Area. Peterson said the AMM has also developed a proposal that calls for the election of Metropolitan Council members, who are appointed under the current system. In closing, Peterson informed Senators that the AMM is also concerned about the local government trust fund, land use planning, economic development, funding for transportation and affordable housing in the Metro Area.

Finally, Terry Merritt, executive director, Minnesota Municipal Board, briefed Senators on the functions of the agency. Merritt pointed out that the board, created in 1959, reviews, adjudicates, and facilitates boundary expansion, contraction, and unification in Minnesota. Annexation prevents the inefficient

development of several small water and sewer systems, said Merritt. Noting the conflicts that stem from border disputes, and the calls for more cooperation between cities, Sen. Carol Flynn (DFL-Mpls.) urged a pro-active approach to border issues.

## Transportation and Public Transit Committee

### Mn/DOT overview heard

The Transportation Committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), heard a partial overview of the Dept. of Transportation's responsibilities at the Tues, Jan. 20 meeting.

James Denn, commissioner, said that federal budgetary and fiscal problems have resulted in reduced funds to states. He also reported that Mn/DOT's budget is based on no increased revenue, however, he said he anticipates a \$65 million shortfall in the next biennium.

The overview continued as Raymond Rough, director of the Office of Aeronautics, discussed the major aeronautics projects. He said that the office's efforts have resulted in "the development of one of the leading safety programs in the nation." The success of the programs, he said, depends upon attention to the customer, support by the Legislature, and development of new initiatives.

Other responsibilities of Mn/DOT were addressed by Ed Cohoon, deputy commissioner and chief financial officer, who described the distribution of transportation revenue and highway revenue; Cecil Selness, director of the Office of Railways and Waterways, who discussed safety measures and funding for rail systems well as acquisition of abandoned lines; and Randall Halverson, director of the Office of Transit, whose primary responsibility lies in greater Minnesota.

## Veterans and General Legislation

### Veterans issues discussed

The Veterans and General Legislation committee, chaired by Sen. Jim Vickerman (DFL-Tracy), met Thurs., Jan. 21, to hear overviews of the three departments that provide services to the state's veterans. An overview of the Dept. of Veterans Affairs was provided by Jeff Olson, Deputy Commissioner. An overview of the Department of Military Affairs was provided by Tom Ryan, Executive Director, and Gary Bloedel, Chief Warrant Officer-4, Military Auditor, Dept. of Military Affairs. A Veterans Home Board overview was provided by Richard Zierdt, Executive Director.

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, January 25

#### **Legislative Commission on Health Care Access**

*Co-Chairs: Sen. Linda Berglin and Rep. Lee Greenfield*

8:30 a.m. Room 10 State Office Building

**Agenda:** Presentation of the Cost Containment Plan of the Minnesota Health Care Commission.

#### **The Senate will meet at 11 a.m.**

#### **Agriculture and Rural Development Committee**

*Chair: Sen. Joe Bertram, Sr.*  
12 noon Room 107 Capitol

**Agenda:** Presentation by the Agriculture Extension Service given by: Gene Allen, vice president, Institute of Agriculture, Forestry and Home Economics, University of Minnesota; and Richard Jones, dean, University of Minnesota College of Agriculture. Topics include: dairy initiative update; economic impact of Minnesota food and agriculture industry; update on University of Minnesota-Waseca closing; and direction of agriculture programs in the future at the University of Minnesota.

#### **Legislative Commission on Waste Management**

*Chair: Sen. Gene Merriam*

12 noon Room 10 State Office Building

**Agenda:** Presentation of the Automobile Waste Report by Katie DeBoer, Legislative Commission on Waste Management (LCWM) staff. Overview of 1993 Waste Management Act Amendments.

#### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** Discussion of African-American community criminal justice needs and concerns with presentations by the Council on Black Minnesotans and representatives of the African-American community.

#### **Metropolitan and Local Government Committee**

*Chair: Sen. Betty Adkins*

2 p.m. Room 107 Capitol

**Agenda:** Overview of the League of Minnesota Cities by Joel Jamnick, counsel. Overview of the Metropolitan Waste Control Commission by Louis Clark, chair.

#### **Legislative Commission on Pensions and Retirement**

2 p.m. Room 112 Capitol

**Agenda:** Organizational meeting.

#### **Environment and Natural Resources Finance Division**

*Chair: Sen. Steven Morse*

4:45 p.m. Room 125 Capitol

**Agenda:** Continuation of presentations by the Legislative Commission on Minnesota Resources (LCMR), clean water partnership and accelerated soil survey.

### Tuesday, January 26

#### **Gaming Regulation Committee**

*Chair: Sen. Charles Berg*

8 a.m. Room 107 Capitol

**Agenda:** Discussion of the Gambling Control Board's proposed 1993 bill and comparison with last year's gambling bill, S.F. 1605.

#### **Transportation and Public Transit Committee**

*Chair: Sen. Florian Chmielewski*

8 a.m. Room 112

**Agenda:** Discussion of transportation scenarios - rural transit needs. Presentations by: Robert J. McFarlin, director of Public Affairs, Minnesota Department of Transportation (Mn\DOT); and Randall Halverson, director of the Office of Transit, Mn\DOT.

#### **Education Higher Education Finance Division**

*Chair: Sen. LeRoy Stumpf*

10 a.m. Room 112 Capitol

**Agenda:** Presentation by the Technical College System on the technical college regional structure.

#### **Health Care Committee**

*Chair: Sen. Linda Berglin*

10 a.m. Room 15 Capitol

**Agenda:** Continuation of overview of the Dept. of Human Services. S.F. 20-Johnson, D.J.: Ambulance Service.

#### **Jobs, Energy and Community Development Committee**

*Chair: Sen. Steven Novak*

10 a.m. Room 107 Capitol

**Agenda:** Presentations by: Bert McKasy, commissioner, Dept. of Commerce; Jay Benanav, president, Workers' Compensation Reinsurance Association; Patricia Johnson, president, State Fund Mutual; and Bob Johnson, executive vice

president, Insurance Federation of Minnesota, speaking on workers' compensation commercial insurance.

#### **Ethics and Campaign Reform Committee**

*Chair: Sen. John Marty*

12 noon Room 107 Capitol

**Agenda:** S.F. 25-Marty: Campaign Finance Reform.

#### **Family Services Committee**

*Chair: Sen. Pat Piper*

12 noon Room 15 Capitol

**Agenda:** Overview of the Dept. of Human Services' reports to the Legislature.

#### **Environment and Natural Resources Committee**

*Chair: Sen. Bob Lessard*

2 p.m. Room 107 Capitol

**Agenda:** Presentation by the Minnesota Environmental Initiative (MEI) on Superfund, SCOPE and Superagency Conference. Presentation by the Counsel of Chief Judges on game and fish violations.

#### **The Senate will meet in Joint Session to hear the governor's budget address at 7 p.m.**

### Wednesday, January 27

#### **Gaming Regulation Committee**

*Chair: Sen. Charles Berg*

8 a.m. Room 107 Capitol

**Agenda:** Continued discussion of the Gambling Control Board's proposed 1993 bill and comparison with last year's gambling bill, S.F. 1605.

#### **Governmental Operations and Reform Committee**

*Chair: Sen. James Metzen*

8 a.m. Room 15 Capitol

**Agenda:** Overview of the State Board of Investment by Howard Bicker, executive director. Overview of the Legislative Commission on Pensions and Retirement by Larry Martin, executive director.

#### **Transportation and Public Transit Committee**

*Chair: Sen. Florian Chmielewski*

8 a.m. Room 112 Capitol

**Agenda:** Presentation on metro transit needs by Thomas H. Weaver, general counsel, MTC. Presentation by John H. Riley, chair, RTB.

### **Education Committee Education Division**

*Chair: Sen. Lawrence Pogemiller*  
10 a.m. Room 112 Capitol  
**Agenda:** Discussion on mandates.

### **Health Care Committee**

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol  
**Agenda:** Governor's budget overview of the Dept. of Human Services.

### **Judiciary Committee**

*Chair: Sen. Ember Reichgott*  
12 noon Room 15 Capitol  
**Agenda:** S.F. 40-Reichgott: Health care power of attorney.

### **Legislative Audit Commission**

*Chair: Rep. Ann Rest*  
1:30 p.m. Room 300 South, SOB  
**Agenda:** Release of the Program Evaluation Division's report on petrofund reimbursement for leaking storage tanks.

### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*  
2 p.m. Room 15 Capitol  
**Agenda:** A discussion on truancy with presentations by: Susan Carstens, juvenile specialist of the Crystal Police Dept.; and William Dudding, police officer, San Jose, California.

### **Metropolitan and Local Government Committee**

*Chair: Sen. Betty Adkins*  
2 p.m. Room 107 Capitol  
**Agenda:** Overview of the Metropolitan Mosquito Control Commission with presentations by: Dr. Robert Sjogren, executive director; William Caesar, business administrator; and Dr. Susan Pallchick, program manager. Overview of the Metropolitan Parks and Open Space Commission with presentations by: Roberta Opheim, chair; and Jack Mauritz, park coordinator.

### **Finance Committee**

*Chair: Sen. Gene Merriam*  
4 p.m. Room 123 Capitol  
**Agenda:** Discussion of the governor's budget by John Gunyou, commissioner of the Dept. of Finance. Discussion of Minnesota Business Partnership budget suggestions by Tom Triplett.

## **Thursday, January 28**

**The Senate will meet at 9:30 a.m.**

### **Education Higher Education Finance Division**

*Chair: Sen. LeRoy Stumpf*  
10 a.m. Room 112 Capitol  
**Agenda:** Discussion of the impact of federal and state changes in financial aid, and tuition trends. Presentations by HECB and higher education systems.

### **Health Care Committee**

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol  
**Agenda:** Overview of the governor's budget for the Dept. of Health.

### **Ethics and Campaign Reform Committee**

*Chair: Sen. John Marty*  
12 noon Room 107 Capitol  
**Agenda:** S.F. 25-Marty: Campaign finance reform. S.F. xx-Luther: Campaign finance reform.

### **Family Services Committee**

*Chair: Sen. Pat Piper*  
12 noon Room 15 Capitol  
**Agenda:** Governor's budget for the DHS.

### **Veterans and General Legislation Committee**

*Chair: Sen. Jim Vickerman*  
12 noon Hastings Veterans Home  
**Agenda:** Hastings Veterans Home tour.

### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*  
2 p.m. Room 15 Capitol  
**Agenda:** S.F. 33-Pogemiller: Stalking.

### **Health Care and Family Services Finance Division**

*Chair: Sen. Don Samuelson*  
4 p.m. Room 112 Capitol  
**Agenda:** Presentation of the governor's proposed budget by the Dept. of Human Services.

### **Taxes and Tax Laws Committee**

*Chair: Sen. Douglas Johnson*  
4 p.m. Room 15 Capitol  
**Agenda:** Presentation of the governor's budget proposal by: John Gunyou, commissioner of the Dept. of Finance; and Morris Anderson, commissioner of the Dept. of Revenue. Confirmation hearing for Morris Anderson as commissioner. S.F. 19-Price: Sale of tax-forfeited lands.

### **Legislative Commission on Waste Management**

*Chair: Sen. Gene Merriam*  
6 p.m. Basement Conference Room, State Office Building  
**Agenda:** Hear public comments on Draft 1993 Waste Management Act Amendments. Overview by the PCA of the administration's initiatives for funding traditional Superfund sites and an alternative for landfill cleanup.

## **Friday, January 29**

### **Environment and Natural Resources Committee Finance Division**

*Chair: Sen. Steven Morse*  
10 a.m. Room 107 Capitol  
**Agenda:** Discussions of the Minnesota/Wisconsin Boundary Area Commission and the Horticultural Society. A tour of the Minnesota Zoological Gardens site.

### **Senate Publications**

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## The Minnesota Senate Week in Review

January 29, 1993

### Governor's budget address

Senators gathered in the House of Representatives Chamber Tues., Jan. 26, for a Joint Session to hear the governor present his 1993 biennial budget address. Governor Arne Carlson opened his address by asking lawmakers to take a "long range view" in addressing the state's \$769 million budget shortfall.

The governor outlined three priorities for Minnesota: "children, job creation, and protecting Minnesota's special quality of life."

The largest increases in the budget are directed at children "because we believe that investing in children is the smartest investment we can make," said the governor. According to the governor's calculations, the proposed budget increases state spending on children to \$6.8 billion over two years. The governor said he recommends restructuring the "service delivery system for children and youth to provide comprehensive help and linkages to jobs."

The governor proposed freezing the salaries of state employees for one year, giving the state a savings of \$633 million. The governor said the pay freeze proposal prevents major layoffs and service reductions.

Other aspects of the proposal include a 20 percent increase for "education services," including \$5 million in new funding for a youth apprenticeship program. The governor also recommended making available \$25 million "for young people in low-income families to help finance their future job training or college education."

Stressing the need to "redesign government," the governor asked lawmakers if "we can continue to afford our current system of government, in which we have 87 counties, nearly 400 school districts, 855 cities, 1,801 townships, 41 watershed districts, and so on." He then announced the creation of the Council on Government Innovation, which will "pull together the existing studies and reports and begin to implement models for redesigning government." The governor announced that Ruby Hunt, Ramsey county commissioner, will chair the council, and Valerie Pace of IBM Rochester, will serve as vice chair.

### Verdi school bill okayed

Members of the Senate held a brief floor session, Thurs., Jan. 28, to allow for the introduction of bills and process work at the Senate Desk. In addition, the Senate granted final passage to H.F. 11, carried by Sen. Arlene Lesewski (IR-Marshall). The measure authorizes the Lake Benton and Pipestone school districts to direct the Lincoln County auditor to certify specific 1993 levies for the Verdi school district.

The full Senate met briefly Mon., Jan. 25, to process bill introductions and to approve motions and resolutions, including one allowing the governor to present his budget address to a Joint Session on Tues., Jan. 26.

### Campaign funding challenged

The Ethics and Campaign Reform Committee, chaired by Sen. John Marty (DFL-Roseville), met Tues., Jan. 26, to consider S.F. 25. The primary purpose of the bill, authored by Marty, is to shift the financing of state political campaigns from lobbyists, political action committees, and large contributors to small contributors and the general public.

The bill accomplishes this shift by substantially reducing the amount that any individual or committee can contribute to a candidate and by prohibiting a candidate who accepts a public subsidy from accepting contributions from lobbyists, political committees, or political funds, according to Marty. Under the bill the public financing mechanism is changed from a checkoff, under which candidates from rural areas receive relatively modest amounts and candidates from wealthy suburbs receive the greatest amounts, to a direct appropriation from the general fund under which all the eligible candidates in a race receive the same subsidy. According to Marty, the amount of the subsidy is generally set at two-thirds of the candidate's spending limit, provided the candidate has raised sufficient matching funds from small individual contributions. The matching contributions must come from persons who are eligible to vote in this state. For a legislative candidate, one-half of the match must come from persons eligible to vote in the district, Marty said.

Marty stated that the present system "is not a scandalous one, but that there is room for change in the system."

Extensive discussion occurred regarding the current check-off system on Minnesota tax forms and independent expenditures made on behalf of a candidate. No further action was taken due to time constraints.

### Governor's budget reviewed

Governor Carlson's budget focuses on the concept of performance budgeting over the next biennium by "reinventing government" to better serve Minnesotans, while ensuring that the state live "within its means," said Commissioner John Gunyou, Department of Finance. Gunyou briefed the Finance Committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), Wed. Jan. 27.

Outlining the governor's proposals to control costs and solve the \$769 million shortfall, Gunyou said that state agencies would remain at their current funding level with no salary increase for discretionary inflation during the first year of the biennium. In other words, the governor is asking approximately 263,000 public employees to "exercise restraint" and forego a salary increase for at least one year, which would save about \$600 million in anticipated spending, according to department reports. Gunyou said that the problem is not a lack of revenue (referring to a proposed \$1.3 billion increase in spending over the current biennium), but rather the need to prioritize, redesign and refocus the way the state spends the taxpayer's money.

The increase in spending will target what Gunyou referred to as Minnesota's "three highest priorities" -- children, job creation, and property-tax relief. Specific programs include tax relief for commercial-industrial property, workers' compensation reform, creation of a new department to combine children's and education services, and reform of the state's long-term health care system.

Several Senators expressed their opposition to the governor's budget stating that it not only passes the buck of an unpopular pay freeze to local government officials, it also fails to provide a long-term solution to future budget shortfalls.

# Committee update

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## Agriculture and Rural Development

### Minnesota's ag industry reviewed

The Agriculture and Rural Development Committee, chaired by Joe Bertram, Sr. (DFL-Paynesville), met Mon., Jan. 25, to hear presentations by the University of Minnesota Agriculture Extension Service and the College of Agriculture. Senators also received an update on the dairy initiative by Dick Goodrich.

Gene Allen, vice president, Institute of Agriculture, University of Minnesota, said that the extension service consists of 92 field offices located across 87 county districts. He said that the extension service has undergone a difficult year due to federal cutbacks and has experienced a lot of changes in the move towards a comprehensive, broad-based approach to education, research and extension programs.

"Forty-two percent of our dollars are still focused directly on agricultural programs," said Allen, "we've maintained that funding level over the past 10 years." Allen told Legislators that private sector research and investment in the agricultural economy has lagged behind many European and Asian countries.

Patrick J. Borich, dean and director, Minnesota Extension Service, delivered a report on a system-wide restructuring process launched in October called, "Reinventing Minnesota Extension Service for the 21st Century." Borich told Legislators that restructuring will provide access to a broader spectrum of University-generated knowledge and will enhance the role of University colleges and departments in extension programs.

According to Borich, restructuring will reduce extension districts from six to five, but added that it will increase the resources available to counties by offering programs and staffing through 18 county clusters. He said that "clustering" will serve to coordinate efforts, reduce administrative redundancy, provide greater access to increased specializations and provide a broader link between the community and the university systems.

Richard Jones, dean, U of M College of Agriculture, told Senators that as of July 1, 1993, his office would assume responsibility for the management and budgeting of extension services, in addition to ongoing curriculum revision, faculty development and focus on expanded enrollment and placement efforts at the college.

According to Jones, Minnesota was ranked in the top ten among states with agricultural diversity in crops and livestock in 1990, but, he added, that diversity creates a great challenge in preparing people for the expertise they will need to remain on top in these areas.

Dick Goodrich, dairy initiatives coordinator, presented an outline of several innovative steps taken within the industry. He cited the establishment of county core teams, the introduction of specialized dairy agents, expanded diagnostic and specialized training for agents, the widespread use of manuals and videos as training tools and wider access to the National Dairy Data Base.

Goodrich said that the dairy initiative was also focusing on active research in the adoption of technology in dairy systems and had formed a dairy leaders roundtable to enhance maximum participation and expansion of ideas. Dairy farmers, Dale and Joanne Wills told Legislators of their participation in the dairy demonstration farm project and said that their experience with county core teams was helpful. The demonstration farm project is designed to bring together a variety of experts to implement and evaluate new practices based on diagnostic team recommendation and to increase the product and profitability of the farm, Goodrich said.

### Ethanol industry discussed

Members of the Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram, Sr. (DFL-Paynesville), met Wed., Jan. 27, to hear presentations on Minnesota's ethanol industry and its future impact.

Larry Johnson, ethanol industry consultant; Ralph Groschen, Department of Agriculture, and Bruce Stockman, executive director, Minnesota Corn Growers Association, focused on the importance of supporting ethanol production as a means to stimulate and expand the rural economy.

Johnson noted that the ethanol industry in Minnesota continues to gain importance in the renewable, alternative fuels marketplace and he pointed out that as a locally-grown commodity, ethanol provides value added benefits to the state's economy. Groschen told Senators that the production of ethanol has become a more efficient process and demand for alternative and environment-friendly fuels will continue to expand as a result of federal clean air legislation.

He said that a 1991 Department of Agriculture market study showed that the long term effects of expanded ethanol production would add value to the state's most abundant crop and would reduce farm program costs. The report concluded that the expansion of ethanol production would stimulate rural economic development, encourage capitol investment on plant construction and equipment, create jobs and expand the tax base.

Groschen noted that Minnesota has been very cautious in the expansion of its ethanol industry and estimated that only 4 percent of the state's corn yield was going to ethanol production. The report showed that in 1991, Illinois processed 19 percent of its corn crop and Iowa turned 8 percent of its yield into the fuel additive. "We believe that energy needs and the Federal Clean Air Act will continue to create demand for alternative fuels," said Groschen.

Bruce Stockman, executive director of the Minnesota Corn Growers Association, asked Senators for their support in promoting the corn and ethanol industries. "We hope that you will stay the course," said Stockman, "by promoting the industry, maintaining credits and stimulating the rural economy through expansion of Minnesota's ethanol production."

## Crime Prevention

### Juvenile crime addressed

Juvenile justice reform topped the agenda at the first meeting of the Crime Prevention Committee, chaired by Sen. Allan H. Spear (DFL-Mpls.), Thurs., Jan. 21. Justice Sandra Gardebring, briefed the committee about the efforts of the Advisory Task Force on Juvenile Justice formed by the 1989 Legislature.

Three key areas Gardebring addressed were juvenile certification, sentencing guidelines, and due process rights. She said that the Juvenile Certification Committee of the Juvenile Justice Task Force must outline "what juveniles are certified and for what offenses, what happens to them, and how certified juveniles differ from non certified juveniles." In addition, she said that the certification committee must consider whether or not it was "reasonable to treat juveniles as 'equals' on a state-wide basis given the widely differing approaches to what is and what is not a chargeable juvenile offense by law enforcement, prosecutors or local public demands."

Mark Shields, Criminal Justice and Law Enforcement Services, addressed the attorney general's criminal justice initiatives regarding gang violence. According to Shields, between 1975 and 1990, the juvenile population has decreased 19 percent, however, homicide by juveniles has doubled. Furthermore, he reported a 58 percent increase in the arrest rate of juveniles; a 258 percent increase of rape by juveniles; and an 83 percent increase of violent crime by juveniles. Shields reported that the attorney general's initiatives address the public's "escalated fear" by calling for automatic certification as an adult for juveniles aged 16 and over charged with predatory crimes. Additionally, juveniles aged 14 and over who have been repeatedly adjudicated of delinquency for conduct equivalent to felony-level crimes may be automatically certified as an adult if charged with another serious felony under the proposal. He said that once certified as adults, the juveniles would be guaranteed the full range of constitutional and procedural rights that they do not now possess in the juvenile system, such as right to counsel and jury trials. John Stuart, state public defender, urged the committee to take no action regarding certification and said that since 1980 certification laws have been amended ten times. In addition, he said that one-third of those juveniles placed out of home for serious offenses, as well as 45 percent of those juveniles pleading guilty to burglary, had no legal counsel. Stuart cited case overload of public defenders as the primary reason for lack of counsel. In Ramsey county, he reported, each public defender carries 1,000 cases per year - five to seven percent more than recommended. "That is not good quality due process," Stuart said. However, Steve Kley, Nicollet County Corrections, said that a defending attorney should be appointed only when the nature of the crime warrants counsel.

The attorney general's initiatives, Shields also said, suggest that those incarcerated for repeat non-violent crimes be placed in a special correctional facility for youth, emphasizing rehabilitation and structural discipline. The initiatives also suggest removing hard-care violent offenders from the juvenile system and housing them in a new secured correctional facility. Contrarily, Kley said that he opposed construction of a new secure facility, stating that the number of hard-core felony offenders does not justify it. He does not oppose funding renovations of existing facilities, Kley said.

Lastly, all testifiers suggested that when investigating a felony, the Data Practices Act should allow access to private information by law enforcers, government agencies and schools.

### Initiatives under scrutiny

The 1993 criminal justice initiatives, proposed by Attorney General Hubert "Skip" Humphrey, were discussed by the Council on Black Minnesotans and representatives of the African-American community, at the Mon., Jan. 25, meeting of the Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.).

Gary Sudduth, president and CEO of the Minneapolis Urban League, stated that the initiatives were "unbalanced, short-sighted, and aimed solely at the African-American youth." He said that the Urban League feels that the word "predatory" as used in the attorney general's recommendations has racist overtones. He expressed interest in meeting with Mark Shields, Criminal Justice and Law Enforcement Services of the attorney general's office, to create a balanced, comprehensive plan.

Lurline Baker-Kent, Dept. of Corrections, spoke to the committee as a member of the public. She said that she did not see equal treatment of juveniles in the police system. According to Baker-Kent, the majority of incarcerated males in Minnesota are people of color -- African American and others. She said, "More African American adult males are incarcerated in Minnesota than in South Africa."

Reverend Jerry McAfee, describing himself as a helper and advisor to Unity for Peace, voiced his opinion of the attorney general's initiatives. He said he was insulted by Humphrey's initiatives related to gang violence. McAfee stressed the need to gainful education and rehabilitation in the prison system. James Mann, a retired black police officer of the city of St. Paul, also said that prisons rehabilitation programs "must be developed to teach something in order for offenders to come back into society."

Caroline White, Minneapolis School Board member, addressed the committee concerning school record sharing with investigating agencies. "In Minneapolis schools, ninety percent of the expulsions and suspensions are of people of color," according to White. Most of the actions are taken for vague and broad reasons; therefore, she is opposed to sharing information from school records, she said.

### Juvenile justice issues heard

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls), met Wed., Jan. 27, to continue hearing testimony about juvenile justice issues and perspectives.

Mike Freeman, Hennepin County attorney, said that Hennepin County receives 800 juvenile petitions each year. He said that for some first time offenders scare tactics, such as driving the child home to be released to parents, are used by police officers as a deterrent. He said that such diversion costs less and provides a swift and meaningful consequence while keeping the juvenile out of the court system.

Freeman said that of the habitual truants under the age of ten, one-sixth have been involved in the Juvenile Court System. According to reports, an habitual truant is defined as a child under the age of 16 who misses seven days of school or seven class periods on seven different days. He said that "education neglect ought to be a reportable act; parents are not getting children to school and school administrators are not very aggressive about reporting truancy," he said.

Jim Hayes, juvenile division director of Ramsey County, and Tom Lavelle, juvenile services director of Hennepin County, gave a joint presentation on efforts to deal with the impact of the small, but growing, proportion of juvenile offenders. Lavelle said that Hennepin County's current juvenile detention center has a capacity of 87 beds. It is estimated, though, that an additional 20 beds will be needed to meet immediate demands and, potentially, a total of 72 beds will be needed to meet long-range demands, he said. Hayes said that Ramsey County's facility currently has a 30 bed capacity. However, based on a recent consultant's study, he said that they estimate a need for a additional 20 beds to meet the needs over the next 15 years.

Both Hennepin and Ramsey Counties have an immediate need for additional secure pre-dispositional detention beds, Hayes and Lavelle said. They urged the Legislature to support and fund the recently established juvenile detention subsidy program with the Dept. of Corrections through which state-wide needs are being addressed with local-state cooperation and shared responsibility.

Susan Carstens, juvenile specialist of the Crystal Police Dept., Officer John Quinn, San Jose Truancy Abatement Program, and Lt. Mel Thee, Oklahoma THRIVE Center, addressed the committee as a panel to discuss community-based

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programs to deter truancy. In San Jose and Oklahoma, officers can pick up truants and transport them to the centers where parents must pick them up, Thee and Quinn said. They also said that all school campuses are closed and that anyone leaving the campus must have written permission. Carstens said that current Minnesota law prohibits officers from picking up truants without reports from schools and/or parents that a child is indeed truant.

Thee reported that since the center's conception in 1988, daytime burglaries have dropped 27 percent. He said that the project uses donated goods and services, and incorporates representatives from each school and a representative from social services. Thee said that parental involvement is required, as is a follow-up with the juvenile by the center.

Dan Storkamp, director of the Criminal Justice Statistical Analysis Center, presented recommendations to promote further studies to determine if any differences exist between minorities and non-minorities in the juvenile justice system.

## Education Higher Education Division

### Technical college regional structure

The Minnesota Technical College System is consolidating many of its administrative units, said Carole Johnson, chancellor, at a meeting of the Education Committee's Higher Education Division Tue., Jan. 26.

Johnson noted that "regionalization" efforts, known as "Campaign 2001," aim to increase administrative efficiency, to provide better services to a diverse student population, and to respond to the needs of business, industry, agriculture and labor. The chancellor stressed the notion of "a single unified college identity with multiple campuses."

Dr. Stanley Edin and Dr. Ray Cross, regional presidents, shared with the committee some of the challenges that stem from the regionalization plans. Edin said that the realities of the effort have created more difficulties than he had initially anticipated. However, Edin told the committee that once the system achieves psychological and cultural integration, the college will "do an even better job." Cross explained some of the organizational changes, pointing out that the new structure organizes administrative units by function--not by campus. Cross

said that making these significant changes in the system calls for patience, caution, and efforts to build trust.

Sen. LeRoy Stumpf (DFL-Thief River Falls), committee chair, stressed the need for sensitivity regarding the "human side" of the consolidation plans. Stumpf also asked how the technical college regionalization efforts coincide with the larger concept of merging the higher education system, which is scheduled to take place in 1995. Johnson said that the structural issues relating to the merger have not yet come forward.

Senators also discussed some financial challenges facing the technical colleges. The consolidation efforts have raised questions about the ownership of the regional colleges, creating some confusion as to who is responsible for property tax levies currently in place in the joint districts, said John Ostrem from the Technical College System. The questions also apply to the balance of some 20 year local bonds, said Ostrem, describing the situation as "a major statewide question."

## Education Funding Division

### Division considers bill

Members of the Education Committee Education Funding Division, chaired by Sen. Lawrence Pogemiller, (DFL-Minneapolis) met Wed., Jan. 27, to consider two amendments to a bill, S.F. 52, authored by Sen. Roger D. Moe (DFL-Erskine). The measure authorizes a qualifying school district to recertify a levy.

Under Minnesota law, a qualifying school district may request recertification of its 1992 levy for taxes payable in 1993, in order to effect school district consolidation. The intent of the amendments are to assist three districts in settling the debt transfer and levy certification process in order to ensure a smooth consolidated process.

An amendment, offered by Sen. Jerry Janezich (DFL-Chisholm), permits the Babbitt school district to levy \$135,000 to reduce its statutory operating debt. The debt would then be "assumed" by a new consolidated St. Louis County School District next summer. According to Senate staff, Keith Carlson, both districts (ISD # 692, Babbitt) and (ISD # 708, Tower-Soudan) hope to reduce the debt assumed by the new district as much as possible. The amendment to S.F. 52 were adopted by the committee. A second technical amendment was also adopted. The bill was approved and referred to the

full Education Committee committee for further action.

In other discussion, committee members heard an overview of the governor's biennial budget by Ron Hacket, State Finance Dept., focusing on the fiscal implications of proposed funding levels for education. Hacket gave Senators an outline of past and projected school district revenue, operating funds, a summary of changes from base budget amounts for the 1994-1995 biennium and educational funding recommendations.

According to Hacket, elementary and secondary education would receive a 15.2 percent increase in school aid under the governor's plan--the biggest slice of \$ 3.1 billion in spending. Pogemiller questioned Hacket on the recommended increases in school aid figures and asked for further information on actual dollar break down between state aid monies and tax levy amounts. "What's the mix of property tax dollars versus state aid dollars? Pogemiller asked.

## Environment and Natural Resources

### DNR misdemeanor schedule

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-International Falls), met Tues., Jan. 26, to hear a presentation on the misdemeanor schedule of game and fish violations by Judges Kevin Burke and James Gibbs.

Burke, representing the Counsel of Chief Judges, told Senators that in a provisional attempt to streamline and consolidate a series of misdemeanor violations, the District Court System inadvertently developed a violation "payable list," (based on a former bail and fine schedule).

Burke told Legislators that rescheduling caused some fish and game misdemeanor offenses to be treated as petty misdemeanor offenses. Under the change, a person charged with a DNR violation on the newly-established schedule, would, under the provision, not be eligible for court-appointed counsel.

According to Burke and James, the streamlining was implemented in June, 1992, to relieve a congested court docket by allowing for voluntary pre-payment of violations in lieu of due process court appearances. He said streamlining of the misdemeanor payment schedule also resulted in savings on unnecessary law enforcement, court, prosecutor, public

defender and jury time and expenditure.

The reshuffling of DNR game and fish violations from misdemeanor to petty misdemeanor schedule status has also resulted in a loss of potential restitution monies, said Mike Grupa, DNR enforcement. Grupa told Legislators that restitutional money is occasionally awarded to the DNR at the conclusion of due process court decisions.

In addition to restitution losses, Senators learned that additional DNR revenues in the form of a 10 percent surcharge on game and fish violations fines may also have gone uncollected under petty misdemeanor schedule status. According to Grupa, surcharge monies are earmarked for a DNR enforcement training fund and would be directly affected by the changes in DNR misdemeanor schedule violations.

Burke and Gibbs told Legislators that the streamlining of misdemeanor and petty misdemeanor violation payment status for DNR-related offenses was inadvertent. They urged lawmakers to review the current misdemeanor schedule of game and fish violations and to consider the priority and degree of seriousness in relation to other comparable violations under the schedule.

Senators also heard a report by representatives of the Minnesota Environmental Initiative. Brett Johnson, president, and Ciaran Manion, director, who provided Legislators with an overview of the MEI organization.

Manion also delivered the MEI 1992 published report on program findings relating to the governor's Select Committee on Packaging and the Environment (SCOPE) and Superfund issues.

## Environment and Natural Resources

### LCMR parks/trails projects proposals reviewed

Members of the Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse (DFL-Dakota), met Fri., Jan. 22, to discuss several funding recommendations by the Legislative Commission on Minnesota Resources (LCMR). The recommendations focus on Minnesota's regional and municipal parks and trails projects.

John Velin, LCMR director, told Senators that \$10.3 million in funding was appropriated through the accelerated funds of the Minnesota Environmental and Natural Resources Trust Fund. These monies are specifically earmarked for the

development and improvement of parks and trails in 1994-1995, Velin said. Senators heard presentations by managers of the Department of Natural Resources (DNR) representatives of the Department of Trade and Economic Development (DTED) and the Metropolitan Council.

John Strohkirch, state park betterment manager, DNR, presented an outline of an LCMR funding recommendation to improve existing state parks at a cost of \$3 million. According to Strohkirch, the state park system has \$60 million in identifiable need to improve state park facilities and construct new facilities where needed. He added that past state bonding appropriations have not kept pace with parks which now serve an estimated 8 million visitors per year.

Strohkirch provided Legislators with a priority list of some 110 projects that are currently in the budget proposal, design, construction or completed stage with some projects contingent upon bond approval or LCMR appropriations. Sen. Harold "Skip" Finn (DFL-Cass Lake), asked what role the public and communities play in establishing long term plans and priorities. Strohkirch responded that park advisory groups, with community representation, are actively involved in the parks and trails development process.

Dennis Asmussen and Tom Danger, supervisors, State Trail and Parks Development Agency, DNR, outlined three current LCMR funding proposals: the start-up development of an 85-mile stretch of the Paul Bunyon State Trail, the partial development of 25-miles of railroad grade area between Carlton and the Willard Munger State Trail and the acquisition and partial development of a new trail between Harmony to the Root River State Trail.

Danger said that he was also involved in working with the city of St. Paul and the Dept. of Transportation to collaborate on the final 3-mile development of the Willard Munger State Trail proposal that features a connection into the downtown St. Paul area. He said that potential funds for the project may also become available through the Federal Intermodal Surface Transportation Efficiency Act (ISTEA).

Wayne Sames, DTED, described his agency's role in budgetary appropriations and funding disbursement as an administrative and contractual agent. "We're largely involved as a fiscal agent between the funded agency, LCMR and Metropolitan Council," explained Sames. He added that DTED would be processing nine of the projects on the current accelerated funding list.

Jack Moritz, chairman, Parks and Open Space Commission, Metropolitan Council, presented an overview of future and current trail design and expansion proposals. He also briefed Senators on specific trail linkage proposals for parcels slated for development. "There are linking plans for many existing regional, municipal and state parks on the table now," said Moritz.

He said that the metropolitan regional network trail linkage proposal for \$2 million is targeted at acquisition and improvements to complete connectors lying outside regional park boundaries and to establish linkage among existing park facilities. According to Moritz, the LCMR project proposal will focus on a 40-mile connecting loop from Theodore Wirth Parkway to the Central Mississippi Riverfront, north towards the Coon Rapids Dam with additional connection to Elm Creek Park Reserve.

Moritz explained that a second project funding proposal of \$220,000 would be used to retrofit or rehabilitate existing facilities at regional parks to meet new standards established by Americans with Disabilities Act (ADA) requirements.

### Further LCMR recommendations

Members of the Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse (DFL-Dakota), met Mon., Jan. 25, to hear continuing presentations by the Legislative Commission on Minnesota Resources (LCMR). Senators also heard an overview of the Clean Water Partnership and received an update on the Accelerated Soils Survey Program.

The first order of business was further discussion of several park and trail development projects recommended for funding by the LCMR. Projects before Legislators included Birch Lake Regional Bikeway/Walkway (\$450,000), Cedar Lake Trail development (\$610,000), Shingle Creek Trail improvements (\$130,000), the Lilydale/Harriet Island Regional Park Trail (\$246,000), Como Park east lakeshore reclamation (\$163,000), GrainBelt Mississippi riverfront (\$300,000) and acquisition of the Palace restaurant site on the Mississippi River (\$325,000).

Gaylen Reetz, Clean Water Partnership, gave Legislators an overview of the program. The partnership provides local units of government with technical assistance to protect and improve the quality of lakes, streams and groundwater degraded by nonpoint source pollution. Reetz told Senators that since the

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program was first launched in 1987, the partnership has received 106 applications for matching grants and technical assistance, but due to limited resources only 33 projects received funding.

According to Reetz, the partnership has received 16 more funding requests for 1994-1995 at an estimated cost of \$4 million. He noted that the program received \$700,000 from the Minnesota environment and natural resource trust fund monies in 1991-1992. Reetz told Legislators that the 33 projects awarded monies through the partnership and local matching grants represent over \$6 million in revenue for lake, stream, ground water, wellhead protection and wetland restoration improvements.

Professor James Anderson, department of soil science, University of Minnesota, provided Senators with a progress update on the accelerated soils survey program underway at the Minnesota Agricultural Experiment Station. Anderson told Senators that the experiment station conducts analysis, develops local support for specific surveys, performs office and field progress reviews, delivers interpretive information and conducts educational programs and technical training.

According to Anderson, the accelerated soils survey program receives roughly 28 percent funding through LMCR, 48 percent from the federal government and 20 percent from local counties. He noted that since soil survey work began in 1977, 57 counties have completed surveys, 15 have completed field work and 8 counties are still in progress.

"Approximately 40 million acres or 80 percent of the state has been completed," said Anderson of the program. He added that without LCMR funding assistance the completion of detailed soil surveys for Minnesota would have been delayed by at least a decade.

## Family Services

### Child support, day care reports

The Family Services Committee reviewed a number of reports from the Department of Human Services (DHS), Tue., Jan. 26. DHS officials outlined several recommendations to improve the enforcement of child support payments.

Counties have had to focus on immediate needs because of budget constraints, and have not been able to adequately address the collection of child support payments that are in arrears, said John Petrabor, assistant commissioner.

Petrabor noted that the caseload for child support enforcement has nearly doubled, creating a great expense for taxpayers. The DHS is recommending the establishment of a pilot project for arrears collection with the Department of Revenue and with private collection agencies, said Petrabor.

The DHS also recommends that counties charge obligors a fee to reduce administrative costs. Sen. Pat Piper (DFL-Austin), committee chair, said "it's a shame that some parents won't willingly support their children." Piper added that she supports making the parents pay for some of the administrative costs that counties incur enforcing payment.

The committee also discussed several other reports from the DHS, including the Children's Trust Fund Biennial report. Maureen Cannon, executive director, discussed the need to have all counties establish child abuse prevention councils. Senators discussed the trust fund's economic condition and how the fund fits into the state agency structure of children's services.

Two reports brought child care issues to the attention of the committee. Barb Eggiman, children's services licensing manager, offered a DHS task force report that looked at a bill from last year to prohibit many housing, condominium, manufactured home, and townhouse associations from restricting the right to provide licensed child care services. Eggiman said that the task force did not have enough time to collect sufficient data, which prevented them from making sound recommendations. Several Senators, including Piper, were critical of the report, citing a minority report that said the task force was biased against the bill, and that its work was incomplete.

Cherie Kotilinek, child care fund advisor, presented a report that illustrated the great demand for child care subsidies. The long waiting lists for basic sliding fee child care assistance prevent many families from moving to self sufficiency because they cannot afford the high cost child care, according to the report. Kotilinek said the counties cannot help all of those families who need it because of the lack of funding for the program.

## Finance

### Capital budget process reform

"Performance budgeting" was the key message from Dale Nelson, Dept. of Finance, in his address to members of the

Finance Committee chaired by Sen. Gene Merriam (DFL-Coon Rapids), Thurs., Jan. 21. Calling for reform of the capital budget process, Nelson presented committee members with a draft proposal designed to "better integrate" the planning of capital and operating budgets while maintaining separate appropriation cycles for each.

Long-range planning for both budget reports would exceed the current biennium by looking ahead four to six years which, according to Nelson, would enable the executive branch to better assess future impacts of a given agency request.

Merriam expressed opposition to the proposal stating that it didn't give Senators enough time to review agency proposals since the governor's "strategic capital plan" would not reach the Legislature until Feb., 1994. Senators Carl Kroening (DFL-Minneapolis), and Randy Kelly (DFL-St. Paul) concurred with Merriam stating they preferred to start reviewing proposals at least 6 months prior to the department's proposed date.

Following Nelson's presentation, Dennis Spalla, Dept. of Administration, briefed members on a study currently being conducted by the state to determine the scale and location of future state facilities within the Metropolitan Area. Spalla said that an Oregon-based consulting firm is working with the department to assist in projecting staff requirements, space needs, and parking and utilities.

Sen. Jane Ranum (DFL-Minneapolis), encouraged DOA officials "to go to the public" when determining where state agencies should be located. "We need to ask the folks who use these services how we can best meet their needs," Ranum said.

## Gaming Regulation

### Gambling control board mechanics

Members of the Gaming Regulation Committee, chaired by Sen. Charles Berg (DFL-Chokio), met Tues., Jan. 26, to discuss elements of the Gambling Control Board's proposed 1993 bill, S.F. 103. Members also heard an overview of the board's position on current lawful gambling operations, compliance and regulations, by Steve Pedersen and Glenn Kleven, lawful gambling specialists.

Peterson outlined Minnesota's five lawful gambling forms; raffles, bingo, tip-boards, pulltabs and paddle-wheels and briefed Senators on the mechanics of each regulated game. He also provided infor-



mation on non-profit operations with an emphasis on compliance and regulatory efforts currently in effect.

According to Harry Balzar, Gambling Control Board director there are inherent problems in legalized gambling. He explained that while the compliance and regulatory arm of the industry has firm control on the licensing, operation, sales, transfer and use of gambling equipment and products, there are still some areas in need of attention.

"We've implemented a very sophisticated system of tracking and monitoring gambling equipment and products," said Balzar. "and We hope to establish some measure of seizure power in order to seize products that don't meet regulation or compliance standards," he said.

Another problem area, according to Balzar, is the monitoring of organizational expenditures. Balzar said that it's important to continue to focus on lawful expenses and educate organizations about their responsibility in the self-regulating process.

Current lawful purpose laws dictate that organizations be familiar with the area of lawful expenditure at the time of licensing and that all expenditures by an organization need pre-approval by the membership at large, he said. The publication of a monthly newsletter and ongoing educational seminars conducted across the state are dedicated to educating the public about the responsibilities of non-profit, lawful gambling operations, Balzar said.

Sen. Joe Bertram, Sr. (DFL-Paynesville) suggested to the Gaming Control Board that more should be done in the way of streamlining the licensing and monitoring of non-profit gambling for small neighborhood community groups.

### **Proposed gambling bill reviewed**

Members of the Gaming Regulation Committee, chaired by Sen. Charles Berg, (DFL-Chokio), met Wed., Jan. 27, to hear the Gambling Control Board's proposed 1993 lawful gambling control bill, S.F. 102, authored by Berg. Senators also reviewed several proposed amendments to the bill.

Harry Balzar, gambling control board director, outlined a series of 64 changes to S.F. 1605. Most changes were language modifications or technical clarifications made in the regulation and conduct of lawful gambling. He also pointed out that some revisions were previously-established in the lawful gambling omnibus bill (S.F. 1605) that was passed unanimously by the Senate in the 1992 session.

Senators reviewed each section, comparing the measures against the proposed 1993 lawful gambling control bill and Balzar offered information and explanation on several significant components of the bill.

According to Balzar, the bill would affect some of the following areas: lawful purpose expenditures, language modifications, giving the Gambling Control Board director with cease and desist authority for violations of board rules; provisions for additional restrictions for bingo halls, distributors, and manufacturers; strengthening the gambling control board's enforcement ability by increasing licensing requirements; clarifying and strengthening the regulation of the conduct of bingo; and offering prescribed penalties.

Senators also reviewed and discussed a series of proposed amendments, that largely contained language passed by the Senate last year. Berg urged committee members to fully review summaries of last year's proposal, S.F. 103, and the accompanying amendments.

## **Governmental Operations and Reform**

### **Pension fund issues reviewed**

Minnesota has the 26th largest pool of pension funds (of all private and public funds) within the U.S., according to Howard Bicker, Director of the State Investment Board. Addressing members of the Governmental Operations and Reform Committee, chaired by Sen. James Metzen (DFL-South St. Paul), Wed., Jan 27 Bicker summarized the various funds within the plan including basic retirement for active employees (at 43.6 percent of total funds), post retirement (at 35.9 percent), and a number of smaller funds for public schools and workers' compensation. Senators Roy Terwilliger (IR-Edina) and Phil Riveness (DFL-Bloomington) expressed their satisfaction with Bicker's fiscal management of the basic retirement fund referring to the 14.5 percent rate of return on investment over the last year, and a 9.3 percent average over the last 5 years.

Bicker also discussed a new benefit increase formula change (based upon the total return of the post retirement fund) enacted by the 1992 Legislature. The new formula, proposed by the TRA, MSRS, and PERA, contains an inflation-based adjustment equal to 100 percent of inflation up to 3.5 percent per year. The inflation component is granted regardless of investment performance, under the law. Additionally, retirees receive a

yearly investment-based adjustment (spread out over a five year period), provided that net investment gains are above the amount necessary to cover the actuarial assumption of 5 percent and the 3.5 percent inflation adjustment.

Lastly, Larry Martin, director, Legislative Commission on Pensions and Retirement, briefed members on upcoming legislation. Two bills likely to return this year, according to Martin, include a proposal to amend the definition of a teacher's average salary by using an alternative highest five successive years average salary base to calculate retirement annuity, and a proposal to increase the benefit accrual rate for several public pension plans.

## **Health Care**

### **DHS overview continues**

Nancy Dagg, project director of MinnesotaCare, addressed the Health Care Committee, chaired by Sen. Linda Berglin (DFL-Mpls.), Tues., Jan. 26.

The Department of Human Services (DHS) continues to enroll eligible individuals in the state-subsidized insurance program, Dagg said. A total of 30,512 have enrolled as of Jan. 1, 1993, according to reports. "Demand for applications and information has been overwhelming," said Dagg. The demand has resulted in a backlog of applications that has staff working overtime to process, according to Dagg. She said that new staff have been hired and trained to deal with the backlog.

Dr. Laura Skaff, assistant commissioner, discussed the long term goal of interdepartmental linking of data.

John Petrabor, assistant commissioner, addressed refocusing programs on clients. He reported that currently the programs (AFDC, STRIDE, food stamps, child support, and child care) have separate delivery systems in counties. The goal is to breakdown the artificial barriers, i.e., lack of program integration, at DHS so that the client does not have to make sense of the system, he said.

As DHS implements MinnesotaCare, Petrabor reported that the MAXIS statewide automated eligibility system would be on the front end of the implementation. According to Petrabor, the MAXIS system, for county-level activities, is involved in registering applications, determining program eligibility and issuing benefits and notices for cash and medical assistance programs. Petrabor

# Committee update

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reported that all counties are on-line, but that DHS would need additional funds for enhancements.

The committee also considered S.F. 20, sponsored by Sen. Tracy Beckman (DFL-Bricelyn). The bill establishes an ambulance service personnel longevity award and incentive program. A driver's license surcharge of \$2 would be imposed to fund the program. Testimony given by volunteer ambulance drivers urged the committee to seriously consider the bill. They expressed concern that no incentive existed to remain in service. No further action was taken on the measure due to time constraints.

## DHS budget overview

The Health Care Committee convened Wed., Jan. 27, to hear an overview of the governor's budget for the Department of Human Services.

Commissioner Natalie Haas Steffen said that the agenda would concentrate on the health care portion of the budget. She reported that the 94-95 biennium budget, totaling \$9 billion, includes \$4.5 billion appropriated from the Legislature, \$3.8 billion from federal grants, and 800 thousand from a combination of state and federal statutory appropriations. She said that "it is one of the most complex budgets in state government."

To meet reduction requests, 283 positions (approximately one-third of the total) have been cut or held vacant, according to Haas Steffen. In addition, DHS will propose restructuring of the residential treatment centers (RTC's). RTC's in Moose Lake and Faribault would be closed by DHS and used by the Dept. of Corrections.

Helen Yates, assistant commissioner, requested a \$700 million increase (31 percent) to concentrate on significant changes in long term care needs.

## Jobs, Energy, and Community Development

### WCRA surplus discussed

Members of the Jobs, Energy, and Community Development chaired by Sen. Steven Novak (DFL-New Brighton), met Tues., Jan. 26, to discuss whether the Legislature should be involved in determining who should be the recipient of Workers' Compensation Reinsurance Association (WCRA) excess reserves.

Representing the WCRA, President Jay Benavav gave members a brief overview including events resulting in excess

reserves of \$100 million. He explained that due to a higher annualized rate of return on investments - 13 percent over the expected 7 percent - board members, in accordance with statutory guidelines, refunded the surplus to its member insurers in October 1992 (\$85 million to insurance companies and \$15 million to self-insured employers).

After the reimbursement was made, Minnesota's Commerce Commissioner Bert McKasy, issued an order to insurance companies to pass the \$85 million refund on to employers. According to McKasy, letters from several different law firms (representing various insurance companies) reached his office shortly thereafter threatening litigation. McKasy told Legislators that he decided to suspend the order preferring to take a legislative route that would mandate that the excess money get back to employers.

Following legislator's questions, John Fuller, Senate Counsel, informed members of other upcoming workers' compensation issues. He said that there is another possible source of excess WCRA reserves created by a law change made by the Legislature in April, 1992. The change reduced the cap on annual benefit adjustments for workers' compensation benefits from six to four percent. Employers have already filed a lawsuit against the WCRA to determine whether the money should be returned. If the adjustment is judged to be constitutional as applied to workers injured before the date of the change, the WCRA will have an additional \$150 million in reserves.

Next, Fuller mentioned the "perennial" issue before the legislature - should the insurance industry be returned to the rate regulation that was in effect before 1984. The rate regulation included prior approval of a schedule of maximum rates.

Finally, members discussed recent financial problems with the State Fund Mutual insurance provider. Due to a depletion of surplus in 1992 (threatening the fund's capacity to write insurance), the WCRA assisted the the fund by extending a \$20 million line of credit. Fuller told members that they would probably encounter a bill requiring a ratification of WCRA actions.

### Future workforce needs

"We don't need more attorneys and MBAs in Minnesota; we need competent people willing and able to work in jobs where technical skills are necessary," said Tom Triplett, director, Minnesota Business Partnership. He briefed the Jobs,

Energy, and Community Development Committee, Wed., Jan. 27, on the partnership's perspective on Minnesota's economic situation.

Addressing the issue of Minnesota's future workforce needs, Triplett shared results of a 1992 partnership survey of 350 businesses in Minnesota's manufacturing sector that revealed that over 60 percent of employers surveyed reported having difficulty recruiting skilled workers. At the same time, Triplett said, those students who would normally fill the positions are dropping out of school due to "tiring" part-time jobs that do not develop the student's future work skills. "These after-school jobs have so little to do with education that kids lose interest in school altogether," Triplett added.

One way to keep the 16-20 year-old "at risk" students from leaving the education system and at the same time, meet industry needs, is to get both sides involved in a youth apprenticeship program - the cornerstone of the partnership's program, according to Triplett. Using a variety of European programs as their model, administrators would identify high growth potential industries, define the skills needed for the targeted industries, and then work with educators and employers to develop curricula and training procedures.

Sen. Arlene Lesewski (IR-Marshall), while expressing general support of the program, asked how it could be effective in rural areas where there are few high-tech industries. Triplett replied that his plan will try to provide apprenticeships through industries that are already located in the rural areas (such as the 3M plant in Staples) and bring in students from the surrounding area to participate.

The last agenda item was an overview of legislative concerns put forth by Minnesota Chamber of Commerce President David Olson. Olson spoke primarily about the concerns the chamber has on various workers comp issues. A number of proposals concerning workers comp issues will be offered. Upcoming works compensation proposals include adopting a more restrictive definition of permanent, total disability injuries; eliminating supplemental benefits and replacing them with a minimum floor payment for permanent total disability benefits set at 65 percent of the statewide average weekly wage; and abolishing the Workers Compensation Court of Appeals and transferring its functions to the state's regular Court of Appeals.

## Judiciary

### Advance mental health decisions bill

Members of the Judiciary Committee, chaired by Sen. Ember Reichgott (DFL-New Hope), met Wed., Jan 27, to hear testimony on S.F. 40. The bill, authored by Reichgott, allows persons who are not terminally ill to designate another person of their choosing to make a particular health care decision for them in the event that the person making the appointment is unable to make the decision for himself or herself. The power authorized by the bill does not interfere with the principle of informed consent since it has no effect until the person making the appointment is unable to give such consent, according to Leigh Matheson, chair, Probate and Trust Law Section, MSBA.

Dr. Benjamin Fuller, representing the American Association of Retired People, and Ken Moritz, Board on Aging, testified that the bill closed the gap left open by the living will legislation by providing a durable power of attorney for health care decisions for a person who is unable to act for himself but who is not in a terminal condition. Moritz added that while he generally supports the bill, he recommends that two physicians should decide if the patient is unable to act on his or her own behalf, and that heirs should not act as witness to durable power of attorney for health care.

Members also received a letter from Iris Freeman, director, Minnesota Alliance for Health Care Consumers, in support of S.F. 40, stating that it would protect an "individual's opportunity to control the decisions of her life, to deliberate alternatives, make choices, and to live a life that is true to her values."

Reichgott offered several amendments to S.F., 40 two of which expand the definition of "health care" by excluding intrusive mental health treatment (as defined in law) unless the durable power of attorney for health care specifically applies to decisions relating to intrusive mental health treatment.

The amendments were adopted and the bill was laid over for further discussion.

## Metropolitan and Local Government

### Local government borders

The lines that divide counties, cities, and townships received some attention from members of the Metropolitan and Local Government Committee Thur.,

Jan. 21. Representatives of the Association of Minnesota Counties (AMC) and the Coalition of Greater Minnesota Cities gave the committee, chaired by Sen. Betty Adkins (DFL-St. Michael), an overview of their legislative concerns.

Mary Beckman and Nick Riley, AMC policy analysts, outlined issues that concern the AMC membership, which includes 86 of Minnesota's 87 counties (Dakota County is not a member).

The analysts noted six "priority issues" in their list of concerns: transportation funding; child protection; Wetland Conservation Act administrative funding; intergovernmental aids; SCORE (Select Committee on Recycling and the Environment) funding; and district trial court funding.

During the presentation, Senators briefly discussed the notion of having the state auditor analyze the current county boundary system to determine whether it is an appropriate government structure for meeting modern public policy needs.

Local government border issues dominated the discussion during the coalition's presentation. Tim Flaherty and Diane Koeble, coalition representatives, presented a case analysis of the annexation process, which outlines recommendations for reforming the process. Sen. John Hottinger (DFL-Mankato), noting the importance of good planning, said his Subcommittee on Intergovernmental Relations would address the complex issue of border disputes between townships and cities. Hottinger emphasized the need for a thorough analysis of the situation, in order to prevent a "piecemeal" solution to the problem.

Flaherty and Koeble also pointed out several other issues in which the coalition is interested, mostly relating to tax policy. The coalition representatives said they support the continuation of the Local Government Trust Fund provided that Local Government Aid and Equalization Aid get the same rate of growth as the rate of growth in the trust fund revenues. The representatives also noted that the coalition is opposed to state interference in local budget decisions, including the imposition of levy limits or taking city budget reserves.

### Cities' concerns and waste control

Minnesota's 855 cities are home to approximately 80 percent of the state's population, according to the League of Minnesota Cities. League representatives presented an overview of their legislative

priorities to the Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), Mon., Jan. 25.

Joel Jamnick and Sarah Hackett from the league told the committee that Minnesota cities need flexibility and authority--not additional unfunded mandates--to meet challenges for governing and for providing public services. The representatives outlined several legislative concerns relating to property taxes, economic development, transportation, the environment, elections, and personnel matters.

Jamnick noted that the league advocates "a coherent state policy" regarding annexation procedures, a topic that the committee has discussed frequently this Session. Cities are also seeking the authority to create, at their option, a transportation utility fee, according to league reports.

Representatives from the Metropolitan Waste Control Commission also addressed the committee. Louis Clark, commission chair, explained the function of the commission, which the Legislature established in 1969 to manage waste water in the Metro Area. Clark noted that the Metropolitan Council must approve its implementation plans. The council assesses the regional impact of new developments that create needs for sewer service and transportation infrastructure, among other things.

The commission is currently studying how best to meet future capacity needs in the Metro Area, said Clark. He pointed out that, currently, the Metro Area flow could fill the Metro Dome every two days.

Sen. Edward Oliver (IR-Deep Haven) expressed concern over large increases in sewer fees that the commission has imposed on many of his constituents. Clark explained that the increases stem from flow projections in 1991, which the commission underestimated because of the drought. Clark said that the increases are under review, and suggested that leaking municipal sewer lines may also be adding to the problem.

### Clarification:

In the January 15, 1992 edition of Briefly, the report on the Metropolitan and Local Government Committee meeting held Mon., January 11, indicated that Jeff Hamiel, executive director of the Metropolitan Airports Commission said that the commission would not have enough information to make its report in 1996. To clarify, in testimony before the

committee, Hamiel indicated that the Legislature may have difficulty in coming to a final decision in 1996 due to the very volatile nature of the airline industry. Hamiel stressed that the Metropolitan Airport Commission will be prepared to make its report in July of 1996 in compliance with the law. However, Hamiel said that based on the economic conditions of the airline industry, and the financial condition of Northwest Airlines, the Legislature may have difficulty making this critical decision until the industry stabilizes.

## Transportation and Public Transit

### Bikeway/highway operations

The Transportation and Public Transit Committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), met Fri., Jan. 22, to continue hearing an overview of the Dept. of Transportation. Ed Cohoon, deputy commissioner, and Al Schenkelberg, director of Highway Programming, outlined the responsibilities of bikeway and highway operations.

Cohoon said that the Department does not set aside money for bikeways, but while resurfacing roadways, allows for a 4-foot shoulder to accommodate bike traffic. Sen. Jane Ranum (DFL-Mpls) stressed need for the department to act creatively to find solutions, such as bikeways to traffic problems, not simply react to the problems and changing needs.

Schenkelberg presented an overview of the trunk highway management cycle. Schenkelberg described how improvement needs are identified and analyzed in a district. He said that new projects are not put before existing projects on the list, but that depending on revenue and information from the district, at times, the program is adjusted.

According to Schenkelberg, the priorities for transportation investments include attaining a competitive advantage for Minnesota, enhancing economic development, preserving existing systems, and solving emerging safety problems. Schenkelberg said, "Minnesota is one of the top three states in terms of safety." Establishing stable funding for the investments remains the issue, he said.

Referring to the decrease on federal fund through the Intermodal Surface Transportation Efficiency Act (ISTEA), Sen. Keith Langseth (DFL-Glyndon) said that "the law was a conscious decision on the part of congress to encourage creative alternatives." Cohoon reported that of

the less-than-promised appropriations, the department has spending authority over only 82 percent; the balance is earmarked for transit, not for highway systems. Darryl Durgin, deputy commissioner, reported briefly on highway operations.

### Transit scenarios presented

The Transportation and Public Transit Committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), met Tues., Jan. 26, to hear transportation funding scenarios by Robert McFarlin from the Public Affairs of the Department of Transportation.

McFarlin outlined the funding and expenditures of the department. He said that Minnesota transportation goals are supporting the state's economy, improving highway safety, and providing state support for rural transit service. He said that each year the department supports approximately 17,000 private sector construction jobs, provides for the resurfacing and reconditioning of 460 miles of state highway, provides for the reconstruction and major construction of 140 miles of state highway, and addresses the repair and replacement needs of 90 deficient state bridges. In addition, McFarlin reported that 20 counties currently receive no state support for transit service. Randy Halverson, director of the Office of Transit, said that rural counties' needs are growing because of the changing demographics in Minnesota. He said that the department's goal is to help those counties who can no longer maintain service alone.

Halverson also said that on the whole, the department will try to improve the ways in which they deliver services. One way to improve delivery of services involves "working in partnership with private industry to assure quality, reduce cost, and improve productivity," he said.

### RTB vision for transit

John Riley, chair of the Regional Transit Board, presented an overview of the board to members of the Transportation and Public Transit Committee, Wed., Jan. 27. Riley told the committee that the goal is to "move the maximum number of people in the minimum number of vehicles." The Regional Transit Board, created in 1984, conducts transit planning, policy-making and administration. "With scarce dollars, the Regional Transit Board (RTB), performance standards have never been more important," Riley said. He reported that the RTB contracts with and coordinates

service of 40 providers. Riley said that the issue confronting the RTB and the Legislature, foremost, is "the need to find a stable and predictable funding source for transit for the Metro area as well as for Greater Minnesota." However, Riley views current law requiring all gas tax and license fees to be spent only on highway construction as a dilemma, he said. To tackle the funding problem, Riley said the RTB "wants to be tight fiscal managers not only with ourselves but with our contractors."

Greg Andrews, executive director of the RTB, reported an operating cost of the RTB of \$155 million. According to Andrews, customer fares generate over one-third (\$48 million) of the funds. Federal operating costs, planning dollars, special demonstration dollars, and levied property tax from the seven county Metro Area constitute another \$79 million. In fiscal year 1993, \$28.5 million was funded by the state general fund. He also reported that except for fares collected, Metro Mobility is funded entirely by the general fund. Approximately \$15 million additional funding is needed annually by 1997 to maintain existing services, and another \$22 million annually is needed by 1997 to fully implement their service improvement plan, according to reports. The plan would provide for improved service organized around the two downtowns and 18 regional hubs, primarily shopping centers, Andrews said. Given the outlook for other funding sources (fares, federal, regional) state funding must increase to improve the regional transit system, Andrews said. According to Judith Hollander, director of planning and programs, the service improvements sought include adding a 20 percent increase of regular route service - strengthening local service, adding express services, and expanding community circulator service coverage from the current two programs (Roseville and Anoka) to eight programs. In addition, she reported that the RTB replaces the bus fleet on a ten-year cycle. In closing, she said the goal is to "improving existing service while providing responsive service at a cost effective price."

Robert Mairs, chair of the Metropolitan Transit Commission (MTC), began an brief overview of MTC's responsibilities. He credited an increase of passengers in 1992 to MTC's customer-oriented approach. The committee will continue the overview at its next meeting.

Senate Information  
TDD number

296-0504  
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# Preview

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## The Minnesota Senate Week at a Glance

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### Monday, February 1

#### Health Care and Family Services Funding Division

Chair: Sen. Don Samuelson

8:30 a.m. Room 123 Capitol

**Agenda:** Presentation continued by the Dept. of Human Services on the governor's proposed budget.

#### Legislative Coordinating Commission Subcommittee on Salaries and Budgets

Chair: Sen. Roger Moe

9 a.m. Room 400N SOB

**Agenda:** Discussion on personnel matters concerning the Legislative Reference Library and Office of the Revisor.

#### Legislative Coordinating Commission

Chair: Rep. Dee Long

9:10 a.m. Room 400N SOB

**Agenda:** Hear report of the Subcommittee on Salaries and Budgets. Appointments for the Legislative Commission on Planning and Fiscal Policy. Recommendation on a vendor for cultural diversity training.

#### The Senate will meet at 11 a.m.

#### Rules and Administration Subcommittee on Committees

Chair: Sen. Roger Moe

Immediately following Session, Room 237 Capitol

**Agenda:** Appointments.

#### Agriculture and Rural Development Committee

Chair: Sen. Joe Bertram, Sr.

12 noon Room 107 Capitol

**Agenda:** Discussion on Minnesota Pollution Control Agency (MPCA) permitting with testimony by the Air Quality Division of the MPCA. Overview of the Minnesota Turkey Growers Association by: John Hausladen, executive director; Chuck Zimmerman, president, Northfield; and Gregg Gleichert, secretary/treasurer. Overview of the Minnesota Pork Producers Association by Pat McGonegle.

#### Judiciary Committee

Chair: Sen. Ember Reichgott

12 noon Room 15 Capitol

**Agenda:** S.F. 40-Reichgott: Health care power of attorney. S.F. 48-Betzold: Mortgage foreclosure.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** Presentations by African-American youth and police officers on "gangs."

#### Metropolitan and Local Government Tax Division

Chair: Sen. Carol Flynn

2 p.m. Room 107 Capitol

**Agenda:** Presentation by Morris Anderson, commissioner, Minnesota Dept. of Revenue. Presentation of the governor's budget proposal on local government aid.

#### Legislative Water Commission

Chair: Rep. Henry Kalis

6 p.m. Room 500 South SOB

**Agenda:** Discussions of 1993 Agency Legislative Initiatives, well sealing, and LCMR 1994/95 project recommendations related to water.

### Tuesday, February 2

#### Gaming Regulation Committee

Chair: Sen. Charles Berg

8 a.m. Room 107 Capitol

**Agenda:** Continued discussion of the Gambling Control Board's proposed 1993 bill and comparison with last year's bill, S.F. 1605.

#### Governmental Operations and Reform Committee

Chair: Sen. James Metzen

8 a.m. Room 15 Capitol

**Agenda:** Discussion panel on cities of the first class teachers retirement. Discussion of the Minneapolis Employees Retirement Fund by Jim Hacking, executive director, continued.

#### Transportation and Public Transit Finance Division

Chair: Sen. Keith Langseth

8 a.m. Traffic Management Center

**Agenda:** Tour of the Traffic Management Center.

#### Education Funding Division

Chair: Sen. Lawrence Pogemiller

10 a.m. Room 112

**Agenda:** Discussion of mandates and the budget.

#### Health Care Committee

Chair: Sen. Linda Berglin

10 a.m. Room 15 Capitol

**Agenda:** Presentation by the Minnesota Health Care Commission on the cost containment program.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

10 a.m. Room 107 Capitol

**Agenda:** Presentations on the homeless in Minnesota.

#### Rules and Administration Subcommittee on Bill Referral

Chair: Sen. Roger Moe

10 a.m. Room 237 Capitol

**Agenda:** S.F. 11-Chmielewski: Tax forfeited lands. Rule 54 - three appointments.

#### Ethics and Campaign Reform Committee

Chair: Sen. John Marty

12 noon Room 107 Capitol

**Agenda:** S.F. 25-Marty: Campaign finance reform. S.F. 152-Luther: Continuation of campaign finance reform discussion.

#### Family Services Committee

Chair: Sen. Pat Piper

12 noon Room 15 Capitol

**Agenda:** Overview of the budget for the Department of Human Services continued.

### **Rules and Administration Committee**

*Chair: Sen. Roger Moe*

2 p.m. Room 112 Capitol

**Agenda:** Report of Bill Referral

Subcommittee. S.F. 127-Pappas:

Permitting the Legislative Coordinating Commission to accept grants and gifts for public purposes. H.F. 1-Luther: Providing for designation of successor committees.

### **Finance State Government Division**

*Chair: Sen. Richard Cohen*

4 p.m. Room 318 Capitol

**Agenda:** Overview of government restructuring with presentations by: Eliot Seide, legislative director, AFSCME Council 6; Dana Badgerow, commissioner, Dept. of Administration, discussing the CORE Commission; John Hustad, deputy director, Minnesota Office of Strategic and Long Range Planning, discussing Minnesota Milestones; and John Brandl, professor, Hubert H. Humphrey Institute of Public Affairs.

## **Wednesday, February 3**

### **Gaming Regulation Committee**

*Chair: Sen. Charles Berg*

8 a.m. Room 107 Capitol

**Agenda:** Continued discussion of the Gambling Control Board's proposed 1993 bill and comparison with last year's bill, S.F. 1605.

### **Transportation and Public Transit Committee**

*Chair: Sen. Florian Chmielewski*

8 a.m. Room 112 Capitol

**Agenda:** Presentation by the Minnesota Public Transit Association. S.F. 13-Vickerman: Providing for free motor vehicle license plates for former prisoners of war.

### **Higher Education Division**

*Chair: Sen. LeRoy Stumpf*

10 a.m. Room 112 Capitol

**Agenda:** Discussion on interactive television usage.

### **Health Care Committee**

*Chair: Sen. Linda Berglin*

10 a.m. Room 15 Capitol

**Agenda:** S.F. 20-Beckman: Ambulance service. S.F. 44-Berglin: Medical Assistance trust. Overview of the budget for the Dept. of Human Services continued.

### **Agriculture and Rural Development Committee**

*Chair: Sen. Joe Bertram, Sr.*

12 noon Room 107 Capitol

**Agenda:** Presentations on wetland standards by: Kent Lokkesmoe, director, Division of Waters, DNR; Ron Harnack, director, Board of Soil and Water Resources; Gary Nordstrom, Soil Conservation Service; Ben Wopat, U.S. Corp of Engineers; and Patty Burke, manager, Water Quality Division.

### **Crime Prevention Finance Division**

*Chair: Sen. Tracy Beckman*

2 p.m. Room 112 Capitol

**Agenda:** Budget overviews of: Racing Commission; Lottery Board; Gambling Control Board; and Peace Officer Standards and Training Board.

### **Environment and Natural Resources Finance Division**

*Chair: Sen. Steven Morse*

4 p.m. Room 125 Capitol

**Agenda:** Overview of the budget for the Dept. of Agriculture.

### **Metropolitan and Local Government Tax Division and Taxes and Tax Laws Subcommittee on Property Tax**

*Chair: Sen. Carol Flynn*

4 p.m. Room 15 Capitol

**Agenda:** Presentation on "Minnesota Solutions" by Bonnie Balach, legislative coordinator. Discussion of the use of tax increment financing for job creation, housing, redevelopment and pollution abatement.

## **Thursday, February 4**

No meetings scheduled.

## **Friday, February 5**

No meetings scheduled.

### **Television coverage of hearings, sessions offered**

Senate Media Services plans to provide live gavel-to-gavel television coverage of committee hearings from 8 a.m. until 5 p.m. weekdays. The hearings will run on Channel 6 the Metro Cable Network. In addition, Media Services will continue to broadcast gavel-to-gavel coverage of Senate floor sessions on Channel 6 the Metro Cable Network.

Also, watch for Senate Report, a weekly public affairs program, featuring lawmakers from specific regions around the state reviewing legislative issues from a regional perspective. Senate Report is broadcast on PBS stations as well as Channel 6 the Metro Cable Network.

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# Briefly

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February 5, 1993

## Brief floor session

Senators met for a brief floor session Mon., Feb. 1, to process bill introductions and work at the Senate Desk. Both the Senate and House of Representatives recessed until Tues., Feb. 9. As a result no committee meetings were held Thurs., Fri., or Mon., Feb. 4-8.

## Cost containment plan presented

Michael Scandrett, executive director of Minnesota Health Care Commission, addressed the Health Care Committee, chaired by Sen. Linda Berglin (DFL-Mpls.), Tues., Feb. 2. He said that the commission believes a cost containment plan is an important first step toward achieving the cost containment goals expressed in the 1992 HealthRight Act. Under the plan, limits on growth in health care spending are established and enforced by the commissioner of health to ensure that the rate of growth is reduced by at least 10 percent a year for each of the next five years, Scandrett said.

Scandrett outlined the major components of the plan. He said the plan encourages development of Integrated Service Networks (ISNs) that are accountable for the cost and quality of their services. Scandrett said that the ISNs provides a full array of health care services for a fixed price for the purchaser, encouraging competition among ISNs on the basis of both cost and quality. The plan balances competition and collaboration to produce the best possible environment for health care consumers, he said.

Furthermore, he said that the technology will be evaluated for effectiveness and value. The criteria for evaluating technology includes safety, clinical effectiveness, health outcomes, and cost effectiveness, Scandrett said. He also stated that the evaluation process and its outcome will not, in themselves, eliminate or bar new technology.

While developing and approving practice parameters, Scandrett said that the parameters will be continuously improved as new information on treatment, outcomes, and technology becomes available. In addition to identifying, developing, endorsing and

disseminating practice parameters, Scandrett said that the law authorizes the commissioner of the Dept. of Health to approve practice parameters for purposes of providing malpractice protection. The 1992 HealthRight Act provides that, in a malpractice action, adherence to an approved practice parameter is an absolute defense against an allegation that a provider did not comply with accepted standards of practice, Scandrett said.

He also said that the plan promotes and enhances prevention and public health activities, and conducts consumer education programs. In addition, the plan develops and implements health care data collection systems, and implements short-term cost containment strategies, he said. Furthermore, the plan challenges health plans and providers to make a public commitment to voluntarily reduce their own rates of growth by 1993, Scandrett said. If applied, the cost containment plan saves Minnesotans approximately \$6.9 million in health care costs, Scandrett said.

He explained that the plan requires ongoing refinements and improvements as the commission learn more, improving data on quality and cost, and monitoring the impact of changes.

Tom Swain, chair of the commission, testified that at three hearings held regarding the cost containment plan, the plan received some opposition, but moreover, received wide acceptance.

## Revenue commissioner confirmed

The Tax and Tax Laws Committee, chaired by Sen. Douglas Johnson (DFL-Cook), met Thurs., Jan 28, to consider the confirmation of a gubernatorial appointee and to discuss the budget.

The committee recommended confirmation of Morris J. Anderson as the Commissioner of Revenue. Anderson is former senior manager with a consulting firm, and previous to that, an assistant commissioner for tax policy at the Department of Revenue.

The committee also began its preliminary discussions of how the governor's proposed budget affects tax policies. Members posed questions to Anderson about the governor's proposal for voter ratification of local public

employee compensation increases that require a hike in property taxes. Senators also discussed the impact of the proposal on local property taxes, and the ramifications of not fully funding education aids.

## Successor committee bill okayed

The full Rules and Administration Committee met Tues., Feb. 2, to consider two bills and several housekeeping matters. The panel, chaired by Sen. Roger D. Moe (DFL-Erskine), advanced both bills under consideration to the full Senate. The first measure, H.F. 1, sponsored by Sen. William Luther (DFL-Brooklyn Park), provides for the designation of successor legislative committees. Under the bill, if a law assigns a power or duty to a named legislative committee and the committee is renamed or abolished, the Speaker of the House or the Senate Rules and Administration Committee is authorized to designate a successor committee for the law. The measure is needed, Luther said, because the other body abolished the appropriations committee, yet numerous references to the committee exist in the statutes.

The second bill, S.F. 127, authored by Sen. Sandra Pappas (DFL-St. Paul), authorizes the Legislative Coordinating Commission to accept grants and gifts for public purposes. According to Pappas, the bill is needed to provide a mechanism to accept a grant that has been offered to the Legislature for training in cultural diversity.

## TDD service available

The Minnesota Senate is continuing to offer TDD service for the hearing impaired. Located in Senate Index, the TDD telecommunications service allows deaf or hearing-impaired persons to communicate with Index staff in order to find out bill status, bill content and bill authorship. The telephone number for the TDD service is (612) 296-0250. In addition a public access TDD pay telephone is located near the Information Desk on the first floor of the Capitol Building.

# Committee update

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## Agriculture and Rural Development

### MPC overview heard

Members of the Agriculture and Rural Development Committee, met Mon., Feb. 1, to hear an update on the Minnesota Pollution Control Agency's (MPCA), ethanol plant permitting process, by Lisa Thorvig, PCA manager, air quality division.

Thorvig said that the MPCA does support the use of ethanol to reduce air pollution and the expansion of the ethanol industry in Minnesota. She said it was equally important to ensure that air quality requirements were being met in the interest of individuals living around proposed ethanol facilities.

According to Thorvig, the agency handles two types of ethanol plants and that certain design requirements must be met in order to complete the EPA permit process. Once the design is approved by the MPCA, developers can pre-select equipment from vendors and no money need be invested until the EPA permit is issued.

The committee, chaired by Sen. Joe Bertram, Sr., (DFL-Paynesville), also heard an overview of the Minnesota Turkey Growers Association presented by Gregg Gleichert, treasurer and Greg Langmo, vice-president. Gleichert said that Minnesota has some 600 turkey farms and is the second-largest producer of turkeys in the U.S. He added that the turkey growing/producing industry accounts for 7,000 jobs state-wide and that 90 percent of Minnesota turkeys are currently exported.

Gleichert said that increased production and competition from states like Arkansas and Missouri, have brought depressed prices to Minnesota producers since 1988. He said that Minnesota's ability to compete in the U.S. turkey growing/processing industry is hampered by a costly layer of worker's compensation insurance premiums, unemployment, environmental regulation, and property tax costs.

Final discussion was presented by Lynn Green, Minnesota Pork Producers Association who noted that Minnesota is the current home of three major processing facilities. She said that the number of Minnesota pork producers and breeders are in decline. In 1985, about 19,500 producers raised 7.1 million pigs; in 1991, only 14,000 producers raised 7.84 million pigs, said Green.

Elton Redalen, commissioner, Dept. of Agriculture, told Senators that he too was concerned about the hog and dairy industry which show steady declines in numbers of producers and slower rates of

growth in market share.

Redalen told Senators that more attention should be given to the preservation of farming lands from encroaching urbanization, and to assisting farmers and producers through various layers of regulations and rules. "We need to look at the impact of regulations and municipal ordinances on the small producer," said Redalen.

### Wetland standards reviewed

The Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram, Sr., (DFL-Paynesville), met Wed., Feb. 3, to hear presentations on standards in place under the Minnesota Wetland Conservation Act of 1991.

Kent Lokkesmoe, director, Department of Natural Resources, Division of Waters, gave an outline of the history of water regulation and preservation efforts and provided Senators with specific areas of department responsibility. He said that national wetland inventory maps, designating federal and state wetland preservation areas, are now available to provide information on 90 percent of Minnesota's landscape.

Ron Harnack, director, Minnesota Board of Soil and Water Resources, said his department works in cooperation with the DNR, to provide local units of government with training and direction in implementing a coordinated soil and water conservation program. He said that six formal public hearings on Wetland Conservation Act rules are planned in order to review the recommendations of a 22-member rule-making advisory group.

According to Harnack, the hearings will conclude with final recommendations for the implementation of wetland conservation programs throughout the state and that a list of specific rules will be presented to the committee for review in March, 1993. Under the Wetland Conservation Act, the interim program will be repealed and final rules will be effective on July 1, 1993.

Ben Wopat, chief, regulatory branch, U.S. Corps of Engineers, gave Senators an overview of the history of the Corps and said that their primary authority is to regulate all U.S. waters. Their authority also extends to regulation of all wetland types and sizes. Wopat said that the Corps works closely with energy and environmental agencies in addition to the EPA, Department of Natural Resources, Board of Soil and Water Resources and the Department of Agriculture.

Patty Burke, manager, Minnesota Pollution Control Agency, Water Quality Division, explained how the PCA currently interfaces with the Wetlands Conservation Act. Burke said that her agency is directed by the EPA to revisit

existing water quality standards every three years. This year, EPA directives focus on including more specific guidelines for wetland areas, highlighting wetlands in water quality standards and applying its nondegradation policy to wetlands.

Burke said that the issue of nondegradation means that there can be no net increase in pollution discharges. The MPCA is applying the nondegradation policy to wetlands for dredge and fill activities by requiring mitigation. She explained that mitigation would avoid wetland impacts where possible and replace lost wetlands, consistent with the mitigation processes in other state and federal wetland regulatory programs.

A final update on wetlands was presented by Larry Smith, manager, U.S. Fish and Wildlife, who explained the role of his agency in wetland restoration efforts. Smith said the agency focuses on land holdings management, private land initiatives and also serves as technical advisor for a number of federal agencies who are working towards wetland protection or restoration.

## Crime Prevention

### Stalking victims testify

Members of Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), heard emotional testimony from victims of stalking, Thurs., Jan 28. Sen. Lawrence Pogemiller (DFL-Mpls.) is the author of the bill that defines a stalker as a person who repeatedly follows or pursues another, after being told not to do so either by the person being followed or pursued or by a peace officer; engages in a pattern of attending public events after being told that the person's unwarranted presence at the event is harassing, abusive, or threatening to another; returns to the property of another after being told not to return; repeatedly makes telephone calls, whether or not a conversation ensues; makes the telephone of another continuously ring; and/or repeatedly used the mail or delivers letters, telegrams, or packages.

A common message expressed by victims was that until a victim is harmed or damage is done to personal property, the police can do nothing. Victims said that they could not get help from police who respond to individual incidents and cannot act on the pattern of the behavior. Several victims said that they had the police at their homes several times, but that at times they found the officers to be just as intimidating as the stalker.

Spear said that passing a law would not necessarily stop the harassment without

law enforcement officials and everyone else taking the crime seriously. S.F. 33, the anti-stalking bill authored by Pogemiller, aims to fill a gap in existing law by making home address of a driver's license or motor vehicle registration applicants private data, clarifying and expanding the scope of harassment and stalking crimes; increasing the penalty for harassment and stalking to a gross misdemeanor; increasing the penalty for subsequent offenses to a felony; increasing the penalty for subsequent violations of orders for protection issued because of harassment to a gross misdemeanor; and requiring training for judges and peace officers concerning harassment and stalking.

### Gang prevention urged

The Crime Prevention Committee met on Mon., Feb. 1, to hear from young people who had been diverted from gang activity by community programs. The hearing was originally set up to hear testimony from gang members after testifiers at previous committee meetings complained about racism in the criminal justice system.

Sen. Allan Spear (DFL-Mpls.), committee chair, said that even though the intent of the meeting was to hear from gang members, the testimony contributed to the committee's general understanding.

Major Topps, director of Education is Our Goal, criticized the proposal by Attorney General Hubert Humphrey, III to set up a gang task force and computerized tracking system for gang activity. Young people need understanding and motivation to be their best, not more incarceration, he said. Topps emphasized that not enough programs exist in the community nor enough money to support efforts to help teenagers who are at risk of getting involved in gang activity.

Three teenagers involved in Topps' program, First Step -- a youth development program of Education is Our Goal that uses the performing arts to reach young people -- spoke about successful experiences in the community youth programs.

Officer Mike Schoeben, a member of the Minneapolis Police Department's gang unit said that he is not against young people, but is against the behavior that gangs bring to the community. He said the police department has identified 2,800 gang members, in the Metro Area. He defined a gang as a group of five or more individuals who meet on a regular basis, have a recognizable name or symbol, identify a turf, and engage in criminal activity. Sgt. Carmello Marceillio said that there is a misconception that gangs involve only youth; only 34 to 40 percent of the total gang roster are juveniles.

### Overviews of gaming, racing

The Crime Prevention Finance Division Committee, chaired by Sen. Tracy Beckman (DFL-Bricelyn), met Wed., Feb. 3, to hear a budget overview of the Minnesota Racing Commission, the Minnesota Lottery Board, and the Gambling Control Board. In addition, Bill Carter, executive director briefed the committee on the proposed budget of the Board of Peace Officer Standards and Training.

Dick Krueger, executive director, Minnesota Racing Commission updated the committee on several issues surrounding the future of horse racing in Minnesota. He said that future changes will impact the governor's proposed budget, which recommended \$2.2 million to be appropriated in the 1994-5 biennium.

Minnesota Lottery Board Director George Anderson briefed the Legislators about gaming activities and regulatory efforts. Anderson said he expects the lottery sales to climb again in 1993 to a projected \$313.8 million and then level off in 1994-95. Anderson said that the proposed budget, however, does not include the revenue that would be generated by video games which have not yet been authorized.

Harry Baltzer, director of the Gambling Control Board and chief of the governor's advisory committee on gambling, provided committee members with a report of gambling activity in 1992. He said that an estimated \$2 billion was spent in casino wagering, \$1.2 billion in lawful (charitable) gambling and almost \$300 million in lottery gaming. He also estimated that \$1 billion was bet illegally with more than 250 active sports bookmakers.

Baltzer discussed the \$400,000 the governor has recommended for a study on the effects of gambling in Minnesota and on its citizens. He said the study will build on previous studies. Legislators questioned spending money on the study, and said that the funds might be better used to enforce compliance with gaming regulations.

Bill Carter, executive director, briefed the committee on the responsibilities and proposed budget of the Board of Peace Officer Standards and Training. The board has seen a steady increase in licensees, he said. He reported that the board licensed 519 persons in 1991, 644 persons in 1992, and expected 750 applicants in 1993. He said that 7 percent of the individuals licensed are persons of color and 15 percent are women.

He discussed the backlog of students "stuck in the pipeline" not able to finish the training programs due to funding cuts by the board. He stated that it was the board's decision that the educational

programs must manage the backlog internally.

## Education Funding Division

### Educational mandates discussed

Members of the Education Committee Education Funding Division, chaired by Sen. Lawrence Pogemiller, (DFL-Minneapolis) met Tues., Feb. 2, to review a draft of a bill dealing with mandates. The bill, S.F. 157, authored by Pogemiller, also focuses on mandates and rules now under consideration for repeal.

Pogemiller said the purpose of S.F. 157, is to repeal or modify restrictive and unnecessary mandates that hamper flexibility and innovation in the public school system. By decentralizing decision-making and emphasizing result-oriented rulemaking, the bill seeks to further the legislative goal of moving from a means-based system of education to one that is accountable for outcomes, he said.

According to Pogemiller, the bill alters the broad role of the State Board of Education and removes the board's rule-making authority in the areas of examination, reports, acceptances of schools, courses of study and other proceedings in connection with elementary and secondary schools applying for state aid. Under S.F. 157, the state board may adopt new rules or amend any of its existing rules only under specific authority.

The bill further directs the state board to use its rulemaking authority to adopt a state-wide, results-oriented graduation rule to be implemented with students beginning high school in 1996. Committee members also reviewed a series of Minnesota rules and mandates that are repealed under the bill.

Mandates were individually reviewed by the committee for legislative policy strength and to determine if they were necessary to the outcome-based approach to future educational goals. Sen. Roy Terwilliger (IR-Edina) said that there were many advantages to eliminating unnecessary mandates and allowing school boards and administrations to have more direct power in decision-making.

Pogemiller asked committee members and other interested parties to review a lengthy list of mandates released at the meeting and to provide the committee with input on any specific objections to items under consideration for repeal.

## Higher Education Division

### College costs

Tuition, fees, and room and board rates received some scrutiny from members of the Education Committee's Higher Education Division, chaired by Sen.

# Committee update

LeRoy Stumpf (DFL-Thief River Falls), Thurs., Jan. 28. The division began its preliminary budget work, evaluating the current status of student financial aid, post-secondary enrollments, and other higher education policies and programs.

Joe Graba, Higher Education Coordinating Board, and other higher education systems officials discussed the impact of the policy that requires students to carry 15 credits per quarter to receive full-time student status for financial aid purposes (previously, the requirement was 12 credits). Senate staff pointed out that the change affects only the financial assistance a student receives from the state; "it does not affect the federal Pell grant program which defines full-time as a 12-credit load per quarter, or semester, or equivalent."

The education officials said that conclusive data about the impact of the policy was not yet available. They also discussed the challenge in balancing the goal of high educational expectations with the needs a diverse student body.

Prior to the division meeting, the full Education Committee met and recommended approval of S.F. 52, a bill that authorizes a qualifying school district to recertify a levy. Sen. Roger D. Moe (DFL-Erskine), bill author, said the bill also incorporates amendments that allow the Babbitt school district to reduce its levy, and that are helpful to three independent school districts that want to consolidate--No. 710, St. Louis County; No. 708, Tower-Soudan; and No. 692, Babbitt. The bill now goes to the full Senate.

## Interactive TV displayed

The education scene is experiencing rapid changes in the use of technology that helps people learn, said Joe Graba, Higher Education Coordinating Board. Graba told members of the Education Committee's Higher Education Division Wed., Feb. 3, that interactive television technology enables teachers to communicate with students at different schools, giving students more course offerings and flexibility in scheduling.

Representatives from the higher education systems outlined their efforts to meet the diverse needs of students who have distance and time constraints that limit their educational opportunities. Sen. LeRoy Stumpf (DFL-Thief River Falls), division chair, said the flexibility that stems from the technology provides new opportunities to single parents by making it less difficult for them to earn a degree.

The higher education representatives pointed out the need to expand and improve the use of interactive television, recommending a single, coordinated

interactive system. They said Minnesota schools are starting to compete with universities outside the state that are offering courses through television. Noting future competition, Sen. Roger Moe (DFL-Erskine) said it is important for Minnesota to "stay on the cutting edge" of technology.

Dennis Omelia, Inver Hills Community College, illustrated "multi-media" technology, which magnifies the impact of teachers through presentations that combine computer, graphics, audio, and video technologies. Omelia led Senators through an "electronic book" that has the capacity to address individual student needs and to serve interactive groups. The "electronic book" makes learning more efficient by allowing students to quickly access word definitions and concept explanations, said Omelia. He also noted that the technology's many features actually improve the interaction between teachers and students.

## Environment and Natural Resources Finance Division

### Riverkeepers report heard

The Environment and Natural Resources Finance Division, met Fri., Jan. 29, to hear a presentation on the Minnesota/Wisconsin Boundary Area Commission given by Dan McGuiness, administrative director; Suzanne Blue, vice-chair and Jim Harrison, public affairs director. The committee, chaired by Sen. Steven Morse (DFL-Dakota), also heard a budget overview by Dorothy Johnson, director, Minnesota Horticulture Society.

According to Blue, the commission focuses on two of the most popular river-recreational areas in the state--the St. Croix and the Mississippi Rivers, which comprise 266 miles of the interstate boundary between Minnesota and Wisconsin. Blue explained that the primary mandates of the organization are to conduct independent studies and to propose recommendations for use, conservation and management.

He said that the commission works as a facilitator among 18 counties, 48 incorporated municipalities, four regional planning commissions, the Department of Natural Resources, the National Park Service and the U.S. Fish and Wildlife agencies.

McGuiness said that the commission's recent focus has been participation in the bluff lands initiative and efforts to develop "land trust" initiatives for water and land (bluff) resource protection. The MWBAC has worked closely with the Lower St. Croix Management Commission on the bluff lands initiative and the Stillwater-Houlton Bridge project.

McGuiness said that efforts to deter and control the infiltration of zebra mussels into Minnesota riverways were also on the MWBAC agenda. He noted that emergency response strategies would be discussed and that recommendations on the zebra mussel problem would likely be brought before committee members by this spring.

In final discussion, Harrison told Senators that funding proposed for the 1994-1995 biennium by the governor's budget would hamper MWBAC operations and projects. Harrison said that Wisconsin has historically provided matching funds to the commission and noted that a Minnesota funding reduction would likely result in an overall significant decrease in funding by both states.

If funding levels are significantly reduced, the commission may, as a last-resort, have to consider implementing an in-kind service fee for participating agencies, Harrison said.

In other business, Johnson of the Horticulture Society, presented a historical overview with a profile of ongoing work. According to Johnson, the society, founded in 1866, has a paid membership of 16,000 and is considered the largest horticultural society in the U.S. She explained that the society offers resources and support to over 200 garden clubs, has worked on over 500 public beautification plantings and provides technical assistance to the Minnesota Green program.

Johnson said that volunteers sponsor horticultural shows, educational exhibits and programs throughout the year and basic gardening information is offered to the public through community education classes sponsored by the society. She noted that the society will open their new Center for Northern Gardening, located in Falcon Heights, in early 1993.

### Budget overview presented

"Strategic Planning" was the key topic of Dale Nelson, team leader, Dept. of Finance, in his presentation to members of the Environment and Natural Resource Finance Division, chaired by Sen. Steven Morse (DFL-Dakota), Wed., Feb. 3.

Nelson presented committee members with an overview of the governors' fiscal budget document and explained the mechanics of the performance budgeting process. Nelson said that agencies are given budgetary targets to meet with inflationary costs factored in.

Senators were given specific information on the development of the performance budgeting process. There are fewer resources available, said Nelson, and this is a restructuring that puts more pressure on agencies to factor in the inflationary and real cost increases. How an agency chooses to allocate funding and the

decisions that the agency makes are the essence of the plan, he said.

Newell Searle, deputy commissioner, Dept. of Agriculture, outlined the functions of the department and explained how the agency's performance relates to current budget missions and goals. According to Searle, the primary role of the department is to foster and maintain a diverse agricultural industry that is economically profitable and environmentally sustainable. He said that the department also protects public health and safety, provides consumer protection and ensures orderly commerce in agriculture and food products.

Searle gave a synopsis of specific activities and programs within the department and briefed Senators on current economic trends within the state's agricultural industry. Searle said that while overall production remains high, (Minnesota has the third largest processing industry in the U.S.), farm populations continue to decline—particularly medium-sized farms.

Searle said that the department has seen a general decline in the infrastructure of the agricultural economy and that the state has not kept up with overall national growth levels in total market share.

According to the governor's report, an estimated 47,000 acres of farmland in Minnesota are being converted to other uses each year. "Rural settlement patterns and the loss of dedicated farming and agricultural lands is a complex and emotional issue," said Searle.

He said that the department was trying to address the issue of land use policies in regulatory areas and that work is being done to develop reasonable rules. "It's important that we implement consistent policies, and that we also consider the specific needs of the community," said Searle.

### Clarification:

The article printed in the January 29 edition of *Briefly* about the DNR misdemeanor schedule incorrectly implied that the streamlining of DNR misdemeanor violations was inadvertent. The District Court had been directed by statute to undertake the streamlining process. The confusion arose because the streamlining neglected to take into account the 10 percent surcharge on game and fish violations.

## Ethics and Campaign Reform

### Campaign reforms discussed

Members continued discussion of S.F. 25, Thurs. Jan. 28 at the Ethics and Campaign Reform Committee, chaired by Sen. John Marty (DFL-Roseville). The

primary purpose of the bill, authored by Marty, is to shift the financing of state political campaigns from lobbyists, political action committees, and large contributors to small contributors and the general public.

The bill accomplishes this shift by substantially reducing the amount that any individual or committee can contribute to a candidate and by prohibiting a candidate who accepts a public subsidy from accepting contributions from lobbyists, political committees, or political funds, according to reports. The public financing mechanism is changed from a checkoff, under which candidates from rural areas receive relatively modest amounts and candidates from wealthy suburbs receive the greatest amounts, to a direct appropriation from the general fund under which all the eligible candidates in a race receive the same subsidy, Marty said. According to reports, the amount of the subsidy is generally set at two-thirds of the candidate's spending limit, provided the candidate has raised sufficient matching funds from small individual contributions. The matching contributions must come from persons who are eligible to vote in this state. For a legislative candidate, one-half of the match must come from persons eligible to vote in the district, Marty said.

No committee action was taken.

### Common Cause reform proposal

Members considered a bill which implements the recommendations developed by the Campaign Finance Task Force of Common Cause Minnesota, at the Ethics and Campaign Reform Committee, chaired by Sen. John Marty (DFL-Roseville), Tues., Feb. 2.

S.F. 152, authored by Sen. William Luther (DFL-Brooklyn Park), limits noncampaign disbursements, require political committees and funds to include their registration number on contributions, prohibit "friends of" committees, and increase expenditure limits for certain first-time candidates said Luther. The expenditure limit increase applies to a candidate who is running for an office for the first time and who has not run previously for any other office whose territory now includes a population that is more than one-third of the population in the territory of the new office.

Furthermore, he said the bill requires that an individual, association, political committee, or political fund that has established subsidiary committees, contributions of the subsidiary are counted toward the contribution limits of the parent as well as the subsidiary.

In addition, the bill limits the use of funds carried forward, including unused postage which would be considered no different than cash, Luther said. Up to 25 percent of the candidate's expenditure

limit may be used for noncampaign disbursements before January 1 of the next election year and any remaining public subsidy must be credited to the general fund, he said.

Luther said the bill also bans transfers from one campaign committee to another, and extends the ban to transfers to and from candidates for local office and candidates for federal office. In addition, the bill imposes contribution limits on candidates for local offices, eliminates public subsidies to unopposed candidates, requires increased disclosure by candidates on whose behalf political contributions have been refunded by the state, and extends the prohibition on corporate political contributions to nonprofit corporations and partnerships, Luther said. No action was taken on the bill.

## Family Services

### DHS overview continues

The Family Services Committee continued its overview of the Department of Human Services (DHS) Thurs., Jan. 28. Several DHS officials briefed Senators on a variety of human services programs and policies.

The governor "held harmless those programs that help families," said Laura Skaff, assistant commissioner. She also said the proposed budget enhances services for children and families. Skaff explained that the intent of the governor's proposal to combine existing agencies that deal with education and children's services into one department is "to merge program delivery at the local level" and have a state agency to back-up those efforts.

Sen. Pat Piper (DFL-Austin), committee chair, said the committee is very interested in knowing more detail about the proposed department and how the merger plans will affect existing programs and services.

John Petraborg, assistant commissioner, pointed out that the governor's initiatives include a recommendation to expand the Ramsey County electronic benefits transfer system to Hennepin County. Petraborg said the program allows Food Stamps recipients to use a card to pay for groceries. The system provides "a more humane way to deal with individuals," said Piper. Petraborg added that the system also improves the program's integrity by preventing some people from selling coupons on the street. On another point, Petraborg said that the DHS recommends restructuring the child support enforcement system to go after arrearages.

### Head Start funding

Head Start funding gained the attention of the Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin),



# Committee update

Tues., Feb. 2. Sen. Linda Berglin (DFL-Mpls.) sponsored a bill, S.F. 122, that she said makes sure Head Start Funding is not reduced.

Berglin explained that the bill requires a minimum funding level for each grantee under the Head Start Program that is no less than that of FY93. The bill also calls for an appropriation from the general fund and repeals the jobs and training statute that requires one-third of increases in Head Start Programs to be allocated to existing Head Start grantees for expansion. Sen. Joanne Benson (IR-St. Cloud) said she supported Head Start, but questioned whether any program should receive a "guaranteed base" of funding, given the difficult fiscal condition of the state.

Sen. Phil Riveness (DFL-Bloomington) expressed concern about the repealing language's affect on Head Start efforts in some of the first-ring suburbs that are experiencing significant increases in poverty. Piper said the committee would revisit the bill to address those complications.

## Gaming Regulation

### Gaming amendments reviewed

The Gaming Regulation Committee, chaired by Sen. Charles Berg, (DFL-Chokio), met Tues., Feb. 2, to continue discussion on a Lawful Gambling Control Board bill, S.F. 103, and to review proposed amendments to the bill. The body of S.F. 103, offered by Berg, is based on language previously contained in a lawful gambling omnibus bill (S.F. 1605), passed by the Senate in 1992.

Members adopted nine amendments relating to lawful gambling regulation and compliance. An amendment was adopted to allow 100 percent of real estate taxes and assessments for lawful purpose construction, acquisition or expansion of premises--if started before August 1, 1990. A second amendment prohibits cities, counties or towns from placing lawful gambling proceeds in a pension or retirement fund. A third amendment allows any organization with gross receipts of \$150,000 or less (in the past fiscal year), to conduct bingo using "hard cards."

Senators also adopted an amendment, offered by Sen. Jerry Janezich, (DFL-Chisholm), to eliminate the annual audit requirement for organizations with gross receipts of \$50,000 or less. The amendment will also give the Dept. of Revenue discretion in offering relief for organizations with gross receipts in excess of \$50,000.

The committee also approved an amendment to allow an increase in lawful gambling prize monies in order to help the

industry compete with casino gaming. One amendment increases the "cover-all" prize at any single bingo event from \$500 to \$1,000 and increases total value of bingo prize awards from \$3,000 to \$3,500. A second amendment increased the maximum prize amount for any single pull-tab from \$250 to \$500.

Further discussion focused on the proposed inclusion of "Nevada language" in the regulation of lawful gambling operations. Nevada language provides for additional licensing restrictions on manufacturers and distributors based upon "prior activities, criminal record, or reputation, habits and associations." An amendment, offered by Sen. John Marty (DFL-Roseville), was adopted by the committee to delete the words, "reputation, habits and associations" from the regulatory clause.

Senators also debated an amendment, offered by Berg, to raise the legal age for gambling activity from 18 to 21 and includes criminal sanctions for violations. Committee members reviewed a 1992 St. Cloud State University survey that profiled the gambling behavior of 18 to 24 year olds. Results showed that 18 to 21 year olds represent an estimated 9 percent of Minnesotans playing the lottery and that 5 percent are involved in casino gaming several times a month.

Berg said that current studies available show that young people are four times more likely to develop compulsive gambling disorders if they are exposed to gambling at an early age. "I think we're just seeing the tip of the iceberg," said Berg of potential problems with teen compulsive gambling disorders.

Sen. Allen Spear (DFL-Mpls.) said that there is an accepted age of majority in the state and that the committee should not be carving out exceptions. Spear said that there should be more emphasis on stricter enforcement of existing laws. No action was taken on the amendment and S.F. 103 was set aside for further discussion by the committee.

### Discussion on lawful gaming

The Gaming Regulation Committee, chaired by Sen. Charles Berg (DFL-Chokio), met Wed., Feb. 3, to hear further discussion of proposed amendments to the Lawful Gambling Control Board bill, S.F. 103, authored by Berg. Members also heard testimony from board members of the Minnesota State Lottery on their decision to recommend a \$44,500 bonus to the state's lottery director.

Members adopted an amendment, authored by Berg, to put limits on funding for wildlife management projects by requiring the project to be a benefit to the public at large. The amendment also provides that the contribution be ap-

proved by the agency holding specific and direct authority over the proposed project rather than pass through a third party state agency.

A second amendment, offered by Berg, defines "allowable expense" for goods, services, or other items that are directly related to the conduct of lawful gambling. Discussion focused on the exclusion of advertising as an allowable expense in the amendment. Members heard testimony from Harry Balzar, director, Gambling Control Board and from King Wilson, president, Allied Charities, on the subject of lawful gambling advertising.

Baltzer said that the board does not want to promote commercialization of lawful gambling and does not support advertising in bingo. According to Baltzer, advertising would create an unlevel playing field between large and small organizations.

Wilson testified that advertising is directly related to lawful gambling expenses and that the bingo industry, like other forms of gaming, should be allowed to advertise under Minnesota law. The amendment was adopted with the exclusion of advertising as an allowable expense in the conduct of lawful gambling.

A final amendment, was brought to the committee by Sen. Gene Merriam (DFL-Coon Rapids), eliminates the authority of the Minnesota State Lottery Board to approval additional compensation (bonus) to the Minnesota State Lottery director. Senators heard testimony from three members of the board, Ruth Simmons, Grace Nelson and Gail Rubin.

Rubin told Members that director, George Andersen, earned high marks in four important areas of his performance appraisal: successful gross receipts in revenue earnings for the state, efficiency of administration and operations, development of public confidence, and the successful promotion and marketing of the Minnesota Lottery.

According to Rubin, the \$44,500 bonus was considered by many to be excessive, but she said the lottery bonus was a unique situation. Rubin asked Senators to consider the comparable salary and pay for similar positions in the private sector, and the pay of directors in other states. She said that the existing provision allowing for additional compensation for the director was crucial to attracting qualified and successful lottery directors to the state.

Further discussion focused on setting limits on additional compensation amounts or eliminating the authority of the lottery board to award bonuses. No action was taken on the amendment. Berg told members to prepare for further discussion on the issues of compensation



for the state's lottery director and a proposed amendment which would raise the legal age for gambling activity from 18 to 21, with criminal sanctions for violations.

## Governmental Operations and Reform

### Overview of teachers retirement

The biggest challenge currently facing administrators of the teachers retirement fund is the threat of future unfunded liabilities, according to directors of both the Minneapolis and St. Paul Teacher's Retirement Fund Associations.

Briefing the Governmental Operations and Reform Committee, chaired by Sen. James Metzen (DFL-South St. Paul), on legislative concerns, Tues. Feb. 2, Karen Kilberg told members that the assets of the Minneapolis teachers fund will be depleted by the year 2011 unless some type of corrective action is taken. Kilberg attributed the solvency problem to historical contribution deficiencies on the part of employers. She added that if the Legislature fails to address the problem in the near future, it could cost the state up to \$16 million annually over the next 30 years to get the fund back on track.

Kilberg presented an upcoming legislative proposal aimed at rectifying the financial deficiencies. The proposal requests a state funded employer supplemental contribution increase (to 4.63 percent for SPTRFA and to 4.85 percent for MTRFA) of coordinated payroll. The increase is in addition to the one percent employer supplemental contribution of coordinated payroll granted in 1992.

Kilberg added that a task force, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), was formed last year to study different ways to deal with the fund problem. Pogemiller said that he expects a report based on their findings to reach the Legislature shortly.

## Health Care

### Surcharge program reviewed

The Health Care Committee, chaired by Sen. Linda Berglin (DFL-Mpls.), met Thurs., Jan. 28, to hear an overview of the provider surcharge program and the governor's budget proposal for the Dept. of Health.

The members reviewed the revised provider surcharge program originally enacted in 1991. Under the 1991 law, the state is allowed to raise money from providers and use the money to pay for Medical Assistance expenditures, thereby drawing down federal matching dollars; and repay providers for their surcharge payments using combined state and federal dollars, said Dave Giel, Senate Counsel and Research.

However, due to the enactment of new federal guidelines at the very end of the 1991 congressional session, the 1992 Legislature reworked the state surcharge program, Giel said. Giel said that effective Oct. 1, 1992, state law required that the surcharge apply to all providers in a provider group, not just the providers serving Medical Assistance clients; prohibits "hold harmless" clauses which guarantee to reimburse a provider for tax payment; caps the revenue a state may raise; and limits the classes of providers that may be levied.

The revenues from the current surcharge are being used to continue offsetting cuts first proposed by the governor in 1991; to offset additional cuts he proposed in 1992; and to increase reimbursements to physicians, dentists, hospitals and nursing homes, according to Giel. Collections to date total about \$75 million, and for the biennium, are expected to total almost \$113 million, Giel said.

Giel said that he was not sure if the providers' reimbursement expectations and the governor's 1993 plans will coincide regarding the relationship between surcharge revenues and provider reimbursement rates.

He also reported that the surcharge program that took effect last October has generated some complaints, especially from physicians, the HMO industry and non-Medicaid nursing homes. The physician surcharge is not an income-based measure, so it applies regardless of the physician's income. Efforts are currently underway to develop possible modifications to the physician surcharge for consideration by the Legislature, Giel said.

Commissioner Marlene Marschall and Assistant Commissioner Barbara Nerness, presented an overview of the governor's budget proposal for the Dept. of Health.

Nerness addressed the recommended increase of \$4 million for the 1994-95 biennium for the family planning special project grant program. The program expansion would provide a variety of services in a greater geographic area, Nerness said. She told the committee that it is more cost effective to prevent unintended pregnancies than to pay for the social costs incurred later. National data indicates that for every \$1 spent for family planning, \$4.40 in public dollars is saved within 2 years, said Nerness.

Nerness discussed the transfer of base funding to the public health laboratory for a new method of detecting tuberculosis (TB). She told the committee that since 1991, there has been an increase of drug-resistant TB cases and that current testing requires 45-60 days. However, with the technologies available today, Nerness said, the testing time could be reduced to 1-5 days.

### Longevity award approved

The Health Care Committee met Wed., Feb. 3., to approve a bill establishing an ambulance service personnel longevity award and trust account to reward the service of volunteer ambulance service personnel. They also heard testimony on a bill which clarifies the treatment of supplemental needs trusts.

The committee continued discussion of S.F. 20, sponsored by Jim Vickerman (DFL-Tracy). Sen. Sheila Kiscaden (IR-Rochester) opposed the bill, stating that rewarding ambulance service personnel is an important issue, but that the bill was not the most effective approach. Vickerman countered that no incentive existed to remain in service.

The committee approved S.F. 20 and re-referred the bill to the Governmental Operations and Reform Committee.

In addition, the committee discussed S.F. 44, sponsored by Sen. Linda Berglin (DFL-Mpls.), committee chair. Berglin introduced an amendment that redrafts the original bill language in an attempt to specifically spell out what is meant by a special needs trust and when it will be enforceable. The committee approved the amendment.

Berglin defined a supplemental needs trust as a trust created for the benefit of a person with a disability and funded by someone other than the trust beneficiary or beneficiary's spouse, she said. Berglin explained that in most cases, a parent or grandparent establishes a trust for a child or adult child with a disability to provide for the extras, such as a specially equipped vehicle, air conditioning to make the child more comfortable, or medical expenses not covered by medical assistance. The trust allows a parent a means to continue, after death, to provide for the child's needs, she said.

Furthermore, Berglin explained that the bill would further amend the law by making a trust provision unenforceable if it provides for suspension, termination, limitation, or diversion of a trust if the beneficiary applies for public assistance.

James R. Carlisle, a citizen with a disability of Rosemount, spoke in support of the bill. He explained how a supplemental needs trust, established by his mother when she was still alive, has provided him and his wife, who also has a disability, with a specially equipped van that provides transportation to and from his office. He said that without such a vehicle, the state would be paying an estimated \$9,650 each year for Metro Mobility, in addition to \$6,485 for other outings. Carlisle also said that the trust provides for maintenance for his home since his monthly living expenses total only \$440.00 per month. He outlined the cost to the state if subsidized housing or nursing home care was provided. He said the trust has helped him "live a more

# Committee update

independent and useful life with a minimum of government assistance."

In addition, Marge Goldberg and Carol Reedstrom, mothers of children with disabilities, testified in support of the bill. Reedstrom said that the issue is about "quality of life, not fringe benefits."

The committee recommended S.F. 44 to pass and re-referred the bill to the Judiciary Committee.

Helen Yates, assistant committee, Dept. of Human Services, briefly provided a continued overview of the governor's proposed budget plan.

## Jobs, Energy, and Community Development

### AFL-CIO 1993 legislative agenda

Bernard Brommer, president, AFL-CIO, briefed members of the Jobs, Energy, and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), on the organization's 1993 legislative agenda, Thurs., Jan. 28. Brommer's summary included a number of policy resolutions that were adopted at the AFL-CIO's most recent constitutional convention.

First among the list of legislative proposals, Brommer said, is a need to update Minnesota's child labor law, including shortening working hours for minors, updating the Hazardous Occupation Orders, and providing stiffer penalties for child labor law violators.

Another pertinent issue affecting workers, according to Brommer, is prevailing wage, especially as it relates to state contracts. Brommer said that construction contracts let by public entities should be forced to pay prevailing wages and key fringe benefits, such as health insurance. In addition to higher wages, Brommer called on legislators to help prevent the spreading misclassification of individual construction workers on a jobsite as "independent contractors." He recommends forcing workers to either show proof of workers' compensation coverage, or to demonstrate that any claimed independent contractor status is genuine (according to the IRS definition). The workers' compensation requirement would also trigger payment of unemployment insurance and FICA taxes, according to Brommer.

Finally, Brommer proposed the creation of a "wage protection fund" of \$250,000 that guarantees employees their final paychecks from firms that close or file bankruptcy. The attorney general would then recover funds from the delinquent employers to replenish the fund, Brommer said.

Senators also heard an overview of upcoming proposals from Michael Hickey, director, National Federation of Indepen-

dent Business. Hickey recommended workers' compensation reform, including a revised definition of permanent total disability, and a repeal of supplementary benefit provision.

### Homelessness issues addressed

The number of Minnesotans using emergency shelter services and/or seeking both transitional and permanent low-income housing is on the rise, according to representatives of homeless organizations around the state who updated the Jobs, Energy, and Community Development Committee, Tues., Feb. 2.

Sue W. Phillips, Minnesota Homeless Coalition, told the committee, chaired by Sen. Steven Novak (DFL-New Brighton), that although the demand for homeless services is rising, the supply is inadequate. Phillips referred to an agency statistic for Nov. 24, 1992 revealing that while 3,313 individuals were temporarily housed in state shelters and other facilities, (up 15 percent from 1991), hundreds of others were turned away that night due to a full house.

A change in the last five years among those seeking refuge is the growing number of women with children, according to Jean Hammink, planning specialist, Ramsey County Homeless Division. She added that in Ramsey county alone, there was a 46 percent increase in the number of family members seeking emergency shelter between 1991-92.

One of the biggest challenges is helping families to find permanent, affordable housing at a time when vacancy rates of low-income housing units have fallen dramatically in the first class cities, said Steve Chadwick, Duluth Community Action Program. Chadwick added that the city of Duluth has lost over 25 percent of its downtown single occupancy units since 1982 to commercial development, and that over half of the existing rental stock is in desperate need of updating.

Responding to a question from Sen. Douglas Johnson (DFL-Cook) on state spending, Pam Kramer, Duluth Housing Division, said that increasing state aid to the Minnesota Housing Trust Fund and the Blighted Property Program (a neighborhood improvement program) would allow agencies to use a wide range of housing opportunities to address diverse population needs.

### Department overview cont.

Dept. of Jobs and Administration Administrators continued the presentation on program activities to members of the Jobs, Energy, and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), Wed., Feb. 3.

First on the agenda was Mark Sheehan who described his work with the assigned risk insurance plan, a state-created residual market insurer providing workers' compensation coverage to employers who have been denied coverage by at least two insurers. Currently, the plan insures approximately 50 percent of all employers in Minnesota with the majority of policyholders being small businesses who are unable to get coverage through the voluntary market due to their size, according to Sheehan.

Dave Geary briefed members on two of the department's community based energy programs that allocate grants to low-income households to weatherize homes and pay for heating and home repair costs. Following Geary's overview, Richard Davis discussed a variety of state services for the blind and visually handicapped. Among the services, customers are offered career and independent living counseling, small business/self employment training, and a communication center providing statewide library, transcription and reading services. Sen. Cal Larson (IR-Fergus Falls), mentioned a new pilot program in his district offering a daily broadcast of the local newspaper via the closed-circuit Radio Talking Book Program.

Senators also heard a summary report, offered by Kay Tracy, of community improvement projects throughout Minnesota funded by the department, as well as a brief synopsis of the department's rehabilitation services by Assistant Commissioner Norena Hall.

## Judiciary

### Health care, mortgage foreclosure

At its noon session Mon., Feb. 1, the Judiciary Committee, chaired by Sen. Ember Reichgott (DFL-New Hope), continued working on S.F. 40, a bill authored by Reichgott concerning health care power of attorney. Members also heard S.F. 48, dealing with mortgage foreclosure.

The committee adopted an amendment to S.F. 40, offered by Sen. David Knutson (IR-Burnsville), requiring that a person who is nominated by the principal to serve as the principal's agent be notified of his or her nomination. The amendment also states that the agent is authorized but not required to make health care decisions for the principal.

A second amendment, dealing primarily with individuals who depend upon spiritual means or prayer for the treatment or care of disease or remedial care, was also adopted. The amendment, presented by Sen. Linda Berglin (DFL-Mpls.), allows a principal, who does not have an attending physician, to designate a person

in the durable power of attorney for health care who may certify in writing acknowledged before a notary public that the principal is unable to make a health care decision. The principal is required to state within the consent form that his or her decision is based on a religious preference. Jim Van Horn, representing the Christian Science faith, testified in support of the amendment stating that it would be unjust to require a person who depends on alternative means of healing to seek out the opinion of a medical physician. The committee approved S. F. 40 as amended and re-referred it to the Crime Prevention Committee.

The committee also approved S.F. 48, authored by Sen. Don Betzold (DFL-Fridley), amending current law dealing with mortgage foreclosure. The bill eliminates the requirement that the recitation with respect to merger, consolidation, amendment or conversation be in the acknowledgement of the satisfaction or release of the mortgage. Betzold explained that experience has shown that a recitation in the body of the instrument is sufficient. The bill also requires that a request for notice of mortgage foreclosure must be a separate document or in a mechanic's lien statement.

A third part of S.F. 48 provides that certain forfeitures of real property associated with controlled substance are subject to good faith purchasers. Lastly, the bill makes clear that only the party conducting the foreclosure can postpone the foreclosure sale.

S. F. 48 was approved and advanced to the full Senate as amended.

## Metropolitan and Local Government

### Changing demographics challenges

Poverty is on the rise in many of the first-ring suburbs, which face challenges similar to those of the core cities, said Sen. Ted Mondale (DFL-St. Louis Park) Thurs., Jan. 28, at a meeting of the Metropolitan and Local Government Committee's Subcommittee on Metropolitan Affairs. Mondale, subcommittee chair, illustrated how the demographic changes taking place in the Metro area are resulting in a concentration of people in poverty in the core cities and some of the first ring suburbs.

Most economic development is taking place in the outer suburbs, where there is less poverty and more married family households, according to U.S. Census Bureau data. Mondale pointed out that most of the new jobs are being created in the outer suburbs. There is a need to improve the transportation infrastructure to get people in the poverty stricken areas to where there are jobs, said Mondale. He also stressed the need for more economic

development in the older suburbs.

Focusing on issues relating to children in poverty, Luanne Nyberg, director, Children's Defense Fund, addressed the subcommittee. About a 157,000 (one in eight) Minnesota children live in poverty, according to Nyberg. She said that the costs of transportation and childcare are the major barriers to self-sufficiency for single parents in poverty. Educational attainment is the one factor--more than any other, including marriage--that leads to self-sufficiency, said Nyberg.

Nyberg said not enough emphasis has been put on the importance of making men responsible for their children. She also said that teen pregnancies contribute to the poverty problem. Sen. Carol Flynn (DFL-Mpls.) emphasized the need to address young persons' mental health problems, which often contribute to teen pregnancies. Flynn informed the committee that she is sponsoring a bill that calls for adolescent health clinics in schools to address these issues.

### Met Council redistricting

Members of the Metropolitan and Local Government Committee's Subcommittee on Metropolitan Affairs met Fri., Jan 29, to develop recommendations for redrawing the Metropolitan Council district lines. Sen. Ted Mondale (DFL-St. Louis Park), subcommittee chair, said the redistricting is necessary every ten years after the completion of the U.S. Census.

Dottie Rietow, Metropolitan Council chair, recommended maintaining 16 council districts based on population. She also said every county under the council's jurisdiction should have representation. Committee members said that may be difficult because Hennepin County has approximately 50 percent of the Metro Area's population.

Vern Peterson, Association of Metropolitan Municipalities, submitted a list of suggestions for redistricting. Peterson said the association is interested in the redistricting because the Metropolitan Council does most of its work through city councils. The association agrees with Rietow about maintaining 16 districts, said Peterson. Peterson outlined the following association recommendations: make districts as numerically equal as possible; respect the integrity of existing political subdivision boundaries; make districts as compact and contiguous as possible; draw district lines without consideration of incumbent's residences; draw district lines without respect to the partisan voting patterns of residents; recognize preservation of social, cultural, racial, and ethnic communities; and make pairing of council districts for agency districts the same for all metro boards and commissions. Peterson said the association also recommends changing the

council from an appointed body to an elected one.

Agreeing with the recommendation for an elected council, Mayor Elwyn Tinklenberg, city of Blaine, testified before the subcommittee. Tinklenberg focused on the broader subject of reforming the metropolitan governance structure. He urged Senators to give the council more power to address the growing problems of poverty and housing in the region.

### Metropolitan government reform

There is a need to redefine the metropolitan region and its vision, said Lyle Wray, executive director of the Citizens League. Wray testified before the Metropolitan and Local Government Committee's Subcommittee on Metropolitan Affairs Wed., Feb. 3.

During the subcommittee's discussion of the development of criteria for redistricting the Metropolitan Council's district lines, Wray illustrated the need to significantly alter the metropolitan governance structure. Wray said that there is a 13 or 14 county Metropolitan Area quickly emerging, which could eventually entail a corridor from Rochester to St. Cloud.

Wray called for an elected metropolitan governance body, unlike the currently appointed Metropolitan Council. He also recommended a three-tier governmental structure that gains efficiencies by performing government functions at the most appropriate tier. Some services are most efficiently performed at the local level, whereas others are better suited to a regional level, said Wray.

Wray stressed the importance of addressing regional issues, such as job growth and economically segregated housing patterns. He said policy makers need to define the region and its needs, and then articulate an economic and geographic vision.

Bob Orth from the Metropolitan Inter-County Association also addressed the committee. Orth spoke against the continued existence of the Metropolitan Council, calling it "an institution in search of a mission." Unlike Wray, Orth called for a council of governments (COG) model of regional government (a metropolitan-wide agency composed of representatives from counties and municipalities).

Orth said that the boundaries that define the current seven county Metro Area were based partly on political considerations, not sound public policy. Orth also recommended enhancing the relationship between the existing regional centers of St. Cloud, Rochester, and the Twin Cities.

Sen. Ted Mondale (DFL-St. Louis Park), subcommittee chair, said that after

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the subcommittee finishes developing the redistricting recommendations, members may also consider the broader topic of reforming the metropolitan governance structure.

## Metropolitan and Local Government Tax Division

### Property taxes discussed

The Metropolitan and Local Government Tax Division of the Metropolitan and Local Government Committee held its first meeting Mon., Feb. 1. Sen. Carol Flynn (DFL-Mpls.), division chair, informed members that the division will work on public policy matters relating to local government aid (LGA), tax increment financing (TIF), and fiscal disparities. Flynn said one of the committee's goals is to make public policy decisions that encourage home ownership.

Commissioner Morris Anderson, Department of Revenue, presented the governor's LGA recommendations. Anderson told the committee that the governor's budget proposal freezes LGA and equalization aid "at FY93 levels--prior to December 1992 local government trust fund surplus payments." In addition, the governor's proposal transfers the FY95 local government trust fund balance to the general fund, according to Anderson.

Anderson also said that governor's proposal does not fund the population growth portion of the homestead and agricultural credit aid (HACA). The proposal appropriates \$500,000 to the Metropolitan Council and the Advisory Council on Intergovernmental Relations for support of consolidation efforts, added Anderson.

Sen. John Hottinger (DFL-Mankato) expressed concern about the transfer of the trust fund money, saying the Legislature intended that money to remain with local governments. Hottinger also said that the governor's proposal would cause an increase in local property taxes.

In other committee business, Gordon Folkman from the Department of Revenue presented a report on property tax regressivity in Minnesota. Folkman explained the relationships between homestead property value, household income, and property taxes. Folkman said the report documents "a regressive relationship between income and market value that is only moderately reduced by existing tax relief programs."

Folkman said the report is intended to serve as a stimulus for critical thinking and public discussion about property tax policies. He said that Legislators may want to consider income as a factor in developing property tax policy--if their goal is to make the system more progres-

sive. Conversely, said Folkman, the primary rationale for the state's homestead property tax relief system may be to provide relief to all homestead owners, regardless of income characteristics. However, according to the report, the latter option "may represent a fiscal luxury the state can no longer afford."

## Rules and Administration

### Successor committee bill okayed

The full Rules and Administration Committee met Tues., Feb. 2, to consider two bills and several housekeeping matters. The panel, chaired by Sen. Roger D. Moe (DFL-Erskine), advanced both bills under consideration to the full Senate. The first measure, H.F. 1, sponsored by Sen. William Luther (DFL-Brooklyn Park), provides for the designation of successor legislative committees. Under the bill, if a law assigns a power or duty to a named legislative committee and the committee is renamed or abolished, the Speaker of the House or the Senate Rules and Administration Committee is authorized to designate a successor committee for the law. The measure is needed, Luther said, because the other body abolished the appropriations committee, yet numerous references to the committee exist in the statutes.

The second bill, S.F. 127, authored by Sen. Sandra Pappas (DFL-St. Paul), authorizes the Legislative Coordinating Commission to accept grants and gifts for public purposes. According to Pappas, the bill is needed to provide a mechanism to accept a grant that has been offered to the Legislature for training in cultural diversity.

## Taxes and Tax Laws

### TIF laws discussed

The Metropolitan and Local Government Metropolitan and Local Government Tax Division and the Taxes and Tax Laws Property Tax Subcommittee, both chaired by Sen. Carol Flynn (DFL-Mpls.), met jointly Wed., Feb. 3. Flynn explained that the joint hearing was held to allow Senators to hear testimony that was relevant to both panels.

Keith Carlson, Senate fiscal analyst, briefed members on terms relating to tax increment financing (TIF). TIF is financing tool for economic development that local governments can use under certain conditions.

Bonnie Balach, legislative coordinator for "Minnesota Solutions," organized a group to present the group's legislative agenda. Minnesota Solutions is comprised of several economic development agencies, housing associations, port

authorities, cities, and counties.

The group made several policy recommendations relating to pollution abatement, job creation, affordable housing, and redevelopment. The group said local governments need the expansion of TIF laws to address the above issues, especially because of the potential for reductions in local government aid.

## Transportation and Public Transit

### MTC overview continued

The Transportation and Public Transit Committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), met Fri., Jan. 29 to continue hearing the presentation of the Metro Transit Commission and to hear an overview of Intermodal Surface Transportation Efficiency Act.

The goals of the Metro Transit Commission (MTC) are to improve reliability, timeliness and customer service, said Tom Johnson, assistant chief administrator for transit development. Noting the congestion in the Metro Area, he said that there is over 1 million cars each day as people travel approximately 10 miles to work. Incentives are needed for people to get out of their cars and onto buses, Johnson said. He said that the incentive may be there if the MTC's goals are successfully accomplished.

Furthermore, Johnson told the committee of MTC's marketing efforts. He said that the partnership with the Mall of America has had successful results. The MTC has generated approximately \$20,000 in revenue for rights to advertise the mall's logo on 10 buses.

Johnson said the MTC supports the decision of Commissioner James Denn, Minnesota Dept. of Transportation, to implement light rail transit (LRT), but urged the Legislature not to neglect MTC investments while debating the LRT issue.

The committee also heard an overview of the Intermodal Surface Transportation Efficiency Act (ISTEA). John Bowers, federal highway administration, said that ISTEA is an authorization act, which means that each year Congress can appropriate money up to the authorized level.

Merritt Linzie, Minnesota Dept. of Transportation, said that ISTEA strengthens the emphasis on the environmental aspects of transportation decisions. Major changes in federal aid highway and transit programs will help state and local governments meet the requirements of the Clean Air Act, restore and preserve wetlands and finance transportation enhancements, he said.

Linzie said that Mn/DOT needs to find ways to meet challenges and work cooperatively with the metropolitan planning organization.

#### **Ex-POW license plates**

The Transportation and Public Transit Committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake) convened Wed., Feb. 3, to hear presentations by officials of the Minnesota Public Transit Association and to consider a bill providing for free motor vehicle license plates for former prisoners of war.

Richard Carroll, an Ex-POW, supported S.F. 13, sponsored by Sen. Jim Vickerman (DFL-Tracy). He provided testimony about why Ex-POWs ought to be singled out for this bill. He said that no other veteran experiences what an Ex-

POW has, describing lives of various members of American Ex-Prisoners of War. He said that since the average age of an Ex-POW is 72, the bill has a built-in sunset provision.

The committee approved S.F. 13 and re-referred the bill to the Veterans and General Legislation Committee.

Several representatives of the Public Transit Association discussed transit issues in Greater Minnesota and presented various initiatives to the committee. A common message in the testimony was the growing need for transit access, especially for the elderly, and the scarcity of funds available for programs. Sarah Lenz, of the Ebenezer Society, stressed the need to increase mobility and fully integrate the elderly into society through improved transit service. She

said that 90 percent the program's transit operations revenue comes from Metro Mobility. The operating costs in 1992 was 2.3 million, she said. Jackie Forner, an official from Chisago County Heartland Express, reported that the service operates on a budget of only \$42,000 year.

Jeannette Aquaire, transportation director of the Western Community Action Program, Inc., explained the program's computerized tracking system, which logs requests and monitors destinations. She reported that the program, which serves a five-county area, receives about 200 requests for rides each day. By monitoring the destinations, the program pools several people going to the same destination, thus saving money. She said that 42 percent of all possible trips are coordinated.

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# Preview

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## *The Minnesota Senate Week at a Glance*

**Tuesday, February 9**

#### **Gaming Regulation Committee**

*Chair: Sen. Charles Berg*  
8 a.m. Room 107 Capitol  
**Agenda:** Overview of Indian gaming by the Dept. of Revenue and tribal representatives.

#### **Governmental Operations and Reform Committee**

*Chair: Sen. James Metzen*  
8 a.m. Room 15 Capitol  
**Agenda:** Overview of the Dept. of Admin.

#### **Transportation and Public Transit Committee**

*Chair: Sen. Florian Chmielewski*  
8 a.m. Room 112 Capitol  
**Agenda:** Discussion of the Intermodal Surface Transportation Efficiency Act (ISTEA) continued. Presentation by the Minnesota Public Transit Association.

#### **Higher Education Division**

*Chair: Sen. LeRoy Stumpf*  
10 a.m. University of Minnesota Health Science facilities  
**Agenda:** Tour of the University of Minnesota Health Science facilities.

#### **Health Care Committee**

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol  
**Agenda:** Continued budget overview by the Dept. of Human Services.

#### **Jobs, Energy and Community Development Committee**

*Chair: Sen. Steven Novak*  
10 a.m. Room 107 Capitol  
**Agenda:** Community Action Program review.

#### **Ethics and Campaign Reform Committee**

*Chair: Sen. John Marty*  
12 noon Room 107 Capitol  
**Agenda:** S.F. 25-Marty: Campaign finance reform.

#### **Veterans and General Legislation Committee**

*Chair: Sen. Jim Vickerman*  
12 noon Minneapolis VA Hospital  
**Agenda:** Tour of the Mpls. VA Hospital.

#### **Environment and Natural Resources Committee**

*Chair: Sen. Bob Lessard*  
2 p.m. Room 15 Capitol  
**Agenda:** Overview of the settlement agreement between Mille Lacs band of Chippewa Indians and the state.

#### **The Senate will meet at 3 p.m.**

#### **Legislative Commission on Children, Youth and Their Families**

*Chair: Rep. Alice Johnson*  
3:30 p.m. House Chamber  
**Agenda:** Forum addressing the social services system with a presentation by Sylvia Ann Hewlett, author of *When the Bough Breaks: The Cost of Neglecting Our Children*.

#### **Higher Education Division**

*Chair: Sen. LeRoy Stumpf*  
4:30 p.m. Room 107 Capitol  
**Agenda:** Discussion on budget request for the community colleges.

#### **Legislative Commission on Waste Management**

*Co-Chairs: Sen. Gene Merriam and Rep. Jean Wagenius*  
6:30 p.m. Room 10 SOB

**Agenda:** Public comments on executive branch's initiatives for funding traditional Superfund sites and an alternative to Superfund for landfill cleanup.

**Wednesday, February 10**

#### **Gaming Regulation Committee**

*Chair: Sen. Charles Berg*  
8 a.m. Room 107 Capitol  
**Agenda:** Presentation of compulsive gambling issues by representatives of the Minnesota Council on Compulsive Gambling and Gamblers Intervention Services.

#### **Governmental Operations and Reform Committee**

*Chair: Sen. James Metzen*  
8 a.m. Room 15 Capitol  
**Agenda:** Discussion of state contracting for professional/technical services. Overview on licensing.

#### **Transportation and Public Transit Committee**

*Chair: Sen. Florian Chmielewski*  
8 a.m. Room 112 Capitol  
**Agenda:** Not available at press time.

#### **Education Funding Division**

*Chair: Sen. Lawrence Pogemiller*  
10 a.m. Room 112 Capitol  
**Agenda:** S.F. 185-Olson: Governor's children's department. Overview of the governor's budget.

#### **Health Care Committee**

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol  
**Agenda:** Report on managed care by DHS. S.F. 97-Finn: Clean Air Act exemption. S.F. 119-Sams: Nursing assistants. S.F. 134-Berglin: Nursing home surcharge.



**Jobs, Energy and Community Development Subcommittee on Economic Development and Housing**

*Chair: Sen. Ellen Anderson*  
10 a.m. Room 107 Capitol  
**Agenda:** Presentations on the Minnesota Housing Finance Agency. S.F. 54-Johnson, J.B.: Emergency mortgage and rental assistance program.

**Environment and Natural Resources Committee**

*Chair: Sen. Bob Lessard*  
11:30 a.m. Waldorf Paper Mill  
**Agenda:** Tour of the mill and plant.

**Agriculture and Rural Development Committee**

*Chair: Sen. Joe Bertram, Sr.*  
12 noon Room 107 Capitol  
**Agenda:** Not available at press time.

**Crime Prevention and Judiciary Subcommittee on Privacy**

*Co-Chairs: Sen. Harold "Skip" Finn and Sen. Jane Ranum*  
12 noon Room 318 Capitol  
**Agenda:** Not available at press time.

**Crime Prevention Finance Division**

*Chair: Sen. Tracy Beckman*  
2 p.m. Room 112 Capitol  
**Agenda:** Budget overviews of Ombudsman for Correction, Sentencing Guidelines Commission and the Dept. of Corrections.

**Legislative Commission on Pensions and Retirement**

*Chair: Sen. Phil Riveness*  
2 p.m. Room 318 Capitol  
**Agenda:** Potential amendment to the Commission Rules of Operation on the recommendation of noncontroversial proposed legislation. Summary of 1992 statewide and major public pension plan actuarial valuations. Overview of the relative funded condition and financing requirements of public pension plans.

**Health Care and Family Services Funding Division**

*Chair: Sen. Don Samuelson*  
4 p.m. Room 107 Capitol  
**Agenda:** Governor's proposed DHS budget.

**Finance Committee**

*Chair: Sen. Gene Merriam*  
4 p.m. Room 123 Capitol  
**Agenda:** S.F. 52 - Moe, R.D.: Authorizing a qualifying school district to recertify a levy.

**Taxes and Tax Laws Committee**

*Chair: Sen. Douglas Johnson*  
4 p.m. Room 15 Capitol  
**Agenda:** S.F. 19-Price: Sale of tax-forfeited lands.

**Higher Education Division**

*Chair: Sen. LeRoy Stumpf*  
Immediately following Finance Committee meeting, Room 123 Capitol  
**Agenda:** Discuss budget request for technical colleges.

**Environment and Natural Resources Finance Division**

*Chair: Sen. Steven Morse*  
4:15 p.m. Room 125 Capitol  
**Agenda:** Budget overview for the Dept. of Agriculture continued.

**Taxes and Tax Laws Subcommittee on Income and Sales Tax**

*Chair: Sen. Ember Reichgott*  
4:15 p.m. following Tax Committee meeting, Room 15 Capitol  
**Agenda:** Overview of transit funding.

**Legislative Commission on Minnesota Resources**

*Chair: Sen. Gene Merriam*  
7:30 p.m. Room 123 Capitol  
**Agenda:** Consider recommendation on Clean Water Partnership proposed grant allocations. Review of the governor's recommendation involving LCMR by John Heintz. Report on presentations to policy and money committees. Summer 1993 fact-finding, evaluation, regional forum and Natural Resources Congress.

**Thursday, February 11**

**The Senate will meet at 9:30 a.m.**

**Higher Education Division**

*Chair: Sen. LeRoy Stumpf*  
10 a.m. Room 112 Capitol  
**Agenda:** Budget request for state universities.

**Health Care Committee**

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol  
**Agenda:** Report of the Children's Mental Health Task Force. Presentation on maximizing federal funding for children's mental health.

**Jobs, Energy and Community Development Subcommittee on Energy and Public Utilities**

*Chair: Sen. Janet Johnson*  
10 a.m. Room 107 Capitol  
**Agenda:** Overview of Conservation Improvement Programs.

**Ethics and Campaign Reform Committee**

*Chair: Sen. John Marty*  
12 noon Room 107 Capitol  
**Agenda:** S.F. 25-Marty: Campaign finance reform.

**Crime Prevention Committee**

*Chair: Sen. Allan Spear*  
2 p.m. Room 15 Capitol  
**Agenda:** S.F. 40-Reichgott: Durable power of attorney for health care. S.F. 105-Spear: Repeal of conference of chief judges' petty misdemeanor list. S.F. 177-Merriam: Solicitation of mentally impaired person to commit crimes.

**Metropolitan and Local Government Subcommittee on Intergovernmental Relations**

*Chair: Sen. John Hottinger*  
2 p.m. Room 107 Capitol  
**Agenda:** Overview of annexation issues.

**Finance State Government Division**

*Chair: Sen. Richard Cohen*  
4 p.m. Room 318 Capitol  
**Agenda:** Not available at press time.

**Friday, February 12**

**Environment and Natural Resources Committee**

*Chair: Sen. Bob Lessard*  
8:30 a.m. Champion Paper Company  
**Agenda:** Tour of the Champion Paper Company in Sartell.

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# Briefly

The Minnesota Senate Week in Review

February 12, 1993

## Floor sessions held

The full Senate met briefly Tues., Feb. 9, and Thurs., Feb. 11, to process bill introductions, motions and resolutions and to grant final passage to one measure. H.F. 35, sponsored by Sen. Roger D. Moe (DFL-Erskine), authorizes a qualifying school district to recertify a levy. Moe said that the bill is needed because of special circumstances in the Fosston School District. In addition, the measure also facilitates and encourages the school consolidation process currently underway between the Babbitt School District and the Tower-Sudan School District. The bill was given final passage on a unanimous vote of 66-0.

## School district recertification

The Finance Committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), met Wed., Feb. 10 and approved S.F. 52 that, among several provisions, authorizes a qualifying school district to recertify a levy. The bill, authored by Sen. Roger Moe (DFL-Erskine), and presented by Sen. Douglas (DFL-Cook), enables a school district that meets certain criteria to recertify its 1992 levy for taxes payable in 1993. The Babbitt school district, according to the bill, is allowed to certify a levy of \$135,000 to reduce its 1993 operating debt. This levy, Johnson explained, would pay off the debt prior to a consolidation. Given the distribution of the taconite tax to school districts, this amount will actually be paid out of taconite production tax receipts, according to Mark Misukanis, Senate fiscal analyst. He added that the cost to the general fund occurs because this amount would otherwise be used to reduce general education aid due to the district.

S.F. 52 also provides for school board elections in the Babbitt, and Tower-Soudan district consolidation. The bill was approved as amended and advanced to the full Senate.

## Mille Lacs settlement outlined

Members of the Environment and Natural Resources Committee, chaired by Bob Lessard (DFL-Int.'l Falls), met Tues., Feb. 9, to review the proposed agreement between the Mille Lacs Band of Chippewa Indians and the State of Minnesota.

Rod Sando, commissioner, Minnesota Dept. of Natural Resources, (DNR), presented what he described as a fair and reasonable solution to a complex problem involving hunting and fishing rights and resource use and management.

According to Sando, the proposed agreement is the culmination of a two-year negotiating process between the Mille Lacs Band of Chippewa Indians and the DNR to clarify positions and settle on reasonable and fair concessions. Sando said the goal was to protect the state's resources and to consider what was fair in light of the 1837 treaty with the federal government. He said that the settlement, if approved, would avoid years of uncertainty and potential court costs.

Don Wedll, commissioner, Mille Lacs Band of Chippewa Indians, said that the band also wants to resolve the treaty rights issue and has agreed not to commercialize game and fish resources. He said that a newly-devised Tribal Conservation Code, will include specific public conservation provisions.

According to Wedll the code provides for rules and self-regulation in the taking of fish and game for subsistence use in negotiated land and water areas. He said that specific issues not covered in the settlement would fall under the self-regulatory provisions of the tribe's code.

Wedll said that in conceding some hunting and fishing rights and making the decision to forego commercialization, the band seeks other forms of compensation in the proposed settlement. He said the agreement allows the band to utilize six lakes, a 6-mile connecting stretch of the Rum River, and 20-miles of the St. Croix River for harvesting. The proposed agreement also creates an exclusive treaty fishing zone on 6,000 acres or 4.5 percent of Mille Lacs Lake.

In the agreement, the band receives conveyance of 7,500 acres in land within the ceded area of the 1837 Treaty, and monetary compensation of \$10 million, or \$8.6 million in short-term, real dollars. Wedll said that tribal members will hold a referendum on the proposed settlement with the state on Mar. 2, 1993. Ron Nargang, deputy commissioner, said that nothing in the proposed agreement affects the rights of private property owners. Under the provisions of the

agreement, and in the tribal code, commercial harvest rights are surrendered and harvesting methods are curtailed and restricted. Wedll said that if the negotiated agreement is approved, it would settle the hunting and fishing rights now in question under both the 1837 and 1855 Treaties.

Sen. Gene Merriam (DFL-Coon Rapids), and Sen. Ted Mondale (DFL-St. Louis Park), pointed out the importance of conducting an analysis of the potential outcomes of the lawsuit if brought to trial in federal court. Sando said that the recent Wisconsin court case that awarded 50 percent of the harvest to an Indian band was one precedent to consider. Nargang noted that Wisconsin spent roughly \$12 million in the 17-year court process. According to Nargang, the proposed settlement allows for self-regulatory powers within the ceded territory and requires tribes to live within the governance of the document. He said that the Tribal Conservation Code will deal with those specific areas not covered under the proposed agreement. No action was taken on the settlement.

## Children's advocate speaks

Senators met with members of the House of Representatives Wed., Feb 9, in the House Chambers to participate in a forum addressing the economics of children's issues. Dr. Sylvia Hewlett, economist and nationally acclaimed author of "When the Bough Breaks: The Cost of Neglecting Our Children," was the keynote speaker.

## Tax-forfeited lands

The Tax and Tax Laws Committee met briefly Wed., Feb. 10, to take action on S.F. 19, authored by Sen. Leonard Price (DFL-Woodbury). Price said the bill provides that the former owner of or other former parties of interest, such as a mortgagee, can only repurchase certain tax-forfeited land at the regular auction of that property by paying an amount at least equal to accrued taxes, penalties, and interest. Price said that the bill also makes positive changes to the administrative processes relating to tax-forfeited lands. The committee recommended passage of the bill and sent it to the full Senate.

# Committee update

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## Agriculture and Rural Development

### Livestock liability bill considered

Members of the Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram, Sr., (DFL-Paynesville), met Wed., Feb. 10, to hear testimony on S.F. 115, a livestock liability act, and to consider a resolution to S.F. 18. Members also heard a brief budgetary overview by Newell Searle, deputy commissioner, Dept. of Agriculture.

The primary purpose of S.F. 115, authored by Sen. Gary Laidig, (R-Stillwater), is to limit liability for injuries arising out of livestock activities.

Laidig said the bill addresses the liability problems faced by many organizations and individuals associated with or participating in livestock activities such as county fairs or 4-H events. S.F. 115 clarifies the definition of livestock, and defines a variety of related activities. The bill incorporates the concept of "inherent risk" as it pertains to immunity from liability for participants and allows for exceptions to immunity in the case of gross or willful negligence.

Several witnesses testified in favor of the bill and concurred that the fear of liability, and costs associated with liability coverage adversely affect livestock activities.

Kathy Taylor, Minnesota 4-H leader, said it was important to continue educating youth on issues of livestock safety and management. But Taylor said that Minnesota families are less willing to transport animals to events or host urban youth at farms because of the threat of lawsuit. "The cost of carrying liability insurance would be prohibitive (for the organization)," said Taylor. We feel this legislation gives us and our participants the protection they need during livestock activities, she said.

Bob Marzolf, FFA advisor, Agricultural Education, Forest Lake, and Bruce Whiting, Minnesota Special Olympics, echoed the same sentiments. Both said that the bill provides a sense of comfort during livestock activity and alleviates the fear of liability. An amendment to S.F. 115, providing for an exemption from state sales tax for the sale of horses and breeding fees was also considered for adoption by the committee. The amendment to S.F. 115 was adopted by the

committee. The bill was approved and referred to the Judiciary Committee for further consideration.

S.F. 18, authored by Sen. Tracy Beckman, (DFL-Bricelyn), is a resolution to memorialize the U.S. Secretary of Agriculture to hold hearings and to establish higher price supports for grain commodities at a level in excess of the support price otherwise prescribed. The resolution was approved and sent to the Full Senate.

Elton Redalen, commissioner, Department of Agriculture, delivered an overview of department issues and responded to questions on dairy pricing concerns, wetland conservation policies, and the enforcement of new feedlot regulations as it relates to the agricultural industry.

Newell Searle, deputy commissioner, Department of Agriculture, presented an overview of the budgetary proposal and explained how the department would handle reductions in general fund resources. Searle said that no programs were eliminated but that each program was analyzed in terms of productivity and structure. According to Searle, decisions were made to simplify the management structure in several programs like agronomy. The food inspection program will be revamped with a priority system for inspections, said Searle. He said that the addition of lap top computers to the inspection process will bring greater efficiency and administrative cost-savings. Searle said that programs in the department would focus more on outreach and education.

## Crime Prevention

### Correctional agencies profiled

The Crime Prevention Finance Division, chaired by Sen. Tracy Beckman (DFL-Bricelyn) met Wed., Feb. 10, to hear overviews of proposed budgets for the Office of Ombudsman for Corrections, Sentencing Guidelines Commission, and the Dept. of Corrections.

Pat Seleen, Ombudsman for Corrections, gave a brief overview of the office's responsibilities. The Ombudsman for Corrections exists to promote the highest attainable standards of competence, efficiency, and justice in the administration of justice, she said. Seleen said that the Ombudsman for Corrections' goal is to provide for safe, secure, and humane

living conditions for inmates and staff in Minnesota's correctional settings. She said the agency's purpose is to conduct investigations of complaints lodged by inmates, staff and other interested sources. The agency makes recommendations to the administrative agency based on findings of investigations, she said.

Seleen said that the office received 3,710 contacts in FY92. Approximately 90 percent of the contacts were from inmates and the remaining percentage were from staff and inmates' families. The bulk of the complaints relate to the administration of institutional rules, she said.

She said that she feared a 5 percent agency cut proposed by the governor would result in the agency's inability to do the quality of investigations she would like to do. The agency has had no increase in staff since 1985, but Seleen said that there is a need for more full-time field investigators to handle the workload. She said, for an example, a field investigator is able to visit Faribault and Moose Lake correctional facilities on a quarterly basis only. Seleen said the agency consists of 7.5 full-time equivalent positions, however employs 9 persons, including herself, a deputy ombudsman, 4 field investigators, a part-time clerk-typist and a part-time student worker.

Sen. Allan Spear (DFL-Mpls.) said that he hesitates cutting the budget of an agency of this size and importance. He stated, "A 5 percent cut to an agency like the Ombudsman for Corrections is different than a cut to the Dept. of Human Services whose budget consists of one-third the entire state budget."

The committee also heard an overview from Deb Dailey, director, about the Sentencing Guidelines Commission. The Legislature established the commission for the purpose of developing and maintaining rational and consistent sentencing standards which reduce sentencing disparity, increase proportionality in sanctions, and ensure more equitable and uniform sentencing for convicted felons, Dailey said. The governor recommends an increase of 2 positions to reduce the backlog and deal with the ongoing caseload. The most current information on sentencing guidelines is that of 1991, she said. Sen. Randy Kelly (DFL-St. Paul), concurring with the governor's recommendation, said that it is essential

for policymakers to have current information.

In other committee business, Orville Pung, commissioner of the Dept. of Corrections, gave an overview of the department's proposed budget plan. The department operates 10 facilities including seven for adults, two for juveniles and one that serves both adults and juveniles, Pung said.

Department agents also supervise more than 10,000 offenders on probation, supervised release and parole, he said. Pung explained that in the last ten years, the department has been forced to deal with new problems, such as AIDS and more sex offenders.

The committee viewed a documentary about the Sentence to Service (STS) program. In cooperation with the Dept. of Natural Resources (DNR), the program is designed to serve the needs of both the DNR and the criminal justice system by sentencing non-dangerous offenders to community service in Minnesota's state parks and other public lands, Pung said. A loss of federal dollars would greatly curtail this community service program, he said.

## Education

### Children's agency idea examined

The governor's proposal to establish a new department to oversee and coordinate services for the state's children was the topic of discussion at the Wed., Feb. 10, meeting of the Education Funding Division. The proposal is incorporated in S.F. 185.

Sen. Gen Olson (IR-Minnetrista), Linda Kohl, director of the Minnesota Planning Agency, and Ronald Hackett, Finance Dept., presented the plan. Under the bill, the department is responsible for delivering services for children from birth to kindergarten enrollment; supervising public schools and public education in the state; creating youth apprenticeship and other career preparation services; and developing plans and programs to meet higher education needs.

The proposal abolishes the department of education and the Higher Education Coordinating Board and transfers responsibilities from the Depts. of Trade and Economic Development, Health, Human Services, and Jobs and Training to the new department.

Another provision of the plan estab-

lishes a children's cabinet, composed of ten state agency heads, whose mission is to recommend policy to improve the well-being of children and families.

Division chair Sen. Lawrence Pogemiller (DFL-Mpls.) voiced concern that the proposal's restructuring doesn't go far enough. The governor's plan "takes all the peripheral stuff and puts it in new agencies while leaving the DHS untouched," said Pogemiller. Dr. Laura Skaff, assistant commissioner of social services, Dept. of Human Services, defended the plan, saying that it provides for close coordination of services without creating a mega-agency that might not be effective. The division took no action on the plan.

### Community Colleges' budget

Community colleges serve over 100,000 Minnesotans each year, said Geraldine Evans, chancellor. Evans testified before the Senate Higher Education Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), Tues., Feb. 9.

Evans said that the community colleges aim to provide "high quality teaching and learning in accessible, affordable and supportive settings." Evans pointed out the challenge in meeting the diverse needs of community college students, 56 percent of whom are part-time students. She also said the community college system is cost-effective, calling it a "critical investment tool for the state of Minnesota."

Eric Radtke, budget and policy director, presented the governor's community college budget recommendations. Radtke said the recommendations transfer \$11.5 million out of the community college appropriation, which will cause an increase in tuition. According to the community college budget report, the transfer will go into a financial aid pool; however, "students will not get back in financial aid anywhere near the amount they will pay in increased tuition." The governor's proposed budget also does not provide for inflation, which may result in additional tuition increases or cuts in programs, in addition to complicating collective bargaining agreements, said Radtke.

During a discussion of the community colleges' developmental education initiative, Senators focused on the fiscal impact of providing remedial education to many incoming students. Ron Williams,

vice chancellor, said that in order to uphold the "open door" policy of accepting students, it is necessary for community colleges to provide remedial education. Williams noted that some students who come to the community colleges are reading at a fourth grade level, even though they have a general equivalency diploma (G.E.D.) or a high school diploma.

Sen. Lawrence Pogemiller (DFL-Mpls.) suggested that the state allow community colleges to charge school districts for the costs of providing remedial education to recent high school graduates. The division members also discussed the importance of retaining the remedial education services at the community colleges, especially given the fact that many of the students have been out of high school for several years and are seeking a "second chance" at an education.

Williams outlined three additional initiatives, including plans to improve libraries, to better manage information resources, and to expand interactive TV efforts.

## Environmental and Natural Resources

### Agriculture delivers budget plan

Members of the Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse (DFL-Dakota), met Wed., Feb. 10, to hear a budget presentation by Newell Searle, deputy commissioner, Department of Agriculture.

Searle said that the proposed agency budget, based on the governor's initiatives, resulted in no program eliminations, but that funding for most programs was reduced to some degree. Searle introduced five major elements to the proposed budgetary plan in the areas of staffing, protection services, food inspection, administrative support and management of available resources.

According to Searle, an overall reduction in staffing costs would be handled through attrition and retirement cycles. Searle said to anticipate the cancellation of 23 positions over the course of the biennium to meet budget levels and that 10 positions would be held open in a "vacancy" status to be filled as funds become available.

In the area of Protective Services and

# Committee update

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the Agronomy Program, Searle said that the proposed \$159,000 reduction in funding is achieved through reduced water quality monitoring activity, a curtailing of travel expense and by transferring staff costs from general to dedicated accounts. "If the activity does not make a substantial contribution towards overall program goals, it was cut," said Searle.

Sen. Charles Berg, (DFL-Chokio), asked Searle to estimate the amount of money that was being transferred from the general fund to fee accounts. Searle said that the department would experience just over \$2 million in total reductions and that roughly \$650,000 of that total is a budgetary transfer from general fund to fee accounts.

According to Searle, the Food Inspection Program will experience minor reductions, too. Searle said that reductions would be offset by implementing a priority system for inspections. Searle said that more attention would be given to educating firms on standards in order to curtail the occurrence and cost of re-inspections. According to Searle, a reduction in unnecessary travel expenses combined with the introduction of laptop computers to the inspection process will achieve a better level of efficiency and reduce administrative costs.

Searle said that there would also be a projected \$350,000 in savings in the Administrative Support and Grants, Family Farm Security Program. According to Searle, the program received the fourth largest cut in budgetary funding proposals, but he noted that projected annual savings would come through interest adjustments via a voluntary, phase-out of some 30 program participants.

Final budgetary reductions are achieved through efficient operation and management of available resources, said Searle. He said that by simplifying and reducing management structures within units, reducing unnecessary expenses in travel and overtime pay, and encouraging private sector funding in the areas of protective plant and insect services, budgetary goals can be realized.

## Ethics and Campaign Reform

### Caucus fundraising limited

Work continued on a bill to reform campaign financing, sponsored by Sen.

John Marty (DFL-Roseville), at the Ethics and Campaign Reform Committee, Tues. Feb. 9.

Marty, who also chairs the committee, presented several clarification amendments for the committee's consideration. One amendment adopted by the committee clarifies the definition of "election cycle" to include provisions for special elections.

On a roll call 6-3 vote, the committee also adopted an amendment prohibiting caucus fundraisers at the Capitol during the regular legislative session. Sen. Dean Johnson (IR-Willmar) said that there is a public perception that a direct correlation exists between contributions and the ability to carry out an agenda. Sen. Lawrence Pogemiller (DFL-Mpls.) countered that fundraisers held during the session had no more impact on his voting record than do those held off-session.

Marty said that with contradictory bills, speaking of S.F. 152 sponsored by Sen. William Luther (DFL-Brooklyn Park), he was attempting to mesh some of the Common Cause bill with S.F. 25. According to Senate counsel, one major difference between the bills authored by Marty and Luther is the method of financing. Marty's bill, S.F. 25, significantly lowers the limit on contributions, whereas Luther's bill, S.F. 152, retains a higher level of contributions. In addition, Marty's bill eliminates the check-off system, while Luther's bill preserves the check-off system, but changes the distribution of funds.

Marty said the committee will take final action on the bill after considering further amendments at subsequent hearings.

## Gaming Regulation

### Casino gaming impact reviewed

The Gaming Regulation Committee, chaired by Sen. Charles Berg, (DFL-Chokio), met Tues., Feb. 9, to hear an update on the impact of Indian gaming on Minnesota's economy. Members heard testimony by tribal and city representatives and a brief presentation by the Dept. of Revenue.

According to Myron Ellis, chairman, and Stanley Crooks, vice chair, Minnesota Indian Gaming Association, (MIGA), casino gaming has created an estimated 9,975 jobs throughout the state, with 76 percent based in the non-metro area. Ellis said that the Indian gaming industry now ranks 7th among

Minnesota's largest employers.

Crooks said that the industry has strengthened the economic base of communities, both on and off the reservation, but that it's important to look at the quality of life differences between reservations. He said that remote reservations are still at an economic disadvantage and that tribal communities have a way to go to move out of poverty and into the Minnesota mainstream.

Jim Ausmus, city administrator, Hinckley, testified that the Grand Casino facility is giving a positive economic boost to the local economy by adding roughly 1,163 jobs to the area. He reported that the city issued 64 building permits in 1992; up from 43 permits in 1991, and that the casino trade has spurred private development and public improvement projects.

According to Ausmus, the Indian community has worked with the city as a joint partner in funding public water, sewer and waste water treatment projects. He said that the tribe has contributed \$1 million toward completion costs of a \$1.9 million waste treatment facility and that renewable agreements for the shared cost of city services is in place. Representatives from the cities of Redwood Falls and Detroit Lakes echoed Ausmus' comments.

Steve Laible, CPA, KPMG Peat Marwick, told Senators that a study, commissioned by the Indian Gaming Association, would soon be released to profile the short and long-term economic impact of the gaming industry. Preliminary information among eight counties show decreased unemployment, a reduction in welfare claim amounts, an increase in private development and investment in public improvement projects. According to Laible, the second part of the study will focus on Indian gaming operations, revenues and how proceeds are used.

Mark Peterson, attorney, Dept. of Revenue, reported that in the past, Indian gaming was often treated as a peripheral issue to the state tax process. Peterson said that the department currently has a variation of eleven agreements with Minnesota's Indian tribes, but said he was currently in the process of developing one, uniform, model agreement to be used between the department and tribal governments.

According to Peterson, state sales tax is not currently paid on casino construction materials but food purchases by casino

customers are subject to sales tax. Cigarette and liquor taxes are collected at wholesale levels and included in the retail cost that casinos pay for tobacco or alcohol products, said Peterson.

Peterson said that in past years, a portion of the cigarette tax was refunded to tribal governments. On liquor taxes, partial refunds were made to ten of the eleven tribal governments on presumed sales to Indians based on average state-wide consumption.

### **Compulsive gambling discussed**

The Gaming Regulation Committee, chaired by Sen. Charles Berg, (DFL-Chokio), met Wed., Feb. 10, to hear individual testimony from compulsive gamblers. The panel also heard overviews from representatives of the Minnesota Council on Compulsive Gambling, Gamblers Intervention Services and the Compulsive Gambling Coalition.

Roger Svendsen, project director, Minnesota Compulsive Gambling Hotline, Institute of Public Health, provided information on the state's Hotline project. According to Svendsen, the Hotline serves as the first point of contact for Minnesotans who are in need of information, assistance or referral. Svendsen said the project is a 24-hour a day, 7 day-per-week operation and that the agencies goal is to promote hotline services, expand training and promote public awareness of the campaign on compulsive gambling problems.

Betty George, executive director, Minnesota Council on Compulsive Gambling, said that the agency is part of the larger campaign to educate parents and other adults about the dangers of gambling. George said that teens are particularly vulnerable to developing compulsive gambling problems. According to a 1990 Adolescent Survey of Gambling Behavior in Minnesota, George said that 6 percent of teens were identified as problem gamblers and 20 percent were classified as "at risk."

According to George, 63 percent of Minnesotans have gambled in the last year and 1.5 percent of these are estimated to have serious compulsive gambling disorders. Five individuals shared stories of their personal experience with compulsive gambling behaviors. One testified that her gambling behavior was fueled by personal problems, but stressed that convenience and easy access to gambling activity eventually resulted in

employee embezzlement and ultimately, incarceration.

A second witness said that his gambling behavior was a progressive acceleration of compulsion. Witnesses shared a common transition from participating in casual gambling (poker, bingo, pull-tabs) in adolescence to behavior that often ended with thousands of dollars spent in savings, credit card use, mortgage loans, employee embezzlement and in some cases robbery.

Sandy Brustuen, coordinator for Project Turn About, a compulsive gambling treatment program in Granite Falls, said she has seen significant increases in calls for assistance and in the number of individuals seeking professional help through treatment programs. To support their growing habit, Brustuen said that many individuals turn to criminal behavior such as writing bad checks, embezzlement, theft or robbery.

Final testimony was presented by Rick Murphy, a recovering compulsive gambler and spokesman for the Compulsive Gambling Coalition. Murphy said that the coalition is composed of recovering family and friends dedicated to increasing awareness of the problems of compulsive gambling and to promote the need for additional funding to support education, prevention and direct treatment program services. Murphy said their organization is opposed to any further expansion of gambling in the State of Minnesota.

## **Governmental Operations and Reform**

### **Dept. of Administration overview**

Members of the Governmental Operations and Reform Committee, chaired by Sen. James Metzen (DFL-South St. Paul), heard an extensive overview of the Dept. of Administration including an update from each of the five division heads, Tues. Feb. 9.

Commissioner Dana Badgerow discussed the department's strategic planning effort to improve the quality and productivity of state services by determining whether a particular program should be expanded, refocused, eliminated, or offered through the private sector. In addition to improving external services, Badgerow said the department is striving to create an "internal culture" that is mentally healthy - one in which employees are inspired perform to their fullest potential. This is one way management is able to reward workers in an era of budget

cutbacks and constant change, added Karen Carpenter, director, Administrative Services.

Carpenter continued the overview with a presentation of the agency's FY94 proposed budget including fund types and functions. Responding to a question from Sen. Linda Runbeck (IR-Circle Pines) on dispute resolution funding, Carpenter explained that the one-person office (currently operating at \$197,000) is basically financed through general funds, although specific grants may be received from the Dept. of Education.

On the topic of funding, Dennis Spalla, Facilities Management Bureau, informed committee members that the \$29 million in appropriated revenues to bring the state's facilities into compliance with the American Disabilities Act is significantly inadequate. According to Spalla, it will cost the state at least \$135 million to bring one-third of its facilities up-to-date. Although the agency is currently developing a priority list to use the initial \$29 million, Spalla said that administrators will be back before the Legislature requesting additional funds to complete the project of approximately \$200 million in total, estimated to last at least five to six years.

Senators concluded their morning meeting with a discussion of the agency's newest telecommunications network facility and service for the transmission of voice, data, and video information (the STARS network). STARS will be leased and managed by the state and is able to serve all public sector groups and private colleges in Minnesota.

### **State contracting issues**

Members of the Governmental Operations and Reform Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Wed., Feb. 10, to discuss state contracting for professional/technical services.

Marilyn Jackson-Beeck presented a recent study undertaken by the Legislative Auditor's Office on key issues dealing with state contracting. The study concluded, according to Beeck, that while most state agencies are generally satisfied with contractors' performance, they lack adequate information that would allow them to determine the costs and benefits for alternative solutions. Furthermore, in addition to being complex and often lacking competition, contracts are not always managed efficiently, and the state's

# Committee update

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regulatory efforts are sometimes uncoordinated. As a result, Beeck said that state officials should exercise caution as they consider extending the state's reliance on contractors. She added that while these problems exist, there are certain cases when it is more cost effective to utilize services available on the open market such as nursing homes, computer programming and systems analysis, and printing.

Sen. Tracy Beckman (DFL-Bricelyn) disagreed with Beeck's conclusion that nonstate services are more cost-effective, stating that the government ultimately picks up the tab (through state programs) for workers, especially women, who aren't earning enough in wages to provide for their families. Eliot Seide, Director, AFSCME echoed Beckman's statement, adding that state wages are higher due to an equity policy that has pumped \$50 million into traditionally low-paying, female dominated job classifications. In addition to paying poor wages, Seide said that contractors are not held accountable to citizens if they do a poor job, and the state tends to become dependent on their services. He recommends that union officials be more involved in contracting decisions, especially as the state moves closer to the privatization of certain services.

Finally, Beeck presented the committee with several recommendations for the Dept. of Administration to improve the contracting process including, prioritizing contracts by money involved, time, and risk; delegating more responsibility to individual agencies; providing agencies with regular training and up-to-date manuals on contracting; and, developing guidelines to help agencies determine whether to contract.

## Health Care

### MnCare recommendations deferred

The governor recommends deferring MinnesotaCare budget related decisions until Mar. 1993 due to numerous reports and plans that will impact with MinnesotaCare program, said Nancy Dagg, project director, Dept. of Human Services. The Health Care Committee, chaired by Sen. Linda Berglin (DFL-Mpls) continued hearing an overview of the budget by the Dept. of Human Services Tues., Feb. 9.

Dagg said the deferral of the governor's

recommendations will allow the Health Care Commission and other interested parties enough time to make necessary recommendations concerning MinnesotaCare. Currently, 16,000 individuals have been processed since Oct. 1992. Of those processed, 14 percent (2,298 applications) have been denied, she said. Denial based upon income level was one reason cited by Dagg.

In relation to MinnesotaCare, Dagg said the department requests funding for staff and overhead related to administration, eligibility, and enrollment functions and appeals staff. In addition, the department requests contract dollars for utilization review functions for inpatient hospital services as well as funding for staff to perform random audits, she said. Neither of the latter two items were addressed in the original fiscal note, Dagg said.

Jim Stoeber, assistant commissioner, gave an overview of the community mental health and state-operated services administration. He discussed a 5 percent cut in non-entitlement grants which includes operating costs for community support programs and community residential treatment. Berglin questioned reducing funding of community based services since the department has emphasized movement to such services.

Stoeber also discussed the continued efforts to downsize the residential treatment centers (RTCs) by moving residents to independent living situations. In addition to the downsizing efforts, the closing and transfer of Faribault and Moose Lake RTCs to the Dept. of Corrections will eliminate excess capacity, he said. He said he anticipates transferring the facilities at a fast pace.

The number of beds affected by the downsizing include 30 beds for persons with developmentally disabilities and 170 beds for persons with mental illness at Moose Lake, Stoeber said. In addition, the department proposes to relocate chemical dependency services to off-campus sites. In Faribault, the goal, by FY94, is to relocate 95 persons to privately-operated community services, and transfer 60 persons to state operated community services with the understanding that the services will become privately-operated by the start of the 1996-97 biennium. He said that no private sector services are currently available, but that the potential is there. He said, "It is

not the intention of the department to transfer individuals into a community that does not have the appropriate services available."

On another point, Shirley Patterson, representing the social services administration division, discussed the integrated planning and management act (IMPACT) initiatives.

### Tobacco exception provided

The Health Care Committee, chaired by Sen. Linda Berglin (DFL-Mpls.) convened Wed., Feb. 10, to hear several bills and to hear an overview of the managed health care delivery plan for recipients of Medical Assistance, General Assistance Medical Care and MinnesotaCare.

Officials from the Dept. of Human Services gave a brief overview of the managed health care delivery plan. Assistant Commissioner Helen Yates defined "managed care" as an organized and coordinated health care delivery system that addresses the improvement of access to quality care, assurance of appropriate utilization of services, enhancement of patient and provider satisfaction, and achievement of cost efficiencies in the delivery of health care.

The committee approved a bill that provides for an exception to the prohibition of the use of tobacco products in public schools. S.F. 97, sponsored by Sen. Harold "Skip" Finn (DFL-Cass Lake) permits a member of an Indian tribe to use tobacco products in public schools for bona fide spiritual and cultural ceremonies.

Larry Aitken, Leech Lake Tribal Council and President, Leech Lake Tribal College explained the concept and importance of tobacco in the cultural life of Indian tribes. He said that tobacco is used as a rite of passage from childhood to adulthood. Tobacco, when used in a ceremony, becomes a sacred item. Tobacco as a sacred item becomes a safely guarded, highly respected, conduit for healing, counseling and learning, he said. In addition, he said, the use of tobacco is a tribal expression of spiritual and universal connectedness. Aitken explained that tribal members use tobacco only in ceremonies and only for good purposes.

The committee also approved a bill that requires the commissioner of the Dept. of Health to approve a person for a nursing



assistant registry without requiring a competency evaluation if the person is in good standing on a registry in another state. Sen. Dallas Sams (DFL-Staples), sponsor of S.F. 119, said that the bill eliminates the option currently available for persons who have not completed an approved training program to qualify for the registry by taking a test that evaluates the person on all necessary clinical skills. The bill requires persons enrolled in a licensed nurse education program to take the competency test in order to be included on the registry, he said. Furthermore, Sams said the bill requires the commissioner of health to approve a nursing assistant for the state registry without evaluation if the person is in good standing on the registry in another state.

Patty Cullen Garvey, vice president of public affairs, Care Providers of MN, said that the requirement of competency testing results in a 3 to 6 month wait in hiring staff. Tim Samuelson, St. Johns Lutheran Home in Albert Lea, also spoke in support of the bill. He said that hiring a person who has reciprocity is cost effective since the residential home experiences a 46 percent turnover in nursing assistant staff. He explained the cost of testing and training, and well as the cost factor of salary during approximately 75 hours of training new staff is not only expensive, but also is refunded by through state tax dollars.

Iris Freeman, MN Alliance for Health Care Consumers, said that the training and testing standards are equally as stringent in other states since the standards are set by the federal government.

Lastly, the committee approved a bill, sponsored by Berglin, that requires the commissioner of human services to reduce the nursing home license surcharge within a month after a facility delicensures beds. Berglin said that S.F. 134 also requires the commissioner to respond to a surcharge appeal within 30 days of receipt and requires the commissioner to seek a federal waiver to exclude from the surcharge nursing homes that do not accept Medical Assistance clients.

### DHS initiatives profiled

The Health Care and Family Services Finance Division continued its overview of the governor's proposed budget for the Dept. of Human Services, Wed., Feb. 10. Dr. Laura Skaff briefed Senators on a variety of human services programs and policies.

Skaff explained one of the governor's initiatives to develop a new social services information system. She said the system will collect client specific data and key program indicators to track clients between service programs and to better support case workers. Sen. Don Samuelson (DFL-Brainerd), division chair, questioned the difference between the proposed new system and the existing MAXIS system, which is also connected to the counties. Skaff said that the MAXIS system does not collect all the information needed for the social service administration.

Several committee members questioned how state dollars are being saved given how the department views staff positions. Skaff discussed cutting 8.5 positions across the social service administration, resulting in a decrease of the general fund budget base for salaries by \$554,000. The plan includes holding positions vacant, she said. In other program recommendations, staff positions will be added, Skaff said. Sen. Linda Berglin (DFL-Mpls.) pointed out that vacant positions were not currently costing anything, so the bottom line was still the same.

Furthermore, in some incidents when a position is vacant due to a resignation, the department plans to leave the position vacant, and provide services through contracted services, explained Dwight Maxa, director of the deaf services division. He said contract services are paid by a different budget item. Some Senators said that, again, the bottom line is still the same.

## Jobs, Energy, and Community Development

### Community Action Program Review

Major grant reductions will seriously weaken the ability of community action programs to aid families who are teetering on the brink of poverty unless the state steps in to fill the gap, said Patrick McFarland, Minnesota Community Action Association at a hearing Tues., Feb. 9.

Briefing the Jobs, Energy, and Community Development Committee, administrators from statewide anti-poverty programs voiced their concern over the future loss of all federal Community Services Block Grant (CSBG) transfer funds representing half of the total funds going to community action programs. The funds are used to provide self-

sufficiency services to low-income families in Minnesota. The reduction, totalling in excess of \$5 million, is the result of a congressional decision prohibiting the transference of dollars from the federal Low-Income Home Energy Assistance Program (LIHEAP) to the CSBG. The decision will go into effect Sept. 30, 1993, according to McFarland,

Bill Davis, from the Minnesota Community Action Association presented the committee, chaired by Sen. Steven Novak (DFL-New Brighton), with a legislative proposal requesting \$14 million over the next biennium in additional revenues for the Minnesota Economic Opportunity Grant to sustain and expand community action programs. The programs, primarily directed at the working poor, newly unemployed, single and two parent families, and senior citizens, focus on economic development and community investment, prevention/intervention resource management, and case management, according to Davis. Members heard testimony in support of rural and urban community programs from clients who have benefited from various services including childcare, energy assistance, job training, and food assistance.

In addition to the \$14 million appropriation request, administrators are asking the Legislature to increase funding for low-income weatherization assistance, the Housing Trust Fund, the Head Start Program, and the Minnesota Displaced Homemaker Program. Support for the state of Minnesota to acknowledge migrant farm workers as residents of the state is also a key issue, according to Davis.

### Homeless bill discussed

The Economic Development and Housing Subcommittee, chaired by Sen. Ellen Anderson (DFL-St. Paul) met Wed., Feb. 10, to hear S. F. 54, a bill requiring the Housing Finance Authority to develop a program for families who are in danger of losing housing because of low income problems beyond their control.

The bill, authored by Sen. Janet Johnson (DFL-North Branch), enables an individual to receive emergency mortgage assistance (up to \$3000), or rental assistance (up to \$1,500), in the form of interest free loans, grants, and/or other services "deemed effective" in dealing with the problem. Johnson explained that while mortgage assistance is provided in such forms as aid in payment of taxes,

# Committee update

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fees, and insurance, rental assistance covers rent, relocation expenses, and/or security deposits.

Among several testifiers who spoke in support of S.F. 54, Maxine Timm, Community Action for Suburban Hennepin, said her agency receives at least 11 calls per day from individuals seeking housing assistance. S.F. 54 would help to prevent families from losing their home during a crisis, she added. Andriana Abariotes, Family and Children's Service of Minneapolis, concurred with Timm, stating that the programs provided in the bill work in conjunction with existing public services. The bill, she added, fills the gap left open by limited private funds that can't cover the majority of a recipient's living expenses.

Sen. Randy Kelly (DFL-St. Paul) expressed a concern that the bill "might set Minnesota up to become a magnet," attracting poor, nonstate residents seeking housing assistance. He suggested that criteria be added to the bill to avoid the problem. Johnson replied that the bill charges the Housing Finance Agency with selecting organizations to carry out the programs, and with developing criteria and guidelines for administering, allocating and evaluating services. Eligibility for assistance, Johnson added, is limited to families who have incomes below 60 percent of the median area income (from \$19,000 outstate to \$30,000 in the Metro Area), and who are delinquent in their mortgage or rental payments.

S.F. 54 was referred to the full committee as amended without recommendation.

## Judiciary

### Data Practices Act discussed

Don Gemberling, Dept. of Administration, presented a historical overview of the Public and Policy Analysis Division to members of the Judiciary and Crime Prevention Data Privacy Subcommittee, Wed., Feb. 10.

Gemberling summarized the duties of the division as outlined by the Minnesota Data Practices Act. The division's primary function is the regulation of all government data including information that is created, collected, received, maintained, disseminated or stored by a state agency, political subdivision or statewide system, regardless of the data's physical form, storage media or conditions

of use. Gemberling told the committee, co-chaired by Senators Jane Ranum (DFL-Minneapolis) and Harold "Skip" Finn (DFL-Cass Lake), that the act basically regulates what information can be collected and with whom it may be shared; the classification of specific government data; and sets civil penalties for violation of the act.

The law, according to Gemberling, also enables citizens to access records containing public government data, inspect and make copies of that data, and be informed of the meaning of public data. Gemberling concluded his discussion with an overview of 1993 legislation on issues such as making criminal histories public, campus crime, settlement agreements, and updating juvenile records.

Anne Walcott discussed the states' role in information policy. Walcott told Senators that they need to become more involved in the technological innovations occurring with regards to the collecting, sorting, and storing of information. In addition to cutting costs, the state would put rural areas in contact with the Metro Area by updating the state's archaic telecommunications system.

## Metropolitan and Local Government

### Transportation plan discussed

The lack of transportation services is a key barrier to early childhood development, according to Sen. Ember Reichgott (DFL-New Hope). Reichgott and representatives of Success By 6 Northwest presented a transportation report to the Metropolitan and Local Government Metropolitan Affairs Subcommittee, chaired by Sen. Ted Mondale (DFL-St. Louis Park), Wed., Feb. 10.

Rosie Smith-Pilgram, Success By 6 Northwest, illustrated the need to make significant changes in transportation services that facilitate widespread use of suburban public transit, particularly among single-parent families. The report calls for a "hub and spoke system" that provides a means of inter-suburban travel. Currently, many riders who want to travel to a nearby suburban destination must first go to the downtown hub to transfer, which is a time consuming and inefficient means of travel, said Smith-Pilgram.

The report also calls for reforms in liability laws in order to encourage volunteers, paratransit operators, and

other transportation providers to participate in a shared services plan that offers more transportation alternatives. Reichgott said the detailed report represents over two years of work by a diverse set of agencies, municipalities, associations, and foundations, whose efforts were coordinated by Amy Vomhoff McClurg and Gretchen Farner from Northwest Hennepin Human Services Council.

Michael Christenson from the Metropolitan Transit Commission (MTC) and John Riley, the new chair of the Regional Transit Board (RTB), also testified in support of the report's recommendations. Christenson and Riley said the MTC and RTB have incorporated into their plans many aspects of the Success By 6 recommendations. The transportation officials said their plans call for additional hubs and circulator routes to encourage ridership and improve service. They also noted the need to develop a sound funding source for transit improvements.

In other subcommittee business, George Bently presented a brief overview of "opt-out" transit systems. Opt-out transit systems allow communities at the end of existing transit routes to replace the existing transit service with their own transit programs, using regionally levied transit property taxes generated within the communities that receive the service. Bently stressed the need for community tailored transit services.

The subcommittee also approved a set of recommendations for redrawing the Metropolitan Council district lines. Mondale said the recommendations reflect "tighter population standards," emphasizing the importance of the "one person one vote" principle.

## Taxes and Tax Laws

### Transit funding

Ideas and alternatives for transportation and transit funding received the attention of the Tax and Tax Laws Committee Income and Sales Tax Subcommittee, chaired by Sen. Ember Reichgott (DFL-New Hope), Wed., Feb. 10. Members reviewed the financial structure of transportation and transit funding, and contemplated ways to improve and stabilize funding mechanisms.

Martha O'Toole, Senate Counsel and Research, briefed members on the complexities of funding transportation and transit projects and operations.

O'Toole also discussed state constitutional issues and how they relate to current funding proposals, including an extension of the general sales tax to gasoline and special fuel.

John Riley, Regional Transit Board (RTB) chair, outlined the agency's "Vision '97" transit improvement plans, which includes additional hubs and local circulators to increase ridership and improve services. Riley noted the link between good bus service and light rail, explaining that buses are the key to connecting people with a light rail system. Riley also emphasized the need to develop a "dedicated, growth oriented" source for funding transit operations.

Speaking in favor of extending the general sales tax to gasoline, Riley said the proposal would raise enough revenue to fully fund priority transit projects. However, Riley said he strongly opposes extending the sales tax to automobile repair services, which he said would hit hardest at young people, low income families, and people who most need their cars.

Riley and committee members agreed that it is essential that the governor and the Legislature address the constitutional issues regarding dedicated transportation funding in a way that meets the needs of Greater Minnesota, suburbia, and the core cities. Riley and some committee members said that state constitutional reform is in the best interest of all Minnesotans because of changes in the financial mechanisms that affect federal funding.

## Transportation and Public Transit

### Transit services presented

The Transportation and Public Transit Committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), convened Tues., Feb. 9, to continue hearing presentations about various transit services.

Jim Heilig, director of administration of the Duluth Transit Authority and president of Minnesota Public Transit Association (MPTA), presented a biennial analysis for the Metro Area and Greater Minnesota. In addition, George Bentley, representing the opt out transit systems, presented information about various opt out systems and budget data.

Sarah Lenz, transportation director of the Ebenezer Society, provided Legislators

with an summary of the society's transportation budget. To generate revenue, she said the society does a small amount of medical assistance and insurance reimbursable special transit work as well as some private pay work. However, about 90 percent of revenues come from Metro Mobility, which has been provided since 1986, she said. Lenz also outlined the expenses of Ebenezer transportation services. She said that of the vehicles purchased in 1986, the service still operates approximately 10 buses with over 300,000 registered miles on them.

Merritt Linzie, Minnesota Dept. of Transportation (Mn/DOT), said that the Intermodal Surface Transportation Efficiency Act (ISTEA) provides for an increase in minimum allocations to Metro Areas and a chance for a collaborative process. He said that the Legislature needs to establish a task force to study a process of selecting large highway projects for implementation and of spending allocated dollars.

Linzie said that a limited spending authority caused a \$40 million short fall for the current year. ISTEA funds for Minnesota total \$277 million, including an appropriation of \$197 million, and a special allocation of \$80 million, he said. John Bowers, assistant division administrator of the federal highway administration, described how ISTEA funds could be affected if Minnesota does not enact mandatory motorcycle helmet laws. Bowers stated that failure to enact such legislation would result in a shift of three percent from highway development funds to educational programs in public safety. The three percent would be in addition to the percentage of motorcycle licensure fees already spent on safety programs.

### Rural perspective heard

The Minnesota Transportation Alliance provided the rural perspective on transportation and transit policy, Wed., Feb. 10. Fred Corrigan, executive director, gave an overview of the alliance to members of Transportation and Public Transit Committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake).

Corrigan explained that the alliance works with local government, regional organizations, state and federal government to determine transportation priorities. He discussed the federal Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. He said

that ISTEA eliminated the categorical programs such as Federal Aid Urban and Federal Aid Secondary, leaving to the states the task of reprioritizing its highway system needs. Corrigan said that ISTEA allows states and metropolitan planning organizations more flexibility and responsibility. He stressed the needs facing Greater Minnesota to ensure that agricultural products remain competitive in the global marketplace and to accommodate the growing tourism and timber industries.

Corrigan presented the alliance's legislative positions. Among others, he said that the alliance supports a 10 cent increase in the motor fuels tax to restore highway improvement programs to the 1988 level. 3 cents would be designated to replace lost revenues from the Motor Vehicle Excise Tax (MVET) 5 cents earmarked for inflationary impacts since 1988 and 2 cents for rebuilding the state's trunk highways and local bridges. The tax increase would raise \$220 million per year.

He said the alliance recommends the phasing out of the 2 cent ethanol exemption from the motor vehicle fuels tax. He said that as use of ethanol becomes mandated across the state in 1995, subsidies are no longer necessary and lost revenues to the Highway Trust fund exceed \$10 million annually. In addition, he said the alliance supports stricter enforcement of vehicle registrations to discourage Minnesota residents from registering vehicles in border states and causing a loss of revenue in Minnesota.

Pat Conroy, treasurer, Rural Initiative Coalition; Rick West, county engineer, Ottertail County; and Brian Shorten, executive director of Moorhead-Fargo Council of Governments also addressed concerns of rural transportation policy. Shorten stated that ISTEA substantially changed the way transportation planning, decisionmaking and funding is done. He drew a brief comparison of the old federal system and the ISTEA distribution requirements.

## Veterans and General Legislation

### VA hospital tour

Members of the Veterans and General Legislation Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), met Tues., Feb. 9, and toured the Minneapolis Veterans Hospital.

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, February 15

#### Health Care and Family Services Funding Division

Chair: Sen. Don Samuelson

8:30 a.m. Room 123 Capitol

**Agenda:** DHS presentation of the governor's proposed budget.

#### The Senate will meet at 11 a.m.

#### Agriculture and Rural Development Committee

Chair: Sen. Joe Bertram, Sr.

12 noon Room 107 Capitol

**Agenda:** S.F. 237-Berg: Directing the commissioner of agriculture to promote farming of cervidae; declaring farmed cervidae to be livestock and raising farmed cervidae to be an agricultural pursuit. S.F. 238-Bertram: Changing the bases for certain milk payments.

#### Judiciary Committee

Chair: Sen. Ember Reichgott

12 noon Room 15 Capitol

**Agenda:** S.F. 57-Marty: Human rights statute of limitations. S.F. 144-Cohen: Sexual harassment.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** S.F. 215-Betzold: County law library surcharge on petty misdemeanors. S.F. 216-Ranum: Deadline for domestic abuse arrest policies. S.F. 234-Finn: Definition of child abuse for CHIPS cases. S.F. 274-Knutson: Expansion of domestic abuse arrest authority. S.F. 275-Knutson: Venue for prosecution of illegal alcohol consumption by a minor.

#### Legislative Water Commission

Chair: Rep. Henry Kalis

6 p.m. Room 500 South, SOB

**Agenda:** Mississippi River Headwaters Board Report on 1993 legislative initiative. Discussion of CORE recommendations with a focus on water. Report on environmental consulting services by MDA and Dept. of Commerce.

### Tuesday, February 16

#### Gaming Regulation Committee

Chair: Sen. Charles Berg

8 a.m. Room 107 Capitol

**Agenda:** Continuing discussion and testimony regarding compulsive gambling issues. Final action on amendments to S.F. 103-Berg: Relating to lawful gambling.

#### Governmental Operations and Reform Committee

Chair: Sen. James Metzen

8 a.m. Room 15 Capitol

**Agenda:** Overview of recommendations from the Commission on Reform and Efficiency.

#### Transportation and Public Transit Committee

Chair: Sen. Florian Chmielewski

8 a.m. Room 112 Capitol

**Agenda:** Discussion on the Metropolitan Council's role in transportation funding with a presentation by Dottie Rietow, chair, Met. Council. Presentation on Travel Behavior Study by Nacho Diaz, director, Transportation Planning, Met. Council. Presentation on the Minnesota Highway Users Federation by Carol Louro, regional director.

#### Education Funding Division

Chair: Sen. Lawrence Pogemiller

10 a.m. Room 112 Capitol

**Agenda:** Discussion of mandates and S.F. 185-Olson: The governor's children's bill.

#### Health Care Committee

Chair: Sen. Linda Berglin

10 a.m. Room 15 Capitol

**Agenda:** S.F. 282-Berglin: Hospital Disproportionate Population Adjustment (DPA) payment bill. Testimony on the governor's budget in the areas of nursing homes, hospitals, ICFMRs.

#### Jobs, Energy and Community Development Subcommittee on Economic Development and Housing

Chair: Sen. Ellen Anderson

10 a.m. Room 107 Capitol

**Agenda:** The Minnesota Housing Finance Agency legislation.

#### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

12 noon 3M Chemolite Facility

**Agenda:** Tour of 3M's Chemolite.

#### Ethics and Campaign Reform Committee

Chair: Sen. John Marty

12 noon Room 107 Capitol

**Agenda:** S.F. 25-Marty: Campaign finance reform.

#### Family Services Committee

Chair: Sen. Pat Piper

12 noon Room 15 Capitol

**Agenda:** S.F. 32-Hottinger: Prohibition of smoking extended to family daycare providers. S.F. 242-Finn: Modifying adult foster care license requirements. Additional bills may be added.

#### Veterans and General Legislation Committee

Chair: Sen. Jim Vickerman

12 noon Minneapolis Veterans Home

**Agenda:** Tour of the Minneapolis Veterans Home.

#### Environment and Natural Resources Subcommittee on Environmental Protection

Chair: Sen. Kevin Chandler

2:30 p.m. Room 107 Capitol

**Agenda:** Overview of the Metropolitan Mosquito Control District. S.F. 96-Riveness: A bill clarifying rulemaking provisions for the P.C.A. adoption of wastewater treatment standards.

#### Legislative Commission on Planning and Fiscal Policy

Chair: Rep. Dee Long

3 p.m. Room 10 SOB

**Agenda:** Discussion of the State Accounts Receivable Project by representatives from Andersen Consulting, the Depts. of Revenue, Finance, Human Services, and the Attorney General's office. Discussion of the governor's proposal to consolidate the Dept. of Education and related functions/programs.

#### Higher Education Division

Chair: Sen. LeRoy Stumpf

4 p.m. Room 123 Capitol

**Agenda:** Discuss budget request for Higher Education Board and Higher Education Coordinating Board.

#### Finance State Government Division

Chair: Sen. Richard Cohen

4 p.m. Room 318 Capitol

**Agenda:** Overview of the Dept. of Administration.

#### Taxes and Tax Laws Subcommittee on Income and Sales Tax

Chair: Sen. Ember Reichgott

4 p.m. Room 15 Capitol

**Agenda:** Overview and discussion of business tax initiatives.

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## Transportation and Public Transit Finance Division

Chair: Sen. Keith Langseth  
4 p.m. Room 125 Capitol  
Agenda: Budget overview of the Dept. of Public Safety.

Wednesday, February 17

## Gaming Regulation Committee

Sen. Charles Berg  
8 a.m. Room 107 Capitol  
Agenda: S.F. 103-Berg: Relating to lawful gambling. (If final action on this bill was completed in Tuesday's meeting, this meeting will be cancelled.)

## Transportation and Public Transit Committee

Chair: Sen. Florian Chmielewski  
8 a.m. Room 112 Capitol  
Agenda: Overview of the Minnesota Chamber Transportation Committee with presentations by: David Olson, president, Minnesota Chamber; John Tenney, chair, Transportation Committee; and Dave Wefring, director, Environmental Affairs. Presentation on the Minnesota State Council on Disability by Kurt Strom, Community Program Advocate.

## Higher Education Division

Chair: Sen. LeRoy Stumpf  
10 a.m. Minneapolis Technical College and Community College  
Agenda: Tour of the Minneapolis Technical College and Community College.

## Health Care and Family Services Funding Division

Chair: Sen. Don Samuelson  
10 a.m. Room 15 Capitol  
Agenda: S.F. 282-Berglin: The hospital disproportionate population adjustment payments (DPA). Continuation of Dept. of Human Services presentation of the governor's proposed budget.

## Jobs, Energy and Community Development Subcommittee on Employment

Chair: Sen. Kevin Chandler  
10 a.m. Room 107 Capitol  
Agenda: S.F. 142-Hottinger: Regulating rehabilitation services and consultations.

## Commerce and Consumer Protection Committee

Chair: Sen. Sam Solon  
12 noon Room 112 Capitol  
Agenda: S.F. 109-Hottinger: Banks or savings associations acquisition for detached facilities operation.

## Judiciary Committee

Chair: Sen. Ember Reichgott  
12 noon Room 15 Capitol  
Agenda: S.F. 44-Berglin: Supplemental needs trust. S.F. 103-Spear: Paternity adjudication; paternity education. S.F. 186-Piper: Marriage dissolution; requiring more information on notices to public authorities. Discussion on S.F. 141-Reichgott: Uniform Common Interest Ownership Act.

## Crime Prevention Finance Division

Chair: Sen. Tracy Beckman  
2 p.m. Room 112 Capitol  
Agenda: Overview of the budget for the Dept. of Corrections.

## Metropolitan and Local Government Committee

Chair: Sen. Betty Adkins  
2 p.m. Room 107 Capitol  
Agenda: S.F. 74-Reichgott: Appropriating money to provide aids and grants for costs of sharing or combining services or functions. S.F. 149-Benson, D.D.: Relating to municipal contracting; contracts become the property of the municipalities. S.F. 233-Janezich: Relating to publication of delinquent property tax information.

## Rules and Administration Subcommittee on Permanent Joint Rules

Chair: Sen. William Luther  
2 p.m. Room 236 Capitol  
Agenda: Discussion on permanent joint rules.

## Legislative Commission on Pensions and Retirement

Chair: Sen. Phil Riveness  
2 p.m. Room 318 Capitol  
Agenda: S.F. 20-Beckman: Ambulance Personnel Longevity Program. H.F. 7-Cooper: Ambulance Personnel Longevity Program. S.F. 214-Stumpf: Ambulance Personnel Longevity Program. H.F. 188-Winter: Ambulance Personnel Longevity Program.

## Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse  
4 p.m. Room 125 Capitol  
Agenda: Overview of the Dept. of Natural Resources.

## Metropolitan and Local Government Tax Division and Taxes and Tax Laws Subcommittee on Property Tax

Chair: Sen. Carol Flynn  
4 p.m. Room 15 Capitol  
Agenda: Overview of local government aid. Presentations by: Dan Salamone, Minnesota Taxpayers Association; Don Diddams, League of Minnesota Cities; Roger Peterson, Association of Metropolitan Municipalities; and Tim Flaherty, Coalition of Greater Minnesota Cities.

Thursday, February 18

The Senate will meet at 9:30 a.m.

## Education Funding Division

Chair: Sen. Lawrence Pogemiller  
10 a.m. Room 112 Capitol  
Agenda: Continue discussion of mandates and S.F. 185-Olson: The governor's children's bill.

## Health Care Committee

Chair: Sen. Linda Berglin  
10 a.m. Room 15 Capitol  
Agenda: S.F. 282-Berglin: DPA payment bill (if bill passes Health Care and Family Services Funding Division).

## Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak  
10 a.m. Room 107 Capitol  
Agenda: S.F. 112-Moe: Workers' compensation; regulating the state fund mutual insurance company. S.F. 176-Moe: Regulating refunds made by the Workers' Compensation Reinsurance Association.

## Ethics and Campaign Reform Committee

Chair: Sen. John Marty  
12 noon Room 107 Capitol  
Agenda: S.F. 25-Marty: Campaign finance reform.

## Family Services Committee

Chair: Sen. Pat Piper  
12 noon Room 15 Capitol  
Agenda: Presentation on family preservation investment project revenue enhancement by the DHS.

## Crime Prevention Committee

Chair: Sen. Allan Spear  
2 p.m. Room 15 Capitol  
Agenda: S.F. 114-Kelly: Abolishing the Dept. of Public Safety. S.F. 161-Cohen: Appointment process for heads of BCA, State Patrol, Fire Marshall.

## Metropolitan and Local Government Committee

Chair: Sen. Betty Adkins  
2 p.m. Metropolitan Sports Facility Commission  
Agenda: Tour of the Metropolitan Sports Facility Commission - bus departs from the front of the Capitol.

## Finance State Government Division

Chair: Sen. Richard Cohen  
4 p.m. Room 318 Capitol  
Agenda: Overview of the Dept. of Commerce.

## Health Care and Family Services Funding Division

Chair: Sen. Don Samuelson  
4 p.m. Room 112 Capitol  
Agenda: Continuation of Dept. of Human Services' presentation of the governor's proposed budget.

Friday, February 19

No meetings scheduled at press time.

For further information, call the Senate Information Office at 296-0504 or the Senate Hotline at 296-8088.

## Senate Members --- 1993 Session

Party	Phone	Name	Room	Dist.	Party	Phone	Name	Room	Dist.
DFL	296-5981	Adkins, Betty A.	309	Cap. 19	DFL	8869	Luther, William P.	205	Cap. 47
DFL	5537	Anderson, Ellen R.	G-27	Cap. 66	DFL	5645	Marty, John	G-9	Cap. 54
DFL	5713	Beckman, Tracy L.	301	Cap. 26	IR	2159	McGowan, Patrick D.	129	SOB 33
IR	5975	Belanger, William V., Jr.	113	SOB 41	DFL	4154	Merriam, Gene	122	Cap. 49
IR	3903	Benson, Duane D.	119	SOB 31	DFL	4370	Metzen, James P.	303	Cap. 39
IR	6455	Benson, Joanne E.	153	SOB 16	DFL	2577	Moe, Roger D.	208	Cap. 2
DFL	5094	Berg, Charles A.	328	Cap. 13	DFL	7-8065	Mondale, Ted A.	309	Cap. 44
DFL	4261	Berglin, Linda	G-9	Cap. 61	DFL	5649	Morse, Steven	G-24	Cap. 32
DFL	2084	Bertram, Joe, Sr.	323	Cap. 14	DFL	4264	Murphy, Steve L.	226	Cap. 29
DFL	2556	Betzold, Don	G-24	Cap. 48	IR	1279	Neuville, Thomas M.	123	SOB 25
DFL	9307	Chandler, Kevin M.	111	Cap. 55	DFL	4334	Novak, Steven G.	322	Cap. 52
DFL	4182	Chmielewski, Florian	325	Cap. 8	IR	4837	Oliver, Edward C.	121	SOB 43
DFL	5931	Cohen, Richard J.	317	Cap. 64	IR	1282	Olson, Gen	131	SOB 34
IR	9457	Day, Dick	105	SOB 28	DFL	1802	Pappas, Sandra L.	G-27	Cap. 65
IR	4131	Dille, Steve	103	SOB 20	IR	5252	Pariseau, Pat	109	SOB 37
DFL	6128	Finn, Harold R. "Skip"	306	Cap. 4	DFL	9248	Piper, Pat	G-9	Cap. 27
DFL	4274	Flynn, Carol	G-29	Cap. 62	DFL	7809	Pogemiller, Lawrence J.	235	Cap. 59
IR	8138	Frederickson, Dennis R.	139	SOB 23	DFL	7-8060	Price, Leonard R.	235	Cap. 57
DFL	3219	Hanson, Paula E.	328	Cap. 50	DFL	7-8061	Ranum, Jane B.	325	Cap. 63
DFL	6153	Hottinger, John C.	G-29	Cap. 24	DFL	2889	Reichgott, Ember D.	306	Cap. 46
DFL	8017	Janezich, Jerry R.	328	Cap. 5	DFL	7-8062	Riveness, Phil J.	317	Cap. 40
IR	3826	Johnson, Dean E.	147	SOB 15	IR	4314	Robertson, Martha R.	125	SOB 45
DFL	8881	Johnson, Douglas J.	205	Cap. 6	IR	1253	Runbeck, Linda	107	SOB 53
DFL	5419	Johnson, Janet B.	322	Cap. 18	DFL	7-8063	Sams, Dallas C.	G-9	Cap. 11
IR	4123	Johnston, Terry D.	117	SOB 35	DFL	4875	Samuelson, Don	124	Cap. 12
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DFL	3205	Langseth, Keith	G-24	Cap. 9	DFL	7-8073	Wiener, Deanna	303	Cap. 38
IR	5655	Larson, Cal	145	SOB 10	<b>Capitol or State Office Building, St. Paul, MN 55155</b> <b>TDD number 296-0250</b> <b>Senate Information 296-0504</b>				
IR	4125	Lesewski, Arlene J.	135	SOB 21					
DFL	4136	Lessard, Bob	111	Cap. 3					

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# Briefly

The Minnesota Senate Week in Review

February 19, 1993

## Floor sessions held

Members of the Senate gathered for two brief floor sessions during the week. Members met Mon., Feb. 15 and Thurs., Feb. 18, to process bill introductions and motions. In addition, members granted approval to a resolution honoring the accomplishments and public service career of former Senator Robert G. Dunn.

## 21 gambling age rejected

Gaming Regulation Committee members met Wed., Feb. 17, to consider amendments to and passage of S.F. 103. The bill, authored by committee chair, Sen. Charles Berg (DFL-Chokio), deals with lawful gambling operations, restrictions, enforcement, compliance, lawful purpose expenditures and regulation. The committee, chaired by Berg, heard a series of amendments to the bill.

A controversial amendment, authored by Sen. Patrick McGowan, (IR-Maple Grove), sought to raise the legalized gambling age to 21--for all forms of legalized gambling except the purchase of raffle tickets of \$1 or less. Provisions in McGowan's amendment prohibits any person from selling, furnishing, bartering or giving a person prize awards under the age of 21. The amendment also incorporated misdemeanor and gross misdemeanor penalties for violation by sellers or buyers.

Discussion on this issue, led to an amendment of the amendment by Sen. Allan Spear, (DFL-Mpls.), who moved to reject the attempt to raise the legal gambling age to 21, by opting instead, to broaden current under-age 18 restrictions. Spear moved to replace the age 21 language in the McGowan amendment and impose a uniform 18-year-old requirement on all forms of gambling, except raffle tickets of \$1 or less.

In essence, Spear's amendment to the amendment contained the same language, but changed the age level. The amendment to the amendment also prohibits under-age 18 year olds from social gambling in private homes and makes it a crime for adults to permit their children to gamble. The amendments were approved.

Members also heard a amendment, authored by Sen. Gene Merriam, (DFL-Coon Rapids), to repeal the authority of the State Lottery Board to award a bonus to the state's lottery director. Merriam,

said the \$40,000 bonus formerly awarded by the board to the director, is being held in abeyance, and that the bill, if passed, would not be retroactive. The repeal of the State Lottery Board's authority does not take effect until the law becomes effective, said Merriam. The amendment was unanimously adopted.

An amendment, offered by Sen. John Marty, (DFL-Roseville), reinstated maximum aggregate value of all cover-all prizes in a single bingo occasion. Marty's amendment specified that the prize not exceed \$500 and that total prizes awarded at a bingo occasion may not exceed \$2,500 unless a coverall game is played--then the limit is restored to \$3,000. His amendment also reinstates the maximum pull-tab prize which may be awarded in a single game to \$250. The amendment was adopted. A second amendment, authored by Marty to prohibit advertising for the Minnesota State Lottery was withdrawn.

A final amendment, offered by Sen. Jerry Janezich (DFL-Chisholm), provides that charitable gambling operations can now spend up to 5 percent of their annual gross profits on advertising of the premises or \$5,000 a year per gambling site--whichever is less. Janezich said the intent of the amendment is to prevent expanded commercialization of gambling. The amendment also provides for Gambling Control Board authority in adopting rules to regulate the content of the advertising. The amendment was adopted.

S.F. 103 was approved as amended and re-referred to the Crime Prevention Committee.

## Smoke-free day care

Family day care providers cannot smoke in their homes during hours of operation, under S.F. 32, authored by Sen. John Hottinger (DFL-Mankato). The Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), recommended passage of the bill Tues., Feb. 16.

Hottinger said the bill is "a solid first step" towards ensuring a safe environment for children in family day care settings. Parents should not have to balance the dangers of passive smoking against other factors such as cost, convenience, availability, and provider expertise, said Hottinger. Moreover, he said, the limited availability of day care in some areas leaves parents with no choice but to leave their children with a day care provider who smokes.

Hottinger said research has shown that children who are exposed to second hand smoke have increased respiratory and ear infections, impaired lung functioning, and a higher risk of asthma. Hottinger noted that the medical community and the Minneapolis Day Care Association strongly support the bill. Several parents also testified in favor of the bill, expressing frustration with providers who smoke in children's presence.

Approximately 40 percent of child care providers are smokers, according to a report from Child Care Works, a statewide child care advocacy group. The group supports a smoke-free environment; however, they say some providers who cannot quit or have a smoker in the household may conceal their smoking, creating a hidden problem. Sen. Linda Berglin (DFL-Mpls.) said she also favored a smoke-free environment for children, but expressed concern that the bill may result in fewer day care providers, compounding the problem of availability. Child Care Works contends that there is a need to help smokers quit smoking, to increase education efforts relating to the detrimental impact of second hand smoke, and to recruit, train, and license new non-smoking providers. The committee approved the bill, which has an effective date of March 1, 1994, and sent it to the full Senate.

Sen. Dan Stevens (IR-Mora) presented S.F. 329, a bill that distributes to certain counties \$600,000 of federal funds designated for the basic sliding fee child care program. Stevens explained that without the bill, some families will be terminated from the program because several of Minnesota's 87 counties did not, or could not, provide adequate funding. The program provides partial child care assistance for working parents and students, said Stevens. He also pointed out that the program helps families achieve self-sufficiency by allowing them to pursue employment, training, and education. The committee rereferred the bill, as amended, without recommendation to the Health Care and Family Services Funding Division.

The committee also began work on S.F. 242, authored by Sen. Harold "Skip" Finn (DFL-Cass Lake). Finn said the bill removes the two-program cap on the number of programs an adult foster care license holder, who is incorporated as a business, may operate. The committee temporarily laid the bill over.

# Committee update

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## Agriculture and Rural Development Committee

### Cervidae farming considered

The Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram, Sr., (DFL-Paynesville), met Mon., Feb. 15, to take action on S.F. 237, a bill promoting cervidae farming. The bill, authored by Sen. Charles Berg, (DFL-Chokio), defines deer and elk as a form of livestock and introduces cervidae in the definition of agricultural production for tax purposes.

Berg said the bill provides for a statutory framework to allow, promote and regulate the commercial farming of elk and deer as an agricultural pursuit. Provisions in the bill make farmed cervidae subject to livestock licensing, identification, meat inspection, slaughter, stockyard requirements, transport, sale and rules established under the Board of Animal Health.

According to Mark Hanson, spokesman for the Deer Farmers and Elk Breeders Associations, cervidae farming has existed in Minnesota since the 1950's. The bill includes deer and elk farming as a legitimate livestock form under established agriculture production primarily for tax purposes, said Hanson.

Gary Tank, owner of a cervidae farm in Brainerd, said that the bill promotes the farming of deer and elk as an alternative agricultural industry. He said that New Zealand deer farmers currently export an estimated 80 percent of venison consumed by diet-conscious Americans.

Ed Boggess, resource manager, wildlife division, and Mike Grupa, field operations officer, DNR, expressed several department concerns with the scope of the bill. Grupa said there was concern about the potential genetic inter-breeding of North American native elk herds, established in northwestern Minnesota, with stray farmed red deer. Both said they would like to see limited cervidae farming in these areas.

Grupa said the random escape of farmed, red deer herds or quarantined herds, could be a potential threat to the health or population of native species. Further, Boggess said that the department would also like to see a provision for a specific notification requirement by cervidae farmers to the DNR in the case of escape by farmed, red-deer or quarantined stock.

Boggess suggested that the legislation include a requirement that cervidae

farmers contact the DNR within 72 hours of escape, if the missing stock are not found. He said notification is essential to carrying out the department's regulatory authority. An amendment to address these concerns was offered by Berg.

Under the proposed amendment to the bill, cervidae farmers are prohibited from allowing farmed deer and elk to roam at large. The amendment prohibits the raising of farmed cervidae in eight northwestern townships to protect the genetic-purity of the native elk herd established in the area. Boggess and Grupa said that the roaming of native elk in those areas may require a greater span of protected area in the future.

Another provision of the amendment authorizes the Board of Animal Health to assume responsibility for cervidae registration and allows the commissioner of agriculture and the board of animal health to inspect farmed cervidae and records. The amendment also gives the commissioner of natural resources express authority to inspect farmed cervidae and records, with probably cause, if laws protecting native wild animals are violated.

The bill directs the farm cervidae advisory task force to establish any necessary guidelines to the farming, breeding, containment and handling of farmed deer and elk. Committee members adopted the amendment. S.F. 237 was approved and re-referred to the Tax Committee for further consideration.

### Milk payment bill okayed

A bill changing the basis for milk payments was approved at the Wed., Feb. 17, meeting of the Agriculture and Rural Development Committee. The bill, S.F. 238, provides a means of payment based on all the components of milk. Committee Chair Joe Bertram (DFL-Paynesville), chief author of the bill, said that the measure provides that the formula used to determine the price of milk from producers be based on one or more of the standard rate for pounds of milk fat, protein, pounds of solids that are not fat, or other attributes of value in the milk. Bertram said that the new method would aid producers in obtaining a fair price. Bertram also reminded members that the dairy industry is responsible for about 40,000 jobs in the state. The measure was approved and sent to the Senate floor.

Committee members devoted the balance of the hearing time to discussion of a bill that allows the creation of family

farm limited liability companies and authorized farm limited liability companies. The measure, S.F. 82, according to chief author Sen. Charles Berg (DFL-Chokio), combines elements of limited partnerships and family farm corporations. Berg emphasized, though, that the bill does nothing to disturb current corporate farm laws. However, committee members expressed concern that the measure would open the door to corporate farming in Minnesota. After extensive discussion the measure was laid over in order to allow time to gather more information.

## Commerce and Consumer Protection

### Bank acquisition bill okayed

The Commerce and Consumer Protection Committee met Wed., Feb. 17, to consider a bill that lifts certain restrictions on bank acquisitions in Greater Minnesota. Under current law, state banks in Greater Minnesota may acquire no more than five other banks. S.F. 109, sponsored by Sen. John Hottinger (DFL-Mankato), removes that limit. The bill, Hottinger said, applies only when there is a willing buyer and willing seller and is intended to allow banking service to continue in small communities where banks might otherwise go out of business. The bill does not affect bank acquisitions in the Metro Area, which does not operate under the five-acquisition limit now. The committee, chaired by Sen. Sam Solon (DFL-Duluth), approved the measure and sent it to the floor.

## Crime Prevention

### Solicitation law expanded

Members of the Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), met Thurs., Feb. 11, to hear a bill establishing durable power of attorney for health. Sen. Ember Reichgott said that S.F. 40 creates a instrument that authorizes an agent to make health care decisions for the principal if the principal is unable to make or communicate health care decisions in the judgement of the attending physician.

The committee considered the bill because it creates two felonies, a gross misdemeanor and a misdemeanor. Reichgott pointed out that the penalty provisions are identical to those that apply to the living will. She explained that the bill establishes a gross misdemeanor for willfully concealing, cancel-

ing, defacing, or obliterating a durable power of attorney for health care without the consent of the principal or to falsify or forge revocation of the instrument. Furthermore, the bill calls for a ten-year felony for falsifying or forging the instrument or concealing or withholding personal knowledge of a revocation, Reichgott said. The last provision creates a five-year felony for coercing or fraudulently inducing another person to execute a durable power of attorney for health care, she said.

Reichgott said that an additional provision, which carries a misdemeanor penalty, prohibits anyone from requiring the execution of a durable power of attorney for health care as a condition of being insured or receiving health care services. The committee adopted an amendment establishing an effective date. The bill was approved and advanced to the full Senate.

The committee also considered a bill that would expand the existing crime that prohibits soliciting juveniles to commit criminal acts. S.F. 77, sponsored by Sen. Gene Merriam (DFL-Coon Rapids), expands the law to prohibit the solicitation of mentally impaired persons to commit a criminal act. Merriam explained that under current law, a person who solicits a juvenile to commit a criminal act is guilty of a gross misdemeanor if the intended criminal act is a gross misdemeanor and is guilty of a misdemeanor if the intended criminal act is a misdemeanor. For the solicitation of a felony, a person is guilty of a felony and may be sentenced to imprisonment for the maximum of one-half the statutory maximum term for the intended criminal act or to a fine, or both, Merriam said. The bill was approved and advanced to the full Senate.

### Library surcharge expanded

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), met Mon., Feb. 15 to consider several bills. First, the committee heard a bill that allows collection of a law library fee from those persons convicted of petty misdemeanors. S.F. 215, sponsored by Sen. Don Betzold (DFL-Fridley), expands the current law under which fees are collected from those person convicted of crimes, but not from those who convicted petty misdemeanors. Marvin Anderson, state law librarian, explained that county law libraries' filing fees provide the primary source of funding and that 77 county law libraries have already been collecting filing fees for petty misdemean-

ors. Betzold said that the bill only clarifies existing law. The bill was approved and advanced to the full Senate.

The panel also considered a bill that creates a new definition of the term "child abuse" for purposes of the juvenile code. Sen. Harold "Skip" Finn (DFL-Cass Lake) said the definition would be substituted for a definition of "domestic child abuse" in the definition of child in need of protection or services (CHIPS). Finn explained that under current law, a child is in need of protection or services if the child lives with or has lived with a victim of domestic child abuse or resides or would reside with a perpetrator of domestic child abuse. He said Minnesota statute defines "domestic child abuse" as any physical injury to a minor family or household member inflicted by an adult family or household member. Finn said the new definition of child abuse means an act that involves a minor victim. He explained that the bill applies to the perpetrator regardless of residence. The bill was approved and sent to the Judiciary Committee.

In addition, the committee reviewed two bills sponsored by Sen. David Knutson (R-Burnsville). S.F. 275 allows prosecution of a minor for illegal consumption of alcohol in any county where there is evidence of consumption. He explained that the bill is an exception to the general rule that a criminal case is tried in the county where the offense was committed. In addition, he said that under current law, cases are routinely dismissed because the location of the consumption is hard to prove, Knutson said. He said that proof the locale would require either a confession from the juvenile or an eyewitness.

The second bill presented by Knutson expands the scope of the warrantless arrest statute. He explained that S.F. 274 authorizes arrest without a warrant of a person for assault of another with whom the offender has a child or an unborn child in common. The new language would authorize warrantless arrest regardless of the marital relationship of the parties and regardless of whether they have lived together, Knutson said. The bill was approved and sent to the floor.

Finally, Sen. Jane Ranum (DFL-Mpls.) presented a bill that clarifies the deadline for completion of domestic abuse arrest policies. She said that S.F. 216 sets the completion date on July 1, 1993. Ranum also said the provision is effective retroactive to July 1, 1992. The bill was approved and placed on the consent calendar.

### Correctional facilities' initiatives

Frank Wood, deputy commissioner, Dept. of Correction, presented the department's proposed budget initiatives, Wed., Feb. 17, to members of the Crime Prevention Finance Division, chaired by Sen. Tracy Beckman (DFL-Bricelyn).

Wood said the department will implement a pilot project in which counties will be charged the actual per diem for each juvenile sent to the Sauk Centre correctional institution. Currently, counties are paying a portion of the cost from community correction aid, he said. The charge-backs save the state \$2 million in the first year of the biennium, Wood said. Sen. Gene Merriam (DFL-Coon Rapids) said he was concerned about the availability of county dollars to pay the per diems. Sen. Jane Ranum (DFL-Mpls.) said the real question is if services for juveniles would improve due to the state's savings.

Wood also discussed the 20 bed treatment program for adolescent sex offenders and the goal to reduce furloughs failures and escapes throughout the institution.

In addition, the panel focused on the Faribault and Reg Wing facilities. Wood said the department is asking for no change in Faribault, however, the department is requesting funds for a secure unit on the Reg Wing campus. He said that the request is the same as last year's request, but the governor's 1994-1995 recommendation is down-scaled from a 35 bed capacity to a 30 bed facility.

### Education

#### State University tuition

State University officials want to find a way to prevent tuition increases that are part of the governor's proposed budget, said Terrence MacTaggart, chancellor of the Minnesota State University System. MacTaggart testified before the Higher Education Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), Thurs., Feb. 11.

The governor's proposal removes \$42 million from the State University system's base, which would cause an increase in tuition rates for students, said MacTaggart. Under the governor's plan, college students in Minnesota would pay "a bigger share of their educational costs than students in all but two other states," according to a system analysis. Moreover, the analysis shows that the governor's proposed changes in financial aid formulas most benefit people at higher income levels.

# Committee update

MacTaggart said the system is proposing a budget that differs substantially from the governor's recommendations. The system's proposal preserves the base budget, totaling \$571.4 million, said MacTaggart. He also said that the proposal provides for inflationary increases, including cost-of-living salary adjustments negotiated in the collective bargaining process.

The system's proposal prevents tuition increases and cuts in services, according to MacTaggart. Sen. Larry Pogemiller (DFL-Mpls.) said his top priority was to hold down tuition costs for students. However, Pogemiller told MacTaggart that the state's tight fiscal situation may make it difficult to fully fund all of the system's requests.

MacTaggart outlined other system initiatives, including plans to improve library collections, to develop the Winona State University Rochester Center, to establish an early separation program for senior employees, and to complete a proposed capital improvement program. MacTaggart also requested funds for campus safety programs. He stressed the need to improve campus safety, saying that having students feel secure is "important to an environment that is conducive to learning."

## HECB budget discussed

Preventing the erosion of the state higher education grant program is a key priority of the Higher Education Coordinating Board (HECB), said Joe Graba, HECB spokesperson. Members of the Higher Education Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), met Tues., Feb. 16, to continue their evaluation of higher education policies in Minnesota, focusing on the HECB budget.

Graba outlined a number of HECB goals: to help Minnesotans obtain a quality post-secondary education; to provide students with as much choice as possible regarding programs and settings that best meet their educational needs and interests; to help assure access to a range of educational opportunities for people of all economic and social backgrounds; and to provide financial efficiency for taxpayers. HECB officials pointed out the budgetary impact of the growing demand for child care services for students who are working towards self-sufficiency, stressing the need to better fund these services.

Graba also pointed out that the HECB is submitting a budget request that is

different from the governor's recommendations. Senators debated what impact the budget requests will have on tuition rates and salary increases, and expressed frustration over the lack of coherence between the HECB budget and the governor's proposal. Sen. Lawrence Pogemiller (DFL-Mpls.) requested that the Department of Finance come forward with an outline that clarifies the ambiguity regarding public employee salaries.

## Mandates/budget discussed

Members of the Education Funding Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Tues., Feb. 16, to discuss a final draft of a bill, S.F.157, to repeal education a number of rules and mandates.

The purpose of the bill, authored by Pogemiller, is to repeal or modify restrictive and unnecessary mandates that hamper flexibility and innovation in the public school system. Pogemiller said the bill seeks to decentralize decision-making and furthers the legislature's goal of moving from a means-based system of education to one that is accountable for outcomes.

Pogemiller said that the committee will continue the review of mandates for inclusion in final passage of the bill. He invited committee members, representatives from education and the public to participate in the review process and to provide the committee with input on any special objection to items under consideration for appeal. No action was taken.

Further discussion centered on a report by Tom Melcher, Dept. of Education, who delivered an overview of budget forecast figures and provided Senators with a computerized analysis of general education revenue for each Minnesota school district.

The committee reviewed changes in total general education revenue and per pupil unit figures for FY93 through FY95. Melcher also provided FY94-95 projected aid, levy and revenue figures (excluding anticipated referendum monies) and explained differentials between the governor's budget and current law. Melcher said that general fund revenue figures incorporate a number of variables across 411 school districts. He said that budget forecasting often reflects assumptions in projected growth numbers, salary settlements and anticipated passage of referendums and local levies.

"The problem we have is a mechanical one," said Melcher. We provide funds to over 60 separate programs and it's difficult

to assemble information from all formulas of revenues. This is the best we can do at this point, said Melcher. Sen. Jane Ranum, (DFL-Mpls.), said that the department should consider establishing a wider information collection process for school districts so that variables such as certified levies and entitlement amounts would be available for analysis during the budgetary review process.

According to Melcher, the governor is recommending several modifications in the general fund program. The first modification is to maintain the formula allowance at \$3,050 for FY94 with a formula increase of \$3,100 for FY95. There is also a recommendation to reduce supplemental allowances by 1/4 of the increase in the formula allowance beginning in 1995.

In 1994, the governor recommends implementation of a 2-year average of per pupil unit, (weighted average daily member), WADM in all funding formulas based on WADMS. According to Melcher, this will more closely reflect the variation among districts in marginal costs associated with enrollment growth or decline.

## Environment and Natural Resources

### Minnesota products presentation

Members of the Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse, (DFL-Dakota), met Thurs., Feb. 11, to hear a report by Richard Nelson, executive director, Agriculture Utilization Research Institute, (AURI). Members also heard a presentation on the Board of Animal Health, by executive secretary and veterinarian, Thomas Hagerty.

Nelson said that AURI's goal is to increase and promote rural economic growth and employment opportunities throughout the state. According to Nelson, AURI provides technical or financial assistance to 150 new-use and new market projects across rural Minnesota. He said AURI's focus is to turn agricultural commodities into marketable products for industrial-use, new food products or to promote value-added use of agricultural commodities.

According to Nelson, the institute relies on a combination of federal and state funding in combination with private investment to assist entrepreneurs with research, marketing and financing. He said the institute's New Markets Program assists commodity, farm organizations and

other agricultural groups identify marketing opportunities.

Nelson brought samples of several products successfully launched through the institute—a kitty litter additive using durham wheat, a soybean-based herbicide additive, an alternative hot cereal using wild rice and barley, and an organic turkey waste-based pelletized fertilizer. Other product lines developed with institute assistance are a fish aquaculture system in Starbuck; a new organic vegetable oil processing facility in Le Center and the pioneering of sheep milk processing for “ewegurt” in Hinkley.

Nelson said that the institute received \$3 million in state funds for FY93 and he projects that AURI will assist in 12 partnerships and conduct 40 project assessments in FY93.

Walter Eisner, executive director, Environmental Industries of Minnesota, said that AURI was instrumental in launching a new starch-based, loose-fill packing product and the subsequent development of a polymer production facility. The new Minnesota-based product and process development for packing material will replace petroleum-based polystyrene, said Eisner. The new packaging material is more environmentally sound alternative to traditional material. Agricultural-based products will continue to be a welcome alternative to petroleum based products, he said.

A final update was delivered by Dr. Thomas Hagerty, Board of Animal Health. Hagerty said that the mission of the board is to protect the health of livestock in the state. The main focus is on testing and assisting livestock producers in the control and eradication of pseudorabies, said Hagerty, mostly among swine stock throughout the state.

According to Hagerty, 350 swine were tested with state-appropriated funds in 1992, and he explained that newly-introduced vaccines with identifiable markers are proving effective in the vaccination process by distinguishing between herds of vaccinated and infected swine.

Hagerty said that most livestock owners pay for initial testing of their herds and the board is normally brought in to conduct follow-up testing. He said the board has quarantine authority and advises owners on how to deal with herds infected with pseudorabies. Hagerty estimates that Minnesota still hosts about 10 percent of overall infected swine across the nation. Reductions in the numbers of infected herds should drop next year, said Hagerty.

## BWSR reports

Members of the Environment and Natural Resource Finance Division, chaired by Sen. Steven Morse, (DFL-Dakota), met Fri., Feb. 12, to hear a report by Ron Harnack, executive director, Minnesota Board of Water and Soil Resources.

Harnack gave Senators an overview of the overall mission of the board and delivered reports on local water and ground water planning, surface water management, soil and water conservation district activity, Reinvest in Minnesota (RIM) status and an update on the abandoned well program.

According to Harnack, the board provides leadership as a planner, coordinator and clearing house among local units of government and between state and federal agencies to enable proper management of local water and soil resources in the 87 counties throughout the state.

Harnack said that by the end of 1993, all counties in Greater Minnesota will have state approved and locally adopted water plans. Harnack said that seven joint power boards are now in place for comprehensive water planning for varying ecosystems across the state and an estimated 330 county initiatives were launched to foster a holistic approach to water management issues, he said.

Harnack said that the goal of the water quality cost-share program is to reduce soil erosion and to improve overall water quality. He said that program funding for the 1992-1993 biennium provided \$1.461 million per year for soil and water conservation districts, which in turn, provides cost-share funding to landowners on priority erosion projects.

The 1991 Wetland Conservation Act, that seeks to preserve and restore wetlands, continues to demand considerable time and resources by the board, said Harnack. He estimated that \$2.8 million is currently invested in wetland restoration at an average cost of \$600 per acre, and that demand for funding continues to exceed supply. According to Harnack, the board is actively educating the public and more than 200 local units of government in efforts to avoid the draining and filling of wetlands.

According to Harnack, the RIM program has enrolled some 3,800 acres under perpetual conservation easements in FY93 and the program has received approximately \$2.3 million in state funding. The Abandoned Well Sealing and Inventory Cost-Share Program has resulted in the sealing of 848 wells as of

Nov. 1, 1992, said Harnack. He said that education and promotion of the well-sealing program by the board has led to successful and expanded well-sealing activities throughout the state.

## PCA rulemaking clarification bill

The Environment and Natural Resources Subcommittee on Environmental Protection met Tues., Feb. 16, to consider a bill clarifying rulemaking provisions for PCA adoption of wastewater treatment standards. The bill, S.F. 96, sponsored by Sen. Phil Riveness (DFL-Bloomington), also provides that the number of members of technical advisory committee that advises the agency on the rules be reduced from nine to seven.

Riveness said that the bill clarifies the rulemaking provisions and simplifies language for Pollution Control Agency adoption and application of the waste water treatment standards. An amendment, adopted by the subcommittee, changes the definition of on-site treatment centers to specify that an on-site treatment system is a wastewater treatment system that uses soil treatment and disposal technology to treat 5,000 gallons or less of wastewater per day from dwellings or other establishments. Another amendment, adopted by the panel, deletes the requirement that notices of public hearings on the classification, standards of purity and quality of water be mailed to public libraries.

In other action, the subcommittee, chaired by Sen. Kevin Chandler (DFL-White Bear Lake), heard an overview of the Metropolitan Mosquito Control District. Speakers participating in the overview included Char Brooker of the Izaak Walton League, Craig Johnson of Clean Water Action, Susan Palchick of the Metropolitan Mosquito Control District and Gary Montz of the Dept. of Natural Resources.

Brooker questioned the continued need for mosquito control. She said that the Metropolitan Mosquito Control District receives nearly \$20 million each biennium from property taxes in the Metro Area. She questioned the use of an automatic levy to fund the district's activities.

Palchick responded that the district was formed as a result of a citizen mandate in 1958 to control the mosquito infestation in the Metro Area. She said that the district is guided by county commissioners, the EPA, the Dept. of Agriculture, the DNR and a technical advisory board. Palchick said that the district uses the most environmentally friendly mosquito



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control products available and that the district aims at control rather than full eradication. According to Palchick, the district monitors 200 larval control sampling stations and administers mosquito control products to 60,000 mapped breeding sites.

Montz said that the DNR has an agreement to work jointly in the management of waters that are mosquito breeding sites. "We have developed a sensitive site list of certain wildlife areas, which the district may monitor, but where the use of control materials is prohibited," Montz said.

However, Brooker said there is growing concern about the delivery of applications via helicopter and the environmental consequences of mosquito control products on fish, waterfowl and other insect species.

## Ethics and Campaign Reform

### Campaign reform continues

The Ethics and Campaign Reform Committee, met Thurs., Feb. 11, to continue work on a bill that changes the financing of public campaigns.

Sen. John Marty (DFL-Roseville), committee chair and author of S.F. 25, presented several amendments for consideration. For clarification, the committee approved an amendment which defines a member of an association as a "dues paying" member.

Another amendment provides for a special election subsidy, Marty said. The committee approved the amendment which provides each eligible candidate for a legislative office in the special election a public subsidy equal to the amount of money paid to candidates for the same office last general election.

The committee also approved an amendment which voids the act if the governor vetoes the appropriation from the general fund to the state treasurer to pay matching subsidies for election campaigns.

Marty said that further amendments will be heard at subsequent hearings.

## Family Services

### Head Start funding

The long waiting lists for the Head Start program received the attention of the Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), Thurs., Feb. 11. Sen. Linda Berglin (DFL-Mpls.)

presented S.F. 122, a bill that she said provides a guaranteed level of funding for Head Start "which is no less" than that of FY93. Head Start is a federal program, designed to help preschool children in need, that states can bolster with additional funding.

Berglin pointed out that many families who are eligible for the Head Start program do not receive services due to a lack of funding. Because of the importance and success of the program, it deserves a guaranteed base of funding, said Berglin. She also said the guaranteed base removes the uncertainty of the funding process, helping Head Start grantees plan their budgets. However, many committee members, who said they strongly support Head Start, said that no program should receive a guaranteed base of funding in these difficult times. Members said they support significant additional funds for Head Start, but contended that "locking in" a particular formula is not a sound public policy position. The committee approved an amendment to the bill that assures that each Head Start grantee is allocated "at least the proportion of" funding in any fiscal year that was allocated to that grantee in FY93.

Displaying his support for Head Start, Sen. Don Samuelson (DFL-Brainerd) gained approval of an amendment that appropriates \$25 million to the Head Start program in the next biennial budget. Berglin said she was very pleased with that level of funding, but expressed concern as to whether that amount would remain intact throughout the legislative process. The committee recommended passage of the bill as amended and rereferred it to the Jobs, Energy and Community Development Committee.

In other committee business, representatives from human services groups and the Department of Human Services discussed a number of welfare issues, including the rise in child poverty, the increase in single parent families, and the complexities of the current welfare system that discourage work and create a loss of hope among many families. John Petraborg, assistant commissioner, briefed Senators on the Minnesota Family Investment Program (MFIP).

Petraborg said MFIP, a seven county pilot project scheduled to start in 1994, restructures the current welfare system into a single unified system that replaces "programs that have had time to collect numerous layers of procedural complexity." Petraborg said that MFIP aims to help families move toward self-sufficiency

by providing child care assistance and by building incentives for families to increase their income through work. Senators noted that MFIP has received praise from both major political parties.

## Finance

### Dept. of Administration budget

Members of the Finance Division on State Government, chaired by Sen. Richard Cohen (DFL-St. Paul), met Tues., Feb 16, to review the Dept. of Administration's proposed 1994-95 biennial budget.

Introducing the budget, Commissioner Dana Badgerow stated that the department has a new focus for the future - an emphasis not only on improving the quality and productivity of their customer operations, but of modeling innovation, efficiency, and outstanding customer service.

Within the Division of Operations Management, certain areas are proposed to receive an increase in funding such as the Minnesota Office on Volunteer Services, while other activities may be eliminated including the electronic equipment rental operation and the Office of Telecommunication Policy, according to Bob Schroeder, assistant commissioner.

The Land Management Information Center makes up the major portion of funding within the Intertechnologies Group. Assistant Commissioner Bernard Conlin outlined the major initiatives of the center including, the creation of the Governor's Council on Geographic Information, a tri-agency memorandum of understanding on Geographic Information Systems, and a statewide data plan status report. Conlin said that some of the major objectives for all InterTech for the next biennium are maintaining or reducing rates, developing customer credit measures for all services billed, and continuing to meet 97 percent of InterTech's service level objectives.

### Budget review continues

Officials from the Dept. of Administration continued their budget overview at the Finance Division on State Government meeting, Wed., Feb. 17.

Assistant Commissioner Stephen Gammon outlined a service within the Information Policy Office for which the governor has proposed a biennial increase in funding above the agency plan level. A menu-driven, electronically based information service would be offered at



kiosks strategically placed around the state. Gammon explained that the "customer service centers" - providing information on such topics as employment, lodging, and recreation - would begin as a pilot program with the creation of four kiosks. Sen. Richard Cohen (DFL-St. Paul), committee chair, expressed concern over the department's request for increased spending during a time of budget shortfalls. Gammon replied that since other states are already moving ahead in this area of technology, the agency doesn't want Minnesota to fall behind. Other gubernatorial recommendations within the department include increased spending for a statewide recycling center, an electronic data interchange initiative for contact purchases, and an advanced telecommunications investment strategy.

Lastly, representatives from Minnesota public broadcasting spoke in opposition to specific funding cuts within the department's budget. Bill Strusinski, Minnesota Public Television, said that state funds are used by recipient stations to provide cultural, economic, educational, and children's programming. He added that reductions in state funding results in fewer dollars available in the form of matching grants used to keep technical equipment well maintained.

Karen James, representing Minnesota Public Radio, echoed Strusinski's concern. She said that \$2.5 million is needed over the next biennium to cover the cost of operating equipment needs for public radio. The investment would significantly improve program management and productivity for public radio, and would enable public radio stations to spend membership contribution on expanded programming, James added.

Chuck Slocum, director, Metro Cable Network, also requested a two year grant - totalling \$50,000 - to be included as part of the proposed department budget. He said that in each of the two previous budget cycles, such a grant had been invested in the ongoing operation of the regional channel, linking nearly 500,000 cable homes in the Metro Area through a single interconnect on channel 6.

## Gaming Regulation

### Compulsive gambling discussed

Members of the Gaming Regulation Committee, chaired by Sen. Charles Berg, (DFL-Chokio), met Tues., Feb. 16, to hear further testimony on compulsive gambling issues.

Carl and Marjie McFarland and Lee

Sage delivered personal accounts of their experience with compulsive gambling disorders. Sage and McFarland explained how convenient access to legalized gambling activity led to near financial ruin and compulsive gambling behavior disorder. Both testified to the importance and success of Minnesota's \$1.4 million compulsive gambling recovery and treatment programs.

"Compulsive gamblers are just like you," said Sage. But we have to treat this disorder as a disease and take a good look at the signals we may be sending to youth and the elderly in this state. He told members that if gambling were not legalized, and less accessible, he would probably not have become a compulsive gambler.

The McFarlands echoed the same sentiments. Both said that they were not opposed to current gambling already in place but added that gambling expansion and a move towards greater accessibility would be a mistake. We need to support compulsive gambling treatment centers and to educate the public on the symptoms of the disease, she said.

Ken Winters, U of M, Center for Adolescent Substance Abuse, reported that a 1990 survey of adolescent behavior showed that easy access to gambling was a significant factor among 3.2 percent of youth identified with pathological gambling behaviors and of 12 percent who demonstrated minor gambling tendencies. He said that current trends among youth show a move away from informal gambling (card games) and towards legalized forms--pull tabs, lottery and casino gaming.

Dr. Steve Dentinger, chair, State Advisory Committee on Compulsive Gambling said that more funding is needed to support and expand compulsive gambling referral and treatment programs across Minnesota. Dentinger said that with the expansion and increased access to legalized gambling, Minnesota could expect to see a 5 to 6 percent rate among people identified with gambling disorders. He estimated that the average cost per client for Minnesota treatment centers was \$3,200.

According to Dentinger, the advisory committee also identified a need to provide increased counselor and clinical training, promote public education and establish annual funding levels for the Council on Minnesota Gambling and the proposed development of a youth gambling task force. He said that the overall strategy should also include provisions for prevention.

## Governmental Operations and Reform

### CORE recommendations

The state must follow the public sector's lead and adopt the quality improvement management philosophy - focusing on customers, employee empowerment, and data-based decision making - if it wants to enhance agency efficiency and effectiveness and improve the delivery of service to the state's citizens, according to members of the Commission on Reform and Efficiency (CORE). The quality approach, according to Arend Sandbulte, president and CEO of Minnesota Power, will enable government to frequently analyze and redesign systems and processes to meet changing customer needs, administration priorities, and technological advancements.

CORE, an advisory team appointed by the governor to provide recommendations on how state government can become more efficient, presented its final report to the Governmental Operations and Reform Committee, chaired by Sen. James Metzen (DFL-South St. Paul), Tues. Feb. 16.

Commission members recommended sweeping changes to state government with the "total quality" approach in mind in the areas of human resources, budgeting and financial management, and rulemaking. Decentralization of decision making, performance-based budgeting, and less delegation of authority in rulemaking were some of the key components of the commission's recommendations.

Several Senators disagreed with the commission's recommendations on rulemaking stating that the Legislature should avoid "micromanagement." Instead, agency administrators should be allowed to implement the policies as they see fit, said Sen. Roy Terwilliger (IR-Edina).

Glen Taylor, chairman and CEO, Taylor Corporation concluded the meeting with presentation of a proposal to completely reorganize the executive branch of government. Among Taylor's recommendations, the state should establish a cabinet structure of eight executive offices to provide coordination and integration of related policies, functions, and programs. Each executive office would be headed by a secretary serving at the will of the governor. The plan would reduce the number of agency heads reporting to the governor and consolidate executive-level agency management, according to Taylor.

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## Health Care

### Children's mental illness report

Minnesota's services to children with mental illness need closer coordination, funding reform, and a change to a client-centered model of service, according to members of the Children's Mental Health Task Force who testified before the Health Care Committee at a Thurs., Feb. 11, meeting.

Members of the task force testified that the current system's incentives favor placement of children in residential programs rather than focusing on how to help families function, and that children with mental illness are often placed in one program after another, exacerbating the emotional problems the programs were intended to treat.

Kathy Kosnoff, an attorney with the Minnesota Mental Health Law Project voiced the concerns of several task force members who testified, saying that services for children with mental illness do not work together. In order to provide effective services for clients and their families, Kosnoff said, social service providers must not just look at clients from the narrow viewpoint of what the provider has to offer. Instead, she said, for each client, the provider should ask, "what does this child need?"

Ron Brand, executive director of the Minnesota Association of Community Mental Health Programs, emphasized the importance of funding reform, saying that it is very hard for good intentioned people to get beyond the boundaries of the present system. Currently, Brand said, the system encourages providers -- such as HMOs -- to declare a client too needy for the service the provider can deliver, resulting in budget relief for the provider and an out-of-home placement for the client.

Carl Valentine, a consultant with the Institute for Human Services Management, reinforced Brand's concerns and elaborated on the need for major changes in the way services are funded. Minnesota's service system for children with mental illness is "made up of many pieces that don't fit together very well" and "children fall through the cracks," Valentine said. In order to increase the system's effectiveness, said Valentine, the state needs to move to a funding system "where we put the dollars in the middle of the table" and all the service providers involved with the client can address the child's needs without the pressures of

defending their individual budgets against clients who are expensive to serve. The committee is chaired by Sen. Linda Berglin.

### Medical Assistance DPA payments

The Health Care Committee met Tues., Feb. 16, to consider a bill modifying Medical Assistance Disproportionate Population Adjustment (DPA) payments to hospitals and adjusting the 1993 formula for Medical Assistance (MA) payments to hospitals that were receiving the payments. According to sponsor, Sen. Linda Berglin (DFL-Mpls.), S.F. 282 is a response to the cap on DPA payments imposed by the federal government last year. The bill adjusts the regular MA payment to accommodate the cap. DPA payments are extra payments made to hospitals that serve a large percentage of patients receiving MA. The committee, chaired by Berglin, approved the bill and re-referred it to the Health Care and Family Services Finance Division.

The committee also heard public testimony from several representatives of hospitals, nursing homes, ICFs/MR and alternative care groups, as well as from representatives of Hennepin County, about how the governor's budget will affect their services.

Emily Ann Staples, commissioner, Hennepin County Board of Commissioners, said that hospitals such as Hennepin County Medical Center that serve many uninsured and underinsured patients will be hardest hit by the governor's proposed cuts in medical reimbursements.

Staples said that cuts in public funding necessitate cost-shifting -- raising the prices charged to private pay patients in order to recover the difference between the cost of services to publicly funded patients and government reimbursements for those services.

Several of those testifying criticized the \$10,000 per year limit for patients on GAMC called for in the budget, questioning how hospitals can abide by the limit without discharging patients who still need care. A nursing home representative testified that the limit will worsen the problem of hospitals releasing hospitalized nursing home residents before they have recovered enough to be adequately cared for in the nursing home.

Several health care providers also noted that although the governor's proposed budget provides cost-of-living increases for providers, it also imposes budget cuts at about the same level as the increases.

### Developmental disabilities initiative

Minnesota's system for providing help to people with developmental disabilities is rigid, fragmented, and compartmentalized, preventing many people from receiving the most appropriate type of care, said Laura Skaff, assistant commissioner, Department of Human Services (DHS). Skaff outlined the DHS's "1993 Impact" initiative and budget for members of the Health Care and Family Services Funding Division Thurs., Feb. 11.

Skaff said the initiative addresses many concerns regarding developmental disabilities care issues. She said the initiative provides for more flexibility, choice, responsiveness, and simplicity in the system. Skaff pointed out that the long-term trend is toward better community integration of persons with developmental disabilities. Skaff also called for "radical steps" to get the initiative underway.

Several Senators said they were troubled by the governor's recommendations that increase many administrative budgets while cutting some services. Sen. Don Samuelson (DFL-Brainerd), division chair, said he was concerned about the department's expenditure of funds on some high-level contract employees.

### Aging population

A growing demand for senior nutrition programs is exceeding the availability of funds for these purposes, according to testimony from Dept. of Human Services (DHS) officials. Laura Skaff and other DHS representatives testified before the Health Care and Family Services Funding Division, chaired by Sen. Don Samuelson (DFL-Brainerd), Mon., Feb. 15.

Funding for "Meals on Wheels" and congregate dining programs does not meet the demand, said Gerald Bloedow, DHS. Bloedow said the programs are important because they serve as a "tool" that keeps many seniors in their own home--as opposed to entering a nursing homes, which is very costly. Sen. Duane Benson (IR-Lanesboro) said he strongly supports the programs, but emphasized the need to target the limited funds to those who most need the services--low-income seniors who have difficulty getting out of their homes.

Senators also discussed other aspects of the DHS budget, including foster grandparent grants, the retired senior volunteer program, senior companion grants, and chemical dependency services.

## DPA payments to hospitals

Members of the Health Care and Family Services Funding Division met Wed., Feb 17, to take action on S.F. 282, a bill that modifies hospital reimbursement rates.

Sen. Linda Berglin (DFL-Mpls.), bill author, said the bill addresses the issue of disproportionate population adjustments (DPA) that were built into last year's budget. Berglin explained that the changes in the DPA formulas are needed because of changes in federal law. She said the bill provides a mechanism to give hospitals an increase in DPA payments to compensate for a loss of federal funds. The federal changes affected some 70 hospitals in Minnesota, said Berglin. The division approved the bill and sent it to the Health Care Committee.

The division, chaired by Sen. Don Samuelson (DFL-Brainerd), also continued its overview the Department of Human Services' budget.

## Jobs, Energy, and Community Development

### Conservation Improvement

Members of the Jobs, Energy, and Community Development Subcommittee on Energy and Public Utilities, chaired by Sen. Janet Johnson (DFL-North Branch), were briefed Thurs., Feb. 11, on different ways Minnesota utilities are working to reduce energy consumption or increase efficiency in the use of electricity or natural gas.

John Fuller, Senate Counsel and Research, opened the meeting with a brief update on current law governing conservation improvement programs. According to Fuller, regulated public utilities are required to spend and invest for energy conservation improvements .5 percent of gross operating revenues from service provided in the state for gas utilities, and 1.5 percent of those revenues for an electric utility. A municipal gas utility must invest .5 percent of its revenues, a municipal electric 1 percent, and a cooperative electric 1.5 percent. Fuller explained the different ways a regulated public utility may make expenditures, including contributing to conservation programs approved by the commissioner of public service or investing funds in a conservation account regulated by the state. Money in the account is used to meet the energy conservation needs of low-income persons through various services.

One of the state services offered to low-

income households through community action programs is weatherization assistance. The funds are used to insulate attics and walls and install storm or thermal doors and windows, according to Denise DeVaen, Director, Minnesota Community Action Assn.

Private sector programs are also available, according to Tracy Bridge, Minnegasco, whose company offers energy saving educational workshops, free basic residential energy audits, and rebates for the installation of high efficiency natural gas cooling, including dessicant dehumidification. Minnesota Power's \$3.7 million conservation improvement budget for 1993 will be divided between several residential, commercial and large power projects, according to Steve Betzler, manager. He explained that specific funds will provide low-income customers with electric energy services such as efficient showerheads and water heater rebates, and award "PowerGrants" to companies that reduce energy consumption. Northern States Power is also funding a weatherization program that, according to company estimates, has provided roughly 500 low-income households with various "house doctoring" services over the last two years.

### Homeless prevention bill

S.F. 337, a bill establishing a family homeless prevention and assistance program, was approved by the Jobs, Energy, and Community Development Subcommittee on Economic Development and Housing, chaired by Sen. Ellen Anderson (DFL-St. Paul), Tues., Feb. 16.

The bill, authored by Sen. Steven Novak (DFL-New Brighton), authorizes the Housing Finance Agency to create a program that assists families who are homeless or at imminent risk of being homeless. Novak said that the bill specifies that the agency award grants to counties experiencing significant growth in the number of homeless families and agree to secure permanent or transitional housing for homeless families. At least one grant must be awarded to an area outside of the Metro Area. The bill also outlines criteria to which grantees must subscribe, authorizes uses of grants, mandates the creation of advisory committees, and authorizes spending by the agency, according to Novak.

S.F. 337 is an attempt, said Novak referring to a recent report from the Housing Finance Agency, to address the growing problem of homeless children in Minnesota at a time when the federal

Emergency Shelter Grants Program is being dramatically reduced. Nearly half of homeless children in Hennepin County shelters are infants and preschoolers under the age of five, Novak stated. He added that emergency shelters in Hennepin and Ramsey Counties are running well over capacity, requiring as many as 100 children and their parent(s) to be housed in "overflow" shelters such as motels or rooms in men's shelters.

Commissioner Jim Solem, Housing Finance Agency, said that grants would be given to either a county or a non-profit organization outside of the Metro Area, and to counties within the Metro Area. He added that since counties within the Metro Area are already experienced in dealing with homelessness, "they have all the pieces - skills, information, and management systems - to provide assistance to folks who need the help."

Sen. Dennis Frederickson (R-New Ulm), expressed a concern over how the agency would measure a "significant growth" in the number of homeless families within particular counties. Solem replied that it is easier for the agency to respond to diverse needs if the funds are more flexible. He added that if the bill passes, he expects the program to be ready by July 1, 1993.

S.F. 337 was approved and referred to the full committee.

In other business, Solem presented an additional program for the committee's consideration dealing with mortgage foreclosure prevention. The program, according to Solem, would allow administrators to provide direct financial assistance (not to exceed \$4,000) to families who are delinquent on mortgage or contract for deed payment, and whose income does not exceed 60 percent of the greater of state or area median income. He added that families, whose financial problems have resulted from circumstances beyond their control, may receive assistance but must also have the capacity to resolve its problems in the near future and resume responsibility for their housing payments. The program's yearly cost is estimated at roughly \$221,000.

### Rehabilitation services regulation

Members of the Jobs, Energy, and Community Development Subcommittee on Employment, chaired by Sen. Kevin Chandler (DFL-White Bear Lake), met briefly Wed., Feb. 17, to hear testimony on S.F. 142, a bill relating to workers' compensation.

The bill, authored by Sen. John Hottinger (DFL-Mankato), amends

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current law to require that after 35 days of lost work time the employer/insurer must notify the injured worker, in writing, of the right to request rehabilitation consultation paid for by the employer/insurer. Additionally, the bill repeals the authority of the commissioner of labor and industry to waive rehabilitation consultation services, said Hottinger.

Steve Hollander, representing the Minnesota Association of Rehabilitation Providers, encouraged the committee to support S.F. 142, stating that lack of early intervention after a worker has been injured often keeps the worker at home for unnecessarily long periods of time. As a result, Hollander said, fewer injured workers returning to work increases the cost of the workers' compensation system because these injured workers qualify for more expensive benefits. S.F. 142 was laid over for further discussion.

## Judiciary

### Statute of limitations

Members of the Judiciary Committee, chaired by Sen. Ember Reichgott (DFL-New Hope), devoted the Mon., Feb. 15, hearing to discussion of a bill dealing with human rights statute of limitation.

The committee approved an amended version of S.F. 57, authored by Sen. John Marty (DFL-Roseville), that extends the statute of limitations for filing a claim of an unfair discriminatory practice under the Minnesota Human Rights Act from one year to two years after the occurrence of the practice. The extension is effective August 1, 1993, and applies to unfair discriminatory practices that occur on or after August 1, 1992.

Addressing the first part of the bill, Marty said that the statute of limitation extension was necessary for those individuals who have been sexually harassed yet hesitate to file a claim within a year for fear of being fired. Marty explained that an individual often waits to bring a charge against the aggressor until he or she has found new employment.

Attorney Steve Cooper concurred with Marty stating that the emotional damage resulting from sexual harassment is so devastating to the victim that he or she does not think of legal recourse. Cooper added that if, after a period of time, a victim sees others coming forward with the same complaints, he or she is more confident to file a claim since additional evidence may exist.

A second provision of the bill prohibits an employer from requiring or requesting

that a person furnish information regarding any complaints or charges made alleging sexual harassment. Dane Ellis, director, Affirmative Action, Dept. of Public Safety, supported this particular provision of the bill stating that employees are terrified to file a claim because they are afraid that it will ruin their opportunity to get a job elsewhere.

Lastly, S.F. 57 limits the discovery and admission of certain evidence in sexual harassment cases. Specifically, any evidence regarding the complainant's sexual conduct with individuals other than the alleged perpetrator, or regarding the medical and psychological history of the complainant more than one year prior to the alleged sexual harassment, is not discoverable unless the alleged perpetrator shows good cause to believe that the evidence is material and relevant. Furthermore, the evidence is not admissible unless the party makes a substantial showing that the material is relevant. Marty testified that the provision aids in preventing the perpetrator from intimidating the victim during the interim.

Cathy Cella, Minnesota Employment Law Counsel, spoke in opposition to S.F. 57 claiming that since the complainant doesn't need to file a lawsuit or hire an attorney, the process of filing a charge is relatively simple and can be completed within a one year period. Any extension of the statute creates an incentive for people to wait, produces "stale" evidence, and increases the backlog of cases already in process, Cella said. She added that if the complainant has a physical or mental condition and is trying to prove that his or her condition has worsened due to sexual harassment, the defendant should have the right to see and use the complainant's medical records.

### Supplemental needs trust

A bill expanding the notice requirements that go to public authorities in child support cases if either party is receiving AFDC, was approved by the Judiciary Committee, Wed., Feb. 17. The bill requires that the notice contain the full names of the parties, their social security numbers, and their birth dates.

S.F. 186, authored by Sen. Pat Piper (DFL-Austin), amends current law to provide full identification of parties in a pending legal action on dissolution of marriage, separation, parentage or custody of a child when AFDC is being provided to the family. Under current law, the notice going to the county from the petitioner's attorney contains only the

names of the parties involved. According to Jon Burud, supervisor, Hennepin County Child Support Division, the county must then identify the parties on the state's computer systems - currently holding over 350,000 names - and search for a possible matching AFDC case. If the case indicates that AFDC is active, the county must send a county attorney to the hearing to assure the court's order meets all statutory requirements. He said that finding the case on the computer is almost impossible, especially in Hennepin County Court, the largest court jurisdiction in the state. Burud added that failure to identify correct clients can result in a number of problems including overpayment to AFDC clients. S.F. 186 was approved and advanced to the full Senate.

Sen. Linda Berglin (DFL-Mpls.), presented a bill allowing the establishment of a supplemental needs trust for the benefit of a person with a disability. The trust, according to Berglin, must be funded by someone other than the beneficiary, the beneficiary's spouse, or anyone obligated to pay money to the beneficiary under the terms of a settlement agreement or judgement. The definition of a "person with a disability" follows the criteria used under Titles II and XVI of the Social Security Act. Sharman Jamison, a project coordinator with the PACER Center and mother of a daughter with developmental disabilities, spoke in support of the bill stating that assistance provided by the state is inadequate to meet her daughter's needs throughout her lifetime. Jim Carlisle, a person with a disability, also testified in support of the bill explaining the different benefits he has derived from the trust fund set up by his mother in 1985.

The bill, S.F. 44, also provides that a supplemental needs trust is enforceable by the courts unless, after the age of 64, the beneficiary becomes a patient or a resident in a state institution or extended care facility for six months or more and is not expected to be discharged. Berglin, responding to a question from Sen. David Knutson (IR-Burnsville) on the age cutoff, said that beneficiaries who are 65 and permanent residents in a nursing home receive state medical assistance. S.F. 44 was approved and referred to the full Senate.

Sen. Allan Spear (DFL-Mpls.), authored a bill establishing a procedure for executing a recognition of parentage that has the legal force and effect of a paternity adjudication by a court. The bill, S.F. 130, was laid over.

## Metropolitan and Local Government

### Annexation laws reviewed

Lawmakers need to develop policies that encourage intergovernmental cooperation, said Sen. John Hottinger (DFL-Mankato). The Metropolitan and Local Government Subcommittee On Intergovernmental Relations, chaired by Hottinger, reviewed issues relating to annexation procedures Thurs., Feb. 11.

A panel of representatives from the Minnesota Municipal Board, Association of Metropolitan Municipalities, Minnesota Association of Townships, Coalition of Greater Minnesota Cities, and League of Minnesota Cities briefed Senators on the complexities of the laws governing annexation procedures and border adjustments between townships and cities. The representatives discussed how pollution problems, land use planning, economic development, and other issues relate to annexation and border disputes.

Hottinger said the subcommittee will conduct a comprehensive examination of the subject in order to develop legislation that effectively addresses these issues. Sen. Jerry Janezich (DFL-Chislm), noting the feuds in which the respective groups sometimes engage, encouraged them to work together in the development of public policy that is good for all Minnesotans.

### Local government aid debated

Local government aid (LGA) was the subject of debate at a joint meeting of the Metropolitan and Local Government Metropolitan and Local Government Tax Division and the Taxes and Tax Laws Property Tax Subcommittee, both chaired by Sen. Carol Flynn (DFL-Mpls.), Wed., Sep. 17. Flynn said she brought the two panels together to review the rudiments of LGA policies, and to allow groups to air differing opinions on the subject.

Keith Carlson, Senate fiscal analyst, briefed Senators on LGA policies, which reduce property tax disparities due to tax base and spending differences. The current forecast for the coming biennium projects an \$8 million deficit for the local government trust fund, said Carlso, however it is "likely that the deficit will be erased with the next forecast and replaced with a surplus." Carlson said that "even though the trust fund is legally distinct from the general fund, the Dept. of Finance has been combining the two on its financial document--so the currently projected deficit of \$769 million includes the trust fund deficit.

Spokespersons from the Minnesota Taxpayers Association, the League of Minnesota Cities, the Association of Metropolitan Municipalities, and the Coalition of Greater Minnesota Cities presented their views on LGA. Dan Salomone, of the Minnesota Taxpayers Association, called for the state to provide "a well-targeted, needs-based formula," suggesting that the current LGA policies contribute to inefficient spending on the part of cities.

City and municipality advocates said that LGA is the means by which the state meets its responsibility to provide property tax equity for all parts of the state. They also said that LGA enables cities to provide adequate services. The advocates pointed out that they are strongly opposed to the governor's recommendation to take money from the local government trust fund and put the funds into the state's general fund, saying that the proposal will lead to increases in property taxes.

## Rules and Administration

### Rule changes discussed

The Rules and Administration Subcommittee on Permanent and Joint Rules met Wed., Feb. 17, to begin consideration of changes to the rules under which the Senate operates. The panel, chaired by Sen. William Luther (DFL-Brooklyn Park), discussed a number of issues raised by various Senators. No formal action was taken on any of the proposals.

Suggestions for rule changes ranged from a proposal by Sen. Linda Berglin (DFL-Mpls.) to allow, with the concurrence of the chairs, two or more committees to meet jointly to consider a matter referred to any one of the committees to a suggestion, offered by Sen. Dean Johnson (IR-Willmar), to prohibit conference committees meeting during floor sessions.

Other suggestions included a proposal, offered by Revisor of Statutes Harry Walsh, to include a table of contents for major bills; a proposal, offered by Sen. Pat Piper (DFL-Austin), to strengthen the ban on smoking in Senate controlled areas of the Capitol to include private offices; and a proposal, offered by Sen. Randy Kelly (DFL-St. Paul), to allow House members into the Senate Retiring Room. An issue raised by Luther concerns whether an objection on the grounds of germaneness can be raised on a motion to strike a Rule 49 amendment. All of the proposals and issues will be discussed further before actual changes to the rules are adopted.

## Taxes and Tax Laws

### More from four proposal

The progressivity of Minnesota's state income tax provided the touchstone for discussion at the Tues., Feb. 16 meeting of the Taxes and Tax Laws Income and Sales Tax Subcommittee. The panel, chaired by Sen. Ember Reichgott (DFL-New Hope), also heard a proposal, dubbed the "More from four" plan, to increase the income tax rates for the 4 percent of taxpayers with income over \$100,000 per year.

The hearing began with a presentation by representatives from the Dept. of Revenue's research department on the progressivity of the state's income tax compared with other states. According to the department's reports, the individual income tax is significantly progressive with the highest incomes paying the highest percentage of income tax. In addition, the regressivity of sales, excise and property taxes are offset by Minnesota's heavy reliance on the progressive income tax, department officials said. The working family credit also aids in the progressivity of the income tax by easing the tax burden of lower income taxpayers.

The latter portion of the hearing was devoted to discussion of the "More from four" proposal. Brian Rusche, director of the Joint Religious Legislative Coalition, and Mel Duncan and Alexa Bradley of the Minnesota Alliance for Progressive Action, outlined the proposal. According to Rusche, the income tax is the best tool to use to make the tax burden more progressive. Duncan said that the proposal provides structural reform to avoid further shortfalls, makes the system more progressive and generates new revenue.

Bradley detailed the specifics of the plan. The proposal has three parts. First, the proposal provides for boosts the working family credit. A second innovation involves converting the personal exemption to a personal credit. Finally, the proposal provides for an increase in the top income tax rate from 8.5 percent to 10 percent and adds a 12 percent rate. According to Rusche, the proposal would result in a tax decrease for 75 percent of Minnesota's taxpayers and the decrease would be targeted to low and middle income taxpayers. However, Bradley said there would be an increase for the 4 percent of Minnesota taxpayers with family incomes over \$100,000. An additional \$400 million in revenue would be raised by the state under the plan.



# Committee update

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## Transportation and Public Transit

### RTB funding addressed

John Riley, chair of the Regional Transit Board, addressed the Transportation and Public Transit Finance Division, chaired by Sen. Keith Langseth (DFL-Glyndon), Fri., Feb. 12.

One of the goals of the Regional Transit Board (RTB) is to get people to drive short distances to transit hubs and take the buses long distances, Riley said.

Riley said increased highway congestion, the potential for worsening air quality, and the need to maintain mobility for people who are dependent on transit are all challenges to quality of life. He said that a strong regional transit system is necessary to meet these challenges. Riley profiled the RTB's vision for transit service improvements that recognize that a comprehensive approach is needed to improve the transit system. Among others, he mentioned that improvements include increasing the trip frequency to both downtowns, maintaining a strong core system; putting in place a variety of accessible transit services that increase the travel options for persons with disabilities; and increasing the number of suburban circulators from two to seven, thereby meeting the needs for transit dependent people living in the suburbs.

Riley outlined the sources of transit funds, totaling \$143.3 million, for all programs in the Metro Area in 1992. He said that the majority, or 44.5 percent, of the funds are generated through property tax. The fare revenue constitutes 28.6 percent, while the state contributes 19.9 percent, he said. Federal transit funds total 5.9 percent and local monies make up only 1.1 percent. Metro Mobility transit funds, which totaled \$17.3 million in 1992, receives 82 percent from the state, 15 percent from fare revenue, and 3 percent from agency reimbursement, he explained.

For the 1994-1995 biennium, Riley said the Regional Transit Board requires a total of \$70.6 million to maintain the existing level of service and an additional \$46.3 million to complete the vision for transit improvements. Riley said that without dedicated funds, the transit system will stand still.

The committee also reviewed the proposed budget of the Metropolitan Transit Commission (MTC). Michael Christenson, chief administrator, briefed

Senators about the 1993 sources of operating funds and outlined the operating expenses of the MTC. He said that the RTB is the major contributor, making up 54.4 percent of the total budget.

About 30 percent is collected through passenger fares and 8.3 percent is from federal assistance, he said. In comparing the fare recovery on a national basis, Christenson said Minnesota's 30.3 percent exceeds the national average of 26 percent. The balance is generated through contract revenue, primarily through opt-out transit programs, the Metropolitan Airport Commission, and other self-generated sources, Christenson said. Only .6 percent of the operating funds come from the fund balance which remains at \$3.5 million, he said.

Beverly Auld, assistant chief administrator, told Legislators that Minnesota has the largest bus transit operation in the nation now that Los Angeles, who previously had the largest operation, has implemented light rail transit. She explained that the MTC employs 2,300 persons whose salaries and wages plus fringes constitute about 81 percent of the budget. She said that the MTC experienced a low turnover of drivers -- about 7.5 to 8 percent. Furthermore, she said that the drivers' average years of experience is about 11 years and the mechanics' experience exceeds 11 years. Auld also said that worker's compensation has dropped in the last five years to \$4.3 million.

On a final note, Christenson said that in an effort to comply with the Clean Air Act, the MTC is testing 15 buses that use alternative fuels.

### Public Safety budget overview

The Dept. of Public Safety presented the proposed budget to members of the Transportation and Public Transit Finance Division, chaired by Sen. Keith Langseth (DFL-Glyndon), Tues., Feb. 16. Michael Jordan, commissioner, gave an overview of the department's responsibilities and proposed budget cuts.

Jordan said that budget proposal decreases in the number of state troopers, through vacancy or elimination, from 535 to 440. He said the inability to fund position complements will affect the agency's ability to conduct business. Sen. Jim Vickerman (DFL-Tracy) said he does not support cuts of state trooper position because it is an issue of safety.

Acting Chief Dennis Lazenberry, Minnesota State Patrol, further described

the charge of the patrol. He said the State Patrol provides uniformed troopers to patrol state and federal highways, providing emergency response, traffic law enforcement, accident investigation, and motorist assistance. Furthermore, the State Patrol provides airborne support activities which augment road patrolling operations and conducts a coordinated statewide traffic safety education program.

The committee also reviewed the Division of Driver and Vehicle Services. Kathy Burke Moore, director, said that the governor recommends that a study be undertaken to reengineer the work processes of the division. She said the purpose of the project is to determine how new technology, including image processing, can improve efficiency and service to the public. Burke Moore also discussed reducing driver's license fraud, particularly by those under the legal drinking age, by redesigning the Minnesota driver's identification license. The committee examined several examples of improved licenses. According to Burke Moore, the licenses which use advanced technology, including digital imagery, deter tampering. She said the additional cost of the new license would be \$1.

Tom Boerner, director of the office of traffic safety also addressed the committee. He outlined the program's activities, namely gathering and analyzing statistical information about traffic crashes published in the Minnesota Motor Vehicle Crash Facts.

Finally, Walt Kelly, director, discussed the mission of the Office of Pipeline Safety. He stated that the activities performed by the office is funded 100 percent by the Minnesota pipeline operators and by a federal grant.

### Travel trends profiled

Nacho Diaz, Metropolitan Council, profiled the state's travel trends from 1970 to 1990 at the Transportation and Public Transit Committee meeting, Feb., Tues. 16. The Metropolitan Council assists in large regional projects and provides technical assistance to other organizations including the Minnesota Dept. of Transportation, cities, and the Regional Transit Board, Diaz said.

Diaz profiled the regional changes in households, jobs, and trips. He said that the Metro Area has experienced a small growth in population of 20 percent, but the number of households increased 52 percent between 1970 and 1990. The number of jobs and work trips also



increased 52 percent and 51 percent, respectively. The increases are due in part to the number of women entering the workforce, he said. In addition, Diaz said that in 1970, only 61 percent of the workforce drove to work sites alone, whereas in 1990, that percentage has increased to 80 percent. Only 14 percent in 1990 compared to 28.6 percent in 1970, carpooled to work, he said. Furthermore, the bus transit mode decreased slightly from 1970 to 1990. He also pointed out that all other trips increased over the 20 year span by 78 percent.

The miles of freeways and expressways have increased rapidly, Diaz said. He reported that in 1960, only 100 miles existed compared to 525 developed miles in the Metro Area by 1990.

The United States has one-third of all registered vehicles in the world, Diaz said. For the Metro Area, he outlined the number of vehicles per household and average number of vehicles by household income. He said that poorer households have no vehicles and depend on public transit for mobility. However, he said that there has been a reduced investment in public transportation. The annual bus miles of service by the Metropolitan Transit Commission decreased from 30.0 million miles in 1980 to 27.8 million miles in 1990. "It is essential to put more emphasis on bus service, Diaz said. He also said that the bus system needs to be decentralized since there is a significant trend of disproportionate job growth in the suburbs. According to Diaz, job growth grew in Carver County by 97.7 percent, in Dakota county by 73.1 percent and in Scott county by 55.4 percent compared to a decline of two percent in Minneapolis and 7.3 percent in St. Paul.

The committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), also heard a presentation by the Minnesota Highway Users Federation, a non-profit, non-partisan organization, consisting of 60 organizations, business and industries, representing transportation, manufacturing, agriculture, energy and general public interests. Carol Louro, regional director, said the federation works for a safe, efficient, and affordable highway transportation system and dedicates itself to preserving the freedom of mobility for all citizens in the state.

Louro said that a major concern for transportation analysts is the distribution of jobs and workers across the Metropolitan Areas. She said one measure is the ratio of jobs in a given county to workers living in the county. Another measure is

the percentage of workers who work in their own county of residence. In the Twin Cities not quite 65 percent of residents work in the county in which they live, Louro said. There is a need for significant inter-county commuting relative to other areas.

On another point, Louro said that studies have shown that urban rail systems are not attracting automobile drivers from their cars in the numbers necessary for rail systems to be a wise investment decision. She cited examples of cities where urban rail systems were expanded or opened and have had a decline in the transit market share.

### Helmet dilemma reviewed

The Wed., Feb. 17, meeting of the Transportation Committee began by hearing a brief overview of the issues surrounding Minnesota's stand on motorcycle helmet use.

Richard Borson, director of government relations, Dept. of Transportation, reviewed the provisions of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which provides funding incentives and sanctions relating to state laws regulating helmet and safety belt use.

Under ISTEA, Minnesota would be eligible for up to \$2 million in incentive funds over a three year period if a law requiring universal helmet use is passed. Borson said that the actual amount of funds available would be closer to \$1 million. These funds can be used for safety education, law enforcement training, and enforcement of helmet and safety belt laws.

In addition, the state will be subject to a sanction if a universal helmet use law is not passed before October 1, 1993. Under the sanction, one and one half percent of certain federal highway construction funds are diverted to highway safety programs. The funding diversion increases to three percent if a law is not passed by October 1994 and continues for another fiscal year if a law is not passed by October 1995. The Transportation Dept. estimates that approximately \$6.6 million would be transferred from Mn/DOT to the Dept. of Public Safety over a three year period under the sanction.

John Tenney and David Olson of the Minnesota Chamber of Commerce, presented a brief overview of the chamber's positions on transportation funding. Tenney said that the organization strongly opposes any attempts to undedicate highway users fund monies,

and supports the use of general fund money and other funding for highway construction.

The committee also heard an overview of transportation concerns from Kurt Strom and Jerry Hayes of the Minnesota State Council on Disability. Strom pointed out that the Americans with Disabilities Act (ADA) passed last year requires that all newly purchased public transit vehicles must be accessible by persons with disabilities. In addition, Strom said, even when the regular transit system becomes completely accessible, a significant number of people with disabilities still require and, under the law, are entitled to, a separate paratransit system. Metro Mobility, for example, would still be needed for some people with developmental disabilities and for people who use a wheelchair with an unusual design that will not fit on otherwise accessible buses.

In addition to this dual approach to serving transit needs, Strom said the council supports more refined criteria for determining eligibility for paratransit service, and will actively seek a new rule to tighten safety requirements. The council strongly opposes any attempt to use the ADA to justify reducing or eliminating service for persons with disabilities, Strom said.

Last, the committee heard testimony from Abe Rosenthal, president, Minnesota Transport Services Association, who said that some members of his association have been seriously harmed by last year's legislation specifying operating authority for Class I and Class II carriers. The association expects to propose legislation aimed at making changes in the operating authority of the carriers, according to Rosenthal.

## Veterans and General Legislation

### Vets Home toured

Members of the Veterans and General Legislation Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), devoted their entire Tues., Feb. 16, meeting to a tour of the Minneapolis Veterans Home.

### Service for hearing-impaired

Located in Senate Index, the TDD telecommunications service allows deaf or hearing-impaired persons to communicate with Index staff in order to find out bill status, bill content and bill authorship. The telephone number for the TDD service is (612) 296-0250.

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# Preview

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## The Minnesota Senate Week at a Glance

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### Monday, February 22

#### Health Care and Family Services Funding Division

*Chair: Sen. Don Samuelson*  
8:30 a.m. Room 123 Capitol  
**Agenda:** Continuation of the Dept. of Human Services presentation of the governor's proposed budget.

#### Crime Prevention and Judiciary Subcommittee on Privacy

*Co-Chairs: Sen. Harold "Skip" Finn and Sen. Jane Ranum*  
9 a.m. Room 107 Capitol  
**Agenda:** S.F. 248-Merriam: Issuance of commissioner's opinions under the data practices act. S.F. 247-Merriam: Clarifying patient right of access to medical records.

### The Senate will meet at 11 a.m.

#### Agriculture and Rural Development Committee

*Chair: Sen. Joe Bertram, Sr.*  
12 noon Room 107 Capitol  
**Agenda:** Discussion of stray voltage issues and effects. S.F. 82-Berg: Family Farm Limited Liability Company.

#### Judiciary Committee

*Chair: Sen. Ember Reichgott*  
12 noon Room 15 Capitol  
**Agenda:** S.F. 130-Spear: Paternity. S.F. 181-Reichgott: LLC amendments. S.F. 141-Reichgott: Uniform Common Interest Ownership Act.

#### Crime Prevention Committee

*Chair: Sen. Allan Spear*  
2 p.m. Room 15 Capitol  
**Agenda:** S.F. 114-Kelly: Abolition of the Dept. of Public Safety.

### Tuesday, February 23

#### Gaming Regulation Committee

*Chair: Sen. Charles Berg*  
8 a.m. Room 107 Capitol  
**Agenda:** S.F. 104-Berg: Lawful gambling; authorizing use of pull-tab dispensing devices.

#### Transportation and Public Transit Committee

*Chair: Sen. Florian Chmielewski*  
8 a.m. Room 112 Capitol  
**Agenda:** Presentation by Rich Jurgenson, president of the Minnesota Ethanol Coalition and general manager of the Minnesota Corn Processors Production

Plant, Marshall, MN. S.F. 154-Stumpf: Taxation; motor fuel taxes; providing for refunds of fuel taxes paid on fuel used to operate passenger snowmobiles used in resort operations. S.F. 273-Knutson: Highways; changing description of legislative Route No. 279 in state trunk highway system.

#### Education Funding Division

*Chair: Sen. Lawrence Pogemiller*  
10 a.m. Room 112 Capitol  
**Agenda:** Not available at press time.

#### Higher Education Division

*Chair: Sen. LeRoy Stumpf*  
10 a.m. Metropolitan State and St. Thomas-Minneapolis  
**Agenda:** Tours of the campuses of Metropolitan State University and the University of St. Thomas-Minneapolis.

#### Health Care Committee

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol  
**Agenda:** S.F. 172-Piper: Board of Medical Practice. S.F. 94-Piper: Medical practice licensure temporary permits. S.F. 207-Finn: Board of Social Work. S.F. 377-Berglin: Children's mental health consolidated fund.

#### Jobs, Energy, and Community Development Committee

*Chair: Sen. Steven Novak*  
10 a.m. Room 107 Capitol  
**Agenda:** S.F. 337-Novak: Homeless Prevention and Assistance Program. S.F. 344-Anderson: Housing; establishing a mortgage foreclosure prevention program.

#### Ethics and Campaign Reform

*Chair: Sen. John Marty*  
12 noon Room 107 Capitol  
**Agenda:** S.F. 25-Marty: Continuation of campaign finance reform.

#### Family Services Committee

*Chair: Sen. Pat Piper*  
12 noon Room 15 Capitol  
**Agenda:** S.F. 327-Kiscaden: Family Preservation Investment Project-federal revenue enhancement, DHS. S.F. 242-Finn: Modifying adult foster care license requirements.

#### Veterans and General Legislation Committee

*Chair: Sen. Jim Vickerman*  
12 noon Room 112 Capitol  
**Agenda:** S.F. 13-Vickerman: Motor vehicles; providing for free motor vehicle license plates for former prisoners of war.

#### Environment and Natural Resources Committee

*Chair: Sen. Bob Lessard*  
2 p.m. Room 15 Capitol  
**Agenda:** Continuation of overview of settlement agreement between Mille Lacs Band of Chippewa Indians and the state of Minnesota. Review of the band conservation code.

#### Finance State Government Division

*Chair: Sen. Richard Cohen*  
4 p.m. Room 318 Capitol  
**Agenda:** Overviews of the Minnesota Historical Society and the Dept. of Military Affairs.

#### Taxes and Tax Laws Subcommittee on Income and Sales Tax

*Chair: Sen. Ember Reichgott*  
4 p.m. Room 15 Capitol  
**Agenda:** Overview and discussion of business tax initiatives.

#### Transportation and Public Transit Finance Division

*Chair: Sen. Keith Langseth*  
4 p.m. Room 125 Capitol  
**Agenda:** Budget overview of the Minnesota Dept. of Transportation.

### Wednesday, February 24

#### Governmental Operations and Reform Subcommittee on Reform and Innovation

*Chair: Sen. Phil Riveness*  
8 a.m. Room 15 Capitol  
**Agenda:** Presentations by: Lee Munnich and Larry Struck, state managers and professionals; Fred Grimm, director, Management Analysis Division of the Dept. of Administration; Eliot Seide and Tom Beer, AFSCME; and Linda Barton, commissioner, Dept. of Employee Relations.

#### Transportation and Public Transit Committee

*Chair: Sen. Florian Chmielewski*  
8 a.m. Room 112 Capitol  
**Agenda:** Success by 6 presentation. Presentation by Gretchen Farner, project assistant, Northwest Hennepin Human Services Council-Transportation Committee. Discussion of transportation and energy policy by: Chris Porter, MPIRG; and Eila Savela, attorney, MPIRG.

### **Education Committee**

Co-Chairs: Sen. Lawrence Pogemiller and Sen. LeRoy Stumpf  
10 a.m. Room 123 Capitol  
**Agenda:** S.F. 169-Frederickson: HECB financial aid deficiency.

### **Health Care Committee**

Chair: Sen. Linda Berglin  
10 a.m. Room 15 Capitol  
**Agenda:** S.F. 377-Berglin: Children's mental health consolidated fund. S.F. XXX-Berglin: MinnesotaCare technical amendments.

### **Jobs, Energy, and Community Development Subcommittee on Energy and Public Utilities**

Chair: Sen. Janet Johnson  
10 a.m. Room 107 Capitol  
**Agenda:** Overview of telecommunications.

### **Education Funding Division**

Chair: Sen. Lawrence Pogemiller  
Immediately following the full Education Committee, Room 123 Capitol  
**Agenda:** Not available at press time.

### **Commerce and Consumer Protection Committee**

Chair: Sen. Sam Solon  
12 noon Room 112 Capitol  
**Agenda:** S.F. 41-Mondale: Automobile junking certificates of title; damaged vehicle title branding.

### **Crime Prevention Finance Division**

Chair: Sen. Tracy Beckman  
2 p.m. Room 112 Capitol  
**Agenda:** Budget overviews of the Dept. of Corrections and the Board of Public Defense.

### **Metropolitan and Local Government Committee**

Chair: Sen. Betty Adkins  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 277-Merriam: Anoka County Coroner Office. S.F. 300-Hottinger: Sheriff Civil Service Commission.

### **Legislative Commission on Pensions and Retirement**

Chair: Sen. Phil Riveness  
2 p.m. Room 318 Capitol  
**Agenda:** S.F. 376-Metzen: State Board of Investment; administrative provisions. S.F. XXX: MERF; administrative provisions.

### **Environment and Natural Resources Finance Division**

Chair: Sen. Steven Morse  
4 p.m. Room 125 Capitol  
**Agenda:** Not available at press time.

### **Health Care and Family Services Funding Division**

Chair: Sen. Don Samuelson  
4 p.m. Room 123 Capitol  
**Agenda:** Joint meeting with House Health and Housing Finance Committee to discuss Ryan White Aids Funding. Continuation of DHS overview of the governor's proposed budget.

### **Jobs, Energy, and Community Development Funding Division**

Chair: Sen. Carl Kroening  
4 p.m. Room 107 Capitol  
**Agenda:** Overview and budget presentation by the Dept. of Trade and Economic Development.

### **Metropolitan and Local Government Tax Division and Taxes and Tax Laws Subcommittee on Property Tax**

Chair: Sen. Carol Flynn  
4 p.m. Room 15 Capitol  
**Agenda:** Review and testimony on S.F. 78-Hottinger: Local government aids; providing for calculation and distribution of state aids to cities.

## **Thursday, February 25**

The Senate will meet at 9:30 a.m.

### **Higher Education Division**

Chair: Sen. LeRoy Stumpf  
10 a.m. Room 112 Capitol  
**Agenda:** Discuss budget request for Higher Education Board. Hear progress report from Higher Education Board. Hear HECB reports to the Legislature.

### **Health Care and Family Services Funding Division**

Chair: Sen. Don Samuelson  
10 a.m. Room 15 Capitol  
**Agenda:** Continuation of DHS overview of the governor's proposed budget.

### **Jobs, Energy, and Community Development Committee**

Chair: Sen. Steven Novak  
10 a.m. Room 107 Capitol  
**Agenda:** Not available at press time.

### **Ethics and Campaign Reform Committee**

Chair: Sen. John Marty  
12 noon Room 107 Capitol  
**Agenda:** S.F. 25-Marty: Continuation of campaign finance reform.

### **Family Services Committee**

Chair: Sen. Pat Piper  
12 noon Room 15 Capitol  
**Agenda:** Not available at press time.

### **Crime Prevention Committee**

Chair: Sen. Allan Spear  
2 p.m. Room 15 Capitol  
**Agenda:** S.F. 33-Pogemiller: Stalking and harassment crimes.

### **Metropolitan and Local Government Committee**

Chair: Sen. Betty Adkins  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 98-Janezich: Towns; eliminating distribution of certain reports on town roads and bridges. S.F. 99-Janezich: Towns; clarifying certain provisions for the terms of town supervisors. Overview by officers of the Minnesota Association of Townships pertaining to concerns in their districts.

### **Environment and Natural Resources Finance Division**

Chair: Sen. Steven Morse  
4 p.m. Room 125 Capitol  
**Agenda:** Not available at press time.

### **Finance State Government Division**

Chair: Sen. Richard Cohen  
4 p.m. Room 318 Capitol  
**Agenda:** Overviews of the Minnesota Supreme Court, the Minnesota Court of Appeals, the Minnesota District Courts, and the Judicial Boards.

### **Health Care and Family Services Funding Division**

Chair: Sen. Don Samuelson  
4 p.m. Room 112 Capitol  
**Agenda:** Continuation of DHS overview of the governor's proposed budget.

## **Friday, February 26**

### **Governmental Operations and Reform Subcommittee on Rulemaking**

Chair: Sen. John Hottinger  
8 a.m. Room 15 Capitol  
**Agenda:** Discuss rulemaking aspects of the CORE report.

### **Legislative Oversight Commission on Health Care Access**

Co-Chairs: Sen. Linda Berglin and Rep. Lee Greenfield  
10 a.m. Room 15 Capitol  
**Agenda:** Discussion of proposed health care legislation.

### **Environment and Natural Resources Finance Division**

Chair: Sen. Steven Morse  
2 p.m. Room 107 Capitol  
**Agenda:** Not available at press time.

### **Legislative Audit Commission**

Chair: Rep. Ann Rest  
2 p.m. Room 300 North SOB  
**Agenda:** Release of the Program Evaluation Division report on Higher Education Programs.

## Senate Members --- 1993 Session

Party	Phone	Name	Room	Dist.	Party	Phone	Name	Room	Dist.
DFL	296-5981	Adkins, Betty A.	309	Cap. 19	DFL	8869	Luther, William P.	205	Cap. 47
DFL	5537	Anderson, Ellen R.	G-27	Cap. 66	DFL	5645	Marty, John	G-9	Cap. 54
DFL	5713	Beckman, Tracy L.	301	Cap. 26	IR	2159	McGowan, Patrick D.	129	SOB 33
IR	5975	Belanger, William V., Jr.	113	SOB 41	DFL	4154	Merriam, Gene	122	Cap. 49
IR	3903	Benson, Duane D.	119	SOB 31	DFL	4370	Metzen, James P.	303	Cap. 39
IR	6455	Benson, Joanne E.	153	SOB 16	DFL	2577	Moe, Roger D.	208	Cap. 2
DFL	5094	Berg, Charles A.	328	Cap. 13	DFL	7-8065	Mondale, Ted A.	309	Cap. 44
DFL	4261	Berglin, Linda	G-9	Cap. 61	DFL	5649	Morse, Steven	G-24	Cap. 32
DFL	2084	Bertram, Joe, Sr.	323	Cap. 14	DFL	4264	Murphy, Steve L.	226	Cap. 29
DFL	2556	Betzold, Don	G-24	Cap. 48	IR	1279	Neuville, Thomas M.	123	SOB 25
DFL	9307	Chandler, Kevin M.	111	Cap. 55	DFL	4334	Novak, Steven G.	322	Cap. 52
DFL	4182	Chmielewski, Florian	325	Cap. 8	IR	4837	Oliver, Edward C.	121	SOB 43
DFL	5931	Cohen, Richard J.	317	Cap. 64	IR	1282	Olson, Gen	131	SOB 34
IR	9457	Day, Dick	105	SOB 28	DFL	1802	Pappas, Sandra L.	G-27	Cap. 65
IR	4131	Dille, Steve	103	SOB 20	IR	5252	Pariseau, Pat	109	SOB 37
DFL	6128	Finn, Harold R. "Skip"	306	Cap. 4	DFL	9248	Piper, Pat	G-9	Cap. 27
DFL	4274	Flynn, Carol	G-29	Cap. 62	DFL	7809	Pogemiller, Lawrence J.	235	Cap. 59
IR	8138	Frederickson, Dennis R.	139	SOB 23	DFL	7-8060	Price, Leonard R.	235	Cap. 57
DFL	3219	Hanson, Paula E.	328	Cap. 50	DFL	7-8061	Ranum, Jane B.	325	Cap. 63
DFL	6153	Hottinger, John C.	G-29	Cap. 24	DFL	2889	Reichgott, Ember D.	306	Cap. 46
DFL	8017	Janezich, Jerry R.	328	Cap. 5	DFL	7-8062	Riveness, Phil J.	317	Cap. 40
IR	3826	Johnson, Dean E.	147	SOB 15	IR	4314	Robertson, Martha R.	125	SOB 45
DFL	8881	Johnson, Douglas J.	205	Cap. 6	IR	1253	Runbeck, Linda	107	SOB 53
DFL	5419	Johnson, Janet B.	322	Cap. 18	DFL	7-8063	Sams, Dallas C.	G-9	Cap. 11
IR	4123	Johnston, Terry D.	117	SOB 35	DFL	4875	Samuelson, Don	124	Cap. 12
DFL	5285	Kelly, Randy C.	122	Cap. 67	DFL	4188	Solon, Sam G.	303	Cap. 7
IR	4848	Kiscaden, Sheila M.	143	SOB 30	DFL	4191	Spear, Allan H.	G-27	Cap. 60
IR	4120	Knutson, David L.	133	SOB 36	IR	8075	Stevens, Dan	127	SOB 17
DFL	7061	Krentz, Jane	235	Cap. 51	DFL	8660	Stumpf, LeRoy A.	G-24	Cap. 1
DFL	4302	Kroening, Carl W.	124	Cap. 58	IR	6238	Terwilliger, Roy W.	115	SOB 42
IR	4351	Laidig, Gary W.	141	SOB 56	DFL	5650	Vickerman, Jim	226	Cap. 22
DFL	3205	Langseth, Keith	G-24	Cap. 9	DFL	7-8073	Wiener, Deanna	303	Cap. 38
IR	5655	Larson, Cal	145	SOB 10	<b>Capitol or State Office Building, St. Paul, MN 55155</b> <b>TDD number 296-0250</b> <b>Senate Information 296-0504</b>				
IR	4125	Lesewski, Arlene J.	135	SOB 21					
DFL	4136	Lessard, Bob	111	Cap. 3					

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# Briefly

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February 26, 1993

## Successor committee bill gains

Senators met in floor session Mon., Feb. 22, and began work on the General Orders Calendar. Bills on General Orders are considered by the Senate acting as one large committee known as "the Committee of the Whole." Each bill on the General Orders Calendar has had two readings and has been reported out of one or more standing committees. During debate on General Orders bills, amendments may be offered. If a bill is approved or given preliminary passage on the General Orders Calendar, it is then placed on the Senate Calendar to be considered for final passage.

Senators approved four bills on the General Orders Calendar during the floor session. H.F. 1, authored by Sen. William Luther (DFL-Brooklyn Park), provides for the designation of successor legislative committees. Luther said that the bill was needed because of the changes made in the committee structures in the House and Senate this year. The bill allows the Speaker of the House and the Senate Subcommittee on Committees to designate the appropriate committees to carry out statutorily prescribed duties or receive reports.

S.F. 12, authored by Sen. Florian Chmielewski (DFL-Sturgeon Lake), expresses the Legislature's opposition to federal legislation requiring suspension of drivers' licenses for individuals convicted of violations of the federal Controlled Substances Act. According to Chmielewski, the bill does not signal a softening on drug offenses, but does allow the state to seek a waiver in order to gain federal transportation funds and to signal opposition to federal intrusion into state decision making. S.F. 48, sponsored by Sen. Don Betzold (DFL-Fridley), provides for recordation of mortgage satisfaction or release following a change in identity of a corporate mortgagee or assignee; provides procedures for an interested person to file for record a request for notice of mortgage foreclosure; allows postponement of a foreclosure sale by a party conducting the foreclosure; and provides that some forfeitures of real property are subject to interests of good faith purchasers. S.F. 119, authored by Sen. Dallas Sams (DFL-Staples), modifies requirements for the nursing assistant competency evaluation program.

Senators also began discussion of a bill that provides an exception on the uses of tobacco products in public schools to allow

the use for spiritual or cultural purposes. The bill, S.F. 97, authored by Sen. Harold "Skip" Finn (DFL-Cass Lake), was progressed to allow for further discussion.

Members also granted final passage to a bill on the Senate Consent Calendar. Bills on the Consent Calendar are of a noncontroversial nature and may be considered for final passage. Bills on the Consent Calendar do not appear on the General Orders Calendar but have been considered by a standing committee. S.F. 216, authored by Sen. Jane Ranum (DFL-Mpls.), clarifies requirements for law enforcement domestic abuse arrest policies. The measure was passed on a vote of 66-0.

During the floor session Thurs., Feb. 25, Senators granted final passage to H.F., the successor committee bill; S.F. 48, the measure providing for recordation of mortgage satisfaction or releases following a change in identity of a corporate mortgagee or assignee; and S.F. 119, the bill modifying requirements for the nursing assistant competency evaluation program.

## Department abolition approved

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), met Mon., Feb. 22, to continued hearing testimony on a bill that abolishes the Dept. of Public Safety.

S.F. 114, sponsored by Sen. Randy Kelly (DFL-St. Paul), abolishes the department and transfers its various responsibilities to other agencies. In addition, a number of positions are abolished and not transferred to any other agency, Kelly said. According to Kelly, the commissioner of the Dept. of Transportation and the attorney general would determine which personnel would be transferred.

The committee continued hearing testimony from proponents and opponents of the bill as well as witnesses who urged the committee to conduct a more comprehensive study of the department before taking any action. Those witnesses opposing the bill spoke about the reduced accountability and focus on the department's mission in the event of abolition. Hennepin County Sheriff, Don Omadt, said that the department works effectively. He said that the existing coordination among divisions avoids the duplication that would occur if the agency's responsibilities were dispersed. "It would be a great disservice to dismantle the agency," Omadt said. In addition, David Gisch, president of the Association of Emergency

Managers, said that the separation of the divisions would lead to delays in emergency response teams. Gary Sudduth, president of the Minneapolis Urban League, opposed the bill and charged that the bill was racially motivated. He also said that the bill does not reflect thoughtful analysis.

Sheriff Harry Waller, St. Louis County, said he has had an excellent relationship with the department in the past, but has noted a reduction in the level of assistance, particularly from the BCA and the Minnesota State Patrol. Waller supports downsizing middle management, but opposes cutting the workers delivering direct services. Another proponent of the bill, Eliot Seide, AFSCME, reported that the association has noted that the divisions do not relate well to each other. He also said that the department has had a series of labor relations problems not resolved by management, causing low morale among employees. Having no direct input into how services can better be delivered were among the problems mentioned by AFSCME employees, Seide said. He also said that AFSCME employees fear retaliation for supporting the bill in the event that the current structure stays intact.

The bill was approved on an 8-4 roll call vote and re-referred to the Governmental Operations and Reform Committee.

## Redistricting decision overturned

The Ethics and Campaign Reform Committee met Tues., Feb. 23, to continue work on a bill that reforms campaign financing, sponsored by committee chair Sen. John Marty (DFL-Roseville). In addition, Jack Tunheim of the Office of the Attorney General briefed the committee about the U.S. Supreme Court ruling that overturns a previous decision by a panel of federal judges.

Tunheim stated that the Supreme Court ruled that the federal judges had improperly drawn the boundaries of Minnesota's eight congressional districts. He said the court ruled in a unanimous decision that boundaries drawn last year by three state judges should be used for the next congressional election, barring any other court action. The ruling, which affects the Third and Sixth Districts, does not invalidate any 1992 election results, he said. Tunheim said that the congressional district lines will be altered for the next election, each affected district receiving approximately one-third of the other's former district.

# Committee update

## Agriculture and Rural Development

### Farm liability measure considered

A bill to allow the creation and authorization of family farm limited liability companies was at the top of the agenda, at the Mon., Feb. 22, meeting of the Agricultural and Rural Development Committee, chaired by Sen. Charles Berg, (DFL-Chokio).

Berg, chief author of S.F. 82, said the measure does not effect current corporate farm laws, but does combine certain aspects of family farm corporations with elements of a limited partnership. "This is a hybrid entity," said Berg, "it offers all of the advantages of a corporation, with corporate stockholders, but unlike a partnership, there is no personal liability."

According to John James, attorney, and former commissioner of revenue, the measure provides the new entity with the advantages of a partnership, in offering limited liability for owners and also offers inclusion under more favorable partnership tax laws. "There are dual advantages here...and this provides the best of both worlds to owners," said James.

Randy Schmeising, member, Minnesota Farm Board Union, spoke against the measure. He said that it would change a level playing field under established corporate laws to an unlevel plane where passive investors can gain financial rights and influence over a family farm enterprise. The bill would allow the transfer of a stockholder's rights to a non-member or passive investor, said Schmeising.

James responded that as the bill stands now, two members or more could assign financial rights to anyone, but under the limited liability law, could not transfer total interests without unanimous consent from the membership. James said that if the potential transfer of rights to passive investors is a concern, legislative restrictions on LCC ownership, could be included in the measure. Sen. Steven Morse, (DFL-Dakota), said that restrictions on stock class ownership would make the measure more palatable.

Tom Cochrane, Minnesota Agricultural Growth Council, said that the organization analyzed the implications of limited liability companies and support the bill. "We think this would be a decisive management tool in a very difficult marketplace. We think farmers need the same protection as a corporate farm and this would strengthening the structure," said Cochrane. Committee members agreed to hear further testimony and discussion of S.F. 82.

Final discussion focused on the effects of stray voltage on rural Minnesota farms and the potential impact on the health of livestock and farm families. Dairy farmers, David Lusty, Ralph Klassen, Steven Hege, and Sam Wolbeck testified that they have ongoing problems with stray voltage and attributed the decrease in milk production

and livestock health problems to the U.S. ground-current return system.

Lusty said that despite reported problems with stray voltage, public utilities and cooperative power companies continue to inject large amounts of current through underground systems. "There are other ways to distribute electricity," said Rusty, "in southern California, they use substations almost exclusively--in other words, they don't use the earth as a conductor."

Both Lusty and Klassen said that there is no control in the underground system and that more independent testing should be done--without involvement by the utility industry. Lusty said that little has been done by the industry to correct the health and safety problems linked to stray voltage, but a formal complaint procedure is now in place for farmers who believe they have stray voltage problems.

## Commerce and Consumer Protection

### Salvaged cars title branding

The Commerce and Consumer Protection Committee, chaired by Sen. Sam Solon (DFL-Duluth), met Wed., Feb. 24, to hear testimony on a bill that would require branding of titles of vehicles that have been declared a total loss.

The bill, S.F. 41, requires that a permanent brand of "prior salvage" be placed on all salvage vehicles that come to Minnesota from out of state and on those wrecked in Minnesota and declared a total loss by an insurance company. Minnesotans, according to the bill's author, Sen. Ted Mondale (DFL-St. Louis Park), can and do unwittingly buy cars that are assembled from the wreckage of other cars. Mondale, referring to the auto rebuilding business, said that Minnesota is one of the few states that has a loophole allowing salvage cars to come into the state and encouraging a whole industry to develop.

Testifying in favor of the bill, a citizen, Judith Voight Fitzpatrick, said that she entered into a \$15,000 lease for a Volvo that shortly proved not to be watertight, had a poor electrical system, and literally fell apart. Subsequent investigation revealed that the car had been salvaged and had had many owners in a short time.

Gary Dickinson, vice president of security, Anglo American Auto Auctions, Nashville, Tennessee, said that the American public is defrauded of \$3-4 billion dollars per year in sales of salvaged cars and that Minnesota is a dumping ground for such cars.

Representatives from the Minnesota Automobile Dealers Association and the Automotive Service Association of Minnesota also testified in favor of the bill. The committee also received written testimony from The Minnesota Chiefs of Police Association supporting the bill and a summary of consumer complaints from

the Attorney General's office.

John Buzick, Minnesota Auto Rebuilders Association, said that fewer than 10 percent of the cars brought in from out of state are totaled. Buzick said that the auto rebuilding business employs 2,000 people directly and 6,000 people indirectly and that the bill as it currently stands will put auto rebuilders out of business. Buzick said that many rebuilt cars are not wrecked, but are declared totaled by an insurance company when valuable parts, such as the doors, are stolen. The association, according to Buzick, instead supports a bill requiring disclosure rather than title branding.

The committee, on a 7-7 vote, failed to approve an amendment by Sen. Terry Johnston (IR-Prior Lake), that would permit a salvage certificate of title to be replaced with an unbranded title upon certification by the Dept. of Public Safety that the vehicle has been repaired sufficiently for the vehicle to be operated safely.

S.F. 41 was approved and sent to the full Senate.

## Crime Prevention

### Department abolition debated

"The abolition of the Dept. of Public Safety would save \$3.2 million over the 1994-95 biennium," said Sen. Randy Kelly (DFL-St. Paul), author of a bill that abolishes the department and transfers its various responsibilities to other agencies. Kelly told the Crime Prevention Committee, Thurs., Feb. 18, that the department consists of diverse divisions whose responsibilities would be better carried out if grouped under departments with common goals.

Kelly explained the breakdown of cost savings. He said that 58 percent of the estimated \$3.2 million is salary savings and 42 percent is other budget savings. The abolition of 48 positions constitutes the savings in salaries, Kelly said. These include the commissioner, the deputy commissioner, the assistant commissioner, the positions in the office of the commissioner, the affirmative action officer, 15 positions in fiscal and administrative services, the positions in the public education and media relations area, and positions in liquor control relating to liquor licensing, he said.

In addition, Kelly outlined S.F. 114's proposed plan to divide the department. Under the bill, the Dept. of Transportation receives four divisions, including traffic safety; driver and vehicle services; capitol security, and the state patrol. The Office of the Attorney General assumes five areas of responsibility, including the office of drug policy; the office of violence prevention; the Bureau of Criminal Apprehension; the gambling enforcement division; and the enforcement responsibilities of the liquor control division.



Sen. Allan Spear (DFL-Mpls.), committee chair, invited testimony from those who oppose the bill. Commissioner Michael Jordan, Dept. of Public Safety, countered that he felt that the savings estimate quoted by Kelly was inflated. In addition, he said that the department has a common mission. The department, as a single agency with safety as its ultimate mission, said Jordan, has proven considerably more effective than separate divisions relegated to a secondary position in agencies with a different mission. Jordan also said that as a single agency, it provides much needed focus and synergism that enhance the prevention, education, enforcement, and regulation functions of public safety. Several other witnesses supported Jordan's testimony in favor of maintaining the current department structure. No action was taken on the bill.

### Prison budget heard

Dept. of Corrections representatives continued their overview of the department's proposed budget at a Wed., Feb. 24, meeting of the Crime Prevention Finance Division, chaired by Sen. Tracy Beckman (DFL-Bricelyn).

The budget proposal, presented by Frank Wood, deputy commissioner, Dept. of Corrections, focused on budgets for the Lino Lakes, Shakopee, Willow River/Moose Lake, Sauk Centre, Stillwater, St. Cloud, and Oak Park Heights facilities, as well as the budget for the Thistledeewind Camp and the dept's health care budget.

The budget proposes an additional \$1.3 million in health care spending over the 1994-95 biennium. Wood said the correctional system has had 26 inmates who are HIV positive and an increase in the average age of the prison population, both of which are resulting in increased health care expenses. The correctional system currently spends an average of \$2,000 per inmate in direct and indirect health care costs each year, according to Wood.

Wood said that the Stillwater facility, the state's largest correctional facility, is over its intended capacity, with inmates sleeping on cots lined up in rooms built for other purposes, and that the overcrowding and understaffing has resulted in a serious idleness problem. The department's budget includes funding for eight additional staff positions, as well as food, health care, and clothing costs for the additional inmates. The proposed budget for the Stillwater facility, however, includes cuts in other areas and an anticipated increase in the correctional industries fund, making the overall budget approximately the same as current spending.

## Education

### Governor's budget on table

The Education Division, chaired by Sen. Lawrence Pogemiller, (DFL-Mpls.),

met Thurs., Feb. 18, to hear a summary of the governor's budget recommendations on education funding, delivered by Tom Melcher, Department of Education.

According to Melcher, the governor's budget recommends continuation of a tax shift for early levy payment recognition by school districts in FY94-95. The tax shift speeds up the recognition and availability of revenue for school districts and allows them to recognize 50 percent of levy payments in November and in May, rather than one payment at the end of June. Melcher said that holding the levy recognition percentage at the same level for the next two years, will stabilize the financial health and cash flow patterns for the state and school districts.

In the area of school transportation, Melcher said that the governor's budget would change state aid funding for school transportation—from actual ridership to a rate based on the number of students eligible for transportation. Melcher said that another budget change permits school districts to receive state funding for additional transportation needs. He said that days devoted to parent-teacher conferences or staff development activities, would be considered part of regular transportation cost, if approved by the commissioner as part of a program of educational improvements.

Another budget recommendation provides for additional state aid to school districts for reimbursement of transportation expenses to eligible students enrolled in the Postsecondary Enrollment Options Program. The reimbursement also applies to the Enrollment Options Program for those students needing transportation between home and district boundaries. Melcher said that student eligibility for transportation expense reimbursement is based on low-income guidelines and allows 15 cents per mile.

Further discussion by Melcher centered on state funding changes to special education programs. The governor recommends that local levy and state aid funding for special education continue to be a pro-rated formula providing up to 66 percent of revenue for programs, said Melcher.

Melcher said that the state's share of funding has fallen, historically, as full-time teaching salaries rise above \$28,000. "This wasn't a policy shift...there have been fiscal reasons. As salaries have increased with teacher longevity, a higher percentage of cost is shifted to local levy," said Melcher. Overall state special education aid entitlement would increase from \$167.2 million in FY93, to \$177.5 million in FY94 and \$183.4 million for FY95, he said.

Wayne Erickson, special education, said that the percentage of students with disabilities receiving full-time special education instruction and services in the regular class setting is expected to increase from 11 percent of the population in 1991 to 25 percent of the population in 1995.

Erickson said that two categories show significant growth patterns: Early Childhood Education will rise from 6,789 students in FY91 to 7,891 students in FY95 and students with identified with Emotional Behavior Disorders will increase from 12,246 students in FY91 to 14,023 pupils in FY95.

Melcher estimated that districts receive roughly 71 percent of funding for special education through a combination of state aid and local levy revenue.

### Budget overview continues

Tom Melcher, Department of Education, continued a presentation of the governor's budget recommendations before the Education Funding Division, chaired by Sen. Lawrence Pogemiller, (DFL-Mpls.), Tues., Feb. 23.

Melcher explained that funding for Community Education is provided from an equalized aid/levy formula and from participation fees. According to Melcher, the governor's budget recommends a modification in the community education formula by computing a four-year, phase-in, levy equity adjustment to the basic community education levy beginning FY95.

Melcher said the FY95 formula allows a revenue reduction for school districts with community education fund balances exceeding 200 percent of annual community education revenue. He said the revenue reduction will equal the lesser of the excess fund balance or the sum of the community education revenue and any additional revenues.

Melcher explained that proportionate reductions from aid and levy would begin in FY95 to include the levy equity adjustment during the phase-in. He said the adjusted amount will be limited to the amount of aid received by a district in its community service fund.

Beginning in FY95, additional community education revenue affecting 158 districts, will be reduced by the amount of any increase in the district's community education revenue over the amount it received in FY94, said Melcher. He said that state aid will be provided to equalize the extended day/disabled levy using an equalizing factor of \$3,700 per pupil unit beginning FY95.

The funding formula for adult basic education programs would also change, said Melcher. The current pro-rated system based on student number and district tax base, would instead, incorporate tax equity and implement a uniform rate in funding through a state-wide program. Melcher said the new formula is based on direct state aid without a levy base component.

Gayle Anderson, adult basic education, said the program's overall enrollment has increased an average of 45 percent since 1989. The governor's budget calls for a repeal of the adult basic education levy and increased state aid appropriations by an off-setting amount. The budget

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includes modifications in the aid guarantee by ensuring the program's state aid for FY95 and future years and changes the limit on state plus federal aid from 90 to 100 percent of actual cost.

In other budget recommendations, the governor seeks to remove a 2-year limit on free admission to complete high school studies under the adult graduation aid program and changes the student weighting factor for participants from 1.3 to 1.0. Melcher said that the number of enrolled participants has grown from 427 in 1989 to 1,740 in FY91. According to the governor's budget, recommended aid entitlement is \$1.3 million in FY94-95.

The budget discussion also focused on Early Childhood Family Education programs. Lois Engstrom, said that the governor recommends that target populations for screening and learning readiness programs be established for 3 1/2 to 4 year olds. The proposed budget also eliminates the current mandate for screening first graders, and allows exemptions in certain cases.

According to Melcher, the governor's budget recommendations include a new shift between state aid and local levy funding for capital expenditures on facility improvements and equipment. Melcher said the budget puts a limit on expenditures for equipping school buildings or sites, and allows school districts to use only up to a third of their facilities revenue for this purpose.

Melcher explained that further recommendations provide for \$400,000 per year in FY94-95 to assist in analyzing, planning and managing health and safety issues through contract services. Melcher said that providing this form of technical assistance to districts would reduce annual requests for health and safety revenue by \$7 million.

## Apprenticeship, entrepreneurship

Minnesota needs an apprenticeship and entrepreneurship program to prepare its youth to be participating and contributing members of society, said Sen. Tracy Beckman (DFL-Bricelyn). Beckman presented S.F. 451 to the Education Committee, co-chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and Sen. LeRoy Stumpf (DFL-Thief River Falls), at the Wed., Feb 24, meeting.

Beckman said the bill establishes an education and employment transitions system, which includes a youth apprenticeship program and an entrepreneurship program. The bill also establishes a coordinating board for education and employment transitions, said Beckman. Beckman stressed the need to provide young people with opportunities to participate in apprenticeship and entrepreneurship programs, especially given the fact that most kids do not go on to earn a college degree.

A task force--comprised of education, labor, business, agriculture, trade associa-

tions, local service units, private industry councils, and community groups--submitted to the committee a report that calls for a "systemic approach to education and employment transitions for Minnesotans of all ages and heritages." The report points out that of all the industrialized nations in the world, "the United States does the least to support its youth in transitions between education and work." The committee will continue to hear testimony on the bill at future hearings.

In other committee business, members approved S.F. 169, authored by Sen. Dennis Frederickson (IR-New Ulm). Frederickson said the bill provides a deficiency appropriation to the Higher Education Coordinating Board, preventing a delay in state grant payments to students. The bill goes next to the Finance Committee.

Sen. LeRoy Stumpf (DFL-Thief River Falls) presented S.F. 158. Stumpf said the bill extends the time for some school districts that have received capital loans to enter into construction contracts. The committee approved the bill and sent it to the full Senate.

## Environment and Natural Resources

### DNR budget overview

The Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse, (DFL-Dakota), met Wed., Feb. 17, to hear a budget overview of the Department of Natural Resources, by Ron Nargang, deputy commissioner, DNR. Nargang delivered a summary of eight major funding sources and areas of expenditure, organizational changes and budget projections in consideration of the governor's recommended adjustments and the 5 percent budgetary reduction under the agency's plan.

According to Nargang, the game and fish fund, which generates fees from fishing and hunting licenses, is expected to earn the largest portion of revenue from the department's major funding sources at an estimated \$36.5 million in FY93. Revenue from the gas tax will generate \$9.7 million; park permits, \$5.3 million; and watercraft permits, registrations, titling and surcharges, \$6.6 million.

Nargang said that 38 percent of expenditures are expected to be supported by the general fund in FY95, down from 52 percent in 1980 and that revenue from game and fish funds are expected to provide for 26 percent of expenditures in FY95, up from 22 percent in 1980. He said that overall revenue from game and fish licensing fees is expected to flatten out in the long term, due to changing demographics and the state's aging population. He said the department anticipates a surplus of anticipated revenue in watercraft and water recreation funding sources.

Nargang said that in order to accommodate overall adjustments in the budget plan, organizational restructuring was initiated. Restructuring in the forestry division led to closure of district offices and a staff reduction of 60, said Nargang. Additional reductions are anticipated in the enforcement division. "We need to respond to the changing budget picture and keep programs going with more limited resources--that's part and parcel of the realignment package," he said.

According to Nargang, overall restructuring of the organizational management process will be a long-term goal of the agency across the board. "We will be moving towards a team-based, three-tiered concept of decision-making in our agencies," said Nargang. He said that effective restructuring will enable the department to absorb the down-sizing trend in state government.

Nargang reported that the governor's recommended direct appropriation to general fund expenditures is \$79.831 million in FY94 and \$78.259 million in FY95; agency plans for estimated general fund expenditures is \$73.169 in FY94 and \$73.232 in FY95.

Total anticipated revenue from all non-general fund sources is estimated to be \$104.1 million in FY93. Further discussion on the department's budget will be continued.

### Budgetary downsizing discussed

Program evaluation and realignment of services is a key priority in long-term budget considerations, said Eugene Gere, assistant commissioner, Minnesota Department of Natural Resources. Members of the Environmental and Natural Resources Finance Division, chaired by Sen. Steven Morse, (DFL-Dakota), met Fri., Feb. 19, to continue hearing a summary of the agency's budget.

Gere outlined trends within the agency's eight major funding sources and the larger impact of a 5 percent, \$3.8 million proposed reduction in general fund revenue in FY94. According to Gere, the budget is also expected to reflect a 3.5 percent decrease due to inflationary factors of \$4.9 million in FY94 and \$10.1 million in FY95.

According to Gere, with the current budgetary constraints, the agency has implemented downsizing and operational alignments in the areas of forest management, operational support and enforcement programs. Gere said that the agency proposed a 5 percent reduction in the parks program, but the governor's budget restored \$1.6 million to the fund for a new park and recreational job training program.

According to William Morrissey, parks department, the restoration of funds by the governor will maintain current staffing levels and provide for a two-year phase in of a work-training program for the unemployed. Morrissey said that the

training program will offer seasonal employment to trainees at a lower wage. He said that up to 30 percent of the park and recreation workforce will be converted to the work trainee program positions and that this should provide substantial savings in park maintenance costs in the future.

Morrissey said that park maintenance will also be targeted toward parks which are ranked with highest usage levels. We can maintain our 1993 spending levels for current activities and maintenance by implementing a priority system in terms of park usage, he said.

According to Gere, organizational restructuring and staff reductions in the forestry program are expected to bring \$1.2 million in savings for the FY94-95 biennium. Gere explained that most downsizing efforts will include a combination of reductions through attrition, retirement, vacancy and layoff. "Basically, we need to be able to deliver services with less resources," said Gere.

### Mille Lacs settlement discussed

The proposed settlement of the dispute between the state and the Mille Lacs band of Ojibwe Indians provided the focal point for discussion at the Tues., Feb. 23, meeting of the Environment and Natural Resources Committee. The panel, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), also heard a recap of the proposed band conservation code.

Ron Nargang, deputy commissioner, DNR, and Steve Masten, Attorney General's Office, outlined the legal issues involved in the 1837 Treaty and in subsequent treaties. Masten said that one of the key factors in the state's position is that courts have held that treaty rights that have been explicitly granted, such as the hunting and fishing rights in the 1837 Treaty, must be explicitly abolished in a subsequent document. In the current situation, Masten said, it does not appear that those rights were explicitly abolished. The 1855 Treaty, which created the reservation, does not explicitly relinquish rights granted in the 1837 Treaty. Subsequent activity did not contain language concerning hunting and fishing rights thus, in response to the band's claim, the state has worked toward a settlement.

In order for the settlement to be enacted the Mille Lacs band must vote to adopt the settlement and the Legislature must approve it. Nargang said that the department is very encouraged by the conservation code developed by the band in order to fulfill part of the settlement agreement and by the band's commitment to make the settlement work.

Jim Genia, deputy solicitor general for the Mille Lacs band of Ojibwe Indians, and Don Wedll, commissioner of natural resources for the band, spoke on the various provisions of the conservation code regulating tribal members' hunting, fishing and gathering activities within the Minnesota ceded territory of the Treaty of

1837. The code is to be enacted after approval of the treaty agreement by the band and the Legislature, and issuance of a federal District Court order. The conservation code specifies that it is the purpose of the code to provide an orderly system for band control and regulation of the band's hunting, fishing and gathering rights on the lands and waters located in the state which were ceded in the Treaty of 1837, including the Mille Lacs Lake. The code is to promote public health and safety, and the conservation and management of fish, wildlife and plant populations in the Minnesota ceded territory; to be consistent with the settlement agreement between the band and the state; and to be consistent with the band's natural resource management plan for the 1837 Minnesota Ceded Territories.

Discussion of the settlement agreement and public testimony on the issue will continue.

### Mineral division budget review

The Environment and Natural Resource Finance Division, chaired by Sen. Steven Morse, (DFL-Dakota), met Wed., Feb. 24, to hear a continued budget overview by Ron Nargang, deputy commissioner, DNR, and William Brice, Minerals Resources Division.

Nargang said that the Mineral Resource division is an area of concern, based on a 5.1 percent biennium reduction. The division will also absorb a proposed 64 percent reduction, of \$247,000 per year, in funding levels to Mineral Diversification. He said the ongoing erosion of funding in the mineral resource area has resulted in staff reductions of 19 percent since 1991.

According to Nargang, the governor's budget restores a \$30,000 initiative for staff and office realignments. Nargang also said proposed budget reductions will mean staff cuts, research efforts in the cooperative grants program and in information resource programs. The division received \$4.7 million in general fund revenues in FY92 and is projected to generate \$6.6 million in revenues in FY93, he said.

According to Brice, continued state investment in mineral diversification efforts is important to the state's economy. He said it gives strength to the traditional taconite mining industry and provides a foundation for expansion in industrial minerals and precious and strategic metals.

Brice outlined mineral diversification programs that combine new technologies with cooperative research efforts between the state, the University of Minnesota, federal agencies and the mineral industry at-large. He said that mineral diversification and research efforts require continuous levels of support and long-term investment.

According to Brice, the minerals diversification budget proposal for FY94-95 focuses on approximately 17 projects and earmarks a \$435,000 investment in

value-added research in ferrous projects; \$783,000 in non-ferrous projects and \$407,000 in industrial minerals research and exploration.

Nargang said that in FY93, the division directed 28.1 percent of overall funding to mineral development, 29.0 percent to mineland reclamation and environmental review, 14.2 percent to mineral potential data analysis, 13.1 percent to mineral leasing and 15.6 percent to lease operations cost.

## Ethics and Campaign Reform

### Campaign reform continued

The Ethics and Campaign Reform Committee, chaired Sen. John Marty (DFL-Roseville), met briefly Thurs., Feb. 18. The committee continued work on the campaign finance reform bill, sponsored by Marty. The panel adopted a few technical amendments, but no final action was taken on S.F. 25.

### Reform measure scrutiny continues

In addition to hearing about the Supreme Court ruling the Ethics and Campaign Reform Committee devoted most of the Tues., Feb. 23, to continuing work on the campaign finance reform bill. S.F. 25 is sponsored by Sen. John Marty (DFL-Roseville), chair of the panel.

The committee adopted an amendment that limits the use of an association's dues or membership fees solely to inform its dues paying or fees paying members of the association's position on an issue or a candidate. The association cannot use dues or membership fees, which must not be commingled in the same fund as contributions, to contact the general public regarding the association's political positions, Marty said. Contributions to an association, however, cannot be constitutionally limited, Marty explained.

The committee also considered an amendment presented by Sen. Pat Pariseau (IR-Farmington). The committee approved a portion of the amendment that changes the definition of an "election cycle."

## Family Services

### Family preservation investment

When children are at risk of maltreatment or out-of-home placement, counties have very limited alternative services to prevent the need for removal of children from their homes, said Sen. Sheila Kiscaden (IR-Rochester). Kiscaden presented S.F. 327, a bill that she said addresses the issue, to the Family Services Committee Thurs., Feb. 18.

Kiscaden said the bill aims to reduce the number of unnecessary out-of-home placements of children in Minnesota, and to finance the development and expansion of preventative services in all counties. The bill creates a financing mechanism that uses expenditures that

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counties are currently making as a match to earn federal funds. With the additional federal funds, counties can expand prevention efforts, particularly family preservation services.

In many instances, counties wait until a family is in a crisis situation before providing effective assistance, said Kiscaden. She pointed out that this late approach to the problem usually results in the removal of the child from the home. Kiscaden also noted that, in 1991, counties spent \$112 million on out-of-home placements, while having only \$15 million available for family preservation services. Kiscaden stressed that "investing in families while they are still intact" can prevent the need for out-of-home placement of many children.

Sen. Pat Piper (DFL-Austin), committee chair, said the committee will vote on the bill at a later committee meeting.

## Human services bills heard

The Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), met Tues., Feb. 23, to hear three bills.

The committee continued its discussion of S.F. 327, authored by Sen. Sheila Kiscaden (IR-Rochester). Kiscaden said the bill aims to reduce the number of unnecessary out-of-home placements of children, and to finance the development and expansion of preventative services in counties, particularly family preservation services. The bill also creates a financing mechanism that uses current county expenditures as a match to leverage federal funds, said Kiscaden. The committee recommended that the bill pass and rereferred it to the Health Care Committee.

The committee also approved S.F. 242, authored by Sen. Harold "Skip" Finn (DFL-Cass Lake). The bill modifies adult foster care licensing requirements. Finn said the bill removes the two-program cap on the number of programs a licensed adult foster care holder, who is incorporated as a business, may operate. The bill goes next to the full Senate.

Sen. Don Betzold (DFL-Fridley) presented S.F. 352. Betzold said the bill clarifies that the commissioner of the Department of Human Services has the duty to investigate reports of neglect or abuse in licensed day care centers. Betzold explained that some counties contend it is the DHS's responsibility--given that the department issues the licenses for such facilities--but that the law is not clear on this point.

Betzold pointed out that the lack of clarity in the law sometimes leads to multiple investigations, which may lead to duplication, or allow a matter to "slip through the cracks" because an investigator may think another office is investigating the matter. Some members of the committee expressed concern that the DHS does not have the staff to ensure a timely investigation, stressing the impor-

tance of interviewing a child within twenty-four hours. DHS officials pointed out that evidence, such as bruises and abrasions, may disappear, making it more difficult to prove abuse. The committee temporarily laid the bill over.

## Finance

### Budget reductions addressed

Director Tammy McGlone, Administrative Services, Dept. of Commerce, outlined proposed operational changes within the department's budget at the Finance State Government Division Committee meeting, chaired by Sen. Richard Cohen (DFL-St. Paul), Thurs., Feb. 18.

Among the changes, the department proposes to change the minimum unclaimed property advertising requirement from \$24 to \$100, revise the procedures for the processing of examination reports for banks, credit unions, and consumer credit companies, reduce the financial examination program by two clerical positions, and change the license renewal for insurance and real estate from an annual to biennial time frame. McGlone said that a reduction in staff in the examinations division for banks and credit unions - totalling roughly \$256,000 over the biennium - is also proposed. The crews being reduced are responsible for the examination of 243 banks with \$10.8 billion of assets, McGlone said. The effect of the reductions on the work of the department are twofold, according to McGlone. Certain examinations will be delayed beyond the 12 to 18 month congressional mandate for FY94, and compliance examinations of 36 motor vehicle sales finance companies and 16 insurance premium finance companies scheduled for FY95 may not be completed. The result could present a risk of insolvency and losses to Minnesotans receiving services from these companies, McGlone added.

McGlone explained that the governor has proposed transferring the responsibility of providing administrative support to the Petroleum Tank Release Compensation Board to the Minnesota Pollution Control Agency (PCA). Sen. Steven Morse, (DFL-Dakota), expressed concern over the lack of detailed analysis "on the \$35 million worth of claims" coming to the board. McGlone attributed the problem to inadequate staff and funding. She added that if and when the functions are transferred to the PCA, recommendations for improvement will be included.

### Military budget review

Gary Bloedel, internal auditor for the Dept. of Military Affairs, presented an overview of the department's budget to the State Government Division of Finance meeting, chaired by Sen. Richard Cohen (DFL-St. Paul), Tues., Feb. 23.

Although the major portion of the department's budget is spent on the maintenance of training facilities, Bloedel said the department is studying the personnel and fiscal impact of locally contracting out many of the projects in order to adjust to the governor's proposed agency base cut. Within the same area, positions will be held vacant to generate dollars to fund workers compensation costs and insurance for employees who have retired under the early retirement incentive program, said Bloedel.

Discretionary maintenance and betterment of the armories will also be deferred, said Bloedel. He pointed out that the downside of deferring discretionary maintenance and betterment in the armories is that it will delay resolution of maintenance problems such as asbestos abatement, underground fuel storage tank removal, and bringing some of the older armories into compliance with the American Disabilities Act. Poorly maintained or inadequate facilities will be viewed as a weakness which could preclude gains in troops, added Bloedel.

Cuts will also be made in appropriated dollars to pay personnel and operating costs when the National Guard is called to state duty at the governor's request. Bloedel said that any continued decline in the agency's base will cause loss of matching federal dollars for the two air bases (in the Twin Cities and Duluth), and for Camp Ripley.

One program that will not be reduced, said Executive Director Tom Ryan, is the enlistment incentives program, or "tuition reimbursement." He said that the department is fully committed to the fact that the Minnesota National Guard must "continue to recruit and retain quality men and women from a declining pool of eligible people." Since the Guard is devoted to helping residents in times of disaster, Ryan believes that the agency needs to maintain strength in these areas, and therefore will continue supporting tuition reimbursement.

## Gaming Regulation

### Pull-tab dispenser bill heard

Members of the Gaming Regulation Committee, chaired by Sen. Charles Berg, (DFL-Chokio), met Tues., Feb. 23, to review and discuss S.F. 104. The bill authorizes the use of pull-tab dispensing devices in the conduct of lawful gambling. The measure, authored by Berg, also grants the Minnesota Gambling Control Board rulemaking authority to regulate the sale of pull-tabs from dispensing devices.

Testimony was presented by pull-tab dispensing machine distributors Rollie Beach and Mark Anderson of North Dakota; a spokesperson for the North Dakota Attorney General's office; Harry Baltzer, Minnesota Gambling Control Board director; King Wilson, director,

Allied Charities of Minnesota; Jill Rice, facility manager, Camp Chicagami-Eveleth; and Bob Madsen, North Suburban Youth Association, St. Paul.

Beach and Anderson, representing the pull-tab dispensing industry, said that placement of pull-tab machines in North Dakota are limited to liquor establishments or bingo halls and that no one under 21 can use dispensers. Beach said that the machine is a simple device which enhances game integrity, eliminates errors, discourages employee theft, and ensures accountability through a sophisticated, built-in audit system.

According to Anderson, pull-tab dispensing machines are particularly popular at liquor establishments as they reduce labor time and decrease the risk of error in one-to-one pull-tab sales. Anderson said that pull-tab dispensers decrease operation overhead and are effective at keeping gaming dollars in the rural, small-town areas. "These dispensers eliminate the problems associated with inside information and thereby enhance the integrity of the game," said Beach.

Keith Lauer, representing the attorney general's office of North Dakota, said that the introduction of pull-tab dispensers has provided more accessibility to gambling in smaller, rural areas and that overall gaming activity in North Dakota increased by 23 percent between Sept. 1991 and Sept. 1992. We are also seeing an increase in the incidents of burglary at establishments with pull-tab dispensers, said Lauer.

Baltzer said that the board originally considered pull-tab dispensers as a way of improving regulation and enhancing game credibility. According to Baltzer, bar operations are difficult to regulate and dispensers with money and ticket auditing capabilities would be a helpful tool for regulation. Baltzer said the board views the machine as a regulatory tool and not as an expansion of gaming.

Jill Rice, a member of Allied Charities of Minnesota, presented figures taken from a 1992 Department of Revenue, Gambling Control Board annual report on the top 10 charities in the state. She outlined reported income and expense figures for three charitable gambling operations and projected the financial pros and cons of allowing pull-tab dispensers into the lawful gambling industry. Rice told members that dispensers would result in decreased labor costs and increased revenues for the operation, the state and the charity.

Berg laid the bill over in order to consider further committee testimony on S.F. 104.

## Governmental Operations and Reform

### Government Reform discussed

Members of the Governmental Operations Subcommittee on Reform and Innovation met Wed., Feb. 24, to discuss,

among several topics, ways to improve the delivery of state services.

Members of the Minnesota Quality Initiative, a voluntary group of government employees who advocate the concept of Total Quality Management (TQM) in the public sector, explained how quality can increase the state's ability to exceed customers' expectations. According to Lee Munnich, a fellow with the Hubert Humphrey Institute, the quality approach assists government in making the best use of existing resources, places responsibility for change in the hands of employees, and responds more effectively to citizens. The five basic components of TQM, according to Munnich, are better management and leadership, customer satisfaction, continuous improvement, and employee involvement and training. He pointed to the Departments of Public Safety and Revenue as two examples of state agencies already using quality techniques. Munnich said that the biggest barrier to using TQM in the public sector is the election cycle. The constant interruption causes "lack of leadership in constancy of purpose," added Munnich. The second significant hurdle is inadequate spending on training by agencies, said Deputy Commissioner Jan Weissner, Dept. of Employment Relations.

Fred Grimm, director of Management Analysis Division - the state's in-house consulting organization - said he has conducted extensive interviews with state workers on increasing productivity. Among many reasons workers don't achieve their objectives, according to Grimm, are the lack of a cohesive delivery system, outdated technology and administrative systems, inadequate training, and the lack of systematic review of state programs. He said that the state, in order to be a successful organization, must give agencies the flexibility to achieve their missions. Sen. Duane Benson (IR-Lanesboro), said that difficulty arises when a customer's problem "crosses agencies," while employees feel they aren't able to do the same in order to solve the problem. Grimm responded that well-trained managers must learn how to form partnerships with other agencies for the sharing of information.

Sen. John Hottinger (DFL-Mankato), expressed a concern over TQM implementation stating that while there is often a resistance to change coming from the top, employees are usually open to the idea. Munnich replied that employees have all the ideas for improving the system while agency heads are often afraid of micromanagement by the Legislature. He added that if everyone in the system really understands what is happening and why, people on all levels will be more receptive.

Last, Eliot Seide and Tom Beer, representing AFSCME, shared their recommendations for government reform. Specific suggestions offered by Seide include a long-term approach in improv-

ing services, increased job security, and retraining of existing workers for new positions within a restructured organization.

## Health Care

### DPA payments modified

The Health Care Committee met Thurs., Feb. 18, to hear a bill that modifies Medical Assistance disproportionate population adjustment (DPA) payments to qualifying hospitals. The bill, S.F. 282 also establishes a payment adjustment for hospitals that were receiving the payments. According to Sen. Linda Berglin (DFL-Mpls.), sponsor and committee chair, S.F. 282 is a response to the cap on DPA payments imposed by the federal government last year. The bill applies only to hospitals that serve a large percentage of patients receiving Medical Assistance, Berglin explained. She said the bill establishes a new procedure for ratably reducing DPA payments if necessary to ensure that all DPA payments qualify for federal match. Under the bill, no ratable reductions will be applied to admissions occurring from Oct. 1, 1992, to Dec. 31, 1992, but sufficient ratable reductions must be taken between Jan. 1, 1993, and June 30, 1993, from the qualifying hospitals. The committee approved the bill and referred the measure to the Finance Committee.

The panel also heard public testimony regarding the governor's proposed budget cuts for the Dept. of Human Services (DHS). Several witnesses voiced support of the closing of Faribault and Moose Lake Regional Treatment Centers (RTCs), as proposed in the budget. However, Mike Weber, director of Community Services of Hennepin County, urged the rapid development of state-operated community services (SOCS) to house the Faribault residents. Several other witnesses also said they want to see the affected residents move into small community-based facilities, not privately-developed institutions as proposed by DHS.

Nancy McCarthy, chair, Faribault Regional Center Community Task Force, pointed out the impact the closing will have on the Faribault community. She said that the task force, while supportive of the closing, perceives the two year time frame will greatly impact the community since 98 percent of the RTC's employees live in Faribault. She also said the task force desires that the state maintain operation of the community-based facilities, giving employees more security.

On another note, Pat Conley, Association of MN Counties, said that she did not see a vision for services as the RTCs close in the budget. While some proposals are fiscally positive for the counties, she said, others will have a negative impact on county taxes. By cutting grants, the state transfers the costs of services to property taxes, Conley said.



# Committee update

## Children's mental health fund

Members of the Health Care Committee met Tues., Feb. 23, to take action on three measures and discuss a fourth bill that provides for a children's mental health integrated fund. The bill, S.F. 377, authored by Chair Linda Berglin (DFL-Mpls.), establishes an integrated children's mental health service system through local and state coordination and collaboratives. Berglin, in her remarks, said that the bill represents a major reorganization of the way we deal with children's mental health issues and that she wanted to bring the bill before the committee in order to allow time to consider the various provisions. The measure was then laid over for future consideration.

In other action, the panel approved three measures. S.F. 173, authored by Sen. Pat Piper (DFL-Austin), modifies the State Board of Medical Practice requirements for licensure by reciprocity. The measure is needed to allow the community of Pipestone to enter into an agreement with a physician currently in practice in South Dakota, Piper said. The bill was advanced to the full Senate.

S.F. 94, also sponsored by Piper, modifies requirements for licensing United States, Canadian, and foreign medical school graduates, and provides for temporary permits and for residency permits. In addition, the measure specifies that a person holding a residency permit is considered a licensed professional for purposes of reporting obligations. Finally, the bill extends the same immunity from liability and prosecution to consultants retained by the State Board of Medical Practice as is extended to the board.

The panel also approved S.F. 207, a housekeeping bill relating to the Board of Social Work. The measure, sponsored by Sen. Harold "Skip" Finn (DFL-Cass Lake), clarifies data classifications; provides for immunity for a supervisor's good faith reporting of information to a board that relates to an applicant's qualifications, competence or practice; changes board membership; and adds licensing requirements to the Board of Social Work. The measure was referred to the Judiciary Committee.

## Single source funding

The Health Care Committee met Wed., Feb. 24, to hear a bill that establishes an integrated children's mental health service system through local and state coordination and collaboration. The committee also heard continued testimony pertaining to the governor's budget cuts.

Bill sponsor Sen. Linda Berglin (DFL-Mpls.), who also chairs the committee, explained that S.F. 377 expands the duties of the state coordinating council established under the Children's Mental Health Act to include the duties assigned

under the bill. She said the council will be alternately chaired by the members of the council which is made of the commissioners of human services, health, education, corrections, and a representative of the District Judges Association Juvenile Committee in conjunction with the commissioner of commerce. Berglin said the purpose of the integrated children's mental health service system is to allow local service decision makers to draw funding from a single local source; create a local pool of funds; improve the efficiency of listing resources; minimize the incentives for costs and risk shifting; and increase the incentives for early identification and intervention.

Gary Weiers, Mower County Human Services, said that while he is generally supportive of the bill, he is concerned that the consolidation efforts may cause services to be rationed rather than enhanced. John Domain, Minnesota Council on Child Caring Agencies, said that he is concerned about the lack of detail in coordination presented in the bill.

The committee approved the bill and re-referred S.F. 377 to the Education Committee.

The committee also considered another bill, authored by Berglin, that makes technical amendments to the MinnesotaCare law. S.F. 419 makes amendments to areas of the law dealing with cost containment, insurance reform, children's health plan and data initiative. The bill was approved and sent to the full Senate.

Finally, the committee heard additional testimony on the governor's proposed budget cuts, particularly regarding the closing of two residential treatment centers (RTC's). Jane Setthemire, MAPE, said she was opposed to dismantling facilities operated by the state. She said that maintaining a state-operated center guarantees a safety net for persons who are not successfully treated through community-based services. She also said that privatization of services will not hold down costs. She said it may have the opposite effect since the Legislature cannot effectively control and limit costs with private providers.

Bruce Weinstock, State Advisory Council on Mental Health, said he was opposed to the reduction of funding for community-based services. He said that such a reduction is unconscionable since the governor proposes closing the RTCs at the same time.

## Health care needs

The number of Minnesotans who are eligible for Medical Assistance (MA) and General Assistance Medical Care (GMAC) will continue to grow at significant rates, according to a report from the Department of Human Services (DHS). DHS officials continued their presentation of the department's budget

proposal at a meeting of the Health Care and Family Services Funding Division, chaired by Sen. Don Samuelson (DFL-Brainerd), Thurs., Feb. 18.

George Hoffman, DHS, explained that the programs aim to help people who cannot afford the high costs of health insurance or medical services. The increasing caseloads pose a significant public policy challenge to the state, said Hoffman. He also pointed out the need to properly manage the coordination of, and access to, services under MA, GMAC, and MinnesotaCare, a developing program to address the needs of some Minnesotans who are uninsured.

Hoffman also noted the increase in the number of children who are uninsured and need health care. And, of all the children who are eligible for assistance, added Hoffman, only 55 percent are enrolled.

## Family self-sufficiency budget

Members of the Health Care and Family Services Funding Division, chaired by Sen. Don Samuelson (DFL-Brainerd), met Mon., Feb. 22, to scrutinize the family self-sufficiency programs that are part of the Department of Human Services (DHS) budget.

John Petrabor, assistant commissioner, outlined the department's plans to expand the Ramsey County electronics benefit transfer pilot-program to Hennepin County. The program provides an automated delivery system for public assistance that recipients can use to access benefits at "point of sale" locations and automated teller machines, said Petrabor.

The electronic benefits system improves the integrity of public assistance by providing better service to families and by reducing instances of fraud, noted Petrabor. Senators pointed out the need to develop uniform requirements for the program's computer software, in order to prevent people from becoming "captive" to an electronic system.

Petrabor also explained the department's funding request for MAXIS, a sophisticated computer system that counties use to determine assistance program eligibility. After MAXIS determines an applicant's eligibility, the Issuance Operations Center in St. Paul handles the processing and mailing of benefits. "Centralized issuance at the IOC saves taxpayers several million dollars annually," according to Petrabor.

Child support enforcement also received the attention of the division. Petrabor said the department has developed a "comprehensive initiative" to collect child support payments that are in arrears. According to DHS statistics, as of July 1, 1992, past due child support obligations total \$424.86 million. A DHS report points out that non-payment of child support is one of the leading causes of childhood poverty.



## HIV/AIDS programs profiled

The Ryan White Comprehensive AIDS Resource Emergency (CARE) Act received the attention of a joint meeting of the Health and Family Services Finance Division and the House Health and Housing Finance Division, co-chaired by Sen. Don Samuelson (DFL-Brainerd) and Rep. Bob Anderson (DFL-Ottertail), Wed., Feb. 24.

Michael Moen, director of the Dept. of Health's Division of Disease Prevention and Control, presented an overview of Ryan White CARE Act requirements and HIV service programs in Minnesota. Chris Dobbe, acting chief of the health policy development section of the Dept. of Human Services, discussed the programs and services for persons with HIV/AIDS administered by the department. She said the Medical Assistance program administered by DHS is the largest single source of funding for HIV/AIDS care in Minnesota. MA payments for medical services provided directly to 562 Minnesotans with HIV/AIDS in FY92 totaled over \$7 million in state and federal funds, Dobbe said. She explained that MA provides services such as medical care, hospital stays, prescription drugs, and outpatient care for eligible low-income persons. Currently MA is funded jointly by 54 percent federal and 46 percent state monies, Dobbe said.

She said the Legislature established and funded the state-funded insurance continuation program in 1990 to prevent loss of insurance when HIV/AIDS interferes with an individual's ability to work. To be eligible for the program, a person's assets must not exceed \$25,000, said Dobbe. She said that the current enrollment is 160 individuals at a monthly cost of \$25,000. Dobbe also described the drug reimbursement program that assures that individuals who need prescription drugs such as AZT are able to get them. To avoid spending the state's total Ryan White allocation of half a million dollars on the drug program, Dobbe said that the department recommends program reductions such as limiting the number of covered drugs. In addition, the dept. proposes discontinuing coverage for individuals with per prescription copays and encouraging individuals with copays based on a percentage of cost to investigate the possibility of using mail order pharmacies which may waive copays on all drugs, Dobbe said.

Another program that Dobbe outlined helps maintain insurance coverage for low income persons who do not meet the medical criteria of the state-funded program, Dobbe said. She said that to qualify, a person must have a policy that presently covers HIV/AIDS treatment and must have experienced a loss in income or employment that jeopardizes the person's ability to continue premium payments. Currently, 28 clients are enrolled at a total cost of \$4,000 month, she said.

Several other witnesses testified in support of the department's HIV/AIDS program. The programs assist persons with HIV/AIDS in meeting basic needs such as housing, food, transportation and nutritional supplements, testified several witnesses. Kevin Cwayna, a physician at the Comprehensive Hemophilia Center at the University of Minnesota, expressed concern about the youth population with hemophilia and discussed the relationship between adequate housing and health. He requested that Legislators actively look for ways to put more dollars into housing to promote better health.

Senators concluded their late afternoon meeting with a continued discussion of the Dept. of Human Services' proposed budget. According to John Petraborg, assistant commissioner, the Project Success Through Reaching Individual Development and Employment (STRIDE) program successfully places 20 percent of the persons enrolled into employment at an average hourly wage of \$6.73.

Petraborg said that the proposed budget calls for a increase in order to meet federal requirements that Minnesota implement a work experience component for AFDC recipients in Project STRIDE.

Petraborg explained that federal law requires DHS to administer the program in order to receive federal matching dollars. However, DHS contracts with the Minnesota Dept. of Jobs and Training to implement the program, shifting almost \$1 million from DHS's budget.

The panel also discussed the child support enforcement division. Petraborg said the budget proposal calls for an increase of \$5.2 million for restructuring of the child support enforcement system to improve the capacity of the system and increase child support payments.

## Mental health budget reviewed

The Health Care and Family Services Funding Division, chaired by Sen. Don Samuelson (DFL-Brainerd), met Thurs., Feb. 25, to continue their review of the Dept. of Human Services proposed budget. The meeting focused on budget items relating to family self-sufficiency programs and community mental health services and regional treatment center administration.

Senators' questions revolved around the source of funding for compulsive gambling treatment programs; whether the department has taken into consideration the ripple effect of budget cuts in one area on other DHS budget areas; and the necessity of gathering accurate information on the funding streams used in the care of particular individuals.

## Jobs, Energy, and Community Development

### Worker's comp bills

Employers will receive a share of the \$400 million in excess Worker's Compensation Reinsurance Association reserves

according to a bill approved by the Jobs, Energy, and Community Development Committee, chaired by Sen. Steven Novak, Thurs., Feb. 18.

The bill, S.F. 176, requires the \$85 million of excess surplus of the Workers' Compensation Reinsurance Association (WCRA) received by the state fund mutual insurance company, the assigned risk plan, or any other insurer in October 1992, to be returned to policyholders. The money, originally sent to insurance companies on the basis of premiums paid between 1979 and 1986, must be distributed by insurers to their own policyholders. Each policy holder will receive a share of the distribution equal to the holder's proportionate share of the company's 1991 earned Minnesota workers' compensation insurance premium, according to Sen. Roger Moe (DFL-Erskine), the bill's author. If there is any money left in the fund, it will be distributed in the same manner based on shares in previous years.

Moe said the bill also requires that the additional \$300 million WCRA refund announced this month be distributed to policy holders. In essence, each policyholder in the state would get the same percentage of his last annual earned premium refunded in a check issued directly by WCRA, according to Senate Counsel John Fuller. He said that any deficiencies in reserves resulting from the refund must be made up by WCRA premiums charged to members (insurers and/or self-insurers). Recovery of underfunding can be spread over a number of years, said Fuller.

Sen. Linda Runbeck (IR-Circle Pines), opposed the bill arguing that denying the insurance industry access to the surplus is not legally defensible. She added that the Legislature would most likely run into legal battles and any refunds to policy holders would be held up.

According to Robert Johnson, Insurance Federation of Minnesota, S.F. 176 does not adequately address the liability side of the equation. Johnson said that according to statutes governing the WCRA, the risk of liability is required to be borne by the insurance companies and the self-insurer. The WCRA may not have ample funds to cover future risk, added Johnson. Mahlon Schnieder, general counsel for Hormel and chair of the Workers' Compensation Division of the Minnesota Chamber of Commerce, concurred with Johnson stating that liabilities need to be transferred with the WCRA assets. He told the committee that the Legislature needs to break WCRA's monopoly, allowing other competing companies to offer lower rates. Currently, the WCRA has no incentive to reduce rates for those companies who experience fewer workplace injuries, added Schnieder.

Sen. Kevin Chandler (DFL-White Bear Lake) disagreed with Schnieder arguing that the WCRA is a non-profit organization, thus any surplus goes back to the

# Committee update

members. WCRA investments always stay in Minnesota, said WCRA President Jay Benanav. He added that the WCRA has fewer administrative costs, no underwriting or market costs, and received "a clean bill of health from the commissioner assessing that we were appropriately reserved."

S.F. 176 was approved and re-referred to the Commerce Committee.

Members of the committee also heard testimony on S.F. 112, a bill requiring the Workers' Compensation Reinsurance Association (WCRA) to provide financial assistance to the State Fund Mutual Insurance Company. The bill, also authored by Moe, specifies that the WCRA provide a \$20 million line of credit to the insurance company, is intended to assist the insurance company during a time of financial difficulties, according to Moe. McKasy said the fund had experienced adverse investment results and consequently had depleted its surplus. He added that S.F. 112 provides the necessary funds for the insurance company to continue writing insurance policies. The bill was approved and re-referred to the Commerce Committee.

## Homelessness prevention bill

The Jobs, Energy, and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), met Tues., Feb. 23, to begin working on S.F. 337. The bill, authored by Novak, establishes a family homelessness prevention and assistance program.

The bill, according to Novak, enables counties with a significant number of homeless families to prevent or shorten the period of homelessness through flexible grants aimed at providing financial assistance. Novak, referring to a Housing Finance Agency report, said that since emergency shelters are running well over capacity in Hennepin and Ramsey Counties, managing daily demand has required housing up to 100 children and their caretaker parent(s) in "overflow" shelters such as motels. He added that his bill is an attempt to address the growing and diverse issue of homelessness.

Commissioner James Solem, Minnesota Housing Finance Agency, told the committee that S.F. 337 is designed to provide non-profit organizations and counties with flexible resources that will allow the development of specific plans to meet individual needs.

Several Senators expressed concern that the bill failed to address the impact of homelessness in Greater Minnesota. Solem replied that the bill requires that at least one grant be awarded in an area outside of the Metro Area, and furthermore, that there are "still dollars available in the social support system throughout the state" targeted at rural areas. He added that S.F. 337 is clearly designed to meet the need where demand is the greatest.

Sen. Randy Kelly (DFL-St. Paul), offered an amendment to the bill that limits the length of time a family may receive rental assistance to 24 months. The amendment was approved and S.F. 337 was approved and re-referred to the Governmental Operations and Reform Committee.

Committee members also considered S.F. 344, a bill establishing a mortgage foreclosure prevention program. Author of the bill, Sen. Ellen Anderson (DFL-St. Paul), said the measure provides counseling and emergency financial assistance to low- and moderate income families in danger of losing their homes through foreclosure. According to Anderson, the bill recognizes that many families may be one mortgage payment away from homeless due to temporary financial problems beyond their control such as death in the family, ill health, or divorce.

The bill was laid over for further discussion.

## Budget initiatives reviewed

Members of the Jobs, Energy, and Community Development Funding Division heard a brief budget overview by Commissioner E. Peter Gillette, the Department of Trade and Economic Development, Wed., Feb. 24. The division is chaired by Sen. Carl Kroening (DFL-Mpls.).

The department's total biennial request, according to Gillette, is \$57 million, down \$2 million from the previous biennium. Gillette said the department's \$15 million funding request for new initiatives is offset by a combined reduction on operating costs and grants of \$4 million, and transfers out of the department totalling \$12 million. Specific proposed transfers includes the relocation of the Community Resources Program (\$5.9 million) to the new Dept. of Children and Education Services, the Metro Parks Maintenance and Operations to the DNR, and the Job Skills Partnership to the Dept. of Jobs and Training.

Gillette focused the rest of his discussion on the department's upcoming initiatives that focus mainly on assisting the manufacturing sector. A total of \$12 million is recommended for investment in the Challenge Grant Program and the Metropolitan Initiative Fund - two individual funds aimed at providing financial assistance for business start-ups and expansion in Greater Minnesota and in the Twin Cities, respectively. The Metropolitan Fund specifically targets minority-owned businesses. Another \$1 million is designated for the Capital Access Program - a state guaranteed loan reserve fund to provide incentives to banks to make higher risk loans - to guarantee up to \$14 million in private bank financing for small businesses.

The Tourism Loan Program is slated to receive \$1 million for expansion purposes, according to Gillette. He said the

revolving fund portion of the program "hasn't brought enough money back into the pot," and thus needs additional funding to make loans to tourism-related businesses, and for other interest rate subsidies. Other recommendations include \$1 million for small business development centers, \$364,000 and one new position to upgrade existing computer services, and \$300,000 for promotion of the 1995 NCAA Women's Final Four Basketball Championships.

## Telecommunications discussed

Members of the Jobs, Energy and Community Development Subcommittee on Energy and Public Utilities met Weds., Feb. 24, to hear presentations on the future of the telecommunications industry. The panel, chaired by Sen. Janet Johnson (DFL-North Branch), heard an overview from Senate staff on the Clinton administration's proposal for a technology infrastructure for the 21st Century. The administration's goal, according to staff, is for the federal government to provide the impetus for private industry and for the telecommunications infrastructure to do for communications what the interstate highway system did for transportation.

Subcommittee members also heard from Michael Nowick of the Minnesota Telephone Association on the status of the telecommunications industry in Minnesota. According to Nowick, there are 95 local telephone companies in the state with over 2 million access lines. In addition, 97.1 percent of Minnesota households have telephone service compared with a national average of 93.4 percent, he said. Nowick said that there are two main trends in the industry; technological innovation and competition. Currently, there are three generations of technology in telephone switches: digital, electronic and analog. In addition, there are three "bands" over which messages can be transmitted. Narrow band is used for voice transmission, broad band for data transmission and wide band for video transmission. According to Nowick, the three bands will eventually be meshed to enable all kinds of service.

Mark Oberlander, Public Utilities Commission (PUC), and John Duda, United Telephone Company of Minnesota, outlined the work of a group set up by the PUC, the Telefutures Study Group. According to Oberlander, the Telefutures Study Group is to determine what sort of telecommunications infrastructure is needed and how best to insure that that infrastructure is put in place.

Finally, Dave Kelly of Minnesota Equal Access Network Services spoke on the role of his company in bringing technologies to Minnesota. Kelly said that his private corporation is designed to provide centralized equal access to the less populated areas of the state. In order to do so, Kelly said, his company uses an advanced digital switch with a fiber optic

network that provides broad band capabilities. As a result, 22 long-distance carriers participate in the network and competition now exists in areas that formerly had no competition, Kelly said.

## Judiciary

### Paternity adjudication

A bill establishing a procedure for executing recognition of parentage that has the legal force of a paternity adjudication by a court, was approved by the Judiciary Committee, Mon., Feb. 22.

Sen. Allan Spear, author of S.F. 130, briefly explained that the bill allows the mother and father of a child to sign a recognition form, available in all hospitals, stating they are the biological parents. When the form is notarized and sent to the office of vital statistics, it has the force and effect of an order of paternity. Either parent may bring a motion to vacate a recognition within one year. Spear said that the provision protects a man who may think he is the father, but later learns that he is not. Laura Kadwell, representing the Children's Defense Fund and testifying in support of S.F. 130, said that this type of legislation is necessary in Minnesota, where one in five children are born to unmarried parents. Few of the children, according to Kadwell, end up with legal fathers, and therefore lack the right to child support, social security, and other more "social" benefits such as a sense of identity. She added that the federal government is putting the pressure on states to "improve the number of children of unmarried parents who have paternity established."

S.F. 130 was re-referred to the Family Services Committee.

S.F. 181, a bill amending the Limited Liability Company Act, was also approved. Among several changes, the bill, authored by committee chair Sen. Ember Reichgott (DFL-New Hope), allows a limited liability company a longer period of duration than 30 years. Dan Kleinberger, a professor at William Mitchell College of Law, explained that the change permits entrepreneurs to elect longer durations as the IRS ruling position evolves. Additionally, S.F. 181 allows the articles of organization to provide for less than unanimous written consent to an assignment of governance rights to a person other than another member. Provisions are added for granting a security interest in governance rights and for foreclosure of a security interest. Kleinberger pointed out that as the IRS ruling position on free transferability of ownership interests evolves, this change will permit entrepreneurs to elect less-than-unanimous approval requirements (e.g., consent of members holding a majority of interests), while still having a limited liability company that lacks the corporate characteristic of free transferability.

S.F. 181 was sent to the full Senate.

Lastly, committee members heard testimony on S.F. 141, a bill enacting the Minnesota Common Interest Ownership Act (MCIOA). David Eide, Minnesota State Bar Association, presented a brief overview of the Act. He explained that the Act addresses the creation, development, and management of condominiums, cooperatives, and planned communities (a term including planned unit developments, townhouses, and other common law, common interest real estate regimes) in Minnesota. Eide said there is a need for a formal statute to govern planned communities which constitute the largest of the three categories of multi-family owned housing.

Archie Anderson, a condominium owner, recommended that the bill "be amended and strengthened to help elderly homeowners protect their property and democratic rights." Anderson said that many condominium owners, who become victims of abuse and exploitation by "ruthless and crafty management", have no real recourse of action except costly litigation. He proposed that the bill include stiff penalties pertaining to conflict of interest. Reichgott recommended that new legislation be drawn to address Anderson's concerns. S.F. 141 was approved and referred to the full Senate.

### Data Practices Act reviewed

Members of the Crime Prevention and Judiciary Subcommittee on Privacy met Mon., Feb. 22, to hear testimony on S.F. 248, a bill establishing a process for the issuance of opinions by the commissioner of administration.

The bill, authored by Sen. Gene Merriam (DFL-Coon Rapids), gives the commissioner authority to issue a written opinion on any question arising under Chapter 13 or other statutes governing government data practices upon request of a government agency. Furthermore, the commissioner may give a written opinion regarding a person's rights as a subject of government data or right to have access to government data, upon request of any person. Merriam said the bill is an attempt to make the Data Privacy Act more workable by allowing citizen's an additional recourse of action if access to information is denied.

Merriam said the bill requires the commissioner, before issuing an opinion, to give any government agency or person who will be affected by the opinion notice of the request and an opportunity to submit information considered pertinent to the opinion. Sen. Don Betzold (DFL-Fridley) expressed concern that the provision could be used by an individual to stall the release of information. Mark Afinson, general counsel, Minnesota Newspapers Association, echoed Betzold's concern. While expressing general support for S.F. 248, he recommended that the bill be amended to require the commissioner to charge a user fee and to

issue an opinion within 20 days of the request. Afinson added that the bill is a preferable alternative to litigation.

Donald Gemberling, the state's chief adviser on government-data issues, told the committee that increased funding to absorb the department's added workload caused by passage of the bill would be required. Gemberling believes that while initial response to the bill will be a rush for opinions, the department - over the next 4 years - would most likely develop a library of opinions for referral.

The committee, co-chaired by Senators Jane Ranum (DFL-Minneapolis) and Harold "Skip" Finn (DFL-Cass Lake), also began discussion on S.F. 247, a bill amending current law dealing with patient right of access and consent to the release of medical records. The bill, also authored by Merriam, amends the definition of "patient" to include a person who receives health care services for purposes of an evaluation and specifically includes a person who is the subject of an independent medical examination requested or paid by a third party.

Both bills were laid over for further discussion.

### Medical records access

Members of the Crime Prevention and Judiciary Subcommittee on Data Privacy, co-chaired by Senators Jane Ranum (DFL-Mpls.) and Harold "Skip" Finn (DFL-Cass Lake), met Wed., Feb. 24, to continue working on S.F. 247, a bill amending the statute dealing with patient rights of access and consent to the release of medical records.

The bill, authored by Sen. Gene Merriam (DFL-Coon Rapids), amends the definition "patient" to include a person who receives health care services for an evaluation and specifically includes a person who is the subject of an independent medical examination requested by or paid for by a third party. Merriam said the bill was necessary due to a Minnesota Court of Appeals decision establishing that current law does not apply to independent medical examinations.

Sen. Patrick McGowan (IR-Maple Grove), suggested that rather than amending the definition of "patient," it would be easier to change current law to apply to the subject and provider of an independent medical examination requested by or paid for by a third party. McGowan introduced an amendment incorporating the appropriate language and included a provision that allows a provider to release health records created as part of an independent medical examination to the third party who requested or paid for the examination. The amendment was adopted by the committee and S.F. 247 was approved and re-referred to the Judiciary Committee.

In other business, the committee heard a brief presentation on the Criminal and Juvenile Justice Information System study report by Sue Dosal, state court adminis-

# Committee update

trator. Dosal said members of the task force concluded that Minnesota needs more complete, accurate, timely, accessible, and useful information for the criminal justice community. Currently, complete criminal history records do not exist for sentencing, licensing, registration of sex offenders, or identifying enhanced crimes, according to the report. Additional problems stemming from incomplete information include the avoidance of prison incarceration by many felony and gross misdemeanor defendants, false arrests, and redundancy.

## Metropolitan and Local Government

### Local government bills heard

The Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), met Wed., Feb. 17, to hear three bills relating to local government.

Sen. Duane Benson (IR-Lanesboro) presented S.F. 149, a bill relating to municipal contracts. Benson said the bill provides that when a municipality enters into a contract for planning services, the contract must provide that the completed plan becomes the sole ownership of the municipality. Benson said, and committee members agreed, that the bill will benefit metropolitan governmental units, as well as local governments in Greater Minnesota. Having ownership of the plans will make it easier for governments to share the work that went into developing plans, resulting in greater efficiencies and reduced expenditures, said Benson. The committee approved the bill and an amendment that clarifies that nothing in the proposed legislation would prevent a municipality from waiving its ownership rights. The bill goes next to the full Senate.

The committee also approved S.F. 233, authored by Sen. Jerry Janezich (DFL-Chislm). Janezich explained that the bill gives people who earnestly try to pay taxes they owe the chance to pay them before the list of delinquent taxpayers is made public. The proposed legislation also saves money on publication costs by loosening requirements on what counties are required to publish, said Janezich. He added that the bill makes clear that counties must file their financial statement with the county auditor for public inspection. The committee approved the bill as amended and sent it to the Senate floor.

Sen. Ember Reichgott (DFL-New Hope), presented S.F. 74, a bill relating to the service sharing and combination incentives program. Reichgott said the bill provides funding for the program, which was enacted in 1991 but never funded because the governor vetoed the appropriation section of the law. She explained that the law needs funding to provide technical assistance to local

governments to help consolidate services and provide greater efficiency in the delivery of services and savings for taxpayers. The existing, unfunded law also encourages local units of government to consider border mergers to reduce the huge number of local governmental units in Minnesota, said Reichgott. The committee laid over the bill, upon Reichgott's request, in light of upcoming legislation that addresses these issues, and revises statutory language that impedes additional cooperative activities.

### Affirmative action discussed

"It is important to have law enforcement personnel reflect the demographic makeup of the community," said Sheriff Steve Borchardt, Olmstead County. Borchardt testified in favor of S.F. 300 at a meeting of the Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), Wed., Feb. 24.

Sen. John Hottinger (DFL-Mankato), bill author, explained that the proposal permits sheriff's civil service commissions to certify up to two additional candidates from each protected group when a disparity exists in the makeup of a sheriff's department and its approved affirmative action goals with respect to those groups. The expanded certification only applies to new positions and to promotional appointments, said Hottinger. He stressed that the bill is voluntary--counties do not have to adopt the policy. The committee approved the bill and sent it to the full Senate.

The committee also approved S.F. 277, authored by Sen. Gene Merriam (DFL-Coon Rapids). Merriam said the bill creates the office of Anoka County coroner; appoints a physician as county coroner; appoints assistant coroners; designates deputy coroners; and establishes the duties of the coroner. Merriam explained that the proposed legislation reflects the desire of Anoka County to move from the current medical examiner system to a coroner because of the county's plan to appoint a forensic pathologist to the position. The bill goes next to the full Senate.

## Taxes and Tax Laws

### Small-business tax relief

Members of the Taxes and Tax Laws Subcommittee on Income and Sales Tax, chaired by Sen. Ember Reichgott (DFL-New Hope), met Tues., Feb. 23, to discuss small business tax policies.

Deb McMartin, Department of Revenue, outlined the governor's small business tax initiatives. McMartin said the purpose of the initiatives is "to stimulate growth by coordinating and targeting tax relief programs to small manufacturing businesses." Under the proposal, manufacturing firms with 100 employees or less are considered eligible

businesses, said McMartin.

McMartin said the governor recommends three key initiatives: an exemption of the 6.5 percent sales tax on replacement equipment at the time of purchase; a state paid "workstead" property tax refund; and a local property tax credit administered by cities, townships, and counties. Some committee members spoke favorably of the initiatives, but expressed concern that some employers may lay-off workers to stay under the 100 person threshold. According to statistics from the Dept. of Revenue, approximately 7,000 firms--over 80 percent of all manufacturing firms in Minnesota--will be eligible for the program.

The committee also discussed the "Minnesota Targeted Economic Development and Competitiveness Study," commissioned by the Department of Trade and Economic Development. According to Senate analysts, the study shows that "with the exception of workers compensation costs, unemployment compensation, and property taxes--Minnesota's burden on businesses was found to be only average or slightly lighter than average."

Commissioner Peter Gillette announced the department's plans to do a more detailed, follow-up study on state imposed business costs. Gillette asked for the participation of House and Senate analysts. Sen. Douglas Johnson (DFL-Cook) accepted the offer, pointing out that it would give the study more credibility. Gillette and Johnson agreed that it was important to work together to gain information that the department and the Legislature can use to improve Minnesota's policies.

### LGA debated

Senators debated the merits of local government aid (LGA) at a joint hearing of the Taxes and Tax Laws Subcommittee on Property Taxes and the Metropolitan and Local Government Tax Division, both chaired by Sen. Carol Flynn (DFL-Mpls.), Wed., Feb. 24. The debate centered around S.F. 78, authored by Sen. John Hottinger (DFL-Mankato).

Hottinger said the bill revises the system of aids that the state pays to cities. Disparity aid, local government aid, and equalization aid are all eliminated, and replaced with a single new aid, beginning with payments in 1994, said Hottinger. He added that the proposed formula distributes new LGA based on need, rather than historical spending patterns.

Representatives of cities and municipalities testified in support of the bill, saying that LGA reduces property tax disparities, provides property tax relief, and enables cities to provide adequate services. Speaking against the bill, Dan Salomone, Minnesota Taxpayers Association, said that LGA is "grossly over-

funded," leading to inefficient spending on the part of cities.

Some members expressed concern about how much future LGA payments will cost the state. Hottinger pointed out that the bill provides a distribution formula without setting a level of spending. He said the level of spending is a separate question that Senators will address in other committees.

Finally, Glenn Dorfman, Minnesota Association of Realtors, stressed the need to limit the distribution of LGA to those cities that have identifiable needs. Dorfman said that LGA does not result in a property tax reduction for most homeowners. The reason for this stems from the fact that increased expenditures on the part of school districts and counties off-set LGA, causing property tax increases, said Dorfman. He suggested that to reduce property tax burdens, and to meet its constitutional responsibility to establish a uniform system of public schools, the state should fully fund K-12 education.

## Transportation and Public Transit

### Ethanol production profiled

The Transportation and Public Transit Committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), met Tues., Feb. 23, to hear a presentation about the Minnesota Ethanol Coalition and the Minnesota Corn Processors Production Plant. In addition, the committee considered two bills. The first bill changes the description of Legislative Route No. 279 in the state trunk highway system. The second bill includes passenger snowmobile use as an off-highway business use when used as part of the operations of a resort, and qualifies such use for a gas tax refund.

Rich Jurgenson, president of the Minnesota Ethanol Coalition and general manager of the Minnesota Corn Processors Production Plant in Marshall, discussed the production of ethanol and urged the committee to continue the tax credit on ethanol. The Marshall plant, in operation since 1986, produces about 34 million gallons of ethanol per year, Jurgenson said. He said that the plant involves 24 counties and receives corn from approximately 2,400 members (less than 5 percent of Minnesota farmers). Jurgenson said that ethanol is the most environmentally sound product. Currently, oxygenated fuel is ethanol and refined petroleum in a mix of 10 percent to 90 percent, he said.

Jurgenson said he opposed giving up the 2 cent tax credit in Minnesota that was originally established to encourage ethanol use by consumers. He stated that discontinuing the tax credit would be detrimental to the producer. He also said that he would ship the ethanol produced at the Marshall plant to states that have the tax credit.

Sen. Keith Langseth (DFL-Glyndon) pointed out two possible options. He suggested that the committee could either establish a mandate for the use of ethanol and discontinue the tax credit, or directly subsidize the industry, an option that he said he does not support. Dick Borson, government relations director for the Dept. of Transportation, stated that the existing tax credit cost the highway tax distribution fund \$12 million in FY92. He said the department is considering a proposal to eliminate the tax credit.

The committee also considered two bills. S.F. 154, authored by Sen. David Knutson (IR-Burnsville), adds to the trunk highway system a new description of Route No. 279 to begin at a point in Apple Valley and extend in a northerly direction across the Minnesota river to a point on Route No. 384 in Minneapolis. The old route is discontinued and removed from the trunk highway system when an agreement to transfer jurisdiction is signed by the commissioner of the Dept. of Transportation and Dakota County, Knutson said. The bill was approved and advanced to the full Senate.

The second bill considered, S.F. 273, sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls), adds a definition of passenger snowmobile to statute and includes passenger snowmobile use as an off-highway business use when used as part of the operations of a resort. The bill would allow persons who purchase gasoline for passenger snowmobile use to qualify for a gas tax refund, Stumpf said. The bill was approved and advanced to the full Senate.

### Success by 6 report

Sen. Ember Reichgott (DFL-New Hope) and representatives of the Success by 6 Northwest transportation committee presented a report to the Transportation and Public Transit Committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), Wed., Feb. 24.

Success by 6 is a community initiative by business, government, education and human service organizations working collaboratively to develop and implement strategies to overcome the barriers faced by many young children, Reichgott said. Rosie Smith-Pilgram, Success by 6 Northwest, said that the lack of transportation services is a key barrier to early childhood development. Smith-Pilgram and Gretchen Farner, Northwest Hennepin Human Services Council staff member, explained the need for significant changes in transportation services to improve mobility within the suburban area. Smith-Pilgram said that single-parent families, particularly, required improved transit.

Smith-Pilgram said the "hub and spoke system" presented in the report provides a means of inter-suburban travel. The current system requires riders, wanting to travel to a nearby suburb, to transfer only at the downtown hub. The time-consum-

ing and inefficient system takes away from family time, said Smith-Pilgram.

The report also calls for reforms in liability laws in order to encourage volunteers, paratransit operators, and other transportation providers to participate in a shared services plan, Smith-Pilgram explained.

Transportation and energy policy also received the attention of the committee. Representatives from Minnesota Public Interest Research Group (MPIRG), a student-directed non-profit organization, testified on the general need for greater investment in transit. Chris Porter, MPIRG energy intern, and Eila Savala, MPIRG's attorney, presented policy ideas to promote transit. He said that transit needs a stable source of funding, not only for operational costs but also to implement long-term planning and expansion. Furthermore, he urged giving priority to high-occupancy vehicle (HOV) lanes and other transit facilities in new construction to provide a congestion bypass.

### Transportation budget overview

Sen. Keith Langseth (DFL-Glyndon), division chair, invited officials from the Dept. of Transportation to provide an overview of the proposed budget to members of the Transportation and Public Transit Finance Division, Tues., Feb. 23.

Ed Cohoon discussed Mn/DOT's strategic directions and budget priorities, including safety, preservation of systems, mobility, and match federal funds. He said that the budget is presented at 95 percent of current spending. He also said that the governor recommended restoring the transit grants and transit administration to 100 percent of current spending. Furthermore, the 3.5 percent salary recapture, as required by the governor, applies to all programs.

Raymond Rought, director, outlined the goals of the Office of Aeronautics and briefed the panel on the responsibilities of the program. Rought reviewed the aeronautics revenues that total \$42.8 million for 1992. He said that the majority of the revenue, \$27.6 million, is federal construction dollars. A large portion, \$8 million, comes from airline flight property, and another portion from aviation fuel tax, Rought said. The fuel tax, \$3.2 million, has increased \$200,000 since 1988, he said. The aeronautics expenditures in 1992 total \$43.7 million, he said. He said that the estimated revenues, including federal and state dollars, for FY93 is \$44.8 million, compared to \$42.8 million actual dollars in FY92. The estimated revenue for FY94 and FY95 is \$49.4 million and \$51.5 million, respectively, Rought reported.

Rought discussed the various outcomes of the program, including education programs designed for minority students; "all weather" capabilities provided to transport airports and weather information access increases, and airports paved and lighted.



The panel also heard a brief overview of the Office of Transit's proposed budget. Randy Halverson, director, discussed the responsibilities and objectives of the Greater Minnesota public transit program. He reported that the actual operating costs in calendar year 1991 was \$18 million. He also said that the governor's recommendation for FY94-95 biennium is \$16.8 million, compared to the FY92-93 state biennial appropriation of \$16.3 million.

## Veterans and General Legislation

### EX-POW plate registration

A bill providing for free motor vehicle license plates for former prisoners of war was approved at the Tues., Feb. 23, meeting of the Veterans and General Legislation Committee. The bill, S.F. 13, carried by the Chair Jim Vickerman

(DFL-Tracy), specifies that the registrar shall issue a set of EX-POW plates to qualified applicants, free of charge for the cost of the plates, and must replace the plates without charge if they become damaged. In addition, the bill specifies that no fee may be charged for a subsequent year when tabs or stickers are issued for that motor vehicle on which the special plates are placed. Finally, the bill specifies that no fee may be charged for replacement plates issued to a surviving spouse or for tabs or stickers issued for the motor vehicle on which the special EX-POW plates are placed. However, a surviving spouse is not exempt from the motor vehicle registration tax. Vickerman said that the cost of the bill would fall between \$27,000 and \$55,000 annually, depending on how many former prisoners of war applied for the special license plates.

Committee members heard testimony from a number of individuals in support of

the measure before approving the bill and re-referring the measure to the Committee on Finance.

### Information Office services

The Senate Information Office and the Office of the Secretary of the Senate are located in Room 231 of the Capitol. These offices distribute all public materials and handle inquiries about Senate committee meetings, Senate districts, Senate telephone numbers, bill reference numbers and status, and bill sponsorship. Interested citizens may also request copies of bills or ask to be put on the mailing list for Senate publications. If you want to know the name of your Senator or have any other questions concerning the Minnesota Senate, call 296-0504. Senate staff members are available to answer general questions about the Senate and the legislative process. For daily updates on committee meetings, call the Senate Hotline at 296-8088.

# Preview

## The Minnesota Senate Week at a Glance

### Monday, March 1

#### Finance State Government Division

Chair: Sen. Richard Cohen  
8 a.m. Room 318 Capitol

**Agenda:** Budget overview of the Minnesota Historical Society continued. Overview of CORE by Fred Grimm, Management Analysis Division, Dept. of Administration, and Eliot Seide, legislative director, AFSCME, Council 6.

#### Health Care and Family Services Funding Division

Chair: Sen. Don Samuelson  
8:30 a.m. Room 123 Capitol

**Agenda:** Presentations by health-related boards: Chiropractic Examiners, Marriage and Family Therapy, Medical Practices, Nursing, Optometry, Pharmacy, Social Work, Podiatry, Psychology, and Veterinary Medicine.

### The Senate will meet at 11 a.m.

#### Agriculture and Rural Development Committee

Chair: Sen. Joe Bertram, Sr.  
12 noon Room 107 Capitol

**Agenda:** Joint hearing with House for presentation on "Innovative, Low Cost Hog Production" by Mark Honeyman, animal scientist, Iowa State University. Testifying will be George Boody, managing director, Land Stewardship

Project, and Dave Serfling, Minnesota hog producer.

#### Commerce and Consumer Protection Committee

Chair: Sen. Sam Solon  
12 noon Room 112 Capitol

**Agenda:** S.F. 291-Piper: Insurance coverage for port wine stain removal. S.F. 276-Chandler: Credit union share certificates investment.

#### Judiciary Committee

Chair: Sen. Ember Reichgott  
12 noon Room 15 Capitol

**Agenda:** S.F. 444-Spear: Prohibiting discrimination based on sexual or affectional orientation.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** S.F. 33-Pogemiller: Stalking and harassment crimes.

#### Metropolitan and Local Government Tax Division

Chair: Sen. Carol Flynn

2 p.m. Room 107 Capitol

**Agenda:** S.F. 78-Hottinger: Relating to local government aids.

#### Legislative Water Commission

Chair: Rep. Henry Kalis

6 p.m. Room 500 South SOB

**Agenda:** Discussion of the LWC administration/budget. Continued discussion of Environmental Consulting Services as part of the ACRRRA and Petrofund Programs. Update on combined sewer overflow. Update on water availability initiatives with presentations by the Met Council and DNR. Tentative update on PCA water quality standards.

### Tuesday, March 2

#### Environment and Natural Resources Subcommittee on Fish and Wildlife

Chair: Sen. Charles Berg

8 a.m. Room 107 Capitol

**Agenda:** S.F. 5-Benson, D.D.: Extending the permissible period for open season on raccoon. S.F. 464-Sams: Color of outer clothing required in firearms deer zones. S.F. 366-Berg: Allowing importation of minnows for raising and export.

#### Governmental Operations and Reform Committee

Chair: Sen. James Metzen

8 a.m. Room 15 Capitol

**Agenda:** S.F. 93-Flynn: Labor relations; definition of confidential employee. S.F. 337-Novak: Family homeless prevention/assistance program. S.F. 306-Metzen: Procedures for appointments of department heads and members of boards/agencies. S.F. 376-Metzen: State Board of Investment.



## **Transportation and Public Transit Committee**

*Chair: Sen. Florian Chmielewski*  
8 a.m. Room 112 Capitol

**Agenda:** Presentation on growing metropolitan disparities by Rep. Myron Orfield. S.F. 334-Vickerman: Traffic regulations; authorizing delayed arrest of driver for failure to yield right-of-way to emergency vehicle.

## **Education Funding Division**

*Chair: Sen. Lawrence Pogemiller*  
10 a.m. Room 112 Capitol

**Agenda:** S.F. 377-Berglin: Children's mental health consolidated fund.

## **Health Care Committee**

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol

**Agenda:** S.F. 546-Berglin: Physician surcharge. S.F. 382-Pappas: Single payor--health care.

## **Ethics and Campaign Reform Committee**

*Chair: Sen. John Marty*  
12 noon Room 107 Capitol

**Agenda:** Presentation by Secretary of State Joan Grove on election bills. S.F. 25-Marty: Continuation of campaign finance reform.

## **Family Services Committee**

*Chair: Sen. Pat Piper*  
12 noon Room 15 Capitol

**Agenda:** S.F. 352-Betzold: Child maltreatment investigations in daycare facilities. S.F. 399-Stevens: STRIDE/CWEP program modification.

## **Environment and Natural Resources Committee**

*Chair: Sen. Bob Lessard*  
2 p.m. Room 107 Capitol

**Agenda:** Bills processed by the Subcommittee on Public Lands and Waters on Fri., Feb. 26.

## **Higher Education Division**

*Chair: Sen. LeRoy Stumpf*  
4 p.m. Room 123 Capitol

**Agenda:** Discuss budget request for Mayo Medical School. S.F. XXX-Stumpf: Tech colleges; regulating unrequested leaves of absence during the regionalization process.

## **Finance State Government Division**

*Chair: Sen. Richard Cohen*  
4 p.m. Room 318 Capitol

**Agenda:** Budget overviews for Office of Administrative Hearings, Dept. of Veterans Affairs, Disabled American Veterans, and Minnesota Municipal Board.

## **Taxes and Tax Laws Subcommittee on Income and Sales Tax**

*Chair: Sen. Ember Reichgott*  
4 p.m. Room 15 Capitol

**Agenda:** S.F. 510-Reichgott: Dept. of Revenue policy bill.

## **Transportation and Public Transit Finance Division**

*Chair: Sen. Keith Langseth*  
4 p.m. Room 125 Capitol

**Agenda:** Budget overview of the Minnesota Dept. of Transportation.

## **Legislative Commission on Minnesota Resources**

*Chair: Sen. Gene Merriam*  
6:30 p.m. Room 123 Capitol

**Agenda:** Consideration of work program amendment and additional recommendations with presentations by John Strohkirch, Jay Rendall, and John Velin.

## **Wednesday, March 3**

## **Governmental Operations and Reform Committee**

*Chair: Sen. James Metzen*  
8 a.m. Room 15 Capitol

**Agenda:** S.F. 114-Kelly: Abolishing the Dept. of Public Safety.

## **Transportation and Public Transit Committee**

*Chair: Sen. Florian Chmielewski*  
8 a.m. Room 112 Capitol

**Agenda:** Presentation on the Minnesota Trucking Association by Lisa Peterson, director of Legislative Affairs. Presentation on toll financing by Robert P. Zauner, executive director, The Minnesota Transportation Group. S.F. 434-Vickerman: Dept. of Public Safety housekeeping.

## **Higher Education Division**

*Chair: Sen. LeRoy Stumpf*  
10 a.m. University of Minnesota

**Agenda:** Tour of the University of Minnesota-Minneapolis campus.

## **Health Care Committee**

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol

**Agenda:** S.F. 90-Kelly: Nursing facility for hospital. S.F. 327-Kiscaden: Family preservation services and case management. S.F. 241-Berglin: Group residential housing reimbursement. Continued public testimony on the governor's budget cuts.

## **Commerce and Consumer Protection Committee**

*Chair: Sen. Sam Solon*  
12 noon Room 112 Capitol

**Agenda:** S.F. 112-Moe: Workers compensation state fund mutual insurance company obligations. S.F. 176-Moe: Workers compensation reinsurance association refunds regulation. S.F. 439-Solon: Invention board establishment.

## **Judiciary Committee**

*Chair: Sen. Ember Reichgott*  
12 noon Room 15 Capitol

**Agenda:** S.F. 247-Merriam: Right of access to medical records. S.F. 234-Finn: Definition of child abuse for CHIPS cases. S.F. 265-Finn: Technical bill; corporations. S.F. 115-Laidig: Limiting liability for injuries caused by livestock. S.F. 147-Cohen: Raising tort liability limits for claims against the MTC. S.F. 294-Betzold: Revisor technical clean-up bill.

## **Crime Prevention Finance Division**

*Chair: Sen. Tracy Beckman*  
2 p.m. Room 112 Capitol

**Agenda:** Budget overview for the Board of Public Defense.

## **Metropolitan and Local Government Committee**

*Chair: Sen. Betty Adkins*  
2 p.m. Room 107 Capitol

**Agenda:** S.F. 269-Cohen: MTC; require one member to be disabled user of transit system. S.F. 302-Pogemiller: Minneapolis; regulating the est. and functions of Special Service Districts. S.F. 313-Wiener: Dakota County Housing and Redevelopment Authority and the County Extension Commission. S.F. 198-Johnson, D.E.: Local improvements; setting limits for certain contract requirements.

## **Rules and Administration Subcommittee on Permanent and Joint Rules**

*Chair: Sen. Bill Luther*  
2 p.m. Room 237 Capitol

**Agenda:** Discussion of permanent and joint rules.

## **Legislative Commission on Pensions and Retirement**

*Chair: Sen. Phil Riveress*  
2 p.m. Room 318 Capitol

**Agenda:** S.F. 20-Beckman: Ambulance personnel; longevity award program. S.F. 86-Janezich: Eveleth police and fire trust fund; post retirement adjustment. H.F. 490-Johnson, R.: Major funds; Permanent Rule of 90.

## **Higher Education Division**

*Chair: Sen. LeRoy Stumpf*  
4 p.m. Room 123 Capitol

**Agenda:** Discuss budget request for the University of Minnesota.

## Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse  
4 p.m. Room 125 Capitol  
Agenda: PCA budget overview.

## Finance State Government Division

Chair: Sen. Richard Cohen  
4 p.m. Room 318 Capitol  
Agenda: Budget overviews of: Amateur Sports Commission; Capitol Area Architectural and Planning Board; and the Humanities Commission.

## Health Care and Family Services Funding Division

Chair: Sen. Don Samuelson  
4 p.m. Room 107 Capitol  
Agenda: Ombudsman for Mental Health and Mental Retardation. Presentations by the Board of Telecommunications Access for Communication Impaired Persons, and the Board of Dentistry.

## Metropolitan and Local Government Tax Division and Taxes and Tax Laws Subcommittee on Property Tax

Chair: Sen. Carol Flynn  
4 p.m. Room 15 Capitol  
Agenda: Presentations on the Local Government Trust Fund by the Dept. of Human Services and the counties.

## Thursday, March 4

The Senate will meet at 9:30 a.m.

## Education Funding Division

Chair: Sen. Lawrence Pogemiller  
10 a.m. Room 112 Capitol  
Agenda: Overview of budget.

## Health Care Committee

Chair: Sen. Linda Berglin  
10 a.m. Room 15 Capitol  
Agenda: S.F. 502-Mondale: Asbestos abatement--Dept. of Health. S.F. 372-Merriam: Clean Indoor Act--common areas in apartments and condos.

## Ethics and Campaign Reform Committee

Chair: Sen. John Marty  
12 noon Room 107 Capitol  
Agenda: S.F. 25-Marty: Continuation of campaign finance reform.

## Family Services Committee

Chair: Sen. Pat Piper  
12 noon Room 15 Capitol  
Agenda: Presentation/discussion of child care subsidy programs. S.F. 398-Benson, J.E.: Defining MSA equivalent rate and MA room and board rate.

## Veterans and General Legislation Committee

Chair: Sen. Jim Vickerman  
12 noon Room 112 Capitol  
Agenda: S.F. 371-Stumpf: Resolution memorializing the president and congress to retain the Grand Forks Air Force Base. S.F. 339-Vickerman: County veterans service officers grant.

## Crime Prevention Committee

Chair: Sen. Allan Spear  
2 p.m. Room 15 Capitol  
Agenda: S.F. 103-Berg: Gambling regulation.

## Metropolitan and Local Government Subcommittee on Metropolitan Affairs

Chair: Sen. Ted Mondale  
2 p.m. Room 107 Capitol  
Agenda: S.F. 449-Marty: Urban planning.

## Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse  
4 p.m. Room 125 Capitol  
Agenda: PCA overview, continued.

## Finance State Government Division

Chair: Sen. Richard Cohen  
4 p.m. Room 318 Capitol  
Agenda: Budget overviews of the Ethical Practices Board and the Minnesota State Arts Board.

## Health Care and Family Services Funding Division

Chair: Sen. Don Samuelson  
4 p.m. Room 112 Capitol  
Agenda: Veteran's Homes Board and nursing homes.

## Taxes and Tax Laws Committee

Chair: Sen. Douglas Johnson  
4 p.m. Room 15 Capitol  
Agenda: Presentation of the March budget forecast by Commissioner Gunyou. Confirmation hearing for Dorothy McClung for the Minnesota Tax Court.

## Friday, March 5

## Transportation and Public Transit Finance Division

Chair: Sen. Keith Langseth  
8 a.m. Room 112 Capitol  
Agenda: Budget overview of the Safety Council. Budget overview of the Transportation Regulation Board.

## Finance Committee

Chair: Sen. Gene Merriam  
2 p.m. Room 123 Capitol  
Agenda: Budget forecast and supplemental recommendations. S.F. 169-Frederickson: HECB deficiency. S.F. 282-Berglin: Disproportionate population adjustment for hospitals.

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# Briefly

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The Minnesota Senate Week in Review

March 5, 1993

## Durable power of attorney passes

Senators met Mon., Mar. 1, to process bill introductions, motions and resolutions and to grant final passage to one measure. S.F. 12, authored by Sen. Florian Chmielewski (DFL-Sturgeon Lake), is a resolution expressing the Legislature's opposition to federal legislation requiring suspension of licenses for individuals convicted of violations of the federal Controlled Substances Act. The bill was given final passage on a unanimous vote of 57-0. In addition, the Senate, acting as a Committee on the Whole, began work on the General Orders Calendar.

Senators approved one bill on the General Orders Calendar during the floor session. S.F. 40, sponsored by Sen. Ember Reichgott (DFL-New Hope), establishes a durable power of attorney for health care. Reichgott said that the bill allows individuals to give advanced directives regarding their health care in the event that they become medically incapable of doing so. Sen. Thomas Neuville (IR-Northfield) said that the bill has major ethical and policy concerns.

According to Reichgott, penalties apply for willfully concealing, canceling, defacing, or obliterating a durable power of attorney for health care without the consent of the principal or to falsify or forge revocation of the instrument. The bill also calls for a penalty for falsifying or forging the instrument or concealing or withholding personal knowledge of a revocation. In addition, the bill prohibits anyone from requiring the execution of a durable power of attorney for health care as a condition of being insured or receiving health care services.

Sen. Patrick McGowan (IR-Maple Grove) offered an amendment that makes the penalties in the bill consistent with the living will law. The Committee adopted the amendment and gave the bill S.F. 40, preliminary passage.

The Senate met briefly in floor session Thurs., Mar. 4. In addition to processing work at the Senate Desk, members also gave final passage to S.F. 40. The measure, sponsored by Sen. Ember Reichgott (DFL-New Hope), establishes a durable power of attorney for health care.

## Child care subsidy programs

Child care subsidy programs received the attention of the Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), Tues., Mar. 2. Aviva

Breen, executive director of the Legislative Commission On The Economic Status of Women, briefed Senators on a variety of child care subsidy programs administered by the Department of Human Services, and on how the programs relate to the needs of parents in Minnesota.

Breen explained the various programs and how they are financed through federal, state, and county sources. Much of the discussion focused on the basic sliding fee child care program. Breen pointed out that the program helps families achieve self-sufficiency by providing child care assistance, allowing parents to gain an education and to work.

Funding for the basic sliding fee child care program falls short of the demand for it, creating the potential for longer waiting lists, said Breen. Many Senators agreed that the program is a good investment because it has successfully helped many families achieve self-sufficiency, saving money in the long run and improving clients' self-esteem.

## Gay rights bill gains

A bill prohibiting unfair discriminatory practices on the basis of sexual or affectional orientation, was approved at the Judiciary Committee meeting, chaired by Sen. Ember Reichgott (DFL-New Hope), Mon., Mar. 1.

Presenting S.F. 444, author Sen. Allan Spear (DFL-Mpls.), told the committee that the bill prohibits unfair discrimination based on sexual orientation in the areas of employment, housing, public accommodations, public services, access to credit, and real property. In an imperfect society where all persons do not have the same opportunities, said Spear, legislation is needed to protect people from becoming victims of discrimination. Because gays and lesbians represent a category of persons on which there has been a historical pattern of discrimination, Spear continued, the state is not carving out special privileges for a particular group in society. Spear offered an amendment that allows religious organizations the right to educate their own members and conduct their affairs in accordance with their own religiously-based ethical position regarding homosexual activity. The amendment was adopted by the committee.

Brian Rushie, Director of the Joint Religious Legislative Coalition and a

member of the Governor's Task Force on Lesbian and Gay Minnesotans in 1991, testified in support of the bill and the amendment. Rushie said that all persons, regardless of sexual orientation, "should be guaranteed their basic human rights and accorded equal protection under the law." Referring to testimony by gays and lesbians given while he was a member of the governor's task force, Rushie told the committee he "was struck by the alienation and fear of reprisal felt by Minnesotans." Father Edward Flahavan, who was also a member of the governor's task force, spoke of the physical violence, death threats, and other forms of overt discrimination faced by the gay community in the state.

Deputy Commissioner Tracy Elftmann, Dept. of Human Rights, said the bill, contrary to prevailing belief, does not impose any affirmative action rights, but simply extends basic civil rights to cover discrimination based on sexual orientation.

Opposing the bill, Austin attorney Dave Forman told the committee that gays and lesbians do not qualify as an oppressed minority since they are not economically and culturally disadvantaged, politically powerless, and do not have "obvious immutable characteristics." Vicki Walters, Osage, also testifying in opposition, warned the Legislature of the future enforcement costs associated with S.F. 444, especially in the form of expanded sexual education in schools and sensitivity training at work.

S.F. 444 was approved as amended and referred to the full Senate.

## Smoking ban adopted

The Rules and Administration Subcommittee on Permanent and Joint Rules met Wed., Mar. 3, and approved a rule change that prohibits smoking in all spaces controlled by the Senate.

The subcommittee, chaired by Sen. William Luther (DFL-Brooklyn Park), also approved a rule proposed by Sen. Dean Johnson (IR-Willmar) prohibiting legislative employees from engaging in campaign activity during hours of employment. The rule defines campaign activity as mailings of campaign committees, fundraising, polling, and campaign material design and dissemination. The committee delayed action on other proposed changes to the permanent and joint rules until a future meeting.

# Committee update

## Agriculture and Rural Development

### Hog production sustainability

Members of a Joint Agriculture and Rural Development Committee, co-chaired by Sen. Joe Bertram, (DFL-Paynesville), and Rep. Stephen Wenzel (DFL-Little Falls), met Mon., Mar. 1, to discuss hog production alternatives and farm sustainability.

Mark Honeyman, former hog farmer and scientist, Iowa State University, spoke on "Innovative, Low Cost, Hog Production." Members also heard testimony by George Boody, managing director, Land Stewardship Project and Dave Serfling, a Minnesota hog producer. Sen. Steven Morse, (DFL-Dakota), said the meeting was designed to shed light on Minnesota's declining hog production and to explore alternative methods of management and production systems for the small to medium-size hog farm operation.

According to Boody, the Land Stewardship Project, initiated in 1982, seeks to promote sustainable farm operations through farm research and organizing sustainable farmers on a state-wide basis. Boody said the state has seen hog producers decline from 35,000 to 15,000 in recent years, and that production trends have given way to large-scale operations in states like North Carolina and Iowa.

Honeyman said there is a wide variation in the profitability of hog producing operations and he outlined a series of alternatives in the management and operation of Minnesota's small to medium-size hog farm operations. Honeyman said alternatives include reducing overhead costs with the use of low-capital swine housing, implementing pasture farrowing systems, utilizing manure as a recyclable resource, moving towards lean and genetically superior stock, and the use of rotational grazing methods.

### Limited liability bill defeated

Members of the Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram, Sr., (DFL-Paynesville), met Wed., Mar. 3, to hear S.F. 82, a bill authored by Sen. Charles Berg, (DFL-Chokio), authorizing a family farm limited liability company.

Berg said the measure does not effect current corporate farm laws, but does combine certain aspects of family farm corporation law with elements of a limited partnership. Berg reiterated that the creation of the limited liability company (LLC) is a hybrid entity offering all of the advantages of a corporation, with corporate stockholders. Berg said that unlike a partnership, an LLC incorporates no personal liability, yet provides for inclusion under more favorable partnership tax laws.

Responding to previous concerns, that limited liability companies may impact

corporate farm law and create legalistic loopholes for expanded opportunities in passive investment by non-farm entities, Berg offered an amendment to the bill.

The amendment, according to John James, attorney and former revenue commissioner, tightens the criteria for the establishment of an authorized farm LLC and specifies that members holding 51 percent or more of both the governance or voting rights and the financial rights in an LLC must reside on the farm or be actively engaged in farming.

Lynn Hayes, an attorney specializing in agricultural law, said that the limited liability company is a hybrid entity that would encourage a move towards passive investment in agriculture by non-farm entities. "We cannot restrict the LLC, the way we've restricted financial and governance rights in both partnerships and under existing corporate farm law," said Hayes.

James said that farm unions in states like North and South Dakota and Iowa support the existence of the LLC. The bill gives farmers a third option to what is already available. "We're not opening doors here--we just want to give farmers the same option as anyone else in the state," said James. Sen. Steven Morse, (DFL-Dakota), said there was merit in the measure, but that not all holes have been plugged to preserve the character of the family farm unit. The measure was defeated.

S.F. 239, authored by Bertram, is a bill to extend the Farmer-Lender Mediation program until July 1, 1995. The bill also authorizes an appropriation of \$400,000 from the general fund for the FY94-95 biennium. Bertram said that there is an ongoing need for the services in the rural area and that a 50/50 match in federal funding will be available until 1995.

Bertram also offered an amendment changing the prescribed waiting period for notice of mediation proceedings from 45 days to 60. The measure gives a debtor an extended period of time to initiate a request for mediation services before a creditor may begin debt enforcement proceedings. The amendment established an effective date of July 1, 1993. The bill was approved as amended and re-referred to the Education Committee.

## Commerce and Consumer Protection

### Birthmark insurance coverage

Removal of birthmarks known as port wine stains would be covered under state-regulated health plans if a bill currently under consideration becomes law. The bill, S.F. 291, sponsored by Sen. Pat Piper (DFL-Austin), received a hearing at the Mon., Mar. 1, meeting of the Commerce and Consumer Protection Committee. Sen. Deanna Wiener (DFL-Eagan) chaired the meeting in the absence of

committee chair Sen. Sam Solon (DFL-Duluth). Piper said that currently, some health plans consider the birthmarks to be purely of cosmetic concern and do not cover their removal.

Dr. Christopher Zachary, assistant professor, Department of Dermatology, University of Minnesota, testified that if not removed, port wine stain birthmarks can create social and psychological difficulties as well as serious medical problems, including bleeding that is difficult to control, blindness, and melanoma. Zachary said that early removal of the birthmarks with a laser process can greatly lessen these problems and is far less expensive and risky than surgical treatment of problems later in life.

Several people with port wine stain birthmarks and parents of children with the birthmarks attested to the difficulties Zachary outlined.

The bill requires all plans defined in state law as health plans to cover the elimination or maximum feasible treatment of port-wine stains for any covered persons.

The bill was approved and re-referred to the Health Care Committee.

In other business, the committee heard S.F. 276, sponsored by Sen. Kevin Chandler (DFL-White Bear Lake), authorizing the investment and deposit of state and municipal money and trust fund money in credit union share certificates and deposit accounts. The bill also authorizes credit unions to make reverse mortgage loans, exempts credit unions from investment adviser licensing requirements, and adds credit unions to the definition of banks in the Uniform Fiduciary Act.

According to Court Holten, counsel for the Minnesota League of Credit Unions, the transactions covered by the bill have been taking place since 1985, and the bill merely permits credit unions to conduct the transactions with the same legal comfort level that banks already have.

John Jackson, general counsel for the Minnesota Bankers Association, however, said that the bill gives credit unions an unfair advantage over banks, particularly small community banks.

After discussion, S.F. 276 was approved and sent to the full Senate.

### Workers comp obligations

The Commerce and Consumer Protection Committee met Weds., Mar. 3, to consider two bills relating to worker's compensation funding issues. The first, S.F. 112, sponsored by Sen. Roger Moe (DFL-Erskine), requires the Workers' Compensation Reinsurance Association to extend a \$20 million line of credit to the State Fund Mutual Insurance Company. The bill follows an investigation by the commissioner of commerce into a financial crisis that the commissioner determined was caused by poor invest-

ment policies. The committee approved the measure and sent it to the full Senate.

S.F. 176, also sponsored by Moe, clarifies the law governing distribution of excess surpluses declared by the Workers' Compensation Reinsurance Association (WCRA). Under the bill, the funds are to be redistributed to the employers, whether self-insured or commercially insured, who are the ultimate payers of reinsurance premiums.

Late in 1992, \$100 million in surplus was distributed to self-insurers and insurance companies. The bill requires that insurer members of WCRA must distribute funds received under this distribution to their policyholders and prescribes a method for distribution. Self-insurers are not affected by the provision.

Another provision of the bill specifies a different redistribution system for a \$304 million excess declared by the WCRA this year. None of the funds from this declaration have yet been distributed.

The bill also provides that deficiencies in reserves caused by the refund are to be made up by assessments added to self-insurer and policyholder workers' compensation premiums. The bill is retroactive to any refunds made after January 1, 1992.

An insurance industry representative testified against the bill, saying that insurance companies believe they are the legal owners of the assets. A representative of the Chamber of Commerce spoke in favor of the measure, but added that a one-time refund is not an substitute for reform in the system.

The committee, chaired by Sen. Sam Solon (DFL-Duluth), approved the bill on a 12-1 roll call vote and sent it to the full Senate.

## Crime Prevention

### Firearm discharge bill approved

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), met Thurs., Feb. 25, to consider a bill that amends the criminal code to create a new five-year felony of recklessly discharging a firearm within a municipality. In addition, the panel considered a bill that imposes a felony penalty for recklessly discharging a firearm from a motor vehicle and provides for forfeiture of the vehicle used in a drive-by shooting.

The committee approved an amendment to S.F. 125 offered by Sen. Patrick McGowan (IR-Maple Grove) that does not limit the jurisdiction to only "residential areas" within a municipality.

According to bill author Sen. Randy Kelly (DFL-St. Paul), current law imposes the penalty for intentionally discharging a firearm under circumstances that endanger the safety of another. The new crime eliminates the need to show that the person firing a weapon did so intentionally and that it was done under circumstances that endanger the safety of another, Kelly said. The committee approved S.F. 125 and laid the bill over to

be incorporated into an omnibus street crime bill.

The committee also considered a bill, S.F. 208, that imposes a felony penalty for recklessly discharging a firearm from a motor vehicle and provides for the administrative forfeiture of a vehicle used in a drive-by shooting. Under the administrative forfeiture procedure, the vehicle would become the possession of the law enforcement agency or prosecutor if no objection by the owner is filed within 60 days.

At present, the procedure applies only to money and other valuables found in proximity to drugs, drug records, or drug manufacturing equipment, and to conveyance devices containing drugs. Several Senators expressed concern about the forfeiture clause in cases where the car is not the personal property of the person committing the crime. Kelly said, "The forfeiture provision is the key element of the bill."

Kelly offered an amendment to S.F. 208 that makes two definitions consistent with the bill's House counterpart. The committee approved the amendment to change the word "passenger vehicle" to "motor vehicle" and also "dwelling" to "building." The committee took no final action on the bill.

### Stalking debates continued

The Crime Prevention Committee, met Mon., Mar. 1, to continue hearing testimony regarding a bill addressing stalking and harassment crimes.

Testimony focused on an element of S.F. 33 that allows those applying for a motor vehicle registration or a driver's license to request privacy classification for their name. Sen. Lawrence Pogemiller (DFL-Mpls.), bill author, said that voluntary shielding may be requested under current law only for the person's residence address. Opponents of the shielding provision presented scenarios where verification and investigative efforts would be hampered if names were classified as private data. Sen. Gene Merriam (DFL-Coon Rapids) countered that if names were private data, an authorization signed by the individual would allow access to the information.

On another point, Sen. Allan Spear (DFL-Mpls.), committee chair, said he was concerned about the language "unwarranted presence" in the bill. Pogemiller explained that "unwarranted presence" includes attending public events after being told that the person's presence is harassing to another and allows for a chance to prosecute. The bill was laid over for further discussion.

### Public defense budget overview

The Dept. of Public Defense presented its proposed budget to members of the Crime Prevention Finance Division, Wed., Mar. 3.

Dick Scherman, chief administrator, and staff of the Board of Public Defense,

discussed the excess caseloads of public defenders. Scherman stated that between 1987 and 1991, the caseload of Hennepin County public defenders has doubled, however, the funding did not. The excess caseloads resulted in two lawsuits, said Scherman. In Ramsey County, each public defender averaged 622 cases in 1992, he said. The creation of five full-time offices in rural Minnesota districts, as proposed by the department, would alleviate excess caseloads.

Kevin Kajer, fiscal director, said that the department requests funding in three major areas. First, he explained the need for full-time offices in districts that currently do not have one. He said that the establishment of the offices would provide greater resources not only within districts, but also between districts since the positions would no longer be part-time. Furthermore, accountability would be enhanced since the full-time positions would be governed by the same personnel rules as are other judicial branch employees. He also requested caseload/transcript relief, and equitable pay and group insurance for all districts. Kajer also discussed the elimination of the host county system and the method of paying host counties. Sen. Tracy Beckman (DFL-Bricelyn), division chair, requested that the board present a list of prioritized proposals.

The funding request from the board for FY94 totals almost \$7.4 million and for FY95 is approximately \$8.6 million, Kajer said. However, the governor's budget recommendations anticipate that the Board of Public Defense will receive no additional funds in the next biennium, he said. Furthermore, the proposed funding has been reduced due to revised salary planning estimates, Kajer said.

## Education

### Budgetary overview continues

The Education Division, chaired by Sen. Lawrence Pogemiller, (DFL-Mpls.), met Thurs., Feb. 24, to hear a summary of the governor's budget recommendations on education funding, delivered by Tom Melcher, Department of Education.

According to Melcher, the governor's budget recommends a modification in the debt service funding formula by increasing the standing appropriation for equalization aid from \$21 to \$26 million beginning in FY95. Melcher said the budget will compute debt service aid separately for portions of consolidated and combined school districts with nonuniform debt service tax rates. The budget also recommends an aid entitlement of \$14 million for FY94 and \$26 million for FY95.

Melcher explained that taxpayer equity will be improved by continuation of the phase-in and full funding of entitlement for debt service equalization. Property taxes for debt service are projected to be reduced by \$14 million in FY94 and \$28 million in FY95. He said that districts may choose to request that some of the



# Committee update

property tax reductions be reauthorized as referendum levies to contribute to learning objectives.

According to Melcher, the governor's budget will leave existing funding in place for Education Organization/Cooperation programs, but noted that five programs, including ECSU Aid, are slated to "sunset" or conclude on July 1, 1995 pending final district reports due July 1, 1994 and further legislation.

In the education district program the budget recommends that the definition of pupil units be changed to a two-year average of Weighted Average Daily Membership (WADM), and a repeal of the state aid portion of the funding formula beginning in FY94. The governor also recommends that member school districts be allowed to levy an amount equal to the difference between \$50 per pupil unit and the amount raised by the education district levy for 1993, payable in 1994.

Educational Cooperative Service Unit (ECSU's) are designed to meet the specific needs of member school districts and to efficiently administer state and federal programs with demonstrated cost savings. In FY93, state aid provided \$733,000 in administrative support for ECSU direct delivery service to member districts. The budget recommendation is \$733,000 in FY94-95.

Pogemiller explained that there is ongoing discussion on the most efficient way to deliver direct services to school districts in the future. There is the position that we should move to a free market approach by giving levy authority to the school district and then allow districts to make direct purchasing decisions, he said. Melcher said that cooperative and individual school district reports providing for educational delivery service design, is expected before the legislature July 1, 1994.

## Referendum bills defeated

Members of the Education Finance Division, chaired by Sen. Lawrence Pogemiller, (DFL-Mpls.), met Tues., Mar. 2, to hear S.F. 279 and S.F. 280, two bills authorizing additional or optional days for election referendums. Members also heard S.F. 377, a comprehensive children's mental health bill, authored by Sen. Linda Berglin, (DFL-Mpls.).

S.F. 279, authored by Sen. Steve Dille, (IR-Dassel) and Sen. Paula Hanson, (DFL-Ham Lake) allows all school districts the option of holding their once-a-year referendum in November or on school board election day in May. Under current law, the only option to the designated general election day in November is to conduct a mail-in ballot election.

S.F. 280, authored by Dille and Hanson, allows a referendum election in either May or November, or both, for the Howard Lake-Waverly and St. Francis

School Districts. According to Robert Ness, district representative, Howard Lake-Waverly, the two districts lost previous election referendums and they hoped to avoid the expense of exercising an optional mail-in ballot referendum this year.

Joyce Neumann, St. Francis school board member, explained that the failed referendums were held to address problems with a FY91-92 fund-balance of \$583,000 in the Howard Lake-Waverly District and a fund-balance of over \$2 million in the St. Francis District. Both Ness and Neumann testified that it would be more effective to hold referendums in May in order to coincide with end of year school district budget planning and school board election activities.

Pogemiller said that the proposed changes would reverse the direction of policy adopted by the Legislature since 1989, to move all referendums to the general election date in November when voter turnout is typically stronger. Dille responded that a large turnout of voters in November could not be counted on during electoral off-years and that a mail-in referendum option is costly to the school districts.

Pogemiller said that under current law, school districts already have the option of conducting a referendum mail-in ballot election rather than conducting a referendum on general election day in November. After considerable discussion, S.F. 279 and S.F. 280 were turned down.

Sen. Linda Berglin, (DFL-Mpls.), authored S.F. 377, a comprehensive children's mental health bill. The bill establishes an integrated mental health service, joining delivery and funding, through local school districts, county agencies, and state-sponsored coordination and collaboration efforts.

"We're spending a lot of money and resources, but we're not getting very good results," said Berglin, "The bill is designed to turn the system around at the local level." No action was taken. Further discussion and testimony on S.F. 377 will continue.

## Budget review continues

Members of the Education Finance Division, chaired by Sen. Lawrence Pogemiller, (DFL-Mpls.), met Wed., Mar. 3, to hear continued budgetary presentations by representatives of the Department of Education.

Joan Wallin, Dept. of Education, said that the Graduation Standards and Assessments program provides Minnesota educators and learners with a uniform set of graduation standards and multiple performance-based assessments to measure achievement. Wallin said that the program will be responsible for establishing overall state-wide objectives and establishing a system of continuous progress through learner, outcome-based education.

The governor recommends aid entitlement of \$4 million in FY94 and FY95, said Wallin of the program. Wallin said that expanded objectives in the new results-oriented education system include the training of 40 leaders to deliver public information and assist school district in developing strategic plans.

Wallin said that future plans include the introduction of a sophisticated electronic mail system for educators, a "teachers in service," team to implement individual school district's plans and the addition of a program director to review individual district strategies and generate a systemic, state-wide plan.

Margaret Drey, Child Nutrition Director, Dept. of Education said that the governor's budget recommends continued base funding of \$5.9 million for the school lunch in FY94 and FY95. Drey estimated that schools lost an average of 30 cents for every paid lunch and that this money was offset by proceeds from vending sales, catering and in some cases, raising lunch charges.

According to Drey, approximately 50 percent of schools in Minnesota do not participate in the School Breakfast Program. She said the governor's budget recommends \$700,000 in FY94-FY95 to continue this program. Further budget discussion will continue.

## Higher Education merger

"Access is the key" to a successful higher education system, said Sen. LeRoy Stumpf (DFL-Thief River Falls), chair of the Higher Education Division, which met Thurs. Feb. 25. The committee met to discuss the merger of the higher education systems and to review reports from the Higher Education Coordinating Board.

Dr. Jay Noren, chancellor of the Higher Education Board (HEB), said its time to move energetically forward with the plan to merge the state university system, the community college system, and the technical college system. Noren noted the need to carefully determine which aspects of the systems are best suited for centralization, while respecting the unique cultures and functions of the respective higher education systems.

Noren called for the continued cooperation of the systems, saying the merger will succeed only if officials work together. Human capital is the most precious asset of society, said Noren, who stressed the importance of developing an accessible system that provides people with the opportunity to shift their goals and to make career changes all through life. Noren also emphasized the need for the HEB to develop a high level of trust with the public and the higher education community, particularly students.

In other committee business, Dr. David Powers, Higher Education Coordinating Board, briefly outlined several reports relating to higher education issues,



including the link between post-secondary system appropriations and outcomes, library information networks, and faculty workloads. Senators discussed the need for professors to spend more time with students, while recognizing the fact that "quality" lectures require a substantial amount of faculty preparation time.

### Technical college contracts

Members of the Higher Education Division met Tues., Mar. 2, to hear arguments regarding a bill that establishes a method for handling unrequested leaves of absence (ULA) of teachers during the current regionalization process. The bill, S.F. 608, sponsored by committee chair Sen. LeRoy Stumpf (DFL-Thief River Falls), applies to teachers for whom negotiated contracts are not in place by April 1 of the year that teachers would be placed on ULA. The measure specifies that the joint vocational technical board must assign ULAs on the basis of a combined seniority list of all teachers assigned to the new joint technical college district.

A representative for the Minnesota Education Association testified that the bill bridges a gap in existing law about how to conduct layoffs during the transition period.

Speaking in opposition to S.F. 608, a representative of the Minnesota School Boards Association said that teachers are now working under negotiated contracts and that the bill undermines the collective bargaining system. The bill is also opposed by the Minnesota Federation of Teachers.

S.F. 608 was approved and sent to the full Education Committee.

The committee also heard an overview of the activities and proposed budget for the Mayo Clinic. The governor's proposed budget requests \$974,000 in funding for Minnesota residents during the 94-95 biennium.

### U of M budget reviewed

"We need a breather from tuition increases," said Nils Hasselmo, president of the University of Minnesota. Hasselmo explained the U of M's budget concerns to the Higher Education Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), Wed., Mar. 3.

The U of M needs more funding than the governor has initially proposed in order to prevent tuition increases, said Hasselmo. Asking members to place the funding request in the context of what has happened at the U of M in the last several years, Hasselmo pointed out the significant cuts in funding that the institution has experienced, both from the federal and state government. He said that the U of M has laid-off over 700 people and left 300 positions unfilled, noting that two-thirds of the personnel are not funded by Minnesota tax dollars.

Hasselmo outlined several actions that the U of M has taken to correct problems and increase accountability. "Account-

ability is rule number one," he said. Hasselmo stressed the significance of his efforts to restructure and reallocate \$58 million in funding, putting the money in places that best benefit students.

Division members and Hasselmo said they would discuss the budget in more detail after having a chance to review the revised budget recommendations.

## Environment and Natural Resources

### Land conveyance bills heard

The Public Lands and Waters Subcommittee of the Environment and Natural Resources Committee, chaired by Senator Harold "Skip" Finn, (DFL-Cass Lake), met Fri., Feb. 26, to hear ten bills related to lands, water use and environment.

Sen. Jerry Janecz, (DFL-Chisholm), presented S.F. 283, a bill relating to conveyance of land by private sale in the city of Virginia. Janecz said the bill allows for title clearance and the designated sale of .11 acres of land to be used for the construction of a new school complex by the Virginia school district. The bill was recommended for approval and was sent to the full committee.

The subcommittee also approved S.F. 235, a bill, authored by Sen. Dennis Frederickson, (IR-New Ulm), authorizing the release of the states' reversionary interest in certain lands, formerly conveyed to the city of St. Peter. Frederickson said the city of St. Peter wished to transfer two acres of the former Traverse des Sioux state park lands to the Nicollet County Historical Society for potential development of a museum and interpretive center adjacent to the original treaty site. The committee approved the bill as amended and sent the measure to the full committee.

In other action, Senators considered two bills, S.F. 388 and S.F. 389, offered by Sen. Douglas Johnson, (DFL-Cook). S.F. 388 authorizes the public sale of tax-forfeited lands bordering public waters in Cook County. S.F. 389 allows the private sale and conveyance of the tax-forfeited lands and provides authority to negotiate the sale of private lands based on appraised value. Finn moved to incorporate S.F. 389 as part of S.F. 388. The committee approved S.F. 388, as amended, and sent the bill to the full committee.

Senators also approved a watercraft safety bill, S.F. 229, authored by Sen. LeRoy Stumpf, (DFL-Thief River Falls). The measure revises watercraft mirror requirements under Minnesota statute by eliminating a requirement that mirrors be integrated into the body design of watercraft. The bill revises mirror safety requirements by specifying that watercraft be equipped with factory-installed or factory specified accessory mirrors. Members approved the bill as amended and sent the measure to the Environment and Natural Resources Committee.

S.F. 192, authored by Sen. Florian Chmielewski, (DFL-Sturgeon Lake),

authorizes the public sale of tax-forfeited lands that border public waters on Round Lake in Aitken County. The measure was approved and sent to the full committee for review.

S.F. 160, authored by Sen. Dallas Sams, (DFL-Staples), allows for the use and sale of privately-owned lands in Otter Tail County. Sams said the measure provides a temporary exception to statewide standards for the management of shoreland areas and allows the shoreland sale and development of small or substandard lots until June 1, 1995. The bill was laid over by the subcommittee.

Sen. Harold Finn (DFL-Cass Lake), authored S.F. 281, a bill providing for timely payment of in-lieu taxes to townships. Finn said that the measure requires that payment of a town's allocation be made by the county treasurer to the town within 30 days of receipt of the payment to the county. An amendment to the bill, offered by Finn was incorporated to extend the payment provision for school districts. The bill was approved, as amended, and sent to the full committee.

S.F. 171, co-authored by Sen. Joe Bertram, Sr., (DFL-Paynesville) and Sen. Steve Dille, (IR-Dassel), allows limited regulation by towns of water encroachment on road right-of-ways. The measure provides exemption from wetland replacement provisions and expands the authority of townships to maintain, repair, and upgrade road right-of-ways to the extent necessary to meet road and safety standards. The bill as amended, was laid over.

In final action, S.F. 116, authored by Sen. Joanne Benson, (IR-St. Cloud), authorizes conveyance to the city of St. Cloud segments of land owned by the state as part of the St. Cloud State University (SCSU). The measure allows for conveyance without monetary compensation, for narrow segments of land to be used for public outdoor recreational purpose.

Benson said the bill settles outstanding title questions and allows the recreational development of a public-use trail on segments of land adjacent to SCSU and along the Mississippi River. S.F. 116 was laid over for further discussion.

### Youth hunting preference

The Fish and Wildlife Subcommittee of the Environment and Natural Resources Committee, chaired by Sen. Charles Berg, (DFL-Chokio), met Tues., Mar. 2, to hear a bill establishing a hunting preference for youth, under age 16, to take antlerless deer and two bills relating to fish and game laws.

The intent of S.F. 484, authored by Sen. Bob Lessard, (DFL-Int'l Falls), is to establish a preference system for youth, under the age of 16, who are eligible and impartially selected to take antlerless deer. Lessard said the bill would give extended-preference to young hunters who have earned firearm safety certificates, at the time of hunting application.

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Lessard said the bill provides for a drawing or impartial selection process for eligible youth and gives those under the age of 16, the highest preference in the taking of antlerless deer. The measure is a good opportunity for the state's youngest hunters and will encourage them to continue participation in the sport--without adversely affecting deer populations, he said.

Berg said that he would support simplifying the process by allowing anyone under the age of 16, who has earned a firearm safety certificate, the opportunity to take a deer of either sex upon application.

Tim Bremicker, Fish and Wildlife, DNR, supported the provisions in Lessard's bill, but said that establishing an open system for youth under 16, without a selection process, could adversely affect the deer population in the future. He added that expanding the preference to include the taking of either sex, could upset the balance of deer taking opportunities for other groups as well.

Lance Ness, Minnesota Deer Hunters Association, testified that he was in support of the bill as presented, but said he would need to discuss other provisions to the bill with his members. Sen. Dennis Frederickson, (IR-New Ulm), moved to amend the bill to allow young people, under the age of 16, the right to take deer of either sex and that the preference system for young hunters would be repealed after the 1995 hunting season. The amendment was adopted. The bill was approved and sent to the full committee for consideration.

Members also approved S.F. 5, a bill that extends the permissible open season on raccoon and allows the commissioner to set a seasonal time frame. The bill, sponsored by Sen. Duane Benson, (IR-Lanesboro), was sent to the full committee.

A third bill, S.F. 464, authored by Sen. Dallas Sams, (DFL-Staple), eliminates the choice of optional colors in outer clothing worn in firearm deer hunting zones. The bill eliminates the red color option and prescribes that only blaze orange be worn in order to reduce firearm hunting accidents. Sen. Harold "Skip" Finn (DFL-Cass Lake), offered an amendment to the bill to require that only blaze orange be worn, effective August 1, 1994. The amendment was adopted; the bill was advanced to the full committee.

## Land conveyance bills okayed

The Environment and Natural Resources Committee, chaired by Bob Lessard, (DFL-Int'l Falls), met Tues., Mar. 2, to hear six bills related to lands, water use and environment.

Sen. LeRoy Stumpf, (DFL-Thief River Falls), presented a watercraft safety bill, S.F. 229. The measure revises watercraft mirror requirements under Minnesota statute by eliminating a provision that

mirrors be integrated into the body design of watercraft. The bill broadens mirror safety requirements and specifies a requirement that personal watercraft be equipped with factory-installed or factory-specified accessory mirrors. S.F. 229 was approved and sent to the full Senate.

Sen. Jerry Janezich, (DFL-Duluth), presented S.F. 283, a bill relating to the private sale of land in the city of Virginia. The measure allows the transfer of .11 acres of land to the Virginia School District, without monetary consideration, to be used for the construction of a new school complex. The bill was approved and sent to the full Senate.

Sen. Dennis Frederickson, (IR-New Ulm), presented S.F. 235, a bill authorizing the release of the state's reversionary interest in certain lands, formerly conveyed to the city of St. Peter, and allows the release without monetary consideration. Frederickson said the city of St. Peter wishes to transfer two acres of the former Traverse des Sioux State Park lands to be used for the potential development of a museum and interpretive center by the Nicollet County Historical Society. S.F. 235 was approved and sent to the full Senate.

Sen. Florian Chmielewski, (DFL-Sturgeon Lake), offered S.F. 192, a bill authorizing the public sale of certain tax-forfeited lands that border public waters on Round Lake, in Aitken County. The measure was approved and sent to the full Senate.

Sen. Douglas Johnson, (DFL-Cook), presented S.F. 388, a bill allowing the public sale of tax-forfeited lands in Cook County. The measure also authorized Cook County to convey certain lands by private sale for not less than the appraised value. S.F. 388 was approved and sent to the floor.

Sen. Harold "Skip" Finn, (DFL-Cass Lake), offered S.F. 281, a bill providing for timely payment of in-lieu taxes to townships and school districts. Finn said the measure requires that payment of a town's or school district's allocation be made by the county treasurer within 30 days of receipt of payment to the county. S.F. 281 was approved as amended, and was sent to the full Senate.

## Budget overview continues

Members of the Environment and Natural Resources Finance Division, chaired by Steven Morse, (DFL-Dakota), met Thurs., Feb. 25, to hear continued budget presentations. Susan Kafka, executive director, Minnesota Academy of Science; Milt Knoll, chair, Citizen's Council on Voyageurs National Park and Dr. James Peterson, president, Science Museum of Minnesota delivered budget overviews.

According to Kafka, the Minnesota Academy of Science, is an all-volunteer network dedicated to learning experience that extends beyond the classroom. She

said the academy encourages science among the youth of the state through communication and works in cooperation with industry leaders and the scientific community.

Kafka said revenue for the program is generated through a combination of state funding, academy memberships, program fees and from corporations or special grants. The governor's budget recommends \$36,000 in state funding for FY-94 and FY95.

Milt Knoll, chair, Citizen's Council on Voyageurs National Park, said the council is responsible for monitoring a variety of issues affecting the operation of Minnesota's only national park. He said the organization's purpose is to study issues, conduct meetings and propose recommendations to the National Park Service, the U.S. Dept. of Interior and to other federal and state agencies on matters related to the park.

James Peterson of the Science Museum of Minnesota, said that the museum is a state-wide educational resource designed to interpret the discoveries and insights of science for the general public. He said the museum's goal is the preservation and study of collections and the development of exhibits, Omnifilms and educational programs on a state-wide basis.

Peterson explained that the proposed 5 percent budgetary reduction may cause an increase in fees or a reduction of services in the outreach area in order to offset a 64 percent reduction in revenue support by Ramsey County. The governor's budget recommends \$1.053 million in the FY94-95 biennium, but Peterson said that other factors will lead to budget shortfalls.

## Waste Management overview

The Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse (DFL-Dakota), met Fri., Feb. 26, to hear an overview of the functions of and proposed budget for the Office of Waste Management.

Robert Roefs, assistant director of the Office of Waste Management, said that the agency is very active in waste prevention education and research.

The governor's proposed \$19 million budget for the agency restores full funding to the agency's SCORE block grants to counties. Agency representatives also testified that the agency plans to spread its budget cuts over many areas of the budget. Some programs, such as the agency's K-12 curriculum development program, are going into their next phase and require diminishing budget resources, Roefs said.

## PCA budget overview

Members of the Environment and Natural Resources Funding Division, chaired by Sen. Steven Morse, (DFL-Dakota), met Wed., Mar. 3, to hear a budgetary overview of the Pollution

Control Agency, by Chuck Williams, commissioner, and Ann Glumack, assistant commissioner.

Williams delivered an introduction on the overall objectives of the agency. He said the water pollution control programs focus for FY94-95 is to seek better solutions to non-point source pollution. Williams said that with non-point source as a priority and with fewer resources to meet the proposed 5 percent reduction and inflation, the agency plan would decrease technical assistance and reduce regulation of minor point sources at industrial and municipal facilities.

Glumack presented an overview of agency programs and outlined some of the agency's plans and governor's initiatives. The proposed 5 percent reduction of general fund appropriations in the agency's plan, consists of a 5 percent reduction for the ground water protection and solid waste management program. Williams said the agency placed a higher priority on the water pollution control program, so the reduction is less than 5 percent.

Glumack said that the general support program proposes a cost savings reorganization of the commissioner's office by eliminating one position and reductions in general expenses. She said that 9.5 positions will be carried as vacancies during the FY94-95 biennium.

According to Glumack, the governor's budget recommends elimination of the general fund appropriation for the ground water protection and solid management programs and recommends replacing funding with environmental fund appropriations. The appropriation is recommended to be accomplished through consolidation of the \$2 surcharge, per cubic yard of solid waste on a statewide basis and by broadening the surcharge to include solid waste for incineration, Glumack said.

## Ethics and Campaign Reform

### Limited transfers allowed

Members of the Ethics and Campaign Reform Committee continued work on the campaign finance reform bill, sponsored by Sen. John Marty (DFL-Roseville), committee chair, Thurs., Feb. 25.

The committee heard an amendment, introduced by Sen. Pat Pariseau (IR-Farmington), dealing with transfers. The committee approved the amendment allowing transfers from a dissolved campaign committee to the principal campaign committee of a candidate, to a political party or to the general fund. Committees must be dissolved by Sept. 1, in order to transfer funds, Pariseau said. No other action was taken on the bill.

### Absentee voting addressed

Minnesota consistently ranks the highest among all states in terms of voter

turnout, according to Secretary of State Joan Anderson Growe. Growe addressed the Ethics and Campaign Reform Committee, Tues., Mar. 2, regarding the secretary of state's election bills.

Growe discussed the absentee voting without qualification procedure authorized by Legislature. Last year the Legislature authorized any county board to approve absentee voting without qualification, she said. Previously, specific reasons, such as being absent from a precinct, have an illness or handicap, were required to qualify for an absentee ballot. Growe said that each of the five participating counties experienced an increase in the number of persons voting by absentee ballot in the 1992 state general election. The range of the increase was from 87 percent in Ramsey County to an increase of 4 percent in Becker County, Growe said.

Overall, the county reaction to expanded absentee voting was favorable in that it provided greater opportunities for voting, she said. Growe explained that persons with small children, the elderly, and those living a far distance from their precinct voting place were appreciative for the option to voting by absentee ballot. Eliminating the witness requirement for absentee voting and possibly voting by fax were among changes in the process suggested by Growe. Based on the experience in 1992, Growe said, "absentee voting without qualification was successful and should be made a permanent feature of the Minnesota election law."

Growe also urged the Legislature to continue encouraging counties to use mail elections. Only two counties, Ramsey and Kittson, conducted elections by mail on an experimental basis in 1992, said Growe. The track record of mail elections in Minnesota is quite encouraging from the standpoint of increasing voter participation, she said.

Redesigning administration of voter registration was also addressed. Growe proposed that voter registration be done with the same application used for a driver's license. The "motor/voter registration" would improve accuracy and efficiency, Growe said. The committee also heard a bill, authored by Sen. Richard Cohen (DFL-St. Paul), that changes the date and time of party caucuses. The committee approved S.F. 470, changing the caucus meeting, held every state general election year, to 7:00 p.m. on the first Tuesday in March.

Cohen also presented another bill for the committee's consideration. S.F. 270 amends the election law, changing certain margins requiring automatic recounts. Cohen said that improved technology has increased the accuracy. The committee approved the bill and sent it to the floor.

Finally, the committee heard a house-keeping bill, sponsored by committee chair Sen. John Marty (DFL-Roseville). The committee laid over the bill, S.F. 567, which addresses a variety of election procedures.

## Trial Courts budget overview

Members of the State Government Division of Finance, chaired by Sen. Richard Cohen (DFL-St. Paul), met Thurs., Feb. 25, to hear budget concerns of representatives from the Minnesota court system.

Spending requests for the Minnesota District Trial Courts will remain the same over the next biennium at \$60 million, according to Chief Judge, Hennepin County, Kevin Burke. Burke told the committee, chaired by Sen. Richard Cohen (DFL-St. Paul), that 87 percent of the trial court budget is spent on salaries, leaving few discretionary dollars. Burke, speaking on the need for two new positions within the district court administration, said that without a strong district, the courts won't have the ability to deliver justice in the coming decade. Burke outlined several options available to the trial court system should the Legislature decide to reduce the budget. Among the alternatives, Burke said the courts could close for two days a month, creating a backload of cases; hold up to 9 judicial vacancies, causing inadequacies throughout the state; or, lay off 40-80 employees, leaving the system without staff to keep the records. All three options, according to Burke, would seriously impair the court's ability to sentence quickly and would increase the state spending on prisons.

On the spending side of the ledger, the trial courts are requesting additional funding and 2 positions for judicial district administration offices and additional funding for jury fees necessary to provide a full per diem (rather than half-day pay) for jurors in Hennepin and Ramsey Counties, according to Burke. If additional funding for jury fees is not allocated, said Burke, the trial courts request the authority to establish the rate of pay for jurors in order to bring the costs within the dollars available.

Chief Judges Donovan Frank and Russell Anderson of the Sixth and Ninth Judicial Districts respectively, requested increased funding for additional staffing to handle increasing workloads, and improve court management.

Lastly, Director Jerry Lane, Minnesota Legal Services Coalition, spoke of the need to increase civil legal aid funding. Lane said that although the coalition can show a record of success in helping citizens, a great need still exists. A growth in requests for legal aid assistance, the decline in federal funding, and the fact that legal aid salaries are roughly 65 percent of comparable urban public defender and county attorney salaries, makes an increase in legal aid funding critical, said Lane.

## History Center budget review

Members of the State Government Division of Finance met Mon., Mar. 1, to hear a budget overview presented by

# Committee update

Minnesota History Society Director Nina Archabal.

Introducing the budget, Archabal told the committee, chaired by Sen. Richard Cohen (DFL-St. Paul), that the biennium budget request comes at a time when the Minnesota History Society faces the impact of the largest workload and program growth in its 143 year history.

The public use of its existing programs is growing, with a 100 percent increase in the use of the Research Center since October, according to John Wood, legislative liaison. Archabal added that the center is providing a home for the state's historical collections, as well as a facility that will serve as a state museum.

Developing a plan designed to include the governor's recommended cuts resulted in a modification of some society activities, said Archabal. Specific proposed biennium reductions include closing partially developed historic sites saving roughly \$1 million, reducing general fund appropriations on outreach activities by \$48,000, cutting the exhibit portion of the repair and replacement program by \$82,000, deferring historic preservation grants, and fiscal agent base reductions of 5 percent.

The governor's recommendations included a general fund expenditure of \$34.5 million for the biennium, restoring \$1.1 million and 11 positions to the historic site system, and a \$9.6 million biennial increase for debt service and the physical plant program expenses at the History Center, according to the budget proposal.

Also on the agenda, Director Cynthia Threlkald of the Minnesota International Center (MIC) - a non-profit organization working to connect Minnesota's community with the world community - encouraged members to sustain funding for the MIC at its FY92 level of \$51,000. The center offers various international programs and forums, often matching international leaders with their Minnesota counterparts in the areas of business, government, and human services. The international organization is also cost-effective, said Threlkald, bringing roughly \$1.5 million income to the state every year through expenses incurred by visitors.

## Budget concerns reviewed

Members of the State Government Division on Finance, chaired by Sen. Richard Cohen (DFL-St. Paul), met Tues., Mar. 2, to hear an overview of several department budgets.

Introducing the budget for the Office of Administrative Hearings, Chief Administrative Law Judge Bill Brown told committee members that the office conducts hearings and issue decisions in the areas of contested case and rulemaking for state agencies, child support in 40 Minnesota counties, workers' compensation trials, and a variety of hearings for political

subdivisions. Based on historical data, the office must be prepared to handle 400 administrative cases per year, 6,000 workers' compensation cases, and 800 child support enforcement matters per year, according to budget reports. The caseload for workers' compensation represents a 35 percent increase since 1989, said Brown. He added that the office receives no general fund appropriations; the workers' compensation program is funded by the Special Workers' Compensation Fund, and the Administrative Procedures Act program is funded by a revolving account whereby agencies are billed for services performed.

The committee also heard a brief review of the Department of Veteran's Affairs by Deputy Commissioner Jeff Olson. The department, according to Olson, coordinates the delivery of state and federal benefits to the 500,000 veterans in Minnesota and their more than 700,000 family members. Last fiscal year veterans were the recipients of benefits including medical, compensation, pension, educational, and insurance in excess of \$640 million, said Olson. Although the department has been successful in the delivery of needed benefits, new climate challenges are beginning to shape the development of programs and policies within the agency. Specific factors, according to agency reports, include an aging population - creating increasing demands for health care services and claims for benefits, and federal legislation restricting eligibility for federal benefits. Olson said that in order to meet the demands of a cut in the agency base, the department proposed to reduce funding in the veterans rehabilitation management activity by \$207,000 the first year and by \$250,000 the second year of the biennium. Those veterans who would have potential eligibility for the grants will be reviewed for education, training and rehabilitation programs available from the U.S. Dept. of Veterans Affairs and other federally funded programs.

Lastly, David Ryan, Assistant Supervisor with the Disabled American Veterans (DAV) updated the committee on services provided. Although the organization's annual budget is modest -- \$24,000 over the biennium, the DAV anticipates obtaining over \$25 million in monetary benefits for veterans and widows in FY94-95.

## CAAP Board review

Gary Grefenberg, executive secretary, Capitol Area Architectural Planning Board, presented the board's biennial report to the State Government Division on Finance, Wed., Mar. 3. Grefenberg told the committee, chaired by Sen. Richard Cohen (DFL-St. Paul), that the Capitol area has seen significant growth since the mid-1980's. Five major design competitions sponsored by the board included the Judicial Building, the

Minnesota History Center, Capitol Mall landscaping, the State Office Building parking ramp, and the Minnesota Vietnam Veterans Memorial. In recent years the board has begun developing an urban design framework, to compliment efforts to make St. Paul one of the country's preeminent capitol cities, said Grefenberg. Plans include stabilizing the commercial strips that run into the Capitol Area in an effort to prevent the Capitol from being an "isolated island surrounded by a sea of deterioration," and to make it a safe place for employees.

Financially, the board has outpaced its base budget for several years, and sees no possibility of cutting services without disregarding some of its statutorily-defined responsibilities, said Grefenberg. He added that the bulk of the \$250,000 general fund allocation pays for staffing, the required advice of three design professionals, and office rental.

Members also heard a brief overview of services provided by the Minnesota Humanities Commission. The commission's mission, said Director Cheryl Dickson, is to preserve and renew the commitment to education by offering programs in cooperation with its client population -- primarily, the adult, out-of-school public.

## Governmental Operations and Reform

### Rulemaking reform

Representatives of the business community, along with members of the Governmental Operations Subcommittee on Reform, met Thurs., Feb. 26, to discuss the process and effects of rulemaking.

One of the most difficult aspects of applying rules promulgated by various state agencies, according to Mike Mitchell, a general manager with Hubbard Milling, is the lack of "long-term certainty." In other words, said Mitchell, rules are so ill-defined, businesses are unsure as to how specific rules might change five years down the road. He also encouraged the state to take a "partnership" -- rather than confrontational -- attitude toward business when formulating rules.

Senate Counsel George McCormick, responding to a request for a definition of "rulemakers," said it is the citizens of Minnesota who determine who the rulemakers are and what the scope of rulemaking will be. Sen. Duane Benson, said the Legislature delegates broad authority to agencies for rulemaking because policymakers may lack expertise on a certain issue. He added that a better understanding of private sector concerns by the Legislature will lead to better rules.

Several testifiers told the subcommittee, chaired by Sen. John Hottinger (DFL-Mankato), that most rules are complex and ambiguous, making it difficult for

small businesses to understand and conform to the standards set forth. Joan Archer, representing the Builders Association of Minnesota, said she can't get her members to testify because they feel the rulemaking process is impossible to access, and published rules are too confusing.

Lack of coordination between agencies promulgating rules on the same issue is another problem, said Archer. "We're regulated by almost every state agency," said Archer adding that once a rule is added to the state register, it is almost impossible to amend. McCormick told the committee that current language within the Administrative Procedures Act doesn't permit agencies to make "substantial changes" in rules, without restarting the whole rulemaking process. Thus, agencies hesitate to make a change for fear that it will be determined a "substantial change", forcing the agency to restart the process from square one, said McCormick.

### Confidential employee bill

Members of the Governmental Operations and Reform Committee, chaired by Sen. James Metzen (DFL-St. Paul), approved several bills at their morning session, Tues., Mar. 2.

S.F. 93, authored by Sen. Harold "Skip" Finn (DFL-Cass Lake), narrows the definition of "confidential employee" for local governmental units. Specifically, under the bill, the definition no longer covers any person who works in a public employer's personnel office, but only those who have access to information used by the employer in bargaining or who take part in bargaining on behalf of the employer. The significance of the change, according to Senate Counsel George McCormick, is that confidential employees are essential employees who may not strike, and those who work for local governments must be in separate bargaining units restricted to confidential and supervisory employees. The bill was approved and referred to the full Senate.

Howard Bicker spoke on behalf of a bill, S.F. 376, authored by Metzen, outlining several of the administrative changes within the State Board of Investment. Among the changes, Bicker said the measure expands the Minnesota Combined Investment Funds to include non-pension investment funds; extends the period for recovery of losses on the sales of securities from the Environmental and Natural Resources Trust Fund from five to ten years; and, authorizes the various local police and fire relief associations to certify general (non-pension) fund assets of the relief association to the State Board of Investment in addition to special (pension) fund assets. Addressing the latter provision, Bicker said that there has been long standing authority for relief associations to certify assets to the State Board of Investment for investment, using the Minnesota Supplemental Investment Fund, although the utilization of this

option over time apparently has varied. The change, said Bicker, will result in different investment objectives for the general fund than for the special fund.

S.F. 376 was approved and referred to the full Senate.

Lastly, members approved S.F. 306, also authored by Metzen. The bill clarifies the laws governing appointments of executive agency heads and Senate confirmation. The measure clarifies that an appointment to fill a vacancy is subject to Senate confirmation only if the original appointment was confirmed by the Senate, and adds a requirement that a copy of the notice of appointment be provided along with other materials required when a name is submitted for confirmation by the Senate.

### Dept. of Public Safety abolition

A bill that would eliminate the Dept. of Public Safety was the sole topic of discussion at a Wed., Mar. 3, meeting of the Governmental Operations and Reform Committee.

The committee, chaired by Sen. James Metzen (DFL-South St. Paul), heard a summary of the bill from its author, Sen. Randy Kelly (DFL-St. Paul). S.F. 114 abolishes the Dept. of Public Safety and moves its functions to six other departments. Among the changes made by the bill are moving the State Fire Marshal to the Dept. of Administration, moving the Bureau of Criminal Apprehension, Gambling Enforcement, drug policy, liquor control, and violence prevention functions to the Attorney General's Office, and moving Driver and Vehicle Services, Traffic Safety, Capitol Security, and the State Patrol to the Dept. of Transportation.

Kelly said the bill is a response to the rapid growth of state government and structural problems in the department. The department has become "a loose confederation" of 14 functions which have almost nothing in common, rather than an agency aimed at enforcement functions, as it was originally intended, Kelly said.

The committee discussed at length the wisdom of moving the department's functions to many agencies. Sen. Duane Benson (IR-Lanesboro) voiced doubts about whether, in the face of a dire public emergency, public safety could be adequately served if functions such as emergency management and traffic safety are in separate departments. Eliot Seid, legislative director, Minnesota State Employees Union, AFSCME Council 6, said that the union supports the bill.

S.F. 114 was laid over for further testimony and discussion.

## Health Care

### Physician surcharge waivers

The Health Care Committee, at its Tues., Mar. 2, meeting, approved a bill that permits waivers of the physicians'

license surcharge created as part of last year's MinnesotaCare program. According to Sen. Linda Berglin (DFL-Mpls.), committee chair and the bill's sponsor, S.F. 546 is a result of close work with the Minnesota Medical Association and others who were concerned about the physician surcharge.

The bill requires the Board of Medical Practice to inform physicians of any surcharges that licensees are obligated to pay. It also requires the commissioner of human services to seek a federal waiver to exclude from the surcharge physicians whose licenses are issued or renewed on or after April 1, 1993, and who provide volunteer services or who have taken a 1-year or longer temporary leave of absence from practicing medicine, or who cannot practice medicine because of a terminal illness. The surcharge is limited to Minnesota-licensed physicians who reside in Minnesota or in a county contiguous to Minnesota.

The bill also requires the Depts. of Human Services and Revenue to study the issue of physician license surcharges and present a plan to the Legislature to replace the surcharge with a surcharge on the tax levied on physicians under current law. The bill was approved and referred to the Health Care and Family Services Funding Division.

The committee devoted the balance of the meeting to a bill aimed at establishing a single-payer health system in Minnesota. S.F. 382, sponsored by Sen. Sandra Pappas (DFL-St. Paul), replaces the Health Care Commission with a new Minnesota Health Assurance Board (MHAB). Among the duties of the MHAB are establishing six regions for the purpose of forming regional health boards; establishing budgets for the managed care sector and the fee for service sector; establishing fee schedules for medical services; and designating regional centers for specialized and high cost procedures and treatment.

Under the bill, by Jan. 1, 1995, the MHAB shall be the sole seller of health insurance in the state, providing no more than six health plans for groups and no more than six for individuals. The measure also charges the MHAB with establishing a drug formulary and designates only the Dept. of Administration may purchase drugs from the drug companies.

The committee heard testimony from representatives of AFSCME, the Minnesota Pharmacists Association, the Dept. of Administration, and the Health Care Campaign of Minnesota in support of the bill. A representative from COACT also spoke in favor of the bill, urging stronger consumer representation on MHAB than is currently on the Health Care Commission. S.F. 382 was laid over for further discussion.

### Single payer health bill

The Minnesota Health Assurance Board will implement a plan to consoli-



# Committee update

date and standardize all state-sponsored health plans under S.F. 382, sponsored by Sen. Sandra Pappas (DFL-St. Paul). The Health Care Committee, chaired by Sen. Linda Berglin (DFL-Mpls.), heard continued testimony about the proposed board on Wed., Mar. 3.

Pappas said that the Dept. of Administration is also designated as the sole purchaser of prescription drugs for the state under S.F. 382. Furthermore, the bill prohibits health care insurance underwriting practices in the small employer and individual markets and prohibits a health carrier from limiting or excluding coverage on preexisting conditions, Pappas said.

Several witnesses spoke in favor of the bill. Karina Allan, and Doug Davis, both of the Minnesota Senior Federation, told the panel that the standardized procedures in the single payer system would save money and help the consumer. An opponent of the bill, Mike Hickey, director of the National Federation of Independent Business (NFIB), compared the proposed single payer system to Canada's health care system. "Lines are a reality in single payer systems," Hickey said. "The system threatens preventive care." In addition, Hickey outlined the administrative costs of the U.S. insurance business of about 24 percent to 1.4 to 1.8 percent in the Canadian system. Medicare's administrative costs average about 3 percent, Hickey said.

Debbie Alexander, RPh, who also opposes the bill urged the Legislators not to put control of health care into one department. Pappas said that the bill does not limit multi-provider plans, but limits multi-policy and multi-billers. In addition, Pappas said that the administrator of the plan does not have to be a state agency, but could be an HMO or an insurance company. Pappas asked that the bill be laid over.

The committee also heard a bill that establishes the property-related payment rate for a nursing facility licensed after July 1, 1989, after its beds were relocated from a separate nursing home to a former hospital. Sen. Randy Kelly (DFL-St. Paul), bill author, said that S.F. 90 concerns the Marian Care Center in St. Paul. The bill reinstates the rate in effect prior to the sale of the center and establishes a rate increase of 29 cents per day effective Oct. 1, 1992. In addition, any increases provided after Oct. 1, 1992, are calculated by using its rental rate under state rules and law, recognizing the current appraised value at the new location and including as allowable debt the expenses incurred to remodel at the new location. The committee recommended passage of the bill.

Berglin presented S.F. 241, a bill that requires a group residential housing rate for room and board to be paid for up to 30 days per incident if the resident is absent due to illness or injury. In addition, she offered an amendment that requires

payment for eighteen days per incident, if the absence has received the prior approval of the county agency's social service staff. The committee adopted the amendment and sent the bill to the full Senate.

## Boards' budgets discussed

The budgets of several health related state boards received the attention of the Health Care and Family Services Funding Division Mon., Mar. 1.

Officials representing the following groups presented their budget proposals: the Board of Chiropractic Examiners, the Board of Marriage and Family Therapy, the Board of Optometry, the Board of Social Work, the Board of Psychology, the Board of Veterinary Medicine, and the Board of Nursing. Senators discussed the governor's proposal to consolidate some of the administrative support activities of the health-related boards. The consolidation will improve service, reduce general fund costs, and provide more efficiency, according to the budget proposal.

Sen. Pat Piper (DFL-Austin) urged the board representatives to develop sexual harassment policies to properly address complaints from employees of licensees. Piper stressed the importance of providing a harassment-free work environment and dealing with harassment complaints in a timely manner. Piper also pointed out that boards need to address instances of employee harassment because a perpetrator may also be harassing patients.

## Budget overviews presented

Members of the Health Care and Family Services Finance Division, heard budget overviews of two health-related boards and the Office of Ombudsman for Mental Health and Mental Retardation. In addition, the panel heard a presentation of the Board of Telecommunications Access for Communication Impaired Persons.

Dick Dierks, executive director of the Board of Dentistry outlined the responsibilities and budget items of the board. He stated that all fees are set to recover all direct appropriated and indirect costs. One area discussed by the panel was the attorney general costs of dealing with complaint discipline activities and an additional \$30,000 annually to fund a position for complaint processing and disciplinary actions. Dierks said that he anticipates the number of complaints received by the board to increase dramatically between 1991 and 1995, due in part to the public increase awareness of health concerns.

Phil Newburg, executive director, Board of Nursing Home Administrators also presented a brief explanation of the agency's duties and proposed budget. He stated that the health-related boards feel that it is inappropriate to reduce the budget by 3.5 percent for salary planning estimates since monies generated by fees recover all direct appropriated and

indirect costs.

The panel also heard a presentation from the Office of Ombudsman for Mental Health and Mental Retardation. John Waldron, acting ombudsman said that the Ombudsman provides direct assistance to consumers with mental illness, developmental disabilities, chemical dependency, and emotional disturbance so that they can obtain services meeting the highest attainable standards. In addition, the office intervenes through client advocacy and mediation to resolve disputes and identifies through investigatory and monitoring activities, systemic problems and issues that affect the adequacy and quality of services. He said that cases involving death of clients are chosen for review based on nine indicators. Sen. Don Samuelson (DFL-Brainerd), division chair, questioned the need for a deputy ombudsman, a position currently vacant. Waldron said that eliminating the position may be possible in order to hire additional staff to deal with complaints.

Finally, Bill Lamson, director of the Board of Telecommunications Access for Communication Impaired Persons (TACIP) presented the 1992 annual report to the Senators. The purpose of the TACIP board is to make the telephone network in Minnesota accessible for communication-impaired persons (both hearing-impaired and speech-impaired). TACIP's programs are funded by a ten-cent monthly surcharge on each telephone customer access line in Minnesota. Lamson also said that it is necessary to increase the surcharge about six cents to maintain the relay service. The increased funding is necessary since the board currently operates on carry-over fees, Lamson said. He said the he projects a 15 percent growth in usage in FY94 and an 8 percent growth each year after for the next four years.

## Jobs, Energy, and Community Development

### Tourism loans

A bill authorizing the commissioner of the Dept. of Trade and Economic Development to broaden the existing tourism-related loan program to include loan guarantees to resort-type businesses was approved by the Jobs, Energy, and Community Development Committee, Tues., Mar. 2.

Sen. Harold "Skip" Finn, author of the S.F. 463, said the legislation - including an appropriation of \$1 million - allows resorts, campgrounds, and other tourism-related businesses to utilize loans for land site improvements. He pointed out that a business is not eligible for the program if it has participated in the program in the past 36 months. Deputy Commissioner Jenny Engh encourage the committee, chaired by Sen. Steven Novak (DFL-New



Brighton), to approve the measure stating that the existing program has been well-advertised and, as a result, "too successful." Engh said that because the program has attracted more applicants than dollars available, the bill would allow the department -- which currently has 54 outstanding loans totalling \$3.7 million -- to be more flexible in meeting individual needs.

Al Brodie, representing the Minnesota Motel Association, spoke in support of the bill. According to Brodie, the bill would support resort owners who have a very difficult time obtaining loans to upgrade their facilities. He added that although small, resort-type businesses have a significant effect on Minnesota's economy by bringing visitor's dollars to the state.

S.F. 463 was re-referred to the Jobs, Energy, and Community Development Finance Division.

Committee members also approved S.F. 69, authored by Sen. James Metzen (DFL-St. Paul), appropriating roughly \$12 million over the biennium to the commissioner of the Dept. of Trade and Economic Development for targeted neighborhood revitalization programs under current law. Metzen said the bill extends the Urban Revitalization Action Plan (URAP) legislation enacted in 1987 allowing cities of the first class to continue their old neighborhood rehabilitation efforts. David Gagne, representing University United -- a St. Paul-based organization dedicated to revitalizing areas located near and on University Ave. -- detailed different redevelopment projects achieved since the program's inception. He spoke of the partnership formed between businesses and residents in dealing with area problems relating to crime, drugs, prostitution, and racial tension in an effort to renovate existing business. One URAP project -- international marketplace -- has created 35 new businesses in a variety of areas, rehabilitated five new buildings, added parking, and has made street improvements such as increased lighting standards, according to Gagne.

S.F. 69 was also re-referred to the Jobs, Energy, and Community Development Finance Division.

### Consumer disclosure

A bill broadening the definition of credit reports available to consumers and requiring specific disclosures when reports are used for employment purposes, was approved by the Jobs, Energy, and Community Development Subcommittee on Employment, Wed., Mar. 3.

Specifically, S.F. 612, authored by Sen. Gene Merriam (DFL-Coon Rapids), provides that consumer reports (defined in the bill as any report containing information on a consumer's credit worthiness, credit standing and capacity, character, or mode of living) cannot be prepared for employment purposes without informing the affected consumer

that a report may be "obtained or caused to be prepared." If an application form is provided for by the employer, disclosure of a potential consumer report must accompany it. A copy of the requested consumer report will be available to the consumer, if requested, and must be mailed or delivered to the consumer and the third party at the same time. Merriam said that a person who is being evaluated for hiring, promotion, compensation, or reassignment and is being judged based on a consumer report, has a right to the same report.

Speaking in support of the bill, Doug Blanke, director of consumer policy, Attorney General's Office, said that due to the frequent number of errors in consumer reports, the bill protects consumers by enabling giving them direct access to the type of information being collected. He added that further protection is needed against the emergence of new data bases used by non-traditional consumer reporting agencies that issue reports on workers' compensation claims and other private data.

Judy Cook, president, Minnesota Retail Merchants Association, argued that current law provides "adequate and ample" protection for perspective employees. Furthermore, the bill places an additional burden on employers through increased costs and inconvenience, said Cook. She added that the best person to explain what is contained in a consumer report is the consumer agency itself, not the retailer. S.F. 612 was referred to the full committee without recommendation.

## Judiciary

### Data Practices Act debated

Members of the Crime Prevention and Judiciary Subcommittee on Data Privacy continued working on S.F. 183, a bill relating to the classification of photos of incarcerated persons, and S.F. 248, a measure dealing with the Data Practices Act, at an evening session, Tues., Mar. 2.

S.F. 183, authored by Sen. Dave Knutson (R-Burnsville), amends current law dealing with arrest data to include the photo of any adult person taken by the agency in connection with the incarceration of the person as "public at all times in the originating agency." Knutson introduced an amendment allowing a law enforcement agency not to release the booking photo if the agency determines that the release would impede the process or jeopardize an active investigation.

Dakota County Assistant Attorney Karen Asphaug, told the committee, co-chaired by Senators Harold "Skip" Finn (DFL-Cass Lake), and Jane Ranum (DFL-Mpls.), the legislation is needed to eliminate the discrepancy in practice regarding the release of mug shots that exists between counties. While certain counties such as Hennepin and Ramsey routinely release booking photos to the media as public data, said Asphaug, others take a more conservative approach.

Asphaug pointed out that the booking photo is far less detrimental than the images created by photos taken of the accused in handcuffs en route to jail. Furthermore, the released photo may enable citizens to assist in law enforcement of an investigation, said Asphaug.

Mark Ansinon, legal counsel for the Minnesota Newspaper Association, spoke of the need of a clarification of arrest data within the Data Practices Act. Ansinon said that because law enforcement officials don't have the luxury of understanding all the nuances of the Act, they tend to take a more restrained approach to the release of photos. Don Gemberling, Dept. of Administration, echoed the need for clarification, stating that there is nothing in the arrest data section that makes photos public.

Opposing the bill, Elvira Barnes-Wycough, Senior State Planner, Council on Black Minnesotans, argued that innocent persons could be subjected to an automatic loss of their right to privacy as a result of the bill. According to Barnes-Wycough, African American males are incarcerated at a higher rate than their white male counterparts, often before a charge has been made. The negative image created by a published photo of an African American falsely arrested or accused, will follow that individual the rest of his/her life, she said. The bill was laid over for further discussion.

The committee also worked on S.F. 248, authored by Sen. Gene Merriam (DFL-Coon Rapids). The bill gives the commissioner of administration authority to issue a written opinion on any question of law arising under chapter 13 or other statute governing government data practices upon request of a government agency. Under the bill, the commissioner may also give a written opinion regarding a person's rights as a subject of government data or right to have access to government data, upon request of any person. The bill was also laid over for further discussion.

### Livestock injury liability

Members of the Judiciary Committee, chaired by Sen. Ember Reichgott (DFL-New Hope), met Wed., Mar. 3, to consider judiciary issues contained in S.F. 115, a bill limiting liability for certain injuries caused by livestock activities.

Specific provisions considered by the committee included the definitions of "inherent risks of livestock activities," basic immunity from liability for the death of or injury to a participant resulting from the inherent risks of livestock activities, and exceptions to immunity. According to Sen. Gary Laidig (R-Stillwater), author of S.F. 115, a need exists to recognize that there are existent activities in which people willingly participate that have inherent risks, and liabilities stemming from the activities must be confined.

Sen. Allan Spear (DFL-Mpls.), expressed a concern that the bill creates a

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new kind of immunity for a special group of people. He added that the measure might pave the way for others who feel that they engage in activities that have similar inherent risks. Dan Ramberg, owner of Woodlock Stables and a spokesperson for the agricultural industry, argued that "animals have a different risk factor than any other situation a person may encounter." Ramberg said that the livestock area is unique because it deals with animals who have a mind of their own, and consequently, "may react unfavorably." Ramberg distributed a list containing names of witnesses -- representing Washington County Park, Minnesota Veterinarians Medical Association, 4-H organization, and Minnesota Special Olympics -- who could not attend but submitted letters in support of the bill.

Expressing opposition to the bill, Jim Betz, Minnesota Trial Lawyers Association, said the measure "strips away from innocent victims the right to recovery." Betz said the bill gives a blanket immunity to livestock operators who are "negligent" by declaring that only persons who are found to be "grossly negligent" are liable for an injury.

After a lengthy debate on the concepts of "assumed risk" and "inherent risk," the committee agreed to delete the section relating to limiting liability, and referred the rest of the bill -- exempting sales of horses from the sales tax -- without recommendation to the Taxes and Tax Laws Committee.

Members also approved S.F. 247, a bill relating to patient right of access to medical records. Sen. Gene Merriam (DFL-Coon Rapids), author of S.F. 247, said the bill amends current statute dealing with patient right of access and consent to the release of medical records to clarify that the statute applies to the subject and provider of an independent medical examination. He added that language is also included to authorize the provider to release health records created as part of an independent medical examination to the third party who requested or paid for the examination, without the specific consent of the subject of the examination. After brief discussion by the committee, S.F. 247 was approved and referred to the full Senate.

S.F. 234, authored by Sen. Harold "Skip" Finn (DFL-Cass Lake), was also approved. The measure amends the definition of "child in need of protection or services" under the juvenile code to include a child who is in need of protection or services because the child resides with or would reside with a perpetrator of child abuse. The bill also defines "child abuse" to mean an act that involves a minor victim and is a violation of first to fifth-degree assault, prostitution, first to fourth-degree criminal sexual conduct, malicious punishment of a child, neglect or endangerment of a child, or using a

minor in a sexual performance. The bill was advanced to the full Senate.

In other action, the committee approved H.F. 358, a Revisor's correction bill that contain a number of miscellaneous corrections to Minnesota Statutes. The committee also laid over for further discussion S.F. 265, authored by Finn, a technical bill that incorporates a number of recommendations of the Committee to Consider Technical Amendments to the business corporation act.

## Metropolitan and Local Government

### Township bills heard

Township officials explained problems they face to members of the Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), Thurs., Feb. 25.

Dave Fricke, Minnesota Association of Townships, and a number of township officers from all over the state, told committee members that they were concerned about town roads and bridges, wetlands regulations, and annexation procedures. The officers stressed the need to develop a solution to annexation issues, which have been a constant source of tension between some cities and townships.

The committee took action on two bills relating to townships. Sen. Jerry Janezich (DFL-Chislm) presented S.F. 98. Janezich said the bill repeals the requirement that towns boards file copies of the written report dealing with town and road taxes. The report would still be made available at the annual town meeting, said Janezich. The committee recommended passage of the bill and sent it to the full Senate.

The committee also recommended passage of S.F. 99, authored by Janezich. The bill states that the term of town supervisors expires when a successor is elected and qualified, making clear that the incumbent town supervisor serves during the transition period between the election and the time when the new member takes office, said Janezich. The bill also gives town boards the authority to appoint and compensate deputy treasurers. The bill goes next to the full Senate.

### Local bills heard

The Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), met Wed., Mar. 3, to take action on four bills.

Sen. Richard Cohen (DFL-St. Paul), presented S.F. 269. Cohen said the bill amends the membership on the Metropolitan Transit Commission (MTC) to provide for one of the five members to be an individual with a disability. Cohen said that people with disabilities deserved better representation on the MTC

because of the unique nature of their concerns relating to transit services. Cohen said that increased ridership on the part of the disabled community would save money by reducing the reliance on Metro Mobility. The committee amended the bill to make the requirement apply to the "at-large" seat. The committee recommended that the bill pass and sent it to the full Senate.

Sen. Lawrence Pogemiller (DFL-Mpls.) gained support for S.F. 302. Pogemiller said that the bill clarifies the purposes and boundaries for the special service district in the Hennepin/Lake area of Minneapolis; provides authority to establish another special service district in the Dinkytown area; removes the size limitation of the special service district; and provides for local approval. Pogemiller explained that special service districts, which may levy a tax from businesses in a small designated area where maintenance and upkeep needs are high, have worked successfully for several years. The tax revenues are used to provide to the commercial areas a "segmentation of services over and above what the city usually provides," he said. The bill now goes to the Taxes and Tax Laws Committee.

Members also approved S.F. 313, authored by Sen. Deanna Wiener (DFL-Eagan). The bill increases the membership of the Dakota County Housing and Redevelopment Authority from five to seven members, said Wiener. Wiener also noted that the proposed legislation reduces the terms to three years from five years, and increases the nine member county extension committee by one member. The committee approved the bill and sent it to the full Senate.

Finally, Sen. Dean Johnson (R-Willmar), offered S.F. 198. Johnson said the proposed legislation raises from \$5,000 to \$25,000 the amount for which a contract for a special assessment improvement must be advertised for bids in a newspaper. The bill, said Johnson, also raises from \$5,000 to \$25,000 the amount for which a municipal council may secure day labor to complete the improvement if no bid is submitted after advertisement of the bids or if the only bids submitted are higher than the engineer's estimate. Another provision of the bill raises from \$2,000 to \$10,000 the amount of the improvement over which a registered engineer must supervise the work. The committee recommended passage of the bill and sent it to the Senate floor.

### LGA debate continues

Local government aid (LGA) dominated the discussion during a meeting of the Metropolitan and Local Government Metropolitan and Local Government Tax Division, chaired by Sen. Carol Flynn (DFL-Mpls.), Mon., Mar. 1. Sen. John Hottinger presented S.F. 78, a bill that provides for the calculation and distribution of aids to cities.

Hottinger explained that the bill eliminates disparity aid, local government aid, and equalization aid, replacing them with a single new aid, which starts in 1994. The proposed formula distributes new aid based on need, rather than historical spending patterns, said Hottinger. He said the new formula is "phased in" to prevent any major disruptions in the local government budgeting process.

Don Diddams, League of Minnesota Cities, testified in support of the bill, saying LGA prevents property tax increases and enables cities to provide adequate services. However, some Senators expressed concern that the new, needs-based formula applies only to increases in aid--no city will receive less than what it did before the bill, regardless of need. Sen. Sandra Pappas (DFL-St. Paul) said that, under the bill, it will take nearly 30 years to achieve the goal of total needs-based funding.

Hottinger said the formula provides cities with a guaranteed aid base for three years, and stressed the need for stability in local government financing. After three years, he said, the formula expires, giving lawmakers a chance to review the policy to determine if it is a wise approach. Hottinger also pointed out that the bill only addresses the distribution and calculation of aid--not the level of funding, which is an issue that other committees will consider. The division approved the bill and sent it to the full committee.

### Human services funding

Members of the Metropolitan and Local Government Metropolitan and Local Government Tax Division and the Taxes and Tax Laws Subcommittee on Property Taxes, both chaired by Sen. Carol Flynn (DFL-Mpls.), met Wed., Mar. 3, to discuss human services aspects of the local government trust fund and property taxes.

Representatives of the Dept. of Human Services presented an overview of human services programs funded by the local government trust fund and county property taxes. Members discussed the fiscal status of these programs and how the funding mechanisms affect state and county taxpayers.

Senators also reviewed the budget for the Community Social Services Act (CSSA). Several county officials explained the impact of CSSA on their budgets. Former State Senator Emily Ann Staples, now a Hennepin County commissioner, pointed out that state funding for the CSSA has remained constant, creating a reliance on county property taxes to pay for increased costs.

Income maintenance programs and county criminal justice aid also received the attention of the members. They discussed the increasing tax burden that stems from county community corrections programs, especially jails in Hennepin and Ramsey Counties. According to county statistics, the number of offenders in

Hennepin/Ramsey correctional systems is 18 times larger than the number of offenders from Hennepin and Ramsey Counties in state prisons.

## Taxes and Tax Laws

### Revenue policy bill heard

Members of the Tax and Tax Laws Subcommittee on Sales Tax, chaired by Sen. Ember Reichgott (DFL-New Hope), met Tues., Mar. 2, to take action on S.F. 510, the Department of Revenue policy bill.

Reichgott, bill author, explained that the proposed legislation makes numerous changes in laws that relate to the department's operations. The subcommittee amended the bill to make technical changes and to delete a provision that clarifies that, within the capital equipment statute, "product" means tangible personal property, electricity or steam. The subcommittee recommended approval of the bill as amended and sent it to the full committee.

## Transportation and Public Transit

### Delayed arrest approved

The Transportation and Public Transit Committee met Tues., Mar. 2, to consider a bill authorizing the delayed arrest of a driver and penalizes a vehicle owner or lessee for failure to yield right-of-way to an emergency vehicle.

Sen. Jim Vickerman, (DFL-Tracy) author of S.F. 334, said that the bill allows a peace officer to arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has failed to yield the right-of-way to an emergency vehicle within the past four hours. The bill also establishes a petty misdemeanor penalty for violations of the provision, and specifies that a violation does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license. The committee adopted an amendment clarifying that an owner or lessee may not be fined if the owner or lessee provides evidence that another person was operating the vehicle at the time of the violation. The committee approved S.F. 334 and re-referred it to the Crime Prevention Committee.

The committee, chaired by Sen. Florian Chmiekewski (DFL-Sturgeon Lake), also heard a presentation on growing metropolitan disparities by Rep. Myron Orfield. One point Orfield illustrated was the declining household income level in some parts of the Metro Area. He said that there is a growing number of children living below the poverty level. A mother and child living on \$8,400 is considered below the poverty level, said Orfield. He also said that 25 percent of children living in the inner ring and northern suburbs participate in the free lunch program.

Orfield also discussed the disparities in job creation and land, sewer and road

development that exist in the seven county Metro Area.

### Toll financing profiled

The Minnesota Trucking Association representative discussed their concerns with the Transportation and Public Transit Committee, Wed., Mar. 3. The committee also heard a presentation regarding toll financing from the Minnesota Transportation Group and considered a State Patrol housekeeping bill.

Lisa Peterson, executive director of the Minnesota Trucking Association, said that commercial crashes have decreased 40 percent since 1981. Most truck crashes occur on rural roads, she said. Peterson said that truckers pay two-thirds of the highway user tax and 35 percent of the fuel tax. She said that truckers pay seven times as much in fuel tax as other motorists, but she said she was not implying that truckers pay more than their share. She explained that axle weight, about 9 tons per axle, determines the amount of damage to a road. Sen. Gen Olson (IR-Minnetrista) said that the higher highway user taxes paid by the trucker ultimately are passed on to the consumers through the goods they carry. "It's a questions of where the public wants to pay for it," said Olson.

The panel also heard a presentation by Robert P. Zauner, executive director of the Minnesota Transportation Group, regarding toll financing. He explained that implementing toll ways would help eliminate the projected shortfall. Legislators watched a film presented by Phillip Davey, vice president of Hughes Aircraft, demonstrating high technology toll systems.

Lastly, the committee considered a State Patrol housekeeping bill sponsored by Sen. Jim Vickerman (DFL-Tracy). The committee approved S.F. 434 and sent it to full Senate.

### Transportation budget overview

The Transportation and Public Transit Finance Division, chaired by Sen. Keith Langseth (DFL-Glyndon), met Tues., Mar. 2, to continue work on the Dept. of Transportation's proposed budget. Officials from the divisions of Railroads and Waterways, Office of Motor Carrier Services, and State Aid to Local Transportation described the divisions' responsibilities and presented budget overviews.

Cecil Sellness of the Railroads and Waterways Division discussed rail rehabilitation projects. He said that approximately 100 miles of rail are abandoned each year due to the significant cost of keeping them viable. Sellness said that the department wants to be active in acquiring abandoned lines for public use. The state has acquired and rehabilitated 852 miles between 1967 and 1992 to maintain necessary rail service in Minnesota, said Sellness. He said that the Minnesota rail service improvement program expended \$7 million in state funds, \$1.6 million in federal funds and \$4

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million in private funds. Among other outcomes cited by Sellness, the program preserves highways by keeping truckloads off the highway.

Sellness also addressed railroad crossing fatalities. He said that the number of fatal accidents have declined, however, with reduced railroad crossing sites, the number of trains using the fewer crossings have increased. Sellness said that there were 8 railroad crossing fatalities in 1992, down from almost 20 in 1990. Sellness said the department has improved the signing and marking program to reduce the risks. State and local matching funds make up 20 percent, or \$2 million of the total cost for grade crossing safety improvement program, Sellness said.

The committee also heard a presenta-

tion by Elizabeth Parker, Office of Motor Carrier Services. Among the education and enforcement responsibilities, Parker said that 600 complaints of unsafe carrier operations are investigated by the division each year. The division sponsors educational programs, conducts safety training classes, and audits carriers and shippers of hazardous materials, she said.

Finally, the committee heard the budget overview of the State Aid to Local Transportation Division. Dennis Carlson, division director, said that the division provides technical assistance and leadership in development and maintenance of the County State Aid Highway (CSAH) system and the Municipal State Aid Street (MSAS) system to provide an integrated, coordinated network of roads.

The division deals with 48 cities in Greater Minnesota and 68 Twin Cities Metro Area cities with a population of over 5000, Carlson said. CSAH represents 29 percent of the highway users tax distribution fund allocated to the counties. These dollars are allocated to the counties for maintenance and construction activities on the 30,000 miles of state aid highways. According to Carlson, 40 percent of the dollars are spent on maintenance and 60 percent is spent on construction. The total estimated funds for the local road construction financing for FY93 is \$274.8 million compared to \$285.2 million in FY92, Carlson said. He said that anticipated reduction in federal highway funds constitutes the estimated funding decrease.

## Preview

### The Minnesota Senate Week at a Glance

#### Monday, March 8

##### **Finance State Government Division**

*Chair: Sen. Richard Cohen*  
8 a.m. Room 318 Capitol

**Agenda:** Budgets for Minnesota Supreme Court, Judicial Boards, and Legal Services.

##### **Health Care and Family Services Funding Division**

*Chair: Sen. Don Samuelson*  
8:30 a.m. Room 123 Capitol

**Agenda:** Presentation by the Council on Disabilities. Overview of the governor's proposed budget for the Dept. of Health.

##### **Environment and Natural Resources Subcommittee on Public Lands and Waters**

*Chair: Sen. Harold "Skip" Finn*  
9 a.m. Room 15 Capitol

**Agenda:** S.F. 347-Samuelson: Authorizing an addition to Charles A. Lindbergh State Park. S.F. 490-Price: Sale of tax-forfeited land bordering public water in Washington County. S.F. 359-Murphy: Prohibiting use of state lands for motorsports parks or facilities. S.F. 373-Janezich: Establishing, upgrading or improving roads to serve state leased or platted lands. S.F. 413-Janezich: Sale of tax-forfeited lands bordering public water in St. Louis County. S.F. 184-Luther: Regulating registration and operation of off-highway motorcycles.

##### **Metropolitan and Local Government Subcommittee on Intergovernmental Relations**

*Chair: Sen. John Hottinger*  
9 a.m. Room 107 Capitol

**Agenda:** S.F. 143-Pariseau: Annexation by ordinance authority elimination. S.F. 364-Hottinger: Municipal Board membership. S.F. 365-Hottinger: Municipal annexation.

#### The Senate will meet at 11 a.m.

##### **Agriculture and Rural Development Committee**

*Chair: Sen. Joe Bertram, Sr.*  
12 noon Room 107 Capitol

**Agenda:** Not available at press time.

##### **Commerce and Consumer Protection Committee**

*Chair: Sen. Sam Solon*  
12 noon Room 112 Capitol

**Agenda:** S.F. 317-Johnson, J.B.: Ski Safety Act. S.F. 568-Solon: Nonprofit health service plan corporation; regulating investments. S.F. 439-Solon: Invention Board establishment.

##### **Judiciary Committee**

*Chair: Sen. Ember Reichgott*  
12 noon Room 15 Capitol

**Agenda:** S.F. 265-Finn: Corporations technical bill. S.F. 147-Cohen: Raising tort liability limits for claims against the MTC. S.F. 440-Spear: Modifying provisions for voluntary foreclosure of mortgages. S.F. 584-Mondale: Actions involving public petition; limiting SLAPP lawsuits.

##### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*  
2 p.m. Room 15 Capitol

**Agenda:** S.F. 33-Pogemiller: Stalking and harassment crimes. S.F. 56-Kelly: Miscellaneous firearms, law enforcement amendments. S.F. 736-Berglin: Children's mental health integrated fund.

##### **Environment and Natural Resources Finance Division**

*Chair: Sen. Steven Morse*

2 p.m. Room 123 Capitol

**Agenda:** Not available at press time.

##### **Metropolitan and Local Government Committee**

*Chair: Sen. Betty Adkins*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 414-Flynn: Light rail transit; establish Corridor Management Commission. S.F. 262-Kelly: St. Paul; design districts. S.F. 427-Lessard: Deer River; establishing an office of the Deputy Registrar of Motor Vehicles.

#### Tuesday, March 9

##### **Gaming Regulation Committee**

*Chair: Sen. Charles Berg*

8 a.m. Room 107 Capitol

**Agenda:** S.F. 259-Stumpf: Relating to gambling; permitting organizations to conduct contests involving certain card games for senior citizens. S.F. 180-Kroening: Relating to horse racing; proposing an amendment to the Minnesota Constitution, article X, section 8; permitting the legislature to authorize pari-mutuel betting on horse racing without limitation. S.F. 700-Price: Relating to horse racing; permitting two Class A licenses, state fair to apply for pari-mutuel horse racing license.

## Governmental Operations and Reform Committee

Chair: Sen. James Metzger  
8 a.m. Room 15 Capitol  
Agenda: S.F. 337-Novak: Family homeless prevention/assistance program. S.F. 431-Hottinger: Government records stored on optical discs. S.F. 570-Wiener: Appointments to advisory task forces, councils, committees. S.F. 60-Chandler: State employee suggestion system. S.F. 17-Pappas: Gender balance bill. S.F. 409-Pogemiller: MERF housekeeping bill.

## Transportation and Public Transit Committee

Chair: Sen. Florian Chmielewski  
8 a.m. Room 112 Capitol  
Agenda: S.F. 148-Cohen: Pedestrian right-of-way in a controlled crosswalk. S.F. 95-Mondale: Telephone caller identification service for commercial carriers of passengers. S.F. 497-Murphy: Traffic regulations; school buses. S.F. 426-Chmielewski: Drivers' licenses; development of new licenses less susceptible to alteration. S.F. 50-Vickerman: Traffic regulation; recreational vehicle combinations.

## Education Funding Division

Chair: Sen. Lawrence Pogemiller  
10 a.m. Room 112 Capitol  
Agenda: Not available at press time.

## Health Care Committee

Chair: Sen. Linda Berglin  
10 a.m. Room 15 Capitol  
Agenda: Presentation on supplemental budget recommendations by the Dept. of Human Services. S.F. 521-Hottinger: MDH tuberculosis and hepatitis B vaccination. S.F. 606-Benson, D.D.: Exempt from MA prior authorization requirements; establishing disproportionate share payments for therapy. S.F. 643-Berglin: Asset transfers.

## Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak  
10 a.m. Room 107 Capitol  
Agenda: S.F. 512-Novak: Telecommunications; providing for regulation of telecommunications carriers. S.F. 670-Novak: PUC to approve incentive regulation plan for certain telephone companies. S.F. 698-Johnson, J.B.: Regulating key telephone services to communication-impaired person.

## Rules and Administration Committee

Chair: Sen. Roger Moe  
10 a.m. Room 123 Capitol  
Agenda: Personnel issues. Report of the Bill Referral Subcommittee. Other.

## Ethics and Campaign Reform Committee

Chair: Sen. John Marty  
12 noon Room 107 Capitol  
Agenda: S.F. 25-Marty: Continuation of campaign finance reform.

## Family Services Committee

Chair: Sen. Pat Piper  
12 noon Room 15 Capitol

Agenda: S.F. 496-Betzold: Prohibiting restrictions on right to provide licensed daycare. S.F. 296-Knutson: Requiring parent's social security numbers on birth certificates. S.F. 352-Betzold: Investigation of neglect or abuse in licensed daycare facilities.

## Veterans and General Legislation Committee

Chair: Sen. Jim Vickerman  
12 noon Room 112 Capitol  
Agenda: S.F. 331-Lesewski: Dept. of Military Affairs clarification language. S.F. 340-Vickerman: Dept. of Military Affairs/counterdrug activity.

## Environment and Natural Resources Committee

Chair: Sen. Bob Lessard  
2 p.m. Room 107 Capitol  
Agenda: S.F. 5-Benson, D.D.: Extending permissible period for open season on raccoon. S.F. 96-Riveness: Wastewater treatment; clarifying rulemaking provisions for PCA. S.F. 464-Sams: Color of outer clothing required in firearms deer zones. S.F. 484-Lessard: Youth preference to take deer.

## Jobs, Energy and Community Development Funding Division

Chair: Sen. Carl Kroening  
4 p.m. Room 123 Capitol  
Agenda: Budget presentation for the Dept. of Jobs and Training.

## Wednesday, March 10

## Environment and Natural Resources Subcommittee on Fish and Wildlife

Chair: Sen. Charles Berg  
8 a.m. Room 107 Capitol  
Agenda: S.F. 64-Samuels: Seasons for taking deer by muzzle-loading firearms. S.F. 483-Merriam: Allowing all big game to be taken under a crossbow permit for hunters with disabilities. S.F. 504-Stumpf: Authorizing limited use of snowmobiles to transport deer carcasses. S.F. 693-Merriam: Clarifying commissioner's authority. S.F. 366-Berg: Allowing importation of minnows for raising and export. S.F. 669-Berg: DNR omnibus game and fish bill.

## Governmental Operations and Reform Committee

Chair: Sen. James Metzger  
8 a.m. Room 15 Capitol  
Agenda: Continuation of testimony on S.F. 114-Kelly: Abolishing Dept. of Public Safety.

## Transportation and Public Transit Committee

Chair: Sen. Florian Chmielewski  
8 a.m. Room 112 Capitol  
Agenda: S.F. 128-Vickerman: Designating the B.E. Grottrum memorial highway in Jackson County. S.F. 475-Vickerman: Designating the Wally Nelson highway. S.F. 35-Chmielewski: Exempting certain manufacturers of snowmobile trailers from being required to have a dealers' license to transport the trailers. Presentation by Dean Mary Vogel and Dean Harrison Fraker of the College of Architecture and Landscaping Architecture, U of M.

## Education Funding Division

Chair: Sen. Lawrence Pogemiller  
10 a.m. Room 112 Capitol  
Agenda: Not available at press time.

## Health Care Committee

Chair: Sen. Linda Berglin  
10 a.m. Room 15 Capitol  
Agenda: S.F. 643-Berglin: Asset transfers. S.F. 481-Berglin: Patient option to disclose presence in facility. S.F. 133-Samuels: Nursing homes reimbursed for self insurance and workers compensation. S.F. XXX-Betzold: DHS health care technical amendments.

## Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak  
10 a.m. Room 107 Capitol  
Agenda: S.F. 512-Novak: Telecommunications; providing for regulation of telecommunications carriers. S.F. 670-Novak: PUC to approve incentive regulation plan for certain telephone companies. S.F. 698-Johnson, J.B.: Regulating key telephone services to communication-impaired person.

## Agriculture and Rural Development Committee

Chair: Sen. Joe Bertram, Sr.  
12 noon Room 107 Capitol  
Agenda: Not available at press time.

## Commerce and Consumer Protection Committee

Chair: Sen. Sam Solon  
12 noon Room 112 Capitol  
Agenda: S.F. 174-Reichgott: FAX transmission; regulation of unsolicited advertising materials. S.F. 159-Adkins: Santiago detached banking facility. S.F. 91-Sams: Manufactured home dealers and installers license requirements exemption. S.F. 578-Wiener: Abandoned property value increase for notice publication purposes.

## Crime Prevention and Judiciary Subcommittee on Privacy

Co-Chairs: Sen. Harold "Skip" Finn and Sen. Jane Ranum  
12 noon Room 15 Capitol  
Agenda: Not available at press time.

## Metropolitan and Local Government Committee

Chair: Sen. Betty Adkins  
2 p.m. Room 107 Capitol  
Agenda: S.F. 78-Hottinger: LGA formula. S.F. 250-Betzold: Limiting the service of Charter Commission members. S.F. 640-Pappas: St. Paul; allows special assessments against certain benefited property. S.F. 491-Price: Oakdale; annexation by Mn/DOT of highway right-of-way. S.F. 508-Riveness: MAC; commission membership.

## Legislative Commission on Pensions and Retirement Subcommittee to Review Proposed Public Pension Plan Administrative Legislation

Chair: Sen. LeRoy Stumpf  
2 p.m. Room 318 Capitol  
Agenda: S.F. 519-Stumpf: Statewide plans; administrative provisions.



**Legislative Commission on Pensions and Retirement Subcommittee to Review Proposed Special Legislation**

*Chair: Rep. Leo Reding*

2:30 p.m. Basement Hearing Room SOB

**Agenda:** S.F. 272-Moe: State Patrol; post age-60 benefit accrual. S.F. 528-Hottinger: TRA; second medicare referendum. S.F. 557-Kelly: PERA; disability benefit and workers compensation. S.F. 575-Hottinger: TRA; optional annuity recomputation. S.F. 616-Solon: TRA; pre-age 25 service credit buyback. S.F. 617-Solon: MSRS; grain handler buyback. H.F. 157-Carlson: PERA-P&F; Minneapolis park police buyback. H.F. 270-Sarns: St. Paul fire; refund to decedent estate.

**Finance State Government Division**

*Chair: Sen. Richard Cohen*

4 p.m. Room 318 Capitol

**Agenda:** Budget overviews for the state treasurer and the Dept. of Human Rights.

**Health Care and Family Services Funding Division**

*Chair: Sen. Don Samuelson*

4 p.m. Room 107 Capitol

**Agenda:** Continuation of overview of the governor's proposed budget for the Dept. of Health.

**Taxes and Tax Laws Subcommittee on Property Tax**

*Chair: Sen. Carol Flynn*

4 p.m. Room 15 State Capitol

**Agenda:** S.F. 585-Pappas: Technical corrections to sales; use; income; franchise; property taxes, etc. S.F. 607-Flynn: Abolishing certain local government levy limitations.

**Legislative Commission on Planning and Fiscal Policy**

*Chair: Rep. Dee Long*

4 p.m. Room 5 SOB

**Agenda:** Advisory Commission on Intergovernmental Relations Report to Legislature by Ruby Hunt, chair. Local Government Financial Reporting Project proposal to create an Accounting Standards

Resource Board with presentations by: Steven Laible, KPMG Peat Marwick; Morris Anderson, commissioner of revenue; and Mark Dayton, state auditor. H.F. 432-Bishop: Proposal to create a Legislative Budget Office.

**Thursday, March 11**

**The Senate will meet at 9:30 a.m.**

**Education Committee**

*Co-Chairs: Sen. Lawrence Pogemiller and Sen. LeRoy Stumpf*

10 a.m. Room 123 Capitol

**Agenda:** S.F. 608-Stumpf: Regulating unrequested leaves of absence during the regionalization process of technical colleges. Other bills to be announced.

**Health Care Committee**

*Chair: Sen. Linda Berglin*

10 a.m. Room 15 Capitol

**Agenda:** S.F. XXX-Berglin: DHS mental health. S.F. 380-Hottinger: Dental hygiene act.

**Ethics and Campaign Reform Committee**

*Chair: Sen. John Marty*

12 noon Room 107 Capitol

**Agenda:** S.F. 189-Stumpf: Mail ballots in county/state elections. S.F. 312-Bertram: County commissioners residency requirements. S.F. 410-Pogemiller: Precinct boundary data.

**Family Services Committee**

*Chair: Sen. Pat Piper*

12 noon Room 15 Capitol

**Agenda:** S.F. 450-Runbeck: Lost and stolen assistance warrants replacement period. S.F. 399-Stevens: STRIDE modification.

**Crime Prevention Finance Division**

*Chair: Sen. Tracy Beckman*

2 p.m. Room 112 Capitol

**Agenda:** Budget overviews of the Dept. of Public Safety and the Board of Private Detectives.

**Environment and Natural Resources Finance Division**

*Chair: Sen. Steven Morse*

2 p.m. Room 125 Capitol

**Agenda:** Not available at press time.

**Finance State Government Division**

*Chair: Sen. Richard Cohen*

4 p.m. Room 318 Capitol

**Agenda:** Budget overviews of the secretary of state, the Board of Judicial Standards, and the Amateur Sports Commission.

**Metropolitan and Local Government Committee**

*Chair: Sen. Betty Adkins*

2 p.m. Room 107 Capitol

**Agenda:** Not available at press time.

**Transportation and Public Transit Finance Division**

*Chair: Sen. Keith Langseth*

5 p.m. Northern Suburbs

**Agenda:** Tour of highway construction in the northern suburbs.

**Friday, March 12**

**Education Funding Division**

*Chair: Sen. Lawrence Pogemiller*

10 a.m. Room 112 Capitol

**Agenda:** Not available at press time.

**Environment and Natural Resources Committee**

*Chair: Sen. Bob Lessard*

10 a.m. Room 15 Capitol

**Agenda:** Continuation of hearing on S.F. 220-Morse: Mille Lacs treaty.

**Metropolitan and Local Government Subcommittee on Metropolitan Affairs**

*Chair: Sen. Ted Mondale*

12 noon Room 112 Capitol

**Agenda:** S.F. 309-Kelly: Residency for St. Paul city employees. S.F. 478-Mondale: Metropolitan government.

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## The Minnesota Senate Week in Review

### Day care smoking ban okayed

Members of the Senate met in floor session Mon., Mar. 8, and dealt with a number of bills on the General Orders Calendar. Bills on the General Orders Calendar are considered by the Senate acting as one large "Committee of the Whole," and may be granted preliminary passage.

Among the measures gaining approval included the bill prohibiting smoking in family day care provider settings. S.F. 32, sponsored by Sen. John Hottinger (DFL-Mankato), prohibits day care providers from smoking while children are in the home.

Six additional measures were also given preliminary passage. S.F. 238, authored by Sen. Joe Bertram, Sr., (DFL-Paynesville), changes the basis for milk payments. S.F. 134, sponsored by Sen. Linda Berglin (DFL-Mpls.), changes the procedure for charging the nursing home surcharge when a bed has been decertified. S.F. 19, authored by Sen. Leonard Price (DFL-Woodbury), provides for the purchase of certain tax-forfeited lands. S.F. 177, carried by Sen. Gene Merriam (DFL-Coon Rapids), expands the crime of solicitation of juveniles to include the solicitation of mentally impaired persons to commit a criminal act. S.F. 215, authored by Sen. Don Betzold (DFL-Fridley), provides that the county law library fee may be collected in petty misdemeanor cases. S.F. 274, authored by Sen. David Knutson (IR-Burnsville), authorizes warrantless arrests for assaults committed against a person with whom the offender has a child or an unborn child in common.

Lastly, the Senate also granted concurrence and repassage to S.F. 48. The bill, authored by Betzold, provides for recordation of mortgage satisfaction or release following change in identity of corporate mortgagee or assignee; allows enforcement of assignment of rents and profits of some mortgaged real property, against only the nonhomestead portion of that property; provides procedures for interested persons to file for record a request for notice of mortgage foreclosures; allows postponement of foreclosure sale by party conducting the foreclosure; and provides that some forfeitures of real property are subject to interests of good faith purchasers.

Senators also met Thurs., Mar. 11, for a very brief floor session in order to process committee reports and bill introductions.

### Cultural diversity seminar held

Senators and Representatives cleared their calendars for the afternoon of Tues., Mar. 9, in order to attend a Racism/Cultural Diversity Seminar. The seminar, arranged through the Legislative Coordinating Commission, was presented by the Pierce Group. Legislators heard moderator Vivian Jenkins-Nelson, president and CEO INTER-RACE, and featured speaker Dr. Charles Williams, U of M Extension Service, discuss racism and cultural diversity issues. In addition, facilitators worked with Legislators in small discussion groups. The seminar is the first item in a long term commitment to cultural diversity awareness, said Senate Majority Leader Roger Moe (DFL-Erskine) in his remarks to the gathered Legislators.

### New budget forecast heard

The short-term budget forecast for Minnesota has improved, although long-term problems persist, said Finance Commissioner John Gunyou, who briefed the Finance Committee, Fri., Mar. 5.

Although the FY94-95 budget shortfall is down to \$163 million -- due to stronger than expected economic growth during late 1992 and an improved outlook for early 1993 -- higher forecasted revenues should not be considered a "windfall," according to Gunyou. "A windfall indicates short-term riches as if there aren't any problems left," said Gunyou, adding that the state still faces a large structural deficit between ongoing revenues and expenditures. Gunyou warned that the deficit could grow into a sizeable gap -- estimated at \$597 million -- in the next biennium since revenues are estimated to grow by 9.3 percent with expenditures expected to increase by 14.3 percent.

Carlson's supplemental budget recommendations for spending unexpected gains split \$551 million mainly between the state's cash flow account to avoid short-term borrowing over the next biennium, and children and education programs. Salary restraint for public employees is "still necessary," according to the revised outlook.

Specific allocations include \$52 million for the accelerated standards adoption project, \$80 million for Minnesota's higher education systems to allow subsidy reform to be phased in, and \$24 million for various human development programs.

### Stalking bill approved

The Crime Prevention Committee, met Mon., Mar. 8, to continue work on the stalking legislation and to consider another measure that establishes a mental health integrated fund.

The committee devoted most of the meeting to a bill, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), that addresses stalking and harassment crimes. The committee considered several amendments to S.F. 33. First, Sen. Patrick McGowan (IR-Maple Grove), offered an amendment directing individual counties to develop the policy regarding stalking and harassment crimes. McGowan said that the amendment also requires the commissioner of public safety to develop and circulate a plan if the law enforcement officials have not made available a final plan as required.

McGowan offered another amendment that creates a felony if a person commits any of the stalking or harassment crimes against a victim under the age of 18, if the actor is more than 36 months older than the victim. The amendment is consistent with the criminal sexual conduct law, McGowan said. The committee adopted the amendment.

The committee also adopted an amendment that deals with conduct which has a legal purpose. McGowan explained that conduct, such as picketing and handbidding, performed under terms of a valid license, to ensure compliance with a court order, to carry out a specific lawful commercial purpose or employment duty, or that is authorized or required by a valid contract would be deemed a legal purpose and not chargeable under the bill. Sen. Allan Spear (DFL-Mpls.), committee chair, successfully amended the amendment to include conduct that is authorized, required or protected by state or federal law as a legal purpose.

Finally, the committee adopted an amendment, offered by Sen. Tracy Beckman (DFL-Bricelyn), allowing the court to order the offender to pay the costs of a mental health assessment unless the offender is indigent. S.F. 33 was approved and sent to the full Senate.

The panel also considered S.F. 736, authored by Sen. Linda Berglin (DFL-Mpls.). The bill establishes an integrated service system for delivering mental health services to children. The panel approved the bill and re-referred S.F. 736 to the Governmental Operations and Reform Committee.

# Committee update

## Agriculture and Rural Development

### Tillable land bill heard

The Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram, Sr., (DFL-Paynesville), met Mon., Mar. 8, to hear S.F. 219, authored by Sen. Duane Benson, (IR-Lanesboro). The measure seeks to modify the method of determining adjusted net capacity, and changes the formula of determining agricultural market value of tillable land for property tax purposes.

Benson said that the bill applies only to tillable lands and establishes a valuation/tax formula based on a rolling, 5-year productivity average, rather than arms length, market value assumptions. The market value of agricultural lands is currently based on the price for which the tillable property would sell and does not accurately reflect the real agricultural market value, said Benson.

The measure authorizes the commissioner of revenue to define tillable agricultural land and to determine certain data based on a per acre ratio using a soil productivity index over a five-year averaging period. This is a fairer system than what we now have, said Benson. "It's based on rolling averages of productivity, instead of the whims of the marketplace." S.F. 219 was approved and re-referred to the Taxes and Tax Laws Committee.

Sen. Dallas Sams, (DFL-Staples), presented S.F. 346, a bill establishing a two-year limitation on actions to recover real property or establish claims for damages arising from a sale subject to the Right of First Refusal. The measure also provides a grace period until Mar. 1, 1994, for immediately preceding owners to commence actions otherwise barred under the bill.

Sams said the bill places a two-year limitation on potential actions brought by former owners, subject to the Right of First Refusal, whereby the lender failed to comply with the requirements of the act. S.F. 346 was approved and re-referred to the Judiciary Committee.

Sen. Steve Dille (IR-Dassel), presented S.F. 425, a measure to appropriate \$400,000 for FY94-95, to the Board of Animal Health for the control and eradication of pseudorabies in swine. The bill also authorizes the board to determine civil penalties of up to \$10,000 for violations with established authority to commence civil actions for recovery of any civil penalties. The bill, as amended, was approved and re-referred to the Judiciary Committee.

### Labeling act repeal okayed

Three bills were considered by members of the Agriculture and Rural Development Committee at the Wed., Mar. 10, hearing. Two measures were laid over for further consideration but one bill, repealing the hazardous substance labeling

law, was advanced to the full Senate.

The bill, S.F. 498, authored by Sen. Steve Murphy (DFL-Red Wing), repeals extraneous sections of the statutes. According to Murphy, other sections of law cover the labeling requirements of specific items, such as pesticides and fertilizer.

Members of the committee, chaired by Sen. Joe Bertram, Sr. (DFL-Paynesville), also discussed a bill that repeals the hay and straw standards law. S.F. 516, also sponsored by Murphy, repeals statutory language that provided the commissioner of agriculture with jurisdiction over the establishment of hay and straw standards in the state. According to representatives from the department, the law had never been implemented. Committee members, though, questioned why a law that directed the commissioner to carry out a specific task had not been implemented. The bill was laid over in order to allow the department time to respond.

Finally, the panel discussed a bill providing for licensure of commercial aquatic pest control applicators. S.F. 304, authored by Sen. Gen Olson (IR-Minnetrista), sets forth the examination and experience requirements necessary for obtaining a license and specifies the proof of financial responsibility requirements necessary for obtaining a license. The measure was also laid over to allow time to draft amendments to the bill.

## Commerce and Consumer Protection

### Invention board advances

The Commerce and Consumer Protection Committee, at a Mon, Mar. 8, meeting, approved a bill establishing a governor-appointed state Board of Invention. The bill, S.F. 439, sponsored by committee chair Sen. Sam Solon (DFL-Duluth), creates an 11-member board charged with encouraging the creation, performance and appreciation of invention in Minnesota. The board will establish a grant program to encourage the development of commercial and social inventions; provide technical assistance and information services relating to invention; and recommend a plan to coordinate and integrate invention programs into a single statewide system. An appropriation to fund the board has not yet been established.

S.F. 439 was re-referred to the Jobs, Energy, and Community Development Committee.

The committee also approved S.F. 568, sponsored by Solon, permitting nonprofit prepaid dental plans to invest up to 20 percent of their admitted assets in subsidiary dental-related corporations. Under current law, the dental plans may invest only 5 percent in this manner. A representative from Delta Dental Plan of Minnesota testified that the bill is needed to allow prepaid dental plans to

tie into health care reforms such as Integrated Service Networks (ISNs) and remove barriers to establishing group practices, which he said would be able to provide fixed prices and develop practice guidelines and treatment protocols.

Solon said the bill has no known opposition and is supported by the Commerce Dept. S.F. 568 now goes to the full Senate.

### Junk fax restrictions

The Commerce and Consumer Protection Committee, chaired by Sen. Sam Solon (DFL-Duluth), met Wed., Mar. 10, and approved a bill regulating the transmission of unsolicited advertising materials by facsimile (fax) machines. S.F. 174, sponsored by Sen. Ember Reichgott (DFL-New Hope), prohibits facsimile transmission of unsolicited advertising materials unless the sender establishes a toll-free number for recipients to call to notify the sender not to transmit the unsolicited materials. The bill specifies that facsimile transmissions of unsolicited advertising materials must include an address the recipient may write to as well as the toll-free number they can call to stop the transmissions.

The committee approved the bill and sent it to the full Senate.

The committee turned next to H.F. 139, permitting any bank with a main office within 25 miles of the town of Santiago to establish a branch bank in Santiago. A bank establishing such a facility must follow the approval procedures detailed in current law and obtain approval from the commissioner of commerce.

The bill, sponsored by Sen. Betty Adkins (DFL-St. Michael), was approved and sent to the Senate floor.

H.F. 174, sponsored by Sen. Dallas Sams (DFL-Staples), requires manufactured home installers to be licensed as residential contractors and exempts them from certain license requirements. The measure provides that manufactured home installers must follow the requirements in the residential contractors licensing laws, with the following exceptions: manufactured home installers are not members of the builders state advisory council; are not subject to continuing education requirements; have different examination standards; have different bond requirements; and are not subject to local government license surcharges.

H.F. 174 was approved and sent to the full Senate.

SF. 578, sponsored by Sen. Deanna Wiener (DFL-Eagan), changes the reporting requirement for abandoned property. Currently, each year the commissioner of commerce is required to publish names of persons appearing to be owners of abandoned property or to mail notices to each person having an address listed for property valued at \$25 and above. S.F. 578 raises the \$25 threshold

amount to \$100.

## Crime Prevention

### Gambling bill approved

The Crime Prevention Committee met Thurs., Mar. 4, to consider penalties contained on the gambling regulation bill, authored by Sen. Charles Berg (DFL-Chokio).

Sen. Patrick McGowan (IR-Maple Grove) offered several amendments to S.F. 103. The first amendment retains the language that allows persons to give lottery tickets to another person as a gift, provided that the recipient is not under the age of 18. In addition, the amendment adds language that permits a person under the age of 18 to redeem a lottery ticket or a raffle ticket costing more than \$1 if the ticket was purchased prior to the effective date of the bill. McGowan also cited provisions under which a person under 18 must redeem the ticket. The amendment also clarifies that a gross misdemeanor penalty applies for sales of lottery tickets by a person other than a lottery retailer to any other person. The committee, chaired by Sen. Allan Spear (DFL-Mpls.), adopted the amendment.

The second amendment offered by McGowan amends legislation that criminalizes gambling in the home. The measure permits private social bets by persons under the age of 18 with the consent of the person's parent or legal guardian. Sen. Gene Merriam successfully amended the measure to delete "in the household of," which, he explained, would be too restrictive since it would exclude another person under the age of 18, with the exception of a sibling, from participating in a game involving private social betting. The amendment was adopted as amended.

The committee adopted another amendment, offered by McGowan, that prohibits persons under the age of 18 from purchasing or redeeming for a prize a pull-tab, tipboard ticket, paddleticket, or ticket for entry in a raffle unless the purchase price of the ticket for entry in the raffle is \$1 or less. The amendment also prohibits any person from selling, furnishing, bartering, or giving any such ticket, except for raffle tickets to person under 18. In addition, McGowan explained that the amendment provides for an affirmative defense which consists of proof by a preponderance of the evidence that the person reasonably and in good faith relied upon the representation of proof of age. Merriam successfully amended the measure to remove the purchasing or redeeming restriction on bingo hard cards or paper sheets by a person under the age of 18.

Finally, the committee adopted another amendment that makes advertising an allowable expense up to 5 percent of the annual gross profits of the organization or \$5,000 per year per organization, whichever is less. Currently the language in

S.F. 103 makes advertising an allowable expense up to 5 percent of the annual gross profits of the premises or \$5,000 per year per premises, whichever is less. McGowan said that the clarification is necessary because some organizations have more than one premise. The committee approved the bill as amended and re-referred it to the Taxes and Tax Laws Committee.

## Education

### Budget overviews delivered

Members of the Education Finance Division, chaired by Sen. Lawrence Pogemiller, (DFL-Mpls.), met Tues., Mar. 9, to hear further budgetary overviews for K-12 education by representatives of the Minnesota Department of Education.

Margaret Drey, school breakfast program, said that schools are required to offer a breakfast program if 40 percent or more of the lunches served in the second preceding school year were offered at free or at reduced price. Drey said that a budgetary initiative provides state monies to reimburse those schools who do not presently qualify under the federal severe need rate for free and reduced priced breakfasts. The governor's budget recommends \$700,000 in FY94 and FY95 to enable schools to offer the breakfast program to students.

Barb Troolin, minority teacher incentives, said the program is a two-year grant designed to assist minority teachers, aides or assistants who have not taught in a Minnesota school district during the preceding year. The program offers districts a 50 percent salary reimbursement for a new staff member—not to exceed 20,000 per year. The governor's budget recommends \$1 million in FY94 to continue the program.

Vernelle Kurak said the integration grants program provides funding to school districts for costs associated with implementing an approved desegregation plan. Kurak said that the governor's budget recommends integration grants of \$15.8 million in FY94 and FY95 for the Duluth, Minneapolis and St. Paul school districts that have approved desegregation plans in place.

Kurak explained that the cooperation desegregation grants designed to establish and maintain a working, cooperative desegregation plan between and among districts, will receive \$300,000 in FY94 and FY95, per the governor's budget plan.

In the area of non-public pupil aid, Greg Sogaard said the budget constraints were established to meet reductions in available appropriations. Sogaard said that under current budget criteria, districts are paid at a rate of \$52.80 per non-public student. The program supplies students with secular study materials and pupil health and counseling support services. The impact of budget constraint measures will reduce the per non-public student rate to \$48.47. The governor's budget

recommends an appropriation of \$8.9 million in FY94 and FY95.

Terri Yetter said that the abatement aid and levy program replaces the net revenue lost by school districts as a result of court-ordered abatements or net reductions in the tax capacity of the district after taxes have been spread by the county auditor. Yetter said that FY91 abatement funding authority for 335 school districts totaled \$16 million and in FY93, total abatement funding is estimated to be \$31.8 million for 380 districts.

The governor's budget recommends that the statutory formula remain in effect for FY94-95 and abatement be prorated at 39 percent for both FY94-95—compared with a 34 percent proration factor for FY93. The governor's budget recommends an aid entitlement of \$7.6 million for FY94 and FY95.

A final budgetary overview on library basic grant and cooperative grant programs was delivered by Bill Asp. According to Asp, the library basic grant program provides for development and operation of 12 regional public library systems with 87 counties providing financial support for public library services and participating in a regional public library system.

Asp explained that the regional library basic systems support grants formula, composed of federal and state funds, allots 57.5 percent of available funds to the system in an equal amount per capita; 12.5 percent of funds in an equal amount per square mile; 5 percent of funds in an equal amount to each system and 25 percent through equalization of funding from counties where the adjusted net tax capacity per capita falls below the state average adjusted net tax capita per capita.

The governor's budget recommends an aid entitlement of \$7.8 million for FY94 and FY95 for the regional grants program and aid entitlement of \$527,000 for FY94 and FY95 in the cooperative grants program.

### Arts education budget heard

Members of the Education Funding Division, chaired by Sen. Lawrence Pogemiller, (DFL-Mpls.) met Wed., Mar. 10, to hear budget overviews by James Undercofler, director, Minnesota Center for Arts Education; Wade Karli, administrator, Residential Academies for the Deaf and Blind, Faribault; and by Gene Mammenga, commissioner of education.

According to Undercofler, the governor's budget recommends a biennial base funding reduction of \$400,000 for the Minnesota Center for Arts Education. The agency's budget proposal is \$9.8 million in FY94-95, and Undercofler said that budgetary constraints will result in some program eliminations.

He said the center will eliminate the leadership development program, mileage stipends for commuting Metro Area students and miscellaneous project grants to arts education organizations. The center will refocus approximately 35

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percent of funding for the dance education initiative in FY94, 20 percent in FY95, with a phase-out in FY96, he said.

Wade Karli and Ted Suss, administrators, Residential Academies for the Deaf and Blind, Faribault, said that the governor's budget recommends funding of \$7.7 million in FY94 and \$7.9 million in FY95. Suss said that in order to balance the proposed budget without reducing direct service to students, maintenance and administrative staffs would be curtailed.

Karli explained that, despite an estimated 30 percent increase in students since 1986, the Faribault academies have operated on a fairly static base in per pupil funding, but said there is increasing need to meet expanding numbers of eligible students who have other handicapping conditions. Karli said the residential academies have grown from 175 students in 1985 to approximately 245 in 1992.

"We are a labor intensive school and we are seeing more children with expanded needs," said Karli. Suss explained that the agency's current spending forecast adjustment calls for an additional \$199,000 in FY94 and \$478,000 in FY95 to compensate for the projected increase in need over the biennium.

Final discussion focused on the governor's newly-released supplemental budget proposal. Gene Mammenga, commissioner of education, said the governor offers several initiatives in the area of education reform. The governor's package recommends a \$52 million increase in the elementary-secondary program to initiate reforms and systemic change in the educational delivery system, said Mammenga.

Mammenga explained that the recommended \$52 million in funding for educational reform will be used to recruit and train 40 educational leaders who will promote and deliver information on a state-wide basis. The selected leaders will assist school districts in developing their own results-oriented educational plans. Mammenga said second year reform strategy includes a teachers in-service team to implement changes within the individual school district. Further budgetary discussion will continue.

## Environment and Natural Resources

### PCA landfill cleanup discussed

Members of the Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse, (DFL-Dakota), met Thurs., Mar. 4, to hear a pollution control budgetary report by James Warner, groundwater and solid waste manager, PCA.

The governor's budget recommends elimination of the general fund appropriation for the ground water protection and solid management program, said Warner, and replacing funds with an appropriation

from the environmental fund. Warner said this would be accomplished through a consolidation of the \$2 surcharge per cubic yard of solid waste on a statewide basis and a broadening of the surcharge to include solid waste going to incinerators.

Ground water and solid waste programs currently receive funding revenues from the motor vehicle transfer account, "Superfund" and the metropolitan landfill abatement account, said Warner. He said the governor's budget recommends several new funding initiatives: to restructure funding for closed landfills, to create general support programs for direct costs associated with landfills and to install a new computer compliance and management system. The governor also recommends merging the metropolitan landfill contingency fund into a new landfill account for closed landfills, said Warner.

The "Superfund" program for cleaning up old hazardous waste sites is currently financed by a hazardous waste generator tax, said Warner, which has produced less revenue each year. Warner explained that unless the tax is restructured by 1994, the agency will no longer be able to use state or federal dollars for clean up of identified sites or to provide monitoring of responsible party clean up to ensure standards are being met.

The governor's budget also recommends additional funding for Clean Water Partnership grants which concentrate on reducing non-point source pollution and funding for a new computer compliance system, said Warner. Other initiatives recommend that landfill programs consolidate cleanup, administration and operation of the solid waste program. The plan transfers the metropolitan landfill abatement appropriation of \$3.5 million to the landfill and solid waste account and eliminates a current pass through appropriation to the Metropolitan Council, said Warner.

Other funding changes, according to Warner, would authorize pollution control to collect \$2 per yard solid waste disposed of at incinerators as a new fee. Warner said a hazardous waste generator tax on small and large quantity generators would provide increased revenues for the landfill and solid waste account. Further budgetary discussions will continue.

### Treaty bill proponents heard

The Environment and Natural Resources Committee met Fri., Mar. 5, to hear testimony on S.F. 220, a bill, authored by Sen. Steven Morse, (DFL-Dakota), that ratifies a negotiated settlement between the Ojibwe Indian tribe and the State of Minnesota.

The measure ratifies the settlement and establishes hunting, fishing, and gathering claims of the Mille Lacs Band of Ojibwe in the ceded territory under the Treaty of 1837 and harvesting rights in Mille Lacs Lake under the Treaty of 1855. Presenting S.F. 220, Morse told the committee that

the Treaty took place 156 years ago, but the issues were still highly relevant today.

Morse said the negotiated settlement was not only balanced, but fair, and he outlined the pros and cons of pursuing a legal outcome. "We know of no single example of a court decision whereby Native Americans have lost their off-reservation hunting and fishing rights that were expressly reserved," said Morse. In court we face great risks--we would be throwing the dice on our most valuable resource, said Morse.

Under the negotiated settlement, commercial harvesting of timber, game fish or big game is prohibited and harvesting rights in the agreement are subject to the Band's Conservation Code with restrictions outlined in the settlement. The bill resolves claims raised by the Mille Lacs Band of Ojibwe regarding rights under the treaty and authorizes sports fishing in a treaty fishing zone for non-band members pursuant to band code.

In addition, the bill allows non-band harvest under a band permit system, authorizes the transfer of settlement lands, establishes compensation to counties, allows land acquisition of affected resorts, provides condemnation authority, appropriates money and resolves issues through negotiated settlement.

Proponents who testified on behalf of S.F. 220 were David Sam, Mille Lacs Band elder; Mary Hepokoski, League of Women Voters; Dick Reynolds, representing the Audubon Society, Sierra Club and Izaak Walton League; Jim Addington, Lutheran Coalition for Public Policy in Minnesota, representing the Joint Religious Legislative Coalition, the St. Paul Area Churches and the Minneapolis Council of Churches.

Committee members also heard testimony in favor of the bill by Martha Guyer, Burnsville; Ron Nelson, Wigwam Resort; Dan Nelson, Izaty's Resort; Richard Bohle, Garrison Services; Greg Hohlen, Mille Lacs Area Community Development Corporation; Sharon Metz, executive director, Honor, Inc., and Lance Ness, Fish and Wildlife Legislative Alliance. Proponents testified that passage of the proposed bill would ensure a peaceful negotiation process and avoidance of a lengthy, expensive litigation process.

### Zoological Gardens budget

Members of the Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse, (DFL-Dakota), met Mon., Mar. 8, to hear a budgetary overview of the Minnesota Zoological Garden.

Kathy Roberts, director, Minnesota Zoological Garden, said the agency operates in three major program areas: the biological programs, enterprise programs and operations. The agency proposes a reduction in operational support and

biological program functions in the general fund, but will continue to focus on delivering high quality conservation education experiences to more than 1 million annual visitors by shifting zoo services to the enterprise portion of the zoo's operating structure.

According to Roberts, the Zoo anticipates a 20 percent increase in revenues from the after-hours program, memberships and group sales, a 15 percent increase in revenues in special events and a substantive increase in food service revenues resulting from a newly negotiated food service contract in 1993. Gate receipts are expected to increase approximately \$120,000 in FY94 with no increase in price of general admission.

Roberts said the Zoo has experienced steady growth in attendance and special revenues since 1988. The agency anticipates that increased revenues will support expenditures to accommodate growing visitor numbers, as well as fund operations currently funded through the General Fund, she said.

The governor's budget reduces funding levels due to revised salary planning estimates. Budget initiatives include the development of a Marine Conservation Center at an estimated cost of \$19.9 million. The governor's budget recommends that state general obligation bonds be issued for this amount with two debt service provisions.

According to Roberts, the impact of the new marine center on other Zoo programs will be reflected in FY96-97, with a projected increase of 40 percent in overall zoological garden attendance.

### Public land, water bills heard

The Environment and Natural Resources Subcommittee on Public Lands and Waters, chaired by Sen. Harold "Skip" Finn, (DFL-Cass Lake), met Mon., Mar. 8, to hear four bills related to use of public lands and waters.

S.F. 347, authored by Sen. Don Samuelson, (DFL-Brainerd), authorizes the transfer of federally-owned lands to the state of Minnesota as an addition to the Charles A. Lindbergh State Park. The measure was approved and sent to the full committee.

S.F. 490, authored by Sen. Leonard Price, (DFL-Woodbury), allows the sale of tax-forfeited lands adjacent to bordering public water in Washington County to the city of Oakdale. Price said the city intends to sell the property, based on appraised market value, to a developer who plans to develop residential home sites. An amendment to the bill, offered by Finn, established a provision that the city must offer the lands at public sale to the highest bidder. The bill was approved, as amended, and sent to the full committee.

S.F. 359, authored by Sen. Steve Murphy, (DFL-Red Wing), prohibits the expanded use of state lands for motor sports areas or facilities within the boundaries of the Richard J. Dorer

Memorial Hardwood Forest.

An amendment to the bill, presented by Murphy, defines intended motorsports use and prohibits expanded use of lands within the boundaries by all terrain vehicles, motorcycles, or four-wheel drive trucks without approval by the county or township boards of the affected county or counties. The amendment was adopted. The bill was approved and sent to the full committee.

Final discussion focused on S.F. 184, authored by Sen. William Luther, (DFL-Brooklyn Park). The bill regulates the registration, operation, safety and compliance of off-highway motorcycles--referred to as dirt bikes. Luther's measure defines the off-highway motorcycle, establishes regulation, application, registration and operation of the two-wheel motorized bikes.

The measure also establishes a fee of \$30 for three-years, sets penalties, appropriates money for regulation and compliance and establishes a comprehensive safety education and training program for motorized riders. "The bill provides the regulatory framework and financial resources necessary for management by the Department of Natural Resources," said Luther. The bill was laid over for further discussion.

### Youth preference bill okayed

The Environment and Natural Resources Committee, chaired by Sen. Bob Lessard, (DFL-Int'l., Falls), met Tues., Mar. 9, to take action on S.F. 484, a bill establishing an open hunting preference for youth, under age 16, to take either sex deer.

The intent of S.F. 484, authored by Lessard, establishes an automatic preference for young hunters, age 12 to 16, to acquire an antlerless permit after completing a firearm safety course. Lessard said the measure is designed to attract and keep young hunters involved in the sport. Tim Bremeker, DNR, chief of wildlife, said that if every potential young hunter in this group shot a deer, it would impact roughly 20,000 deer.

The bill includes a provision that youth preference will sunset on December 31, 1995, and appropriates \$10,000 from the game and fish fund to the commissioner for preference system implementation. Lessard offered an amendment to clarify the intent of the legislation by prohibiting other hunting party members from taking either sex deer and providing that only the youth, under age 16, may take a deer under the preference measure. The amendment was adopted by the committee and S.F. 484 was approved and sent to the full Senate.

Members also took action on two other bills related to hunting. Sen. Dallas Sams, (DFL-Staple), presented S.F. 464, a bill to eliminate the choice of optional colors in outer clothing worn in firearm deer hunting zones. Sams said the measure eliminates the red color option and prescribes that only blaze orange or a blaze

orange pattern be worn in order to reduce firearm accidents.

Sen. Dennis Frederickson, (IR-New Ulm), offered an amendment that requires that the blaze orange color be required in the northern, open areas of Minnesota where high-powered rifles are used and that both blaze orange or red be permitted in the southern, rural areas of the state where deer are primarily taken by muzzle loaders or shotgun. The amendment was adopted and S.F. 464 was approved and sent to the Floor.

A third bill, S.F. 5, authored by Sen. Duane Benson, (IR-Lanesboro), extends the permissible period for the open season on raccoon to be set by the commissioner. Benson said the measure provides more latitude and efficiency in managing the resource. The bill was approved, as amended, and sent to the full Senate.

In other business, the committee heard S.F. 96, sponsored by Sen. Phil Riveness, (DFL-Bloomington). The bill clarifies rulemaking provisions for Pollution Control Agency adoption of wastewater treatment standards. The measure also provides for a reconfiguration of technical advisory committee representation and alters the definition of on-site treatment centers by specifying that wastewater treatment systems may treat up to 5,000 gallons or less of wastewater per day from dwellings or other establishments. The bill was approved and re-referred to the Committee on Governmental Operations and Reform.

### Hunting bills okayed

The Environment and Natural Resource Subcommittee on Fish and Wildlife, chaired by Sen. Charles Berg, (DFL-Chokio), met Wed., Mar. 10, to hear several bills dealing with deer hunting.

Sen. Don Samuelson, (DFL-Brainerd), presented S.F. 64, a bill to expand the muzzle-loading deer hunting season. Samuelson said the measure allows the muzzle-loading firearms season to be extended by the commissioner on a statewide basis. This bill gives landowners greater opportunity to hunt on their own land, rather than travel to certain designated areas, and, if expanded statewide, would take the pressure off of the rifle season, said Samuelson.

Sen. Gene Merriam, (DFL-Coon Rapids), offered an amendment directing the commissioner, under Minnesota statute, to establish a department policy change in setting muzzle-loading hunting seasons and to consider expanding areas where deer may be taken with muzzle-loading firearms statewide. The amendment was adopted. The measure was approved and sent to the full committee.

In other action, S.F. 483, authored by Merriam, allows big game--such as moose, elk or bear, to be taken without a fee, under a special crossbow permit issued to hunters meeting permanent or temporary disability criteria. Mike Grupa, DNR, fish and wildlife, testified that, under current



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law, between 800 to 1,000 crossbow permits are issued for the taking of deer or turkey by disabled hunters. The bill was approved and sent to the full Environment and Natural Resources Committee.

S.F. 504, authored by Sen. LeRoy Stumpf, (DFL-Thief River Falls), allows a person to use a snowmobile or an all-terrain vehicle to transport deer carcasses in a wildlife management area during open season, two hours after dusk and for two days after opening season ends. Merriam offered an amendment to specify the allowable time frame by adding the words, from sunrise to sunset, two days after the open season ends. The amendment was adopted. The bill was approved and was sent to the full committee.

Final discussion focused on S.F. 366, a bill authored by chairmen Berg, relating to the raising, importation and exportation of minnows. Berg said the measure allows a person with a private fish hatchery license to transport minnows from other states to the private fish hatchery, provided they are raised in a confined facility for export to other states.

According to Berg, under current law, a person with a private fish hatchery license may transport minnows only from contiguous states provided the minnows are used for processing or a feeding hatchery. The proposed bill provides a license to transport minnows from other, non-contiguous states and to export to all other states. Berg explained that previous import prohibitions were established to protect the state's eco system from exotic species, but added that the private hatchery would be in a confined, contained area.

An amendment to the bill, offered by Berg, allows the commissioner to issue a special permit for a private fish hatchery license, without fee, to import minnows from other states for export or processing. Berg explained that the permit is needed for an experimental minnow feed lot and that the permit would carry a set term of two years. The amendment was adopted. The subcommittee approved the bill and sent it to the full Environment and Natural Resources Committee.

## Ethics and Campaign Reform

### Election housekeeping bill

The Ethics and Campaign Reform Committee, chaired by Sen. John Marty (DFL-Roseville), met Thurs., Mar. 4, to continue work on the campaign finance reform bill and to grant final approval to the Secretary of State's housekeeping bill affecting election procedures.

The members continued discussion of S.F. 567, authored by Marty, a housekeeping bill that addresses a variety of election procedures. The committee adopted an amendment, offered by Sen. Gary Laidig (IR-Stillwater), that prohibits soliciting a person in any manner to try to induce or

persuade a voter to vote for a particular candidate or issue within 100 feet of the building in which a polling place is situated. The measure was approved and sent to the Senate.

Senators spent the remaining time working of S.F. 25, the campaign finance reform bill. Marty, bill author, offered an amendment that restricts an individual, political committee, or political funds from giving notice of intent to make an independent expenditure in excess of \$100 during the 21 days immediately preceding a primary or general election. Marty said that the amendment does not restrict independent expenditures during the 21 days, but allows the opponent time to respond to the expenditure. No further action was taken on the amendment or the bill.

### Misdemeanor penalty established

Campaign finance reform work continued at the Tues., Mar. 9, meeting of the Ethics and Campaign Reform Committee. Members considered several amendments to the reform bill, S.F. 25, sponsored by committee chair, Sen. John Marty (DFL-Roseville).

The committee adopted an amendment, offered by Marty, that creates a misdemeanor. Marty said that an individual or the treasurer of a political committee or political fund who fails to give notice as required under the bill is guilty of a misdemeanor and is subject to a civil fine of three times the amount of the independent expenditure of which notice was required.

In addition, the committee considered an amendment, offered by Sen. Pat Pariseau (IR-Farmington) that prohibits principal campaign committees from making transfers or contributions to another candidate's principal campaign committee and political party. Furthermore, the amendment prohibits a candidate from accepting a transfer or contribution or from making a transfer or contribution to a committee associated with a person who seeks nomination or election to the office of president, senator, or representative in U.S. Congress. The provision extends to candidates for local office, Pariseau said. The amendment was adopted on a 6-5 roll call vote.

The committee also considered an amendment that requires that contribution receipts be numbered and be made available to the Ethical Practices Board for audit purposes. The amendment, offered by Pariseau, was held over.

## Family Services

### Child support payments

Low-income parents who need Medical Assistance (MA) or Aid to Families with Dependent Children (AFDC), and who are supposed to make court-ordered child support payments, may gain some assistance under S.F. 433, authored by Sen.

Pat Piper (DFL-Austin). The Family Services Committee, chaired by Piper, met Thurs., Mar. 4, to take action on the bill.

Piper said that, under the bill, low-income parents who need MA, and who are making court-ordered child support payments, would not have to count the amount of the payments as income when applying for MA. Piper added that the bill also allows the state, when determining the amount of AFDC payments, to disregard from family income the amount of the court-ordered child support payments that AFDC recipients are making for children outside of the recipients' homes.

Piper explained that the proposed policy--a federal option that was state policy before 1988--may help some low-income child support obligors make payments that they could not otherwise afford. The committee recommended that the bill pass and rereferred it to the Health Care and Family Services Funding Division.

The committee also began work on S.F. 398, authored by Sen. Joanne Benson (IR-St. Cloud), a bill that aims to satisfy the legislative mandate to develop a comprehensive statewide system of rates and payments for persons in group residential housing. Piper said the committee would continue its work on the bill at the next meeting.

### Group residential housing

Members of the Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), met Tues., Mar. 9, to continue to work on S.F. 398, authored by Sen. Joanne Benson (IR-St. Cloud).

Benson said the bill removes group residential housing (GRH) funding from the General Assistance and the Minnesota Supplemental Assistance appropriations, freeing the payments from restrictions that are inappropriate for these settings. The bill also limits the GRH rate for room and board to an amount that is equivalent to the amount that aged, blind, or disabled persons living independently in the community receive for the same needs, said Benson. She noted that since home and community-based waivers cannot pay for room and board, definition and separation of the payments from service payments is essential to allow transfer of state funding to federally-matched funding.

Several witnesses representing residential institutions that provide services for mentally ill and chemically dependent clients expressed concern over the absence of a federal waiver program to leverage more funding for the clients. The committee amended the bill to require the commissioner of the Dept. of Human Services to "pursue the feasibility of obtaining a home and community-based waiver services under title XIX of the Social Security Act for persons who are not eligible for an existing home and



community-based waiver due to a primary diagnosis of mental illness or chemical dependency and shall apply for a waiver if it is determined to be cost-effective." After making several technical and clarifying amendments, the committee recommended passage of the bill and referred it to the Health Care Committee.

## Finance

### Ethics board budget heard

Members of the State Government Division on Finance, met Thurs., Mar. 4, to hear budget overviews by Mary Ann McCoy, director, and Jean Olson, assistant director, Ethical Practices Board; and by Sam Grabarski, director, Minnesota State Arts Board.

According to McCoy, the governor recommends additional funding of \$150,000 for the FY94-95 biennium to enable the board to invest in one-time programming assistance to reduce ongoing costs of data entry and to supplement staff by 1.5 positions to assist clients who file with the board. Olson, addressing the need for increased funding, said the board's workload has been increasing but the budget hasn't kept pace with inflation. The financial requests, added Olson, will enable the board to carry-out its statutory requirements.

McCoy said the board is proposing legislation to eliminate the need to send copies of all reports filed by legislative candidates to county auditors. Savings in postage, printing, photocopying and supply costs will be realized as a result, she added. Additional proposed legislation requires candidates and political parties to pay for all the costs of printing contribution receipt forms by purchasing the forms, which to date have been provided free of charge. Other reductions, said McCoy, include the elimination of all staff training, consultant services, new equipment purchases, and unnecessary informational mailings. The governor's recommended biennium spending level is \$648,000.

Grabarski told the subcommittee, chaired by Sen. Richard Cohen (DFL-St. Paul), that the mission of the Minnesota Arts Board is to support on-going creative activity, encourage new forms of artistic expression and preserve the artistic heritage in Minnesota. "We feel our orchestras and theaters are as important to our quality of life in Minnesota as our lakes, parks, and wonderful schools," said Conrad Razidlow, board vice president. The board offers a series of grants, programs, and services for individual artists, arts organization, and school throughout the state.

According to Grabarski, Minnesota arts organizations across the state are faced with serious financial challenges. The board's general funding provides only enough to cover the agency staff and rental of office space; federal dollars support the other administrative expenses,

said the director. To accommodate the governor's 5 percent base cut, an across-the-board cut among programs will be administered. All sub-programs will see a temporary or permanent suspension of funding which, after a 5 percent reduction, will no longer be feasible to offer statewide, according to the budget proposal. Other cost measures include streamlining the board's panels and granting system to reduce administrative costs and potentially forming new joint programming ventures based on statewide needs assessment.

### HECB bill gains

In addition to hearing the new budget forecast at the Fri., Mar. 5, meeting, the Finance Committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids) also took action on two bills. The committee approved S.F. 282, a bill related to disproportionate population adjustment (DPA) payments, and S.F. 169, dealing with Higher Education Coordinating Board deficiencies.

Presenting S.F. 282, author Sen. Linda Berglin (DFL-Mpls.), told the committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), that the bill modifies Medical Assistance DPA payments to hospitals and establishes a hospital payment adjustment effective from January 1, 1993, through June 30, 1993. She added that the bill is designed to provide hospital payments during the period from October 1, 1992 to June 30, 1993, that are identical to what would have been paid if federal match was available for all DPA payments. The bill was approved and sent to the full Senate.

S.F. 169, presented by Sen. Dennis Frederickson (IR-New Ulm), appropriates from the general fund \$3 million to the Higher Education Coordinating Board (HECB) for FY93 student state grants to avoid holding up payments in mid-March. An anticipated shortfall created by students registering for higher credit loans than in previous years led to the deficiency, according to Arlon Hauptert, HECB director of administrative services. He added that without additional funding by mid-March, the board will be forced to hold checks causing a disruption of student's spring term, and causing cash flow problems for institutions.

S.F. 169 was also approved and sent to the full Senate.

### Budget reductions review

State administrators outlined budget concerns with which their departments are contending as a result of the governor's recommended agency cuts, at the State Government Division of Finance meeting, Mon., Mar. 8.

"We're down to the bone," said Court Administrator Sue Dosal, referring to biennium reductions within the Supreme Court system, including decreased travel funds and staff cuts. Programs that are financed by general funds and assist in supervising the large and complex court

system, said Dosal, can't be cut anymore if they are to remain effective. As a result, Dosal contended, the Supreme Court has determined that the current level of funding is required to sustain minimum services. She added that the judiciary has absorbed judicial and employee salary increases in the current biennium within the base budget.

Also protesting reduced funding, Marty Cushing -- director of the Vinland veteran's rehabilitation center -- argued against a proposed elimination of services offered by the center. In order to absorb agency cuts, Cushing told the committee, chaired by Sen. Richard Cohen, (DFL-St. Paul), the Dept. of Veterans Affairs proposes to reduce funding for veteran rehabilitation management activity by \$207,000 the first year and by \$250,000 the second year of the biennium. The Vinland National Center - an in-house treatment program that operates the rehabilitation activities for the department under contract - is necessary to serve veterans with disabilities who have given up on life, said Jim Kulrsud, veteran outreach worker. According to Kulrsud, 85 percent of the graduates from the center's employment program, who were contacted and released by their physician for work are employed, in training or school, or involved in a work related experience.

### Treasurer, human rights budgets

Members of the Finance State Government Division, chaired by Sen. Richard Cohen (DFL-St. Paul), devoted the Wed., Mar. 10, hearing to a review of the budgets of the Office of State Treasurer and the Human Rights Department. Treasurer Michael McGrath outlined the mission of the office. McGrath said the treasurer is the chief elected state financial officer with the mission to carry out responsibilities in various monetary areas important to the efficient fiscal operations of state government, including providing a system of checks and balances in the financial affairs of the state.

The office is requesting funding in order to pay banking charges by fees for the Treasurer's Lock Box Account Services, rather than compensating balances. The change, according to McGrath, will result in a net gain to the general fund of \$843,000 annually. In addition, the office is requesting \$20,000 for the new information system maintenance cost increase; \$8,000 for rental of space in the office; \$29,000 to replace funds taken by the Dept. of Commerce; and funding for a negotiated wage increase. According to McGrath, the Treasurer's Office is such a small agency that it is extremely difficult to absorb further budget reductions.

Commissioner David Beaulieu outlined the budget proposal of the Human Rights Department. Again, Beaulieu emphasized the difficulty of a small agency absorbing further budget reductions. According to Beaulieu, any further budget cuts will result in staff lay-offs. The agency is

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already operating at less than authorized staff levels. In addition, the agency anticipates further increases in discrimination charges filed with the agency as a result of legislation currently moving through the process. Beaulieu emphasized the agency's goal of reducing discrimination in Minnesota by resolving charges brought by individuals through effective and productive investigations and case resolutions. However, he said, even the most effective staff is limited without adequate resources.

## Gaming Regulation

### Horse-racing bills heard

Members of the Gaming Regulation Committee, chaired by Sen. Charles Berg, (DFL-Chokio), met Tues., Mar. 9, to hear S.F. 180, a bill that proposes an amendment to the Minnesota Constitution to remove the requirement that the Legislature may authorize only on-track pari-mutuel betting on horse racing. The measure broadens the Legislature's authority by removing current limitations of off-track, off-site wagering.

The measure, sponsored by Sen. Carl Kroening, (DFL-Mpls.), allows the amendment to come before voters at the 1994 general election. The bill directs the Racing Commission to deliver a report to the Legislature on regulating televised, off-site pari-mutuel betting on horse racing by Jan. 1, 1995. The bill was re-referred to the Rules and Administration Committee.

Sen. Leonard Price, (DFL-Woodbury), presented S.F. 700, a bill he said provides a needed boost to Minnesota's ailing horse racing industry. The measure authorizes the issuance of a second class A racetrack license within the seven-county Metro Area and clarifies that the commission may issue a third class A license if certain criteria are met. The criteria include specifying that the racing facility be used exclusively for standard bred racing and be located no more than 20 miles from another track.

According to Price, the bill also authorizes the commission to issue a class D license for pari-mutuel horse racing at the state fair and allows distribution from the breeders fund for Minnesota-bred restricted races in jurisdictions outside of Minnesota.

Marcia DeVine, representing the Minnesota Harness Racing Association, said the bill provides citizens with more accessibility to horse racing by not limiting parimutuel wagering to one location. DeVine said that the legislation was necessary if owners, trainers, breeders and related industries are to continue to be a viable part of the state's economy in the wake of ongoing financial strains at Canterbury Downs.

In responding to concerns of gambling expansion, Berg said that in his view, horse racing was the least objectionable

form of gambling and that the measure will give the industry a new lease on life. An amendment to the bill, offered by Sen. Ted Mondale, (DFL-St. Louis Park), removes language which directed the Minnesota Racing Commission to prepare and submit a report outlining the implementation of televised off-site betting, pending approval of the bill and outcome of the proposed amendment. The bill, as amended, was approved and sent to the Floor.

Final discussion focused on S.F. 259, authored by LeRoy Stumpf, (DFL-Thief River Falls), authorizing special tournaments or contests for card games such as smear, pinochle, or whist, on the premises of an organization, provided that the tournament does not directly benefit the organization and the sum of prizes for each contest or tournament does not exceed \$100.

Stumpf said the bill differentiates between social activity and high stakes gambling activity and excludes those tournaments or contests conducted for senior citizens on the organization's premises as it relates to criminal prohibition. The measure also authorizes the Gambling Control Board to adopt rules for the conduct of tournaments or contests as authorized in the bill. S.F. 259 was approved by the committee.

## Governmental Operations and Reform

### Government reform

Legislative Auditor Jim Nobles met with members of the Governmental Operations Subcommittee on Reform and Innovation, Fri., Mar. 5, to discuss factors shaping and influencing the reorganization of state government.

In essence, Nobles argued that the state needs to take a new approach to reorganization by focusing more on critical tasks and internal operations -- the private sector's method -- rather than on "jurisdictional boundaries and reporting relationships", traditional state considerations. Nobel advised members that in striving to become more productive and customer-orientated, the state will have to shed its hierarchical, bureaucratic organizational model and embrace a more matrix-style of governance that encourages interagency workgroups or agreements. "A bureaucratic model services accountability, power, and a statement of values, and these attributes are factored into the make-up of the model -- but it's not designed for efficiency or responsiveness," said Nobles. He concluded that reorganization would lead to greater participation by citizens in the whole government process.

Addressing the fiscal element of reorganization, Assistant Commissioner Laura King, Dept. of Finance, recommended that any legislation drafted related to state government reorganiza-

tion include clarity of timing, goals, and expectations of results.

### Homeless prevention bill adopted

A bill designed to provide help to families who are homeless or are in imminent danger of becoming homeless was approved by the Governmental Operations and Reform Committee, Tues., Mar. 9.

Members debated a specific section of S.F. 337, authored by Sen. Steven Novak (DFL-New Brighton), requiring the formation of an advisory committee that includes a homeless advocate and a representative of homeless persons, along with local public or private providers of facilities. Presenting the bill, Novak told the committee, chaired by Sen. James Metzen (DFL-St. Paul), that the method of dealing with homeless prevention contained in the legislation involves awarding grants to counties that have a significant number of homeless families. Although no specific appropriation is included within the bill, the governor has allocated \$4 million for the homeless issue, Novak said.

S.F. 337 was approved and re-referred to the Jobs, Energy, and Community Development Finance Subcommittee.

The committee also approved S.F. 431, authored by Sen. John Hottinger (DFL-Mankato), changing government record storage standards. Specifically, the measure provides that any government record, including one with archival value, may be stored exclusively on optical disk. The bill also removes the requirement that reproductions of government records of permanent or archival value must meet archival standards set by the Minnesota Historical Society. Hottinger said the utilization of optical storage for retaining document-based information by state entities is a better system of record keeping, demands less storage space, provides the public with easier access to documents, and would provide significant cost savings. The committee adopted an author's amendment requiring that original paper or microfilm containing any archival record that has been transferred to a nonerasable optical imaging system be offered to the Historical Society.

Supporting the legislation, Labor and Industry Deputy Commissioner Leo Eide said the state's workers' compensation office "currently has no way to preform disaster recovery on a paper bound system." He added that disc back-ups could be stored in offsite vaults. Lila Goff, speaking on behalf of the Minnesota Historical Center, expressed reservation over the new record storage system. "While the Historical Society is in no way opposed or afraid of technology...it may be premature to use this technology when we have no proof that it will not be obsolete in the future," said Goff. Since national standards are in the process of being

developed, Goff added, Legislators should take caution against moving too quickly to adopt technology that may not protect the state's records.

S.F. 431 was approved as amended and sent to the full Senate.

Lastly, Sen. Deanna Wiener (DFL-Eagan) presented S.F. 570, a bill clarifying current law governing appointments to advisory task forces, councils, committees, administrative boards, and agencies.

Wiener said the bill requires that appointments to the above entities must be made in the manner provided in the Open Appointments Law. Furthermore, the bill clarifies that if the number of terms that can be served by a member of one of the entities is limited by law, a partial term must be counted toward this purpose if the time served by a member is greater than one-half of the duration of the regular term. The motion to approve the measure failed on a 6-6 vote.

### DPS abolition debated

The Dept. of Public Safety is abolished and its activities transferred to other agencies, under a bill debated by the Governmental Operations and Reform Committee, chaired by Sen. James Metzen, Wed., Mar. 10.

The bill, S.F. 114, among many changes, moves the divisions of traffic safety, driver and vehicle services, capitol security, and state patrol to the Dept. of Transportation; transfers the responsibilities of drug policy, violence prevention, gambling enforcement, and liquor control enforcement to the Attorney General's Office; and abolishes a number of other offices.

Representatives of the state employees' union, speaking in support of the agency abolition measure, claimed that the labor-management problems within the department have been allowed to fester and grow with no real solutions put forth. The issues surrounding the concept of reinventing government, such as worker empowerment and increasing morale, are virtually ignored, according to Eliot Seide, union legislative director.

Public Safety Commissioner Michael Jordan argued that the proposed reorganization is merely a "change for change sake," and cautioned the Legislature to avoid adopting a bill that is not well-analyzed and may not be clearly executed. The bill, according to Jordan, is a step backward in time. "It replaces an existent structure with an obsolete structure of the past," said Jordan. Repercussions of the measure, said Jordan, include a loss of economies of scale, decreased levels of service, and a reduction in management accountability. Sen. Duane Benson (IR-Lanesboro), expressed concern that the reorganization may be missing the underlying issue and is merely a transference of power and responsibilities. "The real problem is the involvement of workers, leadership, and resources. I'm not sure that moving the boxes around will solve the problem," Benson said.

Author of the bill, Sen. Randy Kelly (DFL-St. Paul), maintained that the merging of functions would lead to greater efficiency and cost savings. "Public safety is something I value," said Kelly. But, Kelly added that he did not think the current department has an agenda that reflects public safety.

## Health Care

### Common area smoking ban

The Health Care Committee met Thurs., Mar. 4, to considered two bills.

S.F. 372, authored by Sen. Gene Merriam (DFL-Coon Rapids), amends the Clean Air Act to include common areas of apartments and condominiums as public places where smoking is prohibited. The committee adopted an amendment to also include "guest sleeping rooms available for use by condominium members and their guests." The bill was approved and sent to the full Senate.

The committee also considered S.F. 502. The bill, sponsored by Sen. Linda Berglin (DFL-Mpls.), committee chair, modifies provisions relating to asbestos-related work, licenses and fees. Under the bill, the definition of asbestos-related work is expanded to include repair operations. In addition, the bill requires an individual who develops an asbestos management plan to first obtain a certificate from the commissioner of the Dept. of Health and pay a certification fee of \$50, Berglin said. Furthermore, the bill requires that five days prior to beginning the work, a person performing asbestos-related work in a single or multifamily residence to pay a project fee of \$35 to the commissioner, she said. The committee adopted an amendment that exempts a domiciled owner of a single family residence from obtaining a permit or paying a project permit fee if the owner conducts asbestos-related work in the domiciled residence. S.F. 502 was approved as amended and re-referred to the Judiciary Committee.

### TB screening required

Members of the Health Care Committee met Tues., Mar. 9 to consider a bill that requires tuberculosis (TB) screening and a bill that provides an exemption from medical assistance prior authorization requirements. In addition, the panel heard a presentation by the Dept. of Human Services on supplemental budget recommendations.

S.F. 521, sponsored by Sen. John Hottinger (DFL-Mankato), requires TB screening of students and staff in school settings when there is a public health threat from TB as evidenced by cases of disease or greater than expected infection in a school population. Under the bill, facilities licensed by the Dept. of Corrections are also required to screen inmates for TB. The bill also extends the health threat procedures law to cover individuals who are infected with TB and are unwill-

ing to complete TB drug therapy, Hottinger said. The Mantoux screening test for TB costs approximately \$2, said Hottinger. In addition, the bill allows minors to consent, without parental knowledge, to receive a hepatitis B vaccine. The committee approved S.F. 521 and sent the bill to the Health and Family Services Finance Division.

The committee also considered S.F. 606. The bill prohibits the commissioner of human services from requiring prior authorization for some therapy services offered by certain rehabilitation facilities. Bill author, Sen. Duane Benson (IR-Lanesboro) said that the facilities not required to obtain prior authorization for some therapy services operate both a Medicare-certified outpatient rehabilitation facility and a residential facility for persons with physical handicaps.

The bill also establishes a 38 percent Medical Assistance rate increase for rehabilitation services provided by these facilities. Benson said that the bill applies only to the Courage Center in Golden Valley since they have a high percentage of clients who are MA recipients. Under the bill, the 38 percent rate increase provides for rehabilitation services if at least 33 percent of a facility's clients are MA recipients. Benson told the panel that 40 to 50 percent of the individuals treated by the Courage Center are MA recipients. MA covers only 51 percent of the costs, which would increase to 70 percent under the bill, Benson said. The Courage Center will be forced to adjust the number of MA recipients served by the certified outpatient facility, according to a Courage Center official.

S.F. 606 was recommended to pass and re-referred to the Health and Family Services Finance Division.

Finally, the panel, chaired by Sen. Linda Berglin (DFL-Mpls.), heard a brief presentation by the Dept. of Human Services on supplemental budget recommendations.

### Spousal asset allowance increased

"Protecting Medical Assistance from abuse is the goal of S.F. 643," said bill author Sen. Linda Berglin (DFL-Mpls.) at the Wed., Mar. 10, meeting of the Health Care Committee. By approving the bill, Berglin said, we are trying to change the mind set regarding transfers of assets for the purpose of becoming Medical Assistance (MA) eligible.

S.F. 643 strengthens current restrictions on asset disposal for purposes of qualifying for MA and creates a system to establish and enforce liens against the property of persons who receive MA institutional care, said Berglin, committee chair. In addition, the bill increases the minimum amount of assets from \$12,000 to \$70,740 that may be retained by the spouse when the other spouse is a MA recipient of long-term care. Proponents applauded Berglin's efforts to increase the spousal asset allowance.

Furthermore, a person becomes ineli-

# Committee update

gible for MA long-term care services, under the bill, if the person or the person's spouse have disposed of assets for less than fair market value any time prior to application for MA, rather than any time within the prior 30 months as under current law. Opposing the removal of the 30-day limitation, Stuart Schmitz said that the unlimited time frame is unrealistic and puts an undue burden on senior citizens and on the administering agency. He said that the bill "requires a tracking record of everyday gifts in anticipation of going into a nursing home."

Sen. John Hottinger (DFL-Mankato) suggested a shift to a two-tier system that would address the concerns about the removal of the 30-day limitation. Berglin said that she is open to working with Hottinger on such a proposal. The committee approved the bill as amended and re-referred S.F. 643 to the Judiciary Committee.

Berglin also presented a bill that amends the health care facility bill of rights and the rights of patients under civil commitment. S.F. 481 gives a patient or a patient's legal guardian the opportunity to authorize disclosure of the patient's presence in the facility to callers or visitors who may seek to communicate with the patient. The disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient identifying information to callers and visitors, Berglin said. The committee approved S.F. 481 and sent the bill to the full Senate.

In other committee action, S.F. 133 was approved and re-referred to the Health Care and Family Services Finance Division. The bill, authored by Sen. Don Samuelson (DFL-Brainerd), amends the definition of "fringe benefits" for purposes of Medical Assistance nursing home reimbursement to include the loss revenues required for self-insured worker's compensation policies. In addition, Sen. Don Betzold (DFL-Fridley), bill sponsor, presented S.F. 748 which makes a number of technical or minor amendments to various health care statutes. The committee adopted an amendment to strike sections 15, 16, and 17 from the bill because Betzold said that the Dept. of Human Services did not think they were clearly written. The bill was recommended to pass and sent to the full Senate.

## Veterans Affairs budget reviewed

Members of the Health Care and Family Service Finance Division, chaired by Sen. Don Samuelson (DFL-Brainerd), met Thurs., Mar. 4, to hear an overview of the proposed budget of the Dept. of Veterans Affairs.

One out of eight Minnesotans are veterans, said Jim Main, chair of the Board of Veterans Affairs. He told Legislators that statistical studies show that the veteran population in need of

long term skilled nursing will continue to grow until at least the year 2020, at which time aged veterans will compose almost one-half of the total veterans population. The department seeks to serve the neediest six percent of those veterans needing long term care, Main said. He discussed continued staff development of the new veteran's homes in Silver Bay and Luverne.

Under the governor's proposed budget, FY94-95 funds total \$57,976. The proposed budget shows an increase in the agency's budget plan of \$2.7 million and a reduction of \$1.4 million due to revised salary planning estimates. In addition, the governor has agreed to dedicate to the homes all revenues generated by the homes, Main said. Under the recommendation, all references in the agency plan sections of the agency budget brief to "non-dedicated revenues" would become dedicated, Main explained.

Main told Legislators that per diem payments for the U.S. Dept. of Veterans Affairs constitutes 40 percent of the total agency funds. In addition, revenue generated from resident veterans' per diem depends on their ability to pay, Main said.

## MDH budget review

Commissioner Marlene Marschall, Dept. of Health, presented a summary of proposed budget adjustments for several department programs to the Health Care and Family Services Finance Division, Wed., Mar. 10.

Marschall said that the lead program's current activities will be maintained, however, future lead abatement training could be provided by the Midwest Center for Occupational Health and Safety, saving \$40,000 in each year of the biennium. In addition, Office of Occupational Health and Safety (OSHA) will be transferred, along with six positions, to the Dept. of Labor and Industry at a cost savings of \$416,000 each year, she said.

Another program adjustment discussed is the Office of Mental Health. The governor recommends that the funding for the office of unlicensed mental health be transferred from the special revenue fund to the general fund. Currently, the office has been funded by the health-related licensing boards, Marschall said. She said she was concerned about the transfer to the general fund since the department has not yet started dealing with the large number of complaints and anticipates spending increases. She said that the department will have to cost shift internally to fund the office.

Regarding the program, services for children with handicaps, Sen. Linda Berglin (DFL-Mpls.) said the proposed reduction of public health nurses in the Metro Area, and not in Greater Minnesota is not equitable. Barb Nerness, assistant commissioner, said that the main reason for the regional reduction is that

there are more nurses available in the Metro Area. She also said that the department encourages the Metro Area counties to spend a greater amount on service for persons with a developmental disability.

The division, chaired by Sen. Don Samuelson (DFL-Brainerd), discussed staffing reduction as a large budget cut. Marschall stated that a total of 60 departmental positions are to be eliminated, however, all but six positions are currently vacant.

## Jobs, Energy, and Community Development

### Utilities deregulation debated

A bill allowing for greater deregulation of long distance telephone companies not authorized to furnish local exchange service was debated by the Jobs, Energy, and Community Development Committee, chaired by Sen. Steven Novak, (DFL-New Brighton), Tues., Mar. 9.

In essence, S.F. 512 removes long distance companies -- defined under the measure as "telephone carriers" -- from the current rate regulation of the Public Utilities Commission and the Dept. of Public Service, while attempting to put all current long distance carriers under the same regulative umbrella. Among several provisions, the bill requires that rates be the same in all geographic locations unless the commissioner decides otherwise, and that telecommunications carriers file tariff or price lists for each service with the Public Service Department. These requirements, along with a provision allowing the department to order an investigation with notice to the carrier, act as safeguards for the public, said Novak, the bill's author. Novak explained that the legislation is in "response to a new reality that the long distance market is highly competitive in Minnesota" and thus, the need for strict regulation is longer justified.

Representatives from several long distance carriers including Sprint, MCI, and AT&T spoke in support of the measure concluding that it not only reduces company regulatory costs and shortens time delays for introducing new services, but offers the consumer better services and lower prices.

State regulatory agencies took differing positions on the bill. Public Utility Commissioner Don Storm stated that current law established by the Legislature is adequate to address the utilities regulation issue. Gary Cunningham, Attorney General's Office, maintained on the other hand, that strict regulation is no longer needed in today's market. "If regulation is not giving the bang for the buck, we should look at decreasing regulation," said Cunningham.

Several Senators contended that the need for building safeguards into the bill,

such as rate filing and investigations, would be eliminated if the long distance market in Minnesota were truly competitive. Cunningham replied that the bill allows the commissioner to maintain a reservoir of investigative power as a "low-cost forum for oversight," and to keep continuity with the previous recording of tariffs. S.F. 512 was laid over for further discussion.

### Telecommunication bill okayed

A bill providing for regulation of telecommunications carriers was advanced to the floor at the Wed., Mar. 10, meeting of the Jobs, Energy and Community Development Committee. The measure, S.F. 512, authored by Chair Steven Novak (DFL-New Brighton), regulates long-distance telephone companies not authorized to furnish local exchange service. Because debate on the measure took place at a previous hearing, the panel acted promptly to approve the measure and send it to the full Senate.

In other action, the committee also approved a bill extending an experiment in rate regulation relating to U.S. West. The measure, S.F. 670, also sponsored by Novak, extends for one year an incentive regulation plan for U.S. West. Under the incentive regulation plan, revenue gains made through operating efficiencies are shared between U.S. West and its customers. According to Novak, the bill has the support of the company and the regulatory agencies. The bill specifies that the plan, which is scheduled to expire Aug. 1, 1994, be extended until Aug. 1, 1995. Don Storm, chair of the Public Utilities Commission, and James Gallagher, U.S. West, said that a review of the incentive plan, as well as other telecommunications issues, is being considered and that the additional time would allow for more complete review. The measure was also advanced to the full Senate.

### Jobs and Training budget review

Dept. of Jobs and Training officials discussed proposed state program reductions within the biennium budget at the Finance Jobs, Energy, and Community Development Funding Division on Finance, chaired by Sen. Carol Kroening (DFL-Mpls.), Tues., Mar. 10.

In essence, the department's financial plan focuses on funding existent services that are preventative in nature and serve "the working poor Minnesotans left in the service gap of other programs," according to the revised outlook. The department has considered alternative sources of services for clients and the effectiveness of services offered by current funding versus alternative funding, said Commissioner Jane Brown.

Specific general fund adjustments for FY94-95 include elimination of funding for the food shelf program and the Vinland National Center, a transfer of the mental health employability grants

activity currently in the Dept. of Human Services to the Dept. of Jobs and Training, and a transfer of the displaced homemaker program to the governor's Minnesota workforce investment initiative. The initiative includes a \$12 million biennial increase above the agency plan level and will restructure the existing dislocated worker activity. The initiative integrates funding for the displaced homemakers program along with the Minnesota Job Skills Partnership and projects with industry, according to the budget proposal.

The governor's recommendations restore some of the proposed cuts, said Brown, such as an \$800,000 biennial increase to restore Food Shelf grants. Other biennial recommendations include a \$250,000 increase to establish the feasibility of a uniform business identifies process -- a project to streamline paperwork for businesses and increase interagency sharing of data, and tranference of the Head Start program to the new Dept. of Children and Education services.

## Judiciary

### SLAPP lawsuits

A bill designed to protect citizens and organization from civil lawsuits for exercising their constitutional rights of petition, speech, association, and participation in government was debated in the Judiciary Committee, Mon., Mar. 8.

The bill is in response to a phenomenon that's been debated nationwide referred to as "SLAPP suits" or, strategic lawsuits against public participation, according to Sen. Ted Mondale (DFL-St. Louis Park), the bill's author. Mondale told the committee, chaired by Sen. Ember Reichgott (DFL-New Hope), that citizens, who are participating freely and fully in the process and decisions of government, are being unjustly sued for their actions. He added that the costly, traumatizing, time consuming lawsuits are having a "chilling effect" on average citizens involved in public affairs.

Specifically, S.F. 584 places the burden of proof in any motion on the person filing the suit to prove that a contract has been breached. The measure, said Mondale, expedites the defendant's right to have a hearing, clears court dockets and encourages people to participate in government forums. Several Senators expressed concern that the bill, while raising the threshold for nuisance lawsuits designed to threaten people who are constitutionally expressing their views on an issue, may be too broad with regards to granting immunity to citizens. The bill was laid-over for further discussion.

Sen. Harold "Skip" Finn presented S.F. 265, a bill incorporating a number of recommendations of the Committee to Consider Technical Amendments to the business corporation act, formed by the Executive Council of the Business Law

Section of the MSBA. After brief debate, S.F. 265 was approved and sent to the full Senate.

### Government data practices

Members of the Judiciary and Crime Prevention Data Privacy Subcommittee continued debate Wed., Mar. 10, on S.F. 248, a bill allowing the commissioner of administration to issue opinions concerning questions arising under Chapter 13 or other statute governing government data practices. An issued opinion, according to the bill, is binding on any government agency whose data is the subject of the opinion. The legislation does not apply to a question involving the exercise of a discretionary power specifically granted by law to a "responsible authority" to withhold government data.

Special Assistant Martha Casserly, Attorney General's Office, expressed concern that the bill ultimately "creates greater problems than it solves." Casserly opposed the right of a state agency, afforded by the bill, to issue binding opinions overruling the legal opinion of the state's chief legal officer. The result, she said, would lead to a number of problems including a situation where state agencies are suing each other.

Sen. Don Betzold gained approval of an amendment allowing a formal opinion by the Attorney General's Office to take precedence over an opinion issued by the commissioner. S.F. 248, authored by Sen. Gene Merriam (DFL-Coon Rapids) was approved as amended and sent to the full Judiciary Committee.

The committee, co-chaired by Sen. Jane Ranum (DFL-Mpls.) and Sen. Harold "Skip" Finn (DFL-Cass Lake), also heard testimony on S.F. 183, relating to the data classification of photos of incarcerated persons. The proposal, authored by Sen. David Knutson (R-Burnsville), amends the law enforcement arrest data statute to provide that a photograph of an adult person taken into custody is public data. Keith Ellison opposed the bill stating that it ignores American history in which blacks have been arrested at a disproportionately higher rate than whites. "If you are at the wrong place at the wrong time, and the culprit escapes, you could be charged with being a serial rapist and find your photo plastered all over the newspaper the next day," said Ellison. The committee approved an amendment to the bill, offered Finn, providing that a booking photograph is private data until a person is actually convicted. The amendment was approved and the bill was also referred to the full Crime Prevention Committee.

Lastly, members discussed privacy issues contained in S.F. 190, a bill making criminal history data public instead of private and prohibiting individuals who have been convicted of a crime of violence from becoming licensed foster care providers.

Specifically, the measure, authored by



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Sen. Richard Cohen (DFL-St. Paul), amends the criminal history data statute to provide that Bureau of Criminal Apprehension data on convictions are public for 15 years following discharge of the sentence imposed for the offense. Certain data on family day care and foster care licenses -- including any reason for disqualifications from eligibility and the reasons for granting any variance from licensing requirements -- would also be public under the proposal. The bill was laid-over for further discussion.

## Metropolitan and Local Government

### Growth issues debated

"We need to recognize the impact of development on the rest of the infrastructure system," said Sen. John Marty (DFL-Roseville). Members of the Metropolitan and Local Government Metropolitan Affairs subcommittee, chaired by Sen. Ted Mondale (DFL-St. Louis Park), met Thurs., Mar. 4, and debated what policies the state should put in place to address the costs and affects of urban sprawl.

Marty presented S.F. 449, a bill that he said provides procedures to limit urban sprawl; protects agricultural land; requires the coordination of development plans; and permits civil actions. The bill gives the Metropolitan Council the power to more effectively protect agricultural land and to regulate sewer lines and development plans within the seven-county Metro Area, said Marty. Several witnesses testified that cities impose an unreasonable amount of regulations and taxes on agricultural land, causing farmers to sell their land to developers.

Some members expressed concern about many of the bill's provisions, saying the proposed legislation will create an adversarial climate. Vern Peterson, Association of Metropolitan Municipalities, said the bill will actually cause more development to occur beyond the seven-county Metro Area, where the restrictions are not in affect, compounding the problems that stem from urban sprawl.

Sen. Carol Flynn (DFL-Mpls.) offered an amendment that deletes the entire bill, replacing it with language that clarifies the applicability of comprehensive plans that conflict with official controls. The subcommittee approved the amendment, but did not act on the bill. Mondale said the subcommittee would continue its work on the bill at the next hearing.

### Annexation reforms discussed

Township and city officials gathered Mon., Mar. 8, to voice their concerns about annexation procedures to the Metropolitan and Local Government Subcommittee on Intergovernmental Relations. Sen. John Hottinger (DFL-Mankato), subcommittee chair, said the meeting was part of an effort to analyze

the issue and to gain broad support for a remedy to the problems that stem from annexation disputes.

Hottinger said the subcommittee would hear several legislative proposals before voting on any them, giving members a chance to thoroughly review the issue.

Sen. Pat Pariseau (IR-Farmington) presented S.F. 143, a bill that repeals two provisions in law. The first provision that the bill repeals permits a city to annex by ordinance a property abutting a municipality--if the area to be annexed is less than 60 acres and the city receives a petition for annexation from all the property owners of the land. The second provision that the bill repeals allows an annexation by ordinance if the land is owned by the city or if all the land owners petition for annexation and the land is within an orderly annexation area. Pariseau said the repeal of these laws would restore statutory due process to the annexation process.

Hottinger presented S.F. 365, a bill he said offers a "laundry list" of reform suggestions. The proposed legislation, said Hottinger, makes several changes in current annexation law by authorizing municipalities to annex land under a number of new provisions; for example, one provision allows municipalities to annex polluted land for the purposes of providing municipal services.

The bill aims to resolve problems that stem from the needs for sewer and water services in developments near, but outside of, cities, said Hottinger. According to testimony, many water wells in some townships have pollution and quality problems, leading to demands from businesses and homeowners for city services. Township and city officials sometimes argue over which governmental unit should administer services and receive tax revenues, according to testifiers. Sen. Carol Flynn (DFL-Mpls.) urged the officials to concentrate on how to efficiently deliver services, and to work towards the development of public policy for the "greater good of the community."

Offering S.F. 364, Hottinger said that reforms in composition of the municipal board are needed. He said the bill makes positive changes in the composition of the board, including a requirement that one of the governor's two appointees come from a city and the other from a township. Under the bill, the director of the Office of Strategic and Long Range Planning, or the director's designee, would serve as the third permanent member of the board. The bill provides that the two county commissioners who now sit on the municipal board during proceedings before the board relating to their counties would serve as nonvoting members in an annexation procedure. He also noted that the bill removes the requirement that the county commissioners represent districts that do not contain any of the affected territory.

Hottinger said the subcommittee

would continue to work on the issue at future meetings.

### Metropolitan bills heard

Members of the Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), met Mon., Mar. 8, to take action on two metropolitan bills.

Sen. Carol Flynn (DFL-Mpls.), calling for a "coordinated and reasoned approach" to light rail planning, presented S.F. 414. Flynn said the bill provides procedures for the design, approval, and construction of light rail transit; establishes a corridor management committee; provides for the resolution of disputes; and changes the membership and responsibilities of the light rail transit joint powers board. The committee approved the bill and rereferred it to the Transportation and Public Transit Committee.

The committee also approved S.F. 262, authored by Sen. Randy Kelly (DFL-St. Paul). Kelly said the bill authorizes the city of St. Paul to, by ordinance, prepare, adopt, and amend design districts and a design framework; to establish design advisory committees; and to establish design review procedures for preserving and enhancing the city's appearance and environmental quality. The committee approved an amendment to the bill that makes clear that the design advisory committees would not infringe on the jurisdiction of the Capitol Area Architectural Planning Board. The bill goes next to the full Senate.

### Parking in St. Paul

People trying to patronize businesses and restaurants in St. Paul may have a less difficult time finding a place to park under S.F. 640, authored by Sen. Sandra Pappas (DFL-St. Paul). Pappas presented the bill to the Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), Wed., Mar. 10.

Pappas said the bill authorizes the city of St. Paul to collect service charges city-wide for the operating expenses of public parking facilities that are constructed under the "Places to Park" program, which the St. Paul Housing and Redevelopment Authority adopted in 1991 to alleviate the severe parking problems in neighborhood commercial areas. The proposed legislation enables St. Paul to develop municipal parking facilities in several neighborhood commercial areas where there is strong support for the facilities, such as the Grand/Victoria and the Payne/Arcade areas. The committee approved the bill and sent it to the Senate floor.

The committee took action on two additional bills. Sen. Don Betzold (DFL-Fridley), presented S.F. 250. Betzold said the bill limits the service of charter commission members and fixes procedures for charter amendments. The committee

recommended passage of the bill and sent it to the full Senate.

The committee also gave preliminary approval to S.F. 78, authored by Sen. John Hottinger (DFL-Mankato). The bill provides for the calculation and distribution of local government aid (LGA) to cities, said Hottinger. He said the bill establishes a guaranteed base of funding for three years, after which time the Legislature will review the policy to determine its effectiveness. Critics of the bill said it does not move fast enough towards needs-based funding, continuing a pattern of inefficient spending on the part of some cities. Hottinger stressed the need for stability in local government budgeting. He said that sweeping changes in the LGA formula would cause significant disruptions in many cities.

## Taxes and Tax Laws

### March forecast

Members of the Tax and Tax Laws Committee, chaired by Sen. Douglas Johnson (DFL-Cook), met Thurs., Mar. 4, and recommended confirmation of Dorothy McClung's appointment as judge on the Minnesota Tax Court. McClung has held several positions in state government, most recently as the commissioner of the Dept. of Revenue. McClung also served as executive director of the Minnesota Taxpayers Association.

The committee also reviewed the March economic forecast and the governor's supplemental budget recommendations. According to the forecast, "stronger than expected economic growth during late 1992 and an improved outlook for early 1993 have reduced Minnesota's expected budget gap." The forecast also points out that revenue improvements of \$449 million and expenditure savings of \$157 million have reduced the November forecast's estimated gap of \$769 million to an expected \$163 million gap.

Commissioner John Gunyow, Dept. of Finance, and Commissioner Morris Anderson, Dept. of Revenue, outlined the governor's supplemental budget recommendations. The commissioners said that the supplemental budget recommendations include increases in spending, as compared to the governor's initial recommendations, for K-12 education innovation and cost reform, higher education subsidy reform and investments, agriculture land property tax relief, transit service expansion, human development programs, early retirement incentives for public employees, and other miscellaneous programs.

Members disagreed as to what affect the governor's budget will have on local property taxes, focusing on the K-12 education budget. Some members said the governor's reduction in equalization aid will increase the need for property taxes to fund K-12 education in many communities. Dept. of Education officials said the decrease in equalization aid is

offset by other aspects of the budget. However, members agreed that it is time to review the role of property taxes in funding K-12 education, and to produce a policy that clearly illustrates how K-12 education is funded in Minnesota.

### Revenue Dept. bills heard

Members of the Taxes and Tax Laws Subcommittee on Property Taxes, chaired by Sen. Carol Flynn (DFL-Mpls.), met Wed., Mar. 10, to hear two Dept. of Revenue "housekeeping" bills.

Sen. Sandra Pappas (DFL-St. Paul) presented S.F. 585, a bill that makes technical corrections and administrative changes to sales and use taxes, income and franchise taxes, and tax administration and enforcement laws. After approving several technical and clarifying amendments to the bill, the subcommittee recommended that it pass and sent it to the full committee.

The subcommittee also recommended passage of S.F. 607, authored by Flynn. Flynn said the bill eliminates obsolete and redundant property tax levy limitations which affect numerous political subdivisions. She stressed that the bill does not repeal or eliminate the political subdivisions' authority to levy property taxes for any of the purposes related to the provisions outlined in the bill. The committee approved several technical and clarifying amendments to the bill, and sent it to the full committee.

## Transportation and Public Transit

### Budget overviews presented

Members of the Transportation and Public Transit Finance Division, chaired by Sen. Keith Langseth (DFL-Glyndon), met Fri., Mar. 5, to hear a budget overview of the Minnesota Safety Council and the Transportation Regulation Board.

Officials of the Safety Council said the council's mission is to promote safety and health by providing programs, resources and services to prevent or reduce personal and economical loss associated with injuries, accidents and health hazards occurring throughout Minnesota. The officials presented the Minnesota/U.S. accidental death rates of 1991, including accidents involving a motor vehicle, at home, at work, and public accidents. According to reports, accidental deaths continued to decline, but the cost of accidents continued to increase from \$173.8 billion in 1990 to \$177.2 in 1991. Minnesota's share of the total was \$2.85 billion, officials said. Costs incurred are wage loss, medical expense, insurance administration, fire loss, motor-vehicle damage and uninsured work loss.

Based on a budget of over \$2.6 million, the current funding sources include 15 percent from corporate contributions, 3 percent from state appropriation, 55 percent from training funds, 7 percent of

grant monies and 21 percent of other earned income. Each state dollar is matched with over \$6 in private-sector contributions. The council requests state appropriations of the same-level funding for operations, \$71,000, less a 5 percent reduction for salary planning estimates, officials said. The governor concurs with the agency's plan.

The division also heard a presentation by Richard Helgeson, chair of the Transportation Regulation Board (TRB). The board regulates trucking for hire and focuses on controlling entry into the industry, controlling expansion, both in terms of geography and commodity within the industry and regulating carriers' tariffs with the purpose of assuring that rates are compensatory, non-discriminatory, unduly preferential and are not destructive to the industry. Helgeson illustrated that the single largest expenditure, next to payroll, is fees paid to the Office of Administrative Hearings for contested cases. Helgeson projected the costs for 1993 to be \$130,000 compared to \$120,000 in 1992. In addition, the cost for services of the Office of the Attorney General is projected to be \$27,000 in 1993, he said.

The current spending level for FY94 is \$758,000 and for FY95 is \$760,000, Helgeson said. Anticipated reductions due to combining position responsibilities include \$48,000 for FY94 and \$66,000 for FY95. In addition, he said that the board's staff attorney has developed an internal program of dispute resolution by which to settle contested cases prior to referral to the administrative law judge, resulting in major cost savings to both the carriers involved and the TRB.

### Snowmobile trailer exemption

The Transportation Committee, at a Weds., Mar. 10, meeting approved S.F. 35, a bill exempting from motor vehicle tax and registration fees snowmobile trailers being transported by manufacturers located outside the Twin Cities Metropolitan Area. After discussion, the Senators added language that limits the exemption to snowmobile trailers that are being transported to a retailer or dealer. The bill, sponsored by Sen. Florian Chmielewski (DFL-Sturgeon Lake), was approved and sent to the Senate floor.

The committee also approved a bill naming two stretches of highway in Southwestern Minnesota for prominent community figures. S.F. 128, sponsored by Sen. Jim Vickerman (DFL-Tracy), designates a section of Highway 71 near Jackson the "B.E. Grotum Memorial Highway" and requires the commissioner of transportation to mark the highway with appropriate signs. S.F. 128 also now incorporates the language of S.F. 475, also sponsored by Vickerman, designating Route No. 330 west of Lamberton the "Wally Nelson Highway" and requiring appropriate signage.

The committee, chaired by

# Committee update

Chmielewski, devoted the balance of the meeting to a presentation by Dean Mary Vogel and Dean Harrison Fraker of the University of Minnesota College of Architecture and Landscape Architecture. Vogel and Fraker presented three examples of community improvement projects the college proposes as potential recipients for ISTEA (Intermodal Surface Transportation Efficiency Act) funds. The projects presented upgrade the transportation, ecology, and "user-friendliness" of urban spaces.

## Veteran's and General Legislation

### Vets service officers grant

The Veteran's and General Legislation Committee met Thurs., Mar. 4, to hear a bill aimed at aiding the work of county veterans service officers. S.F. 339, sponsored by committee chair Sen. Jim Vickerman (DFL-Tracy), establishes a grant program to counties for veterans service officer education and training and for other purposes deemed by the commis-

sioner of veterans affairs to enhance the effectiveness of the an applying county's veterans office. The committee approved the bill and re-referred it to the Finance Committee. The grant amounts are capped at \$2,000 to \$8,000, depending on the veteran population in the applying county.

The committee also approved a bill memorializing the president and Congress to retain the Grand Forks Air Force Base. The bill, S.F. 371, sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls), now goes to the full Senate.

### Counterdrug compact

A bill ratifying the National Guard Mutual Assistance Counterdrug Activities Compact received a hearing by members of the Veteran's and General Legislation Committee at a Tues., Mar. 9, meeting. According to sponsor Sen. Jim Vickerman (DFL-Tracy), the compact is intended to facilitate efforts by Minnesota's National Guard in obtaining assistance for cooperative counterdrug activities with other states' National Guard units. The bill, S.F.

340, provides for joint counterdrug activities, such as providing information to law enforcement officials; making equipment available; providing National Guard personnel for training and for operating and maintaining equipment; providing detection, monitoring, and communication services; and providing administrative, interpretive, and analytic services. The committee approved the measure and re-referred it to the Crime Prevention Committee.

The committee, chaired by Vickerman, also approved S.F. 331, sponsored by Sen. Arlene Lesewski (IR-Marshall), clarifying circumstances under which the governor can employ the National Guard. The bill clarifies the governor's authority as commander-in-chief of the state's military forces and updates language authorizing the governor to employ the National Guard. The new language states that the governor may employ the state's military forces for the state's defense or relief, the enforcement of law, and the protection of persons and property. S.F. 331 now goes to the full Senate.

# Preview

## The Minnesota Senate Week at a Glance

### Monday, March 15

#### Environment and Natural Resources Subcommittee on Public Lands and Waters

*Chair: Sen. Harold "Skip" Finn*  
8 a.m. Room 107 Capitol

**Agenda:** S.F. 184-Luther: Regulating registration and operation of off-highway motorcycles. S.F. 413-Janezich: Sale of tax-forfeited lands in St. Louis County. S.F. 727-Price: Sale or exchange of land in a wildlife management area. S.F. 251-Chmielewski: Minnesota rock, gem and mineral interpretative center. S.F. 213-Samuelson: Cuyuna country state recreation area. S.F. 116-Benson, J.E.: Conveyance of land from St. Cloud State U to city of St. Cloud. S.F. 171-Bertram: Limited regulation of town roads.

#### Health Care and Family Services Funding Division

*Chair: Sen. Don Samuelson*

8:30 a.m. Room 123 Capitol

**Agenda:** Overview of the income maintenance forecast. Supplementary budget for DHS.

#### Legislative Commission on Employee Relations

*Chair: Greg Hubinger, director*  
9 a.m. Room 300 South SOB

**Agenda:** Review/adoption of rules. Receipt of reports from DOER. Presentation of report "Teacher Bargaining: January 15th Deadline and Penalty; Binding Arbitration as an Alternative."

**The Senate will meet at 10:30 a.m.**

#### Agriculture and Rural Development Committee

*Chair: Sen. Joe Bertram, Sr.*  
12 noon Room 107 Capitol

**Agenda:** S.F. 703-Vickerman: Defining as "repair" certain incidental straightening of tiles and use of larger tile sizes. S.F. 516-Murphy: Repealing the hay and straw standards law. S.F. 550-Dille: Relating to animals; prohibiting certain species. S.F. 708-Morse: Exempting certain nonprofit organizations from the requirement for a nursery stock dealer certificate.

#### Commerce and Consumer Protection Committee

*Chair: Sen. Sam Solon*

12 noon Room 112 Capitol

**Agenda:** S.F. 317-Johnson, J.B.: Minnesota ski safety act. S.F. 394-Solon: Financial institutions contracts for deposits and withdrawals.

#### Judiciary Subcommittee on Family Law

*Chair: Sen. Don Betzold*

12 noon Room 15 Capitol

**Agenda:** S.F. 89-Spear: Third party visitation rights. S.F. 106-Vickerman: Grandparent visitation rights. S.F. 513-Betzold: Delinquent maintenance payments. S.F. 783-Spear: Family Law section of MSBA Bill.

#### Crime Prevention Committee

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 65-Novak: Arson. S.F. 208-Kelly: Drive-by shootings. S.F. 334-Vickerman: Probable cause traffic arrest. S.F. 729-Piper: Ombudsman for corrections biennial report.

#### Environment and Natural Resources Finance Division

*Chair: Sen. Steven Morse*

2 p.m. Room 123 Capitol

**Agenda:** Not available at press time.

#### Jobs, Energy and Community Development Funding Division

*Chair: Sen. Carl Kroening*

2 p.m. Room 112 Capitol

**Agenda:** Dept. of Jobs and Training.

#### Metropolitan and Local Government Committee

*Chair: Sen. Betty Adkins*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 716-Chmielewski: Pine County land use. S.F. 485-Neuville: City of Faribault Police, Fire Chief and Code Service Director Civil Service coverage exemption. S.F. 638-Lessard: Itasca County; Auditor/Treasurer consolidation. S.F. 589-Kroening: St. Anthony Falls Heritage Board membership.

#### Crime Prevention and Judiciary Subcommittee on Privacy

*Co-Chairs: Sen. Harold "Skip" Finn and Sen. Jane Ranum*

6 p.m. Room 107 Capitol

**Agenda:** Not available at press time.

### Tuesday, March 16

#### Gaming Regulation Committee

*Chair: Sen. Charles Berg*

8 a.m. Room 15 Capitol

**Agenda:** S.F. 164-Bertram: Authorizing the use of video lottery machines.

## **Governmental Operations and Reform Committee**

*Chair: Sen. James Metzger*

8 a.m. Room 107 Capitol

**Agenda:** S.F. 409-Pogemiller: MERF housekeeping bill. S.F. 688-Krentz: Name change; Council on Affairs of Spanish-speaking People. S.F. 629-Riveness: Interest arbitration on retired public employee group insurance coverage for units of essential employees. S.F. 20-Beckman: Ambulance service personnel longevity award. S.F. 60-Chandler: State employee suggestion program. S.F. 17-Pappas: Gender balance bill.

## **Transportation and Public Transit Committee**

*Chair: Sen. Florian Chmielewski*

8 a.m. Room 112 Capitol

**Agenda:** Metropolitan Inter County Assoc.

## **Education Funding Division**

*Chair: Sen. Lawrence Pogemiller*

10 a.m. Room 112 Capitol

**Agenda:** Not available at press time.

## **Health Care Committee**

*Chair: Sen. Linda Berglin*

10 a.m. Room 15 Capitol

**Agenda:** S.F. 900-Berglin: Implementing recommendations of the Minnesota Health Care Commission.

## **Jobs, Energy and Community Development Committee**

*Chair: Sen. Steven Novak*

10 a.m. Room 107 Capitol

**Agenda:** S.F. 623-Kroening: Providing funding for Community Action Agencies and economic opportunity grants. S.F. 236-Anderson: Unemployment compensation benefits regarding domestic abuse victims.

## **Ethics and Campaign Reform Committee**

*Chair: Sen. John Marty*

12 noon Room 107 Capitol

**Agenda:** S.F. 25-Marty: Campaign finance reform. S.F. 286-Flynn: Voter information program. S.F. 663-Pogemiller: Authorizing filing officers to keep certain persons' names off ballot.

## **Family Services Committee**

*Chair: Sen. Pat Piper*

12 noon Room 15 Capitol

**Agenda:** S.F. 296-Knutson: Requiring parents' social security numbers on birth certificates. S.F. 450-Runbeck: Seven day validity, nine day replacement for lost and stolen assistance warrants. S.F. 399-Stevens: STRIDE program modification.

## **Veterans and General Legislation Committee**

*Chair: Sen. Jim Vickerman*

12 noon Room 112 Capitol

**Agenda:** S.F. 23-Murphy: Tuition-free technical college program for certain Persian Gulf War veterans. S.F. 659-Vickerman: Grant for noncommercial TV tower/Murray County.

## **Environment and Natural Resources Committee**

*Chair: Sen. Bob Lessard*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 220-Morse: Mille Lacs Treaty.

## **Legislative Coordinating Commission Revisor's Subcommittee**

*Chair: Sen. Randy Kelly*

2 p.m. Room 224 Capitol

**Agenda:** Revisor of Statutes Office budget.

## **Higher Education Division**

*Chair: Sen. LeRoy Stumpf*

4 p.m. Room 112 Capitol

**Agenda:** S.F. 349-Morse: Updating the name of the umbrella student association for technical colleges.

## **Finance State Government Division**

*Chair: Sen. Richard Cohen*

4 p.m. Room 318 Capitol

**Agenda:** Budget overviews for Board of Boxing, Board of Barbers, Board of Architecture, Board of Accountancy, and Board of Abstractors.

## **Taxes and Tax Laws Subcommittee on Income and Sales Tax**

*Chair: Sen. Ember Reichgott*

4 p.m. Room 15 Capitol

**Agenda:** Discussion only: S.F. 71-Finn: Exempting local governments from sales tax on certain services. S.F. 115-Laidig: Exempting sales of horses from the sales tax. S.F. 228-Reichgott: Exempting sales tax to certain libraries. S.F. 246-Johnson, J.B.: Exempting sales tax to political subdivisions for repair parts for emergency vehicles. S.F. 412-Johnson, D.J.: Divulging information in motor vehicle purchaser's certificates to local officials administering sales or use tax. S.F. 420-Johnson, D.E.: Exempting sales tax on purchases of nonprofit groups for church cemetery. S.F. 423-Johnston: Exempting certain capital improvement projects. S.F. 558-Frederickson: Exemption to counties for sales for capital improvement projects. S.F. 677-Lessard: Exempting rerefined waste motor oil from motor fuel excise tax.

## **Transportation and Public Transit Finance Division**

*Chair: Sen. Keith Langseth*

4 p.m. Room 125 Capitol

**Agenda:** Budget overview of Mn/DOT.

## **Wednesday, March 17**

## **Governmental Operations and Reform Committee**

*Chair: Sen. James Metzger*

8 a.m. Room 15 Capitol

**Agenda:** Confirmation of Laurie Fiori Hacking as executive director of PERA. S.F. 4-Bertram: Volunteer firefighters supplemental retirement benefits. S.F. 566-Morse: Removing requirement for periodic review of Rule of 90. S.F. 361-Murphy: Extending existence of MN Advocacy Council on Fire Protection. S.F. 114-Kelly: Abolishing Dept. of Public Safety.

## **Transportation and Public Transit Committee**

*Chair: Sen. Florian Chmielewski*

8 a.m. Room 112 Capitol

**Agenda:** S.F. 404-Runbeck: Hearings to resolve disputes over establishment of public trails over railroad tracks. S.F. 653-Lessard: Permitting cartways to be established on alternative routes. S.F. 572-Lessard: Authorizing use of studded tires on emergency vehicles. S.F. 582-Ranum: Extending validity period of nonresident temporary vehicle permits. Presentation by the Consulting Engineers Council of Minnesota.

## **Education Funding Division**

*Chair: Sen. Lawrence Pogemiller*

10 a.m. Room 112 Capitol

**Agenda:** Not available at press time.

## **Health Care Committee**

*Chair: Sen. Linda Berglin*

10 a.m. Room 15 Capitol

**Agenda:** S.F. 900-Berglin: Minnesota Health Care Commission recommendations.

## **Jobs, Energy and Community Development Committee**

*Chair: Sen. Steven Novak*

10 a.m. Room 107 Capitol

**Agenda:** S.F. 698-Johnson, J.B.: Regulating telephone services to communication impaired persons. S.F. 454-Marty: Regulating telephone services to communication impaired persons. S.F. 54-Johnson, J.B.: Emergency mortgage and rental assistance program.

## **Agriculture and Rural Development Committee**

*Chair: Sen. Joe Bertram, Sr.*

12 noon Room 107 Capitol

**Agenda:** Not available at press time.

## **Commerce and Consumer Protection Committee**

*Chair: Sen. Sam Solon*

12 noon Room 112 Capitol

**Agenda:** S.F. 683-Hottinger: Credit involuntary unemployment insurance. S.F. 692-Chmielewski: Workers comp self insurers minimum deposit requirements.

## **Judiciary Committee**

*Chair: Sen. Ember Reichgott*

12 noon Room 15 Capitol

**Agenda:** S.F. 532-Finn: Conciliation courts bill. S.F. 440-Spear: Modifying provisions for voluntary foreclosure of mortgages. S.F. 441-Spear: Employer indemnification. S.F. 452-Betzold: Clarifying time limitations for appeal under the civil commitment act. S.F. 704-Finn: Regulating corporate registration and administrative dissolutions.

## **Crime Prevention Finance Division**

*Chair: Sen. Tracy Beckman*

2 p.m. Room 112 Capitol

**Agenda:** Dept. of Corrections budget.

## **Metropolitan and Local Government Tax Division**

*Chair: Sen. Carol Flynn*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 726-Mondale: Exempting regional park properties from taxation and providing for Met Council review of special assessments on regional park properties. S.F. 197-Belanger: Procedures for voter ratification of proposed increased employee costs of local governments and changing certain aids to local governments.

## **Legislative Commission on Pensions and Retirement**

*Chair: Sen. Phil Riveness*

2 p.m. Room 318 Capitol

**Agenda:** Discussion of actuarial funding and other policy considerations concerning benefit accrual rate increase proposals. Other items to be announced.

## **Higher Education Division**

*Chair: Sen. LeRoy Stumpf*

4 p.m. Room 125 Capitol

**Agenda:** Lilly Study for Financing College.

## **Finance State Government Division**

*Chair: Sen. Richard Cohen*

4 p.m. Room 318 Capitol

**Agenda:** Budget overviews for Amateur Sports Commission, Military Order of the Purple Heart, Veterans of Foreign Wars, Tax Court, and Uniform Laws Commission.

### Health Care and Family Services Funding Division

Chair: Sen. Don Samuelson  
4 p.m. Room 107 Capitol

Agenda: Supplementary budget overview.

### Taxes and Tax Laws Subcommittee on Property Tax

Chair: Sen. Carol Flynn

4 p.m. Room 15 Capitol

Agenda: Discussion only: S.F. 132-Bertram: Property taxation providing distribution of penalties and interest. S.F. 146-Cohen: Property tax exemption for federal land used for cottage and camp purpose. S.F. 253-Price: Authorizing counties to accept tax payment by credit card. S.F. 295-Novak: Reduce class rate on C/I property; increase corporate franchise tax rates. S.F. 482-Berglin: Expanding C/I confession of judgement eligibility. S.F. 586-Pappas: Creating a joint property tax advisory committee.

### Health Care Committee

Chair: Sen. Linda Berglin

6:30 p.m. Room 15 Capitol

Agenda: S.F. 900-Berglin: Minnesota Health Care Commission recommendations.

## Thursday, March 18

The Senate will meet at 9 a.m.

### Higher Education Division

Chair: Sen. LeRoy Stumpf

10 a.m. Room 112 Capitol

Agenda: S.F. 468-Cohen: Excluding family savings from financial aid calculations. S.F. 818-Murphy: Changes in financial aid - allows HECB authority to increase the SELF loan amounts and other provisions.

### Health Care Committee

Chair: Sen. Linda Berglin

10 a.m. Room 15 Capitol

Agenda: S.F. 710-Benson, D.D.: DHS - developmental disabilities changes. S.F. 690-Berglin: MA and GAMC mental health.

### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

10 a.m. Room 107 Capitol

Agenda: S.F. 529-Novak: Metro Council rules allocating comprehensive choice housing.

### Ethics and Campaign Reform Committee

Chair: Sen. John Marty

12 noon Room 107 Capitol

Agenda: S.F. XXX-Marty: Ethical Practices Board.

### Family Services Committee

Chair: Sen. Pat Piper

12 noon Room 15 Capitol

Agenda: S.F. 527-Finn: Red Lake Indian Reservation reimbursement of certain county welfare costs. S.F. 673-Cohen: Child support enforcement modifications. S.F. 352-Betzold: Investigation of neglect and abuse in licensed day care facilities.

### Veterans and General Legislation Committee

Chair: Sen. Jim Vickerman

12 noon Room 112 Capitol

Agenda: S.F. 605-Samuelson: Require Vets Homes Board to apply for certain federal funding. Presentation on impact of proposed budget on veterans homes.

### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

Agenda: S.F. 56-Kelly: Miscellaneous firearms, law enforcement amendments. S.F. 370-Spear: Firearms child safety bill. S.F. 536-Finn: Snowmobile accident investigations by sheriffs.

### Jobs, Energy and Community Development Funding Division

Chair: Sen. Carl Kroening

2 p.m. Room 123 Capitol

Agenda: State Auditor and the HFA budgets.

### Metropolitan and Local Government Committee

Chair: Sen. Betty Adkins

2 p.m. Room 107 Capitol

Agenda: Not available at press time.

### Finance State Government Division

Chair: Sen. Richard Cohen

4 p.m. Room 318 Capitol

Agenda: Governor's 1993 capital budget recommendations.

### Health Care and Family Services Funding Division

Chair: Sen. Don Samuelson

4 p.m. Room 112 Capitol

Agenda: Supplementary budget overview.

### Crime Prevention Committee

Chair: Sen. Allan Spear

7 p.m. Room 15 Capitol

Agenda: S.F. 67-Ranum: Statute of limitations suspensions. S.F. 305-Merriam: Guns in schools. S.F. 320-Ranum: Arrest and detention of pre-trial release absconders. S.F. 321-Ranum: Restitution. S.F. 326-Kelly: Sentencing authority in double jeopardy exception cases. S.F. 332-Neuville: Illegal wiretap evidence. S.F. 681-Anderson: Crime victim rights. S.F. 827-Spear: RICO expansion to gambling.

## Friday, March 19

### Transportation and Public Transit Finance Division

Chair: Sen. Keith Langseth

8 a.m. Room 112 Capitol

Agenda: Not available at press time.

### Legislative Coordinating Commission Subcommittee on Salaries and Budgets

Chair: Sen. Roger Moe

8 a.m. Room 500 South SOB

Agenda: Legislative commissions and joint agencies' budgets.

### Legislative Coordinating Commission

Chair: Rep. Dee Long

9:30 a.m. Room 500 South SOB

Agenda: Report of the Subcommittee on Salaries and Budgets.

### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

10 a.m. Room 107 Capitol

Agenda: S.F. 347-Samuelson: Authorizing an addition to Charles A. Lindbergh State Park. S.F. 359-Murphy: Prohibiting use of state lands for motorsports parks or facilities. S.F. 184-Luther: Recreational vehicles. S.F. 490-Price: Sale of tax-forfeited land in Washington County. S.F. 64-Samuelson: Seasons for taking deer by muzzle-loading firearms. S.F. 483-Merriam: Big game taken under crossbow permit for hunters with disabilities. S.F. 504-Stumpf: Limited use of snowmobiles to transport deer carcasses. S.F. 366-Berg: Allowing importation of minnows. S.F. 693-Merriam: Clarifying commissioner's authority. S.F. 669-Berg: DNR omnibus game and fish bill. S.F. 702-Finn: Requiring identification of traps.

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The Minnesota Senate Week in Review

ST. PAUL, MIN 55155

March 19, 1993

## Anti-discrimination bill gains

A bill prohibiting discrimination against gay and lesbian Minnesotans under the state Human Rights Act was given preliminary approval at the Thurs., Mar. 18, Senate floor session. S.F. 444, authored by Sen. Allan Spear (DFL-Mpls.), was approved on a 37-30 roll call vote.

Spear said the bill was aimed at preventing discrimination, not at providing special privileges. "There has been and is a pattern of discrimination against gays and lesbians. Testimony in the governor's task force showed that discrimination was not based on behavior but on who people are," Spear said. "This bill is simply about discrimination, it is not an endorsement of a life style," he added. The measure prohibits discrimination on the basis of sexual orientation in the areas of employment, housing and public accommodations.

Spear offered two amendments to the measure. The first amendment clarified the religious exemption from the scope of the bill and the second amendment clarified that sexual orientation does not include sexual or physical attachment to children. Spear said that the amendments were designed to address concerns that religious organizations would be forced to hire gay and lesbian individuals and concerns that the bill would lead to abuse of children. Both amendments were adopted.

An amendment, offered by Sen. David Knutson (IR-Burnsville), to alter the definition of sexual orientation failed to gain approval. Another amendment, offered by Sen. Thomas Neuville (IR-Northfield), limiting the prohibition against discrimination to public safety concerns also failed to gain approval.

A third amendment, offered by Sen. Joanne Benson (IR-St. Cloud), was partially adopted. The portion that was adopted specifies that the provisions of the human rights law relating to sexual orientation are not to apply to volunteers who directly supervise minors who are members of the boy scouts, girl scouts, or similar youth organizations formed for recreational, social or counseling purposes. A portion of the amendment specifying that the provisions of the human rights law relating to sexual orientation not apply to eligibility requirements for minors who are members of

the boy scouts, girl scouts or similar organizations failed to be adopted.

In speaking against the bill, Sen. Linda Runbeck (IR-Circle Pines), argued that the bill quashes religious values and that passage of the measure will provide de facto endorsement of homosexual practices. However, Sen. Dean Johnson (IR-Willmar), countered that voting for the bill "is the right thing to do because we do not want to be a state that discriminates against its people."

## Mille Lacs treaty bill tabled

After 10 consecutive hours of deliberation, complicated legal discourse and eloquent testimony, debate on S.F. 220, a bill to ratify the proposed treaty settlement between the Mille Lacs band of Ojibwe Indians and the state of Minnesota, concluded with no action by members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard, (DFL-Int'l. Falls), Wed., Mar. 17.

The emotionally-charged hearing on the bill to confirm a negotiated settlement establishing hunting, fishing and gathering claims of the federally recognized Mille Lacs Band of Ojibwe in the ceded territories of an 1837 Treaty and harvesting rights of Mille Lacs Lake under the Treaty of 1855, resulted in the bill being laid on the table by the author, Sen. Steven Morse, (DFL-Dakota).

Amid numerous of applicable state and U.S. Supreme Court decisions, Senators, attorneys, landowners, resort operators, sports groups, DNR officials, signatory band members and environmental activists hashed out questions surrounding the state's authority in reestablishing a Treaty settlement in lieu of federal court proceedings and anticipated disputes over land, water and resource use and ownership.

Property owners and fishing enthusiasts mounted opposition against the Treaty on the grounds it would infringe upon Constitutional rights and would adversely affect property values, tax revenues, tourism and business owners. Gary Piekarczyk, a property owner on Lake Mille Lacs, said that the proposed exclusive fishing zone for band members and imposed fishing restrictions for non-band members would spur unrest and dissension between Indians and residents. He also stated that unregulated gill netting

could cause safety hazards.

Some witnesses expressed their preference for an out of court agreement rather than federal litigation which promises to be lengthy and expensive, but all agreed on their general dissatisfaction with the substance and provisions of the settlement as set forth in Morse's bill. Well-known opponent and former Vikings coach, Bud Grant, outlined a lengthy list of substantive, procedural and economic disagreements with the proposed bill and settlement. "There was no input from landowners, the counties, business owners or others. The perception is that the state and the DNR are giving away our land, money and resources under faulty premises and conflicting court cases. "The perception is that we should go to court with this. In this settlement we are giving away 7500 acres of land, \$10 million dollars and access to a prime, exclusive fishing zone," said Grant. "These waters are part of a sacred trust--no one should have an exclusive trust."

Morse, the bill's author, responded that settlements are fairly common and are a tool for negotiation. "I reject the assertion that we are not capable or in a position to make a reasonable and just decision," said Morse. "There are costs associated with this, but we think it is fair."

Attorneys representing both sides of the settlement, presented their analysis of current legal positions and introduced a series of state and federal court cases which pertained to historically documented treaties between the U.S. government, Congress and native indigenous tribes now scattered throughout the country. At issue is the state's authority in settling or reestablishing claims by recognized bands, among and between federally-recognized, non-recognized and transplanted bands, property, business owners and counties.

## Television coverage offered

Senate Media Services plans to provide live gavel-to-gavel television coverage of committee hearings from 8 a.m. until 5 p.m. weekdays. The hearings will run on Channel 6, the Metro Cable Network. In addition, Media Services will continue to broadcast gavel-to-gavel coverage of Senate floor sessions. Also, watch for Senate Report, a weekly public affairs program featuring lawmakers reviewing top issues.

# Committee update

## Agriculture and Rural Development

### Wild pig eradication bill okayed

Members of the Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram, Sr., (DFL-Paynesville), met Mon., Mar. 15, to hear three bills related to agriculture.

S.F. 703, authored by Sen. Jim Vickerman (DFL-Tracy), establishes the definition of "repair" for drainage systems to include the incidental straightening or realignment of a tile system. Vickerman said the measure allows the repair or the restoration of a drainage system by using replacement tiles, or tiles of the next regular size, based on size availability. An amendment, offered by Sen. Charles Berg, (DFL-Chokio), sets the effective date as the day following enactment. The amendment was adopted. S.F. 703 was approved, as amended, and sent to the Senate Floor.

S.F. 550, authored by Sen. Steve Dille, (IR-Dassel), prohibits the possession, importation, propagation or release of Eurasian wild pigs that are deemed to pose a threat to agriculture, ecosystems, human or domestic animal health in the state. The bill requires wild pig owners to slaughter or export their stock by July 1, 1993 and appropriates \$25,000 from the general fund to compensate current owners of wild pigs for potential losses incurred from proposed mandates.

An amendment to the bill, offered by Dille, assigns regulation, enforcement, compliance and appropriation authority for wild pig control and eradication to the Dept. of Natural Resources commissioner and requires that owners of wild pigs sell, slaughter or export their stock by Sept. 1, 1993. The amendment was adopted. The bill was approved, as amended, and referred to the Environment and Natural Resources Committee.

S.F. 708, authored by Sen. Steven Morse, (DFL-Dakota), exempts nonprofit charitable, religious or educational organizations from the requirement to obtain a nursery stock dealer's certificate under certain conditions. The measure allows organizations to conduct sales or distribution of nursery stock, ten or fewer days in a calendar year without a nursery stock dealer certificate if the proceeds are used for charitable, educational or religious purposes.

Morse offered an amendment to establish that nursery stock purchased and sold must be certified, that notice of a sale must be made to the commissioner prior to a sale or distribution of stock and that a sale or distribution must be conducted 14 or fewer days in the calendar year to qualify for the exemption from the nursery stock dealer license. The amendment was adopted. S.F. 708 was approved, as amended, and referred to the Environment and Natural Resources Committee.

### Dairy bill gains

Members of the Agriculture and Rural Development Committee met twice Wed., Mar. 17, to consider a measure regulating dairy trade practices. The committee,

chaired by Sen. Joe Bertram, Sr., (DFL-Paynesville), also took action on a bill changing the formula for payments made to producers of ethanol and increasing the oxygenate level requirements for gasoline. S.F. 771, sponsored by Bertram, also increases the limit in total payments from the ethanol account to any producer and expands the geographic area in which oxygenated gasoline must be sold. An amendment deleting the section of the bill specifying the geographic area was adopted. The measure was approved and re-referred to the Jobs, Energy and Community Development Committee.

In other action, the panel also advanced a bill regulating dairy trade practices. S.F. 730, authored by Sen. Dallas Sams (DFL-Staples), changes the Dairy Industry Unfair Trade Practices Act. The measure removes dairy retailers from the minimum price controls of the dairy law, establishes a new dairy law enforcement procedure and restructures the over-order premium for dairy producers. The over-order premium changes include requiring a state permit for all dairy wholesalers, providing for collecting the assessment from the first wholesaler rather than the processor, spreading the assessment to ice cream products in addition to fluid milk products and disbursing over-order premium revenues to both grade A and grade B dairy farmers. The bill was approved and re-referred to the Judiciary Committee.

The panel also discussed S.F. 516, a bill repealing the hay and straw standards law. The measure, authored by Sen. Steve Murphy (DFL-Red Wing), was laid over to allow the department to review the statutes and present a comprehensive list of archaic laws to be repealed.

## Commerce and Consumer Protection

### Ski safety bill advances

A bill setting safety standards for both skiers and ski area operators was advanced at the Mon., Mar. 15, meeting of the Commerce and Consumer Protection Committee. The panel, chaired by Sen. Sam Solon (DFL-Duluth), approved the measure and re-referred the bill to the Judiciary Committee.

Specifically, the bill, S.F. 317, authored by Sen. Janet Johnson (DFL-North Branch), defines the duties and responsibilities of ski operators and skiers. For instance, each ski operator is directed to maintain a sign and marking system, equip motorized snow-grooming vehicles with a light, and inspect passenger tramways. Skiers are directed to know their own abilities, maintain control of their speed and course, stay off of slopes or trails that have been posted closed, stay clear of equipment, towers and signs, and heed all warnings.

The measure's liability provisions generated committee discussion but Solon said that those issues would be better addressed when the bill was before the Judiciary Committee.

The panel also approved a bill allowing financial institutions to enter into contracts

with one another to accept deposits and honor withdrawals. S.F. 394, authored by Solon, specifies "customer institutions" and "services institutions" and provides that customer institutions may contract with and grant authority to service institutions to provide services to the customer institution's depositors, borrowers or other customers. Solon explained that the measure allows banks that have entered into the contracts to operate much as banks that have common Automated Teller Machine networks. The measure was sent to the full Senate for consideration.

### Credit unemployment insurance

A bill that would permit the sale of credit involuntary unemployment insurance cleared the Commerce and Consumer Protection Committee at its Wed., March 17, meeting. S.F. 683, sponsored by Sen. John Hottinger (DFL-Mankato), adds credit involuntary unemployment insurance to the state's definition of credit insurance, which currently includes credit life, accident and health insurance. Credit insurance is sold to consumers in connection with loans or other credit transactions. Credit involuntary unemployment insurance makes payments on the debt while the debtor is involuntarily unemployed.

Three amendments to S.F. 683 were offered and approved. The first, by Sen. Deanna Wiener (DFL-Eagan), clarifies that the commissioner of commerce is responsible for promulgating rules to establish rates for the insurance. The second, by Sen. Cal Larson (IR-Fergus Falls), clarifies the definition of credit involuntary unemployment insurance. The third, by Sen. Terry Johnston (IR-Prior Lake), specifies that compensation paid by the insurer to the seller of involuntary life insurance may not exceed 30 percent of the net written premiums. The amendment also provides a detailed definition of "compensation." S.F. 683, as amended was approved and re-referred to the Finance Committee.

The committee, chaired by Sen. Sam Solon (DFL-Duluth), also approved S.F. 692, sponsored by Sen. Florian Chmielewski (DFL-Sturgeon Lake), regulating minimum deposit requirements for unemployment compensation self-insurers. The bill clarifies the definition of "private self-insurer" to include both current and former members of the self-insurers' security fund. It also specifies that an associate or fellow of the Casualty Actuarial Society determines the private self-insurer's total of estimated future liability. Further, it specifies that data furnished by a private self-insurer must be true and correct, clarifies actuarial standards to be used in establishing loss and loss adjustment expense reserves, and provides for their enforcement.

S.F. 692 now goes to the full Senate.

## Crime Prevention

### Private detectives budget overview

The Crime Prevention Finance Division met Thurs., Mar. 11, to hear a budget overview of the Dept. of Public Safety (DPS) and the Board of Private Detectives.

Marie Ohman, executive director of the Board of Private Detectives and Protective Agent Services, presented the objectives and budget concerns for the 1994-95 biennium. She said that the board continues to manage the licensing activity closely and to minimize the necessity for administrative hearings. Ohman told Legislators that the license fees collected and deposited in the general fund currently exceed expenditures and a 5 percent budget reduction, requested by the governor, will have the effect of increasing the amount by which the activity supplements the general fund.

Of concern currently are administrative rules proceedings for training of armed license holders and their employees, Ohman said. When this legislation is clarified, rulemaking will be required and the board has no budget for it, she said. Sen. Tracy Beckman (DFL-Bricelyn), division chair, said that he will take into consideration the subsidization of the general fund while receiving budget cuts.

Public Safety Commissioner Michael Jordan, presented an overview of the \$200 million department budget. He said that the budget illustrates an overlap and integration of departmental operations. Frank Ahrens, director of fiscal and administrative services, discussed budgetary cuts in several areas including a \$1.4 million cut to the Bureau of Criminal Apprehension (BCA). Addressing cuts to the BCA, Sen. Randy Kelly (DFL-St. Paul), said cuts to the BCA do not reflect a value in public safety. Specifically, the committee discussed the DNA analysis activity statistics which rose from one case in FY91 to 69 cases in FY92. Finally, the members addressed the cuts to the confidential fund by \$23,000. The general fund appropriation for the account is \$223,000, according to Ahrens. The fund is used by special agents for the purchase of evidence and information, he explained. Kelly said that the cut will hamper the ability of local officials to do what they have to do to solve a crime.

### Arson penalties strengthened

"Stiff penalties will send a clear message that the committee is serious about arson," said Chief Fire Marshal Tom Brace, at the Mon., Mar. 15, meeting of the Crime Prevention Committee.

Sen. Steven Novak (DFL-New Brighton) offered S.F. 65, which requires officers investigating fires resulting in a human death to immediately notify the state fire marshal, who will conduct an investigation. The bill provides that the state fire marshal will notify the appropriate coroner or medical examiner who will perform an autopsy, he said.

In addition, the bill adds a new crime for possessing, manufacturing, transporting, or storing a device or compound that when used or mixed has the potential to cause an explosion; and lowers the threshold for arson in the second and third degrees, Novak said. The measure also updates the law so that it is a misdemeanor to interfere with a fire alarm system or a fire protection device. Under the bill, the crime includes disabling or rendering inoperable any of the wires, poles, or other parts of the system or device, Novak explained. The measure also

calls for a five-year felony and fine of not more than \$10,000 for tampering with the fire alarm system when the person knows that the tampering creates the potential for bodily harm. Sen. Patrick McGowan (IR-Maple Grove) successfully amended the bill to clarify that the intent is also to include tampering that results in bodily harm as a felony.

Sen. Thomas Neuville (IR-Northfield) also amended the bill to include a definition of "tampering" and Sen. Randy Kelly (DFL-St. Paul) amended the bill by deleting a section which defines several terms. The committee, chaired by Sen. Allan Spear (DFL-Mpls.), recommended S.F. 65 to pass and sent it to the full Senate.

The committee also gave approval to a bill that imposes a felony penalty for recklessly discharging a firearm from a motor vehicle and provides for forfeiture of the vehicle used in a drive-by shooting. Kelly, bill author, offered an amendment that clarifies that a vehicle is subject to forfeiture if the prosecutor establishes that it was involved in a drive-by shooting and that the registered owner must be notified, through certified mail, of the seizure and intent to forfeit the vehicle within 48 hours after the seizure.

The amendment also specifies that a request for a judicial determination of the forfeiture must be made within 60 days following the notice, Kelly said. In addition, the amendment provides that if the court orders the return of the seized property, filing fees will be reimbursed to the person who filed the demand for judicial determination. The committee approved the amendment.

S.F. 208 was approved as amended and will be incorporated into the omnibus street crime bill.

Lastly, the committee approved a bill, authored by Sen. Pat Piper (DFL-Austin) providing that the Ombudsman for Corrections file a biennial report to the Legislature rather than an annual report. Piper mentioned that the production cost, excluding the extensive amount of staff time, totals \$600 for publishing 250 copies of the report. The committee approved S.F. 729 and sent the bill to the Consent Calendar.

### Corrections budget reviewed

Members of the Crime Prevention Finance Division continued their scrutiny of the Dept. of Corrections' budget at the Wed., Mar. 17, division meeting. The panel, chaired by Sen. Tracy Beckman (DFL-Bricelyn), discussed the support services portions of the departmental budget, including health care, education and insitutional support services. In addition, the panel began discussion of the community services portions of the budget.

Deputy Commissioner Frank Wood outlined the health care and education services offered through the department. According to Wood, provision of health care services is one of the major causes of the deficit within the department's budget. Rising costs associated with health care, plus an aging inmate population, plus an increase in the number of inmates who are HIV positive, have all contributed to the increase in health costs, Wood said. The total

budget for health care services, including mental health services, is about \$12 million per year, Wood said.

According to the department, the cost of providing education services is about \$7 million. The department reports, however, that most students do well in the education programs with the most dramatic results in the literacy programs.

Department officials also outlined the results of an in-depth chemical dependency survey and the work done as a result of the sex offender initiatives enacted by the Legislature last year. Finally, the role of community services was detailed by Dick Mulcrone. Mulcrone said that only a small part of the delivery of correctional services are through prisons; most corrections activity takes place at the community level.

## Education

### Children's mental health services

Kids with needs for mental health services get batted around in the current system, ending up without the services that they really need, said Linda Berglin (DFL-Mpls.). To address the problem, Berglin presented S.F. 377 to the Education Committee, co-chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and LeRoy Stumpf (DFL-thief River Falls), Thurs., Mar. 11.

Children with emotional or behavioral disturbances, or who are at risk of suffering such disturbances, often require services from multiple service systems relating to mental health, social services, education, corrections, the juvenile court, health, and jobs and training, explained Berglin. More of the emphasis should be on prevention, rather than on costly, reactive aspects of the system, such as the juvenile justice system, noted Berglin.

She explained that the bill establishes an integrated children's mental health service system through local and state collaboration to more efficiently and effectively address the needs of children and their families. The new service system creates a local pool of funds; improves the efficiency of existing resources; minimizes the incentives for costs and risk shifting; and increases the incentives for early identification and intervention, said Berglin. After making several technical and clarifying amendments, the committee recommended passage of the bill and re-referred it to the Governmental Operations and Reform Committee.

The committee also gave approval to S.F. 608, authored by Stumpf. Stumpf said the bill regulates unrequested leaves of absence during the regionalization process of technical colleges. The bill is needed because, currently, there is no statutory method for handling unrequested leaves of absence of teachers during the regionalization process. The committee amended the bill to make it coincide with the schedule for contract negotiations. The bill goes next to the Senate floor.

### ECFE home visits gain

A bill that would fund home visits as part of Early Childhood Family Education (ECFE) programs received a hearing by the Education Funding Division at its Fri., Mar. 12, meeting. S.F. 66, sponsored by Sen. Ted

# Committee update

Mondale (DFL-St. Louis Park), calls for a home visiting program that provides parenting education and other services aimed at isolated and at-risk families.

Among the goals of home visiting programs are improving parenting skills, enhancing child development, increasing school readiness, and reducing the incidence of child abuse and neglect. Ellie Webster, policy advocate for Family and Children's Service, testified that home visit programs are needed to reach teen parents, parents who lack trust in formal service providers, or who do not have a support system. Webster said that pilot programs have been very successful and funding is now needed for ongoing programs. The committee laid S.F. 66 over.

The Senators also heard three bills relating to school district funding issues.

S.F. 260, sponsored by Sen. Janet Johnson (DFL-North Branch), increases the time period over which the new district comprised of the Chisago Lakes and Taylor's Falls districts may spread reorganization operating debt levies resulting from their consolidation. After hearing testimony from school district representatives, the division agreed that increasing the time period from five to seven years is appropriate. The division agreed to incorporate the bill into the omnibus education finance bill.

S.F. 318, sponsored by Sen. Duane Benson (IR-Lanesboro), would allow the new district comprised of the Harmony and Preston-Fountain districts to determine a referendum levy different than under current law. Under current law, the referendum authority for the Harmony district will expire before the consolidation of the districts. Under the bill, the vote on the referendum will be part of the larger vote to consolidate the districts. The bill is to be incorporated into the omnibus education finance bill.

S.F. 297, sponsored by Sen. Phil Riveness (DFL-Bloomington), authorizes a school district, city, or township to levy for interest paid on abatement refunds. Currently, school districts receive state aid for a portion of abatements and may levy for the remainder. There currently is no funding mechanism for paying the interest on abatements. Division chair Sen. Lawrence Pogemiller (DFL-Mpls.) said that more calculations are needed to clarify the issue, and the division laid the bill over.

## Department budget reviewed

Members of the Education Funding Division devoted the Tues., Mar. 16, hearing to a discussion of the Department of Education's budget and to a review of the recent departmental reorganization.

Jim Souter, deputy commissioner, outlined the process of departmental restructuring. Souter said that the department reorganized to provide better service to its clients and do a more effective job of assisting school districts that are also in the process of restructuring. The department was also spurred in its reorganizational effort by a 20 percent reduction in staffing and funding by the 1991 Legislature, and by a desire to lead in the movement toward increased efficiency, accountability and customer service in state government,

Souter said. The new structure uses a "Total Quality Management" approach to improve customer service and to make a commitment to continuous quality improvement.

Accordingly, the new structure consists of four rings--service, resource, support and leadership--which reflect department services, customers and customer needs.

Committee discussion also touched on the need for the Legislature and the department to decide if the state is being made to "jump through too many hoops for too few federal dollars." Sen. Lawrence Pogemiller (DFL-Mpls.), chair of the division, said that the Legislature and the department need to examine the priorities of federal mandates and possibly give up some federal dollars if the activities do not meet the criteria of being high priority activities. Pogemiller said that "it might make better sense for the state to go it alone in some areas rather than tie itself in knots for too few dollars."

## Fund transfers reviewed

The Education Funding Division met Wed., Mar. 17, to review several bills that relate to fund transfers and fund balances for school districts. Sen. Lawrence Pogemiller (DFL-Mpls.), committee chair, said that the purpose of the meeting was to gain information on the bills. He noted that the members would later consider whether the bills should stand alone or be incorporated into the omnibus education bill.

Before hearing the bills, Senators discussed with education officials the State Board of Education's policy on approving fund transfers. They noted that the board rarely grants approval for a fund transfer, given the strict guidelines that they must follow. In many cases, the board is not allowed to grant a transfer, which leads many school districts to seek legislative approval.

The bills the committee reviewed include S.F. 155, authored by Sen. Dennis Frederickson (IR-New Ulm), which authorizes fund transfers for the Springfield school district, and S.F. 772, also authored by Frederickson, which authorizes a fund transfer for the Glencoe school district. Sen. Harold "Skip" Finn (DFL-Cass Lake) also presented two bills: S.F. 354, authorizing a district with only a single facility that is less than ten years old in the district to transfer facilities money into the equipment account, and S.F. 151, authorizing a fund transfer for the Remer-Longville school district. Sen. Betty Adkins (DFL-St. Michael) offered S.F. 467, authorizing a fund transfer for the St. Michael-Albertville school district. And Sen. John Marty (DFL-Roseville) offered S.F. 630. He said the proposed legislation addresses a situation where there was an excess in the debt service fund prior to passage of the transfer provision, and where a district had paid off its bond obligations.

## Environment and Natural Resources

### PCA budget overview

Members of the Environment and Natural Resources Funding Division, chaired by Sen. Steven Morse, (DFL-Dakota), met Fri., Mar.

11, to hear a budgetary overview of the Dept. of Natural Resources, Fish and Wildlife Management Division by Ron Nargang, Roger Holmes and Tom Bremeker.

According to Nargang, the division is responsible for managing over 700,000 acres of wildlife area and 4 million acres of surface water that serve an estimated 2 million anglers and 600,000 hunters and trappers.

Nargang said the division is committed to protecting and maintaining the state's resources and providing high-quality recreational opportunities. There are ever-growing demands in the recreational use of Minnesota's resources and long term stewardship and vision is essential to guarding fish, wildlife and native plant populations, he said.

Nargang said the governor's budget calls for a reduction of 5 percent in the general fund with anticipated inflationary cost increases. He said reductions will be accomplished primarily through decreased travel and supply expenditures and staff restructuring. Nargang reported that the governor's recommended initiatives include \$8.6 million for the Mille Lacs Band Treaty accord, \$180,000 from the game and fish fund to the North America waterfowl management plan and \$660,000 for deer population management in FY94 and FY95.

Tim Bremeker said that their division would reduce their vehicle fleet by 5 percent in FY94 and FY95, hold several positions in an open-vacancy status and reduce in-state travel and material purchases. Bremeker explained that more resources will be focused on habitat development and maintenance of some 717,000 acres of wildlife management area systems.

Bremeker said the agency plans to use \$462,000 of the small game license surcharge account, previously spent for wildlife lands acquisition for staff salaries and support costs associated with habitat development and maintenance projects on existing acquisition areas. Bremeker said that monies from other wildlife accounts, such as the pheasant stamp receipt account, would also be shifted to similar critical habitat projects.

### Fishing settlement debated

The Environment and Natural Resources Committee, chaired by Sen. Bob Lessard, (DFL-Int'l Falls), met Fri., Mar. 12, to hear testimony on S.F. 220, a bill, authored by Sen. Steven Morse, (DFL-Dakota), that ratifies a negotiated settlement between the Ojibwe Indian tribe and the State of Minnesota.

The measure, if approved, ratifies the settlement and establishes hunting, fishing and gathering claims of the Mille Lacs Band of Ojibwe in the ceded territory under the Treaty of 1837 and harvesting rights in Lake Mille Lacs under the Treaty of 1855. The committee heard testimony from opponents of the bill including resort and property owners, sports and hunting associations and from two members of the Mississippi Band of Onishinabe Ojibwe.

John Kiel, Lake Mille Lacs Property Owners Association, said that the results of a 1992 random survey sponsored by the association demonstrated broad-based sentiment throughout the state against the

proposed settlement. He said 83 percent, or 241 of 290 responders, opposed the proposed negotiated settlement.

Sen. Gene Merriam, (DFL-Coon Rapids), said that in treating the settlement as a negotiation between two sovereign nations, the state was actually in the position of attempting to re-establish a new treaty. Morse responded, "In this settlement, we are not changing, amending or altering the Treaty of 1837 or 1855--but we are trying to define the rights of the band under the Treaty...either we do it now, or the federal courts will."

Dave Oberfeld representing the Mille Lacs County Board of Commissioners said the board favored an out of court agreement, but could not support the proposed settlement or S.F. 220 in its present form. Oberfeld cited a lack of finality, vague land transfer issues, a loss of potential tax base dollars and negative residual effects on the community-at-large.

Dale Hanks, headman, and Clifford Skinaway, chief Hole-In-the-Day, members of the Mississippi Band of Onishinabe Ojibwe, opposed the bill on the grounds that the settlement would undermine and circumvent the established hunting and fishing claims under historic, communally-held treaties.

Hanks said that members of the other original band signatories of the 1855 Treaty opposed the negotiated settlement between the Mille Lacs Band and the state. The Mille Lacs Band can not exchange the hunting, fishing and harvesting rights of the other tribes, said Hanks. "This bill actually threatens my rights...it needs to be more clear on the state's intentions and how other bands will be treated under this settlement," he said.

According to Zenas Baer, an attorney representing the two tribes, the communal rights and claims of the original band signatories of the 1837 and 1855 Treaties will be adversely affected by the settlement. Baer said that the authority of the state in establishing a settlement is questionable and would likely be void without claims agreement and inclusion of the original bands.

He said that the Mille Lacs Band was operating from a commercial standpoint but that there is no provision, under current tribal laws, to grant power to an individual tribe to sell or dispose of jointly-held treaty rights. "The committee needs to examine whether they are negotiating with the proper authority," said Baer.

No action was taken on the bill and further discussion will continue.

### Commissioners bill heard

The Environment and Natural Resources Subcommittee on Fish and Wildlife, chaired by Sen. Charles Berg, (DFL-Chokio), met Fri., Mar. 12, to hear S.F. 693, a bill authored by Sen. Gene Merriam, (DFL-Coon Rapids). The bill clarifies, modifies and expands appropriate rulemaking authority and duties of the commissioner of natural resources pertaining to fish, game, wild rice, stromatolites and recreation.

Merriam explained that the measure provides for a transition of established rulemaking framework based on a compilation of commissioner's orders to a

rulemaking framework that includes due process for affected citizens under Minnesota statute. The bill incorporates statutory authority as needed and modifies, clarifies, or expands 71 sections of previously-established commissioner's orders currently due to be repealed on June, 30, 1993.

Merriam said that the bill establishes a new provision that the commissioner may pay a fee for fur pelts to an individual under certain conditions and may adopt rules setting pelting fees to govern their payment. The measure places into law a provision that prohibits uncased bows and arrows within a game refuge. Sen. Harold "Skip" Finn, (DFL-Cass Lake), offered an amendment that allows only uncased bows, but removes arrows from the original provision. The amendment was adopted. The bill also authorizes the commissioner to open a refuge for the hunting of some species and provides language that allows the opening of a game refuge for the taking of unprotected animals.

S.F. 693 also provides an expanded provision that exempts purchasers of game birds and their eggs, other than waterfowl, from game farm license requirements under certain circumstances and extends and clarifies the commissioner's authority to prescribe rules for the operation of game farms, including requirements for record keeping and acquisition of animals. No action was taken. Further discussion on S.F. 693 will continue.

Final subcommittee discussion focused on S.F. 702, a bill, authored by Finn requiring the tagging or identification of traps and snares on public or private lands and waters, effective August 1, 1993. Merriam offered an amendment to exclude a tagging identification requirement on property owned or occupied by the trapper. The amendment was adopted. The bill was approved and sent to the full committee.

### Board budget reviewed

Members of the Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse, (DFL-Dakota), met Mon., Mar. 15, to hear a budget presentation on the Board of Water and Soil Resources by Ron Harnack, executive director.

Harnack said the board will refocus funds on water quality issues by fostering a holistic approach to water management issues among local units of government, state and federal agencies. According to Harnack, nearly all of the state's 87 counties are in some phase of comprehensive water plans and in the Metro Area, 5 of 7 counties will have completed groundwater plans by the end of 1994. He noted that over 300 independent county-based initiatives have been named under local water resource protection plans with emphasis on groundwater, lakes, rivers, soils and wetlands.

Harnack reported that the governor's budget recommends \$600,000 per FY94 and FY95 to support cost-share grants designed to reduce soil erosion and improve water quality. He explained that the funding is part of the non-point source pollution control component of the governor's environmental initiative. According to Harnack, local water management priorities are focusing on water quality enhancement by addressing feedlots, riparian lands and

soil conservation.

Harnack said the governor's budget also recommends the creation of a consolidated natural resources block grant to counties facilitating the merger of current local water resources protection grants, DNR shoreland management grants and the board's current Wetland Conservation Act grants. In addition, the governor's budget calls for an additional \$2 million per biennium to help support the local capability.

### Wildlife area bill approved

"We can't afford to turn over public lands to private enterprise anymore," said Dr. Dwain Warner, former environmental director, Belwin Outdoor Educational Laboratory, who testified before the Environmental and Natural Resources Public Lands and Waters Subcommittee, Mon., Mar. 15.

The subcommittee, chaired by Sen. Harold "Skip" Finn, (DFL-Cass Lake), heard S.F. 727, a bill authored by Sen. Leonard Price, (DFL-Woodbury), establishing a new process in the exchange and sale of lands in designated wildlife management areas.

Price said the measure calls for a re-examination of current approaches in the exchange and sale process of wildlife management areas, incorporates a public hearing process, and requires that lands for sale or exchange meet certain criteria before redesignation of intended use.

The most controversial portion of S.F. 727, according to Price, is a provision to repeal laws affecting the sale or exchange of wildlife management areas formerly enacted by the 1992 Legislature. More specifically, the measure seeks to affect the redesignation of 245 acres of wildlife management lands held by the DNR for negotiated purchase by Andersen Corporation.

Warner, a resident and former environmental director, testified that the Bayport lands in question, are composed of prairies, wetlands and bluff areas designated as a wildlife management under DNR authority in 1976. Warner said there is no system in place to de-designate wildlife management areas and that S.F. 727 establishes a new process for the handling of wildlife management areas for sale or exchange with public input.

Finn questioned the testimony provided to the Legislature by DNR representatives last session, that supported the sale of the Bayport area wildlife lands and depicted the lands as an environmental problem. Finn said that the committee was told by DNR representatives that the subsequent sale of lands to the corporation would be contingent on their clean-up of several closed dump sites in addition to monies for land replacement. Finn noted that the provision for comprehensive site clean-up was not part of the final negotiated sale process. The bill was approved, as amended, and sent to the full committee.

In further action, S.F. 116, authored by Sen. Joanne Benson, (IR-St. Cloud), authorizes conveyance to the city of St. Cloud, segments of land owned by the state as part of the St. Cloud State University (SCSU). The measure allows conveyance of the property, without monetary compensation, for narrow segments of land to be used for public outdoor recreational use. Benson



# Committee update

said the bill settles outstanding title questions and promotes the exchange and cooperative recreational development, between the city and the university, of adjacent lands for a public-use, connecting trail system. The bill was approved and sent to the full committee.

S.F. 251, authored by Sen. Florian Chmielewski, (DFL-Sturgeon Lake), approves an appropriation from the general fund and gives the commissioner of natural resources authority to initiate the architectural design and engineering studies for a proposed Minnesota rock, gem and mineral interpretative center. The measure was approved and sent to the full committee.

S.F. 413, authored by Sen. Jerry Janezich, (DFL-Chisholm), authorizes the conveyance of tax-forfeited lands bordering public waters in St. Louis county, by sale, to the city of Babbitt for a public use, water-treatment plant. Janezich also offered an amendment to allow the commissioner of revenue to grant and convey to the commissioner of natural resource a permanent easement to Hay Lake for public access and for fisheries and wildlife management. The amendment was adopted. Finn offered an amendment that allows St. Louis county to convey land to the city of Babbitt without monetary consideration and to include a reversionary interest provision. The amendment was adopted. The bill was approved and sent to the full committee.

Final discussion focused on S.F. 184, authored by Sen. William Luther, (DFL-Brooklyn Park), regulating the operation, registration, safety and compliance of off-highway motorcycles--referred to as dirt bikes. Luther's measure defines the off-highway motorcycle, establishes regulation, application, and registration procedures and criteria as it relates to operation of the two-wheel motorized bikes. Luther also offered an amendment to address safety concerns for riders under age 12 and age 16. The provision establishes the need for supervision in the operation of an off-highway motorcycle for riders under age 12. The amendment clarifies that a rider under age 12 must be accompanied by an adult at all times on a similar vehicle and prohibits a youngster from riding on public roads or crossings.

A second provision requires that riders under the age of 16 must be accompanied by an 18 year old on a similar vehicle and delays the date requirement for safety certification after Jan. 1, 1995. That amendment and a technical amendment were adopted. The bill was approved and sent to the Environment and Natural Resources Committee.

## Ethics and Campaign Reform

### Mail ballots permitted

The Ethics and Campaign Reform Committee, chaired by Sen. John Marty (DFL-Roseville), met Thurs., Mar. 11, to consider several bills relating to elections.

Sen. LeRoy Stumpf (DFL-Thief River Falls), sponsored H.F. 201 permitting cities to use mail ballots in city, county, and state

elections. The bill authorizes any statutory or home rule charter city or town having fewer than 400 registered voters and not located in a metropolitan county to provide balloting by mail at any city, county, or state election with no polling place other than the office of the auditor or clerk, Stumpf said. Joe Mansky, director of the Election Division, Secretary of State's office, told Legislators that the bill applies to 385 Minnesota cities with a population under 500.

The committee adopted an amendment to include that "the governing body may apply to the county auditor for permission to provide validating by mail." In addition, Sen. Patrick McGowan (IR-Maple Grove) successfully amended the bill to require that the population of registered voters be determined by June 1 of an election year. The committee approved the bill and sent H.F. 201 to the Senate floor.

The committee also considered a bill, sponsored by Sen. Joe Bertram, Sr. (DFL-Paynesville) that amends the law regarding elections following redistricting. H.F. 254 allows a person elected as county commissioner, but who move from a district, to hold the office only while remaining a resident of the commissioner district or "after June 15 during a year ending in '2", while remaining a resident of the county." H.F. 254 was approved and sent to the full Senate.

Finally, Sen. Lawrence Pogemiller (DFL-Mpls.) presented a bill that changes requirements and procedures for maintaining precinct boundary data. S.F. 410 allows the Secretary of State's office to acquire necessary equipment and software to make updating precinct and election district boundaries easier and more efficient and to make maps available to interested parties, said Pogemiller. He also told Senators that passage of the bill keeps Minnesota on the cutting edge of technology in terms of election procedures. The committee approved the bill and re-referred S.F. 410 to the Finance Committee.

### Convicted felons excluded

Under a bill offered by Sen. Lawrence Pogemiller (DFL-Mpls.), the filing officer may keep certain persons' names off election ballots. The Ethics and Campaign Reform Committee met Tues., Mar. 16, to consider the bill, S.F. 663, as well as to continue work on the campaign finance reform bill.

Pogemiller said that the secretary of state, upon appropriate notice, will not certify a person's name to be placed on the ballot if the person has been convicted of treason or a felony, is under guardianship, or is insane or not mentally competent. The committee approved the bill and sent S.F. 663 on the Senate floor.

The committee spent the balance of the meeting considering amendments to the campaign finance reform bill. Sen. Pat Pariseau (IR-Farmington) successfully amended S.F. 25 to require numbered contribution receipt forms and that the forms be made available to the Ethical Practices Board upon its request. The amendment also specifies that the data on the receipt are not public. In addition, Pariseau said that the amendment requires

that the commissioner of revenue submit an annual public report to the Ethical Practices Board showing the total number and aggregate amount of political contribution refunds made on behalf of each candidate and each political party.

Sen. John Marty (DFL-Roseville), bill author and committee chair, offered several amendments. The committee adopted two amendments, one of which substantially reduces the amount of approved expenditures to the governor/lieutenant governor race from \$1,626,691 to \$1,500,000, and for the attorney general from \$271,116 to \$150,000 beginning with the general election year 1994. Another amendment deals with unused postage and credit balances carried forward. Marty said that "postage that is purchased but not used during an election cycle and credit balances at vendors must be carried forward and counted as an expenditure during the election cycle during which it is used." The committee adopted the amendment.

Lastly, the committee considered an amendment concerning matching subsidies for eligible gubernatorial candidates. Marty said the amendment stipulates that candidates for governor and lieutenant governor running together are eligible to receive an additional public subsidy to match the first \$50 of contributions received from each person, up to a total of one-sixth of the candidates' expenditure limit if the candidates are eligible to receive a public subsidy and have received a least \$25,000, in contributions of \$100 or less, from eligible voters. Furthermore, the public matching subsidy is paid by the state treasurer by particular dates of the election year and by January 1 of the year following the election in order not to "cash starve" the candidates, according to Marty.

Pogemiller said that political parties are irrelevant if a candidate only has to raise money in order to receive a public subsidy. Supporting Marty's amendment, Sen. Douglas Johnson (DFL-Cook), said that it maximizes the opportunity to participate in the process. Pogemiller and Sen. Ember Reichgott (DFL-New Hope) spoke of the importance of endorsement by a political party, especially endorsement of women and people of color. The amendment was laid over. No final action was taken on the bill.

## Family Services

### Day care restrictions

Some restrictions on the right to provide day care should be prohibited, said Sen. Don Betzold (DFL-Fridley). To achieve that goal, Betzold presented S.F. 496 to the Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin.), Thurs., Mar. 11.

Betzold said the bill prohibits restrictions on the right to provide day care by overriding private land use restrictions--with two exceptions: property that is owner-occupied rental property with no more than two units, and housing for older persons. The bill applies to all deeds, covenants, bylaws, declarations, rules, leases, rental agreements, and other conveyances, including existing ones, said Betzold. He explained that the need for the bill stems from some housing

complexes that prohibit residents from operating licensed day care centers.

Several people testified in favor of the bill, including Cindy Kelly of the Greater Mpls. Day Care Association. The proponents stressed the need for more accessible day care, saying the bill increases the availability of day care services in townhome communities, condominiums, and apartments. Neighborhood day care breaks down transportation barriers, increases convenience, and provides a better sense of community, said Kelly.

Representatives of builders, multi-housing complex owners, and townhome associations testified against the bill. The opponents said that there is no need for the proposed legislation and that it infringes on property rights.

Members debated the need for more accessible day care and the merits of Nelson's actuarial assumptions. Piper said work would continue on the bill at a future hearing.

### Welfare fraud discussed

Welfare fraud received the attention of the Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), Tues., Mar. 16. Sen. Linda Runbeck (IR-Circle Pines) presented S.F. 450, a bill that she said "tightens up" Dept. of Human Services procedures in the area of welfare fraud.

Runbeck explained that the proposed legislation authorizes an enhanced recoupment level in AFDC cases involving welfare fraud; integrates a client release as an inclusion in the combined application form; adds the food stamp program to the coverage of the financial transaction card fraud provision; establishes the offense of food stamp trafficking; and establishes a seven-day validity and nine-day replacement period for lost and stolen assistance warrants.

Expressing concern that the changes in the replacement period policy may create a hardship for some recipients who legitimately need a replacement check, Piper moved an amendment to delete that provision from the bill. The committee approved the Piper amendment. The committee also approved an amendment clarifying that medical records that are not accessible to the commissioner shall not be made accessible through the use of the subpoena power provided for in the bill.

Members recommended that the bill pass and re-referred it to the Crime Prevention Committee.

In other committee business, Senators began work on two other bills, without taking action on them. Sen. David Knutson (IR-Burnsville), offered S.F. 296, a bill that requires parents' social security numbers on birth certificates and modifies various child support provisions. Sen. Dan Stevens (IR-Mora) presented S.F. 399. Stevens said the proposed legislation modifies the STRIDE and AFDC programs and requires a work component.

## Finance

### Secretary of State budget

Members of the Finance State Government Division, chaired by Sen. Richard

Cohen (DFL-St. Paul), devoted their Thurs., Mar. 11, meeting to budget reviews of the Secretary of State's Office and the Board of Judicial Standards. Secretary Joan Growe outlined the office's mission. Growe said the secretary is Minnesota's chief election officer with the mission of acting as a repository for all official state documents, registrar of business information and commercial transactions, and the administrator of the open appointments process. Primary goals of the office, said Growe, is to improve customer service, increase employee productivity, and to reduce the costs associated with the delivery of mandated services.

The office's proposed biennial budget includes five major requests: \$186,000 for central notification/farm product lien list production; \$371,000 to pay for unfunded salary supplement and inflation; \$50,000 to conduct a needs assessment for the aging equipment on the 87 county computer network; \$94,000 for an uninterruptible power source; and \$12,000 for "I Voted" stickers. Growe pointed out that while the office requests an appropriation of approximately \$12 million for FY94-95, it projects that it will collect \$13.8 million in fees during the next biennium.

The governor's recommended biennial budget for the agency is roughly \$10 million and does not include funding for any of the department's additional requests, according to Jayne Khalifa, operations director.

### Board budgets heard

The haircutting business has been particularly busy over the last 10 years, according to Barber Board Director Kenneth Kirkpatrick, who presented a brief budget overview to the State Government Division of Finance, Tues., Mar. 16.

Kirkpatrick told the committee, chaired by Sen. Richard Cohen (DFL-St. Paul), that the turnaround for barbers in the last decade is attributable to a greater concern for personal appearance. The Minnesota Barbers Board, comprised of two full time members, examines applicants, inspects schools and shops, and enforces sanitation rules to ensure a safe and health environment where services are preformed. Kirkpatrick said that the board's funding is generated through fees charged for examinations and licenses.

According to the agency budget, a total of \$258,000 is being requested for FY94-95. The proposal includes holding one part-time position vacant as a response to agency base reductions. Kirkpatrick said the board will be able to continue providing the same level of service regardless of the reduction. The governor's biennial recommendation of \$252,000 includes a \$6000 cut due to revised salary planning estimates.

Members from the Board of Boxing also presented budget concerns. Secretary James O'Hara emphasized the negative impact of proposed budget cut on a small organization. He said with an annual budget of about \$63,000, the board strives to safeguard the public's interest in the business of amateur and professional boxing and full contact karate. The boxing board, as do most state boards, derives its funding from license-generated fees. O'Hara said the board's FY93-94 budget is \$122,000, although the

governor recommends a \$118,000 biennial budget, which includes a \$4000 decrease due to salary estimates. As a result, O'Hara said the board must decrease the hours of the full-time secretary to part-time.

The primary functions of the Board of Architecture, as outlined by Director Pamela Smith, are to examine, license, and regulate individuals engaged in architecture, engineering, land surveying, landscape architect, and certified interior design. The board renews approximately 12,000 licenses every two years, and issues about 650 new licenses annually, said Smith. The board's \$1.2 million biennial budget proposal includes savings in salaries, travel and staff, and increases spending for the certified interior design program. The governor's budget concurs with the agency plan except for an \$18,000 biennial reduction due to revised salary estimates.

### Budget overviews heard

The Finance State Government Division, chaired by Sen. Richard Cohen (DFL-St. Paul), heard budget requests from five agencies at its Weds., Mar. 17, meeting.

The Minnesota Amateur Sports Commission's budget request for the biennium is \$872,000, compared against estimated spending of \$895,000 for the current biennium. The Military Order of the Purple Heart's request remains at \$20,000 for the 94-95 biennium, unchanged from previous years' requests. The Veterans of Foreign Wars request for the coming biennium is \$31,000, unchanged from previous years' requests. The Tax Court's request for the 94-95 biennium is just over \$1 million, compared to estimated spending of just over \$1.1 million for the current biennium. The Uniform Laws Commission's request is \$50,000, compared to estimated spending of \$47,000 for the current biennium.

## Gaming Regulation

### Video lottery proponents heard

Members of the Gaming Regulation Committee, chaired by Sen. Charles Berg, (DFL-Chokio), met Tues., Mar. 16, to hear S.F. 164, authored by Sen. Joe Bertram Sr., (DFL-Paynesville). The bill allows video lottery machines in hospitality businesses that require a liquor license such as bars, restaurants or bowling alleys.

Proponents of the measure, representing the hospitality industry, business owners, civic and charitable gambling organizations testified that the competition for discretionary dollars is fierce and that the bill would provide an economic boost to communities and business locked in direct competition with expanded casino gaming facilities.

John Berglund, Minnesota Licensed Beverage Association, said that the hospitality industry was losing increased dollars to casino gambling and that the mainstream business owner was at a distinct tax disadvantage in relation to Indian gaming casinos. "I believe most citizens favor the addition of video lottery machines--provided money is earmarked for a worthy purpose," said Berglund.

Business owners, John Gamst, Sturgeon Lake; Orvis Pattison, Wilmar, and Charlie

# Committee update

Hall, Moundsview, said they have seen a significant drop in customer traffic and dollars spent over the past five years and they attribute much of the decline to casinos that lure local customers away from local business operations. "Many of these businesses are family owned and operated and they pay a good share of the dollars to the state in the form of sales and property taxes," said Hall, "We have a real opportunity with this measure, to correct the problem and the impending loss of our tax base," he said.

Deborah Anderson, former Speaker of the House and author of the video lottery bill passed in South Dakota, testified that the advent of accessible gaming via video slot machines has proved to be an economic boon both for small towns and cities. "There has been tremendous economic benefits to our small towns and in turn, increased dollars in state revenues. That situation has allowed the state to return dollars in some form of tax relief to the citizens and in increased general fund dollars for economic development," said Anderson.

Senators Berg and Patrick McGowan, (IR-Maple Grove), expressed their concern with expanded video lottery fever and Berg pointed out that there is a downside to the measure with potential increases in compulsive gambling and related behaviors. Randall Stuefen, associate director of research, University of South Dakota, testified that South Dakota has also had to grapple with the tough issues of compulsive gambling and the residual effects of gambling on the local economy.

Final testimony was presented by bill opponent, Bishop Lowell Erdahl, St. Paul Area Synod. "I can emphatically relate to individuals who are dealing with economically difficult times but I thoroughly oppose the expansion of gambling."

No action was taken on the bill. Further discussion on the bill will continue.

## Governmental Operations and Reform

### Gender balance bill approved

A bill requiring gender balance within multimember agencies was approved by the Governmental Operations and Reform Committee, Tues., Mar. 16. Under the bill, multimember agencies include all committees, commissions, metropolitan agencies, councils, and advisory task forces within the executive branch of government.

Presenting S.F. 17, Sen. Sandy Pappas (DFL-St. Paul), said the bill also requires appointing authorities to see that membership reflects the diversity of the state's population and to consult with one another over the next three years to ensure that the membership of all agencies, considered together, are gender balanced. She added that agencies, who have memberships that are not gender balanced, are able to certify to the secretary of state that the agency serves a gender-specific group, or that the appointing authority was unable to find enough persons of the underrepresented gender who were qualified and willing to serve on the agenda. The provision will be

repealed on June 30, 1996. The bill becomes effective July 1, 1993, and applies to agency positions becoming vacant on or after that date.

Pappas distributed letters to the committee from witnesses -- including Iowa's Governor Terry Branstad, the American the Association of University Women, the Twin Cities Coalition of Labor Union Women, and Minnesota Library Workers For Peace And Justice -- who support the greater diversity afforded by S.F. 17. Pappas included statistics compiled by the Secretary of State's Office indicating that of the current 54 state boards, less than half represent gender balance.

Sen. Duane Benson (IR-Lanesboro), gained approval of an amendment expanding the bill to include all multimember agencies within the legislative and judicial branches of government. The bill was approved as amended and sent to the full Senate.

The committee, chaired by Sen. James Metzen (DFL-St. Paul), also approved S.F. 629, a bill amending current law prohibiting arbitration on employer-paid health insurance coverage for retired employees in order to permit arbitration for essential employees. The bill is immediately effective and applies to written requests for arbitration filed after the effective date. Sen. Phil Riveness (DFL-Bloomington), author of the measure, said the bill is necessary to provide essential employees with a mechanism of resolution when an impasse is reached at the bargaining table. Dennis Flaherty, director, Minnesota Police and Peace Association, pointed out that public employers currently have the power to change language in an agreement that has already been negotiated and on which both parties have agreed. Stan Peskar, general counsel, League of Minnesota Cities, said the Legislature must be leery of providing costly insurance to public safety employees who typically retire early. He added that one of the financial tradeoffs of such legislation might be the state's inability hire needed officers. S.F. 629 was advanced to the full Senate.

Next, Sen. Lawrence Pogemiller (DFL-Mpls.), presented S.F. 409, a bill making changes to the Minneapolis Employees Retirement Fund (MERF). Specifically, the legislation requires that all MERF assets be externally managed, subjects individuals managing or servicing MERF assets to fiduciary standards, and requires full actuarial value on purchases of service credit by prior employees of public corporations. The bill was approved and advanced to the full Senate.

The committee also approved S.F. 20, a measure establishing a state funded benefit program, akin to a pension plan, for volunteer ambulance service personnel. The bill essentially makes the proposed program consistent with existing benefit programs for fire department volunteers, as well as other types of service volunteers, according to Sen. Tracy Beckman (DFL-Bricelyn), the bill's author. After brief discussion, the bill was re-referred to the Finance Committee.

Lastly, a bill directing the commissioner of administration to implement an employee

suggestion program was approved. Sen. Kevin Chandler (DFL-White Bear Lake), said S.F. 60 also authorizes bonuses for employees whose suggestions result in savings. The bill was also sent to the full Senate.

### DPS abolition approved

A bill abolishing the Department of Public Safety and transferring its various responsibilities to other agencies was approved by the Governmental Operations and Reform Committee, Wed., Mar. 17.

S.F. 114, authored by Sen. Randy Kelly (DFL-St. Paul), among many changes, moves the divisions of traffic safety, driver and vehicle services, capitol security, and state patrol to the Dept. of Transportation; transfers the responsibilities of drug policy, violence prevention, gambling enforcement, and liquor control enforcement to the Attorney General's Office; and abolishes a number of other offices. The bill takes effect July, 1993.

Sen. Tracy Beckman, expressed concern over proposed cuts in the existing Bureau of Criminal Apprehension budget proposed by the governor for FY94-95. Dept. of Public Safety Commissioner Michael Jordan replied that although the cuts are painful, administrators are being forced to do more with less. "Managers need to cut waste while still providing appropriate service," said Jordan. However, he added, the department does have the power to transfer dollars internally to areas where the need is the greatest.

Sen. Linda Runbeck (IR-Circle Pines), introduced an amendment that would allow the reorganization to be phased-in over a longer period of time. Under the amendment, reorganization recommendations would be presented to the Legislature by January, 1994, and the change itself would take effect by July, 1995. The amendment failed.

A second amendment offered by Sen. Phil Riveness (DFL-Bloomington), in addition to moving divisions around and abolishing specific positions, creates "worker participation committees," allowing management and workers in each affected agency to address issues and tasks related to reorganization. The amendment failed on a tie vote, and S.F. 114 was approved and re-referred to the Crime Prevention Committee.

In other action, the committee, chaired by Sen. James Metzen (DFL-South St. Paul), approved S.F. 4, authored by Sen. Joe Bertram (DFL-Paynesville). The bill, amending current law requiring the commissioner of revenue to reimburse volunteer firefighter relief associations for supplemental benefits paid to retired volunteer firefighters, adds a standing appropriation to the commissioner of an amount sufficient to make the reimbursements each year. S.F. 4 was re-referred to the Finance Committee.

Sen. Steven Morse (DFL-Dakota), called for removal of the requirement for periodic review of the "Rule of 90" for statewide (non-public safety) employee pension plans, in a bill presented by Sen. Larry Pogemiller (DFL-Mpls.). The measure also repeals current law which sunsets the "Rule of 90" for any plan if actual utilization of the special early retirement provision for non-

PERA retirement plans exceeds 45 percent of those eligible to use the special provision. S.F. 566, after brief debate, was approved and sent to the full Senate.

Next, Sen. LeRoy Stumpf (DFL-Thief River Falls), moved to reconsider S.F. 570, a measure that failed during a previous committee meeting. The bill, authored by Sen. Deanna Wiener (DFL-Eagan), clarifies requirements to appoint members of state boards and agencies using the open appointments process, clarifies procedures for appointing members to fill unscheduled vacancies in agencies where members are affected by term limits, and permits appointing authorities to use an existing list of applications to fill a position that became vacant within three months after the initial appointment for the regular term was made. The measure was approved and sent to the full Senate.

S.F. 361, a bill extending existence of the Minnesota Advocacy Council on Fire Protection, authored by Sen. Steve Murphy (DFL-Red Wing), was approved and sent to the full Senate.

Finally, the committee confirmed the appointment of Laurie Fiori Hacking as executive director of the Public Employees Retirement Association.

## Health Care

### Orphan drug dispensing approved

The Health Care Committee met Thurs., Mar. 11, to consider a bill that allows the dispensing of orphan drugs, another bill that extends the mental health pilot project in Dakota County, and a bill that concerns the Minnesota Housing Finance Agency (MHFA). In addition, the committee heard an overview of a bill that establishes the integrated management and planning act (IMPACT).

S.F. 163, sponsored by Committee Chair Linda Berglin (DFL-Mpls.), allows the dispensing of orphan drugs if prescribed by a physician, dentist, or veterinarian practicing in and licensed by another state who has a current federal Drug Enforcement Administration Registration number and who can legal prescribe certain controlled substances in that state. As defined in the bill, an orphan drug means a drug for a disease or condition which is rare in the United States and have been designated as an orphan drug by the secretary of health and human services. Dan Asher, Chronimed Pharmacies, told Senators that the company, currently working with six treatment centers that prescribe and instruct patients about the drugs, distributes directly to patients upon discharge. According to Asher, a small number of patients use orphan drugs. The committee approved the bill and sent it to the full Senate.

S.F. 756, authored by Sen. James Metzen (DFL-South St. Paul) advocates the continuation of the Dakota County mental health pilot project. He said that the bill extends the mental health pilot project for two more years commencing on July 1, 1993 and allows the Dept. of Human Services (DHS) to establish an adult health services integrated fund in Dakota County. The committee adopted an amendment that provides for an appropriation of \$200,000

from the general fund to the commissioner of human services to pay for the costs and expenses incurred through June 30, 1995. S.F. 756 was approved and sent to the Health Care and Family Services funding division for further budgetary discussion.

The committee also began work on a bill, sponsored by Sen. Duane Benson (IR-Lanesboro), that establishes the integrated management and planning act (IMPACT). Shirley Patterson, director of developmental disabilities program, presented an overview of the program's objectives to improve the provision of services to persons with mental retardation. S.F. 710 authorizes the establishment of a separate fund to receive money transferred from the existing programs for the clients and encourages the transfer of clients from the semi-independent living services (SILS) program to waived services, Patterson explained. In addition, the bill allows residential providers to be day training vendors under certain circumstances and allows businesses to contract with day training vendors, with a modified rate-setting system, to provide training and supervision services, she said. The committee approved a technical and clarifying amendment, but took no final action on the bill.

In final committee action, members approved S.F. 222, sponsored by Berglin. The measure authorizes the Minnesota Housing Finance Agency (MHFA) to finance residential care facilities for the elderly, physically infirm, or impaired persons. The bill also extends MHFA law to recognize the increasing cost of providing nursing and long-term residential care to residents. In addition, the bill extends the power of MHFA to include residential care facilities financing. Also, the occupancy of the residential care facilities need not be based on income levels of applicants for admissions, Berglin said.

S.F. 222 was approved and re-referred to the Jobs, Energy and Community Development Committee.

### Budget overview continues

The Health Care and Family Services Funding Division met Mon., Mar. 15, to continue discussion of the Dept. of Human Services budget.

George Hoffman, DHS, outlined the projected state expenditures for DHS entitlement programs, including Medical Assistance, General Assistance Medical Care, Aid to Families with Dependent Children, the Minnesota Family Investment Program, General Assistance, Work Readiness, and Minnesota Supplemental Aid, among others. Hoffman explained that as compared with the November 1992 forecast, the total difference in the projections for the next three years amounts to a decrease in spending of almost \$50 million.

Much of the savings come from reduced caseloads in some areas, as well as the recovery of overpayments to health maintenance organizations (HMOs), said Hoffman. He noted that the overpayments to HMOs were in excess of \$6 million.

### ISN systems profiled

The Health Care Committee met Tues., Mar. 16, to hear recommendations of the

Minnesota Health Care Commission and an overview of S.F. 900. The bill, sponsored by committee chair Sen. Linda Berglin (DFL-Mpls.), establishes integrated service networks and creates a regulatory framework for their operation.

The bill also provides for a cost containment plan, Berglin said. Incentives will encourage the voluntary development of competing integrated service networks (ISNs) that are accountable for the price and quality of their services, she explained. ISNs will be responsible for providing the full array of health care services for a fixed price for the purchaser, thus creating incentives for the participating providers and health plans to be more efficient, she said. The plan not only calls for competition and limits on spending growth, but also for collaboration when competition is likely to produce excess capacity in the health care system, Berglin said. In addition, practice parameters will be developed and approved to provide guidance to providers regarding the most effective methods of care and treatment.

Tom Swain, chair of the Minnesota Health Care Commission, outlined the problem of rising health care costs. He said that nationally, health care costs are expected to go up 12 percent to 15 percent a year for the next five years - five times the general inflation rate. "Health care is expected to reach \$5,700 per person by the year 2000, up from \$1,100 in 1980 and \$2,580 in 1991," he said. Explaining the focus of a cost containment plan, Swain said that in the next five years, the plan reduces health care inflation from ten percent to six percent and saves Minnesotans over \$7 billion. In addition, the plan "increases access to health care and moves Minnesota closer to universal coverage," he said. Lastly, the plan offers health plan companies and providers an opportunity to manage their own costs without government micro-management, Swain said.

Efforts to streamline administrative procedures and reducing administrative costs, drew praise from many who testified on the bill. However, witnesses, including Wanda Schumacher, Minnesota Chamber of Commerce, voiced doubts about the measurable data to purchasers and consumers regarding the ISNs quality of care, appropriateness of the care delivered and the success ratio of the care delivered to the consumer.

The committee adopted an amendment, offered by Berglin, that clarifies that ISNs may be developed by local communities and provides for loans for the creation. In addition, the amendment also clarifies that corporations operating ISNs must be nonprofit and not incur or pay for any unreasonably high expense, Berglin said. Administrative accounting procedures and technical assistance provided by regional coordinating boards are also addressed in the amendment. Continued testimony on the bill will be heard at subsequent meetings.

### Cost containment bill approved

At afternoon and evening meetings of the Health Care Committee Wed., Mar. 17, members listened to final testimony on the cost containment plan proposed in S.F. 900,

# Committee update

authored by Sen. Linda Berglin, committee chair, before granting approval to the bill.

Witnesses applauded the efforts to reduce administrative costs by streamlining billing forms and procedures, through competition and incentives for efficiency, through public commitments to reduce costs, and through collecting and analyzing data on administrative costs but raised questions about the bill.

Marla Ivan, manager of government relations, Health Partners, supported efforts to make providers more accountable, but stated that the S.F. 900 is a heavily regulatory bill. Especially in terms of practice parameters, according to Dan McLaughlin, administrator of the Hennepin County Bureau of Health. McLaughlin told Senators that physicians support the proposal for practice parameters, but not if used as a police force.

Practice parameters should be developed with participation from the public and contributing providers, in addition to physicians, said Pam York, MN Dietetics Association. She said that to improve quality of care and meet cost containment goals, parameters must be condition-based not provider-based.

Other areas of concern presented to the committee included home care services and services to persons with a mental illness. Debra Kildahl, Minnesota Home Care Association, said that the bill does not adequately consider home care services and that the services may be in jeopardy. Concerning mental illness coverage, Judy Traub, representing the Alliance for the Mentally Ill, said that denying coverage of treatment for mental illness does not result in cost savings but cost shifting.

Pharmaceutical control by the state also came under fire as representatives of the pharmacy industry explained the need to assure that prescription drug products are accessible, affordable and appropriately used. Bill Bond, MN Pharmacists Association, advocated for pharmacists' ability to assure quality control through comprehensive pharmacy services.

The panel adopted several technical and clarifying amendments offered by Berglin. Another amendment adopted extends the approved practice parameters to include those approved by a nationally recognized health care related society. Sherburne County is shifted to another region in another amendment. Lastly, the committee adopted an amendment that deletes portions of the bill dealing with group rates, open enrollment periods, and underwriting guidelines. The committee approved S.F. 900 and re-referred it to the Commerce and Consumer Protection Committee.

## Jobs, Energy, and Community Development

### Cold Weather Resource Center

A bill authorizing funds to operate a cold weather resource center in northern Minnesota, was debated at the Jobs, Energy, and Community Development meeting, chaired by Sen. Steven Novak (DFL-New Brighton), Thurs., Mar. 11.

The measure, S.F. 311, provides for a

\$300,000 biennial appropriation to operate a cold weather center established almost three years ago at International Falls. The research center is a non-profit operation that coordinates and disseminates information, and is designed to promote and facilitate cold weather testing in Minnesota. Currently, the organization is funded with oil overcharge money, which is no longer available, according to Bill Reimerman, Senate Counsel.

According to Sen. Bob Lessard (DFL-Int'l. Falls), the bill's author, the center has been successful in assisting industries that test automobile and aeronautic parts. Additional funding is requested in order to expand into other industries that do cold weather testing, said Lessard. Other provisions within the bill prevent the center from conducting its own research or testing, and from competing with any services available in the private sector.

Several Senators contended that if the center is an effective economic development tool, it should be self-supportive. Sen. Carl Kroening (DFL-Mpls.) suggested the organization raise matching funds or charge fees, rather than depend completely on the state for additional financing. Sen. Randy Kelly (DFL-St. Paul), gained approval for an amendment changing the biennial appropriation. The center, according to the amendment, will receive \$150,000 for FY94 as originally planned in Lessard's bill, but only \$75,000 for FY95 -- and those dollars are available only to the extent that they are "matched on an equal basis from nonstate funds." S.F. 311 was approved and re-referred to the Jobs, Energy, and Community Development Finance Division.

Two additional bills, S.F. 344 and S.F. 264, authored by Sen. Ellen Anderson (DFL-St. Paul), were also approved by the committee. S.F. 344 authorizes the Housing Finance Agency to establish a mortgage foreclosure prevention program. The service will provide assistance to low and moderate income person who are facing mortgage foreclosure due to circumstances beyond their control. Approximately 50 percent of the program's funding is designed to pay for counseling services, and families may receive up to a maximum of \$4,500 in financial assistance on a one-time basis, said Anderson. She added that although no specific appropriation is included within the bill, the governor's budget includes a biennial allocation of \$442,000 for the issue. The measure was re-referred to the Jobs, Energy, and Community Development Finance Division.

Among several provisions of S.F. 264 -- legislation amending various programs of the Housing Finance Authority -- are sections expanding eligibility of the homesharing program to include single parent households; expanding the operating jurisdiction of the urban Indian housing program to include cities with an American Indian population of greater than 1,000 persons; consolidates the blighted residential property and capital reserve programs; and allowing the agency rental assistance program money to be used to leverage federal "HOME" program money. The

measure was advanced to the full Senate.

### Budget review continued

Officials from the Department of Jobs and Training continued their budget presentation at the Jobs, Energy and Community Development Funding Division meeting, chaired by Sen. Carl Kroening (DFL-Mpls.), Mon., Mar. 15.

Most of the hearing was devoted to discussion of two divisions within the department -- job service/unemployment insurance, and community based services. Assistant Commissioner Gary Sorensen said job service provides an array of special programs to address the individual demands of employers searching for skilled applicants and individuals in need of job placement services. The agency also offers employment assistance to veterans and economically disadvantaged persons.

Sorensen pointed out that the cliental served by job service has changed over the years due to the recession. While the service has traditionally dealt with clerical and blue collar positions, recent job losses within the white collar areas has left the agency to deal with jobs in a variety of areas. In total, job service recorded 67,518 placement transactions last year with roughly 270 placements per staff. The governor recommends additional state funding of \$250,000 for the biennium, which incorporates an initiative designed to establish the feasibility of a uniform business identification process. Commissioner Jane Brown said the initiative could streamline businesses interaction with state government and reduce business administrative costs.

Assistant Commissioner Byron Zudiema provided an overview of a combination of programs offered by the Community-Based Services Division. The division is responsible for a comprehensive array of anti-poverty services from Head Start to workforce training and development. Zudiema said that the number of Minnesotans living in poverty has increased 16 percent over the last 10 years to 435,000 persons.

The governor agrees with the department's state aid appropriation of \$19 million for the biennium except for the following adjustments: a biennial increase of \$800,000 to restore Food Shelf grants; transfer of head start activity to the proposed Dept. of Children and Education Services; and a reduction due to revised salary planning estimates.

### CAP funding bill approved

Community action programs (CAP) will receive an additional \$11.6 million in additional state funding for FY94-95, according to a measure approved by the Jobs, Energy, and Community Development Committee, Tues., Mar. 16.

Sen. Carl Kroening (DFL-Mpls.), author of S.F. 623, said the funds are needed to replace federal funds that are no longer available to CAPs. Recent federal restrictions no longer allow the community-based programs to transfer block grant money from the federal Low-Income Home Energy



Assistance program to the federal community services block grant. "Prayers won't help -- they need assistance in terms of dollars," said Kroening, referring to the loss of almost half of grantee funding due to new federal rules. Several CAP clients testified about the assistance they have received over the years in the form of nutrition, clothing, daycare, and heating payments.

Although several Senators expressed concern that the state was being held responsible for inadequate federal funding, S.F. 623 was approved and re-referred to the Jobs, Energy, and Community Development Finance Division.

The committee also heard testimony on a bill authored by Sen. Ellen Anderson (DFL-St. Paul), relating to unemployment compensation benefits for domestic abuse victims. According to Anderson, S.F. 236 qualifies for unemployment compensation those individuals who, in the course of removing themselves and their families from abusive homes, must also leave their employment. "Ending an abusive relationship is a most painful and isolating decision," said President Irene Theis, Minnesota Federation of Business and Professional Clubs, in a letter distributed to the committee. "In the most serious of circumstances, ending the violence may also mean leaving not only one's home, but also one's employment and community."

Anderson said the bill, providing domestic abuse victims with basic economic assistance, makes a transition out of a violent living situation possible. The bill requires the victim to provide evidence that the separation from employment was necessary to protect the individual and that reasonable efforts were made to retain employment.

The committee approved an amendment, authored by Sen. Randy Kelly (DFL-St. Paul), deleting the provisions authorizing the payment of unemployment benefits, but requiring the commissioner of jobs and training to develop a policy regarding receipt of unemployment insurance in cases of domestic abuse as defined in current law. The public and the commissioner of human services must be involved, and a full report is due to the Legislature by 1994, according to the amendment. The bill was approved as amended and advanced to the floor.

### TACIP request

A bill that increases the surcharge for funding services to communication impaired persons cleared the Jobs, Energy and Community Development Committee at its Weds., Mar. 17, meeting. S.F. 698, sponsored by Sen. Janet Johnson (DFL-North Branch), changes the maximum allowable surcharge per telephone access line from 10 to 20 cents. The increase is aimed at financing the distribution of communications devices and the establishment of message relay centers for communication impaired persons. It also establishes a combined billing for surcharges for this program, the 911 program and the telephone assistance program for the aged, disabled and poor.

It also changes the composition of the 12-member Telecommunications Access for Communication-Impaired Persons (TACIP) board. Under the bill, two current positions

held by the Human Services commissioner and the representative of the relay center operator are removed. Replacing them are two more communication impaired persons.

The committee, chaired by Sen. Steven Novak (DFL-New Brighton) approved S.F. 698 and re-referred it to the Family Services Committee.

The committee next turned to S.F. 54, also sponsored by Sen. Janet Johnson, establishing an emergency mortgage and rental assistance program administered by the Housing Finance Agency. The program provides assistance to individuals and families who are unable to pay their housing payments due to illness, unemployment, or other factors beyond their control.

The committee approved S.F. 54 and re-referred it to the Jobs, Energy, and Community Development Finance Division.

## Judiciary

### Third party visitation rights

Courts may not deny visitation rights for third parties based on an allegation that visitation would interfere with the parent and child relationship unless the court, after a hearing, determines otherwise, according to a bill approved by the Judiciary Subcommittee on Family Law, Mon., Mar. 15.

Sen. Allan Spear, author of S.F. 89, said the measure clarifies current law to provide that visitation rights cannot be denied based on a simple allegation. In essence, the bill ensures that a hearing will be held and shifts the burden of proof to the custodial parent, said Jean Lastine, chair, Family Law Division, MSBA. Several grandparents, speaking in support of the bill, testified to the isolation, devastation, and health problems faced by children who are separated from extended family members for long periods of time. The bill was approved and held by the subcommittee to be combined into a comprehensive family law bill at a later date.

The subcommittee, chaired by Sen. Don Betzold (DFL-Fridley), also heard S.F. 106, a bill dealing specifically with grandparent visitation petitions. According to the legislation, authored by Sen. Jim Vickerman (DFL-Tracy), grandparents are allowed to seek visitation rights at any time after a proceeding for dissolution, custody, legal separation, annulment, or paternity is brought. According to Vickerman, current law might be interpreted to require the grandparent visitation petition to be brought at the time that the proceeding is pending. He added that grandparent petition rights are allowed to continue during the minority of the child. The measure was also approved and held by the subcommittee for a comprehensive family law bill.

Lastly, Spear presented a second bill containing a number of family law amendments from the family law section of the MSBA. Among several provisions, S.F. 783 amends current law dealing with suspension of an occupational license for failure to pay child support to also include failure to pay spousal maintenance; requires child support orders to expressly assign or reserve responsibility for maintaining medical insurance and for the division of uninsured medical costs; and amends the compensatory visitation

statute to apply to all persons with visitation rights, not just noncustodial parents. S.F. 783 was laid over.

### Several bills heard

Members of the Judiciary and Crime Prevention Subcommittee on Data Privacy, co-chaired by Senators Jane Ranum (DFL-Mpls.), and Harold "Skip" Finn (DFL-Cass Lake), met Mon., Mar. 15 to consider a number of bills.

The committee approved S.F. 714, authored by Ranum, a bill modifying provisions related to medical data on persons being evaluated for or diagnosed with mental illness. The measure was held to be incorporated into a more comprehensive data practices bill.

S.F. 207, a bill clarifying data classifications and providing certain immunities for supervisors and persons reporting violations, was also approved. The legislation, authored by Finn, was re-referred to the full Crime Prevention Committee.

Lastly, a bill providing for access to and dissemination of juvenile court records was presented by Ranum. S.F. 969 was approved and also re-referred to the Crime Prevention Committee.

### Civil Commitment Act

The Judiciary Committee, at a Wed., Mar. 17, meeting approved a bill clarifying time limitations for appeal under the Civil Commitment Act.

Sen. Don Betzold (DFL-Fridley), author of S.F. 452, said the bill expands the time period within which a person committed as mentally ill and dangerous may appeal to 60 days. He added that the extra time will result in fewer court appeals because a patient would have more time to decide what he or she would like to do. Under the bill, the commissioner of human services, or any other aggrieved party, is also given 60 days to appeal a court order. The measure was approved and sent to the full Senate.

The committee, chaired by Sen. Ember Reichgott (DFL-New Hope), then considered S.F. 440, a bill making a number of technical and substantive changes to the new voluntary foreclosure procedure of commercial property that was enacted last session.

Among the provisions, the legislation lengthens a mortgagor's redemption period to two-months after a voluntary foreclosure agreement has been made; allows the parties to file a short form agreement, instead of filing the entire agreement with the county recorder or registrar of titles; provides that an agreement for voluntary foreclosure eliminates the junior lienholder's right of reinstatement; and allows the notice of the voluntary foreclosure sale to holders of junior liens to be made by first-class mail, rather than certified mail. According to Sen. Allan Spear (DFL-Mpls.), the bill's author, the measure will speed-up the recycling of commercial property. After brief debate, the committee approved S.F. 440 and sent it to the full Senate.

Lastly, members began work on S.F. 532, a bill consolidating, simplifying, and making some substantive changes to current law dealing with Conciliation Courts.

Under the measure, the Supreme Court is required to adopt rules governing pleading,

# Committee update

practice, and procedure for Conciliation Courts by July 1, 1993. In addition, the bill deals with the administration and operation of Conciliation Courts and includes provisions dealing with judges and referees, the court administrator, and court reporter. Finally, the increase in jurisdictional limits in Conciliation Courts that were enacted last session (increases to \$6,000 in 1993, and to \$7,500 in 1994) are repealed, according to Harold "Skip" Finn (DFL-Cass Lake), the bill's author. The bill was laid over for further discussion.

## Metropolitan and Local Government

### Metropolitan bill heard

The Metropolitan and Local Government Subcommittee on Metropolitan Affairs, chaired by Sen. Ted Mondale (DFL-St. Louis Park), met Thurs., Mar. 11, to take action on two bills.

Sen. John Marty (DFL-Roseville) presented S.F. 449, a bill that, after being amended at a previous meeting, clarifies the applicability of comprehensive plans that conflict with official controls. The panel approved the bill and sent it to the full committee.

Sen. Randy Kelly (DFL-St. Paul), offered S.F. 309. Kelly said the bill authorizes the city of St. Paul to adopt, by ordinance, a residency requirement for city employees. The subcommittee did not approve the bill.

### Local government cooperation

Local governments will have greater incentive for increased innovation and cooperation, under S.F. 734, said Sen. Ember Reichgott (DFL-New Hope). Reichgott presented the bill to the Metropolitan and Local Government Subcommittee on Intergovernmental Relations, chaired by Sen. John Hottinger (DFL-Mankato), Fri., Mar. 12.

Reichgott said "many local governments and school districts are willing to explore results-oriented approaches, but are finding a web of state laws and rules in their way." She said the bill provides increased flexibility to local governments.

The proposed legislation establishes a board of government innovation and cooperation that has the authority to grant waivers from administrative rules and laws governing procedures, explained Reichgott. She said the board makes on-going recommendations to the Legislature for the elimination of state mandates. Under the bill, the board provides funds to enable local governments to plan for and execute service-sharing arrangements or combinations of jurisdictions. Reichgott noted the inefficiencies that stem from the multiple layers of government in Minnesota, which include over 2,700 cities, townships and counties, as well as more than 400 school districts.

The proposed legislation was drafted in cooperation with the Advisory Commission on Intergovernmental Relations, the Citizens League, and local government associations, all of whom testified in support of the bill.

The committee also discussed S.F. 580, also authored by Reichgott. Reichgott said the bill makes changes to the duties of the state auditor that relate to the examination of local government operations. She explained that the proposed legislation provides for the preparation and review of accounts; provides for the costs of examinations; defines the limits to various types of compensation for public employees; provides procedures for the compensation of claims and for the removal of city managers; and limits certain high risk investments.

Hottinger said he will request that the full committee take action on the bills, rather than having the subcommittee formally vote on the bills.

### Regional park properties

Regional park properties are exempt from taxation, with the exception of special assessments, under S.F. 726, authored by Sen. Ted Mondale, (DFL-St. Louis Park). Mondale presented the bill to the Metropolitan and Local Government Metropolitan Tax Division, chaired by Sen. Carol Flynn (DFL-Mpls.), Wed. Mar. 17.

Mondale explained that special assessments may be levied on regional park property in an amount proportionate to the special benefit received. He noted that in assessing the potential benefit, no possible use of the property other than its use as part of the regional open space system may be considered. Also, the special assessments are subject to final confirmation by the Metropolitan Council, whose finding is conclusive, said Mondale. Mondale added that the bill, which only applies to the seven-county Metro Area, reduces the amount of costly litigation that stems from current law in this area. The division approved the bill and sent it to the full committee.

The division also heard S.F. 197, authored by Sen. William Belanger (IR-Bloomington). Belanger said the bill is an initiative from the governor that provides procedures for voter ratification of proposed increased employee costs of local governments. The initiative also freezes certain aid to local governments and transfers the local government trust fund balance for the 1994-1995 biennium to the general fund. The division did not take action on the bill.

## Taxes and Tax Laws

### Sales tax exemptions

The Taxes and Tax Laws Subcommittee on Income and Sales Tax, chaired by Sen. Ember Reichgott (DFL-New Hope), met Tues., Mar. 16, to gain information on a number of bills that relate to sales tax. Many of the bills on the agenda provide for exemptions from the local sales tax on purchases by local governments, a policy that was put into law last year.

The bills seeking exemptions from the local government sales tax include S.F. 71, authored by Sen. Harold "Skip" Finn, exempting the sales of homemaking and chore services from the sales tax; S.F. 228, authored by Reichgott, exempting certain libraries from the sales tax; S.F. 246, authored by Sen. Janet Johnson (DFL-North

Branch), exempting political subdivisions' purchases of repair parts for emergency vehicles from the sales tax; and S.F. 423, authored by Sen. Terry Johnston (IR-Prior Lake), providing an exemption to cities or counties for certain correctional facilities projects. Sen. Dennis Frederickson (IR-New Ulm) presented S.F. 558, which provides for the exemption of sales tax to counties for some capital improvement projects. And Sen. Steven Novak (DFL-New Brighton) offered S.F. 515. Novak said the bill clarifies the credit on the taxing of fuel for vehicles used for school-related purposes.

The committee also heard four other bills: S.F. 677, authored by Sen. Bob Lessard (DFL-International Falls), exempting rerefined waste motor oil from the motor fuel excise tax; S.F. 420, authored by Sen. Dean Johnson (IR-Willmar), exempting purchases made by nonprofit groups for the purpose of maintaining a church cemetery; S.F. 412, authored by Sen. Douglas Johnson (DFL-Cook), providing that the motor vehicle registrar may divulge information contained in motor vehicle purchasers' certificates to local officials who administer local sales or use taxes; and S.F. 115, authored by Sen. Gary Laidig (IR-Stillwater), exempting the sales of horses from the sales tax.

Reichgott said the subcommittee would consider the proposals for inclusion in the omnibus tax bill.

### Property tax bills heard

Several bills dealing with various areas of property taxation initiated discussion at the Wed., Mar. 17, meeting of the Taxes and Tax Laws Subcommittee on Property Taxes. The panel, chaired by Sen. Carol Flynn (DFL-Mpls.), took no formal action on any of the bills. Flynn said that the purpose of the hearing was to discuss all the bills and the underlying issues.

S.F. 132, authored by Sen. Joe Bertram, Sr., (DFL-Paynesville), provides for the distribution of penalties and interest on delinquent property taxes to all taxing jurisdictions in the same proportion as each jurisdiction's tax levies. S.F. 295, sponsored by Sen. Steven Novak (DFL-New Brighton), reduces the class rate applicable to commercial-industrial property and increases the corporate franchise tax rate and the corporate alternative minimum tax rate. The measure reduces the class rate for C-1 to four percent for taxes payable in 1994 and thereafter. The corporate franchise tax rates are increased to 11.7 percent and the alternative minimum tax rate is increased to 6.9 percent.

S.F. 254, authored by Sen. Leonard Price (DFL-Woodbury), authorizes counties to accept property tax payments by credit card and charge a fee for its use. S.F. 146, sponsored by Sen. Richard Cohen (DFL-St. Paul), provides a property tax exemption for federal land leased by individuals for cottage and camp purposes. S.F. 482, sponsored by Sen. Linda Berglin (DFL-Mpls.), expands commercial-industrial confession of judgment eligibility by increasing from \$100,000 to \$200,000 the maximum market value of property that qualifies.

## Transportation and Public Transit

### Transportation budget overview

Members of the Transportation and Public Transit Finance Division met Fri., Mar. 12, to hear a continuation of the Dept. of Transportation budget overview. Activities discussed included the state road operations, road maintenance and preservation; electronic communications and traffic engineering; and the state road construction activities.

Patrick Hughes, assistant commissioner of the Operations Division, discussed the research and technological innovation demonstrated in a \$10 billion road project, called MinnRoad. "The project is the most significant research of its type in the world," he said. Project funding is from state as well as federal dollars, according to Hughes.

Regarding budgetary adjustments, Hughes said that in order to address the increased level of preservation and maintenance of the existing infrastructure, the department proposes a shift of approximately \$17.7 million in FY94 and \$22.1 million in FY95 to the state road operations program from the state road construction program. In part, the shift will provide for sufficient materials to perform needed repairs and maintenance, he explained.

Merritt Linzie, director of the Office of Highway Programs, began a presentation of the State Road Construction Program. The road construction biennial budget totals \$676.2 million, Linzie said. He discussed the utilization and extension of transportation investments, highway system safety concerns, and the preserved standard of living through reliable and economical transportation systems.

### Highway funding debated

"The current formula for the highway user tax distribution fund is imbalanced," said Dennis Berg, commissioner on the Anoka County Board. Berg presented the Metropolitan Inter-County Association's (MICA) proposed formula to members of the Transportation and Public Transit Committee, Tues., Mar. 15.

The proposed formula is predicated on support of a five cent gas tax, Berg said. Under the plan, no county receives less than their 1990 or 1993 aid amount, whichever is greater, plus a \$3 per capita, he said. In addition to the floor, a ceiling -- a maximum percentage increase -- is built into the formula. Sen. Keith Langseth (DFL-Glyndon) said that he supports a gas tax increase if the Greater Minnesota roads receive their fair share of the additional revenue growth.

Berg said that under the current formula, funding is calculated by the number of motor vehicles registered in the county. He questioned the equity in the current formula and illustrated that by using the formula, Anoka County receives \$16.83 per registered vehicle and Lake of the Woods County receives \$400.11 per registered vehicle.

Sen. Florian Chmielewski (DFL-Sturgeon Lake), committee chair, said, "I am charged with the duty to ensure that equity prevails in the legislative process and I want to be

convinced that the proposed formula is fair to all counties." He said the formula seems weighted to benefit the Metro Area counties.

The committee also considered a bill that creates a Minnesota paratransit commission to develop coordinated paratransit services statewide for elderly persons, persons with disabilities and persons with special transportation needs. S.F. 517, sponsored by Sen. Ted Mondale (DFL-St. Louis Park), establishes an eight-member commission appointed by the governor. The bill also provides for an undetermined appropriation to the commission. The bill was laid over.

### Mn/DOT budget review

Members of the Transportation and Public Transit Finance Division devoted the entire Tues., Mar. 16, hearing to the continued review of the Dept. of Transportation budget. Members, chaired by Sen. Keith Langseth (DFL-Glyndon), heard from representatives from the department about budgets for research and strategic initiatives, program development, the equipment program, administration and four capital budget proposals.

The four capital budget proposals detailed the state funding required for each of the projects. The Forest Highway 11 from Aurora-Hoyt Lakes to Silver Bay in Lake and St. Louis Counties requires \$2.889 million from the state over the next two years. Hughes Road in Hibbing, providing access to the proposed Northwest Airlines facility requires \$125,000 from the state. Nicollet County CSAH 41 in North Mankato requires \$750,000 and completion of the Bloomington Ferry Bridge and bridge approaches requires \$20.292 million from the state.

In the area of program development, discussion centered on the funding for the trunk highway improvement workload. The department is aiming for a \$400 million level of funding by FY96, however, that figure requires full funding of the federal Intermodal Surface Transportation Efficiency Act (ISTEA). Currently, ISTEA does not have full funding. Committee members discussed methods of gaining additional funding, including an increase in the gasoline tax.

In the equipment program discussion, Mn/DOT representatives outlined the technological advances that are being made that will contribute to more efficient and safer roads throughout the state.

### Temporary permits extended

The Transportation and Public Transit Committee met Wed., Mar. 17, to consider a bill that provides for a hearing to resolve disputes and a bill that extends the validity period of nonresident temporary vehicle permits. In addition, the committee heard a presentation by the Consulting Engineers Council of Minnesota.

The committee approved a bill, offered by Sen. Jane Ranum (DFL-Mpls.), that extends the validity period of nonresident temporary vehicle permits. According to Ranum, the permits are issued mainly to car dealers. The bill extends a temporary permit to 31 days to allow enough time for a nonresident purchaser to remove the vehicle from this

state for registration in another state or country. The bill was sent to the full Senate.

Lastly, Sen. Linda Runbeck (IR-Circle Pines) presented a bill that specifies that when public bodies and railroads cannot agree on matters involved in establishing a pedestrian-bicycle trail over railroad tracks, a petition may be filed with the commission of transportation for a hearing and order determining the matter. Runbeck explained S.F. 404 establishes the same procedure that is followed when railroads and public officials disagree over establishment of a new grade crossing. A Vadnais Heights city official testified that the city has initiated a pedestrian crossing in a park but Sioux Line Railroad requires the city to increase their insurance coverage to \$1.5 million from \$600,000. Runbeck said that the request is arbitrary and not consistent across the state. The bill failed to gain committee approval.

## Veterans and General Legislation

### Gulf War veterans tuition bill

Members of the Veterans and General Legislation Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), met Tues., Mar. 16, and advanced two bills.

The first measure, S.F. 23, sponsored by Sen. Steve Murphy (DFL-Red Wing), provides for a tuition free technical college program for qualifying Persian Gulf War era veterans. Specifically, the bill provides that a Southwest Asia veteran who enrolls in a technical college program is exempt from tuition until the veteran has completed either 115 credits or one technical college program, whichever is less. The bill also specifies that, to be eligible for the tuition exemption, a veteran who is discharged before July 1, 1993, must enroll in a technical college by July 1, 1995, and a veteran who is discharged after July 1, 1993, must enroll within two years of the date of discharge. Finally, the measure requires that all veterans enrolled under the tuition exemption program must maintain a minimum of six credits per quarter and have been residents of Minnesota for one year prior to induction into the armed forces. The measure was approved and re-referred to the Education Committee.

The second bill to gain committee approval, S.F. 659, authorizes a grant for construction of a noncommercial TV tower in Murray County. The measure, sponsored by Vickerman, specifies that the funds must be equally matched by other federal and local funds. The tower is to enable Pioneer Public Television to provide broadcast services to Southwestern Minnesota. Although the bill does not contain a specific dollar amount, Vickerman said that it is anticipated that about \$1.2 million will be appropriated from bond proceeds. The measure was approved and re-referred to the Finance Committee.

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Senate Information	296-0504
Committee Hotline	296-8088

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# Preview

## The Minnesota Senate Week at a Glance

### Monday, March 22

#### Finance State Government Division

*Chair: Sen. Richard Cohen*  
8 a.m. Room 318 Capitol  
**Agenda:** Dept. of Employee Relations budget presentation.

#### Rules and Administration Subcommittee on Permanent and Joint Rules

*Chair: Sen. William Luther*  
9 a.m. Room 237 Capitol  
**Agenda:** Discussion on Senate permanent and joint rules.

#### Legislative Commission on Pensions and Retirement Subcommittee to Review Proposed Special Legislation

*Chair: Rep. Leo Reding*  
9 a.m. Room 300 South SOB  
**Agenda:** S.F. 763-Solon: Duluth Police and Fire consolidation account; eligibility of certain person for annuity. S.F. 654-Riveness: PERA; change in optional annuity form in certain instance. S.F. 825-Metzen: MERF; buyback for Minneapolis public works employee. S.F. 833-Kelly: PERA; payment in lieu of contributions for a Ramsey County employee. S.F. 871-Lessard: PERA defined contribution plan; shift from PERA-general for certain persons. S.F. XXX-:PERA; coverage for employees of the Minnesota Chiefs of Police Association.

The Senate will meet at 10:30 a.m.

#### Agriculture and Rural Development Committee

*Chair: Sen. Joe Bertram, Sr.*  
12 noon Room 107 Capitol  
**Agenda:** Not available at press time.

#### Commerce and Consumer Protection Committee

*Chair: Sen. Sam Solon*  
12 noon Room 112 Capitol  
**Agenda:** S.F. 900-Berglin: Health care commission recommendations implementation; Minnesota Integrated Service Network Act.

#### Judiciary Committee

*Chair: Sen. Ember Reichgott*  
12 noon Room 15 Capitol  
**Agenda:** S.F. 441-Spear: Employer indemnification. S.F. 704-Finn: Regulating corporate registration and administrative dissolutions. S.F. 532-Finn: Conciliation courts bill.

#### Crime Prevention Committee

*Chair: Sen. Allan Spear*  
2 p.m. Room 15 Capitol  
**Agenda:** S.F. 183-Knutson: Data classification of police booking photos. S.F. 288-Ranum:

Educational neglect. S.F. 577-Murphy: Drug precursor chemical tracking system. S.F. 764-McGowan: Supportive person in courtroom with child witness. S.F. 867-Riveness: Auto theft prevention. S.F. 969-Ranum: Juvenile court records.

#### Environment and Natural Resources Finance Division

*Chair: Sen. Steven Morse*  
2 p.m. Room 123 Capitol  
**Agenda:** Pollution Control Agency budget overview.

#### Jobs, Energy and Community Development Funding Division

*Chair: Sen. Carl Kroening*  
2 p.m. Room 112 Capitol  
**Agenda:** Dept. of Jobs and Training budget presentation.

#### Metropolitan and Local Government Tax Division

*Chair: Sen. Carol Flynn*  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 453-Betzold: Establishing a county option for sales of tax-forfeited lands. S.F. 820-Pappas: Tzx Increment Financing; providing for manufacturing districts. S.F. 711-Metzen: Inver Grove Heights; authorizing the extension of a Tax Increment Financing district. S.F. 1111-Flynn: Tax Increment Financing; exempting redevelopment districts from certain reductions in aid; S.F. XXX-Ranum: Expanding eminent domain powers for cities of the first class.

#### Legislative Commission on Pensions and Retirement

*Chair: Sen. Phil Riveness*  
6 p.m. Room 112 Capitol  
**Agenda:** S.F. 743-Solon: Employer paid health insurance coverage early retirement window. S.F. 817-Morse: Employer paid health insurance coverage early retirement window. H.F. 388-Sarna: Various plans; targeted Rule of 85 early retirement provision. S.F. 86-Janezich: Eveleth Police and Fire Trust; post retirement adjustment. S.F. 656-Piper: Albert Lea Fire actuarial assumption change. S.F. 662-Pogemiller: Minneapolis Police; survivor benefit increase. S.F. 685-Pogemiller: Minneapolis Fire; service pension increase. S.F. 937-Riveness: Bloomington Police; service pension and survivor benefit increases. S.F. 980-Novak: Columbia Heights Police; benefit increase. S.F. 664-Pogemiller: PERA and MERF; continued coverage for Minneapolis Community Action Council Employees.

#### Governmental Operations and Reform Subcommittee on Rulemaking and Legislative Commission to Review Administrative Rules

*Chair: Sen. John Hottinger*  
6:30 p.m. Room 15 Capitol  
**Agenda:** Legislative Audit Commission's report on Administrative Rulemaking. CORE Administrative Rulemaking Project Report.

### Tuesday, March 23

#### Gaming Regulation Committee

*Chair: Sen. Charles Berg*  
8 a.m. Room 107 Capitol  
**Agenda:** S.F. XXXX-Electronic pull-tab bill. S.F. 104-Berg: Authorizing the use of pull-tab dispensing devices.

#### Governmental Operations and Reform Committee

*Chair: Sen. James Metzen*  
8 a.m. Room 15 Capitol  
**Agenda:** S.F. 798-Chmielewski: Authorize Public Safety to apply to natural disaster assistance funds. S.F. 688-Krentz: Name change, Council on Affairs of Spanish-speaking People. S.F. 903-Beckman: Police civil service eligible list. S.F. 96-Riveness: Rulemaking clarifications, M.P.C.A., on wastewater treatment standards. S.F. 611-Riveness: Executive council regulating depositories for state funds. S.F. 715-Riveness: Open meeting law, changing exceptions.

#### Transportation and Public Transit Committee

*Chair: Sen. Florian Chmielewski*  
8 a.m. Room 112 Capitol  
**Agenda:** S.F. 881-Berglin: Child passenger restraint and seat belt use. S.F. 357-Berglin: Metro Area mass transit goals and plans. S.F. 414-Flynn: Light rail transit design and construction. S.F. 796-Hanson: Mn/DOT housekeeping bill.

#### Higher Education Division

*Chair: Sen. LeRoy Stumpf*  
10 a.m. Room 112 Capitol  
**Agenda:** S.F. 718-Stumpf: Nursing grants to promote recruitment and retention initiatives directed toward persons of color. S.F. 503-Beckman: Career counseling. S.F. 185-Olson: Dept. of children and education services.

#### Health Care Committee

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol  
**Agenda:** S.F. 797-Chmielewski: Establish MN psychopathic personality treatment center. S.F. 1105-Betzold: Dept. of Health housekeeping bill. S.F. 1104-Piper: Hearing aid dispensing. S.F. 1106-Piper: Mortality review.

#### Jobs, Energy and Community Development Committee

*Chair: Sen. Steven Novak*  
10 a.m. Room 107 Capitol  
**Agenda:** S.F. 559-Novak: Establishing affirmative enterprise program. S.F. 612-Merriam: Requiring disclosures when customer reports are used for employment purposes.

#### Ethics and Campaign Reform Committee

*Chair: Sen. John Marty*  
12 noon Room 107 Capitol  
**Agenda:** S.F. 25-Marty: Campaign finance reform. S.F. 286-Flynn: Voter information program. S.F. 943-Marty: Ethical Practices Board. S.F. 1081-Pogemiller: Metro Council reapportionment.

## Family Services Committee

Chair: Sen. Pat Piper

12 noon Room 15 Capitol

**Agenda:** S.F. 673-Cohen: Child support enforcement modifications. S.F. 352-Betzold: Investigation of neglect or abuse in licensed day care facilities. S.F. 981-Chandler: Adult foster care license restriction clarification. S.F. 137-Piper: AFDC housing assistance waiver. S.F. 1077-Piper: DHS licensing bill.

## Veterans and General Legislation Committee

Chair: Sen. Jim Vickerman

12 noon Room 112 Capitol

**Agenda:** S.F. 212-Cohen: Increase certain tax rates for support of nonprofit arts organizations. S.F. 383-Pappas: Resolution memorializing Congress to grant statehood to District of Columbia.

## Commerce and Consumer Protection Committee

Chair: Sen. Sam Solon

2 p.m. Room 112 Capitol

**Agenda:** S.F. 900-Berglin: Health care commission recommendations implementation; Minnesota Integrated Service Network Act. S.F. 401-Hottinger: CPA accountants certification and licensure.

## Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

2 p.m. Room 107 Capitol

**Agenda:** S.F. 413-Janezich: Sale of tax-forfeited land/St. Louis County. S.F. 116-Benson, J.E.: Conveyance to city of St. Cloud land owned by St. Cloud State University. S.F. 251-Chmielewski: MN rock and gem interpretive center. S.F. 774-Lessard: Mississippi Headwaters. S.F. 697-Price: Groundwater/water deficiency declarations. S.F. 872-Lessard: Abolishing non-resident bear guide license. S.F. 708-Morse: Exempts organizations from the requirement for a nursery stock dealer certificate.

## Finance State Government Division

Chair: Sen. Richard Cohen

4 p.m. Room 318 Capitol

**Agenda:** Dept. of Finance budget.

## Taxes and Tax Laws Subcommittee on Income and Sales Tax

Chair: Sen. Ember Reichgott

4 p.m. Room 15 Capitol

**Agenda:** S.F. 924-Benson, D.D.: Clarifying exemption from sales and use tax for certain capital equipment. S.F. 103-Berg: Lawful gambling; establishing combined receipts tax. The following bills are for discussion only. S.F. 237-Berg: Defining fencing for purposes of sales tax. S.F. 828-Sams: Exempting sale of used motor vehicles from motor vehicle excise tax. S.F. 857-Pappas: Excluding building cleaning and maintenance from definition of a sale. S.F. 904-Beckman: Changing effective date for applying sales tax to local government purchases.

## Transportation and Public Transit Finance Division

Chair: Sen. Keith Langseth

4 p.m. Room 125 Capitol

**Agenda:** Not available at press time.

## Family Services Committee

Chair: Sen. Pat Piper

6 p.m. Room 15 Capitol

**Agenda:** S.F. 496-Betzold: Prohibition of restrictions on the right to provide licensed

day care. S.F. 722-Johnson, J.B.: AFDC car insurance deduction waiver. S.F. 399-Stevens: STRIDE/CWEP program modification. S.F. 968-Berglin: Food shelf program fund distribution. S.F. 327-Kiscaden: Family preservation project. S.F. 689-Berglin: New Chance demonstration project appropriations.

## Legislative Commission on Minnesota Resources

Chair: Sen. Gene Merriam

7 p.m. Room 123 Capitol

**Agenda:** Consider March revenue forecast effects on recommendations; staff suggested language changes for 1993 recommendation; summer and fall plans; and proposed amendment to DNR bonding work program for SNA acquisition.

## Wednesday, March 24

## Gaming Regulation Committee

Chair: Sen. Charles Berg

8 a.m. Room 107 Capitol

**Agenda:** S.F. 657-Marty: Providing for a compulsive gambling surtax. S.F. 571-Berg: Dept. of Revenue's recodification bill relating to taxation; imposing a tax on certain lawful gambling activities.

## Governmental Operations and Reform Committee

Chair: Sen. James Metzger

8 a.m. Room 15 Capitol

**Agenda:** Not available at press time.

## Transportation and Public Transit Committee

Chair: Sen. Florian Chmielewski

8 a.m. Room 112 Capitol

**Agenda:** S.F. 672-Murphy: Motor vehicle failure to maintain control. S.F. 653-Lessard: Cartways. S.F. 551-Dille: Traffic regulations; implements of husbandry. S.F. 131-Hanson: Passenger carriers; regular route departure authority elimination. S.F. 902-Vickerman: Armored carrier permits. S.F. 563-Vickerman: Paratransit services eligibility. S.F. 737-Johnston: Motor vehicle title transfer. S.F. 993-Johnston: Drivers and vehicle license impoundment. S.F. 921-Novak: Pipeline Safety Advisory Council.

## Education Funding Division

Chair: Sen. Lawrence Pogemiller

10 a.m. Room 112 Capitol

**Agenda:** Discussion of governor's budget.

## Health Care Committee

Chair: Sen. Linda Berglin

10 a.m. Room 15 Capitol

**Agenda:** S.F. 1128-Solon: Chemical dependency licensure. S.F. 227-Berglin: Health center designation for two clinics. S.F. 1107-Sams: Primary services area.

## Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

10 a.m. Room 107 Capitol

**Agenda:** S.F. 122-Berglin: Requiring a minimum funding level for each grantee under Head Start. S.F. 439-Solon: Establishing a board of invention.

## Commerce and Consumer Protection Committee

Chair: Sen. Sam Solon

12 noon Room 112 Capitol

**Agenda:** S.F. 742-Anderson: No fault auto insurance, right of indemnity exclusion. S.F. 1032-Chandler: Regulating prize notices. S.F. 809-Belanger: Commerce department

cosmetology enforcement modifications. S.F. 956-Hottinger: Rental purchase agreements regulation.

## Judiciary Committee

Chair: Sen. Ember Reichgott

12 noon Room 15 Capitol

**Agenda:** S.F. 346-Sams: Time limit for certain actions related to right of first refusal. S.F. 425-Dille: Board of animal health; regulating the imposition and collection of civil penalties. S.F. 502-Mondale: Asbestos abatement; providing penalties. S.F. 207-Finn: Clarifying data classifications and providing certain immunities for supervisors and persons reporting violations. S.F. 248-Merriam: Issuance of commissioner's opinions under the data practices act.

## Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** S.F. 75-Robertson: Child abandonment crime. S.F. 175-Wiener: Repeat fifth degree assault felony. S.F. 1060-Ranum: Definition of prior conviction for enhanced fifth degree assault. S.F. XXXX-Ranum: Domestic abuse, child abuse and endangerment amendments.

## Jobs, Energy and Community Development Funding Division

Chair: Sen. Carl Kroening

2 p.m. Room 123 Capitol

**Agenda:** Dept. of Public Service budget.

## Metropolitan and Local Government Committee

Chair: Sen. Betty Adkins

2 p.m. Room 107 Capitol

**Agenda:** S.F. 826-Price: Counties; impose fees or interest on late payments. S.F. 491-Price: Oakdale; annexation. S.F. 874-Lessard: Joint ambulance area. S.F. 930-Mondale: Sports facilities. S.F. 580-Reichgott: Duties of State Auditor.

## Legislative Commission on Pensions and Retirement

Chair: Sen. Phil Riveness

2 p.m. Room 318 Capitol

**Agenda:** S.F. 519-Stumpf: Major plans; administrative provisions. S.F. 625-Solon: First class city teachers; administrative provisions. S.F. 860-Stumpf: IRAP; administrative provisions.

## Crime Prevention Finance Division

Chair: Sen. Tracy Beckman

4 p.m. Room 112 Capitol

**Agenda:** Public testimony on the budget.

## Higher Education Division

Chair: Sen. LeRoy Stumpf

4 p.m. Room 123 Capitol

**Agenda:** S.F. 185-Olson: Establishing the department of children and education services. Other bills to be announced.

## Health Care and Family Services Funding Division

Chair: Sen. Don Samuelson

4 p.m. Room 107 Capitol

**Agenda:** Governor's capital budget.

## Finance State Government Division

Chair: Sen. Richard Cohen

4 p.m. Room 318 Capitol

**Agenda:** Budget overview of MAXIS resolving fund issues. Information policy office recommendations.



## Taxes and Tax Laws Committee

*Chair:* Sen. Douglas Johnson  
4 p.m. Room 15 Capitol  
**Agenda:** S.F. 510-Reichgott: Updating references to the Internal Revenue Code. S.F. 585-Pappas: Technical corrections to sales; use; income; franchise and property taxes. S.F. 607-Flynn: Abolishing certain local government levy limitations. S.F. 103-Berg: Lawful gambling regulation. S.F. 924-Benson, D.D.: Clarifying exemption for certain capital equipment.

## Metropolitan and Local Government Subcommittee on Metropolitan Affairs

*Chair:* Sen. Ted Mondale  
6 p.m. Room 107 Capitol  
**Agenda:** S.F. 931-Mondale: Metropolitan Governance.

## Legislative Commission to Review Administrative Rules

*Chair:* Sen. John Hottinger  
6 p.m. Room 112 Capitol  
**Agenda:** Proposals to amend the Administrative Procedure Act, Chapter 14.

## Health Care Committee

*Chair:* Sen. Linda Berglin  
6:30 p.m. Room 15 Capitol  
**Agenda:** S.F. 710-Benson, D.D.: DHS; developmental disabilities changes. S.F. 690-Berglin: MA and GAMC mental health. S.F. 781-Berglin: DHS mental health. S.F. 442-Berglin: Community-based mental health system for children and adults.

## Thursday, March 25

The Senate will meet at 9 a.m.

## Higher Education Division

*Chair:* Sen. LeRoy Stumpf  
10 a.m. Room 112 Capitol  
**Agenda:** S.F. 349-Morse: Updating the name of the umbrella student association for technical colleges. S.F. 468-Cohen: Excluding family savings from financial aid calculations. S.F. 818-Murphy: Changes in financial aid; allows HECB authority to increase the SELF loan amounts and other provisions.

## Health Care Committee

*Chair:* Sen. Linda Berglin  
10 a.m. Room 15 Capitol  
**Agenda:** S.F. 398-Benson, J.E.: Group

residential housing. S.F. 356-Ranum: C.D. transfer responsibility for model from safety to DHS. S.F. 241-Berglin: Group residential housing reimbursement. S.F. 791-Stevens: Long term care home care community.

## Ethics and Campaign Reform Committee

*Chair:* Sen. John Marty  
12 noon Room 107 Capitol  
**Agenda:** S.F. 25-Marty: Campaign finance reform. S.F. 286-Flynn: Voter information program. S.F. 943-Marty: Ethical Practices Board. S.F. 1081-Pogemiller: Metro Council reapportionment.

## Family Services Committee

*Chair:* Sen. Pat Piper  
12 noon Room 15 Capitol  
**Agenda:** Not available at press time.

## Veterans and General Legislation Committee

*Chair:* Sen. Jim Vickerman  
12 noon Room 112 Capitol  
**Agenda:** S.F. 750-Pappas: Provide for study of immigration status of persons of African descent. S.F. 893-Hanson: Nurse statue; Minneapolis Veterans Affairs Medical Center.

## Commerce and Consumer Protection Committee

*Chair:* Sen. Sam Solon  
2 p.m. Room 112 Capitol  
**Agenda:** S.F. XXXX-Solon: Omnibus financial institutions bill. Other agenda items to follow.

## Crime Prevention Committee

*Chair:* Sen. Allan Spear  
2 p.m. Room 15 Capitol  
**Agenda:** S.F. 940-McGowan: Repeat pistol permit violations; wiretap warrant duration. S.F. 1063-Piper: Seven-county local firearms option. S.F. 1079-Spear: Conspiracies and accomplices, riot penalties.

## Environment and Natural Resources Finance Division

*Chair:* Sen. Steven Morse  
2 p.m. Room 125 Capitol  
**Agenda:** DNR budget overview.

## Jobs, Energy and Community Development Funding Division

*Chair:* Sen. Carl Kroening  
2 p.m. Room 123 Capitol  
**Agenda:** Budget presentation by MN Technology Inc.

## Metropolitan and Local Government Committee

*Chair:* Sen. Betty Adkins  
2 p.m. Room 107 Capitol  
**Agenda:** Not available at press time.

## Finance State Government Division

*Chair:* Sen. Richard Cohen  
4 p.m. Room 318 Capitol  
**Agenda:** Attorney General's Office and State Board of Investments.

## Crime Prevention Committee

*Chair:* Sen. Allan Spear  
7 p.m. Room 15 Capitol  
**Agenda:** S.F. 105-Spear: Repeal of judges petty misdemeanor list. S.F. 667-Ranum: Criminal code recodification and reform. S.F. XXXX-Spear: Non-felony recodification and reform. S.F. 884-Ranum: Jail credit limited to incarceration for current crime. S.F. 909-McGowan: Criminal sexual conduct by a psychotherapist. S.F. 919-Spear: 1992 crime bill sentencing conformity. S.F. 942-Neuville: DOC housekeeping bill. S.F. 1024-Spear: DNA sample collection.

## Friday, March 26

## Transportation and Public Transit Finance Division

*Chair:* Sen. Keith Langseth  
8 a.m. Room 112 Capitol  
**Agenda:** Not available at press time.

## Education Funding Division

*Chair:* Sen. Lawrence Pogemiller  
10 a.m. Room 112 Capitol  
**Agenda:** Discussion of governor's budget.

## Environment and Natural Resource Committee

*Chair:* Sen. Bob Lessard  
10 a.m. Room 107 Capitol  
**Agenda:** S.F. 639-Solon: Disposal of ash from incinerators. S.F. 712-Solon: Lake Superior Water Trail. S.F. 975-Solon: Exempting storage tanks from notification, environmental protection and tank installer training. S.F. 876-Lessard: Use of state funds by Attorney General for investigation of environmental violations. S.F. 723-Finn: Seven-day fish house license for non-resident. S.F. 920-Novak: Modifying duty to report releases of a petroleum product. S.F. 869-Lessard: Wildfires in forest areas. S.F. 550-Dille: Eurasian wild pigs prohibited.

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# Briefly

## The Minnesota Senate Week in Review

March 26, 1993

### Rules adopted

The Rules and Administration Committee, chaired by Sen. Roger Moe (DFL-Erskine), met Wed., Mar. 24, in order to adopt the report of the Subcommittee on Permanent and Joint Rules. The subcommittee has met several times to consider changes to the rules governing the operations of the Senate and of the Senate and House when in joint convention. The full committee adopted the subcommittee's recommendations. In addition, the committee adopted an amendment, offered by Sen. Dean Johnson (IR-Willmar), specifying that 10 member conference committees are not to meet when either the Senate or House of Representatives is meeting in floor session, except after the last Friday on which the Legislature can meet in regular session in odd-numbered years, and after the last Friday on which the Legislature intended to meet in even-numbered years. The rules now go to the full Senate for consideration.

### Transit funding plans

The Transportation and Public Transit Finance Division met Tues., Mar. 23, to hear brief comments from the Disability Rights Alliance regarding the transportation budget. Members also considered three different transportation funding proposals and considered a bill concerning equipment for emergency responders.

The division heard a comparison of transportation funding proposals. All bills, S.F. 51, sponsored by Langseth; S.F. 187, sponsored by Pappas; and S.F. 816, sponsored by Chmielewski, contain revenues for transit, roads and bridges, but vary in the amount of revenues needed per biennium. Two proposals support the 5 cent gas tax increase, indexed, for roads and bridges, with the exception of Pappas' proposal which implements a 6.5 cent sales tax on gas for all purposes. S.F. 51 and S.F. 187 creates a mobility trust fund and a surface transportation fund. In addition, S.F. 187 contains a nonseverability clause. S.F. 816 differs in that it changes the wetland requirement, the ethanol subsidy payments and schedule, and expands the RTB property tax levy limits.

In other division work, members discussed the division bill, authored by Langseth, that sets the budget for the Regional Transit Board, Mn/DOT, Transportation Regulatory Board, and half of the budget for the Dept. of Public Safety. Langseth introduced an amendment to S.F. 1251 that raises the gas tax to 25 cents, increases the Motor Vehicle Excise Tax (MVET) from 6.5 percent to 7 percent, and transfers dollars from MVET to transit. Langseth explained one provision that provides if the percentage of MVET proceeds specified to be transferred to the

transit assistance fund is reduced or eliminated, the increase in the gasoline excise tax rate must be adjusted by a corresponding percentage reduction or eliminated. Langseth said that he wants to send a message that the state is committed to transit needs. The amendment was adopted. No further action was taken on S.F. 1251.

Presenting S.F. 397, Sen. Patrick McGowan (IR-Maple Grove) explained that the bill amends current law to allow county state aid funds to be used for signals and safety devices on state-aid highways and for systems that permit an emergency vehicle operator to activate a green traffic signal. McGowan said that currently, new semaphores are wired to accommodate the devices at a cost of approximately \$5,000, but that the cost doubles for implementing the device in existing semaphores.

The division, chaired by Sen. Keith Langseth (DFL-Glyndon), approved the bill and sent it to the full Senate.

### Electronic pull-tab bill heard

Members of the Gaming Regulation Committee, chaired by Sen. Charles Berg, (DFL-Chokio), met Tues., Mar. 23, to hear S.F. 1070, a bill authorizing and regulating the use of electronic pull-tab dispensing devices.

The measure, authored by Sen. John Hottinger, (DFL-Mankato), allows the Gambling Control Board to regulate the operation of pull-tab dispensing devices within the existing regulatory framework established for lawful gambling and requires the gambling control board to develop and adopt rules relating to testing, security, operations and monitoring of an electronic regulatory reporting system.

More specifically, the measure limits the number of pull-tab dispensing devices per premises to 10 and imposes a tax of 22.5 percent of gross profits derived from the devices in lieu of the current pull-tab tax and combined tax receipts. In addition, the bill requires that .037 percent of the tax be paid to the commissioner of human services for funding compulsive gambling treatment programs.

Representatives from electronic pull-tab and video lottery machine manufacturers testified in support of the bill and said that electronic or computerized dispensing devices ensure accountability, enhance regulation and would provide relief to local businesses and charitable organizations who are locked in direct competition with casino gambling facilities. Further discussion and testimony on the bill will continue.

### Administrative rulemaking reform

Members of the Governmental Operations Subcommittee on Rulemaking

heard results of a study conducted by the Legislative Audit Commission addressing the adequacy of the current Administrative Procedure Act, Monday evening, Mar. 22.

The primary goal of the study was to determine if administrative rule review procedures ensure agency compliance and adequate accountability, according to Marlys McPherson, Project Manager. Upon completion of an in-depth analysis of all 262 rules reviewed by the Attorney General's Office and the Office of Administrative Hearings in FY91-92, the commission concluded that while Minnesota's rulemaking process is flexible, it doesn't always offer meaningful opportunities for public participation. Often people involved feel they hear about rules after the fact, when it's too late to make a difference, said McPherson.

The commission made a number of recommendations to the subcommittee, chaired by Sen. John Hottinger (DFL-Mankato), for amending the Administrative Procedures Act to increase public access to and accountability for agency rules. Specific suggestions include earlier and better notice of agency rulemaking, the creation of a rulemaking docket containing the status of rules, and the establishment of a single definition of "substantial change."

Members of the Commission on Reform and Efficiency -- a gubernatorially-appointed advisory team -- offered their advice on rulemaking as well. Topping the list of recommendations is a directive to the Legislature to limit and focus delegations of rulemaking power to agencies.

### Children's Dept. discussed

A proposal to establish a Dept. of Children and Education Services received the attention of the Higher Education Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), Wed., Mar. 24. Sen. Gen Olson (IR-Minnetrista) presented S.F. 185, a bill that implements the proposal, which is a recommendation from the governor.

Olson outlined the parts of the proposal that relate to higher education. She said the bill offers youth apprenticeship programs; targets more money to students and less to institutions; develops programs to provide savings incentives; eliminates the Higher Education Coordinating Board and moves its functions into the new department; promotes gender equity in intercollegiate athletics; and provides for telecommunications programs and child care grants.

Olson said the new approach will help to coordinate efforts on the local level and provide better services for families. Stumpf said the division would continue discussion of the proposal at future hearings.

# Committee update

## Agriculture and Rural Development

### Bill de-regulating milk price okayed

Members of the Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram, Sr. (DFL-Paynesville), met Mon., Mar. 22, to hear S.F. 836, a bill to modify the Minnesota milk pricing law passed in 1992. The measure, authored by Sen. Dallas Sams, (DFL-Staples), retains Minnesota milk pricing provisions with modification to the over-order premium milk price, but suspends their operation unless certain conditions exist.

Upon presenting the bill, Sams offered an amendment to deregulate the price of milk state-wide, to provide consistent, year-round payments of 40 cents per hundredweight to milk producers and to impose assessments on the manufacturer who makes the first sale of a dairy product at wholesale, for ultimate retail sale in Minnesota. In addition, the amendment repeals the dairy unfair trade practices act and deregulates the pricing and marketing of selected dairy products by producers, processors, manufacturers or sellers at the state level.

In essence, Sam's amendment repeals the Milk Premium Act of 1992 and imposes a 25 cent assessment for each gallon of milk used in the manufacture of a selected dairy product. The amendment also provides a 10 cent assessment for each gallon of frozen foods on the manufacturer who makes the first sale of a dairy product at wholesale for ultimate retail sale in Minnesota.

Sams explained that the amendment establishes enforcement provisions, sets criminal and administrative penalties for violations and provides the commissioner with investigative powers for enforcement. According to Sams, the amendment replaces the funding mechanism for enforcement and administration costs by increasing the processor assessment fee from 5 to 6 cents per hundredweight.

In the final minutes of testimony, Sen. Steve Dille, (IR-Dassel), offered an amendment to the amendment to define retail cost in milk sales and prohibiting sales below retail cost. The amendment was adopted.

A second amendment to the amendment, offered by Dille, established a 50 cent assessment for each gallon of milk used in the manufacture of a selected dairy product sold at wholesale for ultimate retail sale in Minnesota. A second provision established a 20 cent assessment for each gallon of frozen foods, including mix, sold at wholesale for ultimate retail sale in the state.

The amendment to the bill was adopted as were the two amendments to the amendment. S.F. 836 was approved, as amended, and re-referred to the Judiciary Committee.

### Bee bills laid over

Members of the Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram Sr., (DFL-Paynesville), met Wed., Mar. 24, to hear two bills relating to bee keepers and the regulation of bee apiaries, and a bill relating to eligibility for rural finance authority loans.

S.F. 908, authored by Bertram, changes eligibility and participation requirements for rural finance authority programs by requiring that borrowers must be residents of Minnesota, a general partnership composed of residents, a defined family farm partner-

ship or a domestic family farm corporation. An amendment offered by Bertram, removes general partnerships composed of residents and the family farm partnership from the measure's language. The amendment was adopted.

Bertram said the bill permits eligible borrowers to receive assistance of up to \$100,000 in aggregate loans during one's lifetime and removes a previous restriction against participating in the program on more than one occasion. The bill also increases the maximum amount the state can expend in a new real estate loan with an eligible lender to a beginning farmer or in a new seller sponsored loan from \$50,000 to \$100,000 and provides authority for imposing a nonrefundable application fee of \$50 for administrative costs association with the loan. The bill was approved, as amended, and re-referred to the Environment and Natural Resources Committee Finance Division.

The committee also heard two bee bills, S.F. 895, authored by Sen. Steve Dille, (IR-Dassel) and S.F. 598, authored by Sen. Charles Berg, (DFL-Chokio). S.F. 895 changes the apiary law pertaining to the regulation of bees and adds an expanded definition for exotic strains to include Africanized honeybees. Further bee regulation discussion, centered on S.F. 598, authored by Berg, a bill to repeal existing laws pertaining to state regulation of honeybees and establishing a voluntary system whereby honeybee owners may report bee colony location, number or relocation information to the commissioner of agriculture. After considerable discussion, the two bills, S.F. 598 and S.F. 895 were laid over for further discussion.

Final discussion focused on S.F. 534, authored by Berg, abolishing the right of first refusal as it applies to the sale or lease of agricultural lands or farm homesteads. Berg said the right of first refusal is adversely affecting potential borrowers, lenders and the community with costly and lengthy litigations. The bill was laid over.

## Commerce and Consumer Protection

### ISN overview heard

The Commerce and Consumer Protection Committee met Mon., Mar. 22, to hear S.F. 900, establishing integrated service networks for providing health care in the state and providing a regulatory framework for their operation. The bill's purpose, according to sponsor Sen. Linda Berglin (DFL-Mpls.), is to put into place the cost-containment measures called for in last year's health care law.

The bill establishes incentives for the formation of integrated service networks (ISNs) to provide a comprehensive range of health care services while providing a fixed price to health care purchasers.

The committee, chaired by Sen. Sam Solon (DFL-Duluth), discussed and approved an amendment by Berglin. The amendment specifies that ISNs must provide to each enrolled person services that are "appropriate and necessary;" specifies that the commissioner of health is to adopt rules to establish a maximum of five standard benefit plans to be offered by ISNs; sets forth principles to be followed in establishing consumer cost sharing plans; and

establishes health care provider and health carrier price restraints. Discussion will continue on S.F. 900 at a future meeting.

### ISN hearing continues

The Commerce and Consumer Protection Committee continued its hearing of S.F. 900, establishing integrated service networks (ISNs), at its Tues., Mar. 23, meeting. The committee, chaired by Sen. Sam Solon (DFL-Duluth), considered several amendments. The first amendment, by the bill's sponsor, Sen. Linda Berglin (DFL-Mpls.), requires the Health Care Commission to submit a plan by Dec. 15, 1993, that will lead to universal health coverage for all Minnesotans by Jan. 1, 1997. The amendment also establishes price restraints for health care providers and health carriers. Furthermore, it provides that inpatient chemical dependency and mental health services are covered under the MinnesotaCare program. The committee approved the amendment.

The second amendment, offered by Sen. Edward Oliver (IR-Deephaven), expressly permits several types of for-profit business organizations to form ISNs. Berglin said that the amendment is unnecessary because the bill does not currently exclude such organizations from forming ISNs. After discussion, however, the committee adopted the amendment.

A third amendment, offered by Sen. Carl Kroening (DFL-Mpls.), expressly includes chiropractic care in the benefits covered in the program's small employer plan. The amendment was approved. An amendment by Sen. Deanna Wiener (DFL-Eagan) raising the financial solvency requirements for ISNs was defeated. S.F. 900 was laid over.

The committee also heard and approved a bill changing education requirements for certification and licensure as a certified public accountant.

S.F. 401, sponsored by Sen. John Hottinger (DFL-Mankato), establishes three tracks to licensure and specifies acceptable combinations of education and work experience required before the CPA exam may be taken. Under one track, a candidate must earn at least a baccalaureate degree with an accounting major and complete at least 150 semester or 225 quarter hours of college education. The measure also specifies when the board may waive the examination requirement for CPAs licensed in other states or countries. The bill's effective date is August 1, 2000.

The committee approved S.F. 401 and re-referred it to the Higher Education Finance Division.

### ISN bill advances

The Commerce and Consumer Protection Committee held its third and final hearing on the bill creating Integrated Service Networks at a Weds., Mar. 24, meeting. The panel considered several amendments to S.F. 900.

The committee first heard an amendment by Sen. Kevin Chandler (DFL-White Bear Lake), that prohibits health carriers from applying underwriting restrictions to coverage for health benefit plans for small employers, including preexisting condition limitations. The bill's author, Sen. Linda Berglin (DFL-Mpls.), said that mandating guaranteed coverage while prohibiting

underwriting for preexisting conditions creates an incentive for people to drop health care coverage when they are well and enroll when they are ill, driving up health care prices for everyone. After discussion, the committee defeated the amendment.

The panel next turned to an amendment by Sen. Don Samuelson (DFL-Brainerd). The amendment provides that underwriting restrictions may be retained on individual contracts that are issued without evidence of insurability as a replacement for prior individual coverage. The committee approved the amendment.

An amendment offered by Sen. Cal Larson (IR-Fergus Falls), eliminates the portion of the bill that provides for formation of associations for the purpose of obtaining insurance or health care coverage. The committee approved the amendment.

The committee next voted to reconsider a previously-approved amendment by Sen. Edward Oliver (IR-Deephaven). The amendment expressly permits several types of organizations, including for-profit organizations, to form ISNs. The committee voted to defeat the amendment.

The panel then heard an amendment offered by Sen. William Luther (DFL-Brooklyn Park) requiring the commissioner of health to adopt rules establishing not more than three standardized benefit riders to be offered by ISNs. The amendment also prohibits ISNs from providing benefit options other than the standard benefit package and one or more of the standardized riders. Luther said the language is intended to facilitate comparison shopping by consumers. The committee approved the amendment.

The committee, chaired by Sen. Sam Solon (DFL-Duluth), approved S.F. 900 and re-referred it to the Governmental Operations and Reform Committee.

The Senators also heard S.F. 809, sponsored by Sen. William Belanger (IR-Bloomington), making technical changes in the Dept. of Commerce's enforcement powers relating to cosmetology. Among the areas covered in the bill are licensing fees for cosmetologists and for cosmetology examinations, cosmetology school licensing, and salon inspection requirements. The bill was approved and sent to the full Senate.

## Crime Prevention

### Ambulance right-of-way bill

Failure to yield to emergency vehicles is not uncommon and results in delayed medical care and death, said Sen. Jim Vickerman (DFL-Tracy). To address the problem, Vickerman presented S.F. 344, which authorizes delayed arrest of a driver and penalizes a vehicle owner or lessee for failure to yield the right-of-way of emergency vehicles, to members of the Crime Prevention Committee, Thurs., Mar. 18. The committee also began discussion on a bill concerning child safety and firearms.

Under S.F. 334, a peace officer may issue a citation to a driver of a motor vehicle if the peace officer has probable cause to believe that the driver has failed to yield the right-of-way to an emergency vehicle. Sen. Richard Cohen (DFL-St. Paul) offered an amendment that deletes the four hour limit following the violation in which a peace officer may cite the driver. The committee adopted the amendment. S.F. 334 was approved and sent to the Senate floor.

The committee began discussion of S.F.

370. The bill, authored by Sen. Allan Spear (DFL-Mpls.), committee chair, imposes a gross misdemeanor penalty on a person who stores or leaves a loaded firearm in a location where the person knows that a child is likely to gain access. The crime does not cover a child's access to firearms that is supervised by an adult or a child's access to firearms that was obtained as a result of an unlawful entry, Spear explained. Final action on the bill was not taken.

### Firearms storage bill approved

The Crime Prevention Committee convened again Thurs. evening, Mar. 18. to continue hearing testimony on a bill concerning child safety and firearms. The panel heard further testimony on S.F. 370, a bill imposing a gross misdemeanor penalty on a person who stores or leaves a loaded firearm in a location where the person knows that a child is likely to gain access.

After hearing opponents' testimony, the committee adopted an amendment to strike reference to use of a trigger lock on a firearm. The measure, sponsored by Sen. Allan Spear (DFL-Mpls.) was approved and will be incorporated in the omnibus street crime bill.

The committee, chaired by Spear, also approved S.F. 56, a bill clarifying certain law enforcement powers and providing for administrative forfeiture of firearms. Under the bill, Sen. Randy Kelly (DFL-St. Paul), bill author, said that hazardous materials specialists employed by the Dept. of Transportation may use a squad car to stop a vehicle in the course of responding to an emergency. The bill also changes the existing authority of the state patrol officers to make arrests, by allowing the power to issue citations in lieu of arrest and continued detention, said Kelly. S.F. 56 also expands the administrative forfeiture provision to encompass firearms found in proximity of controlled substances. Under the measure, according to Kelly, firearms, ammunition, and firearm accessories are subject to seizure and forfeiture if they are found in a vehicle used or intended to be used to commit a felony offense involving a controlled substance. The bill will also be incorporated in the omnibus street crime bill.

Another bill considered was S.F. 332. Sen. Thomas Neuville, (IR-Northfield), bill sponsor, said that S.F. 332 provides that evidence obtained by unlawfully installing or using a pen register, trap and trace device, or mobile tracking device, is inadmissible for any purpose in any action, proceeding, or hearing. Current law provides that a court order is required before such a device which intercepts communications may be used. The bill was laid over.

Lastly, the committee considered S.F. 681, which provides that victims' rights are applicable to juvenile proceedings. The bill, authored by Sen. Ellen Anderson (DFL-St. Paul), makes a number of amendments to provisions requiring a notice of the rights of crime victims. Current law provides that the notice be given to victims when the peace officer takes a formal statement from the victim, according to Anderson. S.F. 681 provides for the notice to be given at the time of initial contact with the victim, Anderson said. In addition, she said, the bill requires law enforcement agencies to notify the victims of a reported vehicle theft within 48 hours after the agency recovers the vehicle and requires that traffic citations be dismissed if given to the owner of a

vehicle that has been stolen. The bill also provides the possibility of restitution in cases involving juvenile major highway or water traffic offenders, said Anderson. The bill was laid over.

### Classified booking photos

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), convened Mon., Mar. 22 to consider several bills.

S.F. 183, sponsored by Sen. David Knutson (IR-Burnsville), provides that a booking photograph of an adult person taken by a law enforcement agency is private data on the individual until the conviction of the person. However, if the agency determines the access will aid the law enforcement process or promote public safety, the data will be classified as not public, said Knutson. The panel approved the bill as recommended by the subcommittee and sent it to the Senate floor.

The committee also considered a bill dealing with penalties for failure to comply with the precursor chemical tracking system. Bill author, Sen. Steve Murphy (DFL-Red Wing), offered an amendment to S.F. 577 to require reporting of missing substances and purchases. The amendment requires a supplier or purchaser who discovers a discrepancy between the quantity of precursor substance shipped or received to report the discrepancy to the Bureau of Criminal Apprehension within three days of knowledge of the discrepancy, Murphy explained. He also said the amendment provides for a misdemeanor penalty for failure to submit a report and a gross misdemeanor for submitting false information. He said that the gross misdemeanor also applies to a person who is convicted a second or subsequent time for violation of the measure. The committee adopted the amendment. S.F. 577 goes next to the Senate floor.

A bill, offered by Sen. Patrick McGowan (IR-Maple Grove), authorizes a prosecuting witness under the age of 18 to have in attendance a parent, guardian, or other supportive person at criminal proceedings. S.F. 764 was approved and sent to the full Senate.

Next, the committee considered S.F. 867, a bill dealing with automobile theft. Sen. Phil Riveness (DFL-Bloomington) said that the bill increases the penalty for fraudulently allowing use or possession of certificate of a title to a maximum incarceration sentence of four years. In addition, the bill increases the penalty for falsely reporting a crime from a misdemeanor to a gross misdemeanor with second and subsequent offenses being five-year felonies. The bill also establishes an Automobile Theft Prevention Board which is required to develop a plan to assess the scope of the problem of automobile theft and analyze various ways to combat the theft problem. The committee adopted an amendment, offered by Riveness, that provides for a funding source for board activities. A 50 cent surcharge per vehicle applies for every six months of coverage on new or renewed automobile insurance policies beginning January 1, 1994, Riveness said. McGowan successfully amended the bill to include a five year sunset provision. S.F. 867 was approved and re-referred to the Commerce and Consumer Protection Committee.

Finally, the committee approved a bill that amends The Data Practices Act to

# Committee update

make it consistent with the juvenile code. According to Sen. Jane Ranum (DFL-Mpls.), bill author, S.F. 969 is noncontroversial and does not change policy. The bill will be incorporated in the omnibus street crime bill.

## Child abandonment bill heard

A bill expanding the state's child neglect and endangerment laws to include situations in which a lack of supervision results in harm to the child received a hearing by the Crime Prevention Committee at its Weds., Mar. 24, meeting.

S.F. 75, sponsored by Sen. Martha Robertson (R-Minnetonka), reduces the level of harm that must be done to a child by neglect for the neglect to be considered a gross misdemeanor. The bill makes it a gross misdemeanor for a parent, guardian, or caretaker to fail to provide necessary food, clothing, shelter, health care, or supervision if the neglect causes harm or is likely to substantially harm the child. The bill also provides that the harm may be to the child's mental health as well physical or emotional health. Under current law, the neglect must substantially harm or be likely to substantially harm the child's physical or emotional health.

The bill also expands the child endangerment crime to include endangering the child's person or health by causing or permitting a child to be in a situation likely to substantially harm the child's emotional health. The committee approved the bill and sent it to the full Senate.

Another child abuse bill, S.F. 1161, sponsored by Sen. Jane Ranum (DFL-Mpls.), was approved by the panel. The bill expands the definition of domestic abuse in the domestic abuse act to include terroristic threats committed against a family or household member by another family or household member. It also expands the definition to include criminal sexual conduct committed against any family or household member by any other family or household member. The bill now goes to the full Senate.

The committee also heard S.F. 175, sponsored by Sen. Deanna Wiener (DFL-Eagan), increasing the penalty for offenders convicted of fifth-degree assault after previous convictions for assault or terroristic threats. The bill also expands the crimes that are counted toward an enhanced penalty for assault. S.F. 175 was approved and sent to the Senate floor.

The panel also approved S.F. 1060, sponsored by Ranum, providing that when a defendant is subject to an enhanced penalty for a subsequent offense based on an earlier conviction for a misdemeanor, the fact that the earlier conviction resulted in a stayed sentence is irrelevant for purposes of enhancement. The bill was approved and sent to the full Senate.

## Crime budget implications

The Crime Prevention Finance Division, chaired by Sen. Tracy Beckman (DFL-Bricelyn) devoted its Weds., Mar. 24, meeting to hearing public testimony on the effects of the governor's proposed crime budget. The committee heard from AFSCME representatives and probation officials who expressed deep concern that budget cuts can only worsen severe crowding problems in the prison and probation systems, compromising the safety of both

corrections employees and the public. Also testifying were representatives of crime victim services groups, who said that current levels of funding are not adequate to provide even minimal services to victims in all Minnesota counties.

## Education

### Nurse recruitment program offered

Calling for an increase in the number of nurses from the minority community, Sen. LeRoy Stumpf (DFL-Thief River Falls) presented S.F. 718 to the Higher Education Division Tues., Mar. 23. Stumpf, division chair, said the bill establishes two grant programs designed to encourage people of color to enter the nursing field.

Stumpf explained that the first program provides grants to postsecondary institutions for promoting recruitment and retention initiatives directed toward persons of color. The second program, said Stumpf, provides grants to persons of color who enter or enroll in programs leading to licensure as a registered nurse. Stumpf gained support for an amendment that makes changes to the enrollment time lines, and requires the advisory panels provided for in the bill to have a majority of persons of color. Only 2.5 percent of the registered nurses in Minnesota are minorities, as compared to 16.5 percent nationally, according to the Minnesota Nurses Association. Stumpf said the division would finish its work on the proposed legislation at a future hearing.

The division also began on S.F. 503, authored by Sen. Tracy Beckman (DFL-Bricelyn). Beckman said the proposed legislation requires post-secondary systems to develop and implement plans to provide career information to all students and requires the systems to provide employment potential placement tracking and reports.

### Employment at-will bill considered

Members of the Education Finance Division, chaired by Sen. Lawrence Pogemiller, (DFL-Mpls.), met Wed., Mar. 24, to hear S.F. 391, a measure designed to eliminate contractual employment arrangements between public school districts, superintendents or principals. The measure establishes at-will employment policies with authority for selection, employment and removal of a superintendent to be vested in the school board.

Sen. Carol Flynn, (DFL-Mpls.), author of S.F. 391, said that the intent of the measure is to provide additional accountability for the public education system by eliminating a tenured contractual system that protects the interests of a few at the expense of taxpayers, communities, school districts, parents and students.

Flynn said that the measure establishes at-will employment arrangements as a means to avoid costly litigations and buyouts of superintendents or principals not meeting established standards, who are currently protected by a blanket of roll-over contractual agreements seldom broken without voluntary resignation, litigation or settlement. According to Flynn, at-will positions are the norm in most of the business community and among comparable managerial positions in the private sector. No action was taken. Further discussion will continue.

S.F. 390, authored by Sen. Douglas Johnson, (DFL-Cook), recommends

approval of a maximum effort school loan fund for the Nett Lake school district, authorizing the issuance of state bonds of up to \$7.9 million, appropriates money for the capital loan not to exceed \$7.9 million and establishes a loan repayment schedule for the school district. Johnson said the measure, if approved, will provide necessary funding for a new consolidated, school, community, social service facility to replace a deteriorating school building. The bill was laid over.

## Environment and Natural Resources

### Commissioner's bill heard

The Environment and Natural Resources Subcommittee on Fish and Wildlife, chaired by Sen. Charles Berg, (DFL-Chokio), met Thurs., Mar. 18, to hear S.F. 693, a bill authored by Sen. Gene Merriam, (DFL-Coon Rapids). The bill clarifies, modifies or expands appropriate rulemaking authority and the duties of the commissioner of natural resources pertaining to fish, game, wild rice and recreation.

Merriam explained that the measure provides for a transition of established rulemaking based on a compilation of commissioner's orders to a rulemaking framework that includes due process for affected citizens under Minnesota statute. The bill incorporates statutory authority as needed and modifies, clarifies or expands sections of previously-established commissioner's orders due for repeal on June 30, 1993. The bill also provides that newly-established, statutory-based rulemaking authority would take effect Sept. 1, 1993.

According to Merriam, S.F. 693, identifies all remaining commissioner's orders and extends their expiration date from July 1, to Sept. 1, 1993. The measure allows for the formulation of appropriate emergency rules and provides that the proposed rules, as amended commissioner's orders, be placed into permanent rule without further administrative action. Merriam said that the exemption will codify into rule the language of the orders previously in effect, and will clarify that the legislature is allowing the action, but is not a full endorsement.

Further, the bill's language provides instruction to the revisor's office to place the proposed rule into the next supplement or compilation of Minnesota Rules and specifies that the effective date of action is the day following enactment. An amendment to the bill, offered by Merriam, establishes that due public notice will go beyond the state register and provides for public distribution of information to interested and affected parties through informational news releases and bulletins. S.F. 693 was approved, as amended, and sent to the full committee.

### Commissioner's bill okayed

The Environment and Natural Resources Committee, chaired by Sen. Bob Lessard, (DFL-Int'l.) Falls), met Fri., Mar. 19, to hear several bills related to lands, water, hunting and recreation.

H.F. 421 (S.F. 347), offered by Sen. Don Samuelson, (DFL-Brainerd), authorizes the transfer of federally-held lands as an addition to the Charles A. Lindbergh State Park. The bill was approved and was sent to the full Senate.



Another bill offered by Samuelson, S.F. 64, directs the commissioner of natural resources to set muzzle-loading hunting seasons and to expand areas where deer may be taken with muzzle-loading firearms. The bill was approved, as amended, and sent to the full Senate.

S.F. 184, offered by Sen. William Luther, (DFL-Brooklyn Park), regulates the operation, registration, safety and compliance of off-highway motorcycles--referred to as dirt bikes. Luther offered an amendment to facilitate enforcement by requiring that vehicles be registered and deleting language relating to liability. The amendment was adopted. The bill was approved and re-referred to the Environment and Natural Resource Finance Division.

S.F. 490, offered by Sen. Leonard Price, (DFL-Woodbury), allows for the public sale of tax-forfeited lands in Washington County for residential development. The bill was approved and sent to the Tax Committee.

S.F. 483, offered by Sen. Gene Merriam, (DFL-Coon Rapids) authorizes the commissioner to allow big game such as bear, deer, moose, elk, to be taken under a special crossbow permit issued to hunters meeting certain disability criteria. The bill was approved and sent to the full Senate.

S.F. 366, offered by Sen. Charles Berg, (DFL-Chokio), allows the commissioner to issue a special permit, without fee, to allow a person with a private fish hatchery license to import minnows from other states for export and processing. An amendment was offered to drop the word "processing." The amendment was adopted. The bill was approved and sent to the full Senate.

S.F. 702, offered by Sen. Harold "Skip" Finn, (DFL-Cass Lake), provides penalties relating to traps and snares and requires identification on traps and snares on all lands and waters other than on property owned or occupied by the trapper. The bill was approved and sent to the full Senate.

Final discussion focused on S.F. 693, a measure authored by Sen. Gene Merriam, (DFL-Coon Rapids), clarifying current rulemaking authority under existing commissioner authority and orders. Merriam said the bill clarifies, modifies and in some cases, expands the rulemaking authority of the commissioner of natural resources and provides for a transition of compiled commissioner's orders to an established rulemaking framework that includes due process for affected citizens under Minnesota statute.

Merriam said the newly-established framework and process is based on a compilation of previously established commissioner's orders and incorporates statutory authority as needed. The bill establishes an administrative transition period with emergency rule-making authority. Commissioner's orders will be null and void July 1, 1993 and orders will be replaced by the new-framework of rules with appropriate statutory authority by Sept. 1, 1993. The bill was approved and re-referred to the Governmental Operations and Reform Committee.

Finn made a final motion that S.F. 702 dealing with traps and snare identification, be incorporated into S.F. 693. The committee approved the motion.

## PCA budget overview

Members of the Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse, (DFL-Dakota), met Mon., Mar. 22, to hear an overview of the Water

Quality Division, by manager, Patty Burke and on the Hazardous Waste Program, by manager, Tim Sherkenbach.

Burke said that the agency's and governor's water quality initiatives include funding for local, state and federal water clean-up projects, continued support of a 10 year implementation strategy for the Minnesota River and \$800,000 in funding for the Clear Water Partnership Program. According to Burke, the water quality division is broad-based and she said that nonpoint source pollution is given a high priority in the agency's plan and in the governor's recommended budget initiatives.

Burke said the long term approach in the abatement of non-point solution, will be handled through a combination of information, education, training and by building cooperative partnerships. Burke said of 490,000 identified nonpoint sources, as many as 17 percent may be in non-compliance and that the number of sources and types of pollution require an innovative system of monitoring and compliance. She said that traditional "command and control" methods of environmental protection will shift towards the promotion of behavioral change.

The governor's initiatives recommend \$1.1 million for the Minnesota River Implementation project to continue nonpoint source pollution studies and implementation. A final budget report was delivered by Tim Sherkenbach, hazardous waste manager, who outlined the division's area of responsibility. He explained that long-term division goals are to fashion flexible and reasonable rules, to establish a comprehensive and effective hazardous waste collection system and to bring new generators, and existing small and large generators into full compliance with waste management requirements. Further budgetary discussion will continue.

## Mississippi headwaters bill okayed

A bill clarifying that state agencies and departments must notify the Mississippi Headwaters Board of any planned construction or repair activities that are not in compliance with the Mississippi headwaters ordinance was advanced by members of the Environment and Natural Resources Committee at a Tues., Mar. 23, meeting. S.F. 774, authored by Chair Bob Lessard (DFL-Int'l. Falls), also provides that the board may authorize special projects benefiting the Mississippi headwaters area and that the costs of a project must be assessed to the member counties on a proportional basis according to the benefits of the project. Finally, the measure contains a \$315,500 appropriation to the board for implementation of the comprehensive plan for the upper Mississippi river within areas of the board's jurisdiction. The bill was approved and sent to the Environmental and Natural Resources Finance Division.

In other action, the committee also approved S.F. 413, a bill authorizing the sale of tax-forfeited land in St. Louis County. The measure, sponsored by Sen. Jerry Janezich (DFL-Chisholm), was advanced to the full Senate. H.F. 70, sponsored by Sen. Joanne Benson (IR-St. Cloud), conveying land owned by St. Cloud University to the city of St. Cloud was also approved and sent to the full Senate. A bill establishing the Minnesota Rock and Gem Interpretive Center, authored by Sen. Florian Chmielewski (DFL-Sturgeon Lake), also gained the panel's approval. S.F. 251

provides that the interpretative center be located within an existing state park or recreational area located near prime rock collecting areas and that the focal point of the center is to be a display of Lake Superior agates as well as rocks, gems, minerals and geologic artifacts indigenous to Minnesota. The measure was approved and re-referred to the Environment and Natural Resources Finance Division.

## DNR omnibus bill heard

The Environment and Natural Resources Subcommittee on Fish and Wildlife, chaired by Sen. Charles Berg, (DFL-Chokio), met Tues., Mar. 23, to hear S.F. 669, a comprehensive bill relating to fish, wildlife, hunting and commissioner's authority.

The measure, authored by Berg, allows the commissioner to adopt rules governing certain wildlife stamp design contests; provides opportunity for individuals to train dogs and allows the commissioner to issue special permits, without fee, to use firearms on domesticated or banded game birds during field trials or while training hunting dogs.

According to Berg, the bill provides an exemption from wearing blaze orange for migratory water fowl hunters in open deer hunting areas, while on waters or in a stationary blind. Sen. Gene Merriam, (DFL-Coon Rapids), offered an amendment that clarifies language by specifying "on waters or in a shooting location." The amendment was adopted.

The bill also allows the commissioner to establish a statewide open season for raccoon and allows non-residents to take rough fish by spearing or archery. An amendment offered by Berg, establishes an exception that non-residents may not spear through ice. The amendment was adopted. Berg said the bill also gives the commissioner additional rulemaking authority to set rules, size limits and conditions for the taking, sale, purchase possession and transport of mussels.

Berg explained that the measure provides the commissioner with authority to set limits on mussel size and amounts through the rules process. Merriam offered amendments to prohibit a person who has a commercial mussel harvesting permit from taking three ridge mussels and from harvesting mussels less than 2 3/4 inches in dimension. Merriam offered a technical amendment to restrict the commercial harvesting season, to prohibit the use of dredging equipment and to establish that a person may only take mussels by hand-picking. The amendments were adopted.

Merriam also offered an amendment to establish that the commissioner may require persons taking, possessing, and transporting fur-bearing animals to tag the animals. The amendment also directs the commissioner to prescribe the manner of issuance and the type of tag required. The amendment was adopted. Another final amendment offered by Berg, declares that red fox will be considered an unprotected wild animal and may be taken until July 1, 1995. The bill was approved and sent to the full Environment and Natural Resources Committee.

## Ethics and Campaign Reform

### Campaign finance reform

Members of the Ethics and Campaign Reform Committee, chaired by Sen. John

# Committee update

Marty (DFL-Roseville), met Thurs., Mar. 18 to continue work on the campaign finance reform bill.

The committee considered an amendment to S.F. 25, sponsored by Marty. The amendment, offered by Marty, provides gubernatorial candidates an additional public subsidy to match the first \$50 of contributions received from each person eligible to vote in Minnesota. The match is two dollars for each dollar of private contributions up to a total of 20 percent of the candidates' expenditure limit, Marty explained. Sen. Ember Reichgott (DFL-New Hope) successfully amended the amendment to include not only candidates for governor and lieutenant governor running together, but also all constitutional offices. The amendment, however, failed to be adopted and no further action was taken on the bill.

## Campaign finance reform

Members of the Ethics and Campaign Reform Committee met Tues., Mar. 23, to continue work on the campaign finance reform bill. During the fifteenth meeting regarding S.F. 25, members requested a comparative analysis of the two campaign finance reform bills, S.F. 25, sponsored by Committee Chair John Marty (DFL-Roseville) and the "Common Cause bill," S.F. 152, sponsored by Sen. William Luther (DFL-Brooklyn Park), before taking final action. The committee also considered several amendments.

Sen. Pat Pariseau (IR-Farmington) offered an amendment to S.F. 25 that essentially does not change the current check off system, which Marty argued is less competitive than that which he proposes. The amendment failed to gain committee approval. A second amendment by Pariseau changes the public match limits for gubernatorial candidates from \$10,000 to \$20,000 in an election year and \$3,000 in other years. Sen. Gary Laidig (IR-Stillwater) successfully amended the amendment to decrease the amounts to \$10,000 and \$2,000. The second amendment also failed.

Senators engaged in a lengthy discussion about confusion over the two campaign finance reform bills. Senate Majority Leader Roger Moe (DFL-Erskine) said that the committee "cannot take pieces of each bill and successfully fit them together." Laidig suggested that senate counsel identify major subject areas so that the committee could compare and analyze the bills. Marty said that he would request such an analysis be developed and distributed.

## Family Services

### Child support changes

S.F. 296 improves and enhances child support laws, said Sen. David Knutson (IR-Burnsville), bill author. Knutson presented the proposed legislation to the Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), Thurs. Mar. 18.

Knutson said that the bill requires parents to provide their social security numbers when registering births. He explained that the social security numbers will not appear on birth certificates, but will be on record and available to the public authority responsible for the establishment and enforcement of child support. This greatly enhances the efforts of child support workers

to locate parents who owe child support and obtain information about their assets, said Knutson.

The bill also makes modifications to various aspects of child support laws, bringing them into compliance with federal regulations, said Knutson. For instance, the bill requires obligors to keep the public authority informed of the names and addresses of their current employers. It also requires the obligors to keep the public authority informed as to whether they have access to employment-related health insurance. And under the proposed legislation, the court must make a written finding of the amount of support calculated under the child support guidelines, when deviating from those guidelines.

The committee amended the bill to make clear that the Office of Vital Statistics will forward parents' social security numbers only to the public authorities responsible for child support services for use in the establishment of parentage and the enforcement of child support obligations. The committee recommended that the bill pass and re-referred it to the Judiciary Committee.

Members also approved S.F. 527, authored by Sen. Harold "Skip" Finn. Finn said the bill reimburses Beltrami and Clearwater counties for some welfare costs that the counties provided to residents of the Red Lake Indian reservation. The bill goes next to the Health Care and Family Services Funding Division.

In other business, the committee started to work on S.F. 673, authored by Sen. Richard Cohen (DFL-St. Paul), a bill that modifies provisions relating to the administration, computation, and enforcement of child support.

### Human services bills heard

The Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), met Tues., Mar. 23, to act on several bills.

Piper presented S.F. 137, a bill that carves out an exception to the general assistance eligibility law to allow families whose children have been placed in foster care for less than six months to receive General Assistance benefits for that period of time. Piper said the bill also expands the definition of family by considering a child, who has been temporarily placed in foster care, to be residing with the recipient of public assistance for purposes of continued General Assistance eligibility. The committee approved the bill and sent it to the Health Care and Family Services Funding Division.

Piper also presented S.F. 1077, a bill granting the Dept. of Human Services (DHS) the authority to make interpretive guidelines. The bill also defines interpretive guidelines and provides for a study on vulnerable adults, said Piper. The committee deleted provisions in the bill that establish a data practices task force. The panel also adopted an amendment that calls for a DHS pilot project relating to programs and services for people with developmental disabilities and an amendment that clarifies what the vulnerable adults study should encompass.

The committee approved the bill as amended and re-referred it to the Governmental Operations and Reform Committee.

Sen. Kevin Chandler (DFL-White Bear Lake) offered S.F. 981. Chandler said the proposed legislation is a DHS bill that

clarifies and changes license evaluation requirements and eliminates some restrictions on businesses providing certain adult foster care services; modifies conditions for the Minnesota family investment plan; changes the name of the Hearing Impaired Services Act; and changes the name of the Council for the Hearing Impaired to the Commission Serving Deaf and Hard of Hearing People. After deleting the data privacy provisions, the committee approved the bill and sent it to the full Senate.

The committee also approved S.F. 352, authored by Sen. Don Betzold (DFL-Fridley). Betzold said the bill requires the commissioner of the DHS to investigate child maltreatment in publicly licensed day care centers. Members approved an amendment to the bill that allows the commissioner to direct the local welfare agency to conduct the assessment if the commissioner is unable to do so within 24 hours. The bill goes next to the Health Care and Family Services Funding Division.

Finally, the committee began work on S.F. 722. Sen. Janet Johnson (DFL-North Branch), bill author, said the proposed legislation directs the commissioner of the DHS to obtain federal waivers under the Aid to Families with Dependent children (AFDC) Program.

### Support enforcement bill gains

Members of the Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), held an evening hearing Tues., Mar. 23, to consider a number of bills, including the child support enforcement bill. The bill, S.F. 673, sponsored by Sen. Richard Cohen (DFL-St. Paul), makes a number of changes in the administration, computation and enforcement of child support. Much of the debate revolved around a provision requiring obligors--those that owe support--to pay a fee for having a public authority withhold the support from the obligor's paycheck. Committee members opposed to the provisions argued that it is unnecessarily punitive, especially for those obligors who are complying with their support orders. The panel adopted an amendment, offered by Sen. Joanne Benson (IR-St. Cloud), deleting the provision from the bill. Members also adopted an amendment, sponsored by Sen. David Knutson (IR-Burnsville), deleting a provision requiring the court, in support modification proceedings, when determining whether a child's needs have increased, to include consideration of the anticipated expenses for post-secondary education. The bill was approved and re-referred to the Judiciary Committee.

Members also approved, and sent to the Jobs, Energy and Community Development Committee, a bill that changes the distribution of money appropriated for the foodshelf program. S.F. 968, authored by Sen. Linda Berglin (DFL-Mpls.), allows the Minnesota Foodshelf Association to act as the liaison between the Dept. of Jobs and Training and the individual foodshelves.

Another bill sponsored by Berglin also gained committee approval. S.F. 689 appropriates \$200,000 for the New Chance Demonstration Project. The project provides services to young AFDC recipients who became pregnant as teenagers and dropped out of high school. The measure was sent to the Health Care and Family Services Funding Division.

A bill, S.F. 496, sponsored by Sen. Don Betzold (DFL-Fridley), also gained approval and was advanced to the full Senate. The measure prohibits restrictions on the right to provide licensed day care in condominiums, townhouses and other types of housing developments. Controversy on the measure centered on a provision that makes the bill retroactive and applicable to deeds; covenants; housing, condominium and townhouse association bylaws; and rental agreements already in effect. Betzold successfully defeated an amendment to delete the provision. However, an amendment to delete the immediate effective date specified in the bill was successful.

S.F. 399, authored by Sen. Dan Stevens (IR-Mora), was also approved and advanced to the Judiciary Committee. The measure makes a number of changes--many required by the federal government--to the STRIDE program. The measure also establishes program requirements for CWEP.

Finally, the committee also approved S.F. 327, authored by Sen. Sheila Kiscaden (IR-Rochester). The measure authorizes intensive family preservation services and child welfare targeted case management services. The bill was re-referred to the Health Care and Family Services Funding Division.

## Finance

### Capitol area renovation proposed

Members of the Finance State Government Division met briefly Thurs., Mar. 18, to discuss a legislative proposal to demolish the Ford Building on University Avenue and to construct a new high-quality building for long-term use. One of the reasons given at the meeting for reconstruction is the unacceptable quality of air circulating within the existent structure.

The committee, chaired by Sen. Richard Cohen (DFL-St. Paul), estimated that demolition of the Ford Building and several smaller adjoining structures, coupled with the design of a new building, would cost roughly \$1 million in FY94-95, should the Legislature go ahead with the project.

### DOER budget heard

Dept. of Employee Relations Commissioner Linda Barton presented a brief departmental budget overview at the Finance State Government Division, chaired by Sen. Richard Cohen (DFL-St. Paul), Mon., Mar. 22.

The agency is restructuring pursuant to internal strategic planning and recommendations from the Commission on Reform and Efficiency (CORE), according to Barton. Included in the reorganization efforts for the next biennium are budget reductions intended to increase coordination, consulting and assistance services to operating state agencies and move the state away from monitoring and control. Specific changes proposed include a decrease in staffing levels -- roughly 19 positions -- in the training, staffing, compensation, administration, and equal opportunity activities. Barton said that based on the agency's track record of retraining, the reduction will most likely occur without layoffs.

On the spending side of the ledger, the department's proposed state appropriation of roughly \$14 million for FY94-95 includes \$1.7 million to fund redesign and implementation costs of CORE recommendations in

the areas of hiring and deployment, training and development, performance management, and classification and compensation. An anticipated result of long-term reform is a reduction in the number of state job classifications from 2,400 to 600, according to Assistant Commissioner Jan Wiessner.

### Government efficiency discussed

Improving government efficiency was the primary topic of discussion at the Tues., Mar. 23, meeting of the State Government Division of Finance. The division, chaired by Sen. Richard Cohen (DFL-St. Paul), invited former Commissioner of Administration Sandra Hale to speak on government restructuring. Hale is now president of Enterprise Management Inc., a consortium that consults on quality, innovation, managing change and strategic communications. In addition, AFSCME representative Eliot Seide contributed to the discussion from the employees' perspective.

The panel also heard representatives from the Dept. of Finance outline their budget initiatives for the biennium.

### MAXIS deficit

Members of the Finance State Government Funding Division met Wed., Mar. 24, to discuss the \$15 million deficit incurred by the Dept. of Human Services (DHS) for the operation of MAXIS -- the state's computer system that counties use to determine assistance program eligibility. The Dept. of Administration is owed a portion of these dollars since MAXIS is run through the state's data processing center "Intertech," housed in DOA. According to officials from the Dept. of Human Services, the \$15 million deficit owed in operating costs for FY92-93 is the result of a growing caseload, the addition to MAXIS of Medical Assistance, expenses associated with the Issuance Operations Center, and a difference in understanding between the departments on the way in which data processing charges would be assessed.

Assistant Commissioner Bernard Conlin, Dept. of Administration, explained that rates are established based on a consumer's projection of utilization and the resource requirements of Intertech. Since DHS has used more resources than were projected several years ago, the Dept. of Administration has been forced to upgrade its computer network at great expense.

The Dept. of Human Services is requesting an additional \$16 million for FY94-95 to run the MAXIS system. Several Senators expressed disappointment in the way the system has been run over the past several years. The response offered from one DHS official is that the department needs to do a better job of estimating caseload growth and keeping the Legislature informed of what the department's activities.

The Information Policy Office, as part of its funding recommendations on various agency projects for the governor and legislature, has called for a DHS audit to study why the problem occurred and ways to avoid it in the future.

## Gaming Regulation

### Gambling surtax bill heard

Members of the Gaming Regulation Committee, chaired by Sen. Charles Berg, (DFL-Chokio), met Wed., Mar. 24, to hear S.F. 657, a bill to establish funding for compulsive gambling programs.

The bill, authored by Sen. John Marty, (DFL-Roseville), proposes a surtax on lawful gambling and a transfer of funds from the state lottery operations account. The bill also directs the Human Services Advisory Committee on Compulsive Gambling to seek a voluntary biennial contribution from the Minnesota Indian Gaming Association.

Marty explained that the measure establishes a funding contribution based on an equal percentage of overall gross revenues, equal to one-tenth of 1 percent, from the state's lottery, lawful gambling and Indian gaming casino industries. Specifically, Marty said the bill would impose a FY94-95 biennium tax of \$475,000 on the state lottery, \$1.9 million from lawful or charitable gambling and a proposed contribution of \$3.2 million from Indian gambling.

According to Marty, the lawful gambling surtax of \$970,000 in FY94 could be raised by increasing the 10 percent bingo tax to 10.037 percent and by increasing the 2 percent pull-tab tax to 2.034 percent. He said that under his proposal, lottery funds are diverted from the lottery administrative budget. Marty explained that the Human Services, Advisory Commission on Compulsive Gambling requested \$5.8 million in appropriations for FY94-95 based on anticipated and developing need for compulsive gambling treatment, education and research.

"We've tried to establish the amounts across the board as much as possible," said Marty, "The intent is to get the funding from the entities making the profit, rather than from the taxpayer..we think the industry is the one that should bear the costs and pay for the problems it causes." No action was taken. Further testimony and discussion will continue.

## Governmental Operations and Reform

### Environmental agency restructuring

A bill reorganizing state programs and services devoted to the protection of the environment, farmland, and natural resources was approved by the Governmental Operations and Reform Committee, Fri., Mar. 19.

Sen. Lawrence Pogemiller (DFL-Mpls.), author of the legislation, said the bill is an attempt to restructure and simplify existing agencies involved with environmental issues including the DNR, the Board of Soil and Water Resources, the Office of Waste Management, the Pollution Control Agency, and a host of other natural resource boards and functions. Pogemiller told the committee, chaired by Sen. James Metzen (DFL-South St. Paul), that the bill's purpose is to use scarce state funds more efficiently and to focus government resources on actively pursuing protection and prevention, rather than on regulation and control.

Under the bill, existing environmental agencies are not abolished until July, 1995, in order to provide time for those involved in the reorganization effort to devise an appropriate plan. The measure provides a general framework for reorganization by outlining general goals and specific outcomes, establishing a task force to report back to the Legislature early next session with specific recommendations on a new governmental structure, and creating a labor-management worker participation committee. S.F. 1 was approved and re-re-

# Committee update

ferred to the Committee on Environment and Natural Resources.

## Council name change approved

A bill changing the name of the Council on Affairs of Spanish-speaking People to the Council on Affairs of Mexicano/Chicano and Latino People was approved by the Governmental Operations and Reform Committee, Tues., Mar. 23.

The change enacted under the measure better represents the proportional make-up of Minnesota's English-speaking Mexican, Chicano and Latino community, according to Dennis Valdez, a professor of Chicano Studies at the University of Minnesota.

The bill also increases the council's membership from seven to nine and requires the state to use the new title in any written or oral material referring to people covered by the new definition. S.F. 688, authored by Sen. Jane Krentz (DFL-May Township), was approved and sent to the full Senate.

The committee, chaired by Sen. James Metzen (DFL-South St. Paul), then considered a bill modifying the federal disaster assistance agreement. Specifically, the measure authorizes the public safety commissioner, after a presidential declaration of a major disaster, to receive and expend federal disaster relief funds without authority from the Legislature. While the federal government makes disaster relief funds available to the state within three days of a presidential declaration, delays occur in usage because the department is dependent upon either the Legislature's or the Legislative Advisory Commission's approval. The measure, authored by Sen. Florian Chmielewski (DFL-Sturgeon Lake), was approved and sent to the full Senate.

Sen. Phil Riveness (DFL-Bloomington), called for an end to the "inordinate number" of standing reports state agencies are required to submit to the Legislature, under a bill presented to the committee. Under S.F. 807, the revisor is required to prepare a bill for introduction to the 1994 Legislature that removes from current law all standing requirements for periodic reports from state agencies. Currently there are over 1000 different places in the statutes where the Legislature calls for reports, said Riveness.

Riveness presented two additional bills -- S.F. 611, a bill regulating the depositories for state funds, and S.F. 96, clarifying rulemaking provisions governing the adoption of wastewater treatment standards by the PCA.

The first section of S.F. 611 allows the executive council to authorize the state treasurer to designate which depository institutions may be used for state fund deposits. The bill also requires that the amount deposited in an institution not exceed the deposit insurance limit, unless a bond approved by the state treasurer is furnished. In lieu of the bond, collateral security approved by the Treasurer must be furnished. The rest of the bill contains guidelines for the establishment of collateral on the part of depository institutions.

Riveness gained approval for an amendment that includes credit unions as a depository of state funds. The measure was approved as amended and advanced to the full Senate.

S.F. 96 eliminates the requirement of the PCA to arrange for public hearings when adopting and designing standards of

wastewater treatment. Rather, the PCA is required to follow established guidelines in current law which may or may not involve a public hearing. Also, membership of the Technical Advisory Committee is altered under the measure. The committee approved the measure and sent it to the full Senate.

Finally, a bill permitting local police civil service commissions to strike names on their eligible lists after one year was also approved. S.F. 903, authored by Sen. Tracy Beckman (DFL-Bricelyn), was also advanced to the full Senate.

## ISN profile

Members of the Governmental Operations and Reform Committee heard S.F. 1195, a comprehensive bill implementing the recommendations of the Minnesota Health Care Access Commission, Wed., Mar. 24. S.F. 1195 is identical to S.F. 900 and S.F. 957, -- which are concurrently moving through the Senate and are being amended to establish uniformity with S.F. 1195.

Although the committee met to hear a limited number of provisions contained within the bill, a more exhaustive overview of the measure was discussed. Sen. Linda Berglin (DFL-Mpls.), the bill's author, said the bill reflects recommendations of the Minnesota Health Care Access Commission designed to develop a cost containment strategy for the provision of health care.

Recommendations include the establishment of integrated service networks (ISN) -- an organization responsible for arranging or delivering a full array of health care services, from routine primary and preventative care through acute inpatient hospital care, to a defined population for a fixed price from a purchaser. An ISN, which may be formed by providers, HMOs, insurance companies, and employers, is accountable for keeping total revenues within the limit of growth set by the commissioner of health. S.F. 1195 was laid over for further discussion.

Berglin also presented S.F. 377, a measure establishing a children's mental health service system through local and state coordination and collaboration. According to Berglin, the system allows local service decision makers to draw funding from a single local source; creates a local pool of funds; improves the efficiency of existing resources; minimizes the incentives for costs and risk shifting; and increases the incentives for early identification and intervention. The committee, chaired by Sen. James Metzen (DFL-South St. Paul) approved the bill and re-referred the measure to the Health Care Committee.

In other committee business, members heard several bills involving the various public employee retirement plans -- each containing provisions for a specified class of persons. S.F. 528, authored by Sen. John Hottinger (DFL-Mankato), authorizes a second chance referendum on federal Medicare coverage for a member of the Teachers Retirement Association Basic (non-social security and non-Medicare coverage) Program. Sen. Randy Kelly (DFL-St. Paul) presented S.F. 557, a measure that modifies the limit on a disability benefit from the Public Employee Retirement Association received by a former Worthington city employee who is also receiving workers compensation benefits.

Lastly, the committee took action on S.F. 617, offered by Sen. Sam Solon (DFL-Duluth). The measure authorizes a former grain inspector to repay a refund that he took from the Minnesota State Retirement System (MSRS-General) when he left state service in 1967. All three bills were approved and sent to the full Senate.

## Health Care

### Developmental disability changes

The Health Care Committee, chaired by Sen. Linda Berglin (DFL-Mpls.), met briefly Thurs., Mar. 18, to begin hearing testimony on a bill that establishes the integrated management and planning act (IMPACT) designed to improve the provision of services to persons with mental retardation.

S.F. 710, authored by Sen. Duane Benson (IR-Lanesboro), establishes IMPACT goals and strategies and authorizes the establishment of a separate fund to receive money transferred from existing programs for these clients. In addition, the bill encourage the transfer of clients from the semi-independent living services (SILS) program to waived services and allows businesses to contact with day treatment vendors, with a modified rate setting system, to provide training and supervision services. Further testimony will be heard at subsequent hearings.

### Psychopathic treatment center okayed

A bill establishing a treatment center for individuals committed under Minnesota's psychopathic personality statute was advanced at the Tues., Mar. 23, meeting of the Health Care Committee. The bill, S.F. 797, sponsored by Sen. Florian Chmielewski (DFL-Sturgeon Lake), requires the commissioner of human services to establish a secure facility at Moose Lake for persons committed by the courts as psychopathic personalities. According to departmental officials, the facility is needed because of the increase in psychopathic personality commitments over the course of the last three years. The new treatment center will also absorb some of the staff displaced by the proposed closing of the Moose Lake Regional Treatment Center. The bill was approved and re-referred to the Health Care and Family Services Funding Division.

In other action, the committee, chaired by Sen. Linda Berglin (DFL-Mpls.), advanced two additional bills. S.F. 1104, authored by Sen. Pat Piper (DFL-Austin), is a measure that adds several criminal penalties to the laws regulating unlicensed mental health practitioners. In addition, the measure grants the commissioner the authority to use cease and desist orders. The bill was approved and re-referred to the Crime Prevention Committee. S.F. 1106, also sponsored by Piper, authorizes the commissioner of health to establish, coordinate and conduct mortality review projects to review data regarding fetal, infant or maternal deaths in Minnesota. Piper said that the bill is an attempt to find out the causes of the high infant mortality rate for children of color and to develop recommendations to improve services in order to prevent fetal, infant and maternal deaths. The measure includes several provisions dealing with access to data so the bill, after gaining committee approval, was re-referred to the Judiciary Committee.



Finally, the panel also began discussion of S.F. 1105, a Dept. of Health housekeeping measure. The bill, sponsored by Sen. Don Betzold (DFL-Fridley), makes a number of technical changes to the laws governing the department. In addition, Betzold offered an amendment to include language requiring lead inspectors to be licensed by the Dept. of Health. The amendment was adopted but the bill was laid over to determine the status of similar language in the other body.

### Ambulance boundary changes

The Health Care Committee considered several bills at the Wed., Mar. 24, meeting. The panel, chaired by Sen. Linda Berglin (DFL-Mpls.), approved a bill that eliminates the requirement that apubic hearing be conducted before ambulance primary service area boundaries are changed. S.F. 1107, authored by Sen. Dallas Sams (DFL-Staples), authorizes the Dept. of Health to make the adjustments. The bill was approved and sent to the full Senate.

In other action, the committee discussed several bills but delayed taking formal action until the evening hearing. S.F. 1128, authored by Sen. Sam Solon (DFL-Duluth), relates to chemical dependency licensing and S.F. 227, sponsored by Berglin, relates to health center designation for two clinics. The Wed., Mar. 24, evening meeting will be covered in the Apr. 2 issue of *Briefly*.

### Budget discussion continues

Members of the Health Care and Family Services Funding Division, chaired by Sen. Don Samuelson (DFL-Brainerd), met Wed., Mar. 24, to continue their review of the governor's budget recommendations.

Members discussed a summary of the capital projects that the governor is recommending for legislative authorization in 1993. The committee also analyzed how the governor's recommendations impact the need to issue general obligation bonds, relate to expenditures for debt service payments, and affect the state's future debt capacity through FY97.

## Jobs, Energy and Community Development

### Housing Finance Agency budget

Members of the Jobs, Energy and Community Development Funding Division heard a Housing Finance Agency budget review, Thurs., Mar. 18.

Discussion at the meeting primarily focused on specific low-income housing assistance programs slated to receive funding based on the agency's biennial state aid budget request of \$29 million. Home ownership and improvement, rental housing, community rehabilitation, and tribal housing programs will receive the bulk of department dollars, said Commissioner Jim Solem.

The proposed budget plan also includes several changes in agency programs: elimination of the home equity conversion counseling program, a reduction in homesharing grants, funding cuts of \$656,000 in the community rehabilitation fund, and a transfer of \$2.4 million in biennial funding and responsibility for housing subsidies for persons with mental illnesses from the Dept. of Human Services to the agency.

The governor concurs with the agency plan with the exception of including an

additional \$4 million in new spending for the Homeless Families and Children initiative, with a total of \$33 million for the agency in FY94-95.

### Affordable housing bill okayed

The Metropolitan Council is required to develop a plan to meet the need for affordable housing for all income groups in most portions of the Metro Area under a measure considered by the Jobs, Energy, and Community Development Committee, Tues., Mar. 23.

The type of housing that satisfies such a plan is called "comprehensive choice housing," including single and multi-family, doesn't consume more than 30 percent of median income (\$15,000), 50 percent of median income (\$25,000), and 80 percent of median income (\$40,800). Sen. Steven Novak (DFL-New Brighton), committee chair and author of S.F. 529, said the bill was an attempt to protect and enhance the social and economic health of the metropolitan region, and to allow people to live near their workplace and to remain in their community as their situations change.

The plan includes suggestions to municipalities on methods of eliminating barriers to housing choices, and outlines opportunities to achieve this goal. Sanctions to municipalities that do not comply with the objectives of comprehensive choice housing -- including loss of homestead and agricultural credit payments -- are also included. The lost aids would be redistributed to communities that are in compliance. S.F. 529 was approved and re-referred to The Metropolitan and Local Government Committee.

### Head Start bill okayed

A bill requiring a minimum funding for each grantee under the Head Start Program gained the approval of the Jobs, Energy and Community Development Committee at a hearing Wed., Mar. 24. The committee, chaired by Sen. Steven Novak (DFL-New Brighton), heard the bill because funding for Head Start comes from the Dept. of Jobs and Training, one of the state agencies under the jurisdiction of the panel. The bill, S.F. 122, sponsored by Sen. Linda Berglin (DFL-Mpls.), specifies that each Head Start grantee must receive at least the proportion of state funding in any fiscal year that was allocated to that grantee in fiscal year 1993. In addition the bill repeals an obsolete provision that earmarked new Head Start funds for Hennepin County. A \$25 million appropriation in the bill was deleted by members of the committee because the budget proposal being developed by the Jobs, Energy and Community Development Funding Division contains funding for Head Start. The bill was approved and sent to the Senate floor.

In other action, the committee also approved a bill establishing an affirmative enterprise program. The measure, S.F. 559, authored by Novak, provides for an incentive program to promote the hiring of persons with disabilities for full time jobs. The measure is designed to provide opportunities for persons with disabilities to increase their earning power, Novak said. The bill sets forth eligibility requirements and specifies that preference for grants awarded under the program must be given to businesses that offer ownership options or individual improvement plans with employer sponsored training and that are

working with the local development organization. The bill was approved and re-referred to the Jobs, Energy and Community Development Funding Division.

The panel also began work on a bill requiring disclosure to the consumer when consumer reports are used for employment purposes. S.F. 612, authored by Sen. Gene Merriam (DFL-Coon Rapids), specifies that a person may not obtain or cause to be prepared a consumer report on a consumer for employment purposes unless the person clearly and accurately discloses to the consumer that a report may be obtained. Members adopted an amendment that specifies if no report exists, the consumer reporting agency has no obligation to the consumer and setting forth time limits for the disclosure to the consumer. Final action on the measure was delayed because of time constraints.

### Public Service budget heard

The Jobs, Energy and Community Development Funding Division met Wed., Mar. 24, and devoted the entire hearing to a discussion of the Public Service Department. Commissioner Kris Sanda outlined the department's responsibilities and duties and detailed the budget initiatives contained in the governor's budget proposal. The panel, chaired by Sen. Carl Kroening (DFL-Mpls.), discussed the three major areas of departmental responsibility: energy; weights and measures; and telecommunications. The department is the regulatory agency for utilities and in rate cases advocates for the consumer, Sanda said.

## Judiciary

### Conciliation Courts bill approved

Members of the Judiciary Committee, chaired by Sen. Ember Reichgott (DFL-New Hope), devoted most of the Mon., Mar. 22 meeting to debate on S.F. 532, a bill relating to Conciliation Courts.

In essence, the bill, consolidates, simplifies, and contains a few substantive changes to the current statutes that deal with Conciliation Courts, according to Sen. Harold "Skip" Finn (DFL-Cass Lake). In general, a number of the specific provisions dealing with pleading, practice, and procedure in conciliation courts, particularly provisions that appear in Hennepin and Ramsey County statutes, are eliminated. These procedures will be governed by Supreme Court rule. Modifications are also made in the provisions governing attorneys and representation in Conciliation Court.

Discussion primarily focused on an additional change contained within the bill that eliminates the scheduled increase in jurisdictional limits from \$5,000 to \$6,000 by July, 1993, and to \$7,500 by the following July. S.F. was approved and advanced to the full Senate.

The committee then considered S.F. 704, also authored by Finn, a housekeeping bill from the Secretary of State's Office. The bill restricts the ability of a corporation dissolved by the secretary of state to reactivate its corporate existence by limiting the reinstatement period to one year following the statutory dissolution. The bill also provides that any party, who asks the secretary of state to serve a legal document on a non-Minnesota corporation, provide an address for those corporations not currently registered with the office. S.F. 704 was approved and sent to the full Senate.



# Committee update

Lastly, S.F. 441, a bill relating to employer indemnification, was also approved. According to Sen. Allan Spear (DFL-Mpls.), the bill's author, the legislation requires employers within the private sector to defend and indemnify their employees for civil damages, penalties, or fines claimed against the employee if the employee was acting within the scope of employment, was not guilty of intentional misconduct, willful neglect of the duties of the position, and has not been indemnified by another person. Spear explained that the language contained within the bill is basically adopted from current laws applying to public employees. Specific exceptions are included within the measure for employees who are subject to a contract governing indemnification rights and workers who are already governed by indemnification provisions under other laws. The bill was approved and sent to the full Senate.

## Omnibus data practices bill

Members of the Crime Prevention and Judiciary Subcommittee on Data Privacy, co-chaired by Senators Jane Ranum (DFL-Mpls.) and Harold "Skip" Finn (DFL-Cass Lake), approved several measures that were folded into an omnibus data practices bill, Tues., Mar. 23.

The omnibus bill, authored by Ranum, contains a long list of amendments to the current Data Practices Act. Among the provisions, the measure amends the educational data statute to provide that records of a law enforcement unit of a public educational agency or institution are not educational data (rather than classifying it as confidential); classifies data relating to complaints of sexual harassment as private; classifies certain data on beneficiaries and survivors of the Minneapolis Employees Retirement Fund as private data; contains provisions for the classification of gambling data; and categorizes as private data customer lists provided to counties or cities by solid waste collectors. The bill was approved and re-referred to the full Judiciary Committee.

The committee then considered S.F. 1073, also authored by Ranum, allowing a complainant access to findings of fact determined by a peace officer civilian review board. The complainant is also permitted to attend the evidentiary hearing on the complaint, after other witnesses have finished testifying. Sen. Patrick McGowan (IR-Maple Grove) argued that the legislation carves out special treatment for police officers to which other public employees are not subjected. He gained approval for an amendment prohibiting complainant access to findings of fact. The bill was approved as amended and rolled into the omnibus data practices bill.

A third bill offered by Ranum creates a criminal and juvenile justice information policy group to make recommendations on necessary legislative changes or appropriations to ensure the accurate and efficient operation of the criminal justice information systems. S.F. 1096 was also approved and re-referred to the Crime Prevention Committee.

Finn gained approval for a bill -- which was also incorporated into the omnibus data practices bill -- classifying state auditor's data as private until the final audit report has been published or the audit is no longer being actively pursued. The language

contained in S.F. 462 is similar to language existent in the Data Practices Act that covers the Legislative Auditor, said Finn. The measure also categorizes data that support the conclusions of a report which the state auditor reasonably believes will result in litigation as private, and data on individuals are considered confidential, until the litigation is finished or dropped.

In other committee business, members considered judiciary issues contained in S.F. 957, a bill implementing recommendations of the Minnesota Health Care Access Commission. Specific provisions in the bill pertain to the creation of integrated service networks, data collection, research, cost control initiatives, voluntary public commitments, and the creation of a health planning advisory committee. The panel approved an author's amendment creating a data institute, governed by a 14 member board, to collect data on the provision of health care services in Minnesota.

Sen. Gene Merriam (DFL-Coon Rapids) gained approval for an amendment to the bill allowing the release of patient records to the commissioner of health or the data institute. S.F. 957 was approved as amended and re-referred to the Judiciary Committee.

## Data practices debated

Access to government data is becoming more and more difficult for citizens and the news media, said Sen. Gene Merriam (DFL-Coon Rapids), at the Judiciary Committee meeting, Wed., Mar. 24.

Attempting to address the issue, Merriam presented S.F. 248, a bill that gives the commissioner of administration authority to issue a binding written opinion on any question of law governing government data practices upon request of a government agency. The commissioner may also issue a written opinion regarding a person's rights as a subject of government data or right to have access to government data at a person's request. Although the opinion is not binding in court, it must be given full consideration. Merriam said the bill provides a simple way to expedite decision-making without resorting to litigation.

The measure does not apply to a question involving the exercise of a discretionary power specifically granted by law to an authority responsible for maintaining data. Any written opinion issued by the Attorney General's Office would take precedence over the commissioner's opinion. The statute sunsets August 1, 1995. S.F. 248, which does not require that notice be given to the state agency maintaining the data that a written opinion has been requested, is a source of concern to various public entities. Lack of notice, coupled with the fact that the commissioner does not always see the data before issuing an opinion, may result in inaccurate opinions, said one opponent. The legislation was laid over for further discussion.

Sen. Harold "Skip" Finn (DFL-Cass Lake), gained approval for a bill that classifies reports made to the Boards of Social Work and Marriage and Family Therapy and supervisor reports under the licensing data statute. The bill provides that a supervisor is immune from civil liability or criminal prosecution for submitting -- in good faith -- information to a board that relates to an applicant's qualifications, competence, or practice. Furthermore, some information that an applicant or licensee

provides to the board including address and telephone number is also considered private data. S.F. 207 was approved and sent to the full Senate.

The committee, chaired by Sen. Ember Reichgott (DFL-New Hope), then considered judiciary issues contained in S.F. 502, a bill containing a number of modifications to the Asbestos Amendment Act. Sen. Ted Mondale (DFL-St. Louis Park), said the bill subjects violators of the law a civil penalty of not more than \$10,000 per day of violation. The commissioner of health also has the authority to issue an order assessing a penalty of not more than \$10,000 per violation -- amounts are dependent on past history and severity of violations. Currently, the commissioner only has the authority for issuing cease and desist orders, revoking licenses and using criminal penalties. The measure was approved and sent to the Finance Committee.

S.F. 346, authored by Sen. Dallas Sams (DFL-Staples), was also approved. The measure amends the right of first refusal law to provide that an action to recover real property or a right in real property based on a failure to comply with the right of first refusal requirements must be commenced within two years. Sams explained that a person whose claim would otherwise be barred by this new statute of limitations would have until March 1, 1994, to commence an action. The measure was approved and sent to the full Senate.

Lastly, Sen. Steve Dille (IR-Dassel), presented a bill that makes a simple word change dealing with penalty provisions that apply to violations of the animal health regulations. The bill amends the provision so that the "board," rather than the "court," will determine the imposition of a civil penalty. The measure was approved without debate and re-referred to the Environment and Natural Resources Committee.

## Metropolitan and Local Government

### Local bills heard

The Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), met Thurs., Mar. 18, to take action on six bills.

Sen. Randy Kelly (DFL-St. Paul) presented S.F. 789. Kelly said the bill validates an approval of local laws in the city of St. Paul. The committee recommended that the bill pass and be placed on the Consent Calendar. Kelly also presented S.F. 787, a bill that requires the Metropolitan Council to conduct a study of the Metropolitan Area libraries and library systems and to report to the Legislature. The committee amended the bill to clarify the make-up of the advisory committee, to specify the study's contents, and to allow the Metropolitan Council more time to complete its work.

Sen. Sam Solon (DFL-Duluth) also presented two bills. First Solon offered S.F. 406, a bill that authorizes a local unit of government which has a self-insurance plan to allow the employees of the exclusive representative to enroll in the plan at their own expense. The committee recommended that the bill pass and sent it to the Senate floor. Second, Solon brought forth S.F. 495, relating to the city of Duluth. He said the bill authorizes the transfer of money from the gas division account in the public

utility fund to the general fund. The committee deleted a section from the bill that authorizes the transfer of money from the steam division account of the public utility fund to the general fund. Members approved the bill as amended and sent it to the full Senate.

S.F. 821, authored by Sen. Gene Merriam (DFL-Coon Rapids), also received approval from the committee. Merriam said the bill authorizes a county to transfer funds to and enter into contracts with community action agencies. The bill goes next to the Senate floor.

Finally, Sen. Ember Reichgott (DFL-New Hope) offered S.F. 734. Reichgott explained that the bill enables local units of government to obtain waivers from state rules and laws; provides grants to local governments to encourage cooperation, achieve specified outcomes, and design service budget management models; and creates a Board of Local Government Innovation and Cooperation. The committee recommended passage of the bill and referred it to the Governmental Operations and Reform Committee.

### TIF bills advance

Several bills relating to aspects of tax increment financing provided the focus for discussion at the Mon., Mar. 22, meeting of the Metropolitan and Local Government Tax Division. The division, chaired by Sen. Carol Flynn (DFL-Mpls.), advanced three tax increment bills to the full committee.

S.F. 711, authored by Sen. James Metzen (DFL-South St. Paul), authorizes the extension of a tax increment financing district in Inver Grove Heights and authorizes the city to issue up to \$3 million in bonds to finance the cost of highway, street and bridge improvements within the area of the tax increment financing district in anticipation of state funds. S.F. 820, authored by Sen. Sandra Pappas (DFL-St. Paul), alters the tax increment financing law to provide for the creation and regulation of manufacturing districts. In addition, the measure provides that the full amount of captured net tax capacity of a manufacturing district is not subject to the local government aid/homestead agricultural credit aid (LGA/HACA) offset.

S.F. 1111, authored by Flynn, contains a number of changes to the tax increment financing laws including exempting redevelopment districts from the LGA/HACA offset; changing procedures for determination of tax capacity; changing limits on expenditures for redevelopment and renewal and renovation districts; changing the maximum duration of redevelopment districts; and providing for consultation with the county commissioner of the proposed district.

In other action, the panel also advanced two additional bills to the full committee. S.F. 453, authored by Sen. Don Betzold (DFL-Fridley), establishes a county option for sales of tax forfeited lands and requires reimbursement to counties for administrative expenses of special assessments. S.F. 1159, sponsored by Sen. Jane Ranum (DFL-Mpls.), expands eminent domain powers for cities of the first class and clarifies tax increment and neighborhood revitalization expenditure limitations.

### Local government bills

Three bills gained approval from the Metropolitan and Local Government

Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), Wed., Mar. 24.

First, Sen. John Hottinger (DFL-Mankato) presented S.F. 826, authored by Sen. Leonard Price (DFL-Woodbury). Hottinger said the bill allows counties to impose a fee or an interest charge on payments of money to the county that are more than 90 days overdue. The bill goes next to the Taxes and Tax Laws Committee. Second, Sen. Bob Lessard (DFL-Int'l. Falls) offered S.F. 874, authorizing the establishment of a joint ambulance district and imposition of a tax to finance the district. The committee sent the bill to the Taxes and Tax Laws Committee.

Finally, members took action on S.F. 580, authored by Sen. Ember Reichgott (DFL-New Hope). Reichgott said the bill makes changes to the duties of the state auditor that relate to the examination of local government operations. She explained that the proposed legislation provides for the preparation and review of accounts; provides for the costs of examinations; defines the limits to various types of compensation for public employees; provides procedures for the compensation of claims and for the removal of city managers; and limits certain high risk investments.

The committee amended the bill to clarify how it relates to existing employment contracts. Members also adopted an amendment that addresses concerns relating to speculative investments on the part of local governments. The bill now goes to the Governmental Operations and Reform Committee.

### Metropolitan governance reform

Metropolitan governance reform was the focus of discussion at a meeting of the Metropolitan and Local government Subcommittee on Metropolitan Affairs Wed., Mar. 24. Sen. Ted Mondale (DFL-St. Louis Park), subcommittee chair, said the purpose of the meeting was to discuss a variety of reform proposals relating to the regional governance structure in the Metro Area.

The debate focused on what level of involvement the Metropolitan Council should have regarding the planning and implementation of public policy. Members also discussed the merits of an elected Metropolitan Council, which is currently an appointed body.

A long line of witnesses, including citizens and representatives of local governments, labor unions, and environmental groups expressed a variety of views about regional government. Several of the witnesses urged the Senators to develop regional strategies and to implement reforms that create more accountability on the part of the Metropolitan Council. Lyall Wray from the Citizens League noted that the current problems are too large for single governmental entities to properly handle. To address the problems with the current system, Wray suggested a three-tier regional structure that gains efficiencies by arranging governmental units according to function.

### Rules and Administration

#### Panel advances Senate rules

Members of the Rules and Administration Subcommittee on Permanent and Joint Rules met Mon., Mar. 22, to complete work on the rules governing the operations of the Senate and the rules governing the House

and Senate when meeting in joint convention. The subcommittee, chaired by Sen. William Luther (DFL-Brooklyn Park), approved several changes to the Permanent Rules of the Senate. One change provides that a member shall be excused from all or part of a committee meeting upon request and that the names of the members excused are to be entered in the minutes. A second change provides that a bill that repeals a statute may include or be accompanied by an appendix containing the full text being repealed and that a bill that is divided into articles may include or be accompanied by an index. Another change provides that the minority may designate a ranking member for each committee. Finally, the panel approved a change that removes gender references from both the permanent and the joint rules. Both the permanent and joint rules were advanced to the full committee for further discussion.

### Taxes and Tax Laws

#### Farmers protest property taxes

Minnesota farmers told lawmakers how the state's system for financing education is driving up property taxes to an unreasonable degree. The farmers and representatives of the agriculture industry testified before the Taxes and Tax Laws Committee, chaired by Sen. Douglas Johnson (DFL-Cook), Thurs., Mar. 18.

The farmers said they realize that the state cannot affect commodity prices; however, they said the state has influence over their production costs, which have risen dramatically because of high property taxes for education. The farmers pointed out that the state's education system has become more reliant upon property taxes for funding. Many of the testifiers called for more state funding for education, suggesting the use of the income tax as a revenue source. They noted that the income tax is more equitable mechanism for funding education. The farmers repeatedly said that if they can make money on their products, they don't mind paying their fair share of income taxes.

#### Sales tax bills discussed

The Taxes and Tax Laws Subcommittee on Income and Sales Tax, chaired by Sen. Ember Reichgott (DFL-New Hope), met Tues., Mar. 23. The subcommittee recommended passage of S.F. 924, authored by Sen. Duane Benson (IR-Lanesboro). Benson said the bill clarifies the sales tax exemption for capital equipment. The bill goes next to the full committee.

Sen. Sandra Pappas (DFL-St. Paul) presented S.F. 857 for discussion. Pappas explained that the bill excludes building cleaning and maintenance from the definition of sale. Members also discussed S.F. 103, the lawful gambli bill. Sen. Charles Berg (DFL-Chokio), bill author, discussed the provisions that relate to taxation, particularly the combine receipts tax proposal.

#### Technical bills advanced

The full Taxes and Tax Laws Committee, chaired by Sen. Douglas Johnson (DFL-Cook), met Wed., Mar. 24, to consider four technical bills suggested by the Dept. of Revenue.

S.F. 924, authored by Sen. Duane Benson (IR-Lanesboro), codifies the department's current practice on the application of the sales tax exemption for capital equipment.

# Committee update

The bill specifies that the capital equipment must be used by the purchaser or lessee for manufacturing, fabricating, mining, quarrying, or refining tangible personal property, or for the generation of electricity or steam to be sold at retail and must be used for the establishment of a new or the physical expansion of an existing manufacturing, fabricating, mining, quarrying, or refining facility in the state. The measure also clarifies several provisions in current law by amplifying definitions and sets a retroactive effective date of July 1, 1984. The committee approved the measure and advanced it to the full Senate.

S.F. 585, authored by Sen. Sandra Pappas (DFL-St. Paul), makes numerous technical corrections to sales, use, income, franchise and property taxes. S.F. 510, sponsored by Sen. Ember Reichgott (DFL-New Hope), updates references to the Internal Revenue Code and makes numerous other technical changes to Minnesota's tax laws.

S.F. 607, sponsored by Sen. Carol Flynn (DFL-Mpls.), abolishes obsolete and redundant property tax levy limits in various political subdivisions. Flynn offered an amendment to exempt the nonexclusive use of easements and public rights-of-way used by cable TV companies from the property tax. Currently, Hennepin County is considering levying a property tax on the cable companies for the use of easements and public rights-of-way. However, Flynn said that up until the present time such a tax has never been levied and that similar use of easements and public rights-of-way by telephone companies is not taxed. Flynn withdrew the amendment, though, after committee members expressed a desire to hear about the proposal in more detail from all the parties involved.

All three measures were approved by the panel and sent to the full Senate.

## Transportation and Public Transit

### Funding proposal discussed

A transportation funding proposal that includes a five cent increase in the gasoline tax sparked division discussion at the Fri., Mar. 19, meeting of the Transportation and Public Transit Finance Division. The panel, chaired by Sen. Keith Langseth (DFL-Glyndon), discussed various aspects of the proposal. Langseth devised the proposal in order to adequately meet both metropolitan and rural transportation needs. Under Langseth's plan the gasoline tax would increase to 25 cents beginning June 1, 1993. However, after September 30, 1994, there would be an annual gasoline tax rate adjustment. Under the plan, if the percentage of MVET transferred to the transit assistance fund is reduced or eliminated, the increase in the gasoline tax is correspondingly adjusted. The tax rate is then indexed according to a formula based on the consumer price index and the amount of fuel sold. In addition, the proposal authorizes the use of revenues from the motor fuel tax increase for trunk highway projects that include supplements to public transit; transfers 27 percent of MVET proceeds to the transit assistance fund for appropriation to the commissioner and the Regional Transit Board; repeals the 80 percent metro-20 percent rural distribution of the transit assistance fund; and imposes a seven percent

state excise tax on motor vehicle sales.

In other action, the division approved a bill providing for refunds of fuel taxes paid on fuel used to operate passenger snowmobiles as part of the operations of a resort. The measure, S.F. 154, sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls), was sent to the full Transportation and Public Transit Committee. The division also endorsed the budget proposals of the Transportation Regulation Board and the Safety Council.

### Transit planning bill presented

The Transportation and Public Transit Committee devoted the entire meeting to a discussion of a comprehensive transportation plan presented by Sen. Linda Berglin (DFL-Mpls.), Tues., Mar. 23. The bill authorizes the use of highway user tax distribution funds for general transportation purposes, prescribes Metropolitan Area highway projects and planning, provides tax deductions and credits for transit costs, and authorizes bonds for light rail construction.

Berglin told the committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), that the proposed system under S.F. 357 is environmentally sound. Berglin explained that the bill authorizes use of highway user tax distribution fund revenues for mass transit projects in highway corridors if the projects are designed to achieve state transportation goals, maximize federal Intermodal Systems Transportation Efficiency Act (ISTEA) matching funds, and achieve compliance with the Clear Air Act. Demonstrating a transit alignment map, Berglin urged legislators to consider as the regional priority a light rail transit (LRT) system in the I-94 central corridor, before high occupancy vehicle (HOV) lanes.

In addition, the bill establishes a priority for highway projects in the Metropolitan Area. Reconstruction of I-35W may begin only after light rail construction has begun on the central corridor, according to Berglin. Additional traffic lanes from I-494 to I-35E may be constructed only after light rail construction on I-35W north of I-494 has begun. Furthermore, additional lanes may not be constructed on portions of I-35W and I-494 until the Legislature appropriates money to provide the funds required to match federal funds for the project, Berglin said. She clarified that projects, specifically reconstruction of highways 610 and 10, that already have begun or are scheduled to begin are not affected by the bill.

The bill also addresses "commuter transportation benefits" for providing employees alternatives to commuting to and from work in single-occupancy motor vehicles, Berglin said. The bill provides for an income tax deduction of up to \$60 monthly for employee commuter transportation costs, and a tax credit of up to \$60 per month per employee for employers who provide commuter transportation benefits.

The committee adopted an amendment to increase the bond sale amount from \$140 million to \$235 million. The committee took no action on the bill.

### LRT bill advances

The Transportation and Public Transit Committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), met Wed., Mar. 24 to consider eleven bills.

First, the committee considered S.F. 414, sponsored by Sen. Carol Flynn (DFL-Mpls.) dealing with light rail transit design and construction. The bill establishes a corridor management committee to advise the commissioner of Mn/DOT in the design and construction of light rail transit in each corridor to be constructed, Flynn said. The bill also requires that the commissioner must submit preliminary design and engineering plans and the final plans to each regional rail authority in which the corridor is located for review and approval. In addition, the bill requires that the Metropolitan Council establish a process for dispute resolution and changes the membership and responsibilities of the existing Light Rail Transit Joint Powers Board. The committee approved the bill and sent it to the Senate floor.

Next, the committee approved S.F. 796, which is a Mn/DOT housekeeping bill, sponsored by Sen. Paula Hanson (DFL-Ham Lake). The bill goes next to the Environment and Natural Resources Committee. The committee also approved another bill offered by Hanson that repeals a provision authorizing regular route passenger carriers to provide charter or excursion service within the state. S.F. 131 was sent to the full Senate.

S.F. 672, authored by Sen. Steve Murphy (DFL-Red Wing), makes it a misdemeanor to fail to maintain control of a vehicle with regard to road and traffic conditions and causing a collision, or leaving the proper traffic lane. The committee approved the bill and sent it to the Senate floor.

Sen. Steve Dille (IR-Dassel) presented a bill that amends the definition of "implement of husbandry" to specify that farm tractors are included and strikes old language providing exemption from registration. Among the changes, S.F. 551 amends the speed limit from 30 to 25 miles per hour for driving or towing an implement of husbandry or a registered farm trailer over 6,000 pounds that is not equipped with brakes and repeals the law making a violation a misdemeanor. The bill was approved and re-referred to the Agriculture and Rural Development Committee.

A bill, offered by Sen. Robert Lessard (DFL-Int'l. Falls), dealing with establishment of cartways was also approved by the committee. S.F. 653 authorizes town boards to establish a cartway other than that described in a landowner's petition if the board deems the alternative to be less disruptive and damaging to affected landowners and in the public's best interest. The bill goes next to the Senate floor.

S.F. 921, sponsored by Sen. Steven Novak (DFL-New Brighton), was also approved by the committee. The bill abolishes the expiration date for the Pipeline Safety Advisory Council. S.F. 921 was sent to the full Senate.

Next, the committee considered two bills offered by Sen. Terry Johnston (IR-Prior Lake). S.F. 993 allows social security numbers to be provided to the Federal Commercial Driver License Information System. The bill also establishes a fee of \$4.50 for a duplicate Minnesota identification card and also requires payment of a \$250 fee to have one's driver's license reinstated after it has been revoked for manslaughter resulting from operation of a motor vehicle, criminal vehicular homicide,

or conviction of an alcohol or controlled substance related offense in another state. The bill was approved and sent to the Senate floor. The second bill, offered by Johnston, requires every motor vehicle owner to register the vehicle as soon as ownership is acquired. In addition, the bill requires delivery of a motor vehicle title to the Dept. of Public Safety within statutory time limits (10 days).

Finally, the committee considered two bills offered by Sen. Jim Vickerman (DFL-Tracy). The first bill attempts to prevent fraudulent certification for special transportation service. The bill makes it a misdemeanor to fraudulently certify an applicant as eligible or to obtain certification by misrepresentation or fraud, Vickerman explained. S.F. 563 specifies that the providers of special transportation service must include notice of the penalty for fraudulent certification on the application. S.F. 563 was approved and sent to the full Senate. The second bill creates a new class of motor carrier permits for "armored carriers" and establishes a \$50 permit fee. S.F. 902 was laid over.

**Correction:** In the March 19 issue of *Briefly* it was reported that Patrick Hughes, Office of Operations Division of Mn/DOT, discussed a \$10 billion road project called MinnRoad. The correct figure is \$10 million.

## Veterans and General Legislation

### Funding application required

The Veterans and General Legislation Committee, at its Thurs., Mar. 18, meeting, heard S.F. 605, sponsored by Sen. Don Samuelson (DFL-Brainerd). The bill requires the veterans homes board of directors to apply to the U.S. Dept. of Veterans Affairs for federal funding needed to complete the renovation or replacement of facilities on the Veterans Home's Minneapolis campus. The committee, chaired by Sen. Jim Vickerman (DFL-Tracy), approved the measure and sent it to the full Senate.

### Arts funding bill heard

A bill calling for grants to state arts organizations received a hearing in the Veterans and General Legislation Committee at a Tues., Mar. 23, meeting. According to sponsor Sen. Richard Cohen (DFL-St. Paul), the bill provides a "floor" of funding for arts organizations that might otherwise fold due to lack of funding. Cohen said historic sources of funding, such as corporate donations, have diminished considerably, with the arts being crowded out by urgent social service needs and major changes in Minnesota companies. The bill provides for 15 percent of the revenue from the state lottery and forty percent of the revenues from the tax on rental motor vehicles to be deposited in a state arts account. It also calls for an additional one percent tax on parking at the Minneapolis-St. Paul International Airport; on hotel rooms in the Metropolitan Area; and on purchase or rental of videotapes at video stores. Under the bill, the total tax for these three services is raised to seven percent.

Cohen said that he has met with video industry representatives and that he intends to eliminate the video tax from the bill.

On a 6-2 roll call vote, the committee referred the bill to the Finance Committee

without recommendation.

The committee, chaired by Sen. Jim Vickerman (DFL-Tracy), also heard testimony on S.F. 383, memorializing congress to grant statehood to the District of Columbia. S.F. 383 was laid over.

## Floor Action

### HECB bill approved

The Mon., Mar. 22, floor session was devoted to the processing of bills on the various Senate Calendars. Two bills on the Senate Calendar were granted final passage. H.F. 442, authored by Sen. Dennis Frederickson (R-New Ulm), appropriates money to the Higher Education Coordinating Board. Frederickson said that there is some urgency in getting the measure signed into law because grants from the appropriation are to be used for the Spring Quarter. In addition, the Senate granted final passage to H.F. 174, sponsored by Sen. Dallas Sams (DFL-Staples). The measure requires manufactured home installers to be licensed by the state.

The bill prohibiting unfair discriminatory practices on the basis of sexual orientation was not voted upon at the Monday floor session because it was out for comparison with the House companion bill.

Senators also gave final passage to one bill on the Senate Consent Calendar. S.F. 729, authored by Sen. Pat Piper (DFL-Austin), requires the corrections' ombudsman to make biennial, rather than annual, reports to the governor.

The lion's share of the floor session was devoted to action on bills on the General Orders Calendar. The following bills were granted preliminary passage by the Senate acting as one large "Committee of the Whole."

H.F. 145, authored by Piper, modifies the Board of Medical Practice requirements for licensure by reciprocity to allow a physician currently living in South Dakota to assume a practice in Pipestone, Minnesota. H.F. 159, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), extends the time for school districts that have received capital loans to enter into construction contracts. S.F. 98, authored by Sen. Jerry Janezich (DFL-Chisholm), eliminates the requirement for towns to send a report relating to town roads and bridges to the county auditor. S.F. 99, also sponsored by Janezich, clarifies provisions for the terms of town supervisor and provides for the compensation of deputy town treasurers. H.F. 97, sponsored by Sen. Carol Flynn (DFL-Mpls.), modifies the definition of a confidential employee so that the definition is the same for both state and local governmental units.

S.F. 192, authored by Sen. Florian Chmielewski (DFL-Sturgeon Lake), authorizes the public sale of tax-forfeited land that borders public water in Aitkin County. S.F. 229, carried by Stumpf, alters the mirror requirements for personal watercraft to include factory specified accessory mirrors. S.F. 235, authored by Frederickson, authorizes the release of a reversionary interest in state park lands conveyed to the city of St. Peter. S.F. 281, authored by Sen. Harold "Skip" Finn (DFL-Cass Lake), provides for payment of in-lieu taxes. S.F. 283, sponsored by Janezich, authorizes the conveyance of state land in St. Louis County. S.F. 313, authored by Sen. Deanna Wiener (DFL-Eagan), changes the number of members of the Dakota

County Housing and Redevelopment Authority and the County Extension Committee.

S.F. 434, authored by Sen. Jim Vickerman (DFL-Tracy), is a Minnesota State Patrol housekeeping measure that makes numerous technical changes and clarifications to laws dealing with traffic regulations. S.F. 247, authored by Sen. Gene Merriam (DFL-Coon Rapids), clarifies a patient's right of access to medical records when there has been an independent medical examination paid for by a third party. H.F. 358, carried by Sen. Don Betzold (DFL-Fridley), is a revisor's bill correcting erroneous, ambiguous, and omitted text and obsolete references in the statutes. S.F. 234, authored by Finn, clarifies the definition of "child in need of protection or services" and "child abuse" to include circumstances in which a child would live or lives with a person convicted of child abuse. S.F. 567, authored by Sen. John Marty (DFL-Roseville), is the secretary of state's elections housekeeping bill that changes registration, filing, boundary change, ballot preparation, canvassing, system testing and notice requirements and procedures. S.F. 371, authored by Stumpf memorializing the president and the U.S. Congress to retain the Grand Forks Air Force Base in Grand Forks, North Dakota.

### Anti-discrimination bill passed

The Senate granted final passage to H.F. 585, the bill prohibiting unfair discriminatory practices on the basis of sexual orientation, at the Thurs., Mar. 25, floor session. The measure, authored by Sen. Allan Spear (DFL-Mpls.), gained final passage on a vote of 35-29. In addition, the Senate granted final passage to all of the bills that gained preliminary approval at the Mon., Mar. 22, floor session.

One measure on the Consent Calendar was also given final passage. S.F. 789, authored by Sen. Randy Kelly (DFL-St. Paul), validates an approval of special laws relating to the city of St. Paul.

In other action, several additional bills were given preliminary approval on the General Orders Calendar. H.F. 203, authored by Sen. Pat Piper (DFL-Austin), is a Board of Medical Practices housekeeping bill that makes a number of changes to laws governing the licensing of physicians. H.F. 298, authored by Sen. Gene Merriam (DFL-Coon Rapids), creates the office of Anoka County coroner and establishes the duties of the coroner. S.F. 306, sponsored by Sen. James Metzen (DFL-South St. Paul), clarifies procedures and requirements concerning the appointments of department heads and members of administrative boards and agencies. H.F. 341, carried by Sen. Harold "Skip" Finn (DFL-Cass Lake), makes numerous technical changes to the laws relating to business corporations. S.F. 262, carried by Kelly, authorizes the city of St. Paul to prepare, adopt, and amend design districts and a design framework. S.F. 50, authored by Sen. Jim Vickerman (DFL-Tracy), authorizes the operation of recreational vehicle combinations.

### Senate phone numbers

For copies of bills (voice mail)	296-2343
For index and information	296-0504
For committee schedules	296-8088
For TDD	296-0250



# Preview

## The Minnesota Senate Week at a Glance

### Monday, March 29

#### Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse  
8:30 a.m. Room 125 Capitol  
Agenda: Presentation by PCA.

The Senate will meet at 10:00 a.m.

#### Agriculture and Rural Development Committee

Chair: Sen. Joe Bertram, Sr.  
12 noon Room 107 Capitol  
Agenda: S.F. 598-Berg: Removing state regulation of honey bees. S.F. 895-Dille: Apiary regulation modification. S.F. 534-Berg: Right of first refusal abolishment. S.F. 1130-Bertram: Changing laws on fees for pesticides and agricultural chemicals. S.F. 1306-Bertram: Technical changes in laws on pesticides and agricultural chemicals; technical. S.F. 899-Dille: Regulation of agricultural above ground storage tanks. S.F. 1263-Bertram: Clarifying procedures for the use of certain organisms. S.F. 1116-Morse: Requiring acceptance of empty pesticide containers and unused pesticide by certain distributors. S.F. 879-Morse: Agricultural chemical response and reimbursement account surcharge modifications. S.F. 1050-Sams: Board of Water and Soil Resources powers and duties transfer. S.F. 604-Sams: Technical changes in eligibility for certain rural finance authority loan programs. S.F. 861-Sams: Authorizing direct loans and participations. S.F. 1304-Bertram: Relating to wetlands; extending dates for rule adoption and the prohibition of draining and filling.

#### Commerce and Consumer Protection Committee

Chair: Sen. Sam Solon  
12 noon Room 112 Capitol  
Agenda: S.F. 901-Chandler: MN Title Insurance Act. S.F. 1108-Wiener: Fraternal benefits society policies guaranty association protection notice exemption. S.F. 852-Luther: Independent medical examinations review. S.F. 1333-Solon: Regulating minimum loss ratios for noncomprehensive policies.

#### Judiciary Committee

Chair: Sen. Ember Reichgott  
12 noon Room 15 Capitol  
Agenda: S.F. 730-Sams: Regulating dairy trade practices. S.F. 836-Sams: Modifying the over-order premium milk price. S.F. 1075-Hottinger: Including arbitration awards under the collateral source statute. S.F. 957-Berglin: Minnesota Health Care Commission. S.F. 976-Ranum: Omnibus privacy bill. S.F. 248-Merriam: Commissioner's opinions under data privacy act.

#### Crime Prevention Committee

Chair: Sen. Allan Spear  
2 p.m. Room 15 Capitol  
Agenda: S.F. 58-Pogemiller: City payment of civilian review authority costs for prevailing police officer. S.F. 298-Kiscaden: Construction site trespass. S.F. 536-Finn: Investigation of snowmobile accidents by sheriffs. S.F. 1072-Spear: Subpoena power for civilian review authorities.

#### Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse  
2 p.m. Room 123 Capitol  
Agenda: Presentation by AFSCME and public testimony.

#### Jobs, Energy and Community Development Funding Division

Chair: Sen. Carl Kroening  
2 p.m. Room 112 Capitol  
Agenda: PUC budget presentation.

#### Metropolitan and Local Government Tax Division

Chair: Sen. Carol Flynn  
2 p.m. Room 107 Capitol  
Agenda: S.F. 1152-Betzold: Metro government; setting conditions for tax equivalent payments. S.F. 1194-Mondale: Providing that certain special taxing districts are subject to the truth in taxation provisions. S.F. 529-Novak: Requiring the Metro Council to adopt rules allocating comprehensive choice housing among cities and towns in the Metro Area. S.F. 1269-Berglin: TIF; exempting housing districts from certain reductions in aid.

#### Legislative Commission on Pensions and Retirement

Chair: Sen. Phil Riveness  
6:30 p.m. Room 15 Capitol  
Agenda: S.F. 825-Metzen: MERF; employee purchase of prior service. S.F. 833-Kelly: PERA; waiver of deadline for payment in lieu of deductions. S.F. 255-Kroening: MSRS; U of M steam plant employees. H.F. 388-Sarna: Various plans; Rule of 85 option. S.F. 579-Metzen: PERA-P&F; benefit accrual rate increase. S.F. 1086-Morse: Statewide plans; benefit accrual rate increase. S.F. 545-Morse: Statewide plans; coordinated program survivor benefit increase. S.F. 162-Morse: IRAP; contribution rate increases and various changes. S.F. 817-Morse: Various plans; early retirement medical insurance incentive. S.F. 1092-Morse: TRA; payment of certain tax penalties. S.F. 1103-Stumpf: Optional retirement plan for Historical Society. S.F. 1282-Pogemiller: First class city teachers; funding provisions. S.F. 553-Kelly: TRA; STPTRFA consolidation. S.F. 1280-Piper: Austin Fire; post retirement medical coverage and surviving spouse benefit coverage. S.F. 937-Riveness: Bloomington Police; benefit improvements.

### Tuesday, March 30

#### Gaming Regulation Committee

Chair: Sen. Charles Berg  
8 a.m. Room 15 Capitol  
Agenda: S.F. 657-Marty: Relating to compulsive gambling. S.F. 104-Berg: Authorizing pull-tab dispensing devices. S.F. 164-Bertram: Authorizing video lottery machines. S.F. 1070-Hottinger: Authorizing electronic pull-tab dispensing devices.

#### Governmental Operations and Reform Committee

Chair: Sen. James Metzen  
8 a.m. Room 107 Capitol  
Agenda: S.F. 1160-Metzen: Mississippi River Parkway. S.F. 580-Reichgott: Auditors bill. S.F. 900-Berglin: MinnesotaCare; ISNs.

#### Transportation and Public Transit Committee

Chair: Sen. Florian Chmielewski  
8 a.m. Room 112 Capitol  
Agenda: S.F. 154-Stumpf: Resort snowmobile use. S.F. 397-McGowan: CSAH; emergency vehicle signals activation. S.F. 885-McGowan: Hand held traffic radar procedures. S.F. 953-Neuville: Motor vehicle deputy registrar appointments. S.F. 955-Neuville: Drivers license application administration. S.F. 437-Chmielewski: Drivers license fee increase. S.F. 902-Vickerman: Armored carrier permits. S.F. 877-Krentz: St. Croix River bridge. S.F. 1142-Flynn: Prohibiting parking in transit stops marked with a handicapped sign. S.F. 881-Berglin: Child passenger restraint and seatbelt use violation fines.

#### Education Funding Division

Chair: Sen. Lawrence Pogemiller  
10 a.m. Room 112 Capitol  
Agenda: Not available at press time.

#### Health Care Committee

Chair: Sen. Linda Berglin  
10 a.m. Room 15 Capitol  
Agenda: S.F. 1185-Neuville: Chemical use assessments to be paid by DHS. S.F. 278-Finn: CD-alcohol tax. S.F. 1136-Berglin: Dental bill. S.F. 1311-Janezich: Manual on mechanical therapy training certification requirements.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak  
10 a.m. Room 107 Capitol  
Agenda: Not available at press time.

#### Ethics and Campaign Reform Committee

Chair: Sen. John Marty  
12 noon Room 107 Capitol  
Agenda: S.F. 286-Flynn: Voter Information Program. S.F. 943-Marty: Ethical Practices Board. S.F. 1081-Pogemiller: Metro Council reapportionment.



### Family Services Committee

Chair: Sen. Pat Piper

12 noon Room 15 Capitol

Agenda: Work Readiness and General Assistance bills.

### Veterans and General Legislation Committee

Chair: Sen. Jim Vickerman

12 noon Room 112 Capitol

Agenda: S.F. 383-Pappas: Resolution memorializing Congress to grant statehood to District of Columbia. S.F. 750-Pappas: Study of immigration status of persons of African descent. S.F. 893-Hanson: Nurse statue; Minneapolis Veterans Affairs Medical Center. S.F. 1244-Chandler: Recodifying historic sites act of 1965. S.F. 1058-Luther: Additional members for MN amateur sports commission. S.F. 1056-Betzold: Certain income earned for service in the armed forces exempt from taxation. S.F. 1006-Murphy: Authorizing Vets Homes Board to define residency by board rule. S.F. 1007-Murphy: Authorizing Legislature to hear and determine claims by patients at Minnesota veterans homes. S.F. 1315-Betzold: Burial grounds.

### Commerce and Consumer Protection Committee

Chair: Sen. Sam Solon

2 p.m. Room 112 Capitol

Agenda: S.F. 596-Spear: Minneapolis extended hours for sale of alcoholic beverages. S.F. 1114-Luther: Franchises; regulating assignments, transfers, sales. S.F. 1297-Luther: Board of Architecture, Engineering, Land Surveying, Landscape Architecture and Interior Design procedures and penalties. S.F. 429-Solon: Omnibus liquor bill (containing following liquor bills: S.F. 83, S.F. 393, S.F. 728, S.F. 823, S.F. 914, S.F. 1061, S.F. 1153, S.F. 1298, S.F. 1022, S.F. 1291).

### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

2 - 5 p.m. Room 107 Capitol

Agenda: S.F. 622-Lessard: Taconite leases negotiation procedures. S.F. 1275-Mondale: Hazardous substances release liability protection. S.F. 796-Hanson: All-terrain vehicle regulations exemptions. S.F. 1074-Price: State lands management provisions. S.F. 359-Murphy: Motorsports parks or facilities. S.F. 1-Pogemiller: State government-departments and agencies. S.F. 878-Stumpf: Two-deer designated counties. S.F. 171-Bertram: Town road rights-of-way water encroachment regulation without wetland. S.F. 1034-Frederickson: Legislative task force on minerals. S.F. 636-Murphy: Combined sewer overflow state financial assistance program.

### Higher Education Division

Chair: Sen. LeRoy Stumpf

4 p.m. Room

Agenda: Not available at press time.

### Taxes and Tax Laws Subcommittee on Income and Sales Tax

Chair: Sen. Ember Reichgott

4 p.m. Room 15 Capitol

Agenda: S.F. 103-Berg: Lawful gambling; combined receipts tax. The following two bills are for discussion only. S.F. 237-Berg: Defining fencing for purposes of sales tax. S.F. 27-Laidig: Transient lodging; Stillwater exempting certain property.

### Transportation and Public Transit Finance Division

Chair: Sen. Keith Langseth

4 p.m. Room 125 Capitol

Agenda: S.F. 1148-Bertram: Overweight truck permit. S.F. 35-Chmielewski: Snowmobile trailers. S.F. 773-Sams: Funding for town bridges replaced. S.F. 762-Morse: Port development program.

### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

6 p.m. Room 123 Capitol

Agenda: Not available at press time.

## Wednesday, March 31

### Governmental Operations and Reform Committee

Chair: Sen. James Metzen

8 a.m. Room 107 Capitol

Agenda: Not available at press time.

### Transportation and Public Transit Committee

Chair: Sen. Florian Chmielewski

8 a.m. Room 112 Capitol

Agenda: S.F. 1184-Chmielewski: Authorizing road authorities to finance design, construct and operate toll facilities. S.F. 1148-Bertram: Increasing fees for overweight trucks. S.F. 1221-Murphy: License plates; pro rate vehicles. S.F. 1264-Novak: Defining residential roadways and establishing speed limits. S.F. 303-Olson: Rebuilt passenger motor vehicle value determination for registration tax. S.F. 1055-Metzen: Dakota County paratransit project. S.F. 35-Chmielewski: Snowmobile trailer manufacturer dealers license exemption. S.F. 386-Vickerman: Drivers license fee increase; motorcycles.

### Higher Education Division

Chair: Sen. LeRoy Stumpf

10 a.m. Room 112 Capitol

Agenda: Not available at press time.

### Health Care Committee

Chair: Sen. Linda Berglin

10 a.m. Room 15 Capitol

Agenda: S.F. 933-Anderson: Radon testing in schools and day cares. S.F. 382-Pappas: Single payor bill. S.F. 560-Berglin: Hospital moratorium. S.F. 898-Samuels: Medical assistance pharmacy. S.F. 1105-Betzold: MDH housekeeping bill.

### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

10 a.m. Room 107 Capitol

Agenda: Not available at press time.

### The Senate will meet at 11:45 a.m.

### Agriculture and Rural Development Committee

Chair: Sen. Joe Bertram, Sr.

12 noon Room 107 Capitol

Agenda: S.F. 551-Dille: Relating to traffic regulations; relating to implements of husbandry. S.F. 1089-Stumpf: Providing wheat protein premiums equivalent to discounts. S.F. 813-McGowan: Redefining terms in the plant pest act.

### Commerce and Consumer Protection Committee

Chair: Sen. Sam Solon

12 noon Room 112 Capitol

Agenda: S.F. XXXX-Janezich: Truck parts dealership regulations. S.F. 1032-Chandler: Prize notices and solicitation regulation. S.F. 815-Knutson: Solid waste collection services option contract.

### Judiciary Committee

Chair: Sen. Ember Reichgott

12 noon Room 15 Capitol

Agenda: S.F. 399-Stevens: STRIDE program. S.F. 1293-Spear: Increasing the fee for jury trial requests. S.F. 918-Betzold: Providing statute of limitations governs materials incorporated into an improvement to real property. S.F. 1124-Janezich: County records; providing for the use of certain fees. S.F. 147-Cohen: Raising tort liability against MTC. S.F. 1036-Cohen: Regulating transfers and sales of recordings; prescribing penalties. The two following bills may be acted upon in Privacy Subcommittee. S.F. 296-Knutson: Requiring parent's social security number on birth certificate. S.F. 1106-Piper: Mortality review projects.

### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

Agenda: S.F. 67-Ranum: Statute of limitations. S.F. 827-Spear: RICO expansion to gambling crimes. S.F. 1036-Cohen: Piracy of audio and video recordings. S.F. 1175-Betzold: Cruelty to animals penalties. S.F. 1276-McGowan: Restitution.

### Jobs, Energy and Community Development Funding Division

Chair: Sen. Carl Kroening

2 p.m. Room 123 Capitol

Agenda: Budget overview of Dept. of Labor and Industry.

### Metropolitan and Local Government Committee

Chair: Sen. Betty Adkins

2 p.m. Room 107 Capitol

Agenda: S.F. 1281-Moe: Polk County; permitting the consolidation of the office of auditor/treasurer. S.F. 711-Metzen: Inver Grove Heights; TIF. S.F. 1067-Finn: Bemidji; sales/motor vehicle tax. S.F. 814-Riveness: MAC; classroom noise study.

### Crime Prevention Finance Division

Chair: Sen. Tracy Beckman

4 p.m. Room 112 Capitol

Agenda: Not available at press time.

### Higher Education Division

Chair: Sen. LeRoy Stumpf

4 p.m. Room

Agenda: Not available at press time.

### Taxes and Tax Laws Subcommittee on Property Tax

Chair: Sen. Carol Flynn

4 p.m. Room 15 Capitol

Agenda: Presentations on tax increment financing by the counties.

### Governmental Operations and Reform Committee

Chair: Sen. James Metzen

6 p.m. Room 107 Capitol

Agenda: Not available at press time.

## Judiciary Committee

Chair: Sen. Ember Reichgott  
6 p.m. Room 123 Capitol

Agenda: S.F. 89-Spear: Third-party visitation rights. S.F. 106-Vickerman: Grandparent's visitation rights. S.F. 384-Berglin: Garnishments on child support. S.F. 513-Betzold: Permitting delinquent maintenance payments to be withheld from certain tax refunds. S.F. 673-Cohen: Child support enforcement. S.F. 783-Spear: MSBA Family Law Section bill. Above bills if referred from Family Law Subcommittee. S.F. 643-Berglin: Asset transfers for medical assistance eligibility.

## Health Care Committee

Chair: Sen. Linda Berglin

6:30 p.m. Room 112 Capitol

Agenda: S.F. 356-Ranum: CD transfer responsibility model from Safety to DHS. S.F. 739-Solon: Ionization radiation/veterinary medicine. S.F. 744-Piper: Personal Care Assistants COLA. S.F. 500-Johnson, D.J.: DAC and ICF COLA. S.F. 882-Janezich: Salary adjustments for ICFMR employees. S.F. 223-Samuelson: DAC COLA.

## Thursday, April 1

The Senate will meet at 8:30 a.m.

## Education Funding Division

Chair: Sen. Lawrence Pogemiller

10 a.m. Room 112 Capitol

Agenda: Not available at press time.

## Health Care Committee

Chair: Sen. Linda Berglin

10 a.m. Room 15 Capitol

Agenda: S.F. 506-Kiscaden: Pilot for MR. S.F. 1324-Berglin: Group residential housing. S.F. 1113-Luther: Regulates physician advertising. S.F. 978-Berglin: Pre-admission screening (PAS) requirements. S.F. 979-Berglin: Alternative Care Grant (ACG) pilot projects. A.S. 791-Stevens: DHS long term care PAS and ACG.

## Ethics and Campaign Reform Committee

Chair: Sen. John Marty

12 noon Room 107 Capitol

Agenda: S.F. 286-Flynn: Voter information program. S.F. 943-Marty: Ethical Practices Board. S.F. 1081-Pogemiller: Metro Council reapportionment.

## Family Services Committee

Chair: Sen. Pat Piper

12 noon Room 15 Capitol

Agenda: Not available at press time.

## Veterans and General Legislation Committee

Chair: Sen. Jim Vickerman

12 noon Room 112 Capitol

Agenda: Not available at press time.

## Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

Agenda: S.F. 253-Marty: Security guard amendments. S.F. 232-Neuvill: Admissibility of illegally-obtained wiretap evidence. S.F. 709-Bertram: Prosecution of misdemeanors in small cities. S.F. 1104-Piper: Mental health practitioner, hearing aid seller crimes. S.F. 1262-Anderson: MTC police.

## Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse

2 p.m. Room 125 Capitol

Agenda: S.F. 730-Sams: Regulating dairy trade practices. S.F. 836-Sams: Repealing Dairy Unfair Trade Practices Act.

## Jobs, Energy and Community Development Funding Division

Chair: Sen. Carl Kroening

2 p.m. Room 123 Capitol

Agenda: Worker's Comp Court of Appeals and the Bureau of Mediation Services budgets.

## Metropolitan and Local Government Committee

Chair: Sen. Betty Adkins

2 p.m. Room 107 Capitol

Agenda: Not available at press time.

## Governmental Operations and Reform Committee

Chair: Sen. James Metzen

6 p.m. Room 107 Capitol

Agenda: Not available at press time.

## Friday, April 2

## Governmental Operations and Reform Committee

Chair: Sen. James Metzen

8 a.m. Room 15 Capitol

Agenda: Not available at press time.

## Transportation and Public Transit Finance Division

Chair: Sen. Keith Langseth

8 a.m. Room 112 Capitol

Agenda: Hearing on bond requests.

## Education Funding Division

Chair: Sen. Lawrence Pogemiller

10 a.m. Room 112 Capitol

Agenda: Not available at press time.

## Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

10 a.m. - 6 p.m. Room 107 Capitol

Agenda: S.F. 1208-Price: Walleye and northern pike fishing limit. S.F. 886-Finn: Timber sales regulation modifications. S.F. 669-Berg: Game and fish provisions modifications. S.F. 880-Morse: Hazardous waste fees assessment and collection requirements modifications. S.F. 1005-Novak: New Brighton granular activated carbon acquisition for contaminated water. S.F. 1115-Berg: Aquatic farms operation regulations. S.F. 896-Stevens: Sherburne County tax-forfeited land sale. S.F. 1099-Morse: Winona County solid waste management facilities. Other bills may be added.

## Judiciary Committee

Chair: Sen. Ember Reichgott

1 p.m. Room 15 Capitol

Agenda: Agenda items remaining from hearings Mar. 29 and 31. Bill re-referrals from other committees.

## Governmental Operations and Reform Committee

Chair: Sen. James Metzen

6 p.m. Room 15 Capitol

Agenda: Not available at press time.

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# Briefly

APR 05 1993

The Minnesota Senate Week in Review

April 2, 1993

## Anti-stalking bill gains

A bill expanding the scope of stalking and harassment crimes gained preliminary passage on the General Orders Calendar at the Thurs., Apr. 1, floor session. S.F. 33, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), also increases penalties for harassment and stalking crimes and requires training for judges, prosecutors and peace officers concerning the nature of harassment and stalking crimes. Sen. Thomas Neuville (IR-Northfield) offered an amendment changing the focus of the reasonable person standard used in the bill to specify that a perpetrator knew or should have known that the perpetrator's actions constitute harassment. Pogemiller and Sen. Pat McGowan (IR-Maple Grove), successfully argued that the amendment changed the focus of the bill from protecting the victim and that the amendment would make convictions more difficult to obtain than under the bill's original language. The amendment was defeated on a 30-36 roll call vote. Pogemiller offered an amendment, that was subsequently adopted, exempting picketing and distributing hand bills from the measure. The bill was approved on a voice vote.

Senators also adopted the conference committee report on the bill prohibiting discrimination on the basis of sexual orientation and repassed the measure. According to Sen. Allan Spear (DFL-Mpls.), the bill's author, the conference committee report provides more exceptions from coverage than the original Senate language. Spear said that the conferees made an attempt to increase member's "comfort level" about the measure. For instance, the bill exempts owner occupied duplexes and employees of youth services from the anti-discrimination provisions. In addition, the conference committee added language clarifying that the bill cannot be construed to condone or endorse homosexual lifestyles, same sex marriages or affirmative action plans for homosexuals. The bill was repassed on a vote of 37-30.

## Video lottery bill okayed

Members of the Gaming Regulation Committee, chaired by Sen. Charles Berg, (DFL-Chokio), met Wed., Mar. 31, to hear S.F. 104, a bill related to expansion of lawful gambling.

The bill, authored by Berg, allows the use of pull-tab dispensing devices and under an amendment offered at an earlier hearing establishes a limited video lottery pilot program. Sen. Joe Bertram, Sr., (DFL-Paynesville) author of the amendment, said that the amendment provides the regulatory framework for a two-year pilot program for placement of video lottery machines in 16 selected Minnesota counties. The amendment includes a pilot program sunset date of August 1, 1995.

In the final minutes of discussion, Sen. Dean Johnson (IR-Willmar), offered an amendment to the Bertram amendment, to expand the two-year video lottery machine pilot program statewide. The amendment allows video lottery machines in bars or restaurants holding a liquor license, but reduces the number of allowable video machines in each licensed establishment from 4 to 2. The amendment also includes the sunset provision of August 1, 1995. The amendment to the amendment was adopted.

Another amendment to the Bertram amendment, offered by Sen. Ted Mondale, (DFL-St. Louis Park), allows 1 percent of proceeds from video lottery machines to be earmarked for the Board of Arts. The amendment to the amendment was adopted and the entire Bertram amendment was also approved. The bill was approved on a 7-3 roll call vote, and was re-referred to the Judiciary Committee.

## Metro gun ordinances authorized

Members of the Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), met during the evening hours Thurs., Mar. 25, to take action on a bill authorizing metropolitan communities to enact gun control measures that are stricter than state gun laws.

The bill, S.F. 1063, sponsored by Sen. Pat Piper (DFL-Austin), allows any metropolitan city and the Metropolitan Airports Commission to adopt firearm ordinances to regulate possession of firearms in a public place or repeating firearms with ammunition near by. In addition, the bill authorizes an ordinance regulating the sale, rental, lease, transfer or display of semiautomatic assault weapons. The bill also specifies that the ordinances may not apply to the possession of firearms by law enforcement officers or the lawful transportation of firearms. An amendment, offered by Sen. Thomas Neuville (IR-Northfield), specifies that no ordinance may absolutely ban the ownership or possession of firearms and that cities in the Metropolitan Area would have a three year time limit in which to enact the ordinances. After considerable debate, the amendment was adopted on a 6-4 roll call vote. The bill was then endorsed by the committee for inclusion in the omnibus street crimes bill.

## Gas tax proposal okayed

Allocations to transportation and other agencies provided the focus for the Fri., Mar. 26, meeting of the Transportation and Public Transit Finance Division. A bill, offered by Sen. Keith Langseth (DFL-Glyndon), provides for distribution of funds from various sources for specified transportation and transit purposes.

Langseth, division chair, explained that the budget proposal, as determined in S.F. 1251, assumes a gasoline tax increase to 25

cents beginning June 1, 1993 and an annual tax rate adjustment after September 30, 1994. The proposed gasoline tax increases revenue for FY94-95 by \$255.2 million, offsetting the amount appropriated from the general fund to the Depts. of Transportation and Public Safety. The additional revenue is distributed among the county state aid fund, municipal state aid fund, and the trunk highway fund.

Under the bill, the total funding available to Mn/DOT for FY94-95 is \$2.3 billion. The bill proposes a total increase to Mn/DOT of \$256 million over the governor's recommendation, but shows a decrease of 25 million from the governor's general fund appropriation. In addition, for the FY94-95 biennium, the Regional Transit Board receives approximately \$100.2 million; the Transportation Regulatory Board receives \$1.4 million; and the Dept. of Public Safety, which receives half its total funds from the transportation division, receives \$11.5 million under the bill. The bill also includes an allocation of \$134,000 to the Minnesota Safety Council.

The division voiced strong support for one beneficiary of the increased gas tax revenues. An allocation of \$5.7 million to the Minnesota State Patrol will restore 65 unfilled patrol positions, said Langseth. The bill was sent to the full committee.

Members of the division also considered a bill that proposes an amendment to the Minnesota Constitution requiring the proceeds of any tax on the purchase price of a motor vehicle (MVET) to be credited to the highway user tax distribution fund and a transit assistance fund. Under the bill, sponsored by Sen. Terry Johnston (IR-Prior Lake), the dedication is phased in over six years, beginning in 1995. Seventy-five percent is allocated to the highway user fund and 25 percent to the transit assistance fund. The bill, S.F. 995, also presents the question as it would be on the ballot in the 1994 general election. The bill was laid over.

## First deadline reached

The first committee deadline was today, Fri., Apr. 2. The deadline means that all bills originating in the Senate must be heard and approved by a Senate policy committee. The committees have been meeting around the clock considering an extraordinary number of bills. As a result, this edition of Briefly does not contain summaries of hearings that were held for informational purposes only. Rather, only meetings that resulted in action on bills are included.

Committee staff were unable to complete some of the agendas for next week's schedule because at press time it was impossible to know which House bills made the first deadline. Please call the Senate Hotline at 296-8088 or the Senate Information Office at 296-0504 for more up to date schedule information.

# Committee update

## Agriculture and Rural Development Committee

### Pesticide bills heard

Members of the Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram, Sr., (DFL-Paynesville), met twice Mon., Mar. 29, to hear several bills relating to agricultural lands, pesticide use, the regulation of honey bees and the use of genetically engineered organisms.

S.F. 598, authored by Sen. Charles Berg, (DFL-Chokio), removes the state regulation of honey bees, but provides for a voluntary system of reporting information by honey bee keepers to the commissioner of agriculture. An amendment, offered by Berg, establishes a definition for Africanized honey bees as an exotic species. The amendment provides for access for inspection of premises, provides enforcement authority and places restrictions on the state entry of bees without a permit or compliance agreement and establishes an annual inspection provision. The amendment was adopted and the bill was sent to the floor.

S.F. 1130, authored by Bertram, eliminates the surcharge on pesticide registration fees for pesticides listed in U.S. Environmental Protection Agency health advisories and authorizes the use of money in the ACRRRA account for operational costs. In addition, the measure exempts pesticides, sanitizer or disinfectants from the ACRRRA surcharge schedule of eligibility.

An amendment, offered by Bertram, exempts categories of pesticides associated with household use from prescribed surcharges and makes them ineligible for reimbursement under the ACRRRA account. An amendment to the amendment, offered by Sen. Steven Morse, (DFL-Dakota), excludes turf or garden pesticide use from the exemption provision and establishes eligibility for ACRRRA reimbursement. The amendments were adopted. The bill was approved, and re-referred to the Environment and Natural Resources Committee.

S.F. 1306, also authored by Bertram, eliminates a \$250 special fee for construction of bulk storage pesticide facilities if the application and permit fee are submitted before construction or major alteration is completed. Bertram said the measure eliminates the need for pesticide dealer licenses for warehouses or fixed locations where bulk pesticides are not sold. An amendment, offered by Bertram, exempts the reporting of a pesticide incidents if the quantity covers less than one acre of land, unless the release occurred in or near surface or ground water. Bertram's amendment also authorizes the use of passive bioremediation in pesticide cleanups when there is a low risk to public health or the environment. The amendment was adopted. The bill was approved and re-referred to the Environment and Natural Resources Committee.

S.F. 1263, also authored by Bertram, establishes state policy and regulation of genetically engineered organisms. The bill clarifies procedures for the use of genetically engineered organisms for use in agriculture and provides for the state's authority in the environmental permit process. The bill was approved and re-referred to the Environment and Natural Resources Committee.

S.F. 899, authored by Sen. Steve Dille (IR-Dassel), permits the commissioner of

agriculture to adopt new rules, including emergency rules, to regulate farm-based above ground storage tanks containing liquids. The bill was approved and re-referred to the Environment and Natural Resources Committee.

Earlier in the day, the panel devoted the afternoon meeting to a discussion of S.F. 534, abolishing the right of first refusal that applies to the sale or lease of agricultural lands or farm homesteads. The measure, authored by Sen. Charles Berg (DFL-Chokio), failed to advance.

### Rural finance bills heard

Members of the Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram, Sr. (DFL-Paynesville), met Tues., Mar. 30, to hear several bills related to rural financing expansion and to the agricultural use of pesticides.

S.F. 879, authored by Sen. Steven Morse, (DFL-Dakota), permits pesticide end users to use unregistered pesticides for a period of two years. The measure adds criteria requiring that a person selling pesticides must only accept empty pesticide containers, rather than unused pesticides, and permits counties to designate joint pesticide collection sites with other counties. The bill was approved and sent to the Environment and Natural Resources Committee.

S.F. 604, authored by Sen. Dallas Sams, (DFL-Staples), clarifies the eligibility criteria for prospective borrowers of agricultural development bonds who are beginning farmers and agricultural business loan program borrowers. Sams said the measure permits program participation more than once and allows the consumer price index to be used for determining the net worth of a prospective borrower. Sams offered an amendment to the bill allowing for amortized restructured loans and deferred restructured loans. The amendment was adopted. The bill was approved and re-referred to the Finance Committee.

A second bill offered by Sams, S.F. 861, authorizes the Rural Finance Authority to participate in agricultural improvement loans with an eligible lender and increases the maximum state involvement from \$20,000 to \$50,000. Sams said the measure removes restrictions for the first two years of the program and clarifies that agricultural improvement loans to finance improvements may be used for grade B dairy farms to upgrade farms to Grade A. Sen. Charles Berg, (DFL-Chokio), offered an amendment establishing that direct loans may not exceed \$20,000, and participation loans may not exceed \$50,000. The amendment was adopted. The bill was advanced to the floor.

### Wetlands bill okayed

Members of the Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram Sr., (DFL-Paynesville), met Wed., Mar. 31, to hear S.F. 1363, a bill changing wetland conservation provisions.

The bill, authored by Sen. LeRoy Stumpf, (DFL-Thief River Falls), amends provisions in the Wetlands Conservation Act of 1991, extends interim regulation programs already underway and postpones the effective date of permanent wetland rules to Jan. 1, 1994.

The measure changes wetland replacement ratio standards and allows for one acre of replaced wetland for each acre of drained or filled wetland in counties where at least

80 percent of presettlement wetlands exist.

Stumpf explained that the measure allows a local government unit to appoint an additional member for the technical review panel and provides for an appeal process of wetland replacement decisions during the interim program. An amendment offered by Sen. Steven Dille (IR-Dassel), exempts Type 1 wetland conservation, broadens exemptions on Type 2 agricultural wetlands and establishes that wetlands less than one-tenth of an acre in size are also exempt. Dille said the amendment implements no net loss, no net gain standards and allows individual communities to monitor and implement their local wetland conservation programs. Resources and funding should be targeted to those counties, primarily in the southern portions of Minnesota, that need wetland conservation assistance, said Dille. The amendment was adopted. The bill was approved and re-referred to the Environment and Natural Resources Committee.

Final discussion focused on S.F. 304, authored by Sen. Gen Olson (IR-Minnestrata). The measure categorizes and clarifies by title, the licensing scheme for commercial aquatic pest control applications for the application of pesticides on or into surface water. The bill was approved and re-referred to the Environment and Natural Resources Committee.

### Agriculture bills heard

Members of the Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram Sr., (DFL-Paynesville), met Wed., Mar. 31, to hear several bills.

S.F. 1089, authored by Sen. LeRoy Stumpf, (DFL-Thief River Falls), requires purchasers of wheat who provide discounts for wheat falling below the standard for protein content, to offer an equal or greater premium for wheat that contains a higher than standard protein content. The measure establishes protein content as a factor in determining quality and sets a provision effective day of May 1, 1994. The measure was approved and re-referred to the Governmental Operations and Reform Committee.

S.F. 551, authored by Sen. Steve Dille (IR-Dassel), modifies, changes and clarifies provisions relating to traffic regulations, highway safety and the implements of husbandry. An amendment offered by Dille, allows the transport of equipment or wagons from a farm and removes distance limitation language. The amendment was adopted. The bill was approved and sent to the floor.

S.F. 813, authored by Sen. Patrick McGowan, (IR-Maple Grove), changes definitions of specific nursery stock species and hardy plants as they relate to the pesticide act. The bill was approved and sent to the floor.

S.F. 1471, authored by Sen. Steven Morse, (DFL-Dakota), provides compensation for crops and livestock damaged by wildlife. The measure establishes a procedure for damage claims through the Dept. of Agriculture, appropriates money for damages and provides authority for the commissioner of agriculture to settle damage claims submitted by calculating loss and establishing payment formulas. The bill also establishes a 25 cent surcharge on game license fees to be deposited in the crop and livestock deprivation account. The bill was approved and re-referred to the Environment and Natural Resources Committee.

## Commerce and Consumer Protection

### No fault auto indemnity

The Commerce and Consumer Protection Committee met Thurs., Mar. 25, and approved three bills. S.F. 742, sponsored by Sen. Ellen Anderson (DFL-St. Paul), excludes certain vehicles from the right of indemnity granted by the No-Fault Act. Under the bill, passengers in buses, commuter vans, and vehicles being used to transport children as part of a day care program or school activity are treated the same as passengers in private passenger cars for personal injury protection benefits.

The committee approved an amendment by Sen. Kevin Chandler (DFL-White Bear Lake) that adds taxicabs to the exclusion. Chandler said the amendment is intended to increase competition in the taxicab insurance business. The committee approved the bill as amended and sent it to the floor.

S.F. 867, sponsored by Sen. Phil Riveness (DFL-Bloomington), creates a seven-member automobile theft prevention board charged with developing and administering a plan to develop programs to reduce the incidence of automobile theft. The program is funded by a 50-cent surcharge on each six months of auto insurance purchased in the state. An amendment successfully offered by Sen. Deanna Wiener (DFL-Eagan), specifies that the surcharge applies only to insurance providing comprehensive coverage. The committee approved the bill as amended and re-referred it to the Governmental Operations and Reform Committee.

S.F. 1129, sponsored by Committee Chair Sam Solon (DFL-Duluth), is the omnibus financial institutions bill. The bill clarifies and updates several areas of banking law, including conflict of interest prohibitions, credit insurance disclosure, and maximum loan limits for bank officers. Two amendments offered by Sen. James Metzen (DFL-South St. Paul), were approved. The first sets the maximum interest rate on loans for time share real estate. The second excludes licensees in the business of insurance premium financing who exclusively finance premiums for business, agricultural or corporate purposes from certain examination requirements. The bill was approved as amended and sent to the full Senate.

### Medical exams review

A bill calling for random selection of independent medical examiners for exams requested by third-party payors received a hearing at the Mon., Mar. 29, meeting of the Commerce and Consumer Protection Committee. S.F. 852 requires that when a third party payor, such as an insurance company, requests an independent medical exam for a patient, the applicable examining board must, within 24 hours, randomly select a reviewer in the same general location as the patient or practitioner to be reviewed. The measure also charges each board of examiners in the healing arts to keep a list of persons who are licensed and eligible reviewers and establishes the requirements for becoming a reviewer. The bill's sponsor is Sen. William Luther (DFL-Brooklyn Park). The committee approved the bill and re-referred it to the Jobs, Energy, and Community Development Committee.

S.F. 1108, sponsored by Sen. Deanna Wiener (DFL-Eagan), creates an exception from notice requirements for fraternal

benefit societies. Under current law, a policy or contract not covered by the Minnesota Life and Health Insurance Guaranty Association or the Minnesota Insurance Guaranty Association must contain a notice that the policy or contract is not protected by those associations. The bill provides that fraternal benefit societies are not subject to the notice requirement. The bill was approved and sent to the floor.

### Liquor sales extension

The Commerce and Consumer Protection Committee, at a Tues., Mar. 30, meeting, heard S.F. 596, a bill that allows Minneapolis to issue on-sale licensees an additional license allowing liquor sales to continue until 2 a.m. and consumption to continue until 3 a.m. The additional license authority applies only to the 3 percent restaurant and liquor tax district, which includes much of downtown Minneapolis and the commercial district near the West Bank campus area of the University of Minnesota. According to the bill's sponsor, Sen. Allan Spear (DFL-Mpls.), permitting later closing hours is an economic necessity for the downtown area because the city is losing convention business to cities with later serving hours. After extensive testimony, the bill was approved and sent to the full Senate.

The committee also heard S.F. 1297, sponsored by Sen. William Luther (DFL-Brooklyn Park), specifying enforcement, licensing, and penalty powers for the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, and Certified Interior Designer. The bill was approved and sent to the full Senate.

S.F. 1114, also sponsored by Luther, regulates assignments, transfers, and sales of franchises. After discussion, the committee voted to remove a portion of the bill that would have broadened the definition of unreasonable withholding of consent to transfer a franchise. The bill was approved as amended and sent to the full Senate.

S.F. 429, the omnibus liquor bill, sponsored by Committee Chair Sam Solon (DFL-Duluth), was also approved. Included in the bill's 21 sections are provisions for reciprocity in interstate transportation of wine. The measure makes it a misdemeanor for a person entering Minnesota from another state to import or have possession of liquor in excess of specified quantities, whether or not the taxes have been paid. The bill authorizes the dispensing of liquor by on-sale licensees at events held at the Como Park clubhouse and lakeside pavilion and the National Sports Center in Blaine. It also authorizes the issuance of on-sale licenses for the Minnesota Zoological Gardens; establishments in Crooked Creek and Brownsville township; an exclusive liquor store in Schroeder; and an establishment in Dalbo Township of Isanti County. The bill goes next to the Senate floor.

## Crime Prevention

### Harassment restraining order

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), met Thurs., Mar. 25, to consider a bill regarding payment of court-ordered fines and harassment restraining orders involving minor victims. Another bill considered deals with carrying a pistol without a permit and wiretap warrants.

S.F. 784, sponsored by Sen. Jane Krentz (DFL-May Township), provides for payment

of court-ordered fines for the salary of an inmate on a work-release program. Under the bill, the court-ordered fines are included in a priority list of items to be paid from earnings. The bill also amends the provision dealing with court jurisdiction over harassment restraining orders. Under current law, the parent or guardian of a minor who is a victim of harassment may seek a restraining order in juvenile court on behalf of the minor. S.F. 784 allows the parent or guardian to seek the order in district court. The committee approved the bill and sent it to the Senate floor.

Sen. Patrick McGowan (IR-Maple Grove) presented a bill that imposes a felony penalty on any person convicted a second or subsequent time of carrying a pistol in a public place without a permit. S.F. 940 also increases the period that a wiretap warrant is effective from ten days to 30 days. The warrant may be extended by the court for periods of ten days after the initial 30-day period. The bill was approved and sent to the floor.

Finally, the committee heard opening testimony on S.F. 1063, offered by Sen. Pat Piper (DFL-Austin). The bill amends the state preemption of local firearm regulation provision. The bill was laid over.

### Petty misdemeanor bill okayed

In addition to acting on the bill allowing metro communities to enact gun control ordinances that are stricter than state law, members of the Crime Prevention Committee, took action on a number of other bills at the Thurs., Mar. 25, evening meeting. The panel, chaired by Sen. Allan Spear (DFL-Mpls.), approved a bill repealing the petty misdemeanor provision which directed the conference of chief judges to establish a schedule of misdemeanors and provided that a person charged with a violation that is on the schedule is not eligible for court-appointed counsel. The bill, S.F. 105, sponsored by Spear, also changes the fine provisions by creating an exception for fines set at a lower amount on a uniform fine schedule. The measure was approved and sent to the full Senate.

Members also approved a measure authorizing the arrest and detention of persons who are on pretrial release but who abscond or fail to abide by the conditions of release. The bill, S.F. 320, sponsored by Sen. Jane Ranum (DFL-Mpls.), will be incorporated into the street crimes bill.

A bill, S.F. 321, providing priority for payment of restitution obligations under the Revenue Recapture Act and authorizing the collection of restitution from inmate wages when the restitution is ordered as a sanction for a conviction which is not the offense of commitment was also approved by the panel. The measure, authored by Ranum, also authorizes the use of forfeited bail to pay delinquent restitution. The bill was approved and re-referred to the Taxes and Tax Laws Committee.

S.F. 667, also authored by Ranum, establishes a criminal justice system task force to review the criminal code and penalties, review bias crime penalties and review sentencing under the sentencing guidelines. The measure was laid over for further discussion.

S.F. 681, sponsored by Sen. Ellen Anderson (DFL-St. Paul), clarifies that victims' rights are applicable to juvenile proceedings; adds restitution as a sentencing option in juvenile traffic cases; increases the



# Committee update

number of members on the Minnesota Crime Victim and Witness Advisory Council and extends the life of the council until June 30, 1995. The measure was approved and sent to the full Senate. Finally, members approved a bill, S.F. 1171, sponsored by Spear, that creates a commission on nonfelony enforcement to review the proportionality and enforcement of petty misdemeanor, misdemeanor and gross misdemeanor offenses. The measure was referred to the Governmental Operations and Reform Committee.

## Snowmobile accidents investigated

County sheriffs must investigate snowmobile accidents involving personal injury or death, under S.F. 536. Sen. Harold "Skip" Finn (DFL-Cass Lake), bill sponsor, explained the measure to the Crime Prevention Committee, Mon., Mar. 29. The committee approved the bill and sent it to the Senate floor.

Next, Sen. Lawrence Pogemiller (DFL-Mpls.) gained committee approval of S.F. 58, permitting local governments to require the payment of legal fees incurred by peace officers who are the subject of investigation by a civilian review authority. The bill specifies that the measure applies if the complaint is not upheld at a hearing before the authority and does not apply if the complaint is sustained. The committee, chaired by Sen. Allan Spear (DFL-Mpls.), approved S.F. 58 and sent it to the full Senate.

Finally, the committee approved a bill expanding the crime of trespass to include entry onto locked or posted construction sites, or entry into a dwelling or a locked or posted building without consent. Members adopted an author's amendment to S.F. 298, sponsored by Sen. Sheila Kiscaden (IR-Rochester), that states that the bill does not prohibit any person from engaging in organizing and other lawful union activities permitted by state or federal law. In addition, the committee adopted an amendment setting forth posting specifications. The bill was sent to the Senate floor.

## Animal cruelty penalties increased

A bill increasing the penalties for persons convicted of second or subsequent violations of animal cruelty laws dominated discussion at the Wed., Mar. 31, meeting of the Crime Prevention Committee. S.F. 1175, authored by Sen. Don Betzold (DFL-Fridley), increases the penalties for second convictions of torture or cruelty to animals from a misdemeanor to a gross misdemeanor. The bill also specifies that after a conviction the court must require that the pet or companion animals be turned over to an appropriate officer unless the court determines the person is able and fit to provide for the animal. The measure was approved and sent to the Senate floor.

In other action, the panel, chaired by Sen. Allan Spear (DFL-Mpls.), also approved a bill providing for the prosecution of misdemeanors in small cities. S.F. 709, authored by Sen. Joseph Bertram, Sr., (DFL-Paynesville), provides that, in cities with populations of less than 1,000, the duty to prosecute misdemeanors and petty misdemeanors may be given to the city attorney or it may, by resolution of the city council, be given to the county attorney. The bill was advanced to the full Senate.

S.F. 67, authored by Sen. Jane Ranum (DFL-Mpls.), clarifies the application of the tolling provision in the law governing criminal statutes of limitations. The measure was approved and recommended for placement on the Consent Calendar. S.F. 1276, authored by Sen. Pat McGowan (IR-Maple Grove), requires the deduction from a prison inmate's wages of unpaid restitution obligations from previous convictions and waives fees for the docketing of a restitution order as a civil judgement. The measure was approved and sent to the Senate floor. S.F. 1036, authored by Sen. Richard Cohen (DFL-St. Paul), sets penalties for the illegal transfer and sale of recorded images such as video cassettes. Current law contains similar penalties for the illegal sale of sound recordings. The measure sets a felony penalty for violations and provides for forfeiture of the recordings. The bill was approved and advanced to the full Senate.

The committee also began discussion of S.F. 827. The bill, authored by Spear, expands the RICO law to include gambling crimes. However, due to time constraints, the bill was laid over.

## Education

### Education bills heard

The Education Funding Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Fri., Mar. 26, to hear six pieces of proposed legislation.

Sen. Steve Murphy (DFL-Red Wing) presented S.F. 509, a bill that revises the mailing requirement for notices of referendum revenue authorization elections. The division recommended passage of the bill and sent it to the full Education Committee.

Sen. Dean Johnson (IR-Willmar) gained support for S.F. 9, a bill that appropriates money and authorizes bonds for a cooperative secondary facilities grant to a group of independent school districts which includes No. 341, Atwater; No. 461 Cosmos; and No. 464, Oak Grove. Sen. Charles Berg (DFL-Chokio), received approval for S.F. 156. Berg said the bill appropriates money and authorizes state bonds for a secondary cooperative education facility grant for the Grant County project. Pogemiller said the division would consider the bills as part of a larger financing package.

Sen. Jane Krentz (DFL-May Township) presented S.F. 1242, a bill that removes the requirement that persons who teach a driver training course to high school students through a community education program be licensed teachers. The division approved the bill as part of the upcoming mandates package.

The division discussed, without taking formal action, two additional bills. Sen. Betty Adkins (DFL-St. Michael) presented S.F. 204, a bill that approves a maximum effort school loan program capital loan and authorizes state bonds. Pogemiller said the division would delay formal action on the bill until the Dept. of Education has completed its review and comment process regarding the request. The committee also discussed S.F. 1001, authored by Sen. John Hottinger (DFL-Mankato). Hottinger said the bill authorizes independent school district No. 77, Mankato, to use community service fund revenue for some capital expenditure purposes.

### School district bills considered

Members of the Education Funding Division, chaired by Sen. Larry Pogemiller (DFL-Mpls.), met Tues., Mar. 30, to hear several bills relating to school district appropriations, planning and capital expenditure.

S.F. 153, authored by Sen. William Luther (DFL-Brooklyn Park), grants Independent School District No. #279, Osseo, authority to adopt an alternating eight-period schedule to meet increasing need for additional classroom space until 1996. Luther said the measure exempts the district from the statutory 6-hour instructional requirements and permits the reduced schedule without losing state aid. The bill gives students an opportunity to enroll in a minimum of five classes in an eight hour schedule. An amendment offered by Sen. Jane Krentz, (DFL-May Township), allows the school district to adopt the schedule contingent upon a public hearing and school board resolution. The amendment also exempts any student from the enrollment options program deadlines and directs the district, in cooperation with the Dept. of Education, to conduct an impact study focusing on the outcome of the eight-period schedule on overall student performance. The amendment was adopted. The bill was approved and sent to the full committee.

S.F. 1358, authored by Sen. Dan Stevens, (IR-Mora), provides several special revenue appropriations to the Onamia school district in response to an expected enrollment decrease resulting from the construction of two private tribal school facilities on the Mille Lacs Indian Reservation. The bill was set aside for further discussion.

S.F. 1121, authored by Sen. Douglas Johnson (DFL-Cook), authorizes a grant of \$80,000 in FY94-95 from the general fund to the commissioner of education for grants to the Nett Lake School District to assist in insurance premium payments. The measure also authorizes \$60,000 in FY94-95 from the general fund for the Nett Lake School district payment of obligations for unemployment compensation. The bill was set aside for further discussion.

S.F. 893, authored by Sen. Arlene Lesewski (IR-Marshall), authorizes a referendum on the question of district combination. The measure, relating to Independent School District No. #893, Echo, provides for a referendum any time following state board approval of cooperation and combination plans. The bill was approved and sent to the full committee.

Final discussion focused on S.F. 1386, authored by Sen. Roy Terwilliger, (IR-Edina). The bill creates a more detailed school district facility planning process by expanding the process at the district, county, regional and state level. The bill was set aside for further discussion.

### Financial aid bills heard

Members of the Higher Education Division, chaired by Sen. LeRoy Stumpf, (DFL-Thief River Falls), met Thurs., Mar. 25, to hear two bills relating to financial aid changes.

S.F. 468, authored by Sen. Richard Cohen, (DFL-St. Paul), sets out criteria for state grant stipends and exempts the first \$5,000 of family savings from the calculation of parents' contributions or independent students' contributions.

Cohen said the measure also establishes criteria for educational savings plan accounts. The bill provides that money deposited in or earned on deposits in education savings plan accounts may be subtracted from federal taxable income. According to Cohen the measure sets a maximum amount of \$10,000 that may be excluded from income each year and limits total excludable amounts in all taxable years to \$75,000. No action was taken.

S.F. 818, authored by Sen. Steve Murphy (DFL-Red Wing), establishes change in eligibility, duties and responsibilities for financial assistance programs. Murphy said the measure changes the definition of student and allows students enrolled for at least three credits or the equivalent, per term, to apply for a state grant.

In addition, the bill changes the definition of "eligible institution" for the Supplemental Educational Loan Fund (SELF) to include a post-secondary educational institution that is operated or regulated by the state, or operated publicly or privately in another state. Sen. Deanna Weiner, (DFL-Eagan), offered an amendment to require that SELF grant institutions, located out of state, be approved by the U.S. Secretary of Education. The amendment was adopted.

Sen. Thomas Neuville, (IR-Northfield), offered an amendment to raise the ceiling on the principal amount of a SELF loan from \$4,000 to \$6,000, aggregate totals from \$16,000 to \$25,000, graduate student loans from \$6,000 to \$9,000 and overall aggregate totals from \$25,000 to \$40,000 for optimum administrative flexibility. The amendment was adopted. The bill was approved and sent to the full Education Committee.

Final discussion focused on S.F. 349, authored by Sen. Steven Morse, (DFL-Dakota). The bill updates the name of the student association for technical colleges, removing "vocational" from the name of the Minnesota Technical College Student Association. The bill was approved and recommended for the Consent Calendar.

## CPAs, Technical colleges

Members of the Higher Education Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), met Tues., Mar. 30, to take action on two bills.

Sen. John Hottinger (DFL-Mankato) offered S.F. 401. Hottinger said the bill changes the education requirements for certification and licensure for certified public accountants. The division laid the bill over until more information is available about the fiscal impact of the legislation.

Sen. Cal Larson (IR-Fergus Falls) presented S.F. 199, a bill that changes the structure of the higher education merger by removing the technical colleges from the merger. After a vote for approval fell short of the needed votes, the division laid the bill on the table.

## Education, training bill heard

Members of the Higher Education Division, chaired by Sen. LeRoy Stumpf, (DFL-Thief River Falls), met Wed., Mar. 31, to hear S.F. 1346, a bill to establish education and training accounts.

The bill, authored by Sen. Thomas Neuville (IR-Northfield), establishes the policy and framework to develop and implement a statewide program offering all children, age 17 and under, state matching grants to fund family education and training accounts. No action was taken and the bill

was set aside for further discussion.

S.F. 23, authored by Sen. Steve Murphy, (DFL-Red Wing), establishes tuition relief for Southwest Asia veterans who are Minnesota residents, and who enroll in a technical college program. The measure establishes eligibility criteria and allows certain veterans, who have not yet completed a technical college program, to qualify for state grants. An amendment offered by Murphy, provides for a state grant of \$500 per year if the veteran has GI Bill benefits or \$1,000 per year if the veteran has no GI Bill benefits. The amendment was adopted. The bill was approved and referred to the full Education Committee.

S.F. 1465, authored by Sen. Roger Moe (DFL-Erskine), establishes a higher education instructional telecommunications network and provides grants to complete campus linkages, coordinate regional network arrangements, develop network courses and to train faculty in the use of instructional technologies.

The measure establishes the Higher Education Telecommunications network, authorizes the Higher Education Coordinating Board (HECB) to award grants to complete linkages and manage the regional systems. More specifically, the measure provides that the grants must be used for direct costs only. State funding for projects will be 90 percent of overall project costs.

An amendment to the bill, offered by Moe, requires that the higher education telecommunications network must use the statewide access and routing system (STARS) in order to maximize the state's telecommunications resources. The amendment was adopted. The bill was approved and referred to the full committee.

## Higher education bills heard

Members of the Higher Education Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), heard four bills at a second meeting Wed., Mar. 31.

S.F. 1337, authored by Sen. Douglas Johnson (DFL-Cook), topped the agenda. Johnson said the bill authorizes the state board for community colleges to use higher education facilities authority revenue bonds to construct dormitories or other student residence facilities at Vermillion Community College. Members approved the bill and sent it to the full committee.

Sen. Jerry Janeczich (DFL-Chislm) presented S.F. 1137, a bill that creates three accounts in the permanent university fund: the mineral research account, the endowed scholarship account, and the endowed chair account. The division approved the bill and sent it to the full committee.

The division also heard, without taking formal action, two additional bills. Sen. Ted Mondale (DFL-St. Louis Park) offered S.F. 1052. The bill is to assist school districts in determining specific areas of academic deficiency within the secondary school curriculum and to improve instruction. The fourth bill, S.F. 23, provides for technical college tuition exemption for Gulf War veterans.

## Environment and Natural Resources

### Environmental bills advance

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (Int'l. Falls), met Fri., Mar. 26, to hear seven bills related to water protection,

pollution control regulation and environmental compliance.

S.F. 697, offered by Sen. Leonard Price (DFL-Woodbury), is a bill to establish a comprehensive approach to water conservation by the Dept. of Natural Resources, Minnesota Pollution Control Agency, the Department of Health and the Metropolitan Council. Price said the measure establishes criteria for water deficiency declarations, sets water allocation priorities, prohibits the use of ground-water for surface water level maintenance and requires review of water appropriation permits.

The bill further requires the formulation of contingency plans for water shortages, changes water appropriation permit criteria, changes existing Metropolitan Area water supply plans and requires that guidelines for preparation be submitted to the council by January 1, 1994. The bill was approved and re-referred to the Metropolitan and Local Government Committee.

S.F. 639, offered by Sen. Sam Solon (DFL-Duluth), allows the Western Lake Superior Sanitary District to dispose of sewage sludge and incinerator ash in one facility under rules pertaining to the disposal of industrial solid waste. The bill was approved and sent to the full Senate.

A third bill, S.F. 712, offered by Solon, creates a water trail from Duluth to the Canadian border, primarily for kayakers. The bill was approved and sent to the full Senate. A fourth bill, S.F. 975, also offered by Solon, relates to farm or residential oil storage tanks, holding 1,100 gallons or less of motor fuel or heating oil for noncommercial purposes. The measure exempts such tanks from containment compliance codes under Minnesota Rules. The bill was laid over for further discussion.

S.F. 876, offered by Lessard, prohibits the state's attorney general from using state funds to investigate environmental violations without entering into a written agreement with the commissioner of the Pollution Control Agency to conduct an investigation. The measure also allows the court to place first time offenders on probation, or to dismiss proceedings against first time violators of certain environmental provisions after a successful probation is completed. The bill was approved and sent to the Crime Prevention Committee.

S.F. 872, also offered by Lessard, abolishes the issuance of non-resident bear-guide licenses. The bill was approved and re-referred to the full Senate.

S.F. 920, offered by Sen. Steven Novak (DFL-New Brighton). The bill redefines petroleum products for petroleum spill and clean-up requirements. Novak said the measure allows the commissioner to consider the use of passive bioremediation for petroleum clean-ups, sets up procedures for review of agency decisions and extends emergency rulemaking authority for one year, following June 1, 1993.

Novak offered an amendment requiring notification of a petroleum discharge or accidental release of one gallon or less. Sen. Phil Riveness (DFL-Bloomington), offered an amendment to change the notice requirement to 5 gallons or less. The Riveness amendment was adopted. A final amendment offered by Sen. Steve Dille (DFL-Dassel), changes the language relating to passive bioremediation by reinserting language and clarifying that passive bioremediation must be used for petroleum tank cleanups whenever the assessment of the site determines that there is a low

# Committee update

potential risk to public health and the environment as determined by the PCA. The amendment was adopted. The bill was approved, and sent to the Governmental Operations and Reform Committee.

## PCA budget reviewed

Members of the Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse, (DFL-Dakota), met Mon., Mar. 29, to hear a budgetary report by Tim Scherkenbach, manager, PCA, hazardous waste division and by Lisa Thorvig, manager, PCA, air quality division.

Scherkenbach reported that 70 counties currently participate in the hazardous waste program, representing 90 percent of Greater Minnesota households. He said that the agency has met the 1992 statutory guideline for issuing all hazardous waste permits and has brought into the regulatory system most of the large and medium hazardous waste generators including 75 percent of the very small quantity generators.

Scherkenbach reported that over 5,200 tanks have been identified in the leaking underground storage tank program and that clean-up, consisting of soil excavation, removal of product and ground water pump-out have been completed at more than 4,140 sites, he said.

Thorvig reported that the program's major objective for the biennium is to continue the timely expansion of the air pollution control program. She said the agency will continue action to minimize emission of air pollutants to meet the federal ozone standard, expand air monitoring sites and complete state implementation plans to improve air quality. Further budget discussion will continue.

## Reorganization plan reviewed

Members of the Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse (DFL-Dakota), held a second meeting Mon., Mar. 29, to hear an overview of the proposed consolidation of the Office of Waste Management with the Board of Water and Soil Resources.

Dale Nelson, department of finance, reported that the governor's recommendation to reorganize the Office of Waste Management and the Board of Water and Soil Resources is projected to cost \$660,000 in FY94 and \$300,000 in FY95. According to the governor's analysis, Nelson said that the annual net savings to the state is \$1.4 million in FY94 and \$1.6 million in FY95.

Nelson explained that the proposal eliminates the need for two separate agency boards, downsizes existing staff levels by 26, and integrates staff responsibilities and services between the two agencies. Nelson said that the governor's reorganization plan gives the commissioner of finance the authority to adjust the amount of savings and costs within the framework of the annual budget.

## Wild pig ban altered

A bill banning Eurasian wild pigs and their hybrids sparked lively debate at the Tues., Mar. 30, Environment and Natural Resources Committee hearing. The bill, S.F. 550, authored by Sen. Steve Dille (IR-Dassel), originally banned the pigs, provided for disposal of existing herds, prescribed penalties and appropriated money for

compensating owners of the prohibited pigs. However, after extensive debate, the committee, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), adopted an amendment that prohibits the pigs but allows current wild pig farmers to maintain their herds. The amendment, offered by Dille, also puts in place a permit system for the animals and provides for notification and destruction if pigs escape and cannot be recaptured by the owners. The amendment also requires a task force to make recommendations concerning the future disposition of the animals. The amendment was adopted and the bill was referred to the Governmental Operations and Reform Committee.

In other action, the committee approved a bill authorizing seven day fish house licenses for nonresidents. S.F. 723, authored by Sen. Harold "Skip" Finn (DFL-Cass Lake), sets the fees for an annual nonresident fish house license at \$25.00 and for a seven day nonresident fish house license at \$14.00. The bill was re-referred to the Environment and Natural Resources Finance Division. H.F. 546, prohibiting expanded use of recreational motor vehicles within the Richard J. Dorer Memorial Hardwood State Forest without county and township board approval, was also endorsed by the committee. The bill, sponsored by Sen. Steve Murphy (DFL-Red Wing), was sent to the full Senate. S.F. 636, also sponsored by Murphy, requires the Pollution Control Agency to consider the city of Red Wing for the financial assistance program for combined sewer overflow. The measure was approved and sent to the full Senate.

S.F. 796, authored by Sen. Paula Hanson (DFL-Ham Lake), exempts all terrain vehicles used by Dept. of Transportation survey crews and Dept. of Natural Resources minerals personnel from the prohibition on using the vehicles in ditches along state roads. The measure was approved and sent to the Finance Committee. S.F. 1275, sponsored by Sen. Ted Mondale (DFL-St. Louis Park), provides protection from liability for releases of hazardous substances to lenders and owners for redevelopment of property under an approved cleanup plan. The measure was amended to include provisions relating to voluntary response actions by responsible persons and provisions relating to persons not protected from liability. The measure was approved and referred to the Judiciary Committee.

The panel also began discussing a bill that provides for the reorganization of all the state agencies, boards, and departments that have environmental or natural resources responsibilities. S.F. 1, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), sets forth reorganization goals and the desired reorganization outcomes. The bill was laid over because of time constraints.

## Ethics and Campaign Reform

### Postage balance carried forward

Campaign finance reform continued to be the focus of the afternoon and evenings meeting of Ethics and Campaign Reform Committee, Thurs., Mar. 25. The committee adopted a delete everything amendment replacing language in S.F. 25, authored by Sen. John Marty (DFL-Roseville), with language from S.F. 152, the "Common

Cause bill." The committee, using an a side-by-side comparison, selected provisions from each of the two major campaign finance reform bills.

Marty successfully gained approval of S.F. 25's provision increasing expenditure limits by the sum of independent expenditures made in opposition to the candidate and paying the candidate an additional public subsidy equal to the amount of the independent expenditure. The panel also accepted a provision dealing with postage and credit balances. Selecting from the "Common Cause" bill, the committee approved a provision to increase the expenditure limit by ten percent for first time candidates and to allow excess contributions up to 25 percent of the candidate's expenditure limit to be carried forward and used for non-campaign disbursements.

The bulk of the evening meeting was spent debating expenditure and contribution limits. The committee voted to set expenditure limits for gubernatorial candidates at \$1.5 million; for attorney general at \$250,000 for over two years; and for secretary of state, state treasurer and state auditor at \$125,000 for over two years. The committee also set the state representatives' expenditure limit at \$20,000 and state senator's limit at \$40,000.

After lengthy debate and several failed motions, the committee set limits on contributions made during in a election year at \$1000 for gubernatorial candidates, \$500 for attorney general, and \$200 for treasurer, auditor, senators and representatives. All offices are limited to contribution limits of \$100 during other years, under the provision. Furthermore, the committee approved a provision that counts bundled contributions, those solicited by an individual or organization, against the limit of the individual or committee that delivered them as well as against the limit of the individual or committee that was the source of the contribution.

Regarding fund transfers, the committee approved provisions prohibiting transfers between principal campaign committees, transfers to a political party, or between campaign committees of state candidates and federal and local candidates. In addition, the bill permits a dissolving principal campaign committee to transfer funds to another principal campaign committee of a non-incumbent, or to a political party or general fund.

Lastly, the committee voted to limit aggregate contributions from PAC's, lobbyists, and large individual contributors to ten percent of spending limits. Marty clarified that a large contributor is anyone contributing up to half the maximum contribution limit. The committee will continue work on the bill at subsequent meetings.

## Civil fine imposed on treasurers

The Ethics and Campaign Reform Committee convened Tues., Mar. 30 to continue work on campaign finance reform efforts. The committee, chaired by Sen. John Marty (DFL-Roseville) voted to incorporate one provision that makes the treasurer of a political committee or political fund, other than the treasurer of the principal campaign committee, who permits the committee or fund to accept contributions in excess of the above limits, subject to

a civil fine of up to four times the amount by which the contribution exceeded the limit.

The committee also adopted another provision, which appears in both bills, dealing with public matching subsidy. The provision provides eligibility requirements for candidates for constitutional office and legislative office. In addition, the committee also agreed upon a concept of the checkoff system that provides for equitable distribution of funds, however, committee members have not yet set specific guidelines.

Lastly, Sen. Lawrence Pogemiller (DFL-Mpls.) successfully amended the bill to prohibit pre-primary payment of public matching subsidy. The first payment may be made on October 1 of each election year. The committee will continue work on the bill at subsequent meetings.

### PAC contributions limited

During an evening meeting, Wed., Mar. 31, the Ethics and Campaign Reform Committee ironed out additional provisions of the campaign finance reform bill, sponsored by John Marty (DFL-Roseville). Members unanimously granted approval to an amendment to S.F. 25 that prohibits a candidate who accepts a public subsidy from soliciting and accepting a contribution made or delivered by a registered lobbyist, political committee, or political fund. However, a campaign committee accepting such contributions must not accept an aggregate amount that exceeds 10 percent of the candidate's expenditure limit, under the bill. The committee also accepted a provision that a candidate who accepts a public subsidy may not contribute more than \$5,000 to the candidate's own campaign.

The committee, chaired by Marty, also accepted a provision prohibiting earmarked contributions and imposing a gross misdemeanor penalty and a fine of \$3,000 for the earmarking violation. Adjusting public financing for unopposed candidates was also addressed. Members approved a provision specifying that candidates who are unopposed in both the primary and the general election are not eligible to receive any additional public subsidy and the subsidy they would have otherwise received must be paid to the candidate's party to be used for multi-candidate expenditures.

Regarding public subsidies, the amended bill requires that a candidate raise 10 percent of the spending limit to trigger the public match. In addition, one-half of the contributions raised must come from within the candidates district. For the first \$50 of each individual contribution, the candidate can receive a dollar for dollar match up to 20 percent of the spending limit.

The committee also approved provisions prohibiting the forming of "friends of" committees and requiring existing committees to be dissolved by December 31, 1993. Under the bill, a dissolved committee is authorized to transfer all of its assets to the candidate's principal campaign committee, to a political party, or to the general fund.

Another provision approved deals with the aggregate contributions to local candidates. The provision limits the contributions for candidates for local offices in first class cities to \$300 in an election year and \$100 in other years. Marty clarified that the cities qualified as first class in Minnesota are Minneapolis, St. Paul and Duluth.

Lastly, members voted to include a provision that if the appropriation is vetoed, the act is void.

## Family Services

### Crisis nurseries discussed

Crisis nurseries are an important service for families and children, said Sen. Pat Piper (DFL-Austin), chair of the Family Services Committee. Pointing out the need to address child abuse and neglect, Piper presented S.F. 1037 to the committee Thurs., Mar. 25.

Piper said the bill establishes grant programs for crisis nurseries to provide safe, immediate, nurturing, temporary care for children and support services for parents in times of crisis. She said the bill also establishes a grant program to provide respite care services to families or caregivers who are under stress.

The committee amended the bill to clarify administrative procedures and method in which the money received from the grants and the sliding fee must be spent. Members approved the bill and sent it to the Health Care and Family Services Finance Division.

The committee also recommended passage of S.F. 868, authored by Sen. Sheila Kiscaden (IR-Rochester). Kiscaden said the proposed legislation provides assistance to people who adopt children with special needs. She said the bill adds conditions on the availability of funds; changes provisions relating to adoption assistance agreements; and changes the reimbursement of costs. The committee deleted a provision in the bill that clarified that monthly assistance payments are only available to the extent that federal and state funds are available. The bill goes next to the Health Care and Family Services Funding Division.

In other committee business, Sen. Linda Berglin (DFL-Mpls.) offered S.F. 805. Berglin said the bill provides for a pilot project for inner city culturally oriented residences for young African-American women with children. Members approved the bill and sent it to the Health Care and Family Services Funding Division.

### Human services bills heard

The Work Readiness program received the attention of the Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), Tues., Mar. 30. Work Readiness is an assistance and training program for low-income individuals who are employable.

Sen. Phil Riveness (DFL-Bloomington) presented S.F. 569, a bill that changes the requirements for Work Readiness. Riveness said the key provisions of the bill extend eligibility for General Assistance (GA) to pregnant women in their first trimester of pregnancy; eliminate the time limit on participation in work readiness; impose stricter penalties for non-compliance with Work Readiness requirements; establish a work experience program; require registrants to comply with the employment experience program; increase the cap on the annual reimbursement per recipient to the county; and make a person over 18 whose primary language is not English eligible for Work Readiness provided that the person is attending high school at least part-time.

The committee adopted an amendment calling for revisions to the work experience component that make it more closely parallel the structure of an actual job, including an hourly wage and a check. Members also amended the bill to make undocumented aliens ineligible for GA and General Assistance Medical Care (GAMC). The committee approved the bill and sent it

to the Health Care and Family Services Funding Division.

The committee also discussed S.F. 400, authored by Sen. Dick Day (IR-Owatonna). Day said the bill makes changes to the eligibility requirements the GA, GAMC, and Work Readiness programs; expands conditions for work registration and Work Readiness requirements; and requires counties to operate a work experience component for recipients who are required to participate in Work Readiness and employment and training services. The provisions relating to undocumented aliens that the committee incorporated into S.F. 569 originated in S.F. 400. The committee did not take formal action on the other provisions in S.F. 400.

## Finance

### AG's office budget heard

The Finance State Government Funding Division, chaired by Sen. Richard Cohen (DFL-St. Paul), heard public testimony on the effects of the governor's proposed budget for the Attorney General's Office, Thurs., Mar. 25. According to Deputy Attorney General John Tunheim, a series of budget cuts over recent years coupled with a rising demand for legal services, has placed considerable workload constraints on the office. He added that as a result, state agencies have resorted to sending their work to costly outside counsel.

While the department has requested a biennial budget of roughly \$40 million, the governor recommends \$36.8 million for FY93-94. Tunheim said that as a consequence of the governor's proposed reductions, the office will be forced to lay off 40 employees and forego any salary increases.

## Gaming Regulation

### Compulsive gambling bill okayed

Members of the Gaming Regulation Committee, chaired by Sen. Charles Berg (DFL-Chokio), met Tues., Mar. 30, to hear a bill authorizing pull-tab dispensing devices, a measure to allow limited video lottery machine use, and a bill to provide funding for compulsive gambling programs.

The committee advanced a bill to provide a funding mechanism for compulsive gambling programs. S.F. 657, authored by Sen. John Marty (DFL-Roseville), proposes a surtax on lawful gambling and transfers funds from the state lottery operations account for compulsive gambling programs. The measure further authorizes the commissioner of human services to enter into agreements with the governing body of Indian tribes to obtain a share of funding for compulsive gambling treatment programs.

Marty said the bill establishes \$5.6 million in compulsive gambling funding through joint contributions from Indian casino gaming, lawful gambling and lottery surtaxes. An amendment offered by Marty, changes the prescribed rate of tax imposed on lawful gambling operations by removing the bingo tax and adjusting the pull-tab tax to .074 percent. The amendment was adopted in a 5-4 roll call vote.

An amendment, offered by Sen. Patrick McGowan, (IR-Maple Grove), provides that fund transfers, appropriations and the surtax from lawful gambling will be effective July 1, 1993. The amendment also specifies that the rate of tax on will go into effect the day following signed agreements by the Indian



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tribal representatives and that contribution agreements by Indian Tribes must be in place by Dec. 31, 1993 or the surtax and fund transfer provisions will expire.

Another provision of McGowan's amendment requires that prior to entering into any agreement, the commissioner of human services must consult with and obtain approval of the governor or designate to negotiate a tribal-state compact relating to gaming on Indian lands. The amendment was adopted. The bill was approved and re-referred to the Health Care Committee.

Final discussion focused on S.F. 104, authored by Berg, authorizing the use of pull-tab dispensing devices in the conduct of lawful gambling. In a controversial move, Sen. Joe Bertram Sr., (DFL-Paynesville), offered an amendment to the bill, authorizing a two-year pilot program for the operation of lottery machines in 16 selected counties, subject to local approval.

Bertram described the amendment as a pilot program, contingent on county board approval, effective August 1, 1993. The measure limits the number of allowable video lottery machines placed in any one establishment to 4; establishes the percentage of net machine income directed to the state at 30 percent, provides for a misdemeanor penalty in the event of violation and prohibits a person under age 21 from operating the machines.

The amendment also establishes a video lottery task force to study the economic and social impact of the two-year pilot program within the selected counties and sets a limit of \$2 per game with prize amount limits of \$125. No action was taken and further testimony will continue.

## Governmental Operations and Reform

### Local government innovation

Local governments will gain greater flexibility in the delivery of state services under a bill offered by Sen. Ember Reichgott (DFL-New Hope).

Members of the Governmental Operations and Reform Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Fri., Mar. 26, to discuss S.F. 734, a bill enabling local entities, including schools, to obtain waivers of state rules and procedural requirements of laws. Under the bill, a city or county would have to justify its request at public hearing and the state agency that created the rule could present arguments in protest. A board of "government innovation and cooperation" -- made of members representing the Departments of Finance and Administration, the state Auditor, elected officials, and others -- would make the final decision. S.F. 734 was laid over for further discussion.

Next on the agenda, Sen. Gene Merriam (DFL-Coon Rapids), presented S.F. 693, legislation relating to the commissioner of DNR's rulemaking authority. Specifically, S.F. 693 clarifies and expands rulemaking authority and other powers and duties of the commissioner of natural resources relating to game and fish, wild rice, stromatolites, and cross-country ski passes. Merriam identified several additional provisions in the bill granting the commissioner authority to close fishing waters, adopt rules on the disposal of game farm animals, and the setting of

pelting fees. S.F. 693 was approved and re-referred to the Finance Committee.

Lastly, S.F. 1338, a Department of Administration building code housekeeping bill, was approved. Sen. Steven Morse (DFL-Dakota), gained approval of an amendment increasing the dollar amount municipalities are allowed to keep from collected surcharges. The amendment also provides that any remaining surcharge fees collected by the state will be deposited into a special revenue fund for the Building Codes and Standards Division within the Dept. of Administration. Any unused money from that fund will be rebated to the municipalities. The bill, authored by Sen. John Hottinger (DFL-Mankato), was also re-referred to the Finance Committee.

### MinnesotaCare bill approved

A comprehensive health care bill establishing a series of integrated service networks -- entities responsible for arranging and delivering a full array of health care services to a certain population at a fixed price -- gained approval of the Governmental Operations and Reform Committee, Tues., Mar. 30.

The committee, chaired by Sen. James Metzen (DFL-South St. Paul), met to hear provisions contained in the bill, authored by Sen. Linda Berglin (DFL-Mpls.), creating a "data institute." The institute, governed by a 14 member board appointed by the governor, is responsible for the collection and dissemination of data on the provision of health care services in Minnesota.

Sen. John Hottinger (DFL-Mankato), offered, but failed to gain approval, for a series of amendments to the bill including changing the make-up of the health care commission by increasing the number of public members and ensuring a representative balance of individuals sitting on the commission on the basis of sex, race, age, and income.

Another amendment, offered by Hottinger, requires the commissioner of health, by January 1995, to implement a plan to consolidate all state-sponsored health plans into one program. Berglin successfully argued that the amendment prematurely predetermines outcomes of the health care commission's analysis.

Sen. Leroy Stumpf (DFL-Thief River Falls), offered an amendment increasing the number of family practice residents eligible for the loan forgiveness program established under the bill for students who agree to practice in designated rural areas. The amendment was adopted and S.F. 900 was approved and re-referred to the Taxes and Tax Laws Committee.

The committee then turned to hearing S.F. 1160, a bill providing for the continuation of the Mississippi River Parkway Commission. Members of the commission, who are in the process of developing the last 23 miles of the Great River Road, discussed plans to leverage federal transportation dollars for scenic byways and to encourage tourism in the Midwest. S.F. 1160, authored by Metzen, was approved and sent to the Finance Committee.

### State boards eliminated

A bill eliminating 37 state boards, task forces, and committees that have been inactive since June 1991, received the approval of the Government Operations and

Reform Committee at the Wed., Mar 31 meeting.

Presenting S.F. 1054, Sen. Deanna Wiener (DFL-Eagan), told the committee that the measure requires all remaining boards, commissions, and task forces to terminate on June 30, 1994, while future advisory councils or committees created after June 30, 1993 will sunset in June 1997. Existing advisory groups are required to submit a one page report of the group's activities, time commitments, and costs to the chairs of the Governmental Operations Committees of both houses. The committee, chaired by Sen. James Metzen (DFL-South St. Paul), approved the measure and advanced it to the Senate.

The committee next considered S.F. 1254, authored by Sen. Linda Runbeck (IR-Circle Pines), a bill making several revisions to laws governing the intergovernmental information systems advisory council. The bill increases the size and diversity of the council including the appointment of two Legislators, and broadens the council's duties to assist state and local agencies (rather than the commissioner of administration alone) in developing and updating intergovernmental information systems.

Sen. Dennis Frederickson (IR-New Ulm) gained approval for a housekeeping bill for the Dept. of Finance. Frederickson explained that the legislation makes technical and substantive changes to current laws governing the department's budgeting process. The bill shifts dates, requires "performance-based budgeting" practices be used in the governor's budget, allows the reporting of full-time equivalents rather than complement, establishes policy for the use of the budget reserve and cash flow accounts, and allows agencies to transfer operating dollars between budget programs within the same fund with notification (rather than approval) of the commissioner. S.F. 965 was approved and sent to the Finance Committee.

Lastly, the committee heard brief testimony on a revisor's bill, authored by Sen. John Hottinger (DFL-Mankato), making technical changes to administrative rules. S.F. 1421 was also approved and advanced to the full Senate.

### Local gov't innovation bill okayed

Members of the Governmental Operations and Reform Committee, chaired by Sen. James Metzen, met Wed. evening, Mar. 31, to continue working on S.F. 734, a bill enabling local entities, including schools, to obtain waivers of state rules and temporary, limited exemption from the enforcement of procedural requirements. Under the bill, a board of "government innovation and cooperation" would have final decision-making authority over a local government's waiver request. Several amendments to the bill were approved allowing review of certain local plans by the Metropolitan Council, exempting a school district that is granted a variance from the rule of the State Board of Education from applying for a waiver of those rules, and encouraging public input and participation. S.F. 734, authored by Sen. Ember Reichgott (DFL-New Hope), was approved and re-referred to the Taxes and Tax Laws Committee.

Reichgott also gained approval of S.F. 580, a bill implementing recommendations of the State Auditor. Among a long list of



changes, the measure provides for interest on late payments to the state auditor from a political subdivision for audit costs; improves the definition of the forms of compensation that are counted when calculating an employee's compensation limit; and places a cap on the severance pay for highly compensated employees -- those earning wages greater than 60 percent of the governor's salary -- to six months of pay. Sen. John Hottinger gained approval for an amendment excluding accumulated vacation and sick leave from severance pay for highly compensated employees. S.F. 580 was approved as amended and sent to the full Senate.

Sen. Ted Mondale (DFL-St. Louis Park), presented S.F. 1053, a bill establishing a metropolitan public information network pilot program. The Minnesota Information Network -- a public corporation governed by a 10 member board -- would provide electronic access to public information to paid subscribers. Mondale offered an amendment directing the corporation to explore the development of a network accessible to the public at no cost offering information on everything from state employment opportunities to fishing licenses. The committee approved the amendment and the bill and sent it to the full Senate.

The panel also approved S.F. 867, a bill establishing a seven-member automobile theft prevention board designed to develop and sponsor statewide plans, programs, and strategies to combat automobile theft and improve the administration of the automobile theft laws. Sen. Phil Riveness (DFL-Bloomington), the bill's author, said the board would be funded by a \$1 surcharge on automobile insurance policies. S.F. 867 was approved and re-referred to the Crime Prevention Committee.

S.F. 1171, a bill creating a commission for the recodification of the non-felony section of the Criminal Code was also approved. S.F. 1171, authored by Sen. Allan Spear (DFL-Mpls.) was sent to the full Senate.

The committee next heard testimony on a bill creating a pilot project within state agencies authorizing joint committees -- made-up of management and non-management employees -- to waive civil service rules and make recommendations to the Commissioner of Employee Relation on improving government efficiency. The project, established within the Minnesota Housing Authority and the State Auditor's Office, would be up for review in two years, and sunsets in four. S.F. 1418, authored by Sen. Roger Moe (DFL-Erskine), was approved and sent to the full Senate.

Metzen gained approval for S.F. 911, a bill requiring the Bureau of Mediation Services to create separate bargaining units for peace officers and other essential employees at the request of either group. The measure was advanced to the full Senate.

In other action, the committee approved S.F. 1101, legislation requiring hearing instrument dispensers to be certified by the commissioner of health. The bill also requires holders of temporary hearing instrument dispensing permits to be supervised by certified hearing instrument dispensers, according to Sen. Dallas Sams (DFL-Staples), author of the measure. S.F. 1101 was approved and re-referred to the Health Care Committee.

Lastly, the committee considered specific provisions contained in S.F. 1077, authored by Sen. Pat Piper (DFL-Austin). The bill

grants the commissioner of the Department of Human Services authority to make interpretive guidelines -- a policy statement available to citizens providing interpretation, details, or supplementary information concerning the application of law or rules. The measure was approved and sent to the full Senate.

## Health Care

### Developmental disability changes

The Health Care Committee reconvened Wed. evening, Mar. 24, to consider several bills. The committee, chaired by Sen. Linda Berglin (DFL-Mpls.), approved several bills and re-referred them the Health and Human Services Finance Division. S.F. 710, sponsored by Sen. Duane Benson (IR-Lanesboro), authorizes the establishment of a separate fund to receive money transferred from the existing programs for the clients and encourages the transfer of clients from the semi-independent living services (SILS) program to waived services, Benson explained. In addition, the bill allows residential providers to be day training vendors under certain circumstances and allows businesses to contract with day training vendors, with a modified rate-setting system, to provide training and supervision services.

Next, members approved several bills authored by Berglin. S.F. 690 sets the MA and GAMC reimbursement rate for mental health services provided by masters-prepared mental health practitioners for the upcoming biennium at 90 percent, up from 65 percent, of the rate paid to Ph.D. level practitioners. S.F. 227 requires the Depts. of Health and Human Services to secure designation as a federally qualified health center for the community health clinics at Faribault and Cambridge.

S.F. 1128, sponsored by Sen. Sam Solon (DFL-Duluth), was also approved. The bill amends the chemical dependency licensure act, transfers the maternal and child service programs to the Dept. of Health and amends the guardianship statute. The bill also transfers the children's trust fund from human services to the Dept. of Human Services to the proposed Dept. of Children and Education Services, and allows pilot programs for the consolidated chemical dependency treatment fund. The bill was also sent to the Health and Human Services Finance Division.

### Dispenser certification required

The Health Care Committee met Thurs., Mar. 25, to consider a bill requiring hearing instrument dispensers to be certified, a bill dealing with infectious waste, and also a bill that requires continued payment for group residential housing in an individual's absence. A bill transferring the state chemical health index model to the Dept. of Human Services was also considered.

Sen. Dallas Sams (DFL-Staples) offered a bill that requires hearing instrument dispensers to be certified by the commissioner of the Dept. of Health and requires holders of temporary hearing instrument dispensing permits to be supervised by certified hearing instrument dispensers. Sams said that S.F. 1101 also provides that the commissioner may issue cease and desist orders. In addition, if the commissioner finds that a person has violated a provision, a civil penalty that deprives the person of

any economic advantage gained by the violation is imposed under the bill. The committee, chaired by Sen. Linda Berglin (DFL-Mpls.), approved the bill and re-referred to the Governmental Operations and Reform Committee.

The committee also approved a bill, sponsored by Sen. Steve Dille (IR-Dassel), that modifies provisions relating to infectious waste. S.F. 1102 removes some duties dealing with pathological waste from the commissioner of health, maintaining the commissioner of the Pollution Control Agency as the responsible authority. The bill imposes a misdemeanor penalty for a person, firm, or corporation that fails to comply with the infectious waste regulations. The bill was re-referred to the Environment and Natural Resources Committee.

Next, the committee considered S.F. 241, offered by Berglin. The bill requires state payments to group residential housing to continue during an individual's absence if specified conditions are met. The absence may not exceed 18 days per incident or 60 days per calendar year and must have received prior county approval or be the result of an emergency illness or injury. The committee approved the bill and sent it to the Senate floor.

Finally, Sen. Jane Ranum (DFL-Mpls.) offered S.F. 356, transferring responsibility for creation of a chemical health index model from the Dept. of Public Safety to the Dept. of Human Services. The bill also appropriates money for the research concerning chemical abuse and for its treatment. The panel took no action.

### Alcohol tax fails

A bill that supplements the chemical dependency treatment fund with revenues generated by an increased excise tax on alcohol beverages, including 3.2 percent malt beer, from 8.5 percent to 10 percent, was debated by members of the Health Care Committee, Tues., Mar. 30. "Chemical dependency is running rampant in Minnesota and we cannot continue to under fund the prevention effort," said Sen. Harold "Skip" Finn (DFL-Cass Lake), bill author. S.F. 278 also eliminates the requirement that persons with income between 60 percent and 115 percent of poverty receiving chemical dependency treatment pay for a portion of the cost of care based on a sliding fee scale. The bill failed to gain committee approval.

The committee, chaired by Sen. Linda Berglin (DFL-Mpls.), also considered a bill that transfers the responsibility of reimbursing the court for the cost of the required chemical use assessment conducted when a child is found to be delinquent or if the child is being held in custody under a detention order. Under the bill, the reimbursement, up to a maximum of \$100, is the responsibility of the commissioner of the Dept. of Human Services instead of the Dept. of Public Safety. The committee advanced the bill to the Health and Human Services Finance Division.

In other action, the committee approved a bill that mandates the establishment of a prepaid, capitated system, beginning Oct. 1, 1993, to provide dental services under MA, GAMC and MinnesotaCare. S.F. 1136, sponsored by Berglin, was sent to the Health and Human Services Finance Division.

Finally, the committee considered a bill that establishes specified training require-

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ments for persons who perform manual or mechanical therapy. Sen. Pat Piper (DFL-Austin) amended S.F. 1311, sponsored by Sen. Jerry Janezich (DFL-Chisholm), to require licensing boards governing such persons to establish minimum training requirements. The bill also requires a diagnosis prior to the performance of therapy to ensure that the therapy is not contraindicated. The bill was approved as amended and sent to the full Senate.

## Radon testing bill approved

A bill requiring schools, licensed day care centers, Head Start Programs and Learning Readiness Programs to test for radon by Sept. 30, 1995, gained the approval of the Health Care Committee at the Wed., Mar. 31, afternoon meeting. S.F. 933, authored by Sen. Ellen Anderson (DFL-St. Paul), also requires that results of the test be posted on the premises or, in the case of schools, be reported in the annual PER Report. The measure goes next to the Education Committee.

In other action, the committee, chaired by Sen. Linda Berglin (DFL-Mpls.), took action on several additional bills. S.F. 382, authored by Sen. Sandra Pappas (DFL-St. Paul), requires the Health Care Commission to study the administrative cost of paying Minnesota health care providers through the multiple payors that currently reimburse the providers, and analyze the cost of paying providers through one state agency and one private sector health carrier. The measure was approved and sent to the full Senate. S.F. 560, sponsored by Berglin, extending the hospital construction moratorium until July 1, 1996, was also approved and sent to the Senate floor.

S.F. 1105, carried by Sen. Don Betzold (DFL-Fridley), began as a Dept. of Health housekeeping measure that extends the expiration date of several advisory councils and committees, modifies provisions relating to lead abatement and changes regulation provisions for hotels, resorts, restaurants and manufactured homes. At an earlier hearing, the panel adopted an amendment providing for the licensure of lead inspectors and specifying the licensing procedures. The bill was approved and sent to the Health Care and Family Services Funding Division.

Committee members also began discussion on S.F. 657, sponsored by Sen. John Marty (DFL-Roseville). The bill provides a funding mechanism for compulsive gambling programs by placing a surtax on the two percent tax for lawful gambling. No formal action was taken.

## Jobs, Energy and Community Development

### Alternative fueled vehicles okayed

A bill establishing a general state policy designed to encourage investment in the development and market penetration of alternative fuel and alternative fueled vehicles, gained approval at the Jobs, Energy, and Community Development Community meeting Thurs., Mar. 25.

Presenting the bill, Sen. Janet Johnson (DFL-North Branch), said the bill prepares Minnesota for the 21st century by meeting the "great need for the development of indigenous fuels". The bill is in response to federal legislation enacted in 1992 mandating implementation of alternative fueled

vehicles into state fleets by 1996. S.F. 834 was approved and advanced to the floor.

Sen. Sam Solon (DFL-Duluth), calling for a state-led initiative to encourage and coordinate innovation in Minnesota, presented S.F. 439, a bill creating a Board of Invention. The board, consisting of 11 members appointed by the Governor and confirmed by the Senate, is responsible for investigating and evaluating new methods to enhance invention, said Solon. S.F. 439 was approved and re-referred to the Governmental Operations and Reform Committee.

In other action, the committee considered S.F. 142, authored by Sen. John Hottinger (DFL-Mankato), a bill regulating workers' compensation rehabilitation services and consultations. The bill comes in response to rules on Qualified Rehabilitation Consultants (QRCs), or vocational consultants, proposed by the commissioner of labor and industry as a result of the 1992 workers' compensation reform bill.

Hottinger's bill amends current law to mandate that after 35 days of lost work time the employer/insurer must notify the injured worker, in writing, of the right to request rehabilitation consultation paid by the employer. The commissioner's right to waive services rendered by a QRC is also repealed, under the bill. Proponents who testified in support of S.F. 142 said the commissioner's proposed rules not only give employers veto power over needed rehabilitation services, but keep more workers at home thus driving up the cost of workers' compensation. Members of the business community argued that too many injured workers would take advantage of rehabilitation services given the choice. S.F. 142 was laid over for further discussion.

The panel also approved a measure requiring disclosure to the consumer when consumer reports are used for employment purposes. S.F. 612, authored by Sen. Gene Merriam (DFL-Coon Rapids), specifies that a person may not obtain or cause to be prepared a consumer report on a consumer for employment purposes unless the person clearly and accurately discloses to the consumer that a report may be obtained. The committee approved S.F. 612 and re-referred it to the Judiciary Committee.

Lastly, S.F. 225, a bill regulating eligibility for assigned risk coverage, was approved. The measure, authored by Sen. James Metzen (DFL-South St. Paul), modifies the definition of the assigned risk coverage program to cover employers who have been rejected by one licensed insurance company rather than two as specified in current law.

### Ethanol production encouraged

A bill providing incentives for the production of ethanol in Minnesota was approved by the Jobs, Energy, and Community Development Committee, Tues., Mar. 30. The measure, authored by Sen. Joe Bertram, Sr., (DFL-Paynesville), offers incentives for ethanol production in the forms of subsidies to producers, opportunity for speeding up permit applications, and increasing the requirement for oxygen content in fuel.

Under the bill, current subsidy payments of 20 cents per gallon paid to ethanol producers remain, although producers will be eligible for payments of 30 cents per gallon in 1994-96 for each gallon they produce in excess of their 1992 production. The bill doubles the maximum dollars of

annual payments to producers with a \$20 million cap for all producers combined and a \$6 million cap for single producers.

Bertram explained that under the bill, required oxygen content of fuel sold in a carbon monoxide control area -- a designation by the federal Clean Air Act encompassing the Metro Area and Wright, Chisago, and Isanti Counties -- must be at least 2.7 percent. The requirements would apply statewide by 1997. Furthermore, S.F. 771 requires that half the oxygenate blended with gasoline sold in the state must be ethanol or ethanol derivative. S.F. 771 was approved and re-referred to the Environmental and Natural Resources Committee.

The committee, chaired by Sen. Steven Novak (DFL-New Brighton), also approved a bill changing rules governing workers' compensation rehabilitation services. S.F. 142, authored by Sen. John Hottinger (DFL-Mankato), requires that after 35 days of lost work time the employer must notify the injured worker, in writing, of the right to request rehabilitation consultation paid by the employer. S.F. 142 was approved and was advanced to the full Senate.

### Food shelf financing

The Jobs, Energy and Community Development Committee, at a Tues., Mar. 30, evening meeting, approved S.F. 968, appropriating \$2.8 million for biennium for the state's food shelves. The bill, sponsored by Sen. Linda Berglin (DFL-Mpls.), also provides that the funds are distributed to the Minnesota Foodshelf Association, a central organization that distributes the funds to foodshelves in proportion to the number of people serve. The bill now goes to the Jobs, Energy and Community Development Funding Division.

S.F. 222, also sponsored by Berglin, creates the Minnesota Nursing Facilities Financing Authority, a seven-member, governor-appointed board authorized to make loans to owners of nursing facilities for construction and remodeling projects and the refinancing of nursing facilities. The bill also gives the nursing facilities authority borrowing and bonding authority. The bill was approved and re-referred to the Governmental Operations and Reform Committee.

S.F. 544, sponsored by Sen. Steve Murphy (DFL-Red Wing), specifies that an employee must be notified of the right to have the employee's union representative present during any interview that may result in disciplinary action. Under the bill, failure to inform the employee of the right is an unfair labor practice for all covered employers. The bill now goes to the full Senate.

S.F. 1188, sponsored by Sen. Leonard Price (DFL-Woodbury), provides that an employer who is guilty of a child labor law violation that results in substantial bodily harm or death of a minor is guilty of a gross misdemeanor. The bill was approved and sent to the full Senate.

S.F. 788, sponsored by Sen. Janet Johnson (DFL-North Branch), contains numerous provisions dealing with energy conservation, renewable energy, and building safety. The bill also authorizes the issuance of bonds for financing energy improvements that would pay for themselves in lower energy costs in 10 years or less. The bill was approved and sent to the full Senate.

S.F. 1199, sponsored by Sen. Kevin Chandler (DFL-White Bear Lake), extends the expiration dates of six labor and

employment-related advisory councils. The councils are on workers' compensation insurance rulemaking, code enforcement, apprenticeship, occupational safety and health, youth employment, and plumbing codes. The bill was sent to the full Senate.

S.F. 1209, also sponsored by Chandler, directs the Dept. of Public Service to inspect all weights and measures annually or as often as possible with given resources. It authorizes fee setting for inspections and appropriates \$182,000 from the general fund to carry out the directive. The committee approved an amendment regulating oxygenate records audits. The bill was approved and re-referred to the Government Operations and Reform Committee.

S.F. 1230, sponsored by Chandler, authorizes further development of the metrology laboratory in the Dept. of Public Service. It also authorizes maintaining certification accepted by the European Economic Community. The bill was approved and re-referred to the committee's Finance Division.

S.F. 1147, sponsored by Sen. James Metzen (DFL-South St. Paul), authorizes an appropriation from the general fund for the funding of the international ringette tournament to be held in South St. Paul and Rosemount in 1994. The amount of the appropriation has not been determined. The bill was approved and re-referred to the Jobs, Energy and Community Development Funding Division.

### Youth entrepreneur program

The Jobs, Energy, and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), met Weds., Mar. 31, and approved six bills.

S.F. 330, sponsored by Sen. Tracy Beckman (DFL-Bricelyn), directs the commissioner of trade and economic development to establish a youth entrepreneurship education program. The measure appropriates \$50,000 from the general fund for the program. The bill goes next to the Jobs, Energy and Community Development Funding Division. S.F. 913, sponsored by Sen. Cal Larson (IR-Fergus Falls), changes the name of the Minnesota Council for the Blind to the Rehabilitation Advisory Council for the Blind and changes other provisions relating to the council. The bill now goes to the Senate floor.

S.F. 731, sponsored by Metzen, directs the commissioner of mediation services to contract with a specialist in total quality management education (TQM) to offer eight classes in TQM. The classes are to be available to employees of unionized small businesses and public employee bargaining units representing fewer than 100 employees. The employers pay half the cost under the bill. The bill was approved and goes next to the Finance Committee.

S.F. 480, sponsored by Sen. William Belanger (IR-Bloomington), requires the appointment of a guardian or conservator in most workers compensation cases in which the injured person is a minor or an incapacitated person. The bill was approved and sent to the full Senate.

S.F. 610, sponsored by Sen. Phil Riveness (DFL-Bloomington), adds the executive director of the Higher Education Coordinating Board to the Minnesota Jobs Skills Partnership Board. The bill also authorizes the use by the Jobs Skills Partnership Board of funds from any source for grants and dissemination of information. The bill was

approved and re-referred to the Government Operations Committee.

S.F. 970, sponsored by Sen. Janet Johnson (DFL-North Branch), changes the method for determining the selling price of energy to utilities by alternative energy providers. The bill provides for utilities to file a resource plan that includes the cost of meeting specified percentages of new capacity needs through conservation and the use of renewable energy sources. The bill also specifies that the Public Utilities Commission may not approve new or nonrenewable energy facilities unless the utility has demonstrated that a renewable energy facility is not in the public interest. The bill was approved and sent to the full Senate.

## Judiciary

### Data practices bill okayed

Members of the Judiciary Committee met Mon., Mar. 29, to take action on S.F. 976, a bill incorporating a long list of amendments to the Data Practices Act.

Among the changes, the measure, sponsored by Sen. Jane Ranum (DFL-Mpls.), classifies data relating to an audit as private until the final report is published or the audit is finished; amends the personnel data statute to make the terms of any dispute arising out of an employment relationship public; classifies certain donor data of the University of Minnesota and other technical and community colleges as private; authorizes the commissioner of health to withhold or grant access on epidemiologic data, depending on whether the commissioner determines that the data are summary data or data on individuals; and authorizes a peace officer civilian review authority to allow a complainant to attend an evidentiary hearing after other witnesses have finished testifying.

Sen. Harold "Skip" Finn (DFL-Cass Lake), presented an amendment that would restore language of the original bill permitting a peace officer civilian review authority to release to the complainant findings of fact on a complaint. The amendment imposes a penalty on a complainant who shares the findings of fact to another person or state agency. The amendment failed on a tie vote. S.F. 976 was approved and sent to the full Senate.

In other business, the committee, chaired by Sen. Ember Reichgott (DFL-New Hope), considered judiciary issues relating to malpractice in S.F. 957, a bill implementing recommendations of the Minnesota Health Care Access Commission. Sen. Linda Berglin (DFL-Mpls.), explained that the bill allows the rules of the commissioner of health, with respect to integrated service networks (INS), to include provisions regarding liability for medical malpractice.

The bill also provides that an entity operating an INS is liable for malpractice committed by its employees but not for the malpractice of other health care providing entities. Participating entities are not jointly and severally liable for torts committed by the network or by participating providers. Provisions relating to the enrollee complaint system, INS licensing, and the Health Planning Advisory Committee are also contained within the measure. S.F. 957 was approved and re-referred to the Taxes and Tax Laws Committee.

Finally, Sen. John Hottinger (DFL-Mankato), offered a bill amending the

collateral source statute to include awards made as part of arbitration proceedings. Hottinger explained that under the collateral source law, a judgement in civil proceedings may be reduced by amounts that the plaintiff has received from other sources. The committee decided to lay the bill over for further discussion.

### Daycare costs for jurors

Jurors may be reimbursed for additional day care expenses incurred as a result of jury duty according to a bill presented to the Judiciary Committee, Wed., Mar. 31.

Offering S.F. 1293, Sen. Allan Spear (DFL-Mpls.), said the bill is a significant step in terms of attracting a more diverse population to jury service by encouraging women who otherwise would not be able to serve due to child care costs. The bill also increases the fee to be paid by a party requesting a jury trial from \$30 to \$60 enabling the court to use the dollars to defray day care costs. S.F. 1293 was approved and re-referred to the Finance Committee.

S.F. 147, authored by Sen. Richard Cohen (DFL-St. Paul), increases the tort liability limits for claims against the Metropolitan Transit Commission (MTC) so that the limit will be two and half times the limits provided for other municipalities. The new limits, under the bill, would be \$500,000 to any claimant or \$1.5 million for any number of claims arising out of a single occurrence. Several Senators expressed the need for more time to study the issue of raising caps on all entities providing public transport, rather than carving out exceptions for MTC alone. As a result, the bill was tabled with the intention of revisiting the issue at a later date.

Sen. Jerry Janzich (DFL-Chisholm), gained approval for a measure relating to county record fees. Under the bill, one dollar of each fee collected for indexing and recording a deed or other instrument will be deposited in an equipment fund to be disbursed at the county recorder's discretion for the provision of modern information services from the record system. S.F. 1124 was approved and advanced to the floor.

S.F. 918, amends the statute of limitations under the Uniform Commercial Code that applies to contracts for sale, to exclude a contract for sale of goods that are incorporated into an improvement to real property, except equipment and machinery. The statute of limitations which deals with improvements to real property, would apply, according to Sen. Don Betzold (DFL-Fridley), the bill's author. Claims arising before the effective date, however, will be permitted if the claim is filed before January 1, 1994. S.F. 918 was also approved and sent to the full Senate.

The committee, chaired by Sen. Ember Reichgott (DFL-New Hope), then considered identical judiciary issues contained in S.F. 836 and S.F. 730, both authored by Sen. Dallas Sams (DFL-Staples). Both bills, which are related to the regulation of dairy trade practices, include identical provisions giving the commissioner of agriculture certain investigative powers with respect to transactions that relate to selected dairy products. The bill also classifies financial and production information received by the commissioner from a manufacturer or wholesaler as private data, given the classification doesn't limit the use of the information by the commissioner in a legal

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proceeding. S.F. 730 was approved and re-referred to the Environment and Natural Resources Committee, and S.F. 836 was approved and re-referred to the Governmental Operations and Reform Committee.

Finally, the committee deleted a provision in S.F. 399 allowing welfare data collected by the telephone assistance plan to be disclosed to the Department of Revenue. Sen. Dan Stevens (IR-Mora), the bill's author, explained that the provision is no longer necessary since it had been included as an amendment to the omnibus data practices bill at an earlier date. S.F. 399 was approved and re-referred to the Family Services Committee.

## Family law bills heard

Family law topped the agenda of the Judiciary Committee, chaired by Sen. Ember Reichgott (DFL-New Hope), Wed. evening, Mar. 31.

The committee approved S.F. 513, authored by Sen. Don Betzold (DFL-Fridley). Betzold said the bill amends the law that allows delinquent child support payments to be withheld from income taxes refunds to also include delinquent spousal maintenance payments. The committee incorporated S.F. 89, authored by Sen. Alan Spear (DFL-Mpls.), into S.F. 513. Spear said the bill amends the visitation laws relating to grandparent and other third-party visitation rights to provide that the court may not deny visitation rights based on allegations that visitation would interfere with the parent and child relationship, unless after a hearing the court determines by a preponderance of the evidence that interference would occur. The committee also incorporated S.F. 783, also authored by Spear, into S.F. 513.

Spear explained that the provisions from S.F. 783 contain a number of family law recommendations from the family law section of the Minnesota Bar Association. Members approved an amendment that clarifies the rights of parties in a child custody proceeding. The amendment also clarifies provisions relating to notice of address or residence changes and to the right of access to information regarding health or dental insurance available to minor children. Members approved S.F. 513, which now includes the provisions from S.F. 89 and S.F. 783, and re-referred it to the Taxes and Tax Laws Committee.

The committee also approved S.F. 673, authored by Sen. Richard Cohen (DFL-St. Paul). Cohen explained that the bill modifies provisions relating to the administration, computation, and enforcement of child support. Members approved an amendment to the bill that requires the commissioner of human services to prepare a questionnaire for use by employers in obtaining information from employees for purposes of complying with provisions in the bill. Another amendment that members adopted extends the length of some child support judgements from ten to 20 years. Senators deleted language in the bill that allows the court to deny a modification order or impute income if the court finds that a party has unjustifiably self-limited income. The bill goes next to the Family Services Committee.

Sen. Jim Vickerman (DFL-Tracy) presented H.F. 79. Members amended the bill to include the language from S.F. 106, which amends the grandparent visitation

law to clarify that a grandparent may seek visitation rights at any time after a proceeding for dissolution, custody legal separation, annulment, or paternity is brought. The committee recommended passage of the bill and sent it to the full Senate.

Sen. David Knutson (IR-Burnsville) offered S.F. 296, a bill that requires parents' social security numbers on birth certificates and modifies various child support provisions. Members approved the bill and sent it to the Family Services Committee.

In other committee business, Sen. Linda Berglin (DFL-Mpls.) presented two bills. First, she outlined S.F. 643, a bill that increases community spouse asset allowances relating to Medical Assistance (MA) eligibility for nursing home costs; removes the 30-month limitation on prohibited transfers for MA eligibility; requires the commissioner of human services to seek necessary federal law changes or waivers; and provides for MA liens on real property. The committee recommended passage of the bill and sent it to the Health Care Committee. Second, Berglin offered S.F. 384, a bill that provides that executions and garnishments on child support judgements are effective until the judgements are satisfied. The committee approved the bill and sent it to the Senate floor.

## Metropolitan and Local Government

### Local bills approved

Members of the Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), met Thurs., Mar. 25, to take action on a variety of bills.

Sen. Ted Mondale (DFL-St. Louis Park) presented S.F. 726, a bill that exempts regional park properties in the seven county Metro Area from taxation and provides for Metropolitan Council Review of special assessments on regional park properties. The committee approved the bill and sent it to the Taxes and Tax Laws Committee.

S.F. 453, authored by Sen. Don Betzold (DFL-Fridley), also received approval from the committee. Betzold said the bill establishes a county option for sales of tax-forfeited lands; requires reimbursement to counties for administrative expenses of special assessments; and modifies the date for submission of rental statements by housing and redevelopment authorities. The committee amended the bill to make clear that county auditors have the option to conduct the sale by a sealed bid or a public auction. The bill goes next to the Environment and Natural Resources Committee.

Sen. John Hottinger (DFL-Mankato) offered S.F. 1141. The proposed legislation allows the use of self-insurance funds or pools to satisfy statutory bond requirements. Members approved the bill and sent it to the full Senate. Sen. Sandra Pappas (DFL-St. Paul) presented S.F. 820, a bill that amends the tax increment financing law to provide for the creation and regulation of manufacturing districts. The committee amended the bill to clarify that "in the case of a manufacturing district, the use of tax increment financing is necessary either to retain a business that will expand within the municipality or to induce a business to relocate to the municipality from another

state." Members approved the bill re-referred it to the Taxes and Tax Laws Committee.

Sen. Carol Flynn (DFL-Mpls.) gained support for S.F. 1111, a bill that contains a series of amendments to the tax increment financing laws. Flynn explained that the bill exempts redevelopment districts from certain reductions in aid; changes procedures for determination of tax capacity; provides an option for receiving the first increment; changes certain limits on expenditures for redevelopment and renewal and renovation districts; provides for consultation with the county commissioner of the proposed district. The committee made several technical and clarifying amendments to the bill and sent it to the Taxes and Tax Laws Committee.

Finally, Sen. Jane Ranum (DFL-Mpls.) presented S.F. 1159. Ranum said the bill expands eminent domain powers for cities of the first class and clarifies tax increment and neighborhood revitalization expenditure limitations. The committee approved the bill and re-referred it to the Taxes and Tax Laws Committee. The committee also began work on S.F. 1228, also authored by Ranum. She said the bill requires the Metropolitan Transit Commission, when proposing to use a parkway in a city of the first class, to first obtain the permission of the city's board of park commissioners.

### Metro bills heard

The Metropolitan and Local Government Metropolitan and Local Government Tax Division, chaired by Sen. Carol Flynn (DFL-Mpls.), met Mon., Mar. 29, and approved four bills, all of which go next to the full committee.

First, members heard S.F. 1152, authored by Sen. Don Betzold (DFL-Fridley). Betzold said the bill requires tax equivalent payments to local governmental units for which property has been acquired by the Metropolitan Council or an implementing agency for the metropolitan parks and open space system.

Second, Sen. Ted Mondale (DFL-St. Louis Park) presented S.F. 1194. Mondale said the bill provides that some metropolitan special taxing districts are subject to truth-in-taxation laws.

Third, Sen. Steve Novak (DFL-New Brighton) gained support for S.F. 529. Under the bill, the Metropolitan Council must adopt rules to allocate comprehensive choice housing among cities and towns in the Metro Area. The bill also requires the Metropolitan Council to review cities' and towns' efforts to comply with the allocation. Members approved an amendment to the bill that clarifies the definitions and parameters set forth in the proposed bill.

And fourth, members took action on S.F. 1269. Sen. Linda Berglin (DFL-Mpls.), bill author, said the proposed legislation amends the tax increment financing law to provide for operation and regulation of housing districts.

### Local and metro bills

A series of bills received approval from the Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), Wed., Mar. 31.

Sen. Roger Moe (DFL-Erskine) gained support for S.F. 1281, a bill that permits the consolidation of the Polk County auditor and treasurer offices. The committee



approved the bill and sent it to the Senate floor. S.F. 1400, authored by Sen. Jim Vickerman (DFL-Tracy), a bill that combines the auditor and treasurer offices in Nobles County, also received approval. The committee amended the bill to make it also apply to Murray County. The bill goes next to the Senate floor.

Sen. James Metzen (DFL-South St. Paul) offered S.F. 711, a bill that authorizes the extension of a tax increment district in the city of Inver Grove Heights. Members approved the bill and re-referred it to the Taxes and Tax Laws Committee. Sen. Phil Riveness (DFL-Bloomington) gained support for S.F. 814, a bill that requires the Metropolitan Airports Commission to conduct a study to identify appropriate criteria for assessing the impact of aircraft noise on classroom situations. The committee recommended passage of the bill and sent it to the full Senate.

Sen. LeRoy Stumpf (DFL-Thief River Falls) offered S.F. 124, a bill that permits the creation of regional public library districts. Stumpf said the bill also makes the districts subject to truth-in-taxation laws. The committee approved the bill and re-referred it to the Education Committee. The committee also approved S.F. 998. Sen. Randy Kelly (DFL-St. Paul), bill author, said the proposed legislation provides for a housing rehabilitation program in the city of St. Paul. The bill goes next to the Taxes and Tax Laws Committee.

Sen. Linda Berglin (DFL-Mpls.) presented S.F. 1269, a bill that amends the tax increment financing law to provide for the operation and regulation of housing districts. Members approved the bill and sent it to the full Senate. S.F. 1152 also received approval and went to the Senate floor. Sen. Don Betzold (DFL-Fridley), bill author, said the proposed legislation sets conditions for tax equivalent payments.

Sen. Ted Mondale (DFL-St. Louis Park) gained support for two bills. First, he presented S.F. 1194, a bill that makes some Metro Area special taxing districts subject to truth-in-taxation laws. The committee amended the bill to clarify when the agencies must hold a truth-in-taxation meeting. The bill goes next to the Taxes and Tax Laws Committee. Second, Mondale presented S.F. 1062, a bill that establishes a metropolitan radio systems planning committee under the Metropolitan Council. Members approved an amendment to the bill that clarifies that no state agency may apply to the Federal Communications Commission for 800 megahertz channels, as defined by the bill, prior to May 1, 1994 if the application directly affects the Metro Area.

The bill goes next to the Governmental Operations and Reform Committee.

## Taxes and Tax Laws

### Gaming bill advances

The tax provisions contained in the omnibus lawful gambling bill, S.F. 103, were the focus of discussion at the Tues., Mar. 30, meeting of the Taxes and Tax Laws Subcommittee on Income and Sales Tax. The panel, chaired by Sen. Ember Reichgott (DFL-New Hope), confined their discussion of the measure to those sections dealing with taxation. The bill, sponsored by Sen. Charles Berg (DFL-Chokio), provides that payment of the combined receipts tax is a lawful purpose expenditure and that

payment of real estate taxes is a lawful expenditure to the extent of the full amount of taxes and assessments on premises built or acquired before Aug. 1, 1990, and the greater of one-half of the taxes or \$15,000 for other premises. In addition, the bill provides that gambling profits on which local gambling taxes are imposed are reduced by the amount of other taxes assessed on lawful gambling. A section of the bill dealing with defining gross receipts in bingo sales was amended to specify that gross receipts means receipts derived from gross sales, less discounts, of bingo hard cards and paper sheets before reduction for prizes, expenses, shortages, free plays, or any other charges or offsets. The bill was approved and sent to the full committee.

In addition, the panel advanced a second bill, S.F. 237, to the full committee. The measure, also carried by Berg, declares that deer farming is an agricultural pursuit and directs the commissioner of agriculture to promote deer farming. Tax provisions scrutinized by the subcommittee related to including the raising of farmed deer and elk in the definition of "agricultural production" in the sales tax law that provides an exemption of the purchase of materials consumed in agricultural production and providing that fences used to contain the animals are included within the definition of "farm machinery" for application of the two percent sales tax rate.

## Transportation and Public Transit

### St. Croix bridge study fails

A bill calling for more study before a new bridge over the St. Croix River can be constructed received a hearing by the Transportation and Public Transit Committee at a Tues., Mar. 30, meeting. S.F. 877, sponsored by Sen. Jane Krentz (DFL-May Township), prohibits the commissioner of transportation from acquiring land or contracting in preparation for a bridge over the St. Croix River at Oak Park Heights until a revised draft Environmental Impact Statement (EIS) and final EIS have been completed. After a lengthy discussion, the bill was laid over.

The committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), approved the following eight bills and sent them to the full Senate.

S.F. 1264, sponsored by Sen. Steven Novak (DFL-New Brighton), establishes a 25-mile-per-hour speed limit on residential roadways. The bill also authorizes use of county state-aid and municipal state-aid funds to pay for installing signs indicating residential roadways. After discussion, the committee voted to amend the bill to provide the speed limit change at the option of the local governing body.

S.F. 154, sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls), amends the definition of passenger snowmobile in the statute governing gasoline tax refunds and provides for gas tax refunds for gasoline used for passenger snowmobiles used as part of operating a resort.

S.F. 397, sponsored by Sen. Patrick McGowan (IR-Maple Grove) authorizes the use of county state aid funds for signals and safety devices on state aid highways and for signal-activation devices to be operated by emergency vehicle personnel.

S.F. 885, also sponsored by McGowan,

directs law enforcement agencies that use hand-held radar devices to establish operating procedures to reduce operators' exposure to microwave radiation.

S.F. 953, sponsored by Sen. Thomas Neuville (IR-Northfield), makes changes in requirements relating to appointments of deputy registrars of motor vehicles.

S.F. 955, also sponsored by Neuville, allows agents of court administrators to retain the \$1 fee for applications for drivers' licenses and provides for appointment of those agents.

S.F. 902, sponsored by Sen. Carol Flynn (DFL-Mpls), prohibits parking within 80 feet of a transit stop marked with a handicapped sign and requires drivers to yield the right-of-way to transit buses entering the right-hand lane of traffic. The bill also includes public transit as a priority user of energy in energy emergencies.

S.F. 1221, sponsored by Sen. Steve Murphy (DFL-Red Wing), changes provisions governing prorate vehicles.

The committee heard one other bill, S.F. 902, requiring operators wanting authority for armored carrier service to obtain an armored carrier permit from the Transportation Regulation Board. The bill also sets forth requirements for permit holders and provides for the expiration of current operating authority for armored carrier service on Mar. 1, 1994. After extensive discussion, the bill was laid over.

### Motorcycle license fee increases

The Transportation and Public Transit Committee met Wed., Mar. 31 to consider several bills.

First, the committee considered S.F. 386, sponsored by Sen. Jim Vickerman (DFL-Tracy). The bill raises the license fee for motorcycles by \$1, which is credited to the motorcycle safety fund, up to \$750,000 in a fiscal year. The committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), approved the bill and sent it to the Senate floor. A second bill offered by Vickerman, S.F. 902, creates a new class of motor carrier permits for "armored carriers." The bill requires carriers wanting operating authority for armored carrier service to obtain a permit from the Transportation Regulation Board. Opponents of the bill argued that the bill creates a monopoly that fences out some business during a proposed "grandparenting period." The bill was laid over.

Sen. Joe Bertram, Sr. (DFL-Paynesville), offering S.F. 1148, said that the bill increases fees for overweight trucks and authorizes a permit to be issued for a trailer or semitrailer exceeding 28-1/2 feet in a three-vehicle combination. The committee approved S.F. 1148 and sent it to the Senate floor.

The committee granted approval to two bills sponsored by Sen. Gen Olson (IR-Minnetrista). S.F. 303 establishes, that for the purpose of determining taxes, the base value of a specially reconstructed, rebuilt, restructured, modified or customized vehicle, may be established by the registrar based upon the cost price to the purchaser or owner. The price does not include state or local sales tax, Olson said. The committee adopted an amendment that requires the registrar to establish a certificate of title identifying a vehicle as "flood damaged," "rebuilt," or "reconstructed." S.F. 303 goes next to the full Senate.

Olson's second bill, S.F. 1216, amends the definition of "special transportation service"



# Committee update

by specifying the services of regular route common carriers, volunteer drivers using a private automobile, a school bus, and an emergency ambulance. Under the bill, a driver must have a license endorsement if providing special transportation services in the Metropolitan Area, Olson said. The bill was sent to the Senate floor.

S.F. 1184, offered by Chmielewski, authorizes road authorities to develop, finance, construct and operate toll facilities. The bill was recommended to pass and sent to the full Senate. Chmielewski also offered S.F. 35, a bill exempting specified manufacturers of snowmobile trailers from being required to have a dealer's license to transport the trailers. The bill was approved and goes next to the full Senate.

Finally, the committee approved S.F. 881, a health care cost containment bill, increasing the fine for failure to use a child passenger restraint or seat belt from \$25 to \$50. The bill also amends current law by increasing the seat belt violation from a secondary offense to a primary offense. Berglin said that "annual health care costs of traumatic brain injury associated with nonuse of vehicle restraints are estimated at over \$30 million dollars." Also under the bill, the cigarette tax is increased and a portion credited to a special account in the health care access fund for disease prevention and health promotion programs. The bill was re-referred to the Tax and Tax Laws Committee.

## Veterans and General Legislation

### Nurse statue bill advances

A bill authorizing an appropriation for a nurse statue in the atrium of the Minneapolis veterans affairs medical center gained the approval of the Veterans and General Affairs Committee at a Tues., Mar. 30, meeting. S.F. 893, sponsored by Sen. Paula Hanson (DFL-Ham Lake), authorizes an appropriation from the general fund to the commissioner of veterans affairs to be contributed to the statue fund. The sculpture is to be created by Twin Cities sculptor Rodger Brodin. The committee approved the bill and re-referred it to the Finance Committee.

The committee, chaired by Sen. Jim Vickerman (DFL-Tracy), also heard eight other bills.

S.F. 383, sponsored by Sen. Sandra Pappas (DFL-St. Paul), memorializes Congress to grant statehood to the District of Columbia. The committee failed to approve the bill. S.F. 750, also sponsored by Pappas, provides for a study of the immigration status of persons of African descent by the Council on Black Minnesotans. S.F. 750 was approved and re-referred to the Finance Committee.

S.F. 1244, sponsored by Sen. Kevin Chandler (DFL-White Bear Lake), provides for the state historic site network. The bill, according to Chandler, assembles all the various pieces of legislation regarding the historic site network into one bill and provides an alphabetical listing of all the sites in the network. The bill was approved and sent to the full Senate.

S.F. 1058, sponsored by Sen. William Luther (DFL-Brooklyn Park), increases the membership of the Minnesota Amateur

Sports Commission from nine to 12 members for the purpose of gender balance. The bill provides that the governor, the Speaker of the House, and the Senate Majority Leader each appoint one additional voting member to the commission. Several Senators questioned whether adding positions is the best way to achieve gender balance and whether legislating for gender balance is desirable. After discussion, the committee voted to table the measure.

S.F. 1006, sponsored by Sen. Steve Murphy (DFL-Red Wing), authorizes the Veterans Homes Board to define what constitutes a resident of the state by rule for purposes of admission to a Minnesota veterans home. The bill was approved and sent to the full Senate. S.F. 1007, also sponsored by Murphy, provides that claims arising out of injury or death to a patient of a Minnesota veterans home while performing assigned duties are to be heard by the Legislature. The bill was approved and sent to the full Senate.

S.F. 1056, sponsored by Sen. Don Betzold (DFL-Fridley), exempts from income tax the first \$5,000 of compensation for service in the armed forces of the United States or the United Nations. Betzold said that the bill is intended to partially ameliorate the problem of Minnesota's members of the armed services who are stationed elsewhere and do not receive services from the state. The bill would be effective for taxable years beginning after 1992 and would apply only to active duty personnel. The committee approved the measure and re-referred it to the Taxes and Tax Laws Committee.

S.F. 1315, also sponsored by Betzold, provides for a council of traditional Indian practitioners to make recommendations regarding the management, treatment, and protection of Indian burial ground and of human remains and artifacts contained in Indian burial grounds. Council members are to be appointed by the governor from a list of traditional Indian practitioners. The bill was approved and sent to the full Senate.

## Floor action

### Anti-stalking bill debated

The Mon., Mar. 29, Senate floor session was devoted primarily to debate on the anti-stalking bill. The measure, S.F. 33, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), clarifies and expands the scope of harassment and stalking crimes, increases penalties and requires training for judges, prosecutors, and peace officers concerning harassment and stalking crimes. In his introductory remarks, Pogemiller said "Minnesotans are living in fear because of people who are abusing their rights of freedom and movement. Victims feel abandoned because current law can't protect them." Sen. Pat McGowan (IR-Maple Grove), a co-author of the bill, said that the measure "allows us to take a proactive stance by changing the focus from the perpetrator to focusing on the victim and using a reasonable person standard of proof." Pogemiller said that the reasonable person standard refers to the assessment of whether a person is being harassed or stalked by providing that the standard applies if any reasonable person would feel harassed.

McGowan successfully offered an amendment which restored language

relating to misdemeanor penalties for lower level harassment crimes. Sen. Gene Merriam (DFL-Coon Rapids) successfully offered an amendment to make the current terroristic threats law conform with the bill by specifying a "reasonable person" standard apply in terroristic threat cases. Sen. Thomas Neuville (IR-Northfield) unsuccessfully tried to amend the bill to specify that the exceptions carved out in the bill include assembly for free speech or religious principles. Pogemiller responded that the amendment introduced the abortion issue into the debate and the bill was designed to address the issues of stalking and harassment. The amendment failed on a 28-35 roll call vote. A second Neuville amendment, placing the focus on the intent and actions of the perpetrator, was also defeated. Neuville was successful, though, in gaining acceptance of an amendment that dropped language relating to the National Labor Relations Act from the exceptions listed in the bill. The amendment was adopted on a 38-25 roll call vote. Pogemiller then requested that the bill be progressed.

Earlier, the Senate granted final passage to several bills on the Senate Calendar. H.F. 298, sponsored by Merriam, creates the office of Anoka County coroner and establishes the duties of the coroner. S.F. 306, authored by Sen. James Metzen (DFL-South St. Paul), clarifies procedures and requirements relating to the appointments of department heads and members of administrative boards and agencies. H.F. 341, carried by Sen. Harold "Skip" Finn (DFL-Cass Lake), makes numerous technical changes to the laws governing business corporations. S.F. 262, sponsored by Sen. Randy Kelly (DFL-St. Paul), authorizes the city of St. Paul, by ordinance, to prepare, adopt and amend design districts and a design framework. S.F. 50, authored by Sen. Jim Vickerman (DFL-Tracy), authorizes the operation of recreational vehicle combinations.

Senators also approved a motion by Sen. Pat Piper (DFL-Austin) to remove a bill she authored from the Calendar and place it on the General Orders Calendar. Piper gained acceptance for another motion to remove the Senate language from the bill and use the language adopted by the other body. According to Piper, the House language for H.F. 203 provides more clarification to the language of the measure. The bill makes a number of changes to the laws relating to the Board of Medical Practice and to the laws governing the licensing of physicians. The measure was then given preliminary approval.

A second measure was also given preliminary approval. H.F. 296, authored by Sen. Kevin Chandler (DFL-White Bear Lake), makes a number of housekeeping changes to the laws governing the regulation of credit unions.

One measure gained final passage on the Senate Consent Calendar. S.F. 903, authored by Sen. Tracy Beckman (DFL-Bricelyn), authorizes local police civil service commissions to adopt rules allowing the striking of a name on the civil service eligible register after a one-year period.

Finally, the Senate also granted concurrence and repassage to S.F. 300. The bill, sponsored by Sen. John Hottinger (DFL-Mankato), permits sheriff civil service commissions to expand eligible lists.

# Preview

## The Minnesota Senate Week at a Glance

### Monday, April 5

#### Environment and Natural Resources Subcommittee on Environmental Protection

Chair: Sen. Kevin Chandler  
8 a.m. Room 107 Capitol  
Agenda: S.F. 271-Johnson, J.B.: Relating to waste management.

#### Health Care and Family Services Funding Division

Chair: Sen. Don Samuelson  
8:30 a.m. Room 123 Capitol  
Agenda: S.F. 329-Stevens: Allocating money to child care basic sliding fee program for '93. S.F. 352-Betzold: Delegating authority to commissioner of DHS for investigations of child maltreatment in publicly licensed day care facilities. S.F. 521-Hottinger: Minor's consent for hepatitis B vaccination. S.F. 698-Johnson, J.B.: Regulating phone service for the communication impaired. S.F. 868-Kiscaden: Subsidized adoption modifications. S.F. 1105-Betzold: Housekeeping bill (MDH).

The Senate will meet at 10 a.m.

#### Commerce and Consumer Protection Committee

Chair: Sen. Sam Solon  
12 noon Room 112 Capitol  
Agenda: S.F. 167-Berglin: Health insurance; modifying eligibility for private employers insurance program and small employer insurance coverage. S.F. 769-Berglin: Health insurance coverage for outpatient mental or nervous disorder treatment. S.F. 948-Oliver: Insurance; property; regulating the FAIR plan.

#### Judiciary Committee

Chair: Sen. Ember Reichgott  
12 noon Room 15 Capitol  
Agenda: S.F. 403-Hottinger: Innkeeper ejection and refusal to admit; liability. S.F. 415-Anderson: Furnishing tenants with copy of lease; disclosure of inspection and condemnation. S.F. 576-Spear: Limiting the value of the homestead exemption; providing for the exemption of homestead insurance. S.F. 674-Cohen: Providing for stay of bond required of plaintiffs in certain actions against a public body. S.F. 741-Cohen: Authorizing appeals from the decisions of civil service commissions. S.F. 746-Reichgott: Requiring biennial registration of limited liability corporations. Bills re-referred from other committees that have made House deadline may be added.

#### Crime Prevention Committee

Chair: Sen. Allan Spear  
2 p.m. Room 15 Capitol  
Agenda: S.F. 288-Ranum: Educational neglect. S.F. 308-Knutson: Extended period for probation violations. S.F. 326-Kelly: Double jeopardy exceptions. S.F. 942-Neuville: Dept. of Corrections miscellaneous bill.

#### Jobs, Energy and Community Development Funding Division

Chair: Sen. Carl Kroening  
2 p.m. Room 112 Capitol  
Agenda: Budget presentations for Indian Affairs Council and the Council on Asian-Pacific Minnesotans.

### Tuesday, April 6

#### Governmental Operations and Reform Committee

Chair: Sen. James Metzen  
8 a.m. Room 15 Capitol  
Agenda: Not available at press time.

#### Transportation and Public Transit Committee

Chair: Sen. Florian Chmielewski  
8 a.m. Room 112 Capitol  
Agenda: Not available at press time.

#### Higher Education Division

Chair: Sen. LeRoy Stumpf  
10 a.m. Room 112 Capitol  
Agenda: Higher education allocations to S.F. 1407-Stumpf: Higher education omnibus bill.

#### Health Care Committee

Chair: Sen. Linda Berglin  
10 a.m. Room 15 Capitol  
Agenda: S.F. 230-Johnson, D.E.: Intra-family sales of nursing homes. H.F. 9-Piper: Port wine stains. H.F. 430-Samuelson: DHS to reduce paperwork and refuse. S.F. 398-Benson, J.E.: Group residential housing (DHS-governor's bill).

#### Ethics and Campaign Reform Committee

Chair: Sen. John Marty  
12 noon Room 107 Capitol  
Agenda: Not available at press time.

#### Family Services Committee

Chair: Sen. Pat Piper  
12 noon Room 15 Capitol  
Agenda: Not available at press time.

#### Commerce and Consumer Protection Committee

Chair: Sen. Sam Solon  
2 p.m. Room 112 Capitol  
Agenda: S.F. 938-Luther: Residential building contractors license modification. S.F. 1444-Chandler: Residential roofers licensing. S.F. 952-Solon: Crane operators licensing.

#### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard  
2 p.m. Room 107 Capitol  
Agenda: S.F. 886-Finn: Timber sales regulation modifications. S.F. 1466-Johnson, J.B.: Releasing reversionary interests of the state to School District 911. S.F. 760-Price: DNR to give nominal gifts. S.F. 848-Janezich: Mineral leasing. S.F. 730-Sams: Regulating dairy trade practices. S.F. 708-Morse: Exempting certain nonprofits from requirements for a nursery stock dealer certificate.

#### Taxes and Tax Laws Subcommittee on Income and Sales Tax

Chair: Sen. Ember Reichgott  
4 p.m. Room 15 Capitol  
Agenda: S.F. 1249-Pappas: Authorizing the St. Paul to impose a sales tax. S.F. 1067-Finn: Relating to Bemidji; permitting a local sales tax. S.F. 1234-Johnson, D.J.: Cook County; providing for imposing sales tax and motor vehicle excise tax on sales transactions. S.F. 1153-Chmielewski: Aitkin County; permitting a local liquor and restaurant tax.

#### Transportation and Public Transit Finance Division

Chair: Sen. Keith Langseth  
4 p.m. Room 125 Capitol  
Agenda: S.F. 762-Morse: Port development. S.F. 811-Riveness: High speed bus. S.F. 875-Morse: High speed rail. S.F. 1010-Kiscaden: Study of Rochester airport and high speed rail. S.F. 1524-Hanson: Highway work zone safety.

#### Environment and Natural Resources Subcommittee on Environmental Protection

Chair: Sen. Kevin Chandler  
6 p.m. Room 107 Capitol  
Agenda: S.F. 271-Johnson, J.B.: Relating to waste management.

### Wednesday, April 7

#### Governmental Operations and Reform Committee

Chair: Sen. James Metzen  
8 a.m. Room 15 Capitol  
Agenda: Not available at press time.

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### Transportation and Public Transit Committee

Chair: Sen. Florian Chmielewski  
8 a.m. Room 112 Capitol  
Agenda: Not available at press time.

### Education Funding Division

Chair: Sen. Lawrence Pogemiller  
10 a.m. Room 112 Capitol  
Agenda: Not available at press time.

### Health Care Committee

Chair: Sen. Linda Berglin  
10 a.m. Room 15 Capitol  
Agenda: Not available at press time.

### Commerce and Consumer Protection Committee

Chair: Sen. Sam Solon  
12 noon Room 112 Capitol  
Agenda: S.F. 666-Finn: Smoking prohibition in designated non-smoking hotel rooms. S.F. 487-Janezich: Iron ore mines or production facilities salable conditions maintenance requirement. S.F. 1000-Solon: Real estate brokers, salespersons and appraisers regulations.

### Judiciary Committee

Chair: Sen. Ember Reichgott  
12 noon Room 15 Capitol  
Agenda: S.F. 615-Cohen: Protection for disabled persons in employment. S.F. 859-Cohen: Prohibiting discrimination against disabled persons who use service animals. S.F. 984-Cohen: Limits on recovery for loss caused by components of manufactured goods. Bills re-referred from other committees that have made House deadline may be added.

### Crime Prevention Committee

Chair: Sen. Allan Spear  
2 p.m. Room 15 Capitol  
Agenda: S.F. 195-Pariseau and S.F. 244-Murphy: Penalties for possession, sale of LSD in school, park, and public housing zones. S.F. 888-Pappas: Forfeiture of vehicles in prostitution cases. S.F. 906-Bertram: Sex offender registration. S.F. 1024-Spear: Expansion of DNA collection.

### Jobs, Energy and Community Development Funding Division

Chair: Sen. Carl Kroening  
2 p.m. Room 123 Capitol  
Agenda: Budget presentations for Council on Spanish Speaking People and the Council on Black Minnesotans.

### Crime Prevention Finance Division

Chair: Sen. Tracy Beckman  
4 p.m. Room 112 Capitol  
Agenda: S.F. 1503-Beckman: Appropriating money for criminal justice, corrections and related purposes.

### Higher Education Division

Chair: Sen. LeRoy Stumpf  
4 p.m. Room 123 Capitol  
Agenda: S.F. 1407-Stumpf: Higher education omnibus bill (pass to full Education Committee). Review of capital budget items that are required for 1993 session.

### Metropolitan and Local Government Tax Division and Taxes and Tax Laws Subcommittee on Property Tax

Chair: Sen. Carol Flynn  
4 p.m. Room 15 Capitol  
Agenda: The following bills will be presented only. S.F. 233-Janezich: Publication of delinquent property tax information. S.F. 874-Lessard: Establishing a joint ambulance district and tax to finance the district. Presentations on tax increment financing by the counties.

### Crime Prevention Committee

Chair: Sen. Allan Spear  
7 p.m. Room 15 Capitol  
Agenda: S.F. 305-Merriam: Guns in schools. S.F. 392-Riveness: Life without parole for first degree murder of a police officer. S.F. 637-Merriam: Miscellaneous crimes and criminal procedures. S.F. 884-Ranum: Jail credit restrictions. S.F. 1079-Spear: Accomplices and conspiracies. S.F. 1176-Hottinger: Trespass on school property.

Thursday, April 8

The Senate will meet at 8:30 a.m.

### Education Committee

Co-Chairs: Sen. Lawrence Pogemiller and Sen. LeRoy Stumpf  
10 a.m. Room 112 Capitol  
Agenda: S.F. 1407-Stumpf: Higher education omnibus bill. Education Funding Division (K-12) bills (if needed).

### Health Care Committee

Chair: Sen. Linda Berglin  
10 a.m. Room 15 Capitol  
Agenda: Not available at press time.

### Ethics and Campaign Reform Committee

Chair: Sen. John Marty  
12 noon Room 107 Capitol  
Agenda: Not available at press time.

### Family Services Committee

Chair: Sen. Pat Piper  
12 noon Room 15 Capitol  
Agenda: Not available at press time.

### Jobs, Energy and Community Development Funding Division

Chair: Sen. Carl Kroening  
2 p.m. Room 123 Capitol  
Agenda: Budget presentations for the Office of Governor/Lt. Governor and the Office of Strategic and Long Range Planning. Completion of budget presentation for Dept. of Jobs and Training.

### Taxes and Tax Laws Committee

Chair: Sen. Douglas Johnson  
4 p.m. Room 15 Capitol  
Agenda: Not available at press time.

Friday, April 9

No meetings scheduled.

# Briefly

The Minnesota Senate Week in Review

April 9, 1993

## Video lottery bill defeated

The video lottery bill topped the agenda of the Governmental Operations and Reform Committee, chaired by Sen. James Metzen (DFL-South St. Paul), Fri., Apr. 2. Sen. Charles Berg (DFL-Chokio), presented S.F. 104, a proposal that allows establishments that have liquor licenses to operate video lottery machines.

The proposed legislation establishes a two-year statewide video lottery pilot program; authorizes and regulates video lottery machines; regulates video lottery manufacturers, distributors, operators, and licensed establishments; and creates a video lottery task force.

The committee began to review only those sections of the bill that are within the panel's purview, namely the task force and rulemaking provisions. However, the discussion evolved into a debate over whether Minnesota should have another form of gambling. Berg stressed that the bill only allows a two-year pilot program, allowing the Legislature to review the measure before it could continue. In addition to opposing any expansion of gambling, some of the opponents argued that it would be very difficult to repeal the program after it was initiated, given the large investment in the equipment that is needed to start the program.

After the opponents of the bill made their case, the proponents failed to gain the number of votes needed for advancing the legislation.

## Human rights bill debated

In addition to acting on the anti-stalking bill during the Thurs., Apr. 1, floor session, members began debate on a bill extending the statute of limitations for violations of the Human Right Act. S.F. 57, authored by Sen. John Marty (DFL-Roseville), extends the statute of limitations from one year to two years, prohibits employers from asking employees about unlawful discrimination complaints and provides a limited version of the rape shield law by limiting the discovery and admission of evidence in sexual harassment cases. An amendment, offered by Sen. Roy Terwilliger (IR-Edina), removing the provisions dealing with the statute of limitations sparked considerable debate. Marty argued that the additional time is needed because it often takes more than one year to discover a pattern of discrimination. Terwilliger countered that the increase would lead to a large increase in filings and would place a strain on the Dept. of Human Rights' budget. Marty progressed the bill and no action was taken.

Senators did, however, grant preliminary approval to four additional bills. S.F. 5, sponsored by Sen. Duane Benson (IR-Lanesboro), allows the commissioner of natural resources to set the season for taking

raccoon. S.F. 568, authored by Sen. Sam Solon (DFL-Duluth), authorizes dental plans to invest in related fields in a manner similar to that authorized for HMOs. H.F. 233, authored by Sen. Arlene Lesewski (IR-Marshall), clarifies circumstances under which the governor can employ the National Guard. S.F. 484, sponsored by Sen. Bob Lessard (DFL-Int'l. Falls), allows residents under the age of 16 to take deer of either sex until Dec. 31, 1995.

Senators also granted final passage to two bills given preliminary approval during the Mon., Mar. 29, floor session. H.F. 203, authored by Sen. Pat Piper (DFL-Austin), makes a number of changes to the laws governing the Board of Medical Practice.

The measure also makes changes to provisions governing the licensing of physicians. H.F. 296, authored by Sen. Kevin Chandler (DFL-White Bear Lake), alters statutes relating to credit unions. The measure regulates investments in share certificates; authorizes credit unions to make reverse mortgage loans and regulates credit unions as depositories of various funds.

The Mon., Apr. 5, floor session was devoted primarily to considering bills on the General Orders Calendar. None of the bills given preliminary approval generated heated debate. In addition, members granted final passage to five measures on the Senate Calendar and two bills on the Consent Calendars. See page 13 for a listing of individual bills considered by the Senate.

In addition, Senators met for a brief floor session Wed., Apr. 7, in order to process committee reports and facilitate the movement of bills between committees.

## Sales tax bills

Local-option sales tax proposals topped the agenda of the Taxes and Tax Laws Subcommittee on Income and Sales Tax, chaired by Sen. Ember Reichgott (DFL-New Hope), Tues., Apr. 6. Before taking action on three bills, members debated the policy implications of local governments' increasing reliance on the sales tax to generate revenue.

Sen. Sandra Pappas (DFL-St. Paul) presented S.F. 1249, a bill that authorizes the city of St. Paul, by resolution, to impose a sales tax. Pappas said the bill also provides for the use of the proceeds of the tax; creates a joint property tax advisory committee; authorizes a merger of the St. Paul and Ramsey County election offices; and authorizes the city to issue bonds. Members amended the bill to clarify the role of the Dept. of Revenue in collecting the tax proceeds and to provide for a 20-year sunset on the tax.

Mayor Jim Scheibel and a representative of the St. Paul Chamber of Commerce testified in favor of the bill, saying the significant decrease over a number of years

in state and federal funding for cities makes the sales tax the only viable option to gain badly needed revenues. A representative of the retail industry spoke against the bill, suggesting that it was bad public policy. Some members voted against the bill because it does not provide for a direct referendum. The opponents also argued that the sales tax is a regressive form of taxation.

The bill supporters pointed out that other cities have such a tax, including Minneapolis, Mankato, Rochester, Duluth, and St. Cloud. The proponents also stressed that members of the St. Paul City Council, all of whom are accountable to the citizens of St. Paul, must approve the tax. The subcommittee approved the bill and sent it to the full committee.

Members also approved S.F. 1234, authored by Sen. Douglas Johnson (DFL-Cook). Johnson said the bill provides for the imposition of a sales tax on sales transactions in Cook County; provides for the use of the sales tax revenues; and authorizes the issuance of bonds to finance the expansion of and improvements to the North Shore Hospital. Johnson pointed out that the bill requires a direct referendum to approve the tax. Members recommended passage of the bill and sent it to the full committee.

The committee approved a third bill relating to sales taxes, S.F. 1153, authored by Sen. Florian Chmielewski (DFL-Sturgeon Lake). Chmielewski said the bill permits Aitkin County to impose a local liquor and restaurant tax. After amending the bill to provide for a direct referendum, members sent it to the full committee.

## Second deadline approaches

Legislative activity continued at a heavy level this week as committees began working on bills in anticipation of the second committee deadline Fri., Apr. 16. The second deadline means that Senate policy committees must have heard bills originating in the other body prior to that date.

Because Senate offices were closed Fri., Apr. 9, this edition of *Briefly* contains coverage of committee meetings and floor action through Tues., Apr. 6. Some committees were unable to provide complete agendas for hearings the week of Apr. 12-16. For updated committee schedules, please call the Senate Hotline at 296-8088 or the Senate Information Office at 296-0504.

This edition of *Briefly* also contains a new feature. Page 13 contains a table listing all Senate floor action for the Thurs., Apr. 1, through the Wed., Apr. 7, floor sessions. The table is to provide readers with a quick, readable guide to the actions of the Senate on individual bills.

# Committee update

## Commerce and Consumer Protection

### Prize notice regulation

A bill requiring detailed disclosures on prize notices was approved by the Commerce and Consumer Protection Committee at the Weds., Mar. 31, meeting. S.F. 1032, sponsored by Sen. Kevin Chandler (DFL-White Bear Lake), also requires that the prize be awarded within 30 days to the recipient of the award notice. The bill was approved and re-referred to the Crime Prevention Committee.

S.F. 803, sponsored by Sen. Don Betzold (DFL-Fridley), specifies that applicants who are employed by title insurance companies that have amounts equal to the bond or insurance policy required in law, are exempt from furnishing the bond or insurance policy. Applicants, however, retain liability as though a bond or insurance policy had been given. The bill was approved and sent to the full Senate.

S.F. 1380, sponsored by Sen. Jerry Janeczich (DFL-Chisholm), includes truck and truck parts manufacturers and dealers in regulations that now apply to heavy and utility equipment manufacturers and dealers. The bill was approved and sent to the full Senate.

S.F. 1333, sponsored by Committee Chair Sam Solon (DFL-Duluth), changes the loss ratio for individual noncomprehensive insurance policies from 65 to 60 percent. The bill also limits the loss ratios to policies in which 50 percent or more of the total benefits are intended to provide coverage for hospital or medical expenses on a per diem, fixed indemnity, or nonexpense incurring basis for Minnesota residents. The bill was approved and sent to the full Senate.

S.F. 996, sponsored by Sen. Arlene Lesewski (IR-Marshall), changes a reference in law from "Association of Independent Certified Public Accountants" to the "American Institute of Certified Public Accountants."

The committee also began hearing S.F. 1134, the omnibus insurance bill, sponsored by Sen. William Luther (DFL-Brooklyn Park). Among the bill's 72 sections are provisions requiring that insurance agents' continuing education requirements be met 30 days before the licensing period ends; changing the review process for annuities; precluding post claim writing; expands language requiring that hospital coverage cover outpatient surgery; allows the sale of policies for home care services. The bill was laid over.

### Insurance omnibus bill approved

The Commerce and Consumer Protection Committee devoted the Thurs., Apr. 1, meeting to finishing work on S.F. 1134, the omnibus insurance bill.

The committee, chaired by Sen. Sam Solon (DFL-Duluth), approved several amendments to the bill. First, the committee voted to reconsider an amendment by the bill's author (Sen. William Luther (DFL-Brooklyn Park), approved at the Wed., Mar. 31, meeting. The Senators voted to adopt another author's amendment in lieu of the first. The amendment makes social security numbers collected by the Dept of Commerce private data; modifies

insurance records retention requirements by insurance companies; specifies that liability or property insurance may not be rescinded unless there was misrepresentation, omission, or fraud by the insured; provides that employees may continue coverage under group life insurance policies after separation of employment; and includes dependent coverage in the provision prohibiting suspension of group benefits to employees who become disabled. The amendment also contains a provision to prevent the so-called "death-spiral," the situation in which a block of business is discontinued and healthy people leave the plan, driving up the cost for those remaining.

Luther also offered and the committee approved an amendment which keeps the tracking system for insurance agents' educational requirements on an annual, rather than a biennial basis.

The Senators approved two more author's amendments. The first, according to Luther, is aimed at helping smaller businesses form groups in order to gain the benefits of self-insurers. The second specifies that group coverage cancellation notification requirements do not apply if the policy is replaced by a substantially similar policy.

An amendment offered by Sen. William Belanger (IR-Bloomington), specifies that the market value of securities loaned by insurance companies is not to exceed 40 percent of the company's assets. The amendment also limits companies to no more than two percent of their admitted assets being subject to lending of securities with any one borrower. Another Belanger amendment prohibits health providers from obtaining or using HIV test results in making underwriting decisions when the applicant is a crime victim who was exposed to an offender's bodily fluids.

### Social worker reimbursements

A bill requiring group health plans that cover mental health treatment to directly reimburse mental health professionals for their services cleared the Commerce and Consumer Protection Committee at the Mon., Apr. 5, meeting.

S.F. 769, according to its sponsor, Sen. Linda Berglin, is aimed at creating a direct mechanism for reimbursements to licensed social workers and marriage and family therapists. The effect of the bill, Berglin said, is to no longer require indirect reimbursements to be made by psychiatrists to other mental health professionals, eliminating one step in the reimbursement process. The bill was approved and sent to the floor.

S.F. 948, sponsored by Sen. Edward Oliver (IR-Deephaven), makes technical changes regarding the FAIR plan. FAIR is an organization providing property and liability insurance to those otherwise unable to obtain coverage. The bill includes underwriting procedures for the coverage provided by FAIR and provides for persons licensed under 60K to submit applications for coverage and to receive a fee for submitting applications. The committee approved the measure and sent it to the floor.

The committee, chaired by Sen. Sam Solon (DFL-Duluth), also approved S.F. 167, sponsored by Berglin. The bill provides

that employers are eligible for the private employers insurance program if they have two or more employees in Minnesota. The measure effectively eliminates the provision in current law that prevents eligibility when an employer has only two employees and one of them is a close relative. The bill was approved and sent to the full Senate.

### Builder's licensing changes

The Commerce and Consumer Protection Committee, at a Tues., Apr. 6, meeting, approved S.F. 938, making changes to the law regulating residential building contractors. The bill, sponsored by Sen. William Luther (DFL-Brooklyn Park), establishes the contractor's recovery fund. The purpose of the fund is to compensate homeowners who obtain a final court judgment against a licensee for fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance. The fund is to be paid for by a surcharge on each license. The fee ranges from \$100 to \$200 dollars per license, dependent on the contractor's gross receipts.

The bill also changes the definition of "residential contractor" and "specialty contractor," specifies eight special skill areas that qualify single-skill contractors as specialty contractors. The measure also adds a representative of organized labor to the Builders Advisory Council and prohibits local licensing of contractors licensed by the state. The bill now goes to the Senate floor.

The committee, chaired by Sen. Sam Solon (DFL-Duluth), also heard two other licensing bills. S.F. 1444, sponsored by Sen. Kevin Chandler (DFL-White Bear Lake), requires residential roofers to be licensed by the state. The bill includes residential roofers in the residential building contractors law and removes them from the definition of specialty contractor. In addition, it requires a separate examination for applicants for residential building contractor licenses who intend to engage in roofing only. The bill was approved and sent to the full Senate.

S.F. 952, sponsored by Solon (DFL-Duluth), requires licensing of crane operators and establishes a three-member crane operators examining board. Included in the bill is a provision for grandfathering in current crane operators. The measure also requires a crane owner or operator to immediately report crane accidents to the board. S.F. 952 now goes to the Governmental Operations and Reform Committee.

## Crime Prevention

### Private detective training required

Training requirements for private detectives and security guards is addressed in a bill presented by Sen. John Marty (DFL-Roseville) to members of the Crime Prevention Committee, Thurs., Apr. 1. The bill, S.F. 253, clarifies that training programs must be certified and include training in alternatives to the use of force. In addition, private detectives and protective agents must possess the certification card while on duty. The bill was approved by the committee, chaired by Sen. Allan Spear (DFL-Mpls.), and sent to the Senate floor.

Another bill considered by the committee authorizes the Metropolitan Transit



Commission to appoint peace officers and establish a law enforcement agency. S.F. 1262, sponsored by Sen. Ellen Anderson (DFL-St. Paul) was approved and sent to the full Senate.

S.F. 1104, sponsored by Sen. Pat Piper (DFL-Austin), was also approved by the committee. The bill imposes a gross misdemeanor penalty for a person's failure to cooperate with questioning if the person is an unlicensed mental health practitioner and also the subject of an investigation. The bill also applies to a person who has been subpoenaed or is being questioned in connection with an investigation by or on behalf of the Office of Mental Health Practice. The bill was amended to include an effective date of Oct. 1, 1993 that applies to crimes committed on or after that date. S.F. 1104 was also sent to the Senate floor.

S.F. 827, authored by Spear, was also approved. The bill expands the RICO law to include gambling crimes, authorizes the Division of Gambling Enforcement to seize property under the criminal forfeiture law and expands the definition of criminal racketeering acts and of a pattern of racketeering activity. The bill was amended to apply to crimes occurring on or after Oct. 1, 1993. The bill goes next to the floor.

Two other Spear bills, S.F. 1085 and S.F. 919 were also considered. S.F. 1085 requires Community Corrections Act counties to adopt diversion programs for adult offenders. Under the bill, the programs may include a number of components, including individual and family counseling services, chemical dependency assessments, and the identification of appropriate community resources. The committee granted approval to the bill and sent it to the Senate floor. Next, the committee considered S.F. 919. The bill provides terminology changes in Minnesota's sentencing laws and makes other technical corrections to accommodate the 1992 legislation which eliminated "good-time" and substituted sentencing that was definite at the outset in describing the amount of time to be served in prison. The bill was laid over.

The committee also debated S.F. 876, a bill providing for a stay of proceedings for a person charged with a first offense of violating any of the environmental crime provisions. The provision does not exempt the felony of knowing endangerment or the felony of introducing a hazardous substance into a sewer or treatment works. The bill also restricts attorney general investigations. After long debate, the bill, offered by Sen. Bob Lessard (DFL-Int'l. Falls), was approved.

In addition, the committee considered a bill regulating prize notices and requiring disclosures by solicitors. Bill author Sen. Kevin Chandler (DFL-White Bear Lake) said that the bill requires that sponsors send prize winners written notification containing specific information, including the retail value of prizes, a statement of the person's odds of receiving the identified prizes, and any limitations on eligibility. The bill also provides for reimbursement in certain cases and for penalties and remedies. Chandler said that a court may impose a fine of not more than \$10,000 or imprison for not more than two years, or both. The bill was approved and sent to the full Senate.

Sen. Richard Cohen (DFL-St. Paul), successfully gained approval of S.F. 1261. The bill authorizes the commissioner of

revenue to disclose tax return information to a District Court with respect to returns, for purposes of determining public defender eligibility. The bill also authorizes payment of fines and other financial obligations of criminal defendants by credit. The committee approved the bill and sent it to the floor.

Lastly, the committee considered a bill, sponsored by Sen. Thomas Neuville (IR-Northfield), that provides that evidence obtained by unlawfully installing or using a pen register, trap and trace device, or mobile tracking device, is inadmissible for any purpose in any action, proceeding, or hearing. Current law provides that a court order is required before such a device which intercepts communications, may be used. The bill was amended to make the provision effective Aug. 1, 1993, for the admission of evidence in proceedings and hearings commenced on or after that date. Originally, the bill also including hearings that were pending. S.F. 332 was approved and sent to the full Senate.

### Education neglect bill debated

Education neglect topped the agenda of the Crime Prevention Committee, Mon., Apr. 5. Sen. Jane Ranum (DFL-Mpls.) presenting H.F. 461 said that the bill expands the definition of neglect in the Child Abuse Reporting Act to also include failure by a person responsible for a child's care to supply the child with necessary education. "Educational neglect" means the child's parent, guardian, or custodian has been unable or unwilling to comply with the compulsory school attendance law and the school has made appropriate efforts to resolve the child's attendance problems. The bill also specifies that a child's absence from school, when the child is 11 years old or younger, is presumed to be due to the parent's, guardian's or custodian's failure to comply with the law. Responding to inquiries, Ranum stated it is not the intent of H.F. 461 to undermine home schooling. The committee approved the bill and sent it to the Judiciary Committee.

The committee also considered a bill that allows probation officers and prosecutors to request probation revocation proceedings within six months after the expiration of a stay. S.F. 308 allows the prosecutor to make a motion to hold a hearing on revoking probation when a defendant fails to pay restitution. Under current law, the defendants' probation officer may make this motion at the request of a victim. Sen. David Knutson (IR-Burnsville), bill author, clarified that the bill does not extend the probation period. The bill was approved and will be incorporated in the omnibus street crime bill.

S.F. 326, sponsored by Sen. Randy Kelly (DFL-St. Paul) was also considered. The bill amends the "double jeopardy" provision, to add as an exception those offenses involving use of bulletproof vests. Kelly said that existing law already provides for the possibility of sentences for both the crime of using a bulletproof vest and for the offense committed while wearing one. The committee approved the bill which will also be folding into the omnibus street crime bill.

Lastly, Sen. Thomas Neuville (IR-Northfield), presented S.F. 942, a Dept. of Correction's miscellaneous bill. The bill authorizes the commissioner of the Dept. of Administration to purchase products and services from correctional facilities without

competitive bidding; changes the period that unclaimed money and personal property of inmates must be held before disposal and requires that the commissioner of the Dept. of Corrections adopt rules regarding state-operated adult and juvenile sex offender treatment programs that are not operated within state and local correctional facilities. In addition, the bill provides for the payment of fines and other fees assessed by the court from inmate compensation; removes the requirement that a juvenile sex offender assessment must be done by a professional who does not have a shared financial interest with a treatment provider; and removes imprisonment as a grounds for suspending the running of the period of limitation for bringing a civil action. The bill also includes possessing a sawed-off shotgun as a crime of violence disabling and thus preventing the offender from possessing a pistol for ten years.

Delivery of transcripts from the court of conviction to the department and transferring sentencing to service program positions in the Dept. of Natural Resources to the Dept. of Corrections is also addressed in the bill. Sen. Patrick McGowan (IR-Maple Grove) successfully amended S.F. 942 to reinstate "felonious theft" as a crime of violence. The committee adopted an amendment, offered by Neuville, that allows for a conditional medical release only if the offender poses no threat to the public. The release may be rescinded without hearing if the offender's medical condition improves. S.F. 942 was approved and will be incorporated in the omnibus street crime bill.

## Education

### Education bills heard

Members of the full Education Committee, co-chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls) and Sen. Lawrence Pogemiller (DFL-Mpls.) met Thurs., Apr. 1, to take action on eight bills.

Sen. Douglas Johnson (DFL-Cook) gained support for S.F. 1337, a bill that authorizes the state board of community colleges to use higher education facilities authority revenue bonds to construct dormitories or other student residence facilities at the Vermillion Community College. The bill goes next to the full Senate.

Sen. Steve Murphy (DFL-Red Wing) presented three bills that received approval from the committee. First, Murphy outlined S.F. 818, a bill that prescribes changes in eligibility and in duties and responsibilities regarding some financial assistance programs. Members sent the bill to the full Senate. Second, Murphy offered S.F. 23, a bill that provides technical college tuition assistance for Gulf War veterans. Members re-referred the bill to the Finance Committee. And third, Murphy explained S.F. 509. He said the bill revises the mailing requirements for notices of referendum revenue authorization elections. The committee approved the bill and placed it on the Consent Calendar.

Sen. Jerry Janeczich (DFL-Chisom) offered S.F. 1137. Janeczich said the bill creates three accounts in the permanent university fund: the mineral research account, the endowed scholarship account, and the endowed chair account. Members approved the bill and sent it to the Senate

# Committee update

floor. Members also approved S.F. 391, authored by Sen. Carol Flynn (DFL-Mpls.). Flynn said the bill restricts extensions of school superintendents' contracts. The committee recommended passage of the bill and sent it to the full Senate.

Sen. Arlene Lesewski (IR-Marshall) offered S.F. 1431, a bill that provides for school district elections in independent school district No. 404, Lake Benton; No. 408, Verdi; and No. 583, Pipestone. Members recommended passage of the bill and placed it on the Consent Calendar. Finally, Sen. Steven Morse (DFL-Dakota) offered S.F. 349, a bill that changes the name of the Minnesota Vocational Technical Student Association to the Minnesota Technical College Student Association. The committee approved the bill and placed it on the Consent Calendar.

## Contract bills heard

Members of the Education Funding Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Thurs., Apr. 1, to hear several bills related to school districts, superintendent contracts and part-time Early Childhood and Family Education (ECFE) teachers.

S.F. 997, authored by Sen. Jane Ranum (DFL-Mpls.), clarifies language and establishes that employees hired to provide instruction for postsecondary students, including ECFE part-time teachers, be included in the definition of public employees under the Public Employees Labor Retirement Association (PELRA).

The measure also directs the Legislative Commission on Employee Relations, in consultation with the Dept. of Education, K-12 teachers, and communication education instructors, to submit an impact report on the issue by Feb. 1, 1994. Ranum said the report should address the impact of including community education instructors in the definition of teacher under teacher tenure laws. The bill was defeated in a 7-4 roll call vote.

A second bill, S.F. 1157, authored by Ranum, establishes safety guidelines for placement of elementary students on certain floor levels to meet emergency safeguards recommended by the Dept. of Public Safety and Fire Marshall Code Advisory Panel. Ranum said the measure establishes classroom and floor level placement of preschool, ECFE, day care, and latchkey through second grade students; directs fire alarm, smoke detection and sprinkler system placement and prescribes exit routes for class, lunchroom and adjacent rooms. The bill was approved and sent to the full Education Committee.

S.F. 391, authored by Sen. Carol Flynn (DFL-Mpls.), relating to superintendent contracts, prohibits the inclusion of contract extension provisions between superintendents and school boards. Flynn offered an amendment to the bill to specify that contracts may only be in force to the date specified, prohibiting extensions, contract rollovers or amendments to the contract in force.

Flynn explained that if the contract between a school board and a superintendent is terminated prior to the date specified in the contract, the school board is prohibited from entering into a new contract with a term extending beyond the date specified

in the terminated contract. The bill was approved and sent to the full Committee.

S.F. 1355, authored by Sen. Dallas Sams (DFL-Staples), provides for agreements between school districts for cooperative special education. The bill clarifies that school districts participating in special education cooperatives are protected by laws governing the rights of teachers in the event a cooperative dissolves.

The bill extends to special education and non-licensed employees who provide special education services to cooperatives, the same rights as other teachers or employees in the event a cooperative dissolves. The measure provides a specific effective date for the Todd-Otter Tail-Wadena special education cooperative and participating districts. The bill was approved and sent to the full Education Committee.

S.F. 923, authored by Sen. Thomas Neuville (IR-Northfield), authorizes the Faribault State Residential Academies for the Blind and Deaf to maintain a student activities account. The bill was approved and will be incorporated into the omnibus education bill.

Final discussion focused on S.F. 1431, authored by Sen. Arlene Lesewski, (IR-Marshall), a bill allowing the Verdi Independent School District, #408, to cancel school district elections in May, 1993, and allowing the current school board to serve until the district is dissolved.

Lesewski said the measure attaches eligible voters residing in the Verdi school district to the Lake Benton and Pipestone school districts, and allows residents to participate in board elections in the Lake Benton or Pipestone school district as of July 1, 1993. The bill was approved and sent to full Education Committee.

Members of the Education Funding Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Fri., Apr. 2, to consider, without taking formal action, several K-12 education funding proposals.

Sen. Jane Krentz (DFL-May Township) presented S.F. 543, a bill that modifies the formula for individualized learning and development aid; modifies the referendum market value tax base; increases training and experience revenue; creates a state aid for teacher retirement; increases the general education formula allowance; and increases staff development revenue.

Sen. Janet Johnson (DFL-North Branch) offered S.F. 263. Johnson said the bill modifies the referendum revenue program; creates a discretionary revenue program; increases equalization aid; and eliminates supplemental revenue. Johnson also offered S.F. 1424, a bill that establishes a community participation school pilot program in the North Branch School District.

S.F. 601, authored by Sen. Steven Morse (DFL-Dakota), increases the general education formula allowance; increases training and experience revenue; lowers the referendum allowance limit; creates a discretionary aid and levy program; limits total general education revenue; and repeals supplemental revenue. Sen. Ember Reichgott (DFL-New Hope) outlined S.F. 960, a bill that increases the general education formula allowance; increases training and experience revenue; increases the portion of referendum revenue subject to equalization; increases special education

aid and revenue; increases the capital expenditure equipment allowance; and phases out supplemental revenue.

Finally, Sen. LeRoy Stumpf (DFL-Thief River Falls) offered S.F. 1464. Stumpf said the bill changes educational effectiveness; creates school improvement grants; creates requirements for financial training for school boards; changes training and experience revenue; creates cost-of-living revenue; and creates school restructuring pilots and teacher compensation task forces.

## Violence and abuse center bill

A proposal to provide program grants for professional education on violence and abuse received the attention of the Higher Education Division Tues., Apr. 6. Sen. Jane Ranum (DFL-Mpls.) gained support for S.F. 1095, a bill that aims to improve training for professionals who deal with victims and perpetrators of abuse and harassment.

Ranum said the bill requires grant recipients--public and private higher education institutions--to use the grants to prepare students who are training to become school administrators or education and human services professionals to work with adult and child victims and perpetrators of violence, abuse, and harassment. Ranum said the bill also creates a higher education center on violence and abuse, which will serve as a clearinghouse for information on violence and harassment, sponsor conferences, and conduct research. Under the bill, the Higher Education Coordinating Board must convene an advisory committee to develop specifications and review proposals for the center. The division amended the bill to provide a four-year sunset provision and to specify funding levels. The bill goes next to the full Education Committee.

In other committee business, members formally adopted six pieces of proposed legislation into the omnibus higher education bill. First members adopted S.F. 1337, authored by Sen. Douglas Johnson (DFL-Cook), a bill that authorizes the state board of community colleges to use higher education facilities authority revenue bonds to construct dormitories or other student residence facilities at the Vermillion Community College. Second the division incorporated S.F. 818, authored by Sen. Steve Murphy (DFL-Red Wing), a bill that prescribes changes in eligibility and in duties and responsibilities regarding some financial assistance programs. Third, the division approved S.F. 23, also authored by Murphy, a bill that provides technical college tuition assistance for Gulf War veterans. Fourth, members incorporated S.F. 1137, authored by Sen. Jerry Janezich (DFL-Chisholm), a bill that creates three accounts in the permanent university fund: the mineral research account, the endowed scholarship account, and the endowed chair account. Fifth, the division included in the omnibus bill S.F. 718, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls). Stumpf, division chair, said the bill establishes a grant program to promote requirement and retention initiatives by nursing training programs that are directed toward persons of color. Stumpf said the bill also establishes a grant program for nursing students who are persons of color. Finally, members adopted S.F. 1465, also authored by Stumpf, a bill that creates a higher education instructional

telecommunications network; and provides for grants from the Higher Education Coordinating Board for regional linkages, regional coordination, courseware development and usage, and faculty training.

The division will continue to work on allocations and rider language for the omnibus higher education financing bill at the next hearing, said Stumpf.

### K-12 funding proposals

Members of the Education Funding Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), continued their review of K-12 education funding proposals Wed., Apr. 7. Pogemiller said the committee would hear the bills, but not take any formal actions at this point.

Sen. Jane Ranum (DFL-Mpls.) presented S.F. 841, a bill that modifies pupil transportation funding; increases compensatory revenue; increases funding for limited English proficiency programs; increases desegregation grants; creates an additional special education formula; includes lease purchase amount in the debt service equalization aid program; and increases funding for the learning readiness program.

Sen. Jane Krentz (DFL-May Township) presented S.F. 1426. Krentz said the bill incorporates the Minnesota Business Partnership's recommendations for K-12 education quality and funding reform. Krentz explained that the proposed legislation restructures educational finance, creating a new three-part funding system. According to the report, the three categories are core funding, which is 100 percent state funded; support services funding, which is primarily state-funded; and discretionary services funding, which is 100 percent locally funded, but is equalized by a formula akin to the fiscal disparities program.

Krentz also presented S.F. 1231, a bill that establishes a coalition for education reform and accountability. She noted that the bill's provisions are also included in S.F. 1426.

Pogemiller said the committee would consider the bills for inclusion in the omnibus K-12 education bill.

## Environment and Natural Resources Committee

### Nursery sales bill okayed

Members of the Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse (DFL-Dakota), met Thurs., Apr. 1, to hear S.F. 708, a bill exempting non-profit organizations from nursery stock dealer licensure. S.F. 708, authored by Morse, exempts non-profit organizations from the requirement to obtain a nursery stock dealer certificate. The measure allows non-profit, charitable, education or religious organizations to conduct sales of nursery stock up to 14 days per year, without a dealer certificate, if proceeds from the sale are used for charitable, educational or religious purposes. The bill was approved and sent to the full committee.

S.F. 730, authored by Sen. Dallas Sams (DFL-Staples), provides regulatory language for the Dairy Trade Practices Act, repeals previous over-order premium language, sets a minimum price support level for class I milk, establishes an assessment formula on dairy marketers and provides the commissioner with investigative powers.

Sams said the bill establishes administra-

tive and program enforcement fees, price schedules, methods of delivery and conditions of sale. In addition, the measure establishes an assessment at wholesale for the over-order premium milk price and requires that the minimum price for class I milk, purchased in Minnesota, to be no less than \$13.20 per hundredweight.

The bill allows the commissioner to assess the dairy marketer who makes the first sale of selected dairy products at wholesale for ultimate retail sale. The assessment for each hundred pounds of milk used in the manufacture of a dairy product, will be .02 cents for each cent the announced price per hundred pounds falls below \$13.20. An amendment to the bill, offered by Sams, includes a provision that prohibits the retail sale of a dairy product below invoice cost.

The measure establishes an assessment exemption for dairy products sold by a dairy marketer or retailer having 25 percent or more of all sales of products as home delivery sales to hospitals, schools or nursing care facilities. The bill clarifies rules, administrative procedures, compliance and establishes an effective day following final enactment with a provision that assessments will be effective the first day of the month following enactment. The bill was approved and sent to the full committee.

### Consolidation bill heard

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-International Falls), met Fri., Apr. 2, to hear S.F. 1, a bill to consolidate several environmental agencies.

S.F. 1, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), creates a singular, restructured state agency for environmental protection and conservation to administer policy for the state. Pogemiller said the bill provides for reorganization of five existing state agencies and three existing state boards.

The objectives of the measure are to concentrate efforts, focus limited resources and state assets, ensure accountability through establishment of an environmental review board and allow optimum public participation in the environmental process through creation of an office of public information and advocacy.

According to Pogemiller, the bill establishes a task force to initiate recommendations and to assist in implementation. The measure provides for an employee participation committee and directs the governor to incorporate funding for the newly-established agency in the next biennial budget.

Sen. Charles Berg, (DFL-Chokio), offered an amendment, requiring that a task force conduct and complete a study on performance, functions and services impacted by a restructuring or consolidation proposal before any agency may be abolished. The amendment was adopted. The bill was approved.

S.F. 453, authored by Sen. Don Betzold, (DFL-Fridley), allows counties two options for selling tax-forfeited lands by auction or by sealed bid. The bill was approved and sent to the floor. S.F. 896, authored by Sen. Dan Stevens (IR-Mora), allows the public sale of tax-forfeited lands that border public water in Sherburne County. The bill was approved.

S.F. 1005, authored by Sen. Steven Novak (DFL-New Brighton), permits the city of New Brighton to acquire granular

carbon without a bond. The measure allows the city to contract for the procurement, installation, removal and treatment of granular activated carbon to be used in a water treatment facility for the treatment of contaminated water. Sen. Gene Merriam (DFL-Coon Rapids), offered an amendment to establish an effective day, the day following final enactment. The amendment was adopted. The bill was approved. All three bills were sent to the Senate floor.

S.F. 304, authored by Sen. Gen Olson (IR-Minnetrissa), requires licensing for aquatic pest control applicators and establishes two levels of licensure. To be licensed as a certified aquatic applicator, applicants must pass a test and may be required to perform a practical demonstration. For licensing as a commercial aquatic applicator, applicants must pass a test and have two years or 1,600 hours of qualifying experience and show practical knowledge of the subject. The bill was approved.

S.F. 771, authored by Sen. Joe Bertram (DFL-Paynesville), changes the formula for payments made to producers of ethanol, increases average oxygenate level requirements for gasoline, authorizes the Pollution Control Agency to contract to expedite the permit process and eliminates offsets for tax increment financing districts. Bertram said the bill provides incentives for the continuation and expansion of the ethanol producing industry in Minnesota.

Sen. Leonard Price, (DFL-Woodbury), offered an amendment to delete provisions relating to Pollution Control Agency authority in the issuance or revocation of permits, contracts or applications related to the ethanol industry. The amendment was adopted. Sen. Gen Olson (IR-Minnetrissa), offered an amendment to remove language relating to the minimum oxygen content provision and clarifying the carbon monoxide control period. The amendment was adopted. The bill was approved and sent to the Senate floor.

S.F. 1306, also authored by Bertram, modifies and changes laws on pesticide and agricultural chemical use, spills, storage containment and incident reporting. Bertram said the measure adds definitive language for fixed location and substantial alteration as they relate to bulk pesticide facility operations and chemical storage facilities. The bill increases the size of single largest storage containers and provides for a \$250 fee exemption if a person submits a permit application before completing the construction of an agricultural chemical storage facility or a substantial alteration.

The measure establishes requirements relating to the sale or use of restricted bulk pesticides, establishes pesticide dealer license requirements for individuals not located in Minnesota and allows pesticide dealer licensure exemptions in some cases. The bill removes a requirement to report a limited spill and allows the use of bioremediation, after assessment, in pesticide clean-ups. An amendment offered by Price, removes the pesticide spillage reporting exemption. The amendment was adopted. Sen. Steve Dille (IR-Dassel), offered an amendment appropriating \$53,500 from the general fund to the commissioner of agriculture for operation of a tractor and machinery safety training program for Minnesota youth. The amendment was adopted. The bill was approved and sent to the Finance Committee.

# Committee update

S.F. 1367, authored by Sen. Kevin Chandler (DFL-White Bear Lake), authorizes administrative penalty orders for violations of provisions relating to hazardous chemical reporting requirements. An administrative penalty order requires a violation of the federal act to be corrected and administratively assesses monetary penalties. The measure was approved and sent to the full Senate.

S.F. 1034, authored by Sen. Dennis Frederickson (IR-New Ulm), establishes a legislative task force on minerals to study issues relating to the environmentally sound development of the mineral industry. The bill was approved and sent to the Environment and Natural Resources Finance Division.

Committee members also spent considerable time debating a motion to send a bill making numerous changes in the 1991 Wetlands Act. S.F. 1363, sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls), alters the requirements to replace wetlands, adds exemptions and extends interim rules. Sen. Gene Merriam (DFL-Coon Rapids), moved that the bill be sent to a subcommittee for additional study. Proponents of the measure argued that the motion, if adopted, would delay the bill for the session. Merriam countered that there is still enough time to complete work on the bill. Merriam's motion prevailed and no other action was taken on the bill.

S.F. 1368, authored by Chandler, imposes a criminal penalty for willful violation of air pollution requirements and brings state law in compliance with the federal law relating to air pollution penalties. The bill specifies that fines are not to exceed \$10,000 per day, reduces certain violations from gross misdemeanor to misdemeanor penalties and reduces imprisonment guidelines from one-year to 90 days. The bill was approved and sent to the floor.

S.F. 1074, authored by Sen. Leonard Price (DFL-Woodbury), relates to the use and management of state-owned lands by the Department of Natural Resources (DNR). Price said the measure corrects boundary lines relating to state landholdings and authorizes the commissioner of natural resources to convey lands, as necessary, to correct legal descriptions of boundaries. Price said the bill also includes provisions for contract for deeds, appraisals, land exchanges and survey fees.

An amendment offered by Price, adds a "substantially equal value" provision for the exchange of state-lands. In determining values for exchange, "substantially equal value" applies to exchanged lands that are over 100 acres in size with values that differ by no more than 10 percent, or in other cases, the values of exchanged lands with values that do not differ by more than 20 percent. The amendment was adopted.

A second amendment, offered by Price, provides that donated aquatic management areas, less than ten acres in size, may be established to protect wetland areas.

Another amendment, offered by Price, requires that the commissioner may only sell or exchange wildlife management area lands that no longer meet designated wildlife management area criteria after a public hearing. Both amendments were adopted.

An amendment, offered by Sen. Harold "Skip" Finn (DFL-Cass Lake), allows the

commissioner to issue a permit, without fee, to allow a person who owns land adjacent to an established trail to continue subsurface use of the trail right-of-way under certain conditions. The amendment was adopted. The bill was approved and sent to the floor.

S.F. 975, authored by Sen. Sam Solon (DFL-Duluth), sets policy relating to aboveground storage tanks. The bill exempts limited capacity farm or residential tanks from notification requirements, environment protections, tank installer training and prescribed certification requirements. An amendment offered by Sen. Charles Berg (DFL-Chokio), exempts above-ground storage tanks, holding or storing heating oil with 1,100 gallons or less capacity if used for heating oil. The amendment was adopted. The bill was approved and sent to the floor.

S.F. 992, authored by Sen. Pat Pariseau, (IR-Farmington), eliminates the Pollution Control Agency Board and creates a technical advisory council. The bill was approved and re-referred to the Governmental Operations and Reform Committee.

S.F. 1245, authored by Chandler, establishes a framework for reduction of packaging waste by requiring reports and providing penalties. The bill outlines four basic goals in packaging reduction: regional consistency, preferred packaging guidelines, preferred reduction at the source, and flexibility. The bill was re-referred to the Environmental Protection Subcommittee.

S.F. 1115, authored by Berg, regulates various phases of aquatic farm operations, provides for quarantine facilities, establishes provisions for private, in-state fish hatcheries and sets restrictions, prohibitions and penalties. An amendment offered by Berg, includes a provision for aquaculture therapeutics and removes containment language relating to catfish or salmonids. The amendment was adopted.

A second amendment, offered by Sen. Steve Dille (IR-Dassel), establishes wetland replacement exemptions for excavation or drainage related to fish harvesting or promulgation; the repair or maintenance of existing drainage systems, culvert blockage or the maintenance of rights-of-way. The amendment was adopted. The bill was approved and re-referred to the Finance Committee.

S.F. 1099, authored by Sen. Steven Morse, (DFL-Dakota), authorizes Winona County to negotiate contracts for solid waste management facilities, programs and services. Morse said the measure allows counties to enter into contracts with or without advertisement for bids using a fair and open process. The bill was approved and sent to the floor.

## Dairy regulatory bill okayed

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l Falls), met Tues., Apr. 6, to hear several bills.

S.F. 730, authored by Sen. Dallas Sams (DFL-Staples), provides regulatory language for the Dairy Trade Practices Act, repeals previous over-order premium language, sets a minimum price support level for class I milk, establishes an assessment formula on dairy marketers and provides the commissioner with investigative powers.

Sams said the bill establishes administra-

tive and program enforcement fees, price schedules, methods of delivery and conditions of sale. In addition, the measure establishes an assessment at wholesale for the over-order premium milk price and requires that the minimum price for class I milk, purchased in Minnesota, be no less than \$13.20 per hundredweight.

The bill allows the commissioner to assess the dairy marketer who makes the first sale of selected dairy products at wholesale for ultimate retail sale in Minnesota. Under the bill, assessment for each hundred pounds of milk used in the manufacture of a dairy product is .02 cents for each cent the announced price per hundred pounds falls below \$13.20. The measure also includes a provision to prohibit the retail sale of a dairy product below invoice cost. The bill was approved, as amended, and was re-referred to the Finance Committee.

S.F. 708, authored by Sen. Steven Morse (DFL-Dakota), exempts non-profit organizations from the requirement to obtain a nursery stock dealer certificate. The measure allows non-profit, charitable, education or religious organizations to conduct sales of nursery stock up to 14 days per year, without a certificate, if proceeds from the sale are used for charitable, educational or religious purposes. The bill was approved and re-referred to the full Finance Committee.

S.F. 848, authored by Jerry Janezich (DFL-Chisholm), provides for mineral leasing, environmental research, protection and exploratory mineral borings for data and sampling. Janezich said the measure establishes regulatory guidelines and terms for mineral leasing and requires all mineral ore leases, that cover 160 or more acres, to be approved by the executive council.

The bill requires that commercial leases held for more than ten years, leases for removal of peat, or any lease for the removal of peat from tax-forfeited lands covering more than 320 acres, must also be approved by the executive council. Sen. Gene Merriam, (DFL-Coon Rapids), offered an amendment to delete language relating to oil and gas well rule and enforcement. The amendment was adopted. The bill was approved and re-referred to the Judiciary Committee.

S.F. 1466, authored by Sen. Janet Johnson (DFL-North Branch), releases reversionary interests of the state to Independent School District #911, Isanti County. Johnson said the measure corrects a land conveyance error requiring that a former conveyance of the property be for public school purposes only. Johnson said a court house was subsequently built on the conveyed property. The bill releases the state's reversionary interest and allows the conveyance for public purpose use. The bill was approved and placed on the Consent Calendar.

S.F. 866, authored by Sen. Harold "Skip" Finn, updates and increases the efficiency of timber sales statutes. Finn said the bill allows the commissioner to sell at public auction, timber which has been damaged by fire, windstorm, flood or other natural cause on notice that the commissioner considers reasonable when the salvage value of the timber is at high risk of loss.

The measure allows the commissioner to sell timber on any tract of state lands and raises the maximum lot appraised value of timber sold at auctions, from \$20,000 to



\$50,000. An amendment offered by Finn allows the commissioner to sell timber at intermediate auctions and raises the maximum lot appraised value from \$7,000 to \$15,000. Another amendment, offered by Finn, provides that the commissioner must ensure that the reappraisal of trust lands is in the best interests of the state and the trust. The amendments were adopted. The bill was approved and sent to the floor.

### **Waste management bill okayed**

Members of the Environment and Natural Resources Subcommittee on Environmental Protection, chaired by Sen. Kevin Chandler (DFL-White Bear Lake), met Mon., Apr. 5, and Tues., Apr. 6, to hear S.F. 271, a comprehensive waste management bill. The Monday hearing was devoted to an explanation of the bill. At the Tuesday hearing, numerous amendments were considered.

The measure, co-authored by Sen. Janet Johnson (DFL-North Branch), Sen. Gene Merriam (DFL-Coon Rapids), and Sen. Ted Mondale (DFL-St. Louis Park), refines the state-wide waste management policy.

Johnson explained that the measure encourages local government units to use purchasing techniques to reduce waste and to develop markets for recycled products. Specifically, the bill prohibits the burning or burial of harmful materials on farms; defines guidelines for package and hazardous product labeling; prohibits disposal of unprocessed mixed municipal solid waste and authorizes counties to count total waste reduction towards 1996 recycling goals.

Johnson said the bill directs local units of government to demonstrate a reduction of solid waste and establish separate accounts for revenue and spending related to waste management. The bill also requires commercial waste collectors or haulers to provide data and disclose the location of deposits.

The measure provides counties with additional authority to organize an optional waste collection system and expands the waste collection provision to include cities or towns with a population of 1,000 or more. The bill directs cities or towns with populations of 1,000 or more to develop at least four broad types of recyclable materials and includes a new recyclable category for glossy print magazines or publications. The measure establishes requirements for the labeling of specific household products and includes labeling provisions for recycled content on products or packaging.

The bill also requires reporting of tip fee schedules at all waste facilities that are publicly financed, directs electric utilities to encourage the use of fluorescent and high intensity lamps and to implement a collection system for lamps. Johnson said that the measure extends the solid waste field citation pilot program by one year and clarifies the effects of the repeal of the metropolitan landfill siting process. In addition, the measure prohibits used oil release on public waters or at wastewater treatment centers and prohibits fluorescent and high intensity discharge lamps from solid waste deposits.

Controversial portions of the bill include a provision prohibiting the burning of tires or plastics, or burial of hazardous household waste or batteries on a farm and a prohibition on mercury, appliances and fluorescent lamps from solid waste processing facilities. In addition, the measure prohibits a person

from delivering unprocessed mixed municipal solid waste to a defined substandard disposal facility.

A series of over 50 amendments were offered by committee members. One amendment to the bill, offered by Sen. Charles Berg (DFL-Chokio), removes all provisions pertaining to the hazardous household product labeling requirement. The amendment was adopted. After seven hours of discussion, the final version of the bill was approved and sent to the full Environment and Natural Resources Committee for further consideration.

## **Ethics and Campaign Reform**

### **Redistricting bill approved**

The Ethics and Campaign Reform Committee met Thurs., Apr. 1, to consider a bill that redraws the boundaries of Metropolitan Council Districts so that each district has substantially equal population. S.F. 1081, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), was approved and sent to the full Senate.

In addition, the committee considered a bill designating judicial seats by number or position, rather than by the name of the incumbent. S.F. 1202, authored by Sen. William Luther (DFL-Brooklyn Park) was also approved and sent to the Senate floor. The committee considered another Luther bill. S.F. 1349 prohibiting the use of lists of registered voters for jury selection was considered. The bill was laid over.

In final committee action, an amendment to the campaign finance reform bill, S.F. 25, sponsored by Committee Chair John Marty (DFL-Roseville), was adopted. The amendment, offered by Luther, amends the list of costs paid during a campaign by including costs for child care for the candidate's children when campaigning; fees paid to attend a campaign school; costs of a post-election party; interest on loans paid by a principal campaign committee on outstanding loans; filing fees; and post-general election thank-you notes or advertisements in the news media.

### **Campaign amendments adopted**

Members of the Ethics and Campaign Reform Committee devoted yet another meeting to consideration of three amendments to the campaign finance reform bill, sponsored by Committee Chair John Marty (DFL-Roseville). In order to align the language of the campaign finance bill with the appropriate House companion, Senators adopted an amendment to place the language approved thus far by the committee on S.F. 152, while retaining Marty as chief author.

The committee also adopted an amendment, offered by Sen. Lawrence Pogemiller (DFL-Mpls.), that provides for an additional payment to a candidate of a major political party who agrees to be bound by the limits and receives a public subsidy, who has an opponent who is a candidate of a major political party, who does not agree to be bound by the expenditure limits but is otherwise eligible to receive a public subsidy or is no longer bound by the limits. Under the bill, the payment is made by February 15 following the election and based on the final campaign finance report due Jan. 31.

The committee adopted another amend-

ment, sponsored by Sen. Douglas Johnson (DFL-Cook), that allows for special election subsidies to be paid in a lump sum.

## **Family Services**

### **Student exchange programs**

Members of the Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), met Thurs., Apr. 1, to take action on one bill.

Sen. Phil Riveness (DFL-Bloomington) presented S.F. 34, a bill that regulates student exchange programs and requires the secretary of state to adopt, by rule, standards for international student exchange visitor placement organizations. The committee recommended that the bill pass and re-referred it to the Governmental Operations and Reform Committee.

### **Child care funding discussed**

Waiting lists for the basic sliding fee child care program received the attention of the Family Services Committee Tues., Apr. 6. To address the shortage of funding that causes the waiting lists, Sen. Pat Piper (DFL-Austin), committee chair, presented S.F. 642.

Piper said the bill increases funding in order to serve 70 percent of the eligible children in the 1994-1995 biennium. The bill appropriates \$55 million for the program. The committee approved the bill and re-referred it to the Health Care and Family Services Funding Division.

Members also approved S.F. 761, authored by Sen. Linda Runbeck (IR-Circle Pines). Runbeck said the bill provides incentive payments to counties for licensing family day care providers. According to the bill, the commissioner of human services reimburses a county \$300 for each family day care license holder that a county recommends for relicensing in a timely manner, and \$500 for each initial family day care license application the county processes in a timely manner. The committee approved the bill and sent it to the Health Care and Family Services Funding Division.

In other committee business, members began work on S.F. 443, authored by Sen. Ember Reichgott (DFL-New Hope). Reichgott said that the bill establishes a human services enterprise zone demonstration project. The bill calls for the Northwest Hennepin Human Services Council (NWHHSC) to assess barriers to coordinating the delivery of housing assistance, health services, family services, and related human service assistance. The bill directs the NWHHSC to evaluate the enterprise zone and determine how it may be used as a model for a coordinated approach to the delivery of human services.

## **Governmental Operations and Reform**

### **Pension bills heard**

A number of pension bills were on the agenda of the Governmental Operations and Reform Committee at an evening hearing Thurs., Apr. 1. The committee, chaired by Sen. James Metzen (DFL-South St. Paul), advanced the measures to either the Senate floor or the Committee on Finance.

S.F. 833, authored by Sen. Randy Kelly



# Committee update

(DFL-St. Paul), provides that notwithstanding the one-year time limitation, a particular Ramsey County employee may make a lump sum payment, rather than salary deductions, to obtain service credit for periods of authorized leave of absence without pay. S.F. 825, authored by Metzen, permits a member to purchase prior service credit from the Minneapolis Employees Retirement Fund. S.F. 255, sponsored by Sen. Carl Kroening (DFL-Mpls.), provides continued coverage in the Minnesota State Retirement System for some employees at the University of Minnesota heating plant facilities whose employment transfers to an employer assuming operation of the facilities. The panel also approved an amendment providing for a study of benefit options for public employees who become nonpublic employees.

S.F. 1064, sponsored by Sen. Steven Morse (DFL-Dakota), provides for alternative retirement coverage for some state university and community college teachers. S.F. 937, authored by Sen. Phil Riveness (DFL-Bloomington), specifies the benefit computation members of the Bloomington Police Relief Association. S.F. 980, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), specifies exclusions from salary in computing Columbia Height Police Relief Association retirement benefits.

All of the above bills were advanced to the full Senate. The following bills were re-referred to the Committee on Finance.

S.F. 579, sponsored by Metzen, increases the pension benefit multiplier for the public employees police and fire fund. S.F. 1151, authored by Sen. Sandra Pappas (DFL-St. Paul), authorizes repayment of refund and payment of contributions by members and retirees of the St. Paul Supervisors' Organization and mandates a payment by the city of St. Paul. S.F. 545, sponsored by Morse, expands the coordinated plan survivor coverage benefits for certain public employees and teachers. S.F. 162, also carried by Morse, increases the individual retirement account plans employer contribution rate and permits certain persons to have employer contributions transferred from the Teachers Retirement Association to the individual retirement account plan. S.F. 817, authored by Morse, provides paid hospital, medical, and dental benefits as an incentive for early retirement by public employees meeting service and age eligibility requirements and works for an agency that will incur layoffs. The measure also authorizes school districts to levy the amount necessary to make employer contributions for retired teachers who take the early retirement incentive.

## School improvement grants

In addition to acting on the video lottery bill, members discussed several less controversial bills at the Fri., Apr. 2, hearing. Members recommended passage of S.F. 1272, authored by Sen. Jane Ranum (DFL-Mpls.). Ranum said the bill creates school improvement grants; requires financial training for school boards; changes training and experience revenue; creates cost-of-living revenue; and creates school restructuring pilots and teacher compensation task forces. The bill goes next to the Education Committee.

Sen. Steven Novak (DFL-New Brighton)

presented S.F. 920, the Petrofund bill. Novak said the bill provides for passive bioremediation; requires staff to pay uncontested reimbursement claims at the direction of the commissioner of commerce; establishes a standard schedule of prices to pay for certain cleanup services; provides for reviews; modifies reimbursements; modifies consultant and contractor registration requirements; and authorizes rule making. Members amended the bill to clarify its rulemaking authority. The committee approved the bill and re-referred it to the Environment and Natural Resources Committee.

Sen. Sandra Pappas (DFL-St. Paul) offered S.F. 1013, a bill that clarifies the duties and the powers of the Capitol Area Architectural and Planning Board. Pappas said the bill requires the board to provide testimony to the Legislature on the compatibility of proposals for capital improvements and memorials in the Capitol Area with the standards, policies, and objectives of the comprehensive plan. The committee adopted an amendment that clarifies what board actions are subject to the rulemaking process. Members adopted another amendment that makes clear that architectural competition is not required for the design of any light rail transit station and alignment within the Capitol Area. The committee recommended passage of the bill and sent it to the Senate floor.

The panel also considered specific provisions contained within S.F. 550, a bill regulating Eurasian wild pig production. The legislation requires the creation of a restricted species task force to conduct a study on raising restricted species in the state and to make recommendations concerning its economic viability, health threats posed by restricted species, the administrative impact on state departments, and any other factors related to the cost, benefits, and feasibility of permitting restricted species in the state, according to Sen. Steve Dille (IR-Dassel). The measure was approved and re-referred to the Finance Committee.

Lastly, members heard brief testimony on S.F. 1212, authored by Sen. Jim Vickerman (DFL-Tracy). The bill allows protective agents to control motor traffic on public streets, road and highways for the purpose of escorting an oversized load, parade, or similar procession in the place of a police officer when a special permit is required. The measure was laid over for further discussion.

## Rulemaking bill advances

Members of the Governmental Operations and Reform Committee met Fri., Apr. 2, for an evening hearing to clear their agenda before the first committee deadline. The panel, chaired by Sen. James Metzen (DFL-South St. Paul), approved a bill making numerous changes to the state's rulemaking process.

S.F. 1162, co-authored by Sen. Duane Benson (IR-Lanesboro) and Sen. John Hottinger (DFL-Mankato), changes the membership and duties of the Legislative Commission to Review Administrative Rules (LCRAR); transfers the rule review functions of the Office of the Attorney General to the Office of Administrative Hearings; requires bills that specify rule-

making to include "rule notes" similar to fiscal notes; and specifies that the governor must approve before an agency adopts a new rule. The measure changes the membership of the LCRAR by specifying that the chairs or vice-chairs of both the House and Senate Governmental Operations Committees be members of the commission. In addition, the bill requires that the "rule notes" include an explanation of the reasons for the grant of rulemaking authority, the persons or groups the rules would impact, the estimated cost of the rule for those persons or groups and the areas of controversy anticipated by the agency. Originally, the bill specified that an agency may not adopt the rule unless the governor approves it or fails to act within 30 days after receiving notice from the agency. However, an amendment, offered by Sen. Lawrence Pogemiller (DFL-Mpls.), provides that the agency may not adopt the rule unless the governor approves.

The bill also requires that an agency must adopt, amend, or repeal rules within 18 months of the effective date of the law authorizing or requiring the rules to be adopted, amended or repealed. The committee also adopted an amendment, offered by Sen. Linda Runbeck (IR-Circle Pines), requiring the attorney general to develop an education and training program to assist in advising agencies on rulemaking issues. Finally, the measure appropriates money to the LCRAR for a comprehensive report on rules. The bill was approved and re-referred to the Committee on Finance.

In other action, the panel advanced six additional bills. S.F. 1209, authored by Sen. Kevin Chandler (DFL-White Bear Lake), requires the Public Utilities Dept. to review its schedule of inspection fees at the end of each six months and, when the review indicates that fees should be adjusted, directs the commissioner to fix the fees by rule. S.F. 1209 was advanced to the full Senate.

S.F. 781, sponsored by Sen. Linda Berglin (DFL-Mpls.) changes requirements for specialized residential treatment services and creates a task force to study the establishment of an integrated adult mental health fund. The bill was approved and re-referred to the Committee on Finance. S.F. 1062, authored by Sen. Ted Mondale (DFL-St. Louis Park), establishes a metropolitan radio systems planning committee to study the current and future needs and capacities of radio systems in the Metro Area both by local governments and user groups, and prepare a detailed plan allowing for coordinated, efficient and cost-effective use of new 800 megahertz channels. The measure was approved and sent to the full Senate.

S.F. 1260, authored by Pogemiller, clarifies that the Local Government Pay Equity Act does not limit the ability of public employees to strike. S.F. 1260 was approved and sent to the Senate floor. S.F. 610, authored by Sen. Phil Riveness (DFL-Bloomington), adds the executive director of the Higher Education Coordinating Board to the Minnesota Job Skills Partnership. The measure was also advanced to the Senate floor.

S.F. 439, authored by Sen. Sam Solon (DFL-Duluth), establishes a Board of Invention to foster creative activity resulting in new and potentially useful and applied products or ideas of commercial or social merit. Committee members deleted an

appropriation contained in the measure and advanced the bill to the full Senate.

## Health Care

### COLA for direct care personnel

The evening portion of the Health Care Committee hearing Wed., Mar. 31, was devoted primarily to discussion of proposals providing salary increases for DAC, ICF/MR, SILS, residential programs, and waived services direct care employees. Several bills providing for salary increase for all but top management personnel were considered. Committee members heard from a number of witnesses who testified that the average wage for direct care personnel was about \$6.50 per hour and that there has been a wage freeze for the past two years. Witnesses said that even a small increase could cut down the high rate of staff turnover and lead to better client care. All of the proposals gained committee approval and were re-referred to the Health Care and Family Services Funding Division.

The following bills deal with the COLA for direct care personnel. S.F. 744, authored by Sen. Pat Piper (DFL-Austin), provides a four percent increase the first year and then annual increases tied to the Consumer Price Index (CPI) for personal care and home care attendants. S.F. 500, authored by Sen. Douglas Johnson (DFL-Cook), which also contains S.F. 882, authored by Sen. Jerry Janezich (DFL-Chisholm), provides for annual increases based on the CPI for day training and nonunionized ICF/MR personnel and increases based on inflation plus five percent for unionized ICF/MR employees. S.F. 223, authored by Sen. Don Samuelson (DFL-Brainerd) provides a 3.5 percent increase the first year and a 3 percent increase the second year for day training personnel. S.F. 1354, authored by Sen. Linda Berglin (DFL-Mpls.), provides an inflation adjustment plus five percent each year for employees of residential programs, SILS facilities, waived services and ICF/MRs. In addition, S.F. 1354 provides for a 1.5 percent increase for the 30 percent of the facilities with the lowest wages.

In other action, the panel, chaired by Berglin, endorsed several additional bills. S.F. 739, authored by Sen. Sam Solon (DFL-Duluth), exempts practitioners of veterinary medicine and their staff from conducting densitometry and sensitometry tests as part of required radiation quality assurance. The measure was amended to require veterinarians and their staff to wear film based radiation monitoring badges to monitor exposure to x-rays. The bill was sent to the full Senate. S.F. 356, sponsored by Sen. Jane Ranum (DFL-Mpls.), transfers responsibility for creation of a chemical health index model from the Dept. of Public Safety to the Dept. of Human Services. The measure was approved and sent to the floor. S.F. 782, carried by Berglin, adds nutritional supplement products to the products covered under Medical Assistance. Finally, the committee approved and re-referred to the Taxes and Tax Laws Committee the bill establishing a mechanism to fund compulsive gambling programs. S.F. 675, sponsored by Sen. John Marty (DFL-Roseville), provides for a compulsive gambling surtax and requests contributions from the Minnesota Indian Gaming Association.

### Physician advertising restricted

Several bills were considered at the meeting of the Health Care Committee, Thurs., Apr. 1. The committee, chaired by Sen. Linda Berglin (DFL-Mpls.), approved a measure that modifies the current prohibition on false advertising by physicians. S.F. 1113, sponsored by Sen. William Luther (DFL-Brooklyn Center) provides that a physician may advertise that the practice is limited to specific fields. In addition, the advertisement may state the physician is certified or eligible for certification by a public or private board or association only if the statement clearly specifies the certification specialty and the board or association meets listed requirements. The bill was sent to the Senate floor.

The committee also approved a bill amending rules related to registered nurses and licensed practical nurses. S.F. 991, authored by Sen. Deanna Weiner (DFL-Eagan), increases the membership of the Board of Nursing from 11 members to 16 members and addresses membership experience requirements and term restrictions. An amendment specifying the eligibility requirement for membership was adopted. The measure also changes examination requirements and reciprocity provisions. S.F. 991 also was sent to the full Senate.

S.F. 1207, sponsored by Sen. Steve Murphy (DFL-Red Wing), requires the commissioner of the Dept. of Human Services (DHS) to establish a pilot project to downsize, from eight beds to six, two existing intermediate care facilities for persons with mental retardation in Lake City and Wabasha. Murphy explained that the project must include development of alternative services and must adjust operating per diem rates as necessary to implement the project. The committee approved the measure and re-referred it to the Health Care and Family Services Funding Division.

S.F. 1324, providing for an exception in the group residential housing rate definition, was also approved. Berglin, bill author, said that currently, the definition of "group residential housing rate" does not include payments for foster care for children who are not blind, child welfare services, medical care, dental care, hospitalization, nursing care, drugs and medical supplies, program costs, or other social services. The bill strikes the exception to "other social services" and provides an exception for facilities licensed on Aug. 1, 1984, but funded as a group residence under General Assistance or MN supplemental aid. The bill goes next to the Senate floor.

The committee also approved S.F. 979, sponsored by Berglin. The bill establishes alternative care program pilot projects. Under the bill, the commissioner of the Dept. of Human Services is required, by Sept. 1, 1993, to select up to six pilot projects in which alternative care program funds are provided under a block grant. Berglin explained that the purpose of the project is to simplify program administration, increase service flexibility, and more clearly identify program outcomes. The term of the projects is from Jan. 1, 1994 to June 30, 1996. The committee re-referred S.F. 979 to the Health Care and Family Services Funding Division.

Sen. Sheila Kiscaden (IR-Rochester) presented S.F. 506 to the committee. The bill authorizes a pilot project to create

community-based short-term alternative services in Olmsted County for persons who might otherwise be admitted to a hospital. The committee approved the bill and re-referred it to the Health Care and Family Services Funding Division.

Finally, the committee considered a measure requiring the commissioner of DHS to establish a pilot project in Cottonwood County to downsize an existing 45-bed intermediate care facility for persons with mental retardation or related conditions to a 21-bed facility. S.F. 1416, sponsored by Sen. Jim Vickerman (DFL-Tracy), was approved and re-referred to the Health Care and Family Services Funding Division.

### Port-wine stain coverage debated

Medical developments have allowed physicians to re-evaluate the opportunity and necessity for treatment of port-wine stains. Dr. Michael Fasching, Oakdale Medical Center, told members of the Health Care Committee, Tues., Apr. 6. Members heard testimony from families and individuals about the effects of port-wine stains, a reddish purple superficial raised discoloration of the skin commonly occurring as a birthmark, and the denial of insurance coverage for the laser treatments. Testifiers stated that their insurance companies deemed the treatment "cosmetic," and not "life-threatening," therefore, denied coverage of laser treatment. Members considered S.F. 9, a bill, authored by Sen. Pat Piper (DFL-Austin), that requires all health plans to cover the elimination or maximum feasible treatment of port-wine stains for any covered Minnesota resident. Sen. Harold "Skip" Finn (DFL-Cass Lake) successfully amended the bill to prohibit rate increases due to coverage required by S.F. 9. The committee, chaired by Sen. Linda Berglin (DFL-Mpls.), approved the bill and sent it to the Senate floor.

The committee also considered a bill that allows intra-family sales of nursing facilities upon the death, disability, or retirement of the owner. S.F. 230, authored by Sen. Dean Johnson (IR-Willmar), provides that for nursing facility reimbursement purposes, the term "sale" includes the sale or transfer of a facility to a close relative. The measure was approved and re-referred to the Health and Human Services Finance Division.

Lastly, H.F. 362, sponsored by Sen. Don Samuelson (DFL-Brainerd), was considered. The bill requires the commissioner of the Dept. of Human Services to develop and implement a plan by 1995 to coordinate reviews, surveys, evaluations, and investigations conducted by the agencies. The purpose of the state coordinated plan is to reduce duplication and paperwork required by local agencies and providers. The committee approved the bill and sent it to the Health and Human Services Finance Division.

### Group residential housing

The Health Care Committee, chaired by Sen. Linda Berglin (DFL-Mpls.), met Wed., Apr. 7, to consider a bill that removes the funding, payment and eligibility provisions for persons in group residential housing from the General Assistance and Minnesota supplemental assistance programs. S.F. 398, sponsored by Sen. Joanne Benson (IR-St. Cloud), transfers the provisions to the group residential housing program established in statute. The bill develops a comprehensive

# Committee update

statewide system of rates and payments for persons in group residential housing. The panel adopted an amendment that allows county agencies to increase the overall rates for Minnesota supplemental assistance fund general assistance recipients residing in uncertified boarding care homes by 15 percent, capped by a figure equivalent to 65 percent of the medical assistance reimbursement for the nursing home resident. The bill was approved and re-referred to the Health Care and Family Services Funding Division for the appropriation provision.

The committee also approved a measure to require that one of the five registered nurses appointed to the Board of Nursing be practicing professional nursing in a nursing home at the time of appointment. S.F. 240, sponsored by Berglin, was approved by the committee and sent to the full Senate.

## Jobs, Energy and Community Development

### Budgets reviewed

Members of the Jobs, Energy and Community Development Funding Division met Wed., Mar. 31, to review the budget of the Dept. of Labor and Industry. The division, chaired by Sen. Carl Kroening (DFL-Mpls.), heard an overview of the department's functions and discussed the budget proposals. The department is charged with creating a fast, responsible and easy to use workers' compensation/safety system. The department strives to provide incentives that will encourage workers' fast, safe return to work, minimize disputes and reduce workplace accidents. In addition, the department is charged with developing a managed care system that ensures quality service and uniform standards being provided in a timely manner.

The panel also met Thurs., Apr. 1, to discuss the budgets of the Workers Compensation Court of Appeals and the Bureau of Mediation Services.

### Minn Project OutReach abolished

A bill eliminating the Minnesota Project Outreach Corporation and transferring its technology responsibilities to Minnesota Technology, Inc., was approved by the Jobs, Energy, and Community Development Committee, Thurs., April 1.

Sen. Steven Morse (DFL-Dakota), the bill's author, explained that the bill sets up an advisory committee to assist Minnesota Technology in selecting vendors and evaluating the corporation's activities. S.F. 1477 was approved and sent to the Senate.

Morse also gained approval for S.F. 1472, a bill allowing housing and redevelopment authority commissioners who are elected officials to receive a per diem for a particular day only if they do not receive any other daily payment for public service on that day. The measure was approved and sent to the full Senate.

S.F. 443, a bill proposing the creation of a pilot project for the coordination and delivery of social services in northwest Hennepin County, was also approved. Under the bill, money is to be funneled through the Housing Finance Agency commissioner as a grant to the Northwest Hennepin County Human Services Council for the pilot project. The project, which

will take place within a specific zone, is charged with developing methods of collaboration and more efficient methods of delivering housing, health, family and other social services. It is also responsible for exploring the possibility of waivers on regulations to enhance cooperation and efficiency, according to Sen. Ember Reichgott (DFL-New Hope), the bill's author. S.F. 443 was approved and re-referred to the Family Services Committee.

Sen. Dean Johnson (IR-Willmar), presented S.F. 1387, a bill modifying the definition of "dwelling" for smoke detective devices. Under the new definition, a dwelling includes any building, or any portion thereof, which is neither an apartment/lodging house, nor a hotel. The proposal deletes language in current law that applies only to those dwellings that were constructed after January 1, 1980 to make the law apply to all dwellings. The committee approved S.F. 1387 and advanced it to the full Senate.

In other committee action, members, chaired by Sen. Steven Novak (DFL-New Brighton), heard testimony on S.F. 338, a bill shifting the responsibilities of Opportunities Minnesota Inc. (OMNI), from the Department of Trade and Economic Development to an independent 14 member board. Opportunities Minnesota Inc. is renamed "Minnesota Business Finance Inc.," although its purpose remains the same, according to Sen. Janet Johnson (DFL-North Branch), the bill's author. The bill was approved and re-referred to the Governmental Operations and Reform Committee.

S.F. 1403, authored by Sen. Roy Terwilliger (IR-Edina), was considered. The bill expands the duties of the chair of the Public Utilities Commission. The chair has the authority to make portfolio assignments and monitor time and members' travel allocations under the measure. S.F. 1403 was re-referred to the Governmental Operations and Reform Committee without recommendation.

### Housing program gains

The number of persons utilizing transitional housing programs has increased 675 percent since 1985, said supporters of S.F. 514, a bill appropriating \$1.7 million to pay for the cost of operating transitional housing programs statewide. The bill was presented by Sen. Ellen Anderson at the Jobs, Energy, and Community Development Committee, Tues., April 6.

The bill's funding amount incorporates the \$840,000 biennial appropriation in the governor's budget devoted to the housing issue, and adds an additional \$880,000 for FY94-95. She explained that the program, administered by the Dept. of Jobs and Training through local community action programs, provides housing for homeless persons for a maximum of 2 years and requires clients to pay 25 percent of their income toward the housing. S.F. 514 was approved and re-referred to the Jobs, Energy, and Community Development Funding Division.

In other action, the committee, chaired by Sen. Steven Novak (DFL-New Brighton), considered a bill authored by Sen. Florian Chmielewski (DFL-Sturgeon Lake), which gives certain rights to employees and their bargaining agency in railroad

acquisitions or divestitures. Specifically, S.F. 645 requires that state officials meet with the accredited union representatives to discuss the impact of a divestiture or acquisition on employees. Furthermore, an acquiring carrier must give priority in hiring to any employee of the divesting carrier who may be affected, based on the employee's length of service. S.F. 645 was approved and advanced to the full Senate.

Finally, Sen. Steven Morse (DFL-Dakota) gained approval for legislation prohibiting the construction of a hydroelectric power-generating facility on the bluffs of the Mississippi, if the facility would pump the water from the river, store it on top of the bluff, and release it later for the generation of electricity. The bill, according to Morse, comes as a response to a recent proposal by the Southern Minnesota Municipal Power Agency to build a 500 megawatt pumped-hydrostorage facility near Lake City. S.F. 1138 was advanced to the full Senate.

### Stabilization program

A bill directing the Metropolitan Council to spend 25 percent of its 1995 budget on housing in the Metro Area was approved by the Jobs, Energy, and Community Development Committee, at their evening meeting, Thurs., April 1.

Sen. Lawrence Pogemiller (DFL-Mpls.), the bill's author, said the council is required to make grants or loans to cities in the Metro Area for the purpose of construction, acquisition, rehabilitation, demolition, or financing single- or multi-family housing. Grants or loans made available by the bill must be used for housing rented to or owned by persons with income less than or equal to 115 percent of the area median income as defined by federal law. S.F. 665 was re-referred to the Taxes and Tax Laws.

Sen. Ellen Anderson (DFL-St. Paul), presented S.F. 1087, a bill requiring the Public Utilities Commission, when reviewing a specific competitive rate proposal offered by a utility, to consider the environmental and socioeconomic impacts of the downward rate in order to determine if the rate is in the best interest of all other customers. S.F. 1087 was approved and advanced to the Senate.

The panel heard a number of additional bills, all of which were approved and re-referred to the Jobs, Energy, and Community Development Finance Division. First among the bills, S.F. 1182, authored by Sen. Florian Chmielewski (DFL-Sturgeon Lake), provides for major enhancement of the 911 emergency system statewide. The legislation provides that the remaining 40 Minnesota counties that do not currently have 911 enhancement must enhance their emergency systems by Dec. 31, 1996. Enhancement costs are funded by a monthly assessment increase, not to exceed 24 cents on local phone bills. The assessment is in addition to the existent monthly charge of 18 cents.

The committee, chaired by Sen. Steven Novak (DFL-New Brighton), then considered S.F. 1434, a bill providing that poison information services be available to the public through the 911 emergency service. Sen. Janet Johnson, the bill's author, said the cost of the service would be covered by 4 cents of the 911 assessment.

Johnson also presented S.F. 1423, a bill providing incentives for the production of

renewable energy production. The bill sets up an incentive payment system for operators of qualified renewable energy facilities based on the number of kilowatt hours of electricity generated through the use of solar, wind or biomass. The amount of electricity eligible for incentive payments, according to the bill, cannot exceed seven billion kilowatt hours in any year.

A third measure presented by Johnson prohibits the collection of charges for information services (services accessed by dialing a 1-900, 1-976, or 1-800 number) as if they were charges for telephone services. Johnson said the bill is in response to a recent phenomena in which children have gained access to sexually-orientated telephone services and, as a result, have incurred large telephone expenses.

The bill requires telephone companies and other bill agents to list the charges for information services separately from charges for local and long distance calls on each subscriber's billing statement. The telephone bill must also include language informing the consumer the right to dispute charges for information calls, unless the calls were made by a spouse.

In other action, the committee heard testimony on S.F. 1015, a bill attempting to reinvigorate the community development corporations (CDCs) and incorporating an appropriation of \$500,000. Sen. Randy Kelly (DFL-St. Paul), chief author, said the bill updates current law related to CDCs that has been on the books since the 1970s and tries to restimulate financial outreach via new state appropriations.

S.F. 1289, a measure extending a Greater Minnesota minority business development program to the two central cities and several inner-ring suburbs, was also considered. According to Sen. Carl Kroening, author of the bill, an "Urban Initiative Board" would investigate methods to develop technological and innovative industries, especially methods relating to economic diversification through minority business enterprises.

A third bill providing funding for business development was presented by Sen. Linda Runbeck (IR-Circle Pines). S.F. 537 provides for the designation of enterprise zones in the first class cities. Certain businesses within these zones are eligible for credits against their income taxes. Metzen gained approval for an amendment that adds the city of South St. Paul to the list of cities eligible for the enterprise zones.

Sen. Charles Berg (DFL-Chokio), sponsored S.F. 1396, providing funding to create a network to assist small manufacturers in the joint purchase of goods and services, in the production of new products, and to promote the use of quality management and quality assurance programs.

Finally, the committee also considered S.F. 1150, a bill permitting a study of the feasibility of establishing a uniform business identifier process. The study, which will be undertaken by the Dept. of Jobs and Training, is designed to streamline and simplify the "inordinate" amount of paperwork required by the state from businesses, said Sen. Arlene Lesewski (IR-Marshall), chief author.

## Judiciary

### Issuance of opinions okayed

The commissioner of administration has the authority to issue written non-binding

opinions, which must be given deference by a court, on any question relating to public access to or classification of government data, and on rights of subjects of data, according to a bill authored by Sen. Gene Merriam (DFL-Coon Rapids).

Merriam, presenting S.F. 248 at the Judiciary Committee meeting, Fri., April 2, explained that the provision does not apply to questions involving the exercise of a discretionary power granted by law to a responsible authority to withhold or grant access to government data in a manner different than the data's general statutory classification. State agencies would be given a reasonable opportunity to explain why the data is classified. Furthermore, formal opinions issued by the Attorney General's Office would take precedence over the commissioner's opinion. S.F. 248, which requires that a \$200 fee accompany an agency request for a written opinion, was approved and re-referred to the Finance Committee.

Merriam also gained approval for a bill regulating the use of consumer reports for employment purposes. S.F. 612 requires a person who obtains or causes to be prepared a consumer report for employment purposes to inform the subject of the report that the report may be made, and that the consumer may request additional information on the report. In the case of investigative reports, the consumer must be told that information on the consumer's character and reputation may be obtained from personal interviews. The bill also requires that a written application provided for employment purposes by an employer must include the disclosure. S.F. 612 was sent to the Senate floor.

In other action, members heard testimony on judiciary issues contained in a third bill presented by Merriam, S.F. 305, a measure providing teachers with criminal and civil immunity for the use of "reasonable force." The measure provides that in civil action for damages, a teacher may show that force used by the teacher was reasonable, was in the exercise of lawful authority, and was necessary under the circumstances to restrain the pupil. The committee decided to delete the entire section dealing with immunity from civil liability section, and the bill was re-referred to the Crime Prevention Committee.

S.F. 1275, presented by Sen. Ted Mondale (DFL-St. Louis Park), amends the Minnesota Environmental Response and Liability Act (MERLA), which establishes liability for persons responsible for a release or threatened release of a hazardous substance or pollutant or contaminant. The bill provides that an owner who is not responsible for a release, a person furnishing financing for response action or who acquires or develops the property, or a successor or assignee in not responsible for aggravating or contributing to a release for performing response actions required by an approved voluntary response action plan. Certain persons who are responsible for a release, but complete a response action, are also immune from liability. The measure also includes provisions on authority to issue "no-association determinations." S.F. 305 was approved and sent to the full Senate.

Sen. William Luther (DFL-Brooklyn Park) gained support for S.F. 1342, a bill that amends the definition of "closely held corporation" under the Business Corporation Act to provide that a determination of

whether a corporation does not have more than 35 share holders will be made by applying the attribution principles contained in the Internal Revenue Code. The bill goes next to the Senate floor.

Sen. John Hottinger (DFL-Mankato) presented S.F. 1075. Hottinger said the bill includes arbitration awards under the collateral source statute. Members recommended passage of the bill and sent it to the full Senate. Members also approved S.F. 1192. Sen. Randy Kelly (DFL-St. Paul), bill author, said the proposed legislation makes the housing calendar consolidation projects in the second and fourth judicial districts permanent law. Kelly said the bill also makes permanent the law requiring that fines collected for violations of building repair orders must be used for the housing calendar consolidation projects.

Reichgott offered S.F. 385, a bill that adopts the discovery rule for medical malpractice statutes of limitation. The committee amended the bill to provide for a five-year statute of limitations. Members recommended passage of the bill and sent it to the Senate floor.

### Innkeeper rights

Members of the Judiciary Committee, at their meeting Mon., Apr. 5, heard testimony on a bill expanding the rights of businesses engaged in the lodging/hotel industry. S.F. 403, sponsored by Sen. John Hottinger (DFL-Mankato) expands an innkeeper's right to eject guests who: refuse or are unable to pay for accommodations; act in an "obviously intoxicated or disorderly manner" while on the hotel premises; violate a hotel's rule that is "conspicuously" posted near the front desk; or, are believed, by the innkeeper, to be in possession of dangerous property.

The bill includes additional provisions holding the parent or guardian of a minor liable for any charges and/or damages the minor made to a hotel, including any loss of revenue sustained by an innkeeper. The committee, chaired by Sen. Ember Reichgott (DFL-New Hope), approved an amendment to the bill changing the penalty for negligently setting fire to any part of the hotel from a misdemeanor to a gross misdemeanor. S.F. 403 was approved as amended and re-referred to the Crime Prevention Committee.

The panel also heard a bill that provides greater protection to tenants with respect to written leases, mortgage foreclosures, condemnation orders, and lawful detainers. According to S.F. 415, authored by Sen. Ellen Anderson (DFL-St. Paul), an owner of a building unit with 12 or more rental units must give a tenant a copy of a written lease and cannot legally enforce the lease, except for nonpayment, property destruction, or violation of a drug policy, unless the tenant has received the lease before the violation. Regular and prospective tenants must also be given detailed information on notices of a mortgage foreclosure, contract for deed cancellation, code violations, condemnation orders or a repossession before signing a lease, or paying rent and security deposits.

The most controversial section of the bill is a provision prohibiting a tenant screening service from distributing tenant reports containing information on unlawful detainer actions unless the report accurately records the outcome. The measure was laid over for further consideration.



# Committee update

Lastly, members heard testimony on judiciary issues contained in S.F. 305, a bill providing teachers with criminal and civil immunity for the use of "reasonable force." The measure provides that in civil action for damages, a teacher may show that force used by the teacher was reasonable, was in the exercise of lawful authority, and was necessary under the circumstances to restrain the pupil. The committee decided to delete the entire section dealing with immunity from civil liability section, and the bill was re-referred to the Crime Prevention Committee.

## Metropolitan and Local Government

### Local and metro bills

Eight bills received approval from the Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), Thurs. Apr. 1.

Sen. Sam Solon (DFL-Duluth) presented S.F. 1336. Solon said the bill authorizes the establishment of a special service district in the city of Duluth; authorizes the provision of special services in the district; and provides for the levy and collection of special service charges. The committee approved the bill and re-referred it to the Taxes and Tax Laws Committee.

Sen. Jane Ranum (DFL-Mpls.) gained support for S.F. 1228, a bill that requires the Metropolitan Transit Commission to obtain consent to use parkways for regular route service. Members approved an amendment to the bill that specifies the make-up of the joint board from whom the transit commission must obtain consent. The bill goes next to the full Senate. S.F. 697, authored by Sen. Leonard Price (DFL-Woodbury), also received approval. Price said the bill requires criteria for water deficiency declarations; prohibits the use of groundwater for surface water level maintenance; requires contingency planning for water shortages; changes water appropriation permit requirements; and requires changes to the Metro Area water supply plan. Members sent the bill to the Senate floor.

Sen. Carol Flynn (DFL-Mpls.) presented two bills, both of which received approval. Flynn said S.F. 1454 provides for an Advisory Council on Metropolitan Governance to provide advice to the Legislature on the present and future role of the Metropolitan Council and other metropolitan agencies. Flynn sponsored an amendment to the bill that limits the amount of compensation that advisory board members may receive. The committee approved the bill and sent it to the full Senate. Flynn also gained support for S.F. 1127, a bill that makes changes to the Metro Area transit governance structure and the roles of the metropolitan agencies involved in transit. The bill goes next to the Senate floor.

Members also approved S.F. 1290, authored by Sen. Phil Riveness (DFL-Bloomington). The bill permits the cities of Bloomington, Edina, Richfield, Eden Prairie, and Minnetonka to establish a transportation demand management program. Members sent the bill to the full Senate. S.F. 1167, authored by Sen. Carl Kroening (DFL-Mpls.), also received approval. Kroening said the bill extends the

city of Minneapolis' authority to guarantee some small business loans. The proposed legislation now goes to the full Senate.

Finally, Sen. Steven Novak (DFL-New Brighton) offered S.F. 529, a bill that requires the Metropolitan Council to adopt rules allocating comprehensive choice housing among cities and towns in the Metro Area and to review cities' and towns' efforts to comply with the allocation. Members approved technical and clarifying amendments to the bill and sent it to the Taxes and Tax Laws Committee.

## Transportation and Public Transit

### Transportation funding

The Transportation and Public Transit Finance Division, chaired by Sen. Keith Langseth (DFL-Glyndon), met briefly Friday morning, Apr. 2, to consider an amendment to the county state aid bill.

The division approved an author's amendment to S.F. 795, sponsored by Sen. Paula Hanson (DFL-Ham Lake). Hansen said that the amendment deals with calculating the county's money needs by setting a levy on each rural and urban county's total taxable market value and subtracts the levy from the county's total estimated construction costs. The bill was laid over.

Members also considered a recommendation for the Finance Committee to include additional items, totaling \$27.8 million, in the Senate's capital budget bill for FY94-95. Appropriations addressed in the recommendation include \$20 million for completion of the Bloomington Ferry Bridge project, \$1.5 million for demonstration projects in Lake and St. Louis Counties and in Hibbing, and \$6 million for local bridge replacement and rehabilitation. No action was taken on the recommendation.

### Port development assistance

The Transportation and Public Transit Finance Division, chaired by Sen. Keith Langseth (DFL-Glyndon) met Tues., Apr. 6, to consider a bill that appropriates \$3 million from the general fund to the port development revolving fund for the port development assistance program established in 1991. S.F. 762, authored by Sen. Steven Morse (DFL-Dakota), was approved and re-referred to the full committee.

The division also considered a bill dealing with a comprehensive second-phase study of high-speed rail. S.F. 875, which appropriates \$500,000 for the purpose of the study, requires the commissioner of the Dept. of Transportation (Mn/DOT) to initiate a Phase-II feasibility study of high speed rail in Minnesota, Wisconsin and Illinois. The study would examine high speed rail along the souther corridor route identified in the preliminary study that has been completed. The commissioner must seek federal matching funds and contributions from non-public sources and may enter into contracts with Wisconsin and Illinois to finance and conduct the study. The bill, also sponsored by Morse, was laid over.

Next, Sen. Sheila Kiscaden (IR-Rochester) presented a bill that also requires a feasibility study. S.F. 1010 requires that Mn/DOT contract with the city of Roches-

ter to conduct a study to determine the feasibility of developing a just-in-time freight facility at the Rochester airport. The bill also requires a study of feasibility of high speed rail service between the Minneapolis-St. Paul International Airport and the Rochester airport. S.F. 1010 also appropriates amounts to commissioner for these studies. The bill, too, was laid over.

Finally, S.F. 1524 was considered. Sen. Paula Hanson, bill author, said that the bill authorizes Mn/DOT to establish highway work zone speed limits on interstate as well as trunk highways. The bill provides that a violator of the speed limit is assessed an additional charge equal to the amount of the speeding fine, or at least \$25. Under the bill, the surcharge is credited to a special account and appropriated for highway work zone safety and enforcement and public education on the issue. The bill was approved and sent to the full committee.

### Pedestrian right-of-way addressed

Pedestrian right-of-way in a crosswalk is the crux of a bill, offered by Sen. Richard Cohen (DFL-St. Paul), at the Transportation and Public Transit Committee, Tues., Apr. 6. H.F. 113 specifies that a pedestrian lawfully in a crosswalk with pedestrian control signals must be given the right-of-way by all vehicles. The bill clarifies the ambiguity of current law relating to the rights and responsibilities of pedestrians and motor vehicle operators. The committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), approved the bill and sent it to the Senate floor.

The committee also considered a bill relating to school bus endorsement for driver's licenses. H.F. 469, sponsored by Sen. Terry Johnston (IR-Prior Lake), provides that physical requirements to obtain a school bus endorsement for a driver's license are satisfied by possession of medical examiner's certificate required for commercial vehicle drivers. The bill was approved and sent to the Senate floor.

Next, the committee approved a bill that authorizes financial assistance from the town bridge account of 100 percent of the cost of the bridge approach work that exceeds \$10,000; and 100 percent of the cost of replacement of culverts when the cost does not exceed \$20,000 and the town board agrees to be responsible for all other costs. S.F. 773, authored by Sen. Dallas Sams (DFL-Staples), was approved and sent to the full Senate.

S.F. 76 was also considered. Sen. Sandra Pappas, bill author, said that the bill increases the fine for child passenger restraint system violations to \$50 but authorizes a fine reduction or waiver upon proof a system has been purchased.

Finally, the committee reviewed S.F. 1251. The funding bill, sponsored by Sen. Keith Langseth (DFL-Glyndon), assumes a gasoline tax increase from 20 to 25 cents beginning June 1, 1993 and an annual tax rate adjustment after Sept. 30, 1994. No action was taken on the bill.

### Service for hearing-impaired

The Minnesota Senate is continuing to offer TDD service for the hearing impaired. The telephone number for the TDD service is (612) 296-0250.



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# Floor action

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*Week of April 1-7*

## **Bills granted preliminary passage on the General Orders Calendar--April 1.**

S.F. 568-Solon: Authorizing dental plans to make investments in related fields in a manner similar to that authorized for HMOs.  
H.F. 233-Lesewski: Clarifying the circumstances under which the governor can employ the National Guard.  
S.F. 33-Pogemiller: Clarifying and expanding the scope of harassment and stalking crimes and increasing penalties.  
S.F. 5-Benson: Extending the permissible period for the open season on raccoon.  
S.F. 484-Lessard: Allowing residents under the age of 16 to take deer of either sex until Dec. 31, 1995.

## **Bills granted final passage on the Calendar--April 1.**

H.F. 203-Piper: Making various technical changes to laws governing the Board of Medical Practices and the licensing of physicians. 58-0  
H.F. 296-Chandler: Making a number of housekeeping changes to the laws governing the regulation of credit unions. 38-22

## **Conference committee reports adopted and repassed--April 1.**

H.F. 585-Spear: Prohibiting unfair discriminatory practices on the basis of sexual orientation. 37-30

## **Bills granted preliminary passage on General Orders--April 5.**

S.F. 270-Cohen: Changing the margin requiring an automatic recount from 200 votes or less to 100 votes or less.  
S.F. 431-Hottinger: Providing that government records may be stored on optical imaging systems and providing for availability of retrieval.  
S.F. 700-Price: Permitting two Class A horseracing licenses within the seven-county Metro Area and permitting the State Fair to apply for a pari-mutuel horse racing license.  
S.F. 250-Betzold: Clarifying the limits on service of charter commission members and clarifying procedures for charter amendments.  
H.F. 111-Vickerman: Designating the B.E. Grottum Memorial Highway in Jackson County and the Wally Nelson Highway.  
H.F. 399-Wiener: Regulating the notices for unclaimed property administered by the Dept. of Commerce.  
S.F. 174-Reichgott: Regulating the facsimile transmission of unsolicited advertising materials and providing penalties and remedies.  
S.F. 748-Betzold: Dept. of Human Services technical bill clarifying and correcting statutes relating to the department.  
S.F. 498-Murphy: Repealing the agriculture Hazardous Substance Labeling Act.  
S.F. 670-Novak: Extending authority for the Public Utilities Commission to approve incentive regulation plans for U.S. West for an additional year.  
S.F. 512-Novak: Providing for regulation of telecommunications carriers and limits discriminatory practices, services, rates and pricing.  
H.F. 254-Bertram: Providing for the place of residence of county commissioners after redistricting.  
S.F. 589-Kroening: Permitting the mayor of Minneapolis and the chair of Hennepin County Board to designate a representative to the St. Anthony Falls Heritage Board.  
S.F. 485-Neuville: Providing for the status of specific management positions serving at the pleasure of the Faribault City Council.  
S.F. 394-Solon: Permitting contracts between financial institutions to accept deposits and honor withdrawals similar to ATM arrangements.  
S.F. 663-Pogemiller: Providing a more efficient process for a filing officer to keep from a ballot a person who is a convicted felon, under guardianship or found incompetent.  
S.F. 582-Ranum: Extending the validity period for nonresident temporary vehicle permits from 21 to 31 days.  
S.F. 361-Murphy: Extending the existence of the Minnesota Advisory Council on Fire Protection Systems.  
S.F. 409-Pogemiller: Minneapolis Employees Retirement Funds housekeeping provisions.  
S.F. 629-Riveness: Permitting interest arbitration on retired public employee group insurance coverage for units of essential employees.  
S.F. 821-Merriam: Authorizing a county to transfer funds and to enter into contracts with community action agencies.  
S.F. 406-Solon: Authorizing a local unit of government which self-insures health benefits for employees to enroll employees of the exclusive representative of its employees in those plans at their own expense.  
H.F. 552-Spear: Modifying provisions for voluntary foreclosure of mortgages.  
S.F. 452-Betzold: Clarifying the time limitation for appeal under the Civil Commitment Act.

## **Bills granted final passage on the Calendar--April 5.**

S.F. 568-Solon: Regulating investments by nonprofit health service plan corporations. 61-0  
H.F. 233-Lesewski: Clarifying the use by the governor of the military forces. 61-0  
S.F. 33-Pogemiller: Clarifying and expanding the scope of harassment and stalking crimes and increasing penalties. 61-0  
S.F. 5-Benson, D.D.: Extending the permissible period for the open season on raccoon. 62-1  
S.F. 484-Lessard: Allowing residents under the age of 16 to take deer of either sex until Dec. 31, 1995. 62-1

## **Bills granted final passage on the Consent Calendar--April 5.**

S.F. 996-Lesewski: Correcting the name of the accountant's organization to the American Institute of Certified Public Accountants.  
S.F. 67-Ranum: Clarifying the application of the tolling provision in the law governing criminal statutes of limitations.

# Preview

## The Minnesota Senate Week at a Glance

### Monday, April 12

#### Education Funding Division

Chair: Sen. Lawrence Pogemiller  
9:30 a.m. Room 112 Capitol  
Agenda: Not available at press time.

#### Environment and Natural Resources Subcommittee on Environmental Protection

Chair: Sen. Kevin Chandler  
10 a.m. Room 107 Capitol  
Agenda: S.F. 1363-Stumpf: Amending requirements to mitigate wetlands. S.F. 1245-Chandler: Waste management; requiring reduction in packaging waste.

#### Agriculture and Rural Development

Chair: Sen. Joe Bertram, Sr.  
12 noon Room 107 Capitol  
Agenda: Discussion of agricultural property tax reform.

#### Commerce and Consumer Protection Committee

Chair: Sen. Sam Solon  
12 noon Room 112 Capitol  
Agenda: Not available at press time.

#### Judiciary Committee

Chair: Sen. Ember Reichgott  
12 noon Room 15 Capitol  
Agenda: S.F. 496-Betzold: Prohibiting restrictions on the right to provide licensed day care (if re-referred). S.F. 850-Hottinger: Return of patients to treatment centers. S.F. 288-Ranum: Expand definition of "neglect" to include failure to educate. S.F. 1097-Cohen: Prohibiting trustees from exercising certain powers. S.F. 480-Belanger: Requiring appointment of guardians and conservators for minors and incapacitated persons (if re-referred). Bills re-referred from other committees.

The Senate will meet at 1:30 p.m.

#### Crime Prevention Committee

Chair: Sen. Allan Spear  
2 p.m. Room 15 Capitol  
Agenda: S.F. 1503-Beckman: Budget bill. S.F. 190-Cohen: Data classification of BCA criminal records. S.F. 1028-Kelly: Cost of care reimbursement for juvenile placement. S.F. 1581-Kelly: Probation task force.

#### Jobs, Energy and Community Development Funding Division

Chair: Sen. Carl Kroening  
2 p.m. Room 112 Capitol  
Agenda: Public testimony regarding budget issues in the areas of in the area's under the committee's jurisdiction.

#### Metropolitan and Local Government Tax Division

Chair: Sen. Carol Flynn  
2 p.m. Room 107 Capitol  
Agenda: S.F. 1169-Mondale: Relating to public financing for cleanup of polluted lands and for manufacturing development; authorizing manufacturing tax increment financing districts. S.F. 771-Bertram: Changing formula for payments made to producers of ethanol. S.F. 1527-Hottinger: Extending the duration of a tax increment financing district in Mankato. S.F. 1284-Samuelson: Permitting a one percent local sales tax to fund construction of a city sewer system. S.F. 1294-Samuelson: Establishing a local government aid formula for cities with under 2,500 population. S.F. 1546-Chandler: Changing property tax classifications and class rates; modifying the property tax refund for homeowners and renters; restructuring state aids; changing the local government aid formula.

#### Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse  
6 p.m. Room 123 Capitol  
Agenda: Allocations.

#### Finance State Government Division

Chair: Sen. Richard Cohen  
6 - 10 p.m. Room 13 Capitol  
Agenda: Preliminary allocations. S.F. 212-Cohen: Funding for nonprofit arts.

#### Judiciary Subcommittee on Family Law

Chair: Sen. Don Betzold  
6:30 p.m. Room 107 Capitol  
Agenda: S.F. 1332-Spear: Foster care/adoption placement changes (if referred from Family Services Committee).

### Tuesday, April 13

#### Governmental Operations and Reform Committee

Chair: Sen. James Metzen  
8 a.m. Room 15 Capitol  
Agenda: S.F. 662-Pogemiller: Retirement; survivor benefits, Minneapolis police. S.F. 664-Pogemiller: PERA, MERF; retention of pension coverage for certain transferred employees. S.F. 685-Pogemiller: Minneapolis Fire Dept. Relief Association; service pension rates. S.F. 1279-Luther: Authorizing purchase of prior service credit in public employee police/fire fund. S.F. 338-Johnson, J.B.: Creating MN Business Finance, Inc. H.F. 86-Olson: Governor's residence council. S.F. 1076-Flynn: Legislative Commission on Employee Relations bill. S.F. 584-Johnson, J.B.: TACIP bill.

#### Transportation and Public Transit Committee

Chair: Sen. Florian Chmielewski  
8 a.m. Room 112 Capitol  
Agenda: S.F. 877-Krentz: St. Croix River bridge moratorium. S.F. 1524-Hanson: Highway work zone speed limit violations surcharge. S.F. 474-Pappas: Metropolitan Area transportation goals and plans modifications. S.F. 816-Chmielewski: Transportation and transit policy and funding. S.F. 1251-Langseth: Dept. of Transportation allocations; transportation and transit funding.

#### Education Funding Division

Chair: Sen. Lawrence Pogemiller  
10 a.m. Room 112 Capitol  
Agenda: Not available at press time.

#### Health Care Committee

Chair: Sen. Linda Berglin  
10 a.m. Room 15 Capitol  
Agenda: S.F. 1109-Benson, D.D.: MA/GAMC. S.F. 1277-Johnson, D.E.: Nursing homes, property, provider appeals ICFMR.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak  
10 a.m. Room 107 Capitol  
Agenda: Continuation of April 8th meeting. S.F. 1158-Novak: Workers' compensation modifying provision. S.F. 785-Chandler: Establishing rights and duties to union organizations. S.F. 891-Kroening: Arbitration.

#### Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse  
12 noon Room 123 Capitol  
Agenda: Not available at press time.

#### Ethics and Campaign Reform Committee

Chair: Sen. John Marty  
12 noon Room 107 Capitol  
Agenda: S.F. 152-Marty: Campaign finance reform.

#### Family Services Committee

Chair: Sen. Pat Piper  
12 noon Room 15 Capitol  
Agenda: Division reports. S.F. 1361-Ranum: Coordinated family initiative.

#### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard  
2 - 5 p.m. Room 107 Capitol  
Agenda: S.F. 1570-Morse: Omnibus environment and natural resources appropriations bill. S.F. 869-Lessard:

Wildfires in forest areas. S.F. 1102-Dille:  
Infectious waste. S.F. 878-Stumpf: Taking  
two deer in certain counties. S.F. 842-  
Merriam: Exempting certain lakeshore lots  
from sale requirements.

### **Jobs, Energy and Community Development Funding Division**

*Chair: Sen. Carl Kroening*  
2 p.m. Room 123 Capitol  
**Agenda:** Discussion of allocations.

### **Higher Education Division**

*Chair: Sen. LeRoy Stumpf*  
4 p.m. Room 123 Capitol  
**Agenda:** Not available at press time.

### **Taxes and Tax Laws Subcommittee on Income and Sales Tax**

*Chair: Sen. Ember Reichgott*  
4 p.m. Room 15 Capitol  
**Agenda:** S.F. 1040-Reichgott: Annual  
decad fee in lieu of sales tax on vending  
machines and amusement devices. S.F.  
1547-Lessard: Unfair cigarette sales act.  
S.F. 1316-Reichgott: Providing business  
tax incentives and simplified tax  
administrative procedures. S.F. 829-Sams:  
Exempting capital equipment from sales  
tax. S.F. 202-Belanger: State and local  
incentives for certified small businesses.

### **Transportation and Public Transit Finance Division**

*Chair: Sen. Keith Langseth*  
4 p.m. Room 125 Capitol  
**Agenda:** S.F. 811-Riveness: High speed  
bus. S.F. 1441-Pappas: Road  
reclassification in St. Paul.

### **Education Funding Division**

*Chair: Sen. Lawrence Pogemiller*  
6 p.m. Room 107 Capitol  
**Agenda:** S.F. 157-Pogemiller: Omnibus  
Education Mandate Repeal Act.

### **Environment and Natural Resources Subcommittee on Environmental Protection**

*Chair: Sen. Kevin Chandler*  
6 p.m. Room 112 Capitol  
**Agenda:** S.F. 1363-Stumpf: Amending  
requirements to mitigate wetlands. S.F.  
1245-Chandler: Requiring reduction in  
packaging waste.

### **Joint Senate and House Finance Subcommittee on Claims**

*Co-Chairs: Sen. Randy Kelly and Rep. Andy  
Steensma*  
6 p.m. Room 400 South SOB  
**Agenda:** Discussion of Dept. of  
Corrections regarding master key/lock  
problems, injury claims, and property  
claims.

### **Health Care Committee**

*Chair: Sen. Linda Berglin*  
6:30 p.m. Room 123 Capitol  
**Agenda:** S.F. 900-Berglin: MinnesotaCare.  
S.F. 117-Samuelson: Optometry bill.

### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*  
7 p.m. Room 15 Capitol  
**Agenda:** S.F. 1046-Pappas: Criminal  
penalty for interfering with access to  
medical facilities.

## **Wednesday, April 14**

### **Governmental Operations and Reform Committee**

*Chair: Sen. James Metzger*  
8 a.m. Room 15 Capitol  
**Agenda:** Not available at press time.

### **Transportation and Public Transit Committee**

*Chair: Sen. Florian Chmielewski*  
8 a.m. Room 112 Capitol  
**Agenda:** S.F. 95-Price: Personal  
transportation service definition  
modifications; commercial passenger  
carriers telephone caller identification  
service. S.F. 910-Metzen: Motor vehicle  
carriers regulation exemption expansion  
for tow trucks. S.F. 1441-Pappas: Ramsey  
County streets, highways and roads  
functional consolidation and funding. S.F.  
816-Chmielewski: Transportation transit  
policy and funding. S.F. 1251-Langseth:  
Dept. of Transportation allocations;  
transportation and transit funding.

### **Higher Education Division**

*Chair: Sen. LeRoy Stumpf*  
10 a.m. Room 112 Capitol  
**Agenda:** Not available at press time.

### **Health Care Committee**

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol  
**Agenda:** The following bills are regarding  
moratorium exceptions. S.F. 249-Betzold:  
Group residential housing. S.F. 540-  
Neuville: Group residential housing. S.F.  
747-Moe: Group residential housing. S.F.  
831-Sams: MinnesotaCare membership for  
regional coordinating boards. S.F. 1109-  
Benson, D.D.: MA/GAMC (DHS). S.F.  
1277-Johnson, D.E.: Nursing home  
property (DHS). S.F. 1299-Solon:  
Dentistry. Bills not completed may be  
taken up at 6:30 p.m. meeting.

### **Commerce and Consumer Protection Committee**

*Chair: Sen. Sam Solon*  
12 noon Room 112 Capitol  
**Agenda:** Not available at press time.

### **Jobs, Energy and Community Development Funding Division**

*Chair: Sen. Carl Kroening*  
12 noon Room 123 Capitol  
**Agenda:** Allocations.

### **Judiciary Committee**

*Chair: Sen. Ember Reichgott*  
12 noon Room 15 Capitol  
**Agenda:** S.F. 1036-Pappas: Prohibiting  
persons from interfering with access to  
medical facilities (if re-referred). S.F.  
1332-Spear: Foster care and adoption  
placement; Minority Heritage Act (if re-  
referred). Bills re-referred from other  
committees may be added.

### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*  
2 p.m. Room 15 Capitol  
**Agenda:** S.F. 360-Neuville: DWI ignition  
interlock pilot program. S.F. 694-Marty:

DWI preliminary screening test. S.F. 776-  
Spear: DWI child endangerment. S.F. 954-  
Neuville: DWI federal conformity. S.F.  
1038-Neuville: Juvenile DWI.

### **Metropolitan and Local Government Committee**

*Chair: Sen. Betty Adkins*  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 459-Janezich: St. Louis  
County; solid waste management. S.F.  
695-Marty: Long-term protection of  
agricultural land in the metropolitan area.  
S.F. 524-Flynn: Minneapolis residency  
requirement for School District No. 1,  
City Library Board, City Park and  
Recreation Board. S.F. 501-Janezich:  
Counties; combining the offices of auditor  
and treasurer.

### **Finance State Government Division**

*Chair: Sen. Richard Cohen*  
4 p.m. Room 318 Capitol  
**Agenda:** Preliminary allocations.

### **Health Care and Family Services Funding Division and Crime Prevention Finance Division**

*Co-Chairs: Sen. Don Samuelson and Sen.  
Tracy Beckman*  
4 p.m. Room 123 Capitol  
**Agenda:** Bonding proposals relating to  
Depts. of Corrections and Human  
Services.

### **Taxes and Tax Laws Subcommittee on Property Tax**

*Chair: Sen. Carol Flynn*  
4 - 7 p.m. Room 15 Capitol  
**Agenda:** S.F. 302-Pogemiller: Regulating  
the establishment and functions of special  
service districts. S.F. 640-Pappas: Allowing  
St. Paul to make special assessments  
against certain benefitted property. S.F.  
1336-Solon: Duluth; establishment of a  
special service district. S.F. 820-Pappas:  
Relating to tax increment financing;  
providing for manufacturing districts. S.F.  
711-Metzen: Relating to the city of Inver  
Grove Heights; authorizing the extension  
of a tax increment financing district. S.F.  
1111-Flynn: Relating to tax increment  
financing; exempting redevelopment  
districts from certain reductions in aid.  
S.F. 1159-Ranum: Expanding eminent  
domain powers for cities of the first class;  
clarifying tax increment and neighborhood  
revitalization expenditure limitations. Any  
additional bills dealing with tax increment  
financing referred to the Tax Committee.

### **Health Care Committee**

*Chair: Sen. Linda Berglin*  
6:30 p.m. Room 125 Capitol  
**Agenda:** Bills not heard from 10 a.m.  
agenda.

## **Thursday, April 15**

**The Senate will meet at 8:30 a.m.**

### **Education Funding Division**

*Chair: Sen. Lawrence Pogemiller*  
10 a.m. Room 112 Capitol  
**Agenda:** Not available at press time.

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### Health Care Committee

*Chair: Sen. Linda Berglin*  
10 a.m. Room 15 Capitol  
**Agenda:** S.F. 1187-Pogemiller: Clarify Uniform Anatomical Gift Act. S.F. 319-Vickerman: Clarify comprehensive health maintenance services. S.F. 699-Sams: Utilization review of health care and chiropractic. S.F. 832-Hottinger: Registering athletic trainers.

### Ethics and Campaign Reform Committee

*Chair: Sen. John Marty*  
12 noon Room 107 Capitol  
**Agenda:** S.F. 152-Marty: Campaign finance reform.

### Family Services Committee

*Chair: Sen. Pat Piper*  
12 noon Room 15 Capitol  
**Agenda:** Division reports.

### Crime Prevention Committee

*Chair: Sen. Allan Spear*  
2 p.m. Room 15 Capitol  
**Agenda:** S.F. 340-Vickerman: National Guard drug compact. S.F. 403-Hottinger: Eviction from public accommodations. S.F. 450-Runbeck: Welfare fraud. S.F. 581-Ranum: Rewards for crime information. S.F. 631-McGowan: Law enforcement exemption from ex-offender rehabilitation employment law. Continuation of DWI bills. Re-referrals from other committees.

### Metropolitan and Local Government Committee

*Chair: Sen. Betty Adkins*  
2 p.m. Room 107 Capitol  
**Agenda:** Bills that pass out of Metropolitan and Local Government Tax Division Mon., Apr. 12.

### Higher Education Division

*Chair: Sen. LeRoy Stumpf*  
4 p.m. Room 123 Capitol  
**Agenda:** Not available at press time.

### Finance State Government Division

*Chair: Sen. Richard Cohen*  
4 p.m. Room 318 Capitol  
**Agenda:** Allocations (if needed).

### Education Funding Division

*Chair: Sen. Lawrence Pogemiller*  
6 p.m. Room 112 Capitol  
**Agenda:** Not available at press time.

## Friday, April 16

### Governmental Operations and Reform Committee

*Chair: Sen. James Metzen*  
8 a.m. Room 15 Capitol  
**Agenda:** Not available at press time.

### Education Funding Division

*Chair: Sen. Lawrence Pogemiller*  
10 a.m. Room 112 Capitol  
**Agenda:** Not available at press time.

### Environment and Natural Resources Committee

*Chair: Sen. Bob Lessard*  
10 a.m. - 10 p.m. Room 107 Capitol  
**Agenda:** S.F. 271-Johnson, J.B.: Waste Management Act amendments. S.F. 1363-Stumpf: Amending requirements to mitigate wetlands. S.F. 669-Berg: Omnibus fish and game bill. S.F. 944-Laidig: Sale of licenses through subagents. S.F. 1263-Bertram: Clarifying use for certain organisms. S.F. 1208-Price: Limiting number of large pike taken. S.F. 870-Lessard: Commissioner of Revenue to account for revenue from sales tax on solid waste collection services.

### Transportation and Public Transit Finance Division

*Chair: Sen. Keith Langseth*  
If agenda from previous meetings is not finished, a meeting of the division will be announced for Friday, April 16.

### Information Office services

The Senate Information Office and the Office of the Secretary of the Senate are located in Room 231 of the Capitol. These offices distribute all public materials and handle inquiries about Senate committee meetings, Senate districts, Senate telephone numbers, bill reference numbers and status, and bill sponsorship.

Interested citizens may also request copies of bills or ask to be put on the mailing list for Senate publications. If you want to know the name of your Senator or have any other questions concerning the Minnesota Senate, call 296-0504. Senate staff members are available to answer general questions about the Senate and the legislative process.

As the second committee deadline approaches committee schedules become increasingly fluid. For daily updates on committee meetings, call the Senate Hotline at 296-8088. For even more complete updates call the Senate Information Office at 296-0504

### Television coverage

Senate Media Services plans to provide live gavel-to-gavel television coverage of committee hearings from 8 a.m. until 5 p.m. weekdays. The hearings will run on Channel 6 the Metro Cable Network. In addition, Media Services will continue to broadcast gavel-to-gavel coverage of Senate floor sessions on Channel 6 the Metro Cable Network.

Also, watch for Senate Report, a weekly public affairs program, featuring lawmakers from specific regions around the state reviewing legislative issues from a regional perspective. Senate Report is broadcast on PBS stations as well as Channel 6 the Metro Cable Network.

Senate Media Services also produces a live call-in show--Capitol Call-In. The show features various Senators speaking on timely issues. Viewers are invited to call in and speak directly with Senators regarding the issues. Capitol Call-In is on Friday afternoons at 3 p.m.

# Briefly

The Minnesota Senate Week in Review

April 16, 1993

## Pace intensifies

The pace of legislative activity reached a crescendo this week as Senators endeavored to shepherd bills through policy committees in advance of the Fri., Apr. 16 deadline. The deadline means that bills originating in the other body must be heard by Senate policy committees in order to remain viable. In addition, the various finance divisions began assembling the eight major funding bills.

As a result of the frenetic committee activity, Senators met for extremely brief floor sessions during the week. The Mon., Apr. 12, and Wed., Apr. 14, sessions were held in order to process committee reports and work at the Senate Desk. The brief sessions facilitate the movement of bills from one committee to another in order to process bills before the deadline.

Senators did devote some time Thurs., Apr. 15, to processing bills on the Calendar, the Consent Calendar and the General Orders Calendar. See page 15 for a listing of action taken on individual bills.

## Major funding bills advance

Two of the eight major funding bills cleared the Finance Committee at an evening hearing Wed., Apr. 14. The committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), approved both the omnibus transportation and transit funding bill, S.F. 1251, and the omnibus higher education funding bill, S.F. 1407.

The transportation bill, presented by Sen. Keith Langseth (DFL-Glyndon), appropriates a total of \$2.582 billion for transportation and transit for the biennium. The total figure includes appropriations from all funding sources. The bill also imposes a five cent gasoline tax and indexes the gasoline tax according to a formula based on the consumer price index and the amount of fuel sold. The measure also increases the Minnesota Motor Vehicle Excise Tax (MVET) by one half of one percent to provide additional funding for transit programs. Finally, the bill revises the formula for distributing county state aid funds to counties.

According to Langseth, the bill strives to achieve a balance among the many serious competing highway and transit needs in the state. Rider language in the bill specifies that any decrease in transit funding will result in a corresponding decrease in the gasoline tax, he said. In addition, Langseth said that the increases in revenue "just keep us even" in meeting current needs.

Sen. Dean Johnson (IR-Willmar) attempted to amend the measure by deleting the increase in the MVET. Johnson argued that the tax, which is really a sales tax on

new motor vehicles, would harm new car sales in Minnesota. Langseth countered successfully, that the increased revenue is necessary to meet serious transit needs throughout the state. The amendment was defeated. Sen. Terry Johnston (IR-Prior Lake) attempted to delete the new county state aid formula, but that amendment was also defeated. The bill was approved and referred to the Committee on Taxes and Tax Laws.

The higher education funding bill, presented by Sen. LeRoy Stumpf (DFL-Thief River Falls), appropriates money to all the higher education systems and to the Higher Education Coordinating Board (HECB). Under the bill, a total of \$2.027 billion is appropriated from all funding sources. The bill provides \$250.9 million for the HECB; \$331 million for the technical college system; \$195.4 million for the community colleges; \$349.2 million for the state university system; \$892.3 million for the University of Minnesota; \$1.6 million for the Mayo Medical Foundation and \$2.057 million for the Higher Education Board. The measure was approved and sent to the full Senate.

Earlier, the committee also approved H.F. 661, the milk price support bill. The measure, sponsored by Sen. Dallas Sams (DFL-Staples), modifies the minimum price controls for dairy retailers and restructures the over-order premium for dairy producers. The bill was sent to the Senate floor.

## DWI package; budget bill okayed

The Crime Prevention Committee devoted the Wed., Apr. 14, hearing to assembling an omnibus DWI bill and considering amendments to the budget bill developed by the Crime Prevention Finance Division.

The committee, chaired by Sen. Allan Spear (DFL-Mpls.), began by considering a bill that allows results of a preliminary screening test to be used in actions for driver's license reinstatement. The measure, S.F. 694, also clarifies administrative revocation penalties. S.F. 694, authored by Sen. John Marty (DFL-Roseville), became the vehicle for the omnibus measure. The contents of several other bills were debated, approved and amended into the provisions of the measure.

One amendment contains provisions of S.F. 776, authored by Spear. The amendment specifies a gross misdemeanor penalty for a person who violates the DWI laws with a child under the age of 16 in the car if the child is more than three years younger than the driver. The amendment also specifies that license plates are to be impounded sooner for repeat offenders

convicted of violating the DWI-child endangerment provision than for other repeat offenders.

Several bills authored by Sen. Thomas Neuville (IR-Northfield) were also incorporated into the omnibus bill. S.F. 360 provides for the pilot program for the use of ignition interlock device to continue until Dec. 31, 1995. S.F. 954 increases the driver's license revocation periods and restricts the issuance of limited licenses to persons convicted of DWI to comply with federal standards. In addition, the measure changes references in the law to the blood "alcohol concentration of 0.10" to "per se level." S.F. 1038 establishes a misdemeanor offense for persons between the ages of 18 and 21 with an alcohol concentration greater than 0.02 percent to operate a motor vehicle. The measure, known as the "not a drop" bill, was also included in the omnibus bill. The measure was approved and sent to the full Senate.

Committee members then turned their attention to the funding bill developed by the Crime Prevention Finance Division. The division, chaired by Sen. Tracy Beckman (DFL-Bricelyn), contains funding for state agencies dealing with crime prevention and corrections. S.F. 1503 appropriates a total of \$503.285 million for the biennium. Under the measure, \$397.4 million is earmarked for the Dept. of Corrections; \$888,000 is appropriated for the Ombudsman for Corrections; \$653,000 is appropriated for the Sentencing Guidelines Commission; \$51.476 million is designated for the Board of Public Defense; \$3.9 million is appropriated for the Lawful Gambling Control Board; \$126,000 is designated for the Board of Private Detectives; \$666,000 is appropriated for the Racing Commission and \$48.065 million is appropriated for the Dept. of Public Safety. The measure was approved and advanced to the Finance Committee.

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# Committee update

## Agriculture and Rural Development

### Commodities bill heard

Members of the Agriculture and Rural Development Committee, chaired by Sen. Joe Bertram Sr., (DFL-Paynesville), met Wed., Apr. 7, to hear S.F. 1501, modifying the Agricultural Commodities Promotion Act.

S.F. 1501, authored by Sen. LeRoy Stumpf, (DFL-Thief River Falls), authorizes the imposition of the check-off fee on a first purchaser of wheat and barley in Minnesota, regardless of the origin of wheat or barley.

Stumpf said the measure expands the definition of agricultural commodities to include products grown, raised, or produced outside of Minnesota for use as food, feed, seed or any industrial or chemurgic purpose. The bill defines first purchaser of wheat and barley within Minnesota and expands the definition of producer to include persons outside of Minnesota.

The measure requires a one cent check-off fee for wheat and barley to be deducted at the time of sale by the first purchaser in Minnesota, and adds wheat and barley producers to the list of those producers that do not qualify for a full or partial refund on check off fees. An amendment to the bill, offered by Stumpf, specifies that barley or wheat producers outside of the continental U.S. are not to receive a refund or check-off fee. The amendment was adopted. The bill was approved and re-referred to the Environment and Natural Resources Finance Division.

S.F. 894, authored by Sen. Dan Stevens (IR-Mora), imposes licensing requirements for general merchandise storage at warehouse facilities and changes established bond claim procedures. The bill defines household goods, changes the bond claim process, permits the filing of acceptable security in lieu of a bond and allows bonds to be continuous while incorporating a 90-day written notice of termination by a surety for bond cancellation.

The measure requires the commissioner to conduct a study of the existing bonding structures in consultation with the warehousing industry and to adopt uniform rules and criteria for bonding.

Sen. Steven Morse (DFL-Dakota), offered an amendment to remove language specifying household goods and include a special handling provision. The amendment was adopted. Another amendment, offered by Sen. Steve Dille (IR-Dassel), changes a provision directing the commissioner to conduct a study of bond structures and the requirement to adopt new rules by Apr. 1, 1994. Dille suggested that the commissioner submit recommendations based on the proposed bonding structure study and report findings to the legislature by February, 1994. The amendment was adopted. The bill was approved and sent to the floor.

### Llama, ostrich bill okayed

Members of the Agricultural and Rural Development Committee, chaired by Sen. Joe Bertram Sr., (DFL-Paynesville), met Wed., Apr. 14, to hear S.F. 1178 and S.F.

1211, declaring llamas and ostriches (ratitae) to be livestock under Dept. of Agriculture authority.

S.F. 1178, authored by Sen. Jim Vickerman (DFL-Tracy), relating to llamas and S.F. 1211, authored by Pat Pariseau (IR-Farmington) relating to ostrich (ratitae), makes the raising of llamas and ratitae agricultural pursuits, subject to Dept. of Agriculture standards and requirements for meat inspection, livestock marketing, packers, stockyards and to the board of animal health. Vickerman offered an amendment to combine the two bills by adding the language of S.F. 1211, relating to ratitae to the language of S.F. 1178. The amendment was adopted. The bill was approved and sent to the floor.

## Commerce and Consumer Protection

### Insurance solvency addressed

The Commerce and Consumer Protection Committee met Mon., Apr. 12, to consider two bills. The first, S.F. 1446, sponsored by Sen. William Luther (DFL-Brooklyn Park), makes many technical changes in the 1991 Insurance Solvency Act. The bill also makes numerous changes in the regulation of the formation and operation of risk retention groups -- groups of non-insurance companies that jointly self-insure for liability coverage. Among the areas addressed in the bill are annual statement filing requirements; NAIC conformance requirements; and payment of premium taxes. S.F. 1446 was approved and sent to the Senate floor.

The committee, chaired by Sen. Sam Solon (DFL-Duluth), also heard S.F. 1135, repealing and replacing the law concerning the Minnesota Life and Health Guaranty Association. The bill addresses, as does the current law, pending and future insolvencies of insurance companies. Luther, the bill's author, said that although the current law is strong, litigation and commissioner's rulings have arisen from it. Luther said the new bill is experience-based.

The measure provides for the association to pay a maximum of \$300,000 in life insurance death benefits for policies on one life by the same insurer; up to \$100,000 in net cash surrender and net cash withdrawal values for life insurance; \$100,000 in health insurance benefits; or \$100,000 in the present value of annuity benefits. A \$10 million cap on benefits to all Minnesota residents covered by a plan was lowered when the panel adopted an amendment offered by Sen. Edward Oliver (IR-Deephaven). The new cap is \$5 million.

Under the measure, protection is available only to residents, with exemptions for certain non-residents. The bill also excludes some types of contracts from coverage under the proposed law; requires the association to establish two accounts for administration and assessment: one for life insurance and annuities and one for health insurance. Under current law, there are three accounts: the health insurance account, the life insurance account, and the annuity account. S.F. 1135 was laid over.

### Tanning bill advances

A bill regulating tanning facilities received the approval of the Commerce and Consumer Protection Committee at a Tues., Apr. 13, meeting. S.F. 751, sponsored by Sen. Sandra Pappas (DFL-St. Paul), requires tanning facilities to provide protective goggles to each customer and to post a sign warning of the dangers of ultraviolet radiation. In addition, the measure requires owners or operators of tanning facilities to provide customers under 18 a copy of a warning that must be signed, witnessed and dated and to maintain detailed records of each consumer's tanning visits. Further, in the case of customers under 18, the customer's parent must sign and date the warning statement before the initial exposure. Under the bill, noncompliance with these provisions is a petty misdemeanor. After hearing testimony and discussion, the committee, chaired by Sen. Sam Solon (DFL-Duluth), approved the bill and sent it to the full Senate.

H.F. 1039, sponsored by Sen. Joe Bertram, Jr. (DFL-Paynesville), prohibits statutory or home rule charter cities of towns from requiring a license or bond for a person already licensed as an auctioneer and bonded by a county. The committee approved an amendment excluding first class cities and Metropolitan Area cities and townships from the prohibition. The bill was approved and recommended for the Consent Calendar.

H.F. 1100, sponsored by Sen. Deanna Wiener (DFL-Eagan), makes clarifications in health coverage reinsurance association regulations. The purpose of the bill, according to Wiener, is to make sure that insurance can be written for high risk groups. The bill was approved and recommended for the Consent Calendar.

S.F. 1528, sponsored by Sen. William Luther (DFL-Brooklyn Park), makes changes in the state's medicare supplement laws in order to conform with federal regulations. Among the bill's provisions are a prohibition against exclusions that are more restrictive than Medicare; a requirement that insurers send copies of advertising used in the state if the commissioner's approval is required; and a requirement that the type of plan (basic or extended basic) be shown on the policy's cover page. The committee approved S.F. 1528 and sent it to the floor.

Last, the committee considered S.F. 1232, memorializing Congress to withdraw the North American Free Trade Agreement (NAFTA) from the fast track congressional process, to consider the effects of NAFTA on state sovereignty, pre-emption of state legislation, on wages, labor, the economy, and the environment. Luther said there are many potential impacts of NAFTA, including restriction of states' ability to establish food safety and environmental standards, and preemption of Minnesota's wage, child labor, buy-American and buy-Minnesotan laws. The purpose of the bill is to communicate these potential problems to Minnesota's congressional delegation, Luther said. After hearing testimony on the bill, the committee approved S.F. 1232 and sent it to the full Senate.

## MCHA reforms okayed

The Commerce and Consumer Protection Committee met Weds., Apr. 14, to consider three bills.

S.F. 1226, sponsored by Sen. Leonard Price (DFL-Woodbury), changes the way premiums are calculated for the Minnesota Comprehensive Health Association (MCHA), the risk pool that provides health insurance for Minnesotans who cannot otherwise obtain coverage. The bill calls for a tax on tobacco to reduce MCHA's deficit, which now stands at \$50 million. The amount of the tax has not been determined. The bill was approved and sent to the Taxes and Tax Laws Committee.

S.F. 1597, sponsored by Sen. Deanna Wiener (DFL-Eagan), adds to the list of prohibited practices by collections agencies. The bill also requires a credit services organization to submit to the commissioner of commerce an annual surety bond of \$10,000. The committee, chaired by Sen. Sam Solon (DFL-Duluth), approved the bill and sent it to the full Senate.

H.F. 1063, also sponsored by Wiener, changes the date for submitting applications for the renewal of annual licenses for the operation of currency exchanges from Dec. 1 to Sept. 1. The committee approved an author's amendment that makes changes in the regulation of notary public commissions. The amendment provides that all notary commissions will expire on Jan. 31, 1995, and that all subsequently-issued commissions will expire every fifth year on Jan. 31. The bill was approved and sent to the full Senate.

## Crime Prevention

### LSD penalties strengthened

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), met Wed., Apr. 7, to consider two bills increasing the penalties for the sale or possession of lysergic acid diethylamide (LSD). S.F. 195, sponsored by Sen. Pat Pariseau (R-Farmington) and S.F. 244, authored by Sen. Steve Murphy (DFL-Red Wing), contain the same measures and were considered together. Under the bills, S.F. 195 and S.F. 244, a second-degree controlled substance crime with a possible 25-year sentence applies only in school zones, park zones, and public housing zones, for sale of amounts under ten grams. A penalty of a third-degree controlled substance crime with a 20-year felony charge applies for possession of 10 or more dosage units of LSD in the specified zones. The bill was approved and sent to the Senate floor.

The committee spent the balance of the meeting debating S.F. 888, a bill that provides for forfeiture of motor vehicles used to commit prostitution violations. Supporters stated that passage of the bill, sponsored by Sen. Sandra Pappas (DFL-St. Paul), would help curb the prostitution and solicitation for prostitution in their neighborhoods. Under the bill, home rule charter and statutory cities may adopt ordinances providing for forfeiture of motor vehicles used in committing or facilitating a prostitution violation. Forfeiture occurs by local ordinance only if the offense is established through proof of a criminal conviction,

Pappas said. In addition, ordinances must provide that a vehicle is seized before a judicial forfeiture order has been issued, and a hearing must be held within 96 hours before a judge. The bill was laid over to be taken up at the evening meeting.

### Vehicle seizure okayed

The Crime Prevention Committee reconvened Wed. evening, Apr. 7, to continue consideration of S.F. 888, a bill attempting to curb prostitution and solicitation for prostitution, and take action on several other bills. All approved bills are to be incorporated in the omnibus street crime bill.

An amendment to S.F. 888, introduced by Sen. Sandra Pappas (DFL-St. Paul), bill sponsor, provides that if the defendant is found not guilty or prostitution charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle. In addition, Sen. Gene Merriam (DFL-Coon Rapids) successfully amended the bill to require the city to submit a report, to be forwarded to the Legislature and to the Bureau of Criminal Apprehension describing the use of the ordinance and the number of vehicles seized and forfeited during the last 12 months. The committee, chaired by Sen. Allan Spear (DFL-Mpls.), approved S.F. 888 as amended.

The committee also considered a bill that provides for life imprisonment without parole for first-degree murder of a peace officer or correctional facility guard. S.F. 392, offered by Sen. Phil Riveness (DFL-Bloomington), was approved.

S.F. 305, sponsored by Merriam, was also approved. The bill provides for immunity from civil liability for teachers who use reasonable force necessary to prevent bodily harm to another. In addition, the bill creates a felony penalty for possessing, storing, or keeping dangerous weapons on school property. The penalty is a maximum of two years imprisonment and a maximum fine of \$5,000.

In addition, S.F. 1176 was approved. The bill, sponsored by Sen. John Hottinger (DFL-Mankato), establishes a scheme of penalties for persons trespassing on school property. Under the bill, a person who is not a student, officer, or employee of a public school and does not have legitimate business on school premises is guilty of a misdemeanor for entering or remaining on school property. In addition, the measure applies to persons who are not a custodial parent or guardian of a student, and a student currently under suspension or expulsion. A gross misdemeanor penalty is imposed upon the person who enters or remains on school property after appropriate officials have directed the person to leave or not to enter the property, said Hottinger. The bill also authorizes a school's chief administrative officer, or designee, to take a person into custody for trespassing on school property.

Next, the committee considered S.F. 637. Merriam, bill author, said that the bill deals with bicycle safety and subpoena power of county attorneys. First, the measure allows a bicycle, operated at night, to be equipped

with a rear lamp that emits a red flashing signal. In addition, the bill provides that pawn shops and self-service storage facilities are included in the list of companies over which a county attorney has administrative subpoena power. Lastly, the bill allows for an extension of probation to collect unpaid fines. Current law pertains only to unpaid restitution, Merriam said. The bill was amended by Merriam who deleted sections relating to the disbursement of inmate prison wages and warrantless arrests by a peace officer. The bill was approved as amended.

Members also approved S.F. 1024, authored by Spear. Spear said the bill requires all persons to provide a biological specimen for DNA analysis if they are convicted of a felony offense "arising out of the same set of circumstances" after having been charged with criminal sexual conduct. The change is also applied to juvenile violations if the delinquency adjudication is based on a violation of criminal sexual conduct, Spear said. In addition, the bill expands to require any incarcerated person in Minnesota -- whether or not convicted in Minnesota -- who serves a term for committing a criminal sexual conduct offense to register prior to release. An amendment, offered by Spear, requires the supervising agency to cover the costs of obtaining the specimen.

Lastly, the committee considered a bill, also sponsored by Spear, that deals with the liability for crimes of another. S.F. 1079 expands current law by providing that a person who knowingly aids, advises, or conspires, to commit a felony against the person or a first- or second-degree drug crime is liable for the crime committed. The bill also increases the prison term for a person guilty of conspiracy and increases the penalties for soliciting a juvenile to commit a crime. In addition, the bill expands the crime of aiding an offender to avoid arrest. Finally, the bill creates a new felony penalty for first-degree riot, imposing a 20-year sentence, and repeals the current criminal provision governing crimes committed for the benefit of a gang. The bill was laid over.

### Predatory offender registration

A proposal to expand the scope of the registration provision to include all predatory offenders received the attention of the Crime Prevention Committee, Mon., Apr. 12. Sen. Joe Bertram, Sr. (DFL-Paynesville) gained support for S.F. 906, a bill that requires a person to register, for a period of ten years, as a predator offender if the person was convicted for murder while committing criminal sexual conduct, kidnapping involving a minor victim, specific types of criminal sexual conduct, or a predatory crime. A predatory crime means a number of repeated offenses for serious crimes, explained Bertram. The committee, chaired by Sen. Allan Spear (DFL-Mpls.), approved the bill and sent it to the full Senate.

The committee also considered a bill that provides that criminal history data is public. S.F. 190, sponsored by Sen. Richard Cohen (DFL-St. Paul), also provides that a record of conviction for specific crimes prevents an individual from obtaining a foster care license. Under the bill, the commissioner of the Dept. of Human Services is given

# Committee update

authority to reconsider a decision to disqualify an individual who applies for a license to provide family day care for children, foster care for children or day care services for adults in the provider's own home. The bill was amended by the author to delay the effective until Dec. 31, 1993 in order to allow time to update the criminal history data at the Bureau of Criminal Apprehension. S.F. 190 was approved and re-referred it to the Family Services Committee.

Lastly, Spear presented a bill that eliminates "good-time" and substitutes sentencing that is definite at the outset in describing the amount of time to be served in prison. If the offender violates disciplinary rules in prison, the prison time may be longer, Spear said. The "good-time" provision will exist for those convicted and serving a sentence prior to the effective date of the bill. The bill was laid over.

## Budget consensus reached

The Crime Prevention Finance Division put together the proposed budget over the course of two meetings, Wed., Apr. 7 and Mon., Apr. 12. Senators developed a consensus on the budget bill, S.F. 1503, incorporating testimony heard from the various agencies to whom the monies are distributed. Among the chief appropriations in the bill, sponsored by Sen. Tracy Beckman (DFL-Bricelyn), division chair, are \$393.4 million to the Dept. of Corrections (\$47.3 million over current spending), \$51.4 million to the Board of Public Defense (\$3.4 million over current spending), and \$3.9 million to the Lawful Gambling Control Board (\$115,000 over current spending). In addition, the Sentencing Guidelines Commission receives \$653,000 and the Ombudsman for Corrections receives \$892,000 under the proposal. Three agencies, the Racing Commission, Board of Private Detectives and the Dept. of Public Safety, are appropriated less monies than the governor's recommendation.

Senators also approved several amendments to S.F. 1503. First, the division approved an amendment, offered by Sen. Randy Kelly (DFL-St. Paul) that repeals the requirement for a deputy ombudsman for corrections, making the position optional. In addition, a governor's amendment, offered by Sen. Thomas Neuville (IR-Northfield), dealing with the per diem cost of confinement of juveniles at the Sauk Centre Correctional Facility, was amended by Sen. Gene Merriam (DFL-Coon Rapids). Under the amendment, all money received must be deposited to the general fund, instead of a special revenue fund and appropriated to the commissioner of the Dept. of Corrections for the purpose of operating the facility and providing correctional programs at the facility. Merriam successfully amended the amendment to delete a provision that carried forward unencumbered balances.

Beckman also offered an amendment to S.F. 1503 that appropriates \$750,000 for subsidy funds to Stearns County under the community corrections subsidy program to be available for fiscal year 1995. A second amendment, offered by Beckman, requires

that a department or agency certify to the appropriate bargaining agent that the work done by inmates, doesn't result in the displacement or layoff of currently employed workers on seasonal layoff. The division approved both Beckman amendments. The division also approved an amendment, offered by Sen. Patrick McGowan (DFL-Maple Grove), that awards a grant, not to exceed \$100,000, to a county for the purpose of demonstrating the feasibility of a pilot automated probation reporting system.

Sen. Jane Ranum (DFL-Mpls.) offered an amendment that appropriates monies to support a variety of chemical dependency treatment efforts. Lastly, the division considered a Neuville amendment that appropriates monies providing for group insurance coverage to eligible district public defenders and provides for implementation of weighted caseload standards for districts other than the second and fourth judicial districts. Both amendments were adopted.

## Clinic access vs. protesters' rights

Balancing the civil liberties of abortion protesters against the rights of the clients and staff of the facilities at which they demonstrate was the focus of discussion at the Wed., Apr. 14, evening meeting of the Crime Prevention Committee.

The panel spent considerable time scrutinizing the language of S.F. 1046, a bill that makes interfering with access to medical facilities a gross misdemeanor. The bill's author Sen. Sandra Pappas (DFL-St. Paul), said the measure was written partly in response to announcements by Operation Rescue members that they will hold training sessions in the Twin Cities this summer. Pappas said the bill is intended to clearly communicate that Minnesota does not tolerate violent protest behavior. A provision in the bill specifies that the prohibited activities would not impair the constitutional right to free speech, including peaceful, lawful picketing. Under the bill a victim of the crime could sue for damages or for injunctive or declaratory relief. The prevailing party in the action is entitled to damages, costs, and attorney's fees. A civil penalty of up to \$1,000 for each violation may also be imposed.

Sen. Allan Spear (DFL-Mpls.), committee chair, led committee members in a discussion of the distinction between freedom of speech, as expressed in picketing, passing out pamphlets, and shouting, and the physical act of blocking another person's passage.

Proponents of the bill argued that blocking passage to clinics violates the constitutionally protected right of women to terminate a pregnancy. Testifiers described protests in which demonstrators lay down on cars entering clinic parking lots, hid under stairwells, grabbed clinic clients, and flooded building hallways with people, blocking passage and effectively holding clinic staff and clients hostage inside. Proponents also said that trespassing laws are too weak for this situation and are not taken seriously by law enforcement officials. They urged passage of the bill in order to clearly communicate that violence is not tolerated in Minnesota.

Opponents said the bill is intended to prohibit peaceful, constitutionally protected expressive behavior. They testified that the bill singles out one group on the basis of a particular motivation and is therefore unconstitutional. The bill further violates constitutional rights, opponents argued, because any picket line, by definition, blocks passage to a building. In addition, opponents said, clinics where abortions are performed do not fall within the definition of medical facilities because they do not maintain or positively impact the health of the patient.

Several bill opponents testified that for the law to be fair, it must be applied to blocking passage to any building. An amendment offered by Sen. Thomas Neuville (IR-Northfield), broadens the language of the bill, making it a gross misdemeanor to intentionally physically obstruct access to a building. After extensive discussion, the bill was defeated on a 4-7 vote.

Another amendment, offered by Sen. Ellen Anderson (DFL-St. Paul), refines the language in the bill describing the crime. The bill now states that it is a gross misdemeanor to intentionally and physically obstruct or attempt to obstruct any individual's access to or from a medical facility. The amendment was approved. The panel voted to approve S.F. 1046 and re-refer it to the Judiciary Committee.

## Education

### Omnibus higher education bill

The omnibus higher education appropriations bill, S.F. 1407, received approval from the Higher Education Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), Wed., Apr. 7.

Stumpf outlined the provisions in the bill that appropriate money for funding the Higher Education Coordinating Board, the State Board of Technical Colleges, the State Board for Community Colleges, the State University Board, the University of Minnesota, the Higher Education Board, and the Mayo Medical Foundation. The bill does not provide for inflationary costs to cover salary increases, said Stumpf. However, Stumpf stressed that the bill restores the base funding to prevent tuition increases that would have occurred under the governor's proposal.

Actions by the federal government have reduced the federal share of financial aid that students receive, explained Stumpf. He said the bill "plugs the gap" in financial aid that stems from the lack of federal funding for students.

Stumpf pointed out some of the highlights of the bill, which include a proposal to help families save for college; a tuition reciprocity agreement with the Province of Ontario; a grant program for persons of color who want to pursue a career in nursing; an entrepreneur scholarship program; a work study program; and a plan to expand and integrate telecommunications efforts. Other provisions in the bill provide for student housing, endowed mineral research and scholarship accounts, and tuition assistance for Gulf War veterans.

Sen. Joanne Benson (IR-St. Cloud) gained support for an amendment that increases student representation on the Higher Education Board. Members recommended passage of the package and sent it to the full committee.

### Higher education bills

Members of the Education Committee, co-chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls) and Sen. Lawrence Pogemiller (DFL-Mpls.), met Thurs., Apr. 8, to take action on the omnibus higher education bill, S.F. 1407.

Stumpf, bill author, outlined the funding provisions in the bill, which the Higher Education Division approved Wed., Apr. 7. He stressed that the proposal fully funds the higher education base budget, reducing the need for tuition increases. Stumpf also pointed out that the bill does not provide for inflationary costs to fund salary increases.

The committee amended the bill to establish an education to employment transitions council and require the Department of Education to create a comprehensive youth apprenticeship program. Another amendment to the bill provides for minority teacher grants. Members also amended the bill to require students who are applying for minority teacher grants, as well as applicants for nursing school grants aimed at students of color, to "be willing to teach in Minnesota for at least three years following licensure."

After a lengthy debate over an amendment that removes the technical colleges from the higher education merger plan, members voted in favor of keeping the technical colleges within the merger. Sen. Cal Larson (IR-Fergus Falls) and supporters of the amendment said that the technical colleges should remain separate because of their unique focus on vocational training. Opponents of the amendment said that it was critical that the technical colleges remain a part of the new system to ensure that vocational training is treated equally with other facets of the higher education system. Members advanced the bill to the Finance Committee.

In a separate action, the committee approved S.F. 29, authored by Sen. Tracy Beckman (DFL-Bricelyn). Beckman said that the bill contains the same language relating to the youth apprenticeship program that is included S.F. 1407. He explained that it was necessary to approve the bill in a separate action so that the Governmental Operations and Reform Committee can review the proposed apprenticeship program.

### Omnibus mandates bill heard

Members of the Education Funding Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Tues., Apr. 13, to hear testimony on S.F. 157, the omnibus education mandate repeal act and several bills related to educational reform.

S.F. 157, authored by Pogemiller, seeks to decentralize decision-making, remove unnecessary rules or mandates that hamper innovation and provide a transitional framework for the state-wide move towards outcome-based education. Pogemiller said that the measure no longer contains

proposed repealers relating to special education, but establishes a 15-member task force to study the regulatory scheme for special education and to submit a report of findings by Jan. 1994. An amendment, offered by Sen. Jane Ranum (DFL-Mpls.), provides that the task force include at least five members who are parents and one student with a disability. The amendment was adopted.

Pogemiller said that rules setting out administrative procedures for granting licenses will not be repealed in the bill, but that content-based rules for particular types of licenses remain in the bill with a 1996 effective date. He said the Board of Teaching will continue rule-making designed to produce results-oriented licensure rules and that the board is directed to report their progress to the legislature by 1996. School bus rules and mandates remain in the repealer, but the bill establishes a 15-member task force to study the current regulatory scheme and recommend ways to streamline services by Jan. 1994, said Pogemiller. The committee heard a series of amendments and testimony relating to the repealer and the bill.

### College requirements

The Higher Education Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), met Tues., Apr. 13, to hear two higher education bills.

First, Steve Murphy (DFL-Red Wing) presented S.F. 1320, a bill that makes changes in college preparation requirements. Murphy and division members rewrote the bill, creating a proposal that requires the Board of Regents of the University of Minnesota and the State University Board to review--in consultation with school districts and vocational and technical teachers--the content of high school courses and the appropriateness of substituting the high school courses for admissions requirements. Under the bill, the boards must report their findings to the Legislature by Feb. 1, 1994. The division recommended passage of the bill and sent it to the full committee.

Second, the division reviewed S.F. 1320, authored by Sen. Steven Morse (DFL-Dakota). Morse said the bill appropriates money for the Rochester University Center. Morse explained that the bill requires the money to be used to purchase instructional equipment for programs at the center that are offered by the Rochester Community College, Winona State University, and the University of Minnesota. Members did not take formal action on the bill.

### Mandate compliance bill heard

Members of the Education Funding Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Wed., Apr. 14, to consider S.F. 61, a bill to eliminate compliance with mandates without available funding and to hear testimony on S.F. 157, the omnibus education mandate repeals bill.

S.F. 61, authored by Sen. Joanne Benson (IR-St. Cloud), provides that school districts will no longer be required to comply with legislative mandates unless additional revenue is available to implement the proposed mandate. An amendment offered

by Sen. Gen Olson (IR-Minnetrissa), clarifies that the measure applies only to new state mandates. The amendment was adopted, but no action was taken in the bill.

S.F. 621, authored by Sen. Ember Reichgott, (DFL-New Hope) lifts the cap on the number of outcome-based schools allowed and authorizes the State Board of Education to act as an independent sponsor of outcome-based, charter schools.

Reichgott said the measure removes a requirement that the state board must approve a school board decision to sponsor an outcome-based school and establishes that a school board proposal to operate a school outside the sponsoring district, is subject to state board approval. No action was taken.

In other action, the committee heard two amendments to include and modify an educational mandate slated for repeal in S.F. 157, the omnibus education mandate repeal bill, authored by Pogemiller. An amendment, offered by Sen. Sandra Pappas (DFL-St. Paul), removes a board of teaching rule requiring that a person successfully complete a general knowledge exam before admittance to a post-secondary teacher preparation program for subsequent licensing. Pappas said removing the exam requirement provision would assist school districts in the hiring of qualified minority teachers. The amendment was defeated.

A second amendment to S.F. 157, offered by Pappas, allows the board to grant a continuing license to an applicant hired in a school district with an approved desegregation plan that offers an established alternative to the skills examination. Pappas said the amendment would allow a teacher candidate to qualify for a continuing license, if recommended by the district, based on a results-oriented performance evaluation in lieu of a skills exam. The amendment was defeated. No other action was taken.

## Environment and Natural Resources

### Hazardous waste bills heard

Members of the Environment and Natural Resources Finance Division, chaired by Sen. Steven Morse (DFL-Dakota), met Wed., Apr. 7, to hear two bills related to the hazardous waste fees. S.F. 880, authored by Morse, changes methods for assessing and collecting hazardous waste administrative fees.

Morse said the bill streamlines hazardous waste fees by including due dates for fees in rules rather than statute, authorizes a fee formula, establishes minimum fees for non-exempt generators and clarifies the hazardous waste generator fee collection system between counties and the Pollution Control Agency. No action was taken. Further discussion will continue.

S.F. 1132, authored by Sen. Janet Johnson (DFL-North Branch), restructures the hazardous waste generator tax. Johnson said the bill creates a stable funding source to support administrative costs and to fund ongoing clean-up of orphan "Superfund" sites. The bill establishes a flat tax rate for small and large quantity hazardous waste generators and eliminates current hazardous waste generator tax exemptions.

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According to Johnson, the tax structure established in 1983, was intended to raise funds for Superfund clean-up and reduce the amount of hazardous waste generated, but more waste was generated in 1992 than in 1983. Johnson reported that the Minnesota Superfund program will require \$4.5 million over the next 10 to 15 years and that under current exemption provisions, less than 10 percent of Minnesota's hazardous waste generators currently pay tax. No action was taken. Discussion will continue.

## Allocations discussed

Funding allocations for the environmental agencies provided the focus for discussion at the Mon., Apr. 12, meeting of the Environment and Natural Resources Finance Division. Division Chair Steven Morse (DFL-Dakota) led an item by item discussion of funding proposals for the various agencies and departments charged with protecting the state's environment.

In addition, Morse unveiled a proposal for a "carbon assessment" to help fund environmental programs and provide a long term stable source of funding. The carbon assessment, according to Morse, will raise about \$50 million per year by imposing the assessment on carbon based fuels. Under the proposal, the assessment works out to about four tenths of a cent per gallon of gasoline and \$2 per ton of carbon.

Under the proposal, a major beneficiary of the carbon assessment is the state park system. Additional funding is provided to fund all parks through funding level 6.

According to Morse, this means funding for parks for primary services, summer day and overnight activities, spring and fall day and overnight activities and winter activities.

Many of the other funding allocations under the division's jurisdiction closely parallel the governor's budget proposals. In those cases where the Senate is recommending higher levels of funding, the difference is supplied through the carbon assessment. The proposal does not pursue the plan to consolidate environmental agencies and departments, nor does it incorporate the plan to place a \$2 surcharge on solid waste disposal.

The Senate proposal includes total biennial funding from all sources for the Pollution Control Agency at \$234.977 million; for the Office of Waste Management at \$41.176 million; for the Department of Natural Resources at \$435.702 million; for the Minnesota-Wisconsin Boundary Area Commission at \$259,000; for the Minnesota Zoological Garden at \$26.678 million; for the Science Museum at \$2.216 million; for the Dept. of Agriculture at \$66.304 million; and for the Board of Water and Soil Resources at \$32.921 million. The allocations include direct general fund appropriations, special revenue fund appropriations, federal funds and environmental trust fund appropriations.

## Carbon assessment discussed

Members of the Environment and Natural Resources Finance Division met Tues., Apr. 13, to continue discussing the proposed carbon assessment as a mechanism to provide additional revenue for environmen-

tal programs. The committee, chaired by Sen. Steven Morse (DFL-Dakota), heard testimony from both proponents and opponents of the proposal. According to Morse, the carbon assessment is a broad based fee that would result in a long term stable source of revenue and act as an incentive to reduce consumption of fossil fuels. Morse said that the assessment provides an additional \$50 million each year of the biennium for environmental programs.

The division's budget proposal includes the funds in a number of budget areas. Under the proposal for the biennium, low income weatherization receives \$15 million, ethanol and renewable energy electric credits receive \$50 million, low income fuel assistance receives \$10 million, taconite energy conservation initiatives receive \$5 million, agriculture energy conservation and sustainable agriculture programs receive \$5 million, the landfill clean-up account receives \$10 million and the Minnesota Releaf Program receives \$5 million.

In addition, Morse said that if the carbon assessment proposal is not enacted a number of environmental programs would not be fully funded under the budget proposal. The division would have to make further reductions in order to balance the environmental program components of the budget.

Members of the division met later in the day to review the actual language contained in the appropriations bill and to discuss the implications of the allocation decisions.

## Carbon fee removed

The Environment and Natural Resource Finance Division continued refining the Omnibus Funding bill at the Wed., Apr. 14, hearing. Members deleted a controversial section of the bill, a carbon assessment provision. Chair Steven Morse, (DFL-Dakota), had developed the carbon assessment language in order to provide additional revenues for environmental projects. The committee discussed the budgetary impact of deleting the carbon assessment in addition to an amendment to S.F. 1132, offered by Sen. Janet Johnson (DFL-North Branch), to restructure the hazardous waste generator tax.

Johnson's amendment, modifies the bill and establishes an expanded fee structure for hazardous waste generators state-wide. Johnson said the modified structure, using a two-tier fee approach, increases the annual tax revenues from fees collected for the state's Superfund clean-up account from \$320,000 in 1991, to a projected \$4.5 million per year. The amendment was adopted and will be included in the environmental omnibus bill.

## Ethics and Campaign Reform

### Election bills approved

The Ethics and Campaign Reform Committee, forming an Elections Subcommittee, met Wed., evening, Apr. 7, to review four election bills.

Sen. Linda Runbeck (IR-Circle Pines) presented a bill requiring the Secretary of

State's office to remove registration cards of deceased registrants and update the statewide registration system annually. Under S.F. 754, the Dept. of Health must report pertinent information to the secretary of state on a monthly basis. The bill was approved by the subcommittee, chaired by Sen. John Marty (DFL-Roseville), and referred to the full committee.

The subcommittee considered a bill, offered by Sen. Terry Johnston (IR-Prior Lake) that provides that town elections may take place on the general election day. Sen. William Luther (DFL-Brooklyn Park) amended S.F. 421 to add that the ordinance or resolution changing the date of the town general election must include a plan to shorten or lengthen the terms of office to provide an orderly transition to the November election schedule. S.F. 421 was approved as amended and referred to the full committee.

Sen. Carol Flynn (DFL-Mpls.) offering S.F. 286, explained that the bill provides for a voter information program. Under the bill, a voter's guide is sent to every household in the state for every state general election. The guide includes personal data including political party or political principles of each nominee for partisan office appearing on the presidential ballot and the state general election ballot. In addition, the guide includes nominees' biographical information and personal statements as well as a statement from the state chair of each major political party. The bill was approved and referred to the full committee.

Finally, the subcommittee approved a measure providing for uniform local election procedures. S.F. 1512, sponsored by Luther, was amended in order to avoid conflict with S.F. 421, by striking portion of the bill dealing with town general elections. S.F. 1512, too, was sent to the full committee.

The full committee met Tues., Apr. 13, to grant approval to S.F. 754 and S.F. 421, as amended in the subcommittee. Both bills were sent to the Senate floor. The committee also approved S.F. 286 and re-referred it to the Finance Committee. Lastly, Sen. Roger Moe (DFL-Erskine) successfully amended S.F. 1512 to delete all sections of the bill dealing with school board elections. In addition, Luther offered an amendment that authorizes mail balloting for any special election that is not held on the same day as any other election. Under the amendment, costs incurred must be paid by the jurisdiction for which the special election is conducted. The bill was sent to the Senate floor.

## Campaign financing bill approved

After numerous meetings, the Ethics and Campaign Reform Committee finally succeeded in reaching consensus on the campaign finance reform bill, Thurs., Apr. 8. With unanimous support from Senators, the bill heads for the Finance Committee.

Before the committee's final action, Sen. John Marty (DFL-Roseville), committee chair and bill sponsor, successfully amended S.F. 152 to allow a lobbyist, political committee, or political fund to contribute to a principal campaign committee of candi-



dates for governor or attorney general, but limits an individual who makes large contribution, between \$50 and \$100, to ten percent of the candidates' expenditure limits. Sen. William Luther (DFL-Brooklyn Park) amended S.F. 152 to prohibit large organizations from splitting and forming several PACs which individually contribute the maximum individual contribution, and requires that all "subsidiaries" contributions be attributable to its "parent."

In addition, Luther amended the bill to establish transitional period requirements that apply to expenditure limits and eligibility for a public subsidy. Finally, Sen. Richard Cohen (DFL-St. Paul) offered an amendment that requires the candidate's treasurer to file an affidavit with the Ethical Practices Board stating the total amount of contributions that have been received and the total amount of those contributions received disregarding the portion of any contribution in excess for \$50. The amendment, adopted by the committee, also requires that the affidavit be filed by specific dates in order to receive the public matching subsidy based on the results of the primary and general elections.

## Family Services

The Family Services Committee, chaired by Sen. Pat Piper devoted most of the Thurs., Apr. 8, meeting to hearing testimony on a bill that makes changes to the Minority Heritage Preservation Act. S.F. 1332, authored by Sen. Allan Spear (DFL-Mpls.), is designed to provide a "best interest of the child" standard to out of home placement and sets time limits for final disposition of placement cases.

Members hear extensive testimony on the bill but, because of time constraints, were unable to take final action on the measure.

In addition to debating S.F. 1332, the changes in foster care and adoption placement bill, the panel also advanced two other bills. S.F. 329, authored by Sen. Dan Stevens (IR-Mora), allocates funding for the child care basic sliding fee program. The measure was approved and advanced to the Finance Committee. H.F. 584, carried by Sen. Janet Johnson (DFL-North Branch), makes changes to the regulations governing telephone services to communications-impaired persons. The measure was also approved and re-referred to the Governmental Operations and Reform Committee.

## Heritage Preservation Act

After hearing hours of testimony Thurs., Apr. 8, about problems with the foster care and adoption placement laws, members of the Family Services Committee met Mon., Apr. 12, to work on S.F. 1332. Sen. Alan Spear (DFL-Mpls.), bill author, and the committee members worked into the night to rewrite the bill, which makes changes to the foster care and adoption statutes.

Spear said the bill addresses problems with the Heritage Preservation Act. The act requires child placement agencies to ensure that a child's best interests are met by giving due consideration of the child's race or ethnic heritage.

Supporters of Spear's bill said the legislation addresses problems, mostly in

Hennepin County, that stem from misinterpretations of the act. The supports said that the misinterpretations of the act have caused the inappropriate removal of children from foster homes. The supporters also said that many times the process for the permanent placement of children is delayed for extended periods of time, which creates additional problems for children who need a stable home. Opponents of the Spear's original bill said that the measure would weaken the act, making it more difficult to achieve the goal of heritage preservation.

To resolve the disagreement, Sen. Linda Berglin (DFL-Mpls.) gained support for an amendment that replaces Spear's original bill with a proposal that addresses many of the concerns of the involved parties, namely the children. Berglin said the measure provides time periods for permanent dispositions that involve children in need of protection or services; limits multiple foster care placements; defines special efforts for relative searches; and establishes standards for a finding of abandonment.

The committee also amended the bill to make clear that agencies may contract with community and religious organizations for the purposes of making special efforts to recruit a foster family that is related to a child or is of the same racial or ethnic heritage. Members approved another amendment that requires the commissioner of human services to prepare a report to the Legislature that includes a comprehensive plan to assure that counties comply with foster care and adoption statutes. Other amendments to the bill require the commissioner of human services to adopt rules that establish standards for conducting relative searches and determining the suitability of proposed placements; and require the court to set reasonable rules for visitation for relatives, if visitation is consistent with the best interests of the child. The last amendment that the committee approved outlines criteria for determining the best interests of a child.

The committee approved the bill as amended and re-referred it to the Judiciary Committee.

## Family services collaborative bill

S.F. 1361 aims to break down human services providers' "turf battles" that cause inefficiencies and create barriers to collaboration, said Sen. Jane Ranum (DFL-Mpls.), bill author. Ranum presented the bill to the Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), Tues., Apr. 13.

Ranum said the bill aims to address the fragmentation and lack of coordination among family services providers. Ranum explained that the bill establishes the family services collaboratives act to ensure support for young children and their families, and to provide the most effective and efficient delivery of services. The bill provides grants for community-based programs, giving an incentive to local family services providers to cooperate with each other, said Ranum.

After making technical and clarifying amendments to the proposal, the committee approved the bill and re-referred it to the Education Committee.

Members also approved S.F. 868, authored by Sen. Shiela Kiscaden (IR-Rochester). Kiscaden said the bill adds

conditions on the availability of funds for adoption assistance; changes conditions on adoption assistance agreements; changes the reimbursement of costs; and determines program funding. The bill goes next to the full Senate.

## Finance

### Budget overviews continue

Executive Secretary John Quinn presented the State Government Finance Division with a budget overview for the Board of Electricity, Wed., Apr. 7. Quinn told the committee, chaired by Sen. Richard Cohen (DFL-St. Paul), that the board's primary function is to ensure the competence of statewide electricians, electrical contractors, and alarm and communication contractors through examination and licensing. It is also responsible for providing statewide electrical inspection services as a safeguard against non-compliance of electrical installations to national safety standards. Like many state boards, the Board of Electricity is funded through the collection of licensing fees.

The agency's budget, with which the governor concurs, contains a \$9 million biennial budget request. The request includes \$25,000 per year to cover the enhancement of the existing licensing and inspection information systems.

The committee also heard brief budget overviews of the state's legislative commissions by Janet Lund, Legislative Coordinating Commission, and from Jim Nobles, Legislative Auditor. Recent budget cuts and staff reductions within the Legislative Auditor's Office have resulted in the cancellation of 25 financial audits. The office has requested \$7.7 million for FY94-95 representing a 1.6 percent increase over the previous biennium. Nobles said the increase is a result of an increase in the office's rent rate and employee health insurance costs.

### Capitol bonding bill

Members of the State Government Funding Division met Mon., Apr. 12, to consider and approve bonding allocations for state agency building proposals. Specific requests include: \$11.7 million for a number of Dept. of Administration projects including sewer separation in the Capitol Area and renovation of the Judicial Center and Transportation Building; \$300,000 to the Capitol Area Architectural and Planning Board to conduct a design competition for the new structures on the Ford Building Site; and \$2.7 million for Amateur Sports Commission projects. The bill was re-referred to the full Finance Committee.

## Governmental Operations and Reform

### OMNI bill approved

A bill transferring the responsibilities of Opportunities Minnesota, Inc. (OMNI) to the newly-created entity Minnesota Business Finance, Inc. (MBFI), was approved by the Governmental Operations and Reform Committee, Tues., Apr. 13. The committee, chaired by Sen. James Metzen, primarily

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considered a specific provision within the bill that creates a 14 member board of directors to govern MBFI. The board, consisting of representatives from state government, private-sector lending institutions, and business organizations, will assume the role formerly held by OMNI as the statewide Small Business Administration certified development company. S.F. 338, sponsored by Sen. Janet Johnson (DFL-New Branch), was approved and re-referred to the Judiciary Committee.

The committee next considered S.F. 1076, authored by Sen. Carol Flynn (DFL-Mpls.), providing authority for the Higher Education Board to develop a compensation plan for unclassified unrepresented employees. The bill also ratifies several salary increases that were given interim approval by the Legislative Commission on Employee Relations. An amendment increasing the salary range for the Board on Judicial Standards Director to a maximum of \$70,000, effective July 1994, was approved by the committee. S.F. 1076 was approved and re-referred to the Finance Committee.

In other action, members approved and advanced to the Senate floor several bills sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), relating to public employee pensions. S.F. 665, applying to the Minneapolis Fire Department Relief Association, sets the service pension amounts payable with between five and 25 years of service credit, with a service pension increase for some services lengths subject to local approval for post June 1, 1993 retirees.

S.F. 1279 authorizes the purchase of credit in the Public Employees Police and Fire Fund (PERA-P&F) by two persons for prior service as Minneapolis Park Police. S.F. 662, relating to the Minneapolis Police Relief Association, incorporates the 1992 surviving spouse benefit increase into 1992 recodification, increases the surviving child benefit, and slightly augments the surviving family benefit maximum. Finally, S.F. 664 provides that former employees of the Minneapolis Community Action Agency who are transferred to the Minneapolis Community Action Council, Inc., will retain their pre-transfer public pension plan coverage, with either the PERA or MERF.

Last, Sen. Gen Olson (IR-Minnetrista), gained approval for a bill extending the expiration date of the governor's Residence Council to June 1998. H.F. 86 was also advanced to the Senate floor.

## State contracting debated

State spending on contractual services gained the attention of the Governmental Operations and Reform Committee, Wed., Apr. 14. After a lengthy debate, the committee, chaired by Sen. James Metzen (DFL-South St. Paul), decided to lay over two bills that place limits on state agencies' freedom to contract for services. S.F. 1584, authored by Sen. John Hottinger (DFL-Mankato), provides that the amount of money spent by departments on professional, technical and consultant services in the next biennium must not exceed 90 percent of the amount the agency spent on the same contracts in FY92-93. The most controversial provision contained within

the measure prohibits agencies from spending money saved from holding positions vacant on anything but increased employee compensation costs.

S.F. 1585, also authored by Hottinger, creates a Contract Oversight Board charged with selectively reviewing professional and technical service contracts to ensure compliance and to certify that no other state employee is able to perform the needed service.

In other action, the committee approved a number of bills that were advanced to the Senate floor. Sen. Tracy Beckman (DFL-Bricelyn), presented H.F. 168, legislation allowing state agencies to contract with a system of regional organizations in specified areas within Greater Minnesota for delivery of business, trade, tourism and community development services not currently delivered at the regional level.

Sen. Linda Berglin (DFL-Mpls.), sponsored S.F. 240, a bill requiring that one of the members of the Board of Nursing be practicing professional nursing in a nursing home at the time of appointment.

S.F. 952, authored by Sen. Sam Solon (DFL-Duluth), requires that crane operators be licensed by a state Crane Operators Examining Board. The three member governor-appointed board determines qualifications for licensure, examination requirements, application fees.

Lastly, S.F. 1403, authored by Sen. Roy Terwilliger (IR-Edina), expands the duties of the Public Utilities Commission chair to include making portfolio and other assignments, monitoring time and travel allocations of commission members, and appointing committees.

## Health Care

### Human services bills advance

Members of the Health Care and Family Services Funding Division, chaired by Sen. Don Samuelson (DFL-Brainerd), met Wed., Apr. 7, to take action on four bills.

First, Sen. Thomas Neuville (IR-Northfield) presented S.F. 1185. Neuville said the bill authorizes the commissioner of the Dept. of Human Services to pay for the cost of chemical use assessments that are conducted when a child is found to be delinquent or if the child is being held in custody under a detention order. Members approved the bill and re-referred it to the Health Care Committee.

Second, Sen. Dallas Sams (DFL-Staples) gained support for S.F. 982, a bill that reschedules the county payment schedule for human services programs. The division made technical and clarifying amendments to the bill and recommended that it be incorporated into the omnibus human services funding bill.

Third, Sen. Don Betzold (DFL-Fridley) offered S.F. 1105, the Dept. of Health "housekeeping" bill. Betzold said the bill deals with amendments to the laws governing lead abatement, in addition to laws that regulate hotels, resorts, restaurants, and manufactured homes. The division approved technical amendments and re-referred the bill to the Health Care Committee.

Finally, Sen. Sheila Kiscaden (IR-Rochester) gained approval of S.F. 868, a bill that adds conditions on the availability of funds for adoption assistance; changes conditions on adoption assistance agreements; changes reimbursement of costs; and determines program funding. The division amended the bill to make adoption assistance subject to the availability of state and federal funding. The bill goes next to the Family Services Committee.

## Home care program changes

The Health Care Committee, chaired by Sen. Linda Berglin (DFL-St. Paul), met Thursday, Apr. 8, to consider a bill that makes numerous changes to the laws governing personal care and home care programs, and other programs of the Dept. of Human Services. Another bill modifies provisions relating to the moratorium on certification of nursing home beds.

Among the substantive changes presented in S.F. 791, sponsored by Sen. Dan Stevens (IR-Mora), personal care services eligible for Medical Assistance (MA) reimbursement and prior authorization requirements for home care services are modified. The bill limits prior authorized nurse and home health aide visits to one per day and establishes a limit on the number of hours that personal duty nursing may be authorized. Other changes affect the pre-admission screening and alternative care programs, the elderly waiver program, the SAIL (senior's agenda for independent living) strategy and the traumatic brain injury program. Berglin offered an amendment that establishes a five percent payment adjustment for SAILS projects' screening activities, consistent with the increase received by nonparticipating counties. The amendment was adopted by the committee.

Sen. Edward Oliver (IR-Deephaven) successfully amended S.F. 791 to provide for continued home care services up to an additional 12 months upon review and authorization for a recipient who displays no significant change. Another Oliver amendment, adopted by the committee, expands the limits on services without prior authorization to include up to two assessments to determine a recipient's need for personal care services, develop a care plan or obtain prior authorization.

S.F. 791 was approved as amended and re-referred to the Health Care and Family Services Funding Division for fiscal consideration.

S.F. 1146, a bill that rewrites the nursing home moratorium, was also approved by the committee. Berglin, bill sponsor, explained that the moratorium applies to construction projects that exceed \$550,000 or 25 percent of appraised value, as well as to the addition of new beds. The bill deletes numerous moratorium exceptions including: licensing or certifying replacement beds as long as the total number of beds does not increase; licensing or certifying veterans homes; and reopening facilities that have been involuntarily delicensed or involuntarily decertified from Medical Assistance. Under the bill, provisions that require an annual assessment of the moratorium and a biennial report on long-term care issues are deleted. The bill

also allows moratorium exceptions to license or certify beds in projects that involve the renovation, replacement, upgrading, or relocation of a facility and establishes a procedure allowing facilities that have been granted a moratorium exception through the competitive process to amend their project design under certain circumstances. The bill was re-referred to the Health Care and Family Services Funding Division.

### RTC bill advances

A bill authorizing the transfer of the Moose Lake Regional Treatment Center campus from the Dept. of Human Services to the Dept. of Corrections for a psychopathic personality treatment center dominated the discussion at an evening hearing of the Health Care Committee, Thurs., Apr. 8. The committee, chaired by Sen. Linda Berglin (DFL-Mpls.), considered S.F. 1302, which also requires the Faribault Regional Center to be closed by June 30, 1995; requires the state-operated community-based programs in the Faribault and Moose Lake RTC catchment areas to be realigned with another treatment center; and deletes the negotiated agreement language regarding RTC's. Sen. Florian Chmielewski (DFL-Sturgeon Lake), chief author of the measure, said the plan establishing the Minnesota Psychopathic Personality Treatment Program will ease the burden on the St. Peter facility and will counteract the job loss expected with the Moose Lake facility closure.

Sen. Don Samuelson (DFL-Brainerd) offered, and the committee adopted, an amendment that substitutes transition planning for persons currently served at the Moose Lake facility and provides for a negotiated plan for future use and services at the facility. The amendment also establishes two off-campus programs designed to serve patients who are relocated from Moose Lake for chemical dependency and deletes all reference to the closing of the Faribault facility. An amendment, offered by Sen. Dallas Sams (DFL-Staples), requiring the development of services in the Moose Lake catchment area for persons with traumatic brain injury, was also adopted. The bill was approved and re-referred to the Health Care and Family Services Funding Division.

In other action, the committee also approved a bill making changes to lead abatement provisions and requiring the licensing of lead inspectors. The bill, S.F. 613, authored by Berglin, provides definitions, provides for surveys to determine lead levels, provides for lead screening and spells out the duties involved in lead abatement procedures. The bill was approved and re-referred to the Health Care and Family Services Funding Division.

Panel members also approved two additional bills. S.F. 898, sponsored by Samuelson, requires the commissioner of human services to contract for a claims adjudication system for pharmacy providers. The bill was sent to the Health Care and Family Services Funding Division. S.F. 840, authored by Sen. Don Betzold (DFL-Fridley), authorizes interstate contracts between Wisconsin and Minnesota for the treatment of mentally ill persons who have been involuntarily committed. The measure was sent to the full Senate.

### MA modifications discussed

The Health Care Committee met Tues., Apr. 13, to considered two bills that modify Medical Assistance (MA) reimbursement policy to implement the governor's budget proposal.

Presenting S.F. 1277, Sen. Dean Johnson (IR-Willmar) explained the bill's objectives to modify MA reimbursement levels for nursing facilities and intermediate care facilities for persons with mental retardation (ICFs/MR). Among the substantive changes, Johnson said the bill reduces nursing facility payments to 85 percent of the regular rate for days when a nursing facility resident is not occupying a bed, but the bed is being held open for the resident's return. The bill also limits enhanced payments for short-length stays of state nursing facilities to those with an average length of stay under 180 days during the preceding reporting period, rather than allowing the payments to continue for all facilities that qualified during the year that began July 1, 1991. The bill also modifies nursing facility and ICFs/MR reimbursements. The committee, chaired by Sen. Linda Berglin (DFL-Mpls.), laid the bill over.

Next, the committee considered S.F. 1109, authored by Sen. Duane Benson (IR-Lanesboro), which also modifies MA and General Assistance Medical Care (GAMC) reimbursement policy, and makes a number of other changes in MA and GAMC. Among the changes, the bill prohibits health insurers from using eligibility for public health care programs as an underwriting guideline or to deny coverage and requires collections for services provided at state facilities to be deposited in the general fund rather than the MA account. In addition, nursing home surcharges effective each July 1 must be based on the number of beds licensed the previous May 1 and allows the commissioner of human services to bring civil actions to collect unpaid surcharges.

Under the bill, the commissioner must seek federal waivers to allow extension of the prohibition on transfers of assets for less than fair market value; to modify the penalty for uncompensated transfers to make the applicant ineligible for all MA services, not just long-term care services; to remove the 30 month limit on periods of ineligibility that result from uncompensated asset transfers; to have penalty periods run consecutively instead of concurrently; and to penalize transfers of assets even if the assets are excluded from consideration when determining MA eligibility. The committee discussed a portion of the bill that repeals the requirement increasing MA reimbursement to certain small rural hospitals. Benson said the estimated savings of the repealer is \$779,000 in FY94 and \$1.14 million in FY95. The bill was laid over.

### Optometry drug bill approved

A bill authorizing a licensed optometrist to prescribe topical legend drugs to treat the eye and related conditions dominated debate at the evening meeting of the Health Care Committee, Tues., Apr. 13. H.F. 134, resurrected for the third straight year, gained approval after heated debate, attempted amendments and hours of testimony.

Sen. Don Samuelson (DFL-Brainerd), bill

author, said that the bill attempts to address the state's shortage of ophthalmologists and the accessibility of eye healthcare. He said that the bill's concept, concurrent with 32 other states' laws, is consistent with Minnesota's goal of cost containment, quality health care delivery, and health accessibility.

The bill qualifies an existing provision requiring optometrists who are informed of, or who determine from an examination, evidence of disease that requires treatment beyond the practice of optometry permitted by law, to advise the patient to seek evaluation by an appropriate licensed physician and not attempt to treat the condition by drugs or other means.

Authorizations provided in the bill apply only to topical drugs and furthermore, prohibits optometrists from dispensing legend drugs at retail. In addition, the bill establishes the requirement of a board-issued certificate for the use of topical legend drugs. In order to obtain the certification, the bill defines that an optometrist must have successfully completed at least 60 hours of study in general and ocular pharmacology emphasizing drugs used for examination or treatment purposes, their systemic effects and management or referral of adverse reactions; and must have successfully completed two years supervised clinical experience in differential diagnosis of eye disease or disorders as part of optometric training or one year of the experience and ten years of actual clinical experience as a licensed optometrist. In addition, an optometrist must have successfully completed a nationally standardized examination on the subject of treatment and management of ocular disease.

The bill also calls for collaboration between the boards of optometry and pharmacy regarding issues of certification and complaints.

After several failed attempts to exclude of treatment of glaucoma by an optometrist, Berglin successfully amended H.F. 134 to require that, when prescribing or using topical legend drugs for the treatment of glaucoma, the treating optometrist must communicate and collaborate with a licensed physician so long as the collaboration is agreed to by the patient.

### Moratorium exceptions

The Health Care Committee met Wed., Apr. 14, to consider several bills that provide exceptions to the group residential housing moratorium. Chair Linda Berglin (DFL-Mpls.) said that the bills were before the committee because the facilities asking for the exceptions were in the planning or construction phase when the moratorium was enacted. S.F. 747, sponsored by Sen. Roger Moe (DFL-Erskine), allows an exception for a facility on the White Earth Reservation that is to provide housing for elderly persons. S.F. 249, carried by Sen. Don Betzold (DFL-Fridley), originally added an exception to the moratorium for a group residential home in Anoka County. The measure was amended to also provide an exception for a Ramsey County facility.

Discussion revolved around whether the facilities named in S.F. 747 and S.F. 249 were in the developmental process before the moratorium. Ultimately, the committee

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amended the language of S.F. 747 onto the language of S.F. 249.

A third bill, S.F. 540, authored by Sen. Thomas Neuville (IR-Northfield), provides an exception for two facilities in Rice County that are to provide housing for seniors or the disabled. All of the bills were sent to the Health Care and Family Services Funding Division for further consideration.

The committee considered two additional measures during the morning hearing. S.F. 1299, authored by Sen. Sam Solon (DFL-Duluth), is primarily a housekeeping measure relating to dentistry. The measure modifies provisions dealing with licensure exemptions, provides for the establishment of faculty, resident dentist and specialty licenses and modifies grounds for disciplinary actions. The measure was approved and sent to the full Senate.

## MA/GAMC bill advanced

Members of the Health Care Committee reconvened Wed., Apr. 14, to grant approval to S.F. 1109, sponsored by Sen. Duane Benson (IR-Lanesboro), a bill that modifies Medical Assistance (MA) and General Assistance Medical Care (GAMC) reimbursement policy, and makes a number of other changes in MA and GAMC. The bill prohibits insurers from using medical program eligibility as an underwriting guideline, empowers the commissioner to abate penalties and interest, changes the hospital payment rate under the medical assistance program and defines reasonably expected to return to the homestead. In addition, the bill directs the commissioner to seek waivers to consider all trust assets, changes period of ineligibility for long-term care services for medical assistance, and defines effect of unauthorized transfer of property.

Sen. Linda Berglin, committee chair, presented a delete-everything amendment which incorporates some provisions from S.F. 1277, sponsored by Sen. Dean Johnson (IR-Willmar), into the Benson bill. The provisions incorporated deal with nursing facility length of stay, changes to the nursing facility reimbursement and ICFs/MR reimbursement rates, changes in the property-related payment rate for nursing facilities, and the establishing of inflation adjustments for nursing facilities and ICFs/MR for the next biennium. The amendment was adopted.

In addition, Sen. Don Samuelson (DFL-Brainerd) also successfully amended the bill to provide for a procedure for contested case determination regarding recovering inpatient hospital payments for services that have been determined to be medically unnecessary. The bill was re-referred to the Health and Family Services Funding Division.

The committee also approved a bill that modifies various aspects of the Board of Psychology's licensing procedures. Sen. Harold "Skip" Finn (DFL-Cass Lake), offered a major amendment to his bill, S.F. 1201. He explained that the bill removes the provision requiring the board to implement a process for certifying specialty areas by Jan. 1, 1992 and modifies the reciprocity licensing requirement. The bill

also extends the time in which previously qualified applicants may file a declaration of intent to seek licensure under the pre-1992 licensure requirements. Under the bill, the time is extended to Dec. 31, 1993.

The bill also requires a plan for disciplinary action that may be taken by the board, including cease and desist authority which temporarily suspends the credentials of a licensee after conducting a preliminary inquiry to determine whether the licensee has violated a statute or rule. The bill was amended to provide for a 30 day period for public comment on the plan, to be finalized by Dec. 1, 1993, and be subject to the Administrative Procedure Act. The bill was sent to the full Senate.

## Jobs, Energy, and Community Development

### Tax liability reduced

A bill reducing by half the property tax liability of "lease-purchase agreement" housing units administered by the Minnesota Housing Finance Agency or a non-profit housing and redevelopment authority, was approved by the Jobs, Energy, and Community Development Committee, Wed., Apr. 7. The savings from the new tax rate -- established at one percent of market value rather than the current two percent -- would be used as part of a down payment for the eventual purchase of the house, according to Sen. James Metzen (DFL-South St. Paul), the bill's author. Under current law, five-year lease-purchase agreements exist for income-qualified households. S.F. 916 was approved and re-referred to the Taxes and Tax Laws Committee.

Metzen also won support for S.F. 916, a housekeeping bill making a number of changes to current laws governing the Department of Trade and Economic Development. In essence, the bill alters the department's structure by allowing the commissioner to combine two existing divisions, and eliminates the commissioner's role in several areas not directly related to the agency's primary function. The committee, chaired by Sen. Steven Novak (DFL-New Brighton), approved an amendment sponsored by Sen. Ellen Anderson (DFL-St. Paul), expanding the commissioner's authority to provide businesses with information on the economic benefits of energy conservation. Members approved an additional amendment requiring that Minnesota Technology, Inc., also provide the business community with technological assistance in utilizing products that conserve energy. The legislation was approved and re-referred to the Governmental Operations and Reform Committee.

### Water bill approved

There is a serious lack of water in Southwest Minnesota, said Sen. Jim Vickerman (DFL-Tracy), at the Jobs, Energy, and Community Development Committee meeting, Thurs., April 8. Addressing the problem, Vickerman presented S.F. 355, a bill requesting funds to finalize a system design for connecting four rural water systems to the federal Lewis

and Clark Rural Water System. According to proponents of the bill, the Minnesota water systems of Luverne, Worthington and Lincoln-Pipestone are joining with local water systems in South Dakota and Iowa to plan for and request federal approval of the Lewis & Clark Rural Water System to deliver treated water. The strategy is to pump water from the Missouri River to be used as drinking water, said Vickerman. S.F. 355 was approved and re-referred to the Environmental and Natural Resources Committee.

The committee, chaired by Sen. Steven Novak (DFL-New Brighton), then resumed work on S.F. 932, a bill requiring a report from the Dept. of Trade and Economic Development containing detailed information on the economic impact of specific agency programs. Chief author, Sen. Linda Runbeck (IR-Circle Pines), gained support of an amendment creating a "competitiveness task force" to oversee the state's economic blueprint, with respect to the long-range competitiveness of Minnesota's companies. S.F. 932 was approved and re-referred to the Governmental Operations and Reform Committee.

Sen. Florian Chmielewski (DFL-Sturgeon Lake) presented a bill authorizing a public utility to file rate schedules providing for annual recovery of the costs of energy conservation improvements. H.F. 295 was approved and advanced to the full Senate.

In other action, the committee approved a number of bills, all of which were re-referred to the Jobs, Energy and Community Development Finance Division. Sen. Janet Johnson (DFL-New Branch) presented S.F. 1080, a bill creating a rental assistance account within the housing development fund for persons suffering a mental illness crisis. The account is established to provide rental assistance for up to 90 days for persons who are diagnosed with a mental illness, are low-income, and require short-term inpatient care for stabilization.

S.F. 1348, authored by Sen. William Luther (DFL-Brooklyn Park) carries a blank appropriation to the commissioner of the Housing Finance Authority to be used for a program removing blighted multi-unit residential property from areas designated by a city for neighborhood preservation. Language is included within the bill to limit replacement housing to households with incomes below 80 percent of the area median income.

Luther also presented S.F. 1177, a measure providing mechanisms and dollars to preserve, reuse, and rehabilitate an area's housing stock in primarily rental housing areas. Language contained in the bill limits funding to neighborhoods that meet specific criteria.

### Minnesota Planning budget

Budget concerns of the Office of Strategic and Long-Range Planning (also referred to as Minnesota Planning), received the attention of the Jobs, Energy, and Community Development Funding Division, chaired by Sen. Carl Kroening (DFL-Mpls.), Thurs., Apr. 8.

Introducing the agency's budget, Director Linda Kohl outlined the department's

fundamental responsibilities including providing policymakers with accurate information on emerging issues and influencing public policy decisions for a better future through long-range planning. To accomplish its legislative objectives, the office has assumed a lead role in the development and implementation of "Minnesota Milestones," an integrated, long-term plan to improve the efficiency and delivery of state services.

The department is proposing a biennial budget of roughly \$5.6 million with savings as a result of positions being held vacant, intra-agency collaboration, several retirements, and special project billings. The governor recommends a biennial increase of \$250,000, above the agency's plan, to support children's integrated data base development and children's cabinet staffing for the first 6 months of the biennium. These functions will be transferred to the Dept. of Children and Education Services in January 1994. Additional funding of \$25,000 is proposed for the Council on Government Innovation.

### Benefit escalator considered

A bill to increase the cap on benefit adjustments for workers injured prior to the effective date of last year's workers compensation reform bill was approved at the Tues., Apr. 13, meeting of the Jobs, Energy and Community Development Committee.

S.F. 1158, authored by Committee Chair Steven Novak (DFL-New Brighton), changes the 1992 law to allow workers, injured before Oct. 1, 1992, to be eligible for escalator benefit adjustments of up to six percent a year. The 1992 law lowered the cap on benefit adjustments from six to four percent a year for future injuries. The benefit adjustments are equal to the percentage of growth in the statewide average weekly wage up to the cap set in the law. According to Novak, there is a dispute over whether the benefit adjustment can be changed after the date of injury. Under the bill, injuries occurring before Oct. 1, 1992, are eligible for escalator benefit adjustments of up to six percent a year and injuries occurring after that date are subject to the four percent cap. The bill was approved and advanced to the Senate floor.

In other action, the panel also approved H.F. 1423, sponsored by Sen. Linda Runbeck (IR-Circle Pines). The measure is a departmental housekeeping bill that makes numerous noncontroversial changes in laws dealing with unemployment compensation. The bill was also advanced to the full Senate.

S.F. 1487, carried by Sen. Lawrence Pogemiller (DFL-Mpls.), also gained the panel's approval. The bill is the annual bond allocation authority measure. The bill is needed to respond to federal changes each year. The measure goes next to the Taxes and Tax Laws Committee.

Finally, two measures, authored by Sen. Douglas Johnson (DFL-Cook), were approved and re-referred to the Jobs, Energy and Community Development Funding Division. S.F. 1173 appropriates \$10 million to the Minnesota Housing Finance Agency to be deposited in the housing trust fund for housing for low income persons.

The second bill, S.F. 1186, appropriates \$85,000 to be used as a grant to the Minnesota Housing Partnership. The Minnesota Housing Partnership works with rural housing agencies. The committee adopted an amendment appropriating an additional \$80,000 to the Housing Finance Agency to be used to provide counseling for senior citizens who are considering taking out home equity conversion loans or "reverse mortgages."

### Binding arbitration debated

A bill providing for mandatory and binding arbitration in collective bargaining situations for "first represented" private and public employees, was approved and advanced to the Senate floor by the Jobs, Energy, and Community Development Committee, Tues. evening, Apr. 13. According to Sen. Karl Kroening (DFL-Mpls.), author of S.F. 891, the arbitration provision applies only if: the exclusive bargaining representative became accredited between six months and a year of the request; if the employer and exclusive representative fail to settle; the employees haven't been represented by an exclusive representative within two years of the accreditation; and mediation attempts have failed to negotiate an agreement.

Calling for equal representation for unions at the private and public sector workplace, Sen. Kevin Chandler (DFL-White Bear Lake), presented and gained approval for S.F. 785, a bill establishing rights and duties in relation to union organization. The bill classifies as an unfair labor practice a refusal to provide equal time for labor unions to meet with employees during working hours to respond to information presented by the employer in meetings during working hours, if the information discourages employees from voting for certification of the labor union as their representative. The legislation was also advanced to the Senate floor.

The committee, chaired by Sen. Steven Novak (DFL-New Brighton), also approved two pieces of legislation and re-referred both to the Jobs, Finance and Community Development Funding Division. Chandler presented a bill incorporating a number of basic recommendations of the Jobs Training Council. The bill, S.F. 934, amends the dislocated worker law to change the distribution of money and eligibility. The changed definition of dislocated worker contained within the measure is broader than current law and allows workers to get a new category of training and transitional services.

S.F. 1314, sponsored by Novak, provides wage protection to employees in cases where the employer no longer has assets, has filed for bankruptcy, or is no longer operating 90 days after the employee left the job. The state will provide wages of up to \$2000 or 4 weeks through the Dept. of Labor and Industry.

### Teen job curfew

A bill establishing an evening work curfew for high school students was the topic of discussion at a Weds., April 14, meeting of the Jobs, Energy and Community Development Committee. Under S.F. 53,

sponsored by Sen. Leonard Price (DFL-Woodbury), high school students under age 18 are not allowed to work after 11 p.m. on an evening before a school day or before 5 a.m. on a school day. Price said the bill's 11 p.m. curfew represents a compromise between employers who want no curfew and earlier versions of the bill, which specified an earlier hour. Price said the bill is especially important for younger teens, who usually have less seniority with their employers and therefore are assigned the worst hours.

The bill's proponents, said that teenagers often are hired for jobs that involve working late and that teens risk being fired for refusing to do so. Representatives from teachers' unions testified that students who work late often fall asleep in class, can't complete homework because of their work schedules, and often experience poor grades.

Bill opponents said that job obligations are used as an excuse by some students who do not complete their homework. Employers testified to the benefits of jobs to students, including increased social skills, responsibility, and teamwork, and pointed out that some responsible employers already limit how often students are required to work late.

The panel approved an amendment offered by Sen. Florian Chmielewski (DFL-Sturgeon Lake), permitting students to work until 11:30 if the student gives the employer a note from a parent authorizing the later hours.

An amendment offered by Sen. Randy Kelly (DFL-St. Paul), raising the fine for violation of the curfew by an employer from \$50 to \$100 per employee per occurrence was also approved.

An amendment by Price makes violating the state's child labor law a gross misdemeanor if the violation results in the death or substantial bodily harm to the child. The amendment was approved. S.F. 53 was sent to the full Senate.

S.F. 1193, sponsored by Sen. Keith Langseth (DFL-Glyndon), requires a minimum payment schedule that would apply to agricultural field workers. Under the bill, wages earned during the first half of the first 30-day period become payable on the first regular payday following the date of employment. The bill, according to Langseth, takes the ambiguity out of the current regulation and encourages uniform pay procedures among agricultural employers. The bill was approved and sent to the Senate floor.

## Judiciary

### Homestead exemption bill okayed

A bill limiting the value of the homestead exemption to \$200,000 for residential property, and to \$500,000 for property used for agricultural purposes, was approved by the Judiciary Committee, Wed., Apr. 7. The bill includes a provision exempting for one year the insurance proceeds from a claim involving a homestead. The bill also includes procedures to be followed in execution involving a sale of homestead property. Sen. Allan Spear (DFL-Mpls.), the bill's author, said that abuses caused by debtors who harbor substantial amounts of



# Committee update

private wealth and avoid paying creditors by purchasing lavish homes must be prevented. S.F. 576 was approved and advanced to the full Senate.

Advocating protection against discrimination for people who use service animals, Sen. Richard Cohen (DFL-St. Paul), presented S.F. 208, a bill containing a number of amendments to the Human Rights Act. The legislation contains provisions prohibiting the denial of equal access to real property or to services within public places to persons who use service animals. According to the bill, it must be possible to properly identify the service animal as being from a recognized program which trains service animals to aid blind, deaf, or other persons with a physical or sensory disability. S.F. 208 was approved and re-referred to the Finance Committee.

Lastly, the committee, chaired by Sen. Ember Reichgott (DFL-New Hope), began working on S.F. 615, a bill providing protection for disabled persons in employment. The measure amends the exception from disability discrimination in cases where a respondent may establish that even with reasonable accommodations, a disability poses a serious threat to the health or safety of a disabled person or others. S.F. 615, authored by Cohen, was laid over for further discussion.

The committee met again Wed., evening, Apr. 7, to continue working on S.F. 615, a bill providing greater protection to persons with disabilities. Among a number of amendments to the Human Rights Act, the legislation clarifies the definition of "disability" with respect to employment to include a number of factors one must consider in determining whether a person is "materially limited" in securing a job due to a physical or mental impairment.

A controversial section in the bill states that it is not a defense to a complaint or action brought under the employment provisions of the Human Rights Act that the person bringing the action is pursuing or has pursued a claim under other statute or common law. Opponents argued that S.F. 615 allows injured employees to bring disability discrimination lawsuits under the Human Rights Act as a result of a work-related injury, in addition to the remedies already available under the Workers' Compensation Act to address such injuries.

S.F. 615, which also establishes a right to a jury trial in District Court proceedings involving Human Rights Act violations, was approved and re-referred to the Jobs, Energy, and Community Development Committee.

Cohen also won support for a bill that clarifies the statute dealing with tort recovery for economic loss arising from the sale of goods. Specific cases include those in which defective property causes damage to other property. Cohen explained that S.F. 984 clarifies that laws governing tort recovery do not apply to economic loss incurred by a manufacturer of goods arising from damage to the goods caused by a component of the goods. S.F. 984 was approved and advanced to the full Senate.

In other action, Sen. Ellen Anderson (DFL-St. Paul), gained approval for a bill

requiring an owner of a multi-unit building with 12 or more residential units to give tenants a written lease within 10 days after the tenant has signed it. Owners must also inform new and prospective tenants of notifications of a contract for deed cancellation, mortgage foreclosure sale or repossession. Information related to code violations and condemnation orders must also be made available. Sen. Jane Krentz (DFL-May Township), offered an amendment relating to tenant screening reports which reinstates language contained in current law requiring the outcome of court proceedings to be included in a tenant report, unless the outcome is not provided by the court. The amendment was approved and S.F. 415 was approved and re-referred to the Jobs, Energy, and Community Development Committee.

Finally, the committee approved S.F. 746, a measure establishing a biennial registration for limited liability companies. The measure, authored by Reichgott, was approved and sent to the Senate floor.

## Condo day care debated

A bill prohibiting restrictions on the use of real property for providing licensed home day care services was debated by the Judiciary Committee, Mon., Apr. 12. S.F. 496, authored by Sen. Don Betzold (DFL-Fridley), provides that any restrictions within current law on the use of residential property, including townhouses and condominiums, to provide licensed home day care services is void and unenforceable. Residential properties that are exempt under the bill include owner-occupied rental property with no more than two units; housing for older persons; manufactured home parks; and housing for adults only or persons with physical handicaps. The bill is effective immediately and applies to all forms of legal restriction entered into before, on, or after the date. Representatives of the Community Associations Institute recommended that the bill require a statement that the child day care provider's insurance is primary where liability claims arise out of the operation of a child day care within a community association.

The committee, chaired by Sen. Ember Reichgott (DFL-New Hope), approved an amendment providing that the removal of a restriction requires an affirmative vote of 60 percent of the unit owners. Furthermore, the amendment is not retroactive. Upon Betzold's request, the committee laid the bill over for further discussion.

The committee next considered H.F. 846, authored by Sen. John Hottinger (DFL-Mankato), a bill modifying the provisions for return of patients who are committed under the Civil Commitment Act or the psychopathic personality statute and who are absent without authorization from a commitment facility. According to the measure, facility administrators are required to contact a local law enforcement agency and the committing court when a patient has not returned to the facility within 72 hours of the time the unauthorized absence began, or is considered to be a danger to self or others. H.F. 846 was approved and advanced to the full Senate.

## Medical facility access gains

Members of the Judiciary Committee, chaired by Sen. Ember Reichgott (DFL-New Hope), devoted most of the Wed., Apr. 14, hearing to discussion of two bills. The first measure, S.F. 1046, authored by Sen. Sandra Pappas (DFL-St. Paul), prohibits persons from interfering with access to medical facilities. Pappas said the bill is in response to growing violence at demonstrations outside abortion clinics. The measure sets both criminal and civil penalties for violations. Under the measure, an aggrieved party may bring a suit for damages, injunctive or declaratory relief against a person or entity who has violated the prohibition against barring access. In addition, the bill provides that a party who prevails in a civil action is entitled to recover damages, costs, attorney fees and other relief. The bill also authorizes the court to award a civil penalty of up to \$1,000 for each violation.

Sen. Allan Spear (DFL-Mpls.) questioned the need for the civil remedies in the bill because under current law individuals can already file suit. Pappas successfully argued that the civil remedies are necessary because criminal charges are often plea bargained down and the inclusion of the civil remedies provides an additional deterrent.

The panel did amend the bill to refine the definition of aggrieved party and to further specify that it is prohibited to intentionally and physically obstruct or attempt to obstruct any individual's lawful access to or egress from a medical facility.

The panel also began discussion on a bill, S.F. 1332, that sets time limits for permanent dispositions involving children in need of protection or services; limits multiple foster care placements and defines special efforts for relative searches in seeking persons to care for children. The bill, authored by Spear, originally made some changes to the Minority Heritage Preservation Act; however, the language of the bill was amended in a previous committee to remove references to the heritage act. Spear said the current bill seeks to change foster care placement and adoption laws to bring about closure and stability for all children.

Discussion began on two amendments, offered by Sen. Linda Berglin (DFL-Mpls.) and Sen. Sheila Kiscaden (IR-Rochester) respectively, that provide for review of voluntary placements. Because of time constraints, no action was taken on either the amendments or the bill.

Earlier, the committee advanced a bill providing for the delegation of duties under the public guardianship for persons with mental retardation act. The measure, sponsored by Sen. Harold "Skip" Finn (DFL-Cass Lake), was approved and re-referred to the Committee on Finance.

## Metropolitan and Local Government

### Metro and local tax bills

The Metropolitan and Local Government Tax Division, chaired by Sen. Carol Flynn (DFL-Mpls.), met Mon., Apr. 12, to act on five bills that affect taxation policies.

Sen. Joe Bertram Sr. (DFL-Paynesville) presented S.F. 771. Bertram said the bill changes the formula for payments made to producers of ethanol; increases the oxygenate level requirements for gasoline; authorizes the Pollution Control Agency to contract to expedite the permit process; and eliminates certain local government aid/homestead agricultural credit aid offsets for tax increment financing districts. The division recommended passage of the bill and sent it to the full committee.

Sen. Don Samuelson (DFL-Brainerd) offered S.F. 1284, a bill that establishes a dedicated fund to meet city expenses to pay for the construction and maintenance of a city sewer system in the city of Garrison; permits a one percent local sales tax upon approval by the city council, and provides for a sunset on the tax. After removing the sunset provision, members approved the bill, which goes next to the full committee.

Members also approved S.F. 1527, authored by Sen. John Hottinger (DFL-Mankato). Hottinger said the bill extends the duration of a tax increment finance district in the city of Mankato. The bill goes next to the full committee.

Sen. Ted Mondale (DFL-St. Louis Park) gained approval for S.F. 1169, a bill relating to the financing and clean up of polluted lands. Mondale said the bill imposes a state tax on contaminated property; requires a deposit of the proceeds of the tax in an account to be used for cleanup and redevelopment of contaminated sites; and creates a pollution abatement loan and grant program. Mondale noted that the bill also authorizes municipalities to borrow funds for pollution abatement; authorizes and regulates the use of tax increment financing for pollution districts; authorizes the establishment of guaranty or indemnification funds for contaminated parcels in pollution districts and permits the use of tax increments to provide money for the funds; modifies the computation of tax increments; reduces the maximum duration of redevelopment districts; and creates a metropolitan core redevelopment grant program. Members recommended passage of the bill and sent it to the full committee.

Members also briefly discussed S.F. 1546, authored by Sen. Kevin Chandler (DFL-White Bear Lake). Chandler said that the bill proposes a series of significant changes in the financing of local governments. Because of the brevity of the discussion, members sent the bill to the full committee without a recommendation.

### Mpls. residency requirement

Minneapolis has the authority to require its new employees to live within the city limits, under S.F. 74, authored by Sen. Carol Flynn (DFL-Mpls.). Flynn presented the bill to the Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), Wed. Apr. 14.

Flynn said the bill authorizes the city of Mpls., special school district No. 1, the Mpls. Library Board, and the Mpls. City Park and Recreation Board to impose residency requirements.

Opponents testified that a residency requirement as a condition of employment violates peoples' right to decide where they want to live. The opponents also pointed

out practical problems with residency requirements, for instance, an employee may have a housing opportunity with a relative or spouse who lives outside of city limits. Flynn and several representatives of the city countered that the measure is part of a larger effort to retain middle-class residents in the city. The exodus of city professionals has contributed to the decline of the city, said the bill supporters. The committee approved the bill and sent it to the full Senate.

The committee also approved three other bills. Sen. John Marty (DFL-Roseville) presented S.F. 695. Marty said the bill provides long-term protection of agricultural land in the Metro Area by limiting the type of ordinances that local governments and counties may enforce within an agricultural preserve. The bill also limits the development of public projects on or adjacent to an agricultural preserve. The bill goes next to the full Senate.

Sen. Jerry Janezich (DFL-Chiselm) presented two bills: S.F. 498, a proposal that clarifies St. Louis County's contracting authority to include solid waste management operations; and S.F. 237, a measure that provides procedures for counties to combine the offices of auditor and treasurer. Members changed the effective date of S.F. 237 to the day after enactment. The committee sent both bills to the full Senate.

## Taxes and Tax Laws

### MinnesotaCare bill advances

The MinnesotaCare bill, S.F. 900, received approval from the Taxes and Tax Laws Committee, chaired by Sen. Douglas Johnson (DFL-Cook), Thurs., Apr. 8. Sen. Linda Berglin (DFL-Mpls.), bill author, said the proposal establishes integrated service networks (ISN) and creates a regulatory framework for the operation of the ISNs.

Members added a provision to the bill that makes a violation of the automobile seatbelt requirement a primary offense, which means a law enforcement officer may pull over a vehicle solely for the purpose of issuing a citation for not wearing a seatbelt. The amendment also increase from \$25 to \$50 the fine for transporting children under the age of four without a safety belt or a passenger restraint system. However, the provision provides that the fine may be waived if the violator agrees to purchase a restraint system. In addition, the amendment requires all passengers in a vehicle to wear a seat belt.

The committee approved amendments to the bill that clarify how the proposal's tax provisions affect pharmacies and manufacturers of medical equipment. After making several technical and clarifying amendments, members approved the bill and referred it to the Health Care Committee.

Sen. Charles Berg (DFL-Chokio) presented S.F. 237, a bill that declares farmed cervidae (deer and elk) to be livestock and raising farmed cervidae to be an agricultural pursuit. The committee amended the bill by deleting the tax provisions. Members approved the bill and sent it to the full Senate.

Sen. Harold "Skip" Finn (DFL-Cass Lake) offered S.F. 278, a bill that originally increased the sales tax rate on alcoholic beverages to ten percent; provided for the

dedication of a portion of revenues from the sales tax on alcoholic beverages to the chemical dependency treatment account; and eliminated requirements for a sliding fee schedule for persons who are eligible for chemical dependency fund services. However, Sen. Joe Bertram Sr. (DFL-Paynesville) gained approval of an amendment that deletes all of the tax provisions in the bill. Members approved the bill as amended and re-referred it to the Finance Committee.

### Cigarette tax increased

Members of the Taxes and Tax Laws Subcommittee on Income and Sales Tax met Tues., Apr. 13, and advanced a bill repealing the Unfair Cigarette Sales Act and increasing the tax on cigarettes by 23 cents per pack. The action came after members considered a bill, S.F. 1547, authored by Sen. Bob Lessard (DFL-Int'l. Falls), that was originally designed to alter the law which sets minimum wholesale prices for cigarettes. The original bill revises the rebate, penalty, notification and publication provisions in the Unfair Cigarette Sales Act. However, an amendment, offered by Sen. Duane Benson (IR-Lanesboro), repeals the Unfair Cigarette Sales Act altogether. Sen. John Marty (DFL-Roseville) offered an amendment to the amendment that would increase the tax on cigarettes to 23 cents per pack. Marty argued that repealing the cigarette sales law would allow cigarettes to be sold as "loss leaders" at much lower prices and that in order to keep prices at about current levels the additional tax should be added. Marty also said that the goal is to continue discouraging cigarette consumption and to raise revenue for health care programs. Both the Marty amendment and the Benson amendment were adopted on divided votes. The bill was sent to the full committee.

In other action, subcommittee members, chaired by Sen. Ember Reichgott (DFL-New Hope), devoted considerable time to discussing a bill, S.F. 1040, that requires owners and operators of coin operated vending machines to pay an annual decal fee, rather than subject the sales made through the devices to the sales tax. No action was taken on the measure, authored by Reichgott.

Members also discussed a bill exempting capital equipment purchases from the sales tax. S.F. 829, authored by Sen. Dallas Sams (DFL-Staples), is designed to provide incentives to businesses by authorizing the exemption and by allowing an investment tax credit to be taken against the income tax liability of the purchaser. No formal action was taken on the measure.

### Met Council cuts approved

A bill transferring 50 percent of the levy used by the Metropolitan Council for general purposes to the Minnesota Housing Finance Agency received the consideration of the Taxes and Tax Laws Subcommittee on Property Taxes at a Weds. Apr. 14, evening meeting. Under the bill, the agency may use the money for grants or loans to Metropolitan Area cities and other specified entities that have housing program authority. The funds are to be used for providing funding for single-family and multi-family housing for low-income people.

The tax levy amount to be cut from the Metro Council is estimated at \$4.4 million, or 25 percent of the council's budget. Pogemiller asked the committee to consider whether the funds would be better spent on Metropolitan Council functions such as housing planning or directly on housing to revitalize blighted neighborhoods. The cut in the Metropolitan Council's budget would, Pogemiller said, cause major reorganization and job loss at the council.

Metropolitan Council representatives testified that the proposed budget cut would result in the elimination of housing and human investment planning by the council as well as reducing or eliminating other functions critical to the well-being of the Metropolitan Area.

Sen. Ted Mondale (DFL-St. Louis Park), offered an amendment that divides the funding source for the housing program between the Metro Council and the Metro Mosquito Control District. The committee defeated the amendment.

The subcommittee, chaired by Sen. Carol Flynn (DFL-Mpls.), approved the measure and referred it to the Taxes and Tax Laws Committee.

Eight Tax Increment Financing (TIF) bills were approved and referred to the Taxes and Tax Laws Committee.

S.F. 711, sponsored by Sen. James Metzen (DFL-South St. Paul), extends the duration of a TIF district in Inver Grove Heights for two more years. It also allows the city to sell \$4 million in bonds for bridge work and infrastructure improvements. The committee approved an amendment to S.F. 711 offered by Sen. William Belanger (IR-Bloomington). The amendment similarly extends the TIF district for the city of Chanhassen and authorizes bonding authority for the city.

S.F. 1111, sponsored by Flynn, exempts redevelopment districts from the LGA/HACA offset and provides an option for delaying up to four years receiving the first increment. If the authority chooses to implement the delay, the maximum duration of a redevelopment district is shortened from 25 to 20 years. The committee approved an amendment to remove the portions of the bill that permit pooling, creating the effect of requiring compliance with the current law, which states that at least 75 percent of TIF dollars must be used for the district.

S.F. 1269, sponsored by Sen. Linda Berglin (DFL-Mpls.), amends the increment financing law to provide for operation and regulation of housing districts. The bill exempts housing districts from the LGA/HACA offsets and extends the period in which increments can be used for interest programs by housing redevelopment authorities from 12 to 15 years.

S.F. 1159, sponsored by Sen. Jane Ranum (DFL-Mpls.), permits housing and redevelopment authorities in first class cities to exercise the power of eminent domain when a property currently contains substandard buildings or which contained them at some time during the preceding three years.

S.F. 1336, sponsored by Sen. Sam Solon (DFL-Duluth), authorizes the establishment of a special service district in the city of Duluth. The district, according to Solon, is

for developing the waterfront area of Duluth. The panel approved an amendment offered by Sen. Joanne Benson (IR-St. Cloud), removing a portion of the bill permitting a special sales tax in the district.

S.F. 1419, sponsored by Pogemiller, is the annual public finance bill. The bill makes numerous changes to laws providing conditions and requirements for the issuance of public debt and for the financial obligations of authorities.

S.F. 302, also sponsored by Pogemiller, makes changes in regulations governing a Minneapolis special service district. The bill increases the range of special services that may be provided, alters the boundary of the district, and establishes an additional district.

## Transportation and Public Transit

### Transportation planning

The Transportation and Public Transit Committee, at a Weds., Apr. 7, meeting, considered a bill that makes revisions in the state transportation plan for the Metropolitan Area. S.F. 474, sponsored by Sen. Sandra Pappas (DFL-St. Paul), requires the non-transit portion of the Metropolitan Council's transportation policy plan to provide for determining whether transportation needs to be met by any highway project can be better met by transit improvements. The council's plan must also provide procedures for examining whether the proposed highway will isolate low-income people from the economic opportunities in the area being served by the highway. Another provision of S.F. 474 prohibits the Metro Council from approving a proposed highway project providing new or increased capacity unless at least 50 percent of the cities and towns in the corridor meet the council's comprehensive choice housing requirements. The bill was laid over.

S.F. 1504, sponsored by Sen. William Belanger (IR-Bloomington), also received a hearing. The bill adopts into state law several federal motor carrier safety regulations. The bill allows small motor carriers to file abbreviated annual reports; provides for registration of interstate motor carriers; allows 45-foot buses to be operated in the state; exempts drivers of lightweight vehicles from driver qualification rules; and requires numerous categories of carriers to keep records of all shipments for three years. The bill was advanced to the full Senate.

The committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), also considered S.F. 561, authorizing the Dept. of Public Safety to issue a 30-day temporary permit to eligible applicants for license plates and parking certificates for physically disabled persons. The bill, sponsored by Sen. Carol Flynn (DFL-Mpls.), was approved and sent to the full Senate.

### Budget plan approved

After much debate, Sen. Keith Langseth (DFL-Glyndon) gained approval of his budget proposal from the Transportation and Public Transit Committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), Thurs, Apr. 8.

S.F. 1251 assumes a 5 cent gasoline tax increase beginning June 1, 1993 and an annual tax rate adjustment after Sept. 30, 1994. The proposed gasoline tax offsets the amount appropriated from the general fund to the Depts. of Transportation and Public Safety. The additional revenue of \$241.6 million is distributed among the county state aid fund, municipal state aid fund, state road construction and highway program delivery as well as to the Minnesota State Patrol, which will be appropriated \$5.7 million to restore 65 unfilled patrol positions.

The total funding available to Mn/DOT for FY94-95 is \$2.3 billion. The bill proposes a total increase to Mn/DOT of \$242.8 million over the governor's recommendation, but shows a decrease of \$25.5 million from the governor's general fund appropriation. In addition, for the FY94-95 biennium, the Regional Transit Board receives approximately \$100.2 million; the Transportation Regulatory Board receives \$1.4 million; and the Dept. of Public Safety, which receives half its total funds from the transportation division, receives \$11.5 million under the bill. The bill also includes an allocation of \$134,000 to the Minnesota Safety Council.

The committee discussed the derivation of motor vehicle excise tax (MVET) revenues for transit. S.F. 1251 increases MVET from 6.5 percent to 7 percent, raising an additional \$49.1 million, for a total MVET revenue source of \$688.2 million. Under the bill, 27 percent of the MVET revenue, or \$132.8 million, is transferred to the Transit Assistance Fund and proportionately distributed between the RTB for use in the Metro Area and Mn/DOT for transit in Greater Minnesota.

Sen. Paula Hanson (DFL-Ham Lake) successfully amended S.F. 1251 to include a new formula for the county state-aid highway (CSAH) system. Hanson explained that in 1994, on the basis of a county's need as determined by the formula, a county receives an apportionment sum no more than its apportionment for the previous year plus 39.5 percent and no less than its apportionment for 1993 plus three percent. The three percent may be decreased proportionately among the counties if the total apportionment sum is insufficient, she said. Under the proposal, several counties receive only a three percent increase, whereas only one county, Anoka County, receives a percentage increase of 39.5 percent. The amendment also establishes a dispute resolution board to review proposed changes and make a recommendations regarding CSAH in the event a city fails to approve projects within its corporate limits. The bill goes next to the Finance Committee.

### Editor's note

The second committee deadline was today, Fri., Apr. 16. As a result, it was impossible to complete the committee schedules for the week of Apr. 19-23 at the time this edition of *Briefly* went to press. The complete schedule depends upon which bills cleared the respective policy committees. Please call the Senate Information Office at 296-0504 or the Senate Hotline at 296-8088 for more up to date schedule information.

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# Floor action

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For April 12-15

## Bills granted preliminary passage on General Orders--April 15

S.F. 334-Vickerman: Authorizing the issuance of a citation to a driver for failure to yield right-of-way to an emergency vehicle and providing a penalty for the vehicle owner or lessee for failure to yield.  
H.F. 654-Finn: Regulating corporate registrations and administrative dissolutions and making numerous changes to laws governing corporations.  
S.F. 441-Spear: Requiring employers to indemnify employees for liability arising out of the scope of employment.  
S.F. 183-Knutson: Providing for the classification of law enforcement data and classifying booking photographs.  
S.F. 764-McGowan: Authorizing the presence of a supportive person during criminal proceedings in which a minor is a prosecution witness.  
S.F. 577-Murphy: Prescribing penalties for failure to comply with the precursor chemical tracking system and requiring the reporting of missing substances and purchases made out of state.  
S.F. 96-Riveness: Clarifying rulemaking provisions for Pollution Control Agency adoption of wastewater treatment standards.  
S.F. 688-Krentz: Changing the name of the Council on the Affairs of Spanish-speaking People to the Council on the Affairs of Mexicano/Chicano and Latino People.  
S.F. 1148-Bertram: Authorizing a permit to be issued for a trailer or semi-trailer exceeding 28 1/2 feet in a three-vehicle combination.  
H.F. 295-Chmielewski: Authorizing utilities to make automatic annual rate adjustments for costs of conservation improvements.

## Bills granted final passage on the Calendar--April 15

H.F. 566-Novak: Extending the authority of the Public Utilities Commission to approve incentive regulation plans for a telephone company. 56-0  
H.F. 976-Merriam: Authorizing a county to transfer funds to and enter into contracts with community action agencies. 57-0  
H.F. 421-Samuelson: Authorizing an addition to Charles A. Lindberg State Park. 60-1  
S.F. 64-Samuelson: Setting seasons for taking deer by muzzle-loading firearms. 64-0  
S.F. 490-Price: Authorizing the sale of tax-forfeited land in Washington County to the city of Oakdale. 63-0  
S.F. 702-Finn: Requiring identification of traps and providing penalties. 64-0  
S.F. 483-Merriam: Allowing all big game to be taken under a crossbow permit for hunters with disabilities. 59-5

## Bills granted final passage on the Consent Calendar--April 15

S.F. 1466-Johnson, J.B.: Releasing reversionary interest of the state to Independent School District #911, Cambridge. 66-0  
S.F. 349-Morse: Updating the name of the umbrella student association for technical colleges. 65-0  
H.F. 381-Murphy: Revising the mailing requirement for notices of referendum revenue authorization elections. 64-0  
H.F. 1527-Lesewski: Providing for school district elections in Independent School District Nos. 404, 408, and 583. 66-0  
H.F. 86-Olson: Extending the expiration date of the governor's residence council and providing for four additional public members. 67-0  
S.F. 754-Runbeck: Requiring annual removal of voting registration cards of deceased registrants and requiring an annual update of the statewide registration system. 67-0  
H.F. 1100-Wiener: Clarifying provisions regulating the Health Coverage Reinsurance Association. 67-0

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, April 19

The Senate will meet at 8:30 a.m.

#### Agriculture and Rural Development Committee

Chair: Sen. Joe Bertram, Sr.  
12 noon Room 107 Capitol  
Agenda: Discussion of agricultural practices as they pertain to water quality.

#### Family Services Committee and Health Care Committee

Co-Chairs: Sen. Pat Piper and Sen. Linda Berglin  
1 - 6 p.m. Room 316 Capitol  
Agenda: Discuss S.F. 1496-Samuelson: Omnibus health care funding bill. Only members of the Family Services Committee will take action on the bill.

#### Crime Prevention Finance Division

Chair: Sen. Tracy Beckman  
2 p.m. Room 15 Capitol

Agenda: S.F. 919-Spear: Omnibus crime bill.  
S.F. 958-Kelly: Drug fines, DARE funding.  
S.F. 977-Ranum: K-12 violence prevention grants. S.F. 1083-Kelly: Asian youth crime prevention program. S.F. 1095-Ranum: Higher education violence prevention initiative. S.F. 1096-Ranum: Criminal justice information system integration and oversight. S.F. 1370-Runbeck: Pediatric sexual health institute. S.F. 1566-Spear: Crime prevention grants and funding; S.F. 1422-Anderson: Requiring a survey of inmates in correctional system.

#### Metropolitan and Local Government Committee

Chair: Sen. Betty Adkins  
2 p.m. Room 107 Capitol  
Agenda: Senate confirmations--governor's appointments to the Metropolitan Waste Control Commission and the Metropolitan Council.

#### Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse  
4 p.m. Room 123 Capitol

Agenda: S.F. 1334-Samuelson: Citizens lake monitoring program. S.F. 213-Samuelson: Cuyuna County State Recreation area. S.F. 883-Chandler: Inspection of watercraft for exotic harmful species. S.F. 1388-Frederickson: Swan Lake and Heron Lake projects. S.F. 1350-Chmielewski: Permitting soil and water conservation districts to levy taxes.

#### Taxes and Tax Laws Committee

Chair: Sen. Douglas Johnson  
4 - 5:30 p.m. Room 15 Capitol  
Agenda: Not available at press time.

#### Taxes and Tax Laws Subcommittee on Property Tax

Chair: Sen. Carol Flynn  
5:30 p.m. Room 15 Capitol  
Agenda: Property tax sections of omnibus bill.

#### Education Funding Division

Chair: Sen. Lawrence Pogemiller  
6 p.m. Room 118 Capitol  
Agenda: Not available at press time.

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### Finance Committee

Chair: Sen. Gene Merriam  
7 - 10 p.m. Room 123 Capitol

**Agenda:** Environment and natural resources appropriations bill. Possible additions to follow.

**Tuesday, April 20**

The Senate will meet at 8:30 a.m.

### Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse  
2 - 6 p.m. Room 107 Capitol  
**Agenda:** S.F. 1395-Berg: Camping facilities adjacent to wildlife management areas. S.F. 184-Luther: Off-highway motorcycles. S.F. 1088-Luther: Off-road vehicles. S.F. 1476-Kelly: RIM funds for restoration of fish and wildlife habitat. S.F. 760-Price: DNR to give nominal gifts. S.F. 812-Price: Increasing and extending the motor vehicle fees. S.F. 723-Finn: 7-day fish house licenses for non-residents; S.F. 879-Morse: Surcharges on registered pesticides; S.F. 880-Morse: Changing methods for assessing and correcting hazardous waste administration fees.

### Ethics and Campaign Reform Committee

Chair: Sen. John Marty  
2 p.m. Room 318 Capitol  
**Agenda:** Governor's appointments to the State Ethical Practices Board.

### Health Care Committee

Chair: Sen. Linda Berglin  
2 p.m. Room 118 Capitol  
**Agenda:** S.F. 1496-Samuelson: Omnibus health care funding bill.

### Taxes and Tax Laws Subcommittee on Income and Sales Tax

Chair: Sen. Ember Reichgott  
2 - 5 p.m. Room 112 Capitol  
**Agenda:** Income and sales tax sections of the omnibus tax bill.

### Transportation and Public Transit Finance Division

Chair: Sen. Keith Langseth  
4 p.m. Room 125 Capitol

**Agenda:** S.F. 875-Morse: High speed rail. S.F. 1010-Kiscaden: Study of Rochester airport and high speed rail.

### Joint Senate and House Finance Subcommittee on Claims

Co-Chairs: Sen. Randy Kelly and Rep. Andy Steensma  
6 p.m. Room 400 South SOB  
**Agenda:** Discussion of Dept. of Corrections regarding injury claims and property claims. Veterans bonus bill. Non-Dept. of Correction claims.

**Wednesday, April 21**

The Senate will meet at 8:30 a.m.

### Crime Prevention Finance Division

Chair: Sen. Tracy Beckman  
2 p.m. Room 15 Capitol  
**Agenda:** Not available at press time.

### Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse  
2 p.m. Room 123 Capitol  
**Agenda:** Bills to be scheduled.

### Taxes and Tax Laws Committee

Chair: Sen. Douglas Johnson  
4 p.m. Room 15 Capitol  
**Agenda:** Omnibus tax bill.

**Thursday, April 22**

The Senate will meet at 8:30 a.m.

### Crime Prevention Committee

Chair: Sen. Allan Spear  
2 p.m. Room 112 Capitol  
**Agenda:** Bills reported from Crime Prevention Finance Division. Confirmation of commissioner of Public Safety.

### Taxes and Tax Laws Committee

Chair: Sen. Douglas Johnson  
2 p.m. Room 15 Capitol  
**Agenda:** Not available at press time.

**Friday, April 23**

The Senate will meet at 8:30 a.m.

### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard  
10 a.m. - 8 p.m. Room 107 Capitol  
**Agenda:** Not available at press time.

### Health Care Committee

Chair: Sen. Linda Berglin  
1 p.m. Room 15 Capitol  
**Agenda:** Bills reported out of Health Care and Family Services Funding Division.

### Transportation and Public Transit Committee

Chair: Sen. Florian Chmielewski  
2 p.m. Room 112 Capitol  
**Agenda:** S.F. 837-Belanger: Handicapped parking citizen enforcement. S.F. 1524-Hanson: Highway work zone safety fund. S.F. 762-Morse: Port development assistance program. S.F. 811-Riveness: Metropolitan Area high speed bus study. S.F. 816-Chmielewski: Transportation and public transit policy. S.F. 875-Morse: Tri-state high speed rail service study. S.F. 1010-Kiscaden: Rochester airport manufacturing and freight shipping facility, and high speed rail study.

### Television coverage offered

Senate Media Services plans to provide live gavel-to-gavel television coverage of committee hearings and floor action from 8 a.m. until 5 p.m. weekdays. The programming will run on Channel 6 the Metro Cable Network.

Also, watch for Senate Report, a weekly public affairs program, featuring lawmakers from specific regions around the state reviewing legislative issues from a regional perspective. Senate Report is broadcast on PBS stations as well as Channel 6 the Metro Cable Network.

Senate Media Services also produces a live call-in show--Capitol Call-In. The show features various Senators speaking on timely issues. Viewers are invited to call in and speak directly with Senators regarding the issues. Capitol Call-In is on Fridays at 3 p.m.



# Briefly

APR 23 1993

The Minnesota Senate Week in Review

April 23, 1993

## Campaign finance bill passes

The Tues., Apr. 20, floor session was dominated by discussion of the campaign finance bill, S.F. 163, sponsored by Sen. John Marty (DFL-Roseville). Under the bill, campaigns are financed by small individual contributors and public matching funds. Other sources of funding are curtailed by banning contributions of more than \$200 and banning contributions by political action committees (PACs). The bill increases public funding of campaigns by \$1.9 million.

The Senators approved several amendments to S.F. 163. An amendment offered by Sen. William Luther (DFL-Brooklyn Park), changes ballots for judicial seats to include a number for each seat, rather than the name of the incumbent, thereby naming the incumbent only once on the ballot, rather than twice.

Two other Luther amendments were approved. The first separates the appropriation available to candidates whose opponents are the recipients of independent expenditures and to candidates whose opponents do not accept spending limits into two appropriations. The second amendment prohibits all candidates from accepting contributions from lobbyists and PACs, including those who do not accept spending limits.

Sen. Dean Johnson (IR-Willmar) offered an amendment proposing a constitutional amendment calling for term limits for legislators and constitutional officers. However, the amendment was ruled not germane to the bill, and the Senators upheld the ruling on a 43-22 roll call vote.

Senators defeated an amendment by Sen. Joe Bertram (DFL-Paynesville), that removes requirements in the bill that obliges those making independent expenditures of more than \$100 to notify the board of elections of the expenditure.

An amendment by Sen. Ted Mondale (DFL-St. Louis Park), eliminates the provision in the bill that allows a corporation to use contributions to a PAC it has established to pay for start-up administrative costs for the PAC. The amendment was approved.

Three final amendments were adopted. The first, offered by Sen. Lawrence Pogemiller (DFL-Mpls.), specifies that a candidate must have been nominated to appear on the ballot in the general election in order to qualify for public matching funds for the campaign. The second, sponsored by Sen. Florian Chmielewski (DFL-Sturgeon Lake), eliminates nonprofit corporations from the bill's definition of "corporations," effectively exempting them from the provisions of the bill regulating the cam-

paign contributions of corporations. The third, by Marty, removing non-profit political corporations from the definition, was also approved. The Senators then passed the bill on a 43-24 vote.

## Budget information bill gains

The Rules and Administration Committee, chaired by Sen. Roger Moe (DFL-Erskine), met Wed., Apr. 21, to take action on a bill that puts into law current Senate practices regarding the availability of information about Senate expenses. The Senate currently maintains information about Senate budgets and expenses as public information. The measure requires quarterly detailed reports of expenditures to be made to the Committee on Rules and Administration in each body. In addition, the bill clarifies that information relating to telephone expenses is also public. Finally, the measure spells out the oversight duties of the director of House Administrative Services, the Secretary of the Senate, each constitutional officer and the heads of executive branch departments and agencies regarding telephone usage.

The panel also considered an amendment that is to be offered to the Permanent Rules of the Senate concerning the purchasing of services by the Senate. The new rule specifies that long distance telephone services paid for by the Senate are to be used only for Senate-related business. The rule also requires that the Secretary of the Senate submit quarterly detailed reports of Senate expenditures to the Committee on Rules and Administration.

## Omnibus tax bill okayed

The Thurs., Apr. 22, floor session was dominated by debate over H.F. 1735, the omnibus tax bill. According to chief sponsor Sen. Douglas Johnson (DFL-Cook), "The most significant issue in the bill is the property tax relief offered to farmers of Minnesota." Johnson said that the bill also restore cuts in Local Government Aid to hold down property taxes. Johnson emphasized that the bill does not have the provision raising the income tax on the highest income Minnesotans.

Sen. Carol Flynn (DFL-Mpls.) outlined the property tax provisions in the bill. The measure phases out the Local Government Trust Fund and specifies that future payments be made from the general fund. The bill also establishes "limited market value" for all types of property and reduces farm property taxes by reducing class rates. The bill also liberalizes the use of Tax Increment Financing. Another section provides for local government cooperation and innovation. The bill provides for a

comprehensive choice housing program to encourage communities to develop low income housing and sets aid penalties for noncompliance. Finally, the measure contains a pollution control tax to provide for pollution abatement. Sen. Ember Reichgott (DFL-New Hope) detailed the income and sale tax provisions. According to Reichgott, most of the \$6 million in new revenue is derived through compliance with federal income tax laws. The bills also provides a sales tax exemption for livestock, primarily horses. The measure also subject sports bookmaking to the 6 percent sales tax and exempts raffles conducted by cities, counties and towns from gaming tax provision. The bill also revises penalties under the Unfair Cigarette Sales Act against both retailers and wholesalers on cigarettes knowingly sold below the legal price.

Debate on the measure centered on a series of amendments. Sen. Duane Benson (IR-Lanesboro) offered an amendment to raise the tax on cigarettes by 23 cents per pack and to repeal the floor on wholesale cigarette prices. The increased cigarette tax generates \$150 million that could be used for health care programs, Benson said. An amendment, offered by Sen. John Hottinger (DFL-Mankato), restoring the Local Government Trust Fund, was also adopted. However, a part of the amendment increasing payments and establishing a new city based distribution fund failed to be adopted. Sen. Charles Berg gained approval for an amendment allowing charitable gaming organizations that own their own facilities to pay property taxes from gaming receipts.

Members turned back a series of amendments deleting or altering the comprehensive choice housing program contained in the measure. There was also considerable debate on the provision exempting animals from the sales tax, however amendments dealing with the provision were withdrawn. Finally, several amendments concerning video gaming were ruled not germane to the bill. The bill was given final passage on a 45-21 roll call vote.

## Third deadline reached

Senators began holding daily floor sessions this week to process bills on the General Orders Calendar, consider bills on the Calendar and debate bills designated Special Orders. Today, Fri., Apr. 23, is the third committee deadline for appropriations and tax bills. During the week, several of the major funding bills were advanced to the Senate floor and acted upon. The Senate will continue daily floor sessions and conference committees will begin working to reconcile the difference between the House and Senate versions of major bills.

# Committee update

## Commerce and Consumer Protection

### Insurance Guaranty bill advances

A bill that repeals and replaces the law regulating the Minnesota Life and Health Guaranty Association cleared the Commerce and Consumer Protection Committee at a Thurs., Apr. 15, meeting. The committee approved eight amendments to the bill, S.F. 1135, by the bill's author, Sen. William Luther (DFL-Brooklyn Park). The amendments specify the calculation method for payment of the association's obligations and clarifies that the Mutual Benefit, Executive Life, and other insolvencies occurring before Aug. 1, 1993, are subject to current law. It also clarifies that policies or contracts purchased before Aug. 1, 1993, are subject to current law. One amendment raises the maximum benefit for health insurance policies and for net cash surrender and net cash withdrawal values for life insurance policies to \$300,000. Another provides that if another state denies coverage to a policyholder who is eligible for coverage under the provisions of the bill, the association must provide coverage. Another amendment prohibits the sale of unallocated annuities that exceed the coverage limits in the new law, effectively limiting unallocated annuities sold in the state to \$5 million.

The committee, chaired by Sen. Sam Solon (DFL-Duluth), approved S.F. 1135 and sent it to the full Senate.

## Crime Prevention

### Counterdrug activity bill okayed

A bill providing for joint counterdrug activities among states through assistance by the National Guard was among several bills considered by the Crime Prevention Committee, Thurs., Apr. 15.

S.F. 340, offered by Sen. Jim Vickerman (DFL-Tracy), ratifies the National Guard Mutual Assistance Counterdrug Activities Compact to assist the Minnesota National Guard in obtaining assistance for counterdrug activities with National Guard units of other states. In addition, the bill provides for the entering into mutual assistance and support agreements with law enforcement agencies in the state. The bill was approved and advanced to the Senate floor.

Next, the committee, chaired by Sen. Allan Spear (DFL-Mpls.), discussed a bill, sponsored by Sen. Leonard Price (DFL-Woodbury), that deals with criminal background checks on families who apply to host international students. Price said that under S.F. 34, background checks of prospective families would be discretionary, and would be done by the BCA in the manner of the child protection background checks authorized by the 1992 Legislature. The bill also requires organizations that regularly place international student exchange visitors who are between the ages of 18 and 21 and who are to attend high school to register annually with the secretary of state. The committee adopted an amendment, offered by Price, requiring payment of a \$50 registration fee to be

credited to the general fund. The bill also requires the secretary of state to adopt rules to set standards for the organizations. In addition, the bill provides for a misdemeanor penalty for any violation of the measure. Price clarified that the bill does not prohibit an organization from placing a student with a family if a family member is found to have been convicted of a felony. Senators approved the bill and re-referred it to the Finance Committee.

Sen. John Hottinger (DFL-Mankato), presenting S.F. 403, said that the bill provides for penalties for negligently setting fire to a hotel or its furnishings. The bill, effective Oct. 1, 1993, also imposes a penalty for culpable negligence in causing a fire to burn or get out of control with the penalty ranging from a felony for a fire involving great bodily harm to a human being to a misdemeanor if the value of the property damaged is under \$300. The bill was approved and sent to the full Senate.

S.F. 450, containing several matters within the jurisdiction of the committee, was also considered. The bill, sponsored by Sen. Linda Runbeck (IR-Circle Pines), authorizes an enhanced recoupment level in AFDC cases involving welfare fraud, integrates a client release as an inclusion in the combined application form, and adds the food stamp program to the financial transaction card fraud law. In addition, the bill creates and authorizes a county attorney to request an administrative subpoena for records relating to eligibility for public assistance programs from the commissioner of human services. Only the records of business entities, not those of private individuals, nor their dwellings and medical records, may be subpoenaed.

Sen. Patrick McGowan (IR-Maple Grove) offered an amendment that clarified that under S.F. 450, subpoenas may only be issued for records that are relevant to an ongoing legitimate law enforcement investigation or "welfare fraud investigation where there is probable cause that a crime has been committed." The amendment was adopted. Another McGowan amendment, adopted by the committee, changes the effective date for the entire measure to October, 1993. The bill also establishes the offense of food stamp trafficking and prescribes penalties for violation of the measure. The committee approved the bill as amended and sent it to the Senate floor.

McGowan also presented a bill for committee consideration. The bill, H.F. 732, exempts law enforcement agencies from the requirements of the criminal offender rehabilitation employment law which basically prohibits the use of criminal convictions to disqualify individuals from employment unless the crime directly relates to the position sought or the offender shows that he/she has been rehabilitated. The bill was approved and sent to the Senate floor.

In other committee action, H.F. 461 was also approved. The bill, authored by Sen. Jane Ranum (DFL-Mpls.) authorizes home rule charter and statutory cities to offer and pay rewards offered by a nonprofit organization for information leading to the apprehension, charging, or conviction of a person alleged to have committed a felony within

the city's limits. The bill advances to the full Senate and was recommended for the Consent Calendar.

Sen. Randy Kelly (DFL-St. Paul) gained approval of a bill that creates a probation standards task force and requires a report, including, but not limited to, recommendations about appropriate case definitions and reporting procedures and legislative changes needed to implement objectively defined case classification systems. S.F. 1581 will be incorporated in the omnibus crime bill, S.F. 919, sponsored by Spear.

In addition to the incorporation of S.F. 1581, Senators also adopted other amendments to S.F. 919. Amendments include a provision, offered by Sen. Gene Merriam (DFL-Coon Rapids) that imposes a disciplinary confinement period for failure to perform a work assignment. Among those offered by Kelly include an amendment that provides for the establishment of a community-based sex offender program evaluation project, and an amendment that provides for the exemption from impoundment and forfeiture of any motor vehicle leased or rented for a period of less than 180 days as defined in a measure dealing with prostitution offenses. Spear successfully amended the bill to provide that the Supreme Court does not have to power to promulgate rules of evidence which conflict, modify, or supersede "statutes which related to the admissibility of statistical probability evidence based on genetic or blood test results. Sen. John Marty (DFL-Roseville) amended the bill to allow consolidation of venue. Under the amendment, if two or more offenses are committed by the same person in more than one county, the accused may be prosecuted for all the offenses in any county in which one of the offenses was committed.

### Omnibus crime prevention bill

Members of the Crime Prevention Finance Division, at their Mon., Apr. 19, meeting, hashed out final amendments to the omnibus crime prevention bill.

S.F. 919, sponsored by the new chief author, Sen. Randy Kelly (DFL-St. Paul), outlines types of criminal activity and creates a variety of offender penalties. The bill prohibits drive-by shootings, possession of dangerous weapons and trespassing on school property, negligent storage of firearms, and reckless discharge of a firearm. Sentence of life without release for first-degree murder of a peace officer is also contained in the bill.

Furthermore, the bill provides for forfeiture of vehicles used in drive-by shootings and prostitution, authorizes metropolitan governmental entities to adopt firearms ordinances that are stricter than state law, provides for access to juvenile court records, increases penalties for repeat violations of pistol permit laws and extends the wiretap warrant period. Expansion of sex offender registration as well as of the DNA specimen provision are also detailed in the bill. In addition, the bill requires specific counties to establish diversion programs for offenders.

The division, chaired by Sen. Tracy Beckman (DFL-Bricelyn), heard a bill.

offered by Sen. Jane Ranum (DFL-Mpls.) that provides for implementation and oversight of an integrated criminal justice information system. The division adopted a Ranum amendment to S.F. 1096 that imposes a 50 cent surcharge on the fee for copies or electronic transmittals of public information concerning motor vehicle registrations and driver's license and identification card applicants. Ranum said that of the revenue collected, which must be credited to the general fund, \$50,000 will be appropriated to the commissioner of public safety to reimburse local correctional agencies for costs incurred to comply with the measure. The bill was incorporated as an amendment to the omnibus crime bill.

Kelly offered a lengthy amendment to S.F. 919. The amendment establishes a grant program for coordinated, family-based crime intervention services as well as prevention services for Asian-American youth designed to enrich the educational, cultural or recreational opportunities of at-risk elementary or secondary school age youth. The amendment also adjusts the minimum fine imposed by courts for controlled substance offenses to require a fine of not less than 20 percent of the maximum fine authorized by law and furthermore, increases the percentage of the maximum fine to 30 percent to be imposed upon persons convicted of other felony crimes. The amendment also specifies that 20 percent of the revenues collected by the court must be credited to the state fund.

Multi-disciplinary program grants for professional education about violence and abuse are contained in the amendment. The education must be designed to prepare students entering a variety of professions who work with adult and child victims and perpetrators of violence and abuse. In addition, a higher education center on violence and abuse and an advisory committee to develop specifications for the center are created. Another planning project addressed in the amendment is the establishment of Institute for Child and Adolescent Sexual Health. The amendment sets forth specific recommendations regarding several aspects of development.

The division adopted the amendment with an appropriation from the general fund of approximately \$4.3 million to implement the provisions in the amendment. Members also reviewed the funding proposal that raises \$7.4 million per year from fees and increased fines. The additional revenues will fund new crime prevention programs.

## Education

### Education funding discussed

Members of the Education Funding Division continued to craft the omnibus K-12 funding bill Thurs., Apr. 15. Sen. Lawrence Pogemiller, division chair, announced a new proposal to provide additional education funding.

Pogemiller said the proposal creates a third-tier income tax of 9.25 percent to be paid by single-filers with gross earnings of approximately \$70,000 and joint-filers with gross earnings of around \$120,000. The tax would raise an estimated \$126 million that would be used to reduce classroom sizes, according to Pogemiller. Pogemiller said he

would offer the tax proposal as an amendment to the omnibus education bill. Sen. Gen Olson (R-Minnetrista) and other division members expressed opposition to the tax proposal. The opponents said the tax proposal was not good public policy and that the governor would veto the bill because of the tax increase.

In addition to discussing the tax proposal, members reviewed article III of the bill, the special education provisions; article V, which deals with capital expenditures for infrastructure and equipment; and article IX, containing miscellaneous provisions. Members incorporated into article V portions of a bill authored by Sen. Ellen Anderson (DFL-St. Paul). Anderson said the bill, S.F. 933, requires radon testing in schools and licensed day care centers.

### Education bills considered

The Education Committee, co-chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and Sen. LeRoy Stumpf (DFL-Thief River Falls), met Fri., Apr. 16, to take action on three bills.

Sen. Steve Murphy (DFL-Red Wing) offered S.F. 1320, a bill requesting that the Board of Regents of the University of Minnesota and the State University Board consult with school district officials and vocational and technical teachers to determine the content of courses being offered and the appropriateness of substituting them for admissions requirements. The boards must report their findings to the education committees of the Legislature by Feb. 1, 1994. Members approved the bill and sent it to the Senate floor.

Sen. William Luther (DFL-Brooklyn Park) gained support for S.F. 153. Luther said the measure permits independent school district No. 279, Osseo, to adopt an alternating eight-period schedule. The bill also exempts the district from some statutory instructional time requirements through the 1995-1996 school year, said Luther. Members amended the bill to require the district and the Dept. of Education to conduct a study of the eight-period schedule's impact on student performance. The bill goes next to the Senate floor.

Sen. Steve Morse (DFL-Dakota) presented S.F. 511. Morse said the bill allows school districts to employ a school board member as a district employee if the board member will earn no more than \$5,000 per year from the district. Members approved an amendment that clarifies that the measure does not prohibit an employee's spouse or an officer from contracting for the sale or lease of books, apparatus, furniture or other supplies to be used in a school district with which the employee or officer is connected in any official capacity--as long as the employee's or officer's position does not involve approving contracts for supplies and the school board unanimously approves the transaction. The committee approved the bill and sent it to the full Senate.

### Omnibus K-12 funding bill

During a day long hearing Sat., Apr. 17, members of the Education Funding Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), continued to piece together the omnibus K-12 funding bill.

Members focused on article VI of the bill,

which contains provisions relating to school district organization. Much of the debate centered around a proposal to allow the establishment of additional outcome-based charter schools. The sponsor of the proposal, Sen. Ember Reichgott (DFL-New Hope), said charter schools allow teachers to operate their schools with control of the budget, staffing, curriculum, and teaching methods. Reichgott said the teachers trade regulation and bureaucracy for results and accountability. The division approved a measure that allows the formation of additional charter schools and outlines the establishment process.

Sen. Sandy Pappas (DFL-St. Paul) gained support for an amendment that provides for an alternative assessment of teacher skills. Under the amendment, the State Board of Teaching must develop and implement an alternative method of assessment of skills in reading, writing, and mathematics for teachers who hold a provisional license and have not met the qualifying scores after two successive renewals.

The division also incorporated into article VI S.F. 224, authored by Pogemiller. The bill provides \$500,000 each year of the biennium for the Minnesota Institute for the Advancement of Teaching. Under the proposal, the Minnesota Humanities Commission seeks private-sector funds to match the state dollars on a one-to-one basis, said Pogemiller.

Article IX also received the attention of the division. The article contains miscellaneous provision relating to school board elections, cooperative special education agreements, and tobacco use in schools.

### Omnibus K-12 bill okayed

After several late night hearings Mon., Apr. 19, Tues., Apr. 20, and Wed. Apr. 21, the Education Funding Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), approved S.F. 1559, the omnibus K-12 education funding bill. Pogemiller said the bill offers systematic restructuring of Minnesota's educational system.

The bill states that the mission of public education in Minnesota "is to ensure individual academic achievement, an informed citizenry, and a highly productive workforce." The proposal creates an educational system that "focuses on the learner," said Pogemiller.

The bill contains thirteen articles that provide policy changes and funding for the state's K-12 schools. The articles address issues relating to general education revenue, transportation, special programs, community programs, infrastructure and equipment, education organization and cooperation, libraries, state agencies, and state board duties. Article XII of the bill repeals a series of mandates, promoting local flexibility and innovation, said Pogemiller.

Pogemiller gained support for an amendment to the bill that creates a third-tier income tax of 9.25 percent to be paid by single-filers with gross incomes of around \$70,000 and joint-filers with incomes of approximately \$120,000. Pogemiller said the revenue from the new tax, approximately \$126 million, is earmarked to reduce learner-teacher ratios. The bill goes next to the full Education Committee. The bill must also go to the Taxes and Tax Laws

# Committee update

Committee and the Finance Committee, where it is subject to further amendments.

## Environment and Natural Resources Committee

### Waste generator tax advances

Members of the Environment and Natural Resources Finance Division Committee, chaired by Sen. Steven Morse (DFL-Dakota), met Thurs., Apr. 15, to hear several bills and amendments related to S.F. 1570, the omnibus appropriations act.

Sen. Janet Johnson (DFL-North Branch), offered an amendment to S.F. 1570, restructuring the hazardous waste generator tax and establishing a revolving loan program for hazardous waste clean-up response by small businesses. Johnson said the measure imposes a two-tier tax rate for hazardous waste generators, decreasing current tax rates on generators from 8-cents to 5-cents per gallon, or per pound. The newly restructured assessment imposes a flat, base tax for large, small or very small generators and a separate quantity tax, applicable to small and large quantity-producing generators.

Johnson's amendment establishes a 5-cent per pound tax on sewer hazardous waste, incinerated wastes or waste burned for fuel but provides an exemption for non-hazardous waste when sewer, neutralized, generated by response action or by the smelting of lead-acid batteries. According to Johnson, tax restructuring will generate \$650,000 from the waste generator flat tax and a projected \$2.6 million from the waste generator quantity tax. The revenue will be earmarked for "Superfund" program administration and clean-up costs. The amendment was adopted for inclusion in S.F. 1570.

S.F. 723, authored by Sen. Harold "Skip" Finn (DFL-Cass Lake), allows seven-day fish house licenses for non-residents, increases annual non-resident fish house fees, from \$21.50 to \$25.00 and increases seven-day license fees for non-residents from \$12 to \$14. The bill was approved for incorporation into S.F. 1570.

An amendment to S.F. 1570, offered by Sen. Gene Merriam (DFL-Coon Rapids), establishes that no more than 10 percent of revenues from fish license surcharges or stamp fees may be used for administrative costs and no more than 10 percent may be used for permanent personnel costs. Merriam said the amendment creates two separate spending limitations for the Department of Natural Resources. The amendment was adopted.

Another amendment to S.F. 1570, offered by Morse, authorizes a county, charter city or sanitary district to impose an additional surcharge of up to 25 cents per cubic yard for solid waste, and directs remittance to the commissioner of revenue for credit to the Environmental Fund. In addition, the amendment raises the rate of excise tax imposed on solid waste collection services from 6 1/2 percent to 7 percent and earmarks one-percent of the excise tax to landfill cleanup accounts. The amendment was adopted.

Other amendments to the omnibus appropriations act include: a \$230,000 grant to the Metropolitan Council for development of a mathematical, state-of-the-art groundwater model for the 7-county metro area, contingent upon a \$100,000 appropriation match from nonstate sources; an appropriation of \$7 million in FY94 and \$10 million in FY95 for payments to producers of ethanol and allowing a first reimbursement to producers from the first year account of up to \$981,000 for eligible, unpaid claims.

Another amendment to S.F. 1570, provides a cordage assessment surcharge of 50 cents per assessable cord of wood purchased or acquired in 1993 or after, to fund fire suppression efforts. The amendment also implements a two-tier schedule of charges to fund timber sale services, establishing that the schedule must account for regional differences in the value of timber and include the costs of providing the services. The amendment was adopted.

### Wetlands bill advances

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), met Fri., Apr. 16, to hear S.F. 1363, a bill establishing wetland replacement criteria and exemptions.

S.F. 1363, authored by Sen. LeRoy Stumpf, modifies requirements to replace wetlands, establishes exemptions, increases wetland acreage in several counties and extends interim rules. Stumpf said the measure provides that for wetlands on agricultural lands or in counties or watersheds in which 80 percent or more of the presettlement wetlands are intact, the replacement must be in a ratio of one acre of replacement wetlands for each acre of drained or filled wetlands.

An amendment, offered by Sen. Harold "Skip" Finn (DFL-Cass Lake), allows the draining or filling of wetlands less than 400 square feet in size during a given year, provided that the activity does not result in the long-term draining or filling of more than ten percent of a wetland's area. The amendment was adopted. An amendment, offered by Sen. Steve Dille, (IR-Dassel) allows local boards to approve and adopt a comprehensive wetland plan, subject to wetland preservation criteria, as an alternative to current wetland rules. The amendment was defeated. The bill was approved and sent to the floor.

S.F. 878, authored by Sen. LeRoy Stumpf, allows the taking of two deer in five designated counties. Stumpf said the bill enables hunters to obtain an archery deer license and a firearms license in five counties: Kittson, Lake of the Woods, Marshall, Pennington, and Roseau counties. An amendment offered by Sen. Harold "Skip" Finn (DFL-Cass Lake), removed Lake of the Woods and Pennington counties from the provision. Another amendment offered by Finn, clarified that one deer may be taken under each license in 1993 and 1994 and provides that the measure will sunset Dec. 31, 1994. Both amendments were adopted. The bill was approved and sent to the floor.

H.F. 1182, authored by Sen. Carl Kroening (DFL-Mpls.), allows release of the

states reversionary interest in land located in the city of Minneapolis. Kroening said the measure releases a reversionary interest on a 20-acre harbor and terminal site and requires that the land be used exclusively for public harbor purposes. An amendment, offered by Sen. Gene Merriam (DFL-Coon Rapids), establishes conditional release of the reversionary interest to the state, requires the city of Minneapolis to establish a new covenant establishing that the land will be used for public purpose. The amendment was adopted. The bill was approved and sent to the floor.

S.F. 1263, authored by Sen. Joe Bertram, Sr. (DFL-Paynesville), clarifies procedures for study, assessment, use and release of certain organisms in genetic engineered produce. Bertram said the bill provides the regulatory framework to implement procedures, provides permitting authority and provides for environmental assessment and study. Sen. Ellen Anderson (DFL-St. Paul), offered a motion to lay the bill over, pending the results of an Environment Quality Board study on the issue. The motion was approved.

S.F. 1208, authored by Sen. Leonard Price (DFL-Woodbury), allows the commissioner to authorize prescribed limits, on the number of each species of fish that may be taken in one day and on the number that may be possessed. An amendment by Price, provides that an angler may take no more than one walleye larger than 20 inches and one northern pike larger than 30 inches each day.

An amendment offered by Sen. Gene Merriam (DFL-Coon Rapids), removes language that exempts designated experimental and management waters from walleye or northern pike limits and removes a requirement that the two species must be in an undressed condition on waters or at public water access sites. The amendment was adopted.

Sen. Gary Laidig (IR-Stillwater) offered H.F. 836, a bill that provides for the sale of game and fish licenses through subagents. Lessard gained support for an amendment that allows residents under the age of 16 to take deer of either sex. The bill goes next to the Senate floor.

Sen. Charles Berg (DFL-Chokio) presented S.F. 669, the omnibus game and fish bill. Berg said that the bill contains a series of provisions relating to game and fish policies, including one that outlines the funding mechanism for projects involving the acquisition and improvement of fish and wildlife habitat and related research and management. Provisions in the bill allow the commissioner of the Dept. of Natural Resources (DNR) to issue special permits, without a fee, for the training of hunting dogs; require the DNR commissioner to make rules governing contests for selecting designs for game and fish stamps; clarify that the red or blaze orange clothing requirements do not apply to migratory waterfowl hunters who are on Minnesota waters or who are in a stationary shooting location; and provide for the taking, possession, transportation, sale, and purchase of mussels.

Berg successfully sponsored an amendment that expands the DNR commissioner's



authority to establish open hunting seasons for muskrats, minks, otters, and beavers. Berg also sponsored an amendment that incorporates into the bill S.F. 366, a proposal that authorizes the issuance of special permits, without a fee, to allow persons with a private fish hatchery licenses to import minnows from other states for export. The committee approved another Berg amendment that allows existing funds that were previously appropriated from the bond proceeds fund to be used to complete the acquisition of Byrne Lake.

Members also adopted an amendment, sponsored by Lessard, that allows residents under the age of 16 to take a deer of either sex. Sen. Steve Morse (DFL-Dakota) successfully sponsored an amendment that permits the DNR commissioner to develop rules that allow persons to take more than one deer.

Sen. Harold "Skip" Finn (DFL-Cass Lake) gained support for three amendments. The first amendment raises the annual non-resident fish house license fee from \$21.50 to \$25 and creates a seven consecutive days license for a fee of \$14. The second amendment exempts disabled persons from some restrictions on hunting from a motor vehicle. Finn's third amendment removed a provision that allowed the taking of red fox by temporarily designating it as an unprotected wild animal. The committee approved the bill as amended and re-referred it to the Finance Committee.

The latter portion of the marathon 13-hour Environment and Natural Resources Committee hearing was devoted to considering bills that make changes to the Waste Management Act and that provide funding for the state's environmental agencies.

S.F. 271, sponsored by Sen. Janet Johnson (DFL-North Branch), makes numerous changes to the Waste Management Act. The bill encourages local governments to use purchasing techniques to reduce waste and develop markets for recycled products; prohibits burning and burial of harmful materials on farms; prohibits disposal of unprocessed mixed municipal solid waste; prohibits fluorescent and high intensity discharge lamps in solid waste; requires the reporting of tipping fee schedules at all waste facilities and requires electric utilities to collect spent fluorescent and high intensity discharge lamps.

Committee members offered several amendments to the bill. One amendment, offered by Lessard, deletes the requirement that the state purchase copier paper containing at least ten percent postconsumer material by weight. The amendment failed, but a subsequent amendment to delay the effective date of the requirement was adopted. An amendment, offered by Sen. Ted Mondale (DFL-St. Louis Park), allowing local government units to allocate a single base unit to a multiunit dwelling for purposes of collecting and charging for waste management services, was adopted.

The fiercest debate came over provisions relating to fluorescent lamps. Arguing that adequate facilities for recycling fluorescent and high intensity discharge lamps do not yet exist, several amendments were offered to alter the recycling requirements.

In addition, considerable discussion revolved around a provision providing exemptions from the prohibition on the use of toxics in products. The panel approved amendments authorizing the use of some toxics primers used in automobile, aircraft, medical devices and ink used in computer identification markers.

An amendment, offered by Berg, providing for exceptions to the burning ban for some farm uses, was adopted. An amendment, offered by Morse, authorizing counties to negotiate for recycling services, was also adopted.

The omnibus environment finance bill, S.F. 1570, was the last item for consideration. The bill appropriates money for environmental, natural resources and agricultural purposes and changes various fees prescribed for licenses and activities regulated by the Dept. of Agriculture and the Dept. of Natural Resources.

The measure, carried by Morse, provides for general fund appropriations of \$303.217 million; environmental fund appropriations of \$52.6 million; metro landfill contingency trust appropriations of \$1.594 million; special revenue appropriations of \$20.6 million; natural resources fund appropriations of \$34.28 million; game and fish fund appropriations of \$101.9 million; Minnesota resources fund appropriations of \$14.66 million; environmental trust fund appropriations of \$24.6 million; permanent school trust appropriations of \$610,000 and oil overcharge fund appropriations of \$2.01 million for a total of 556.123 million.

Morse said that the bill contains some new fees in order to offset gaps in putting together the budget. The measure provides for a hazardous waste generators tax increase, expands toxic reporting, and restore cuts in the Pollution Control Agency for hazardous waste. Under the bill, one half of the new money that comes to the water recreation account from an increase in the gasoline tax is earmarked for water quality funding. In addition, Morse said that the finance division sought to protect park funding in the budget process.

Members adopted a series of amendments to the bill. Morse successfully offered an amendment to cap the amount appropriated from the ethanol account. Sen. Leonard Price (DFL-Woodbury), offered an amendment to delete provisions requiring the preparation of reports on the quantity of toxic pollutants in manufacturing facilities. Price said the reports would result in problems with trade secrets. The amendment was adopted.

Sen. Steven Novak (DFL-New Brighton) also successfully amended the measure to delete a provision transferring the petro fund from the Dept. of Commerce to the PCA. A number of other less controversial amendments were also adopted and the bill was approved and re-referred to the Committee on Finance.

### Cuyuna recreation area

A bill carrying an appropriation of \$50,000 for the establishment of a Cuyuna Country state recreation area in Crow Wing county was considered by the Environment and Natural Resources Funding Division, Tues., Apr. 20. S.F. 213, sponsored by Sen.

Don Samuelson (DFL-Brainerd), authorizes the commissioner of natural resources to purchase the recreational lands to be used for sailing, hunting, limited timber harvesting and possibly, for mining. The committee approved an amendment reducing the general fund appropriation to \$5,000. S.F. 213, along with the following five bills, were approved and re-referred to the full Environment and Natural Resources Committee.

S.F. 880, authored by Committee Chair Sen. Steven Morse (DFL-Dakota), changes methods for assessing and collecting hazardous waste administration fees and authorizes the Pollution Control Agency to adopt rules establishing a system for charging fees to generators. Morse gained approval for an amendment giving detailed directions to the agency in the rulemaking process.

Morse also presented S.F. 879, a measure requiring the agriculture commissioner to designate a place in each of Minnesota's counties available to residents to dispose of unused pesticides. In addition, pesticide distributors are required to take back empty pesticide containers if a similar provision is not offered by the county itself.

Sen. Dennis Fredrickson (DFL-New Ulm), offered an amendment to S.F. 879 (incorporating language from S.F. 1130 and S.F. 1306), that modifies current law governing licenses for pesticide dealers. The amendment prohibits individuals from selling a restricted use or bulk pesticide to a pesticide end user from any fixed location without a license; alters the chemical liability statute to provide that an owner of real property who is a certified pesticide applicator is not required to report an incident if the amount of pesticide involved in the release is less than the maximum amount of pesticide that can be applied to one acre of agricultural crop land; allows money in the agricultural chemical response and reimbursement account to be used to reimburse the agriculture commissioner for Agricultural Chemical Response Compensation Board staff costs up to \$200,000 annually; and exempts from surcharges on pesticides that are sanitizers, disinfectants, are used solely for humans or pets, or do not require dilution or mixing for household use.

S.F. 812, authored by Sen. Leonard Price (DFL-Woodbury), establishes a grant program within the Pollution Control Agency to examine management alternatives for shredder residue from steel recycling processes and extends the motor transfer fee to December 1996.

Price also presented S.F. 760, legislation that authorizes the commissioner of natural resources to give the public gifts valued at less than \$10, acknowledge contributions, and accept paid advertising for departmental publications.

S.F. 1476, authored by Sen. Randy Kelly (DFL-St. Paul), authorizes expenditure of RIM funds for restoration of fish and wildlife habitat. Kelly explained that the bill would give the Dept. of Natural Resources flexibility in using dollars to restore former urban wetlands in St. Paul.

### Lake Superior harbors

Boaters can take refuge in seven new safe harbors to be constructed on Lake Superior



# Committee update

according to a bill authored by Sen. Douglas Johnson (DFL-Cook). Johnson presented S.F. 1467 to the Environmental and Natural Resources Finance Division, chaired by Sen. Steven Morse (DFL-Mankato), Wed., Apr. 22. The measure authorizes the DNR to build and maintain small craft harbor, channels and facilities for recreational watercraft at Knife River, Two Harbors, Silver Bay, Grand Marais, and Grand Portage. Dollars to develop and maintain the new facilities are proposed to come from a combination of federal, state and local sources coupled with assistance from the U.S. Army Corps of Engineers. S.F. 1467, along with the following bill, were approved and re-referred to the full Environmental and Natural Resources Committee.

S.F. 908, presented by Sen. Joe Bertram Sr., (DFL-Paynesville), changes eligibility and participation requirements for rural finance authority programs. The bill modifies program eligibility requirements to specify that farmers who have already received financial assistance in excess of \$100,000 from the rural finance authority are not eligible. A non-refundable beginner farmer or sell-sponsored loan application fee of \$50, included in the bill and estimated to generate \$6,000 annually, will be used to pay for program administrative costs. The bill also increases the principal amount of a beginner farmer or seller-sponsored loan to \$100,000.

A bill, offered by Sen. Leroy Stumpf (DFL-DFL-Thief River Falls), was also considered. S.F. 1501, estimated to produce \$170,000 in biennial revenues, stipulates that the checkoff fee for barley and wheat produced outside the continental United States not be refunded. The bill was approved and sent to the full Environment and Natural Resources Committee.

Sen. William Luther (DFL-Brooklyn Park) offered a bill regulating registration and operation of off-road vehicles. S.F. 1088 also requires a comprehensive recreational use plan. Luther successfully amended the bill to increase the snowmobile registration fee from 50 cents to \$1.50. The increased fee is in addition to other required fees. The bill was also amended to strike all references to the unrefunded gasoline tax. The division approved an appropriation of \$300,000 for the implementation of the plan and for the enforcement and regulation activities provided in the provision. Morse also stipulated that the funds are to be repaid by June, 1995. Another Luther bill, S.F. 184, regulates the registration and operation of off-highway motorcycles. The division approved an appropriation of \$235,000 to the commissioner of natural resources. The bill was also amended to strike all references to the unrefunded gasoline tax. Both Luther bills were approved and sent to the full Environment and Natural Resources Committee.

Next, the division considered a bill that relates to ethanol producers. S.F. 771, sponsored by Sen. Joe Bertram, Sr. (DFL-Paynesville), increases oxygenate level requirements for gasoline. The division adopted an amendment that requires that all gasoline sold in Minnesota must contain at

least 2.7 percent oxygenate weight from October to May; during all other times the oxygenate percentage must be at least two. The bill was approved and sent to the full Environment and Natural Resources Committee.

In other division action, Morse offered a bill to deal with oil and hazardous substance discharge. S.F. 1100 allows for a single corporate prevention and response plan and extends the completion date for the plan. The bill also creates a spill prevention and preparedness advisory council and requires notification of pipeline petroleum discharges. The division approved an appropriation totaling \$857,000 for the measure. The bill was re-referred to the full Finance Committee.

Sen. Bob Lessard (DFL-Int'l. Falls), sponsoring S.F. 774, said that the bill requires the Dept. of Transportation, which must comply with land use ordinances unless a variance is approved, to notify the Mississippi Headwaters Board of department actions that impact the Mississippi headwaters area. The bill also provides that the board may authorize special projects benefiting the Mississippi headwaters area. The committee approved an appropriation to the Mississippi Headwaters Board of \$315,000 for implementation of the comprehensive plan for the upper Mississippi River within areas under the board's jurisdiction, specifying an amount to be transferred to the Leech Lake Band of Chippewa Indians for implementation of the plan within the Leech Lake Indian Reservation. The bill was sent to the full Finance Committee.

Another bill, S.F. 1545, sponsored by Sen. Ted Mondale (DFL-St. Louis Park) was considered. The bill appropriates \$2.3 million, available until June, 1994, from the metropolitan landfill contingency trust fund to the commissioner of the PCA for reimbursement to the city of Hopkins for remediation of methane at the city landfill. The bill was approved and re-referred to the full Environment and Natural Resources Committee.

Lastly, the division approved a bill, offered by Sen. Dennis Frederickson (IR-New Ulm), that establishes and empowers a legislative task force on minerals to serve as an oversight committee for legislation and state policy on mineral development. The division granted an appropriation of \$50,000 to the task force for operation expenses.

## Ethics and Campaign Reform

### Candidacy filing dates

Members of the Ethics and Campaign Reform Committee met Thurs., Apr. 15, to consider four bills related to elections. The committee, chaired by Sen. John Marty (DFL-Roseville), unanimously approved a bill that requires county auditors to publish and post notice of filing dates by which affidavits of candidacy must be filed. S.F. 1074, sponsored by Sen. Dallas Sams (DFL-Staples), will be placed on the Consent Calendar.

Senators also approved a bill that sets the date by which Hennepin County Park Reserve District redistricting must take place. H.F. 1089, authored by Sen. Ted Mondale (DFL-St. Louis Park), adjusts the date from "not later than 120 days before the next ensuing general election" to "the date prescribed for redistricting of election districts." The bill now goes to the Senate floor.

Next, members considered S.F. 416, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.). The bill provides for a presidential primary by mail and changes the date of the presidential primary. The bill was amended to set the date as the second Tuesday in March instead of February to make the bill consistent with previously approved bills. Under the bill, administrative costs incurred by the counties are reimbursed by the Secretary of State's Office. The bill was approved and sent to the full Senate.

Finally, Marty offered S.F. 1483. The bill, making changes to the requirements and procedures for absentee and mail voting, was laid over.

## Ethical Practices Board

Members of the Ethics and Campaign Reform Committee met briefly, Tues., Apr. 20, to confirm three appointments to the State Ethical Practices Board. Those confirmed include Elsa Carpenter of Minneapolis, Carolyn Deshon Rodriguez of Apple Valley and John L. Holahan, Jr. of Edina.

## Family Services

### Family services bills heard

Members of the Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), convened Thurs., Apr. 15, to take action on four bills.

First, Sen. Linda Berglin (DFL-Mpls.) presented S.F. 1552, a bill that establishes social support services pilot project for persons living in some high-rise communities. The committee approved the bill and re-referred it to the Health Care and Family Services Funding Division.

Second, Sen. Florian Chmielewski (DFL-Sturgeon Lake) offered S.F. 1241. Chmielewski said the measure establishes an alternative grant application process for categorical social service programs in Pine County. Members recommended passage of the bill and sent it to the Senate floor.

Third, members approved S.F. 443, authored by Sen. Ember Reichgott (DFL-New Hope). Reichgott said the bill provides a grant to the Northwest Hennepin Human Services Council to establish a human services collaborative service area demonstration project. The bill goes next to the Jobs, Energy and Community Development Committee.

Finally, Sen. Richard Cohen (DFL-St. Paul) gained support for S.F. 190, a bill that provides that criminal conviction data are public data; provides that a record of conviction of certain crimes and other determinations disqualify an individual from obtaining family day care and foster care

licenses; and provides for access to data on day care and foster care licenses. The public data includes the nature of any disqualification set aside and the reason for setting aside the disqualification from eligibility for a license, and the reasons for granting a variance from licensing requirements. The bill goes next to the full Senate.

### Human services funding

The Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), met Mon., Apr. 19, to grant approval to S.F. 1496, the omnibus health care and family services funding bill.

The bill provides policy direction and funding for the Dept. of Human Services, the Dept. of Health, the Veterans Nursing Homes Board, the health-related licensing boards, the Ombudsperson for Mental Health and Mental Retardation, and the Council on Disability. Total appropriations in the bill amount to \$4.6 billion.

Members approved an amendment to the bill that clarifies county attorneys' authority to subpoena and require production of insurance and employment records of an applicant or recipient of public assistance who is the subject of a welfare fraud investigation.

After approving additional technical and clarifying amendments, members advanced the bill to the Health Care Committee.

### Child support bill advances

The Family Services Committee met briefly Tues., Apr. 20, to act on S.F. 673, authored by Sen. Richard Cohen (DFL-St. Paul). Cohen said the bill modifies provision dealing with the administration, computation, and enforcement of child support. Sen. Pat Piper (DFL-Austin) said the committee, which has already held extensive hearings on the bill, had to approve the measure after the Health Care and Family Services Funding Division acted on the bill Mon., Apr. 19. Members recommended passage of the bill and referred it to the Finance Committee.

## Finance

### Campaign finance bill gains

The Finance Committee met for a daylong hearing Sat., Apr. 17, to consider the campaign finance reform bill and two major spending bills. The panel, chaired by Sen. Gene Merriam (DFL-Coon Rapids), advanced all the bills to the Senate floor.

H.F. 163, sponsored by Sen. John Marty (DFL-Roseville), makes numerous changes in the laws governing campaign financing. The bill tightens limitations on campaign expenditures, reduces contribution limits for candidates for statewide office and the legislature, prohibits transfers between principal campaign committees, prohibits candidates who accept public financing from accepting contributions from PACs, limits contributions to political committees or funds to no more than \$50 per individual per year, bans caucus fundraisers during a legislative session or during the 30 days immediately preceding a regular session and bans "friends of" committees.

Much of the debate on the bill revolved around provisions relating to independent

expenditures and the provision prohibiting candidates who accept public subsidies from accepting PAC contributions. An amendment, offered by Sen. Carl Kroening (DFL-Mpls.), to delete the provisions concerning independent expenditures, generated considerable debate. Members divided the amendment into several portions and voted on each portion separately. All sections of the amendment failed, with the result that the provisions stay in the bill. An attempt to remove the prohibition on PAC contributions to candidates who accept public money also failed. The bill was then approved and sent to the full Senate.

Committee members then turned to consideration of the omnibus crime prevention funding bill. S.F. 1503, carried by Sen. Tracy Beckman (DFL-Bricelyn), provides funding for the Dept. of Corrections, a portion of the Dept. of Public Safety, the Board of Public Defense, the Ombudsman for Corrections, the Sentencing Guidelines Commission, the Board of Private Detectives, the Lawful Gambling Control Board and the Racing Commission. According to Beckman, the Senate proposal, totaling \$503.28 million, is \$11 million under the governor's budget proposal.

Much of the debate revolved around an amendment, offered by Sen. Gary Laidig (IR-Stillwater), to increase funding for the adult correction facilities at Stillwater and Oak Park Heights to the levels recommended by the governor. Under the amendment, the funds for the correction facilities are taken from the increases earmarked for the Community Corrections Act, from funds earmarked for victims services and from an appropriation earmarked for bringing Stearns County under the provisions of the Community Corrections Act. The amendment was divided and voted upon in several sections. Ultimately, the language taking appropriations from victims services and the Community Corrections Act was defeated. Laidig then withdrew the amendment, however Sen. Jane Ranum (DFL-Mpls.) offered the amendment which contains \$375,000 in additional funding for the two institutions. The amendment was adopted.

Another amendment, offered by Ranum, also generated debate. The amendment specified that the Board of Public Defense is to establish procedures for funding an Indian child welfare defense corporation. The amendment was also adopted. The bill was approved and sent to the Senate floor.

The omnibus jobs, energy and community development bill was also advanced. S.F. 1613, carried by Kroening, provides appropriations for the Dept. of Labor and Industry, the Dept. of Public Service, the Dept. of Jobs and Training, the Minnesota Housing Finance Agency, the Public Utilities Commission, Minnesota Technology, Inc., the Council on Black Minnesotans, the Council on Affairs of Spanish Speaking People, the Council on Asian-Pacific Minnesotans and the Indian Affairs Council. In addition, the bill contains funding for the Dept. of Trade and Economic Development, the governor's office, the Office of Strategic and Long Range Planning and the state auditor.

The appropriations for the Dept. of Trade

and Economic Development contain several initiatives contained in individuals pieces of legislation heard by the full committee over the course of the session. For instance, the measure contains funding for a youth entrepreneurship education program, for a grant to the Board of Invention, for subsidies to employers employing handicapped persons; for renewed the urban challenge grant program, for an urban initiative business loan program and for the Job Skills Partnership Board.

The bill also contains appropriations for the Workers' Compensation Court of Appeals and the Bureau of Mediation Services. A number of provisions also contain appropriations for various housing programs.

Committee members discussed the bill and advanced it to the full Senate.

Finally, the panel approved two additional measures. S.F. 329, authored by Sen. Dan Stevens (IR-Mora), allocates money to the child care basic sliding fee program. S.F. 693, sponsored by Merriam, modifies and expands the rulemaking authority of the commissioner of natural resources. The measure contains a small appropriation to cover pelting fees. Both bills were approved and sent to the Senate floor.

### State depts. funding debated

The omnibus funding bill for various state departments was distributed at a hearing Sat., Apr. 16, and discussed at the Mon., Apr. 19, meeting of the Finance State Government Division. The panel, chaired by Sen. Richard Cohen (DFL-St. Paul), debated funding proposals and rider language for the Legislature, the legislative commissions, the state treasurer, the Board of Investment, the Office of Administrative Hearings, the Dept. of Administration, the Capitol Area Architectural and Planning Board, the Dept. of Finance, the Dept. of Employee Relations, the Dept. of Revenue, the Amateur Sports Commission, the Dept. of Military Affairs, the attorney general, the secretary of state, the Dept. of Commerce, the Dept. of Human Rights, the non-health related boards, the Historical Society and the judiciary branch of government.

Members considered a proposal that provides total general fund appropriations of \$677,610 million. However, Cohen indicated that further work needed to be done to insure that the budget proposal for the various agencies is properly balanced. As a result, the panel took no formal action on the measure. Members heard public testimony on several provisions contained in the bill at the Mon., Apr. 19, hearing and delayed action pending additional computations of the various appropriations.

### Environment budget heard

Members of the Finance Committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), met Mon. evening, Apr. 19, to hear testimony on the \$538 million biennial funding bill for environment and natural resources.

Sen. Steven Morse (DFL-Dakota), the bill's author, said new budget dollars will be realized in FY94-95 from proposed fee changes. New revenue sources include a food handler reinspection fee generating

# Committee update

\$57,000 per year; a timber surcharge of 50 cents per cord of wood purchased in excess of 5,000 cords by a wood mills annually raising \$1.4 million per year; and a solid waste fee at 70 cents per cubic yard on all waste assessed by the collector expected to produce \$7 million per year. Additional fee changes have been proposed on nonresident fish houses, hazardous waste generators, and pollution prevention.

## State government finance

Work continued on the Finance State Government Division's omnibus appropriations bill at an evening hearing Tues., Apr. 20. The revised proposal, outlined by Sen. Richard Cohen (DFL-St. Paul), division chair, contains total spending of \$663.147 million, a figure that is \$30 million under the governor's proposal. Members discussed several provisions to be included in the omnibus bill, however no formal action was taken on the omnibus measure.

## State agency funding bill okayed

The omnibus funding bill for state agencies, the Legislature and the judicial branch cleared the Finance State Government Division Wed., Apr. 21. The panel, chaired by Sen. Richard Cohen (DFL-St. Paul), had labored for over a week to plug gaps in the budget target for the bill. General fund appropriations in the bill total \$702.7 million however, the measure also increases revenues by \$44 million. Much of the new revenue in the measure is derived from increasing almost all the fees charged by the Office of the Secretary of State for various filings and transactions.

Debate on the measure centered on the changes in the fee structure for corporate filings. Under the bill, many of the fees are raised to \$50 and fees for UCC filings are raised from \$10 to \$20. An amendment, offered by Sen. Roy Terwilliger (IR-Edina), provides funding for one of the recommendations of the CORE commission. The amendment provides for the implementation of the human resource management project recommendations regarding performance management system training, retraining project grants and centralized recruitment and redeployment. The amendment requires an addition general fund appropriation of \$400,000 that was accounted for by lowering the cap on an appropriation for arts grant programs for the proceeds of the lottery.

The proposal was then advanced to the full Finance Committee as a division bill.

## Health bill okayed

A \$4.288 billion funding bill for health and human services programs was advanced to the Senate floor Wed., Apr. 21, by members of the Finance Committee. According to chief sponsor, Sen. Don Samuelson (DFL-Brainerd), the measure restores \$80 million in cuts to nursing homes, hospitals and other health facilities that were proposed under the governor's plan. The measure is \$13.227 million above the governor's proposal, Samuelson said. However, other changes in revenue make up for \$13.009 million of the difference.

Provisions in a bill, also approved by the committee, changing child support enforcement provisions, result in a \$1.366 million savings that serve to balance the appropriation proposal.

The bill provides for an increase on the medical surcharge in order to generate revenue for funding the health care facilities such as nursing homes and hospitals. The measure also increases the appropriation for child care and for the WIC program.

Committee members, chaired by Sen. Gene Merriam (DFL-Coon Rapids), discussed a provision that closes the Moose Lake Regional Treatment Center and provides for establishing a facility for housing persons committed to the Dept. of Corrections under the psychopathic personality law. Samuelson said that the division, in developing the bill, followed the governor's proposal concerning Moose Lake very closely. However, the division did provide funding for transitional services.

In addition, the funding measure creates the children's mental health integrated fund and establishes and integrated children's mental health service system.

The panel adopted several technical amendments, two of which clarified provisions relating to the downsizing of facilities. The bill was then advanced to the Senate floor.

The committee also advanced the child support enforcement bill, S.F. 673, to the full Senate. The measure, authored by Sen. Richard Cohen (DFL-St. Paul), makes a number of changes in the laws dealing with enforcement of child support orders. Discussion on the bill centered on a provision designed to encourage medical providers to obtain signed recognition of parentage forms in the medical setting. Under the bill, \$25 is to be paid to each medical provider for each recognition of parentage form sent to the Dept. of Human Services. Sen. Randy Kelly (DFL-St. Paul), offered an amendment to change terminology in the provision and Samuelson offered an amendment to specify that the payments are limited to the amount appropriated. Both amendments were adopted.

According to Cohen, the bill provides a total of \$1.366 million in savings for the state by getting more obligors to pay support. The measure also alters the child support schedule by raising the floor, or lowest income level, from \$400 to \$550 per month and raising the highest income level to \$5,000 per month. The bill also authorizes the department to contract with private agencies to collect child support from obligors who have not complied with support orders.

The measure was also advanced to the full Senate.

## Health Care

### Athletic trainers regulated

Regulation of athletic trainers is provided under a bill, presented by Sen. John Hottinger (DFL-Mankato) to members of the Health Care Committee, Thurs., Apr. 15. S.F. 832 regulates athletic trainers and provides for their registration by the Board

of Medical Practice. The bill also creates an Athletic Trainers Advisory Council to assist the board and creates a misdemeanor penalty for violation of the measure. The committee re-referred S.F. 832 to the Governmental Operations and Reform Committee.

The committee also approved several other bills and sent the bills to the Senate floor. Sen. Lawrence Pogemiller (DFL-Mpls.) presented a bill that clarifies the Uniform Anatomical Gift Act. S.F. 1187 establishes that the provision or use of any part of a human body for transplantation, injection or transfusion is not a sale of a good or product, but is instead a rendition of a health care service. The bill reinstates the provision that had been omitted during the 1991 revision of Uniform Anatomical Gift Act, according to Ted Thompson, Minnesota Medical Association. The bill specifies that the measure applies retroactively.

H.F. 226, sponsored by Sen. Jim Vickerman (DFL-Tracy), amends the definition of "comprehensive health maintenance services," as defined in the law governing health maintenance organizations, to specifically include ground ambulance transportation services.

S.F. 699, presented by Sen. Dallas Sams (DFL-Staples), mandates that a doctor of chiropractic must review cases where the utilization review organization has determined that it was appropriate not to certify a chiropractic service or procedure and an appeal has been made by the attending chiropractor, enrollee or designee. According to Sams, a utilization review organization is an entity including, but not limited to, an insurance company, a health service plan, HMO, or other health care services for a Minnesota resident.

A second Hottinger bill was also approved and sent to the Senate floor. S.F. 521 permits minors to give consent for a hepatitis B vaccination and establishes procedures and programs relating to tuberculosis.

Next, Sen. Thomas Neuville (IR-Northfield) presented S.F. 1185. The bill transfers the financial responsibility of a chemical use assessment of any juvenile coming within the jurisdiction of the court to the commissioner of human services. Finally, S.F. 1105, a bill extending the expiration date of specific advisory councils and committees was also approved. The bill, authored by Sen. Don Betzold (DFL-Fridley), also modifies provisions relating to lead abatement, and changes regulation provisions for hotels, resorts, restaurants, and manufactured homes.

## ISN bill approved

Senators devoted the entire evening, Thurs., Apr. 15, to work on the health care reform bill, sponsored by Committee Chair Linda Berglin (DFL-Mpls.). After considering numerous amendments, the committee granted approval to S.F. 900, a bill that establishes integrated service networks and creates a regulatory framework for their operation, and sent it to the Finance Committee.

The comprehensive health care bill implements recommendations of the

Minnesota Health Care Commission, defines and regulates all health care services not provided through Integrated Service Networks (ISNs) and establishes data reporting and collection requirements. In addition, the bill establishes other cost containment measures and provides for voluntary public commitments by health plans and providers to limit the rate of growth in total revenues.

ISN's provide for a cost containment plan. Incentives will encourage the voluntary development of competing ISNs that are accountable for the price and quality of their services, Berglin said. ISNs will be responsible for providing the full array of health care services for a fixed price for the purchaser, thus creating incentives for the participated providers and health plans to be more efficient, she said. The plan not only calls for competition and limits on spending growth, but also collaboration when competition is likely to produce excess capacity in the health care system, Berglin said. In addition, practice parameters will be developed and approved to provide guidance to providers on the most effective methods of care and treatment.

Berglin successfully amended the bill to ensure that legend drug purchasers in the state are treated fairly and equally, while retaining volume discounts in the marketplace. Another Berglin amendment requires the commissioner of health to establish and regulate expenditure limits by health vendors for calendar years 1994 and 1995 for total expenditures, consistent with and developed as part of the annual rate of growth in the health care spending established in the measure. Other amendments adopted require a health carrier or health plan to submit, upon request, a description of the methodology used to calculate fees; provide for an advisory panel to evaluate the assessments of a specific technology; provide for the expansion of community rating and the phasing out of underwriting restrictions; and establish a grant program for colleges and schools of nursing to prepare registered nurses for advanced practice as nurse practitioners.

In addition, Berglin offered an amendment describing managed care as selected vendors with high medical standards and utilization control from whom persons in geographic areas must receive their health care services when enrolled in the MinnesotaCare program. The amendment also establishes managed care plan vendor requirements and establishes responsibility for copayments and payment beyond benefit limit. Another amendment establishes that the commissioner of health must determine that the index rates are reasonable.

Another amendment adjusts the eligible age of a child, whose family meets income level requirements, for Medical Assistance from one year to 18 months. An amendment that provides for a government exemption from forming a corporation to operate an Integrated Service Network also gained committee approval.

Berglin also presented an amendment that authorizes the commissioner of health to adopt emergency and permanent rules and details provisions to be outlined in rules regarding the plan's implementation. In addition, the amendment provides for a

study to determine the role of associations in purchasing health care.

Members rejected several amendments, offered by Sen. Jim Vickerman (DFL-Tracy), that added pharmacists to the Health Care Commission, provided that ISNs cannot exclude a pharmacy provider if the provider is willing to participate under the same terms and conditions as other providers, and removed the two percent surtax on wholesale drug distributors. However, an amendment including pharmacists as mid-level providers, also offered by Vickerman, was adopted. An amendment, offered by Sen. Ed Oliver (R-Deephaven), allowing for profit organizations to establish ISNs, was also rejected.

An amendment, offered by Berglin, increasing the MA rate for prescription drugs, was adopted. Finally, the panel adopted two amendments, offered by Sen. John Hottinger (DFL-Mankato), providing for a pharmacy services study and allowing for uniform billing forms from prescription drug providers.

The bill was approved and re-referred to the Committee on Finance.

### **Omnibus funding bill**

Members of the Health Care and Family Services Funding Division, chaired by Sen. Don Samuelson (DFL-Brainerd), met Mon., Apr. 19, to review S.F. 1496, the omnibus health care and family services funding bill.

Samuelson outlined the bill's appropriations for the Dept. of Human Services, the Dept. of Health, the Veterans Nursing Homes Board, the health-related licensing boards, the Ombudsperson for Mental Health and Mental Retardation, and the council on Disability. Total appropriations in the bill amount to \$4.6 billion.

Members amended the bill to provide for alternative care program pilot projects. Under the amendment, the commissioner of human services selects up to six pilot projects for the alternative care program. Sen. Linda Berglin (DFL-Mpls.) explained that the purpose of the pilot projects is to simplify program administration, reduce documentation, increase service flexibility, and more clearly identify program outcomes.

The bill was approved and re-referred to the Family Services Committee.

The division also approved S.F. 673, authored by Sen. Richard Cohen (DFL-St. Paul). Cohen said the bill modifies provisions dealing with the administration, computation, and enforcement of child support.

Members reviewed portions of the bill that appropriate money for increased efforts to collect child support, including a paternity establishment bonus incentive for counties; a Dept. of Revenue pilot project to collect AFDC child support arrearages; and a proposal to conduct a study of a single check system under which employers who are implementing income withholding may make one combined payment for payments due to public authorities.

Members also approved an amendment that creates an incentive to the providers of medical services to increase the number of signed and notarized recognition of percent-age forms completed in the medical setting.

The bill goes next to the Family Services Committee.

### **Omnibus funding bill okayed**

The Health Care Committee, chaired by Sen. Linda Berglin (DFL-Mpls.), met briefly Tues., Apr. 20, to process the omnibus health care and family services funding bill. The committee had met earlier with the Family Service Committee for a joint hearing on the measure.

The bill makes appropriations to the Dept. of Human Services, the Dept. of Health, the Veterans Homes Board, the health-related licensing boards, the Ombudsman for Mental Health and Mental Retardation, and the Council on Disability. The total general fund appropriation totals \$4.428 billion. The bill, S.F. 1496, carried by Sen. Don Samuelson (DFL-Brainerd), was advanced to the Finance Committee.

## **Jobs, Energy and Community Development**

### **Landlord remedies**

A bill providing various remedies for landlords involving lease violations was approved by the Jobs, Energy, and Community Development Committee, Wed. evening, Apr. 14. Committee chair and author of the bill, Sen. Steven Novak (DFL-New Brighton), said the bill allows a landlord to take civil action for willful destruction of leased residential rental property, including recovery of actual damages, costs, and attorney fees. The landlord is also permitted to request expedited temporary relief by asking for a restraining order under the criminal harassment statute. S.F. 1532 was approved and re-referred to the Judiciary Committee.

The committee next considered a number of bills that were approved and advanced to the Senate floor. Novak gained approval for a second bill, S.F. 1313, amending current law governing workers' compensation to provide that independent contractors in the construction business are no longer exempt from providing workers' compensation coverage.

S.F. 1437, also authored by Novak, authorizes the Public Utilities Commission to set standards for cooperative electric association, and authorizes municipal utilities to set service standards and requirements governing current or voltage resulting from grounding of electrical systems. The bill extends the same stray voltage requirements to the cooperatives and municipal utilities as is required of public utilities.

The committee considered several provisions contained within S.F. 415, presented by Sen. Ellen Anderson (DFL-St. Paul), a bill amending current law governing tenants and landlords. Specific provisions deliberated by members include a broadened definition of low-income housing to include rental housing occupied by households with incomes below 30 percent of the median income for the Metro Area adjusted by family size. The committee approved an amendment modifying the definition of "replacement housing" to provide that depending on demonstrated need, displaced units, excluding efficiency and SRO units, may be replaced by larger units. Furthermore, replacement housing includes rental housing that has been low-income for at least 15 years.

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S.F. 522, offered by Sen. Sam Solon (DFL-Duluth), clarifies the specificity needed for public service corporation easements. Specifically, the legislation provides that a public service corporation may meet the requirement of a definite and specific description of an easement in two ways: by including in the recorded description of the easement the specific legal reference points of the easement location in relation to the corners of the property involved; or by appending to the recorded description of the easement a drawing that identifies the location of the easement by scale or specific measurements. An amendment to the bill was approved clarifying that the bill does not require a public service corporation to "physically locate, establish and monument" by means of a land survey prepared by a registered land surveyor the corners of the specific property involved.

S.F. 29, authored by Sen. Tracy Beckman (DFL-Bricelyn) is the first step towards the establishment of a comprehensive youth apprenticeship program. The bill contains the goals and description of the program, creates a council charged with developing the program, and includes a proposed structure and the authority for five pilot projects.

Sen. Kevin Chandler (DFL-White Bear Lake), sponsored a bill negating a provision in the 1992 workers' compensation reform bill that allows employer/insurers to cut fees to nursing homes with rates that are already limited by the state medical assistance program. The 1992 law allowed insurers to reduce rates for treatment, articles and supplies not covered in the fee schedule to 85 percent of the providers' usual and customary fee or 85 percent of the usual or customary charge for that service, whichever is lower. The bill provides that the limitation of liability does not apply to nursing homes that participate in the Medical Assistance program.

S.F. 961, authored by Sen. Dennis Frederickson (IR-New Ulm), changes the name of the Dept. of Jobs and Training back to its former name of the Dept. of Economic Security.

## Judiciary

### Minority Heritage Act okayed

After a lengthy debate on Fri., Apr. 16, the Judiciary Committee approved S.F. 1332, authored by Sen. Allan Spear (DFL-Mpls.), a bill making a number of changes to current law governing the placement of children in foster homes. Among the provisions, the bill: limits multiple placements of children in the foster care system pursuant to a CHIPS order to one change, unless the current placement is unsuitable or the second placement is within an adoptive home; requires a child placing agency to use special efforts to recruit a family from among the child's relatives for at least six months; and requires the commissioner of human services to establish standards to determine the suitability of proposed placements with the children's relatives and for recruiting adoptive families of the same racial or ethnic heritage as the child.

The committee, chaired by Sen. Ember Reichgott (DFL-New Hope), approved an amendment offered by Sen. Sheila Kiscaden (IR-Rochester), that removes the "relevant factors" that courts must consider when placing a child outside of the home. A second amendment gaining the committee's approval deletes a requirement that social service agencies file a termination of parental rights petition in situations where abandonment of the child is presumed under the termination statute. S.F. 1332 was approved and re-referred to the Finance Committee.

In other action, the committee approved a number of bills, all of which were advanced to the Senate floor. S.F. 251, authored by Sen. Jane Ranum (DFL-Mpls.), relates to child abuse reporting. Ranum explained that the definition of "neglect" is expanded under the bill to include "educational neglect," or failure to provide a child with necessary education. She added that the measure also creates a presumption, for CHIPS purposes, that the absence from school of a child under 12 years of age is due to the parent's or guardian's failure to comply with compulsory instruction laws, unless proved otherwise.

A bill providing various remedies for landlords involving lease violations was presented by Sen. Steven Novak (DFL-New Brighton). S.F. 1532 allows a landlord to take civil action for willful destruction of leased residential rental property, including recovery of actual damages, costs, and attorney fees. The landlord is also permitted to request expedited temporary relief by asking for a restraining order under the criminal harassment statute.

S.F. 848, sponsored by Sen. Jerry Janzich (DFL-Chisholm), deals with mineral exploration data submitted to the commissioner of natural resources. Specifically, the measure provides that upon written request of the explorer, data submitted to the commissioner are nonpublic until 180 days after termination of all other leases or types of exploration on property located within the same government section.

Committee members also considered data privacy and other judiciary issues contained within S.F. 338, authored by Sen. Janet Johnson (DFL-North Branch). The bill creates a public corporation known as Minnesota Business Finance Inc., to assume the responsibilities of Opportunities Minnesota, Inc. The bill provides that board of directors' meetings are subject to the open meeting law, contains the procedure for closing a meeting of the board, and classifies financial data as private.

Sen. William Belanger, (IR-Bloomington), sponsored S.F. 480, a bill requiring the appointment of guardians and conservators for minors and incapacitated persons who receive workers' compensation awards. According to the legislation, an attorney, representing an injured minor employee or dependent, must seek a probate court order appointing a guardian. Employers, insurers, or the special compensation fund also have a duty to notify the attorney of the need to appoint a guardian, or to appoint one themselves if necessary.

Addressing a similar issue, Sen. Richard

Cohen (DFL-St. Paul), sponsored S.F. 1448, a bill providing for determination of reasonable compensation for guardians and conservators of incapacitated persons. Among a number of provisions, the bill authorizes the human services agency to create a screening committee to review guardianship petitions and requires courts to consider a fee schedule recommended by the board of county commissioners when granting compensation to lawyers or health professionals who serve as guardians.

Cohen presented several additional bills to the committee. S.F. 741 gives the Court of Appeals jurisdiction to hear appeals by an employer or appointing authority in a city or county from a final decision of a civil service commission or board. The employee and appointing authority have standing to appeal (made by serving written notice to the board within 10 days) in all cases in which they are aggrieved by the final decision.

S.F. 1097, relating to current law governing trusts, prohibits some discretionary powers by trustees including discretionary income distributions to or for the trustee. An exception is made in cases where the distributions are limited by an ascertainable standard relating to the trustee's health, education, maintenance, or support.

Lastly, S.F. 674 amends current law requiring the posting of a bond in civil actions affecting public bodies. In deciding whether to require a bond, the court must consider whether the action presents substantial constitutional issues or substantial issues of statutory construction and the likelihood of a party prevailing on these issues.

## Metropolitan and Local Government

### Metro and local bills

The Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), advanced a variety of bills Thurs., Apr. 15.

Sen. Carl Kroening (DFL-Mpls.) presented S.F. 1163, a bill that authorizes the acquisition and betterment of regional recreation open space lands by the Metropolitan Council and Metro Area local government units. Members approved the bill and re-referred it to the Environment and Natural Resources Committee.

Sen. Joe Bertram, Sr. (DFL-Paynesville) offered S.F. 771. Bertram said the bill changes the formula for payments made to producers of ethanol; increases oxygenate level requirements for gasoline; authorizes the Pollution Control Agency to contract to expedite the permit process; and eliminates specific local government aid and Homestead Agricultural Credit Aid (HACA) offsets for tax increment financing (TIF). Members advanced the measure to the Environment and Natural Resources Committee.

Sen. Don Samuelson (DFL-Brainerd) offered S.F. 1284, a bill that establishes a dedicated fund for city expenses to pay for the construction and maintenance of a city sewer system in the city of Garrison. The



bill also permits a one percent local sales tax upon approval by the city council. Members amended the bill to allow a home rule charter or statutory city, town, county, or school district to conduct some raffles without a permit from the gambling control board. The committee approved the bill and re-referred it to the Taxes and Tax Laws Committee.

Members also approved S.F. 1527, authored by Sen. John Hottinger (DFL-Mankato). Hottinger said the bill extends the duration of a tax increment finance district in the city of Mankato. The bill goes next to the Taxes and Tax Laws Committee.

Sen. Ted Mondale (DFL-St. Louis Park) gained approval for S.F. 1169, a bill relating to the financing and clean up of polluted lands. Mondale said the bill imposes a state tax on contaminated property; requires a deposit of the proceeds of the tax in an account to be used for cleanup and redevelopment of contaminated sites; and creates a pollution abatement loan and grant program. Mondale noted that the bill also authorizes municipalities to borrow funds for pollution abatement; authorizes and regulates the use of tax increment financing for pollution districts; authorizes the establishment of guaranty or indemnification funds for contaminated parcels in pollution districts and permits the use of tax increments to provide money for the funds. The bill also creates a metropolitan core redevelopment grant program. Members deleted article IV--the metropolitan core redevelopment program. The committee also added a section to the bill that deals with tax increment financing for manufacturing districts. Members recommended passage of the bill and sent it to the Taxes and Tax Laws Committee.

Finally, members approved S.F. 1546, authored by Sen. Kevin Chandler (DFL-White Bear Lake), proposing a series of changes in the financing of local governments. The bill goes next to the Taxes and Tax Laws Committee.

## Appointments confirmed

The Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), confirmed several gubernatorial appointments at a Mon., Apr. 19, meeting.

Louis R. Clark was confirmed as the chair of the Metropolitan Waste Control Commission. Dottie Rietow was confirmed as the chair of the Metropolitan Council. In addition, six appointees were confirmed as council members. They are Barbara Butts, Stephen Wellington, Jr., Patrick Leung, Martha Head, Esther Newcome, and Mary Hill Smith. The committee voted to confirm three other Metropolitan Council appointees at a later meeting.

## Taxes and Tax Laws

### Property tax proposal okayed

The property tax provisions of the omnibus tax bill were endorsed at the Mon., Apr. 19, meeting of the Taxes and Tax Laws Subcommittee on Property Tax. The proposal, compiled from a variety of bills, was assembled for inclusion in the omnibus

bill later in the week. The measure contains property tax relief for farmers, by reducing the class rate for the first \$115,000 of a farm homestead's market value net of the value of the home, garage, and one acre from .45 percent to .35 percent; for the market value in excess of \$115,000 up to the first 320 acres from 1.3 percent to 1 percent; and for the market value in excess of \$115,000 over 320 acres from 1.6 percent to 1.4 percent. The proposal also reduces the class rate on nonhomestead farms from 1.6 percent to 1.4 percent.

The proposal also contains provisions that establish a Board of Government Innovation and Cooperation and sets forth the board's powers and duties. The new board coordinates and expedites local government cooperative initiatives. Specifically, the board is directed to rule on applications by local governments for waivers for administrative rules and procedural requirements in state law; provide grants to local governments for innovative service delivery; rule on applications by local governments for financial assistance to plan cooperative efforts; rule on applications for service-sharing grants; rule on applications from cities, counties and towns to combine; and to make recommendations regarding the elimination of state mandates that inhibit cooperation and innovation.

Another section of the measure contains the comprehensive choice housing allotment proposal. The proposal is designed to encourage the development of a full range of housing options in every community in the Metro Area.

Members considered a number of amendments for inclusion in the omnibus measure. An amendment, offered by Sen. Duane Benson (IR-Lanesboro), requiring that each taxing authority holding meetings for notice of proposed property taxes present information regarding the compensation paid to its employees and how those amounts relate to property tax levies, was adopted. Another portion of the amendment requires the commissioner of revenue to publish a notice containing similar information on state employees. The amendment is designed to aid in implementation of the pay restraint imposed for public employees.

Another amendment, offered by Sen. William Belanger (IR-Bloomington), freezing property taxes for one year, failed to gain approval. Sen. John Hottinger (DFL-Mankato) was successful in gaining approval for an amendment excluding fire safety sprinkler systems from market value increases. In addition, Division Chair Carol Flynn (DFL-Mpls.), gained approval for an amendment excluding some home improvements from increased valuation. However, another amendment offered by Belanger, creating certified small business tax incentives, failed to be adopted. An amendment, offered by Benson, to reduce property taxes for school purposes, also failed.

An amendment, offered by Sen. Ember Reichgott (DFL-New Hope), sunseting the Local Government Trust Fund June 30, 1995, was also adopted on a divided voice vote. Sen. Pat Parisseau (IR-Farmington), gained approval for an amendment specifying that Agricultural property that is classified as a homestead qualifies as class 2a

property, provided that the treatment is available only for one property owned by an individual and occupied by a relative of the individual. An amendment, offered by Sen. Ted Mondale (DFL-St. Louis Park), provides for pollution districts as a form of tax increment financing district. The pollution control districts are to serve as a mechanism for pollution abatement.

### Income tax portions okayed

The remaining portion of the omnibus tax bill was assembled at a meeting Tues., Apr. 20, of the Taxes and Tax Laws Subcommittee on Income and Sales Tax. The subcommittee, chaired by Sen. Ember Reichgott (DFL-New Hope), reviewed several articles of the proposed omnibus bill dealing with income and sales taxes.

The proposal contains a total revenue increase of \$16.4 million with the bulk of the revenue, \$9.6 million, derived from adoption of the federal withholding schedule. The measure also specifies that federal income tax deductions for salaries, wages or bonuses over \$1 million paid to any employee are disallowed for Minnesota tax purposes for both individual and corporate returns.

Most of the debate on the measure concerned an amendment, offered by Reichgott, altering the Unfair Cigarette Sales Act. The amendment, which restructures the pricing of cigarettes and sets penalties for violations, failed to gain adoption.

Members failed to endorse an amendment, sponsored by Sen. Duane Benson (IR-Lanesboro), providing a certified small business capital equipment tax exemption. Members also rejected an amendment, offered by Sen. William Belanger (IR-Bloomington), increasing the budget reserve from \$240 million to \$500 million.

An amendment, offered by Belanger, specifying that in child support cases property tax refunds are treated in the same way as income tax refunds, gained approval. Members also adopted an amendment, offered by Sen. Phil Riveness (DFL-Bloomington), that alters the rental car tax by specifying that the tax is imposed at the rate of \$2.75 per day of the term of the rental, not to exceed \$10. Currently, the tax is imposed at \$7.50 per transaction without regard to the length of the rental. An amendment, offered by Sen. Harold "Skip" Finn (DFL-Cass Lake), allows a home rule charter or statutory city, town, county, or school district to conduct no more than two raffles without complying with charitable gambling tax provisions. Finally, members also adopted a technical amendment clarifying several provisions in the proposal. The entire proposal was then advanced to the full Taxes and Tax Laws Committee.

### Transportation funding bill

The Taxes and Tax Laws Committee, chaired by Sen. Douglas Johnson (DFL-Cook) met Mon., Apr. 19, to consider the omnibus transportation funding bill.

S.F. 1251, carried by Sen. Keith Langseth (DFL-Glyndon), calls for an increase in the gasoline tax from 20 to 25 cents, with an annual tax rate adjustment. Langseth said the gas tax is needed in order to fund

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highway projects scheduled as early as this summer. The bill also raises the motor vehicle excise tax (MVET) from six and one-half to seven percent. Under the bill, 27 percent of the money raised by the MVET is to be used for transit funding.

The panel adopted an amendment offered by Sen. Dean Johnson (DFL-Cook), raising the MVET an equal amount for leased vehicles. An amendment by Sen. Duane Benson (IR-Lanesboro), removing the increase in the MVET failed.

The bill spurred considerable debate on funding mechanisms for public transit. Sen. Sandra Pappas (DFL-St. Paul), objected to the bill's approach to transit funding, saying that the bill leaves the present funding level for highways and does not address a stable funding source for transit. Pappas tried unsuccessfully to remove the funding increases for both highway construction and transit from the bill. The Pappas amendment failed on an 11-11 roll call vote.

Langseth said the bill successfully balances highway and transit funding because it specifies that for any decrease in transit funding, there is to be a corresponding percent decrease in the gas tax. The state's constitution requires that the gas tax be solely dedicated to highway funding. The bill was laid over without formal action.

Earlier members discussed S.F. 103, regulating lawful gambling. The bill, sponsored by Sen. Charlie Berg (DFL-Chokio), provides that payment of the combined receipts tax is a lawful purpose expenditure. Under the bill, the payment of real estate taxes is a lawful expenditure to the extent of the full amount of taxes and assessments on premises built or acquired before Aug. 1, 1990, and the greater of one-half of the taxes and assessments of \$15,000 for other premises. In addition, gambling profits on which local gambling taxes are imposed are reduced by the amount of other taxes assessed on lawful gambling and paid by the organization. The panel approved the bill and sent it to the Senate floor.

Debate on the transportation funding bill continued at the Tues., Apr. 20, meeting. Members approved an amendment by Sen. Linda Berglin (DFL-Mpls.), calling for a 1-year moratorium on acquisition of land for the expansion of I-35W and I-494. The amendment also blocks construction activity on I-35W south of I-494 for one year.

The committee defeated an amendment offered by Sen. Steven Novak (DFL-New Brighton), proposing a constitutional amendment expanding the gas tax dedication to include transit spending. Langseth maintained that trying to fund both highways and transit with the gas tax will lead to both being perpetually under-funded.

The committee then voted on the bill, defeating it on an 11-11 vote.

At the Weds., Apr. 21, meeting, however, panel members voted to reconsider the bill. First, the committee approved an amendment removing a portion of the previously-adopted Berglin language. The amendment deletes the provision blocking construction of the I-35W and I-494 corridor. The committee left in the prohibition on land acquisition. The amendment also changes the MVET dedication for transit from 27

percent of MVET revenues to a flat \$65 million per year.

After the committee defeated the bill, 10-12, on a second vote, the Senators once again reconsidered the bill and approved an amendment by Sen. Duane Benson stripping the tax provisions from the bill. The amendment removes the gas tax and MVET increases, the provision for dedicating a portion of MVET to transit, and the county state aid formula change called for in the original bill. With a third and final vote, the committee approved the bill and sent it to the full Senate.

## Omnibus tax bill gains

After completing work on the transportation funding bill, the committee members then turned their attention to S.F. 408, the omnibus tax bill.

The bill raises \$6 million in new taxes, including \$2.6 million in expected revenues from a new six percent tax on sports bookmaking operations. Several amendments to the bill gained approval.

The most controversial subject of discussion was an amendment offered by Sen. Duane Benson (IR-Lanesboro), removes the pricing floor on cigarette sales and raising the tax on cigarettes by 23 cents. Benson said the price of cigarettes should be tied to the state's health costs stemming from smoking-related diseases. If those costs were reflected in cigarette prices, Benson said, the tax would be \$2.40 per pack. Opponents of the amendment argued that the cigarette tax places an unfair burden on poor people. The committee defeated the amendment. Instead, the panel adopted an amendment, offered by Finn, establishing a penalty for a retailer who knowingly sells cigarettes for less than the legal retail price. A penalty is also established for retailers who knowingly purchase cigarettes from a wholesaler at less than the legal price.

The property tax portion of the bill includes a class rate reduction for farms. It also replaces local government trust fund money with general fund money as the source of funding for HACA and Disparity Aid, and for the transition credit.

The bill creates a contamination tax on contaminated properties and establishes a pollution abatement loan and grant program.

Sen. Ember Reichgott (DFL-New Hope), successfully amended the tax increment financing (TIF) portion of the bill, removing provisions which allow TIF to be used for manufacturing districts in addition to its traditional use as an economic development tool. Reichgott offered the amendment in response to an amendment by Novak removing the county approval process for such districts, which was also adopted.

The committee approved the bill as amended and sent it to the Senate floor.

## Transportation and Public Transit

### Handicapped parking bill

Members of the Transportation and Public Transit Committee, chaired by Sen. Florian Chmielewski, approved a bill to

expand enforcement of the handicapped parking regulations, Wed., Apr. 14. S.F. 837, offered by Sen. William Belanger (IR-Bloomington), authorizes cities of the second class, as well as first class cities, to use citizen volunteers to enforce parking regulations for persons with physically disabilities. A second class city has a population between 20,000 and 100,000. The bill goes next to the Senate floor.

The committee also considered several other bills.

Sen. Linda Runbeck (IR-Circle Pines) offering H.F. 910, after the companion bill, S.F. 404, failed to gain committee approval last month, was again met with opposition to the bill that redefines "grade crossing" to include an intersection of a public pedestrian-bicycle trail over railroad tracks as well as a public highway. The committee laid over the bill since the liability factor is not determined in the measure.

S.F. 95, a bill requiring telephone companies to provide a feature called "custom local area signaling service" (CLASS), was also discussed. Sen. Leonard Price (DFL-Woodbury), bill author, explained that CLASS is a custom calling telephone service that allows the person answering the call to access the telephone number, name, or other information relating to the phone form which the call is placed. The Minnesota Public Utilities Commission is required to determine the conditions under which CLASS services may be provided by state telephone companies by Jan. 1, 1995. The committee approved the bill and re-referred it to the Jobs, Energy, and Community Development Committee.

Next, Sen. William Luther (DFL-Brooklyn Park) offered S.F. 184, a bill the prescribes registration requirements of "off-highway motorcycles" (OHMs) operated on public lands. The bill provides for a basic registration fee of \$30 for a three year period, a dealer's fee totaling \$50 per year for all their OHMs, and a total annual fee of \$150 for manufacturers. The bill also requires the commissioner of the Dept. of Natural Resources to adopt rules relating to OHMs and to establish a comprehensive OHM environment and safety education and training program. The bill allows for a \$5 fee for participation in the program. In addition, the bill establishes a misdemeanor penalty for violation of OHM regulations. The bill was amended by deleting a provision that required that the unrefunded gasoline tax attributable to OHM use be deposited in the state treasury and credited to an OHM account in the natural resources fund. The bill was approved and re-referred to the Environment and Natural Resources Funding Division.

Sen. James Metzen (DFL-South St. Paul) gained approval of S.F. 910, a bill that makes a technical change in the definition of "tow truck" or "towing vehicle." The bill goes next to the Senate floor.

Finally, a bill defeated by the committee at an earlier hearing was reconsidered as amended by Sen. Sandra Pappas (DFL-St. Paul). S.F. 474 revises the state transportation plan to establish objectives, policies, and strategies to help stabilize and enhance the social and economic health of the

central cities and the Metro Area as a whole. Responding to opposition to portions of the bill, Pappas deleted a section prohibiting the Metropolitan Council from approving a proposed highway project that will provide new or increased capacity to a sector of the Metropolitan Area unless the council finds that a least 50 percent of the cities and towns in the urban service area or freestanding growth centers in the corridor are certified by the council as meeting the council's comprehensive choice housing requirements. Upon revision of the bill, the committee granted approval and sent the bill to the Senate floor.

### St. Croix Bridge bill heard

Members of the Transportation and Public Transit met Fri., Apr. 16, to hear a bill that places a moratorium on the development of a bridge over the St. Croix River at Stillwater-Oak Park Heights. S.F. 877, offered by Sen. Jane Krentz (DFL-May Township), creates a study commission to evaluate alternatives for the proposed bridge and provides for an unspecified appropriation amount. Senators reviewed the fiscal note which calls for approximately \$600,000; however, no amendment was made to incorporate the figure in the bill. The committee re-referred the bill to the full Transportation and Public Transit Committee without recommendation.

### Veterans and General Legislation

The Veterans and General Legislation Committee met Thurs., Apr. 15, to consider and approve S.F. 1602, sponsored by Sen. Steve Murphy (DFL-Red Wing). Under the bill, cemeteries may not be relocated without the consent of the trustees or owners. The committee approved an amendment by Sen. Florian Chmielewski (DFL-Sturgeon Lake), which requires municipal and town cemeteries to provide for burial during winter. The bill was approved and sent to the full Senate.

### Monday, April 19

#### Omnibus higher ed bill passes

One of the highlights of the floor session Mon., Apr. 19, was final passage of the omnibus higher education bill. The bill, S.F. 1407, offered by Sen. LeRoy Stumpf (DFL-Thief River Falls), sets forth the higher education budget allocations for FY1994-1995 at \$2.02 billion, \$10 million lower than the governor's proposed budget.

Sen. Dennis Frederickson (IR-New Ulm) expressed concern that the bill allocates less money for grants for lower income students than the governor's budget, citing an \$87 million cut from the Higher Education Coordinating Board (HECB) budget. Stumpf countered that the needs of lower income students are being met with the expectation that, because each post-secondary system is fully funded by this bill, tuition rates should not increase; \$47.2 million is earmarked for financial aid; funding for graduate programs, which was not covered in the governor's budget, has been set aside; and vocational programs, such as a Youth Apprenticeship Program

and an Entrepreneur Scholarship Program, are established under the bill.

Stumpf said another \$18 million is allocated for the creation of the Minnesota Education Network, a program administered by the HECB, to provide more students greater access to a broad range of educational opportunities across the state through the use of telecommunications.

Much discussion centered around an amendment, sponsored by Sen. Cal Larson (IR-Fergus Falls), calling for the removal of the technical colleges from the single board overseeing the merger of the state's higher education systems. Larson argued that one board cannot adequately address the diverse issues of each institution. Sen. Gen Olson (IR-Minnetrista) supported the amendment, suggesting that the value of technical education is diminished under one board. Majority Leader Roger Moe (DFL-Erskine) countered that it is "important to not pull the technical colleges out and place them in some sort of secondary system. They must be on the same plane as other higher education systems because they are higher education." Stumpf also responded that the system would not result in a blending of issues but instead in partnership. The amendment was defeated on a roll call vote of 31-35.

A second amendment, offered by Sen. Steve Dille (IR-Dassel), reduces the increase of the HECB Self Loan amounts from 50 percent to 25 percent. Dille contended that such a large increase would place an unfair burden of debt on students. Stumpf said that the loan amounts have not increased since 1983 and that the loans carry a low interest rate. The amendment was defeated on a roll call vote of 16-47.

The entire bill was given final passage on a vote of 65-0.

### Tuesday, April 20

#### Crime prevention bill okayed

In addition to the campaign finance bill, two other bills gained approval at the Tues., Apr. 20, floor session. The first, S.F. 1503, sponsored by Sen. Tracy Beckman (DFL-Bricelyn), is the crime prevention funding bill, providing a total of \$506 million for crime prevention programs.

Sen. David Knutson (IR-Burnsville), unsuccessfully attempted to amend the bill to include the first district in the appropriation for the implementation of weighted caseload standards. The Senators then voted to grant passage to the bill.

S.F. 1613, sponsored by Sen. Carl Kroening (DFL-Mpls.), appropriates \$294 million for jobs, energy and community development programs.

Sen. Charles Berg (DFL-Chokio), attempted unsuccessfully to delete a \$30,000 appropriation for funding an international ringette tournament to be held in St. Paul and Rosemount in 1994. Another Berg amendment, eliminating a provision establishing and appropriating \$100,000 for the board of invention, was also unsuccessful. After discussion, Sen. Deanna Wiener (DFL-Eagan), offered a compromise amendment that retains the board in the bill but removes the appropriation. Senators approved the amendment.

Senators voted down an amendment, by

Sen. Dennis Frederickson (IR-New Ulm), removing a \$200,000 appropriation for preserving the assets of the World Trade Center Corporation and re-allocating the money for funding displaced homemaker programs. Also defeated was another Berg amendment removing a \$150,000 appropriation for a uniform business identifier study.

An amendment by Sen. William Luther (DFL-Brooklyn Park), changes the definition of personal expenses of the governor and lieutenant governor for which reimbursement may be paid. The amendment was approved. The Members also adopted an amendment by Sen. Linda Runbeck (IR-Circle Pines) appropriating \$100,000 for the NCAA women's final four basketball tournament. The Senators then defeated another Runbeck amendment deleting the \$5.3 million appropriation for the Minnesota youth program in order to increase the appropriation for transitional housing programs by that amount. Senators then passed the bill, 65-1.

### Wednesday, April 21

#### Environment finance bill passes

After much debate, the Senate gave final passage to the environment and natural resources appropriations bill during the Wed., Apr. 21, floor session. The bill, carried by Sen. Steven Morse (DFL-Dakota), establishes a budget of \$539 million for environment and natural resources programs.

The bill includes a tax increase on garbage collection of 70 cents per-cubic-yard, resulting in an average household increase of \$2 per year. Also, a new fee of \$14 is imposed on seven-day nonresident fish house licenses and the annual fee for nonresident fish houses is increased from \$21.50 to \$25.

Sen. Phil Riveness (DFL-Bloomington) offered an amendment to make a \$2 million reduction to the ethanol program budget, set at almost \$17 million in the bill. Riveness cited lack of strong evidence supporting positive environmental effects of ethanol and said the money can be better spent divided evenly between state and metro parks. Morse countered that the money is necessary to maintain a natural Minnesota commodity and increase instate production payments, and that currently "it would be a big mistake to backpedal on the ethanol issue." The amendment was defeated on a roll call vote of 18-46.

Questions were also raised concerning recommendations made by the Legislative Commission on Minnesota Resources (LCMR) and the make up of the commission. An amendment, offered by Sen. Roger Moe (DFL-Erskine), to expand membership from 16 to 20 members was adopted. Another amendment, sponsored by Sen. Dennis Frederickson (IR-New Ulm), requires representation of the state's congressional districts on the LCMR beginning in 1997. The amendment was adopted. The bill was given final passage on a vote of 61-3.

Senate Information	296-0504
Committee Hotline	296-8088
For copies of bills	296-2343
TDD	296-0250

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# Floor action

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For April 19-22

## Bills granted preliminary passage on General Orders--April 19

- S.F. 44-Berglin: Making supplemental needs trusts for adult children with disabilities provisions related to public assistance eligibility unenforceable as against public policy.
- S.F. 181-Reichgott: Clarifying provisions relating to limited liability companies; modifying powers of, and rules applicable to, limited liability companies and authorizing a study of farm limited liability companies.
- S.F. 376-Metzen: State Board of Investment housekeeping measure.
- H.F. 507-Berglin: Providing patients and residents of a chemical dependency facility with the option to disclose their presence in the facility.
- S.F. 163-Berglin: Relating to "orphan drugs" by modifying requirements for the dispensing of controlled substances to another state.
- H.F. 1296-Chmielewski: Permitting the Pine County Board to extend specific temporary land use controls.
- S.F. 703-Vickerman: Defining as "repair" incidental straightening of tiles and the use of larger tile sizes in drainage repair.
- S.F. 692-Chmielewski: Regulating the minimum deposit requirements for workers' compensation self-insurers.
- S.F. 981-Chandler: Dept. of Human Services technical bill; clarifying and changing license evaluation requirements and restrictions on businesses providing adult foster care services.
- H.F. 70-Benson, J.E.: Authorizing the conveyance of state lands to the city of St. Cloud by the state as part of St. Cloud State University.
- S.F. 722-Johnson, J.B.: Directing the commissioner of human services to obtain three federal waivers under the AFDC program.
- H.F. 520-Hottinger: Authorizing a second chance Medicare coverage referendum for specific public pension plan members.
- S.F. 414-Flynn: Providing procedures for design, approval and construction of light rail transit and establishing a state advisory council to provide recommendations on the responsibilities of the Metropolitan Council.
- S.F. 737-Johnston: Specifying time limits for vehicle owners to transfer certificate of title upon gaining ownership of a motor vehicle.
- S.F. 207-Finn: Making numerous changes in laws relating to the Board of Social Work and the Board of Marriage and Family Therapy.
- S.F. 75-Robertson: Imposing a felony for neglect or endangerment that substantially harms a child's physical, mental or emotional health.
- S.F. 1141-Hottinger: Allowing cities to use self-insurance funds or pools to satisfy statutory bond requirements.
- S.F. 225-Metzen: Regulating eligibility for workers' compensation assigned risk plan coverage.
- S.F. 241-Berglin: Modifying reimbursement procedures for group residential housing.
- S.F. 784-Krentz: Authorizing collection of fines from inmates' wages and providing that a parent of a victim of harassment who is a minor may seek a restraining order.
- S.F. 536-Finn: Requiring sheriffs to investigate snowmobile accidents.
- S.F. 1244-Chandler: Recodifying the Historic Sites Act of 1965.
- S.F. 1199-Chandler: Extending the expiration date of labor and employment related advisory councils.
- S.F. 386-Vickerman: Raising the fee for two-wheeled vehicle endorsement.
- S.F. 560-Berglin: Extending the hospital construction moratorium.
- S.F. 782-Berglin: Expanding Medical Assistance coverage to include nutritional supplementation products.
- S.F. 1400-Vickerman: Permitting the consolidation of the offices of auditor and treasurer in Nobles and Murray Counties.
- H.F. 79-Vickerman: Clarifying that grandparent visitation may be sought after completion of proceedings for divorce, custody, legal separation, annulment, or parentage.
- S.F. 384-Berglin: Providing that executions and garnishments on child support judgments are effective until the judgments are satisfied.
- H.F. 469-Johnston: Providing that physical requirements to obtain school bus endorsement for driver's license are satisfied by possession of a medical examiner's certificate required for commercial vehicle drivers.
- S.F. 255-Kroening: Providing for continued coverage in the Minnesota State Retirement System for specific employees.

## Bills granted final passage on the Calendar--April 19

- S.F. 334-Vickerman: Authorizing the issuance of a citation to a driver for failure to yield right-of-way to an emergency vehicle and providing a penalty for the vehicle owner or lessee for failure to yield. 56-0
- H.F. 654-Finn: Regulating corporate registrations and administrative dissolutions and making numerous housekeeping changes to laws governing corporations. 51-0
- S.F. 441-Spear: Requiring employers to indemnify employees for liability arising out of the scope of employment. 59-0
- S.F. 183-Knutson: Providing for the classification of law enforcement data and classifying booking photographs. 56-2
- S.F. 764-McGowan: Authorizing the presence of a supportive person during criminal proceedings in which a minor is testifying as a prosecution witness. 62-0
- S.F. 577-Murphy: Prescribing penalties for failure to comply with the precursor chemical tracking system and requiring the reporting of missing substances and purchases made out of state. 61-0
- S.F. 96-Riveness: Clarifying rulemaking provisions for Pollution Control Agency adoption of wastewater treatment standards. 61-0
- S.F. 688-Krentz: Changing the name of the Council on the Affairs of Spanish-speaking People to the Council on the Affairs of Mexicano/Chicano and Latino People. 61-0
- S.F. 1148-Bertram: Authorizing a permit to be issued for a trailer or semi-trailer exceeding 28 1/2 feet in a three-vehicle combination. 59-3
- H.F. 295-Chmielewski: Authorizing utilities to make automatic annual rate adjustments for costs of conservation improvements. 62-0

## Bills granted final passage on the Consent Calendar--April 19

- H.F. 226-Vickerman: Clarifying the meaning of comprehensive health maintenance services. 61-0

## Bills granted final passage on the Special Orders Calendar--April 19

- S.F. 1407-Stumpf: Omnibus higher education appropriations bill. 65-0

## Bills granted final passage on the Special Orders Calendar--April 20

- S.F. 1503-Beckman: Omnibus crime prevention finance bill. 64-3
- S.F. 1613-Kroening: Omnibus jobs, energy and community development funding bill. 65-1
- H.F. 163-Marty: Campaign finance reform bill. 43-24.

## Bills granted preliminary passage on the General Orders Calendar--April 21

- H.F. 576-Wiener: Secretary of State's Office housekeeping bill providing for appointments to advisory task forces, councils, committees, administrative boards and agencies.

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H.F. 57-Murphy: Clarifying situations when some school bus signals should not be used and clarifying the definition of special transportation as not including transportation of children by school bus.  
S.F. 672-Murphy: Providing for the traffic offense of failure to maintain control of a vehicle.  
S.F. 653-Lessard: Permitting cartways to be established on alternative routes.  
S.F. 1368-Chandler: Imposing criminal penalties for knowing violations of air pollution requirements.  
S.F. 167-Berglin: Modifying eligibility for the private employers insurance program and small employer insurance coverages.  
H.F. 670-Berglin: Regulating benefits for outpatient mental or nervous disorder treatment.  
H.F. 846-Hottinger: Authorizing new procedures for the return of patients who are absent from treatment facilities without authorization.  
H.F. 661-Sams: Regulating dairy trade practices.  
S.F. 240-Berglin: Changing the membership requirements of the board of nursing.

#### **Bills granted final passage on the Calendar--April 21**

S.F. 44-Berglin: Making supplemental needs trusts for adult children with disabilities provisions related to public assistance eligibility unenforceable as against public policy. 64-2  
S.F. 181-Reichgott: Clarifying provisions relating to limited liability companies; modifying powers of, and rules applicable to limited liability companies and authorizing a study of farm limited liability companies. 65-0  
S.F. 376-Metzen: State Board of Investment housekeeping measure. 66-0  
H.F. 507-Berglin: Providing patients and residents of a chemical dependency facility with the option to disclose their presence in the facility. 65-0  
S.F. 163-Berglin: Relating to "orphan drugs," modifying requirements for the dispensing of controlled substances to another state. 65-0  
H.F. 1296-Chmielewski: Permitting the Pine County Board to extend specific temporary land use controls. 65-0  
S.F. 703-Vickerman: Defining as "repair" incidental straightening of tiles and the use of larger tile sizes in drainage repair. 66-0  
S.F. 692-Chmielewski: Regulating the minimum deposit requirements for workers' compensation self-insurers. 65-0  
S.F. 981-Chandler: Dept. of Human Services technical bill; clarifying and changing license evaluation requirements and restrictions on businesses providing adult foster care services. 66-0  
H.F. 70-Benson, J.E.: Authorizing the conveyance of state lands to the city of St. Cloud by the state as part of St. Cloud State University. 65-1  
S.F. 722-Johnson, J.B.: Directing the commissioner of human services to obtain three federal waivers under the AFDC program. 66-0  
H.F. 520-Hottinger: Authorizing a second chance Medicare coverage referendum for specific public pension plan members. 64-0  
S.F. 414-Flynn: Providing procedures for design, approval and construction of light rail transit and establishing a state advisory council to provide recommendations on the responsibilities of the Metropolitan Council. 63-3  
S.F. 737-Johnston: Specifying time limits for vehicle owners to transfer certificate of title upon gaining ownership to a motor vehicle. 66-0  
S.F. 207-Finn: Making numerous changes in laws relating to the Board of Social Work and the Board of Marriage and Family Therapy. 66-0  
S.F. 75-Robertson: Imposing a felony for neglect or endangerment that substantially harms a child's physical, mental or emotional health. 66-0  
S.F. 1141-Hottinger: Allowing cities to use self-insurance funds or pools to satisfy statutory bond requirements. 66-0  
S.F. 225-Metzen: Regulating eligibility for workers' compensation assigned risk plan coverage. 66-0  
S.F. 241-Berglin: Modifying reimbursement procedures for group residential housing. 65-0  
S.F. 784-Krentz: Authorizing collection of fines from inmates' wages and providing that a parent of a victim of harassment who is a minor may seek a restraining order. 66-0  
S.F. 536-Finn: Requiring sheriffs to investigate snowmobile accidents. 66-0  
S.F. 1244-Chandler: Recodifying the Historic Sites Act of 1965. 66-0  
S.F. 1199-Chandler: Extending the expiration date of labor and employment related advisory councils. 65-1  
S.F. 386-Vickerman: Raising the fee for two-wheeled vehicle endorsement. 62-4  
S.F. 560-Berglin: Extending the hospital construction moratorium. 66-0  
S.F. 782-Berglin: Expanding Medical Assistance coverage to include nutritional supplementation products. 66-0  
S.F. 1400-Vickerman: Permitting the consolidation of the offices of auditor and treasurer in Nobles and Murray Counties. 57-9  
H.F. 79-Vickerman: Clarifying that grandparent visitation may be sought after completion of proceedings for divorce, custody, legal separation, annulment, or parentage. 65-0  
S.F. 384-Berglin: Providing that executions and garnishments on child support judgments are effective until the judgments are satisfied. 66-0  
H.F. 469-Johnston: Providing that physical requirements to obtain school bus endorsement for driver's license are satisfied by possession of a medical examiner's certificate required for commercial vehicle drivers. 66-0

#### **Bills granted final passage on the Consent Calendar--April 21**

H.F. 1089-Mondale: Setting the date by which Hennepin County Park Reserve District redistricting must take place. 66-0  
H.F. 1074-Sams: Requiring publication and posting of notice of filing dates by county auditors. 66-0  
H.F. 461-Ranum: Authorizing cities to offer rewards for information leading to the apprehension, arrest, or conviction of alleged felons. 66-0

#### **Bills granted preliminary passage on the General Orders Calendar--April 22**

S.F. 122-Berglin: Requiring a minimum funding level for each grantee under the Head Start Program which is no less than that of FY93 and provides for proportional allocation in the event of reduction of funding.  
S.F. 1161-Ranum: Expanding the definition of domestic abuse to include terroristic threats and allowing child abuse interviews to be conducted at a designated location.  
S.F. 1060-Ranum: Clarifying that a misdemeanor conviction in which the court stays imposition of sentence is nevertheless counted as a misdemeanor for purposes of determining the penalty for subsequent offenses.  
S.F. 1129-Solon: Dept. of Commerce housekeeping bill regulating financial institutions, deposits, rates and charges.  
S.F. 872-Lessard: Abolishing the nonresident bear guide license.  
S.F. 639-Solon: Providing for the disposal of ash from incinerators operated by the Western Lake Superior Sanitary District.  
S.F. 105-Spear: Repealing the authority of the Conference of Chief Judges to establish a schedule of misdemeanors to be treated as petty misdemeanors effective Apr. 30, 1992.  
S.F. 1315-Betzold: Creating a Council of Traditional Indian Practitioners to make recommendations regarding the management, treatment, and protection of Indian burial grounds of human remains or artifacts contained in or removed from those grounds.  
S.F. 1006-Murphy: Authorizing the Veterans Homes Board to define residency by board rule.  
S.F. 1221-Murphy: Requiring license plates to stay with motor carrier on prorated trucks and changing the registration period for prorated vehicles.  
H.F. 546-Murphy: Prohibiting motor sports areas within the Dorer Memorial Hardwood Forest without county and township board approval.  
S.F. 636-Murphy: Requiring a study on the feasibility of including the city of Red Wing in the state financial assistance program for combined sewer overflow.  
S.F. 429-Solon: Omnibus liquor bill providing for reciprocity in interstate transportation of wine; changing the definition of licensed premises, restaurant and wine; and making numerous changes in provisions governing liquor.  
S.F. 1152-Betzold: Relating to metropolitan government setting conditions for tax equivalent payments.  
S.F. 1171-Spear: Creating a Commission on Nonfelony Enforcement to review the proportionality and enforcement of petty misdemeanor, misdemeanor and gross misdemeanor offenses.

#### **Bills gaining final passage on the Special Orders Calendar--April 22**

H.F. 1735-Johnson, D.J.: Omnibus tax bill. 45-21.

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# Preview

## The Minnesota Senate Week at a Glance

### Monday, April 26

**The Senate will meet at 8:30 a.m.**

#### Joint Senate and House Education Committee

Co-Chairs: Sen. LeRoy Stumpf and Rep.  
Lyndon Carlson

7 p.m. Room 200 SOB

**Agenda:** Selection of candidates for Board  
of Regents, University of Minnesota.

### Tuesday, April 27

**The Senate will meet at 8:30 a.m.**

#### Rules and Administration Committee

Chair: Sen. Roger Moe

Immediately following Session, Room 112  
Capitol

**Agenda:** Not available at press time.

#### Environment and Natural Resources Finance Division

Chair: Sen. Steven Morse

2 - 6 p.m. Room 123 Capitol

**Agenda:** Not available at press time.

#### Legislative Commission on Pensions and Retirement

Chair: Sen. Phil Riveness

7 p.m. Room 112 Capitol

**Agenda:** Not available at press time.

### Wednesday, April 28

**The Senate will meet at 8:30 a.m.**

#### Joint Senate and House Finance Subcommittee on Claims

Co-Chairs: Sen. Randy Kelly and Rep.

Andy Steensma

7 - 10 p.m. Room 400 SOB

**Agenda:** Claims against Dept. of  
Education, Minnesota Historical Society,  
Dept. of Military Affairs, Dept. of Human  
Services, Dept. of Natural Resources.  
Injury claims against Dept. of Corrections.

### Thursday, April 29

**The Senate will meet at 8:30 a.m.**

### Friday, April 30

**The Senate will meet at 8:30 a.m.**

### Editor's note

The third committee deadline was today, Fri., Apr. 23. As a result, it was impossible to complete the committee schedules for the week of Apr. 26-30 at the time this edition of Briefly went to press. Conference committees on the major bills will begin meeting during the week of Apr. 26. Conference committee schedules are extremely fluid, so please check with the Senate Information Office for anticipated schedules. The Senate Hotline at 296-8088, will carry as much information as is available about the various conference committees.

### Television coverage offered

Senate Media Services plans to provide live gavel-to-gavel television coverage of committee hearings and floor acting from 8 a.m. until 5 p.m. weekdays. The programming will run on Channel 6, the Metro Cable Network.

Also, watch for Senate Report, a weekly public affairs program, featuring lawmakers from specific regions around the state reviewing legislative issues from a regional perspective. Senate Report is broadcast on PBS stations as well as Channel 6, the Metro Cable Network.

Senate Media Services also produces a live call-in show--Capitol Call-In. The show features Senators speaking on various issues. Viewers are invited to call in and speak with Senators regarding the issues. Capitol Call-In is on Fridays at 3 p.m.

# Briefly

The Minnesota Senate Week in Review

April 30, 1993

## Omnibus K-12 funding bill passes

After an all day debate Mon., Apr. 26, Senators passed the \$5.4 billion omnibus K-12 funding bill on a vote of 40-26. Sen. Lawrence Pogemiller (DFL-Mpls.), chief author of the proposal, said H.F. 350 makes systemic reforms to Minnesota's school structure, providing equity in education as required by the Minnesota Constitution.

The bill states that the mission of public education in Minnesota "is to ensure individual academic achievement, an informed citizenry, and a highly productive workforce." The proposal provides policy changes and funding for the state's K-12 schools, said Pogemiller. He outlined 13 articles that address issues relating to general education revenue, transportation, special programs, community programs, infrastructure and equipment, education organization and cooperation, libraries, state agencies, and state board duties.

To address education funding inequities that stem from the current systems' reliance on property taxes as a revenue source, the proposal provides a mechanism that shifts the revenue source for education from property taxes to income taxes, explained Pogemiller. Under the bill, voters have the option to approve local referendums that raise income taxes, as opposed to property taxes. Districts that approve income tax increases pool the revenues, redistributing the money based on need. The system is somewhat akin to the fiscal disparities program, except that it is limited to school financing, said Pogemiller. He said the increases in income taxes are offset by reductions in property taxes, pointing out that the measure repeals existing property tax levy referendums on July 1, 1996.

Pogemiller said that the measure increases the state's share of education costs. Much of the increased funding comes from raising the third-tier income tax from 8.5 percent to 9.25 percent for single filers with gross incomes of around \$70,000 and joint filers with gross incomes of approximately \$120,000. The revenues from the tax increase are earmarked for reducing K-6 learner-teacher ratios to 17 to 1.

A key article in the bill modifies or repeals a series of restrictive and unnecessary mandates, said Pogemiller. He explained that the purpose of the repealers is to promote local flexibility and innovation. Other features of the bill include a youth apprenticeship program; a teacher residency program; a plan to shift agricultural and homestead credit aids (HACA) from to property-poor districts;

a teachers of color program to provide incentives for the recruitment of minority teachers; and more flexibility in school schedules to provide for the decrease in class sizes.

Sen. Ember Reichgott (DFL-New Hope) sponsored provisions in the bill that allow the expansion of charter schools, which give teachers and parents more control over budgets, staffing, curriculum, and teaching methods. The measure raises the statewide cap on the number of charter schools from 8 to 20.

Much of the debate centered around an amendment, offered by Sen. Shiela Kiscaden (IR-Rochester), that repeals the school calendar mandate. Kiscaden said the amendment provides for local control by giving school boards the authority to set their school calendar in a manner that best fits their districts' needs. Opponents of the Kiscaden amendment said that some districts may opt to start the school year before Labor Day, which would hurt the tourism industry and other businesses. The amendment was passed on a 35-30 vote; however, Sen. Dan Stevens (IR-Mora), gained support to reconsider the Kiscaden amendment. The Kiscaden amendment failed on a second vote of 29-37, leaving in place the school calendar mandate.

Sen. Jane Krentz (DFL-May Township) successfully sponsored an amendment that allows school districts to hold any number of referendum elections at any time during of the year during FY96 and FY97. Krentz explained that the flexibility in holding referendums is necessary to allow for the transition from property-based referendums to income-based referendum levies.

Speaking in opposition to the bill, Sen. Gen Olson (IR-Minnetrissa) said that the tax provisions in the proposal are poor public policy. Olson and other opponents of the proposal said it will be difficult to get voters to approve income tax referendums. Moreover, said the opponents, the governor plans to veto the bill because of the tax increase. Pogemiller countered by pointing out the regressivity of property taxes. He said that the reforms and the class size reductions cannot take place without raising new revenues.

## Indian treaty rights

Members of the Finance Committee met Tues., Apr. 27, to consider a bill resolving claims raised by the Mille Lacs Band of Ojibwe Indians against the state of Minnesota regarding hunting, fishing, and gathering rights under the 1837 treaty.

S.F. 1619, carried by Sen. Steven Morse (DFL-Dakota), authorizes the commissioner of natural resources to enter an amended settlement agreement between the state and the band. Among the amendments to the settlement, the bill makes the treaty fishing zone a non-exclusive zone where the Mille Lac Band may spear and net and nonband members may fish according to law; limits the annual band harvest of game in the treaty zone to seven percent; transfers 7,500 additional acres of public land to the U.S. in trust for the band; and requires the DNR Commissioner to consult with affected counties and the chairs of specific legislative committees before substituting other waters for those specified in the original settlement. The committee considered an amendment offered by Sen. Dean Johnson (IR-Willmar) giving affected counties 30 days to review any proposed substitution but approved a revised amendment extending the time period to 60 days.

The major focus of the discussion centered on provisions contained within the bill authorizing the commissioner to implement the agreement, establish procedures and rules for treaty enforcement, transfer public lands, acquire private property in the Minnesota ceded territory, and provide compensation to counties. Sen. Dan Stevens (IR-Mora) argued against the bill cautioning members against moving too quickly to ratify an agreement without giving all affected parties adequate bargaining time. "My concern is that we have an open process," said Stevens.

The committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), voted in favor of an additional amendment, offered by Morse, requiring any revision of the amended settlement agreement to be ratified by the band and the state. S.F. 1619, was approved and advanced to the Senate floor.

## Greater Minnesota TV

Senate Media Services is pleased to announce that for the remainder of the session, live coverage of Senate action will be available to Greater Minnesota cable companies. Cities now able to broadcast the coverage include Appleton, Buffalo, Duluth, Owatonna, Rochester, St. Cloud, and Thief River Falls. The coverage is being offered to all cable systems, but limited channel capacity and equipment may prevent some systems from carrying it. In the Metro Area Senate proceedings are on Regional Cable Channel 6.

# Committee update

## Crime Prevention

### Omnibus crime bill approved

The Crime Prevention Committee met Fri., Apr. 23, to consider S.F. 919, the omnibus crime bill, authored by Sen. Randy Kelly (DFL-St. Paul). The committee, chaired by Sen. Allan Spear (DFL-Mpls.), considered several amendments before unanimously voting in favor of the bill.

S.F. 919 outlines types of criminal activity and creates a variety of offender penalties. The bill prohibits drive-by shootings, possession of dangerous weapons and trespassing on school property, negligent storage of firearms, and reckless discharge of a firearm. Sentence of life without release for first-degree murder of a peace officer is also contained in the bill.

Furthermore, the bill provides for forfeiture of vehicles used in drive-by shootings and prostitution, authorizes metropolitan governmental entities to adopt firearms ordinances that are stricter than state law, provides for access to juvenile court records, increases penalties for repeat violations of pistol permit laws and extends the wiretap warrant period. The bill also expands sex offender registration. Expansion of the DNA specimen provision is also detailed in the bill. In addition, the bill requires specific counties to establish diversion programs for offenders.

The committee adopted an amendment, referred by the Crime Prevention Finance Division, that imposes a surcharge of 50 cents on fees charged for copies of motor vehicle registration and driver's license information, expands the Asian-American juvenile crime prevention grant program enacted in 1992 to also include a program focusing on crime intervention, and makes appropriations to several agencies.

According to Sen. Tracy Beckman (DFL-Bricelyn), chair of the committee's finance division, the bill generates \$17.1 million during the 1994-95 biennium and appropriates \$10.3 million from the general fund. The state's share totals an additional \$12.3 million collected through various fines and a motor vehicle registration and driver's license information charge.

Sen. Jane Ranum (DFL-Mpls.) successfully amended the bill to include a provision, previously approved in the Family Services Committee, that provides for the development and testing of a chemical health index model to help assess the state's chemical health and coordinate state policy and programs relating to prevention and treatment.

Sen. Patrick McGowan (IR-Maple Grove) offered an amendment that clarifies a provision dealing with sur-

charges and assessments imposed by a court. The amendment prohibits a court from waiving payment or authorizing payment of an assessment or surcharge in installments, but authorizes a court to reduce the amount of the minimum fine, surcharge or assessment. The committee adopted the amendment.

The committee also adopted an author's amendment providing an increased complement for the Dept. of Corrections for the sex offender program project by four positions.

In final committee action, the panel approved the appointment of Michael Jordan as commissioner of the Dept. of Public Safety.

## Education

### K-12 funding bill advances

Members of the Education Committee, co-chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and LeRoy Stumpf (DFL-Thief River Falls), met Thurs., Apr. 22, to take action on S.F. 1559, the omnibus K-12 funding bill.

The bill provides funding and policy direction for general education revenue; transportation; special programs; community services; facilities and equipment; education organization and cooperation; and aids and levies, said Pogemiller. He said the proposal creates an educational system that "focuses on the learner; promotes values and diversity; provides participatory decision-making; ensures accountability; models democratic principles; creates and sustains a climate for change; provides personalized learning environments; encourages learners to reach their maximum potential; and integrates and coordinates human services for learners."

After approving several technical amendments, the committee approved the bill and sent it to the Taxes and Tax Laws Committee.

## Environment and Natural Resources

### Revised treaty bill approved

A bill containing a revised Mille Lacs treaty agreement was approved at the Thurs., Apr. 22, meeting of the Environment and Natural Resources Committee. The panel, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), advanced the bill to the Committee on Finance.

S.F. 1619, authored by Sen. Steven Morse (DFL-Dakota), is designed to resolve the treaty differences over hunting and fishing rights between the state and the Mille Lacs Band of Ojibwe Indians. The bill differs from the original agreement worked out by the Dept. of Natural Resources and the band provides that an

additional 7,500 acres are to be transferred to the band for a total of 15,000 acres, sets the annual band harvest of game fish by spearing at seven percent of the total annual harvest and makes the treaty fishing zone a non-exclusive zone where non-band members may fish.

The committee heard testimony from Mille Lacs area land owners who objected to the revised treaty on the grounds that they had not participated in the negotiations. Proponents argued that the agreement is necessary to avoid a protracted and costly court case.

The bill was approved on a 10-8 roll call vote.

### Cuyuna recreation area

A bill carrying an appropriation of \$5,000 for the establishment of a Cuyuna Country State Recreation Area in Crow Wing county was approved by the Environment and Natural Resources Finance Division, Fri., Apr. 23. S.F. 213, sponsored by Sen. Don Samuelson (DFL-Brainerd), authorizes the commissioner of natural resources to purchase the recreational lands to be used for sailing, hunting, limited timber harvesting and possibly, for mining. S.F. 213, along with the following bills, were approved and referred to the Finance Committee.

S.F. 1501, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), modifies provisions dealing with wheat and barley promotion orders including checkoff fees paid to the Commodity Research and Promotion Council and the refund of fees.

S.F. 883, sponsored by Sen. Kevin Chandler (DFL-White Bear Lake), increases the number of hours the DNR must spend inspecting watercraft and other boating equipment identified as being contaminated with exotic harmful species including Eurasian water milfoil and zebra mussels. The measure imposes various civil penalties for transporting harmful species and requires the DNR to recommend management methods for controlling Eurasian milfoil in White Bear Lake.

Sen. Steven Morse (DFL-Dakota), presented S.F. 879, a measure providing for the continued use of unregistered pesticides and modifying procedures for the return of empty pesticide containers and unused portions of pesticides. The bill also changes the amounts of the ACCRA surcharges, authorizes use of money in the agricultural chemical response and reimbursement account for administrative costs, makes several changes to current law on pesticide and agricultural chemicals, and appropriates money for "pesticide best management practice evaluation grants."

S.F. 880, also carried by Morse, changes methods for assessing and collecting hazardous waste administration fees and

authorizing counties to adopt "stringent" ordinances for the issuance of permits for generators, collectors, or processors of hazardous waste. Morse gained approval for an amendment giving detailed directions to the agency in the rulemaking process.

S.F. 812, presented by Sen. Leonard Price (DFL-Woodbury), extends the motor vehicle transfer fee to 1996 and establishes a grant program to examine management alternatives for motor vehicle shredder residue.

Price also carried S.F. 760, a bill authorizing the commissioner of natural resources to give gifts valued at less than \$10 to the general public, acknowledge significant contributions, and accept paid advertising for department publications.

Sen. Douglas Johnson (DFL-Cook), presented S.F. 1467 authorizing the DNR to build and maintain small craft harbor, channels and facilities for recreational watercraft at Knife River, Two Harbors, Silver Bay, Grand Marais, and Grand Portage. Dollars to develop and maintain the new facilities are proposed to come from a combination of federal, state and local sources coupled with assistance from the U.S. Army Corps of Engineers.

Sen. Ted Mondale (DFL-St. Louis Park), carried S.F. 1545, a measure appropriating \$2.3 million to the Pollution Control Agency to reimburse the city of Hopkins for costs incurred over \$400,000 under a work plan approved by the state to remediate methane at a landfill.

In other action, the committee, chaired by Sen. Bob Lessard (DFL-Int'l Falls), approved and advanced to the Senate floor the following legislation.

S.F. 1066, authored by Stumpf, requires that any fish being brought into the state from Canada for the purpose of filleting and packing must have its heads, tails, fins, skins, and scales intact -- or, "in-the-round" -- as defined under the bill. Lessard gained approval for an amendment clarifying that only a resident or nonresident possessing a Minnesota angling license may bring fish into the state from Canada.

Lastly, S.F. 908, presented by Sen. Joe Bertram, Sr. (DFL-Paynesville), changes eligibility and participation requirements for certain rural finance authority programs. The bill modifies program eligibility requirements to specify that farmers who have already received financial assistance in excess of \$100,000 from the rural finance authority are not eligible. A non-refundable beginner farmer or seller-sponsored loan application fee of \$50, included in the bill and estimated to generate \$6,000 annually, will be used to pay for program administrative costs. The bill also increases the principal amount of a beginner farmer or seller-sponsored loan to \$100,000.

## Family Services

### Family emergency bill okayed

The Family Services Committee, chaired by Sen. Pat Piper (DFL-Austin), met for the last time this session Fri., Apr. 23, to take action on two bills. Both bills were approved and re-referred to the Finance Committee.

S.F. 327, authored by Sen. Sheila Kiscaden (IR-Rochester), provides for emergency assistance for families in crisis. The funds are to be distributed through the counties. Kiscaden said that other portions of the bill are included in the omnibus health and human services bill.

S.F. 296, authored by Sen. David Knutson (IR-Burnsville), requires parents to give their social security numbers at the birth of a child and modifies some child support provisions.

Both bills had been heard previously by the full committee, had been referred to the Health Care and Family Services Finance Division and were in the full committee for purposes of referral to the Finance Committee.

## Finance

### State departments bill okayed

The state departments major funding bill, S.F. 2117, carried by Sen. Richard Cohen (DFL-St. Paul), cleared the Finance Committee, Thurs. evening, Apr. 22. Included within the measure are allocations for the Legislature, courts, constitutional officers, and various state agencies.

The biennial funding bill appropriates more than \$743 million for the general administrative operations of state government. The total figure incorporates funding from a variety of state accounts. Cohen explained that while dollars allotted from the general fund represent \$14 million more than the governor's recommendation, the figure is countered by \$44 million in new revenue so that the net result of the bill is actually \$30 million below the governor's budget proposal.

The chief source of new revenue is \$23 million in increased tax collections made possible by additional staff and computer capacity in the Dept. of Revenue. Other funding sources include \$10 million in increased fees paid by litigants in civil actions; roughly \$4 million from higher investment earnings as a result of maintaining lower cash balances in state depository banks; \$1.3 million from the cancellation of most of the Senate's carryforward balance; and a variety of other fee increases.

On the spending side of the ledger, \$22 million is allocated to fill budget gaps within state agencies and the courts created by the governor's recommended cuts. Additional appropriations include: \$8 million to increase collection efforts by

the revenue department; \$10 million to create a new state arts account to provide grants to qualified arts organizations statewide; \$1.4 million to increase grants to public broadcasting; \$1.2 million for the Minnesota Historical Society budget to restore reductions; and \$10 million to pay higher insurance premiums for state employee health benefits.

### Omnibus K-12 bill advances

Members of the Finance Committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), met Sat., Apr. 24, to take action on several bills.

Sen. Lawrence Pogemiller (DFL-Mpls.) presented S.F. 1559, the omnibus K-12 education funding bill. Pogemiller said the \$5.4 billion appropriations bill provides funding and policy direction for general education revenue; transportation; special programs; community services; facilities and equipment; education organization and cooperation; and aids and levies.

Members approved an amendment to the bill that transfers \$2.1 million dollars to Dept. of Trade and Economic Development for community resources program grants. The committee approved another amendment that calls for the commissioners of education, finance, and jobs and training to coordinate the funding for the Early Childhood Family Education (ECFE), Learning Readiness, and Head Start programs.

After approving additional technical and clarifying amendments, the committee recommended passage of the bill and sent it to the Senate floor.

In other committee business, Sen. Carol Flynn (DFL-Mpls.) presented S.F. 1076, a bill that raises the top salary range for a judicial position; modifies provisions relating to employee compensation plans; and ratifies some salary and bargaining agreements. The committee deleted a section of the bill that requires a study of the criteria by which the community college system assigns positions in the professional employees unit to the classified or unclassified service. Members also approved an amendment that specifies individual elements that must be included in a uniform baseline determination document. Members approved the bill, which goes next to the full Senate.

The committee also recommended passage and sent to the floor four additional bills. First, Sen. Sam Solon (DFL-Duluth), offered H.F. 882, a bill that creates the Lake Superior water trail. Second, Sen. Steven Morse (DFL-Dakota) presented S.F. 708, a proposal that exempts some nonprofit organizations from the requirement for a nursery stock dealer certificate. Third, Sen. Dennis Frederickson (IR-New Ulm) gained support for S.F. 1210, a bill that provides for the composition of the

# Committee update

Legislative Advisory Commission and requires the commissioner of the Iron Range Resources and Rehabilitation Board to review certain projects. And finally, members approved S.F. 834, authored by Sen. Janet Johnson (DFL-North Branch). Johnson said the measure directs the Public Service Dept. to evaluate and implement a policy to promote the use of motor vehicles that are powered by alternate fuels.

## Asbestos bill advances

In addition to acting on the Indian treaty bill, members of the Finance Committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), also advanced a number of additional bills to the full Senate at the Tues., Apr. 27, hearing.

Sen. Ted Mondale (DFL-St. Louis Park), presented a bill allowing the commissioner of health to establish certification fees for new categories of asbestos professionals including inspectors, management planners, and project designers. The bill requires a \$35 project permit fee to be paid for asbestos-related work in single- or multi-family residences and a fee for approval of asbestos-related training courses. A biennial special revenue fund appropriation of \$264,000 is allotted to the commissioner of health to regulate asbestos abatement activities.

Calling for regulation of restricted species in Minnesota, Sen. Steve Dille (IR-Dassel), presented S.F. 550, a bill freezing the production of Eurasian wild pigs. The measure includes provisions for the issuance of permits to possess the restricted pigs, imposes penalties for violations of the new laws, and creates a task force to evaluate the feasibility of allowing restricted species in the Minnesota. State fiscal analysts estimate facility inspections to reduce state coffers by roughly \$6,000 annually, although costs will be offset slightly by revenues \$1,000 per year raised from permits.

Lastly, committee members heard testimony on the Housing Finance Authority housekeeping bill, S.F. 264, carried by Sen. Ellen Anderson (DFL-St. Paul). Among a number of changes, the bill increases deferred loan limits, expands the types of eligible users of the homesharing program, authorizes cities to sell single-family residential housing under the Neighborhood Land Trust Program, increases the income limits for rental housing assistance, establishes the community rehabilitation fund account, and consolidates the blighted residential property and capital reserve programs.

Anderson won support for an amendment allowing the agency to engage in "demonstration projects" to encourage financial institutions and other leveraging sources to participate in providing

housing opportunities for American Indians. The agency is required to consult with the Minnesota bands in developing the demonstration projects.

## Rulemaking issues addressed

A bill making substantial changes to the state agency rulemaking process and althiering the membership of the Legislative Commission to Review Administrative Rules (LCRAR) was approved by the State Government Finance Division, Wed. evening, Apr. 28.

The committee, chaired by Sen. Richard Cohen (DFL-St. Paul) debated specific provisions limiting new rulemaking authority to 18 months, providing a statutory standard for "substantial change," giving the governor 30 days to approve an agency rule, and requiring agencies to prepare "rule notes" to accompany bills requesting rulemaking authority. Chief author Sen. Duane Benson (IR-Lanesboro) offered an amendment changing a specific appropriation to the Dept. of Finance to an open-ended allocation for developing "rule notes." The amendment was approved.

LCRAR Director Maryanne Hruby said the measure also contains a one-time appropriation of \$65,000 for the LCRAR to study and make recommendations on standards and procedures for review of proposed rules by the legislative and executive branches. The allocation will be used to pay for temporary research staff and additional office costs. S.F. 1162, along with the following bills, was approved and referred to the full Finance Committee.

Sen. Steven Morse (DFL-Dakota) presented S.F. 817, a bill providing early retirement incentives for public employees. Morse explained that the legislation, which increases the multiplier percentage used to calculate the retirement annuity, applies specifically to employees who have at least 25 years of combined service credit in any Minnesota public pension plan, are at least 55 years of age, who work for an agency that will incur layoffs after May 1993. The bill also gives school districts the power to levy dollars necessary to make employer contribution for insurance for retired teachers covered by the new provisions.

On a similar topic, the committee considered two additional bills relating to retirement for unclassified employees as well as those covered by the police and fire fund. S.F. 860, a comprehensive bill carried by Sen. LeRoy Stumpf (DFL-Thief River Falls), provides coverage for unclassified managerial employees in temporary or interim positions. The bill also requires repayment of missed contributions under an IRA plan and allows IRA contributions for employees on sabbatical leave. S.F. 579 increases the

pension benefit multiplier for the Public Employees Police and Fire fund from 2.5 to 2.65 percent, said chief author Sen. James Metzen (DFL-South St. Paul). The cost of the multiplier modification should leave the PERA Police and Fire Pension fund with a sufficiency and not require any increases in the employee and employer contribution rates, according to state fiscal analysts.

In other action, members heard brief testimony on S.F. 339, authored by Sen. Jim Vickerman (DFL-Tracy), establishing a grant program and an education program to enhance the effectiveness of the County Veterans Services. Eligibility requirements, grant amounts, and new appropriations the department are included within the bill.

Access to public information will be easier to obtain under a bill presented by Sen. Ted Mondale (DFL-St. Louis Park). S.F. 1053 creates the Minnesota Information Network, Inc. (MIN), a state-run public corporation providing electronically accessible public information to paying subscribers. The Metropolitan Council, along with the Dept. of Administration, is charged with establishing a public information network pilot program to oversee the MIN starting Jan. 1994. Mondale envisions the program to be initially used, and thus funded, by the private sector and to ultimately supply the general public with information on everything from state employment to fishing licenses via public booths in shopping centers.

Lastly, Sen. Carol Flynn (DFL-Mpls.), sponsored S.F. 286, a measure carrying an appropriation of 80,000 for the Secretary of State's Office to provide a voter information program. According to Flynn, a toll-free telephone line, providing information on voter registration, elections results, and other voter news, will be available the first four weeks before the state primary election ending two weeks following the state general election.

## Finance advances bills

The Finance Committee met Weds., Apr. 28, and approved several bills.

The committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), approved the following bills and sent them to the Senate floor.

S.F. 278, sponsored by Sen. Florian Chmielewski (DFL-Sturgeon Lake), authorizes the commissioner of public safety to apply for federal natural disaster assistance funds.

S.F. 1115, sponsored by Sen. Charles Berg (DFL-Chokio), modifies several provisions of statutes governing aquaculture, or fish farming. S.F. 993, sponsored by Sen. Terry Johnston (IR-Prior Lake), lowers the fee for duplicate identification



cards from \$9 to \$4.50. The change is estimated to result in a \$36,000 annual loss in revenues. The bill also makes changes in several other vehicle-related public safety statutes. H.F. 1311, sponsored by Sen. James Metzen (DFL-South St. Paul), extends the existence of the Mississippi Parkway Commission.

S.F. 410, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), provides the secretary of state \$65,000 in the 1994-95 biennium for costs associated with maintaining the precinct and election districts boundary database. S.F.

416, also sponsored by Pogemiller, provides \$3 million in 1996 for secretary of state to conduct a presidential primary by mail if a primary is held.

S.F. 955, sponsored by Sen. Thomas Neuville (IR-Northfield), changes statutes relating to agents of court administrators who process drivers license applications. Among the provisions in the bill is a section allowing the agents to retain the entire \$1 fee for processing the applications. Currently, agents may retain 50 cents of the fee.

S.F. 938, sponsored by Sen. William Luther (DFL-Brooklyn Park), requires licensing of building contractors and establishes a Building Contractors Recovery Fund for compensating homeowners who obtain a final court judgment against a licensee. Claims payments from the fund are currently estimated at \$450,000 per year.

S.F. 338, sponsored by Sen. Janet Johnson (DFL-North Branch), creates Minnesota Business Finance, Inc., a public corporation of the state, and transfers \$187,000 to it from the OMNI program. The purpose of Minnesota Business Finance, Inc., is to engage in economic development activities and provide access to capital for commercial borrowers.

H.F. 208, sponsored by Sen. Richard Cohen (DFL-St. Paul), the Dept. of Human Rights housekeeping bill, makes technical changes to statutes regulating the department. S.F. 796, sponsored by Sen. Paula Hanson (DFL-Ham Lake), makes numerous changes to statutes regarding the Dept. of Transportation. Among the bill's provisions is a section providing for inspection of toll bridges. S.F. 832, sponsored by Sen. John Hottinger (DFL-Mankato), requires licensing of athletic trainers.

## Health Care

### Dispensers certification approved

Members of the Health Care and Family Services Funding Division met Thurs., Apr. 22 to approve several bills.

First, the division, chaired by Sen. Don Samuelson (DFL-Brainerd) considered S.F. 1101. The bill, authored by Sen. Dallas Sams (DFL-Staples), requires

hearing instrument dispensers to be certified by the commissioner of health and requires holders of temporary hearing instrument dispensing permits to be supervised by certified dispensers. Cease and desist authority and penalties are also provided. Sams verbally amended the bill to increase the certificate application fee from \$255 to \$280 and to delete a provision allowing for payment exception for registered hearing instrument dispensers. The bill was re-referred to the full Health Care Committee.

S.F. 292, offered by Sen. David Knutson (IR-Burnsville), was also approved. The bill, which codifies a federal mandate into Minnesota law, requires parent's social security numbers to be provided to the Office of Vital Statistics at the time of filing a birth certificate. Knutson clarified that the numbers are private data and will not appear on the certificate, but will be provided to the public authority responsible for child support services upon request for use in the establishment of parentage and enforcement of child support obligations. The bill was approved and re-referred to the Finance Committee.

Sen. Sheila Kiscaden (IR-Rochester) also gained approval of S.F. 327, a bill authorizing intensive family preservation services and child welfare targeted case management services. She successfully amended the bill to create a sunset date for a provision providing for county authorization for intensive family preservation services. Effective Oct., 1995, a county's obligations to continue the base level of expenditures and to expand family preservation services are eliminated with the termination of federal revenue earned under the bill.

Lastly, the division considered 1993 capital budget recommendations. The Health Care and Family Services Funding Division recommendations, which total \$17.268 million (\$165,000 below the governor's recommendation), include development of a 100-bed psychopathic personality facility at Moose Lake, a remodeling project at Brainerd to accommodate the transfer of 70 residents from the Moose Lake Regional Treatment Center, a 50-bed expansion at St. Peter for mentally ill and dangerous residents, and remodeling a building at the Cambridge Regional Human Services Center. In addition, the recommendations call for development of two 15-bed state-operated community based residences for people with mental illness in the Moose Lake catchment area and the cancellation of the 1990 appropriation for a state-operated community based service for persons with mental illness.

The committee attached two other provisions to the list of recommendations. The additions include in conjunction with the development of a psychopathic

personality facility at Moose Lake, the Dept. of Transportation must extend the trunk highway 289 to the new facility; and that the commissioners of human services and natural resources must develop a recommendation to transfer custodial control of state land necessary to properly site the new psychopathic personality facility at Moose Lake. The division's recommendations were approved and re-referred to the Finance Committee.

### Attendant care salary increase

A bill providing salary increases for direct care workers gained the approval of the Health Care Committee at the last committee meeting Fri., Apr. 23. S.F. 223, authored by Sen. Don Samuelson (DFL-Brainerd), provides salary increases of five percent for direct care personnel below top management earning less than \$25,000 per year. According to Samuelson, salary increases contained in the measure total about \$18.2 million. The bill was approved and re-referred to the Committee on Finance.

Committee members, chaired by Sen. Linda Berglin (DFL-Mpls.), advanced two additional measures to the Finance Committee. S.F. 791, sponsored by Sen. Dan Stevens (IR-Mora), makes changes to Medical Assistance payments for home care services; changes requirements and reimbursement rates for the preadmission screening program; allows residential care services under alternate care funding; defines assisted living services; and implements a one-time adjustment for alternative care services.

S.F. 1101, authored by Sen. Don Betzold (DFL-Fridley), requires hearing instrument dispensers to be certified by the commissioner of health, provides for penalties and raises the certificate application fee from \$255 to \$280.

## Jobs, Energy, and Community Development

### Wage protection advanced

Members of the Jobs, Energy, and Community Development Funding Division met briefly Thurs., Apr. 22, to consider a bill providing wage protection to employees in cases where the employer no longer has assets, has filed for bankruptcy, or is no longer operating 90 days after the employee left the job. S.F. 1314, sponsored by Sen. Steven Novak (DFL-New Brighton), requires the state to provide wages of up to \$2,000 or 4 weeks through the Dept. of Labor and Industry. According to the bill, the commissioner is authorized to enter legal proceedings to recover "reasonable" attorney fees and a penalty of 25 percent of all wages owed by the employer and paid from the state account, or \$200, whichever is greater. The measure, along with the two follow-

# Committee update

ing bills, were approved and re-referred to the full Jobs, Energy, and Community Development Committee.

S.F. 968, carried by Sen. Linda Berglin (DFL-Mpls.), changes the distribution scheme for money appropriated for the foodshelf program. The Dept. of Jobs and Training is required to funnel all of its foodshelf funds through the Minnesota Foodshelf Association rather than through the Economic Opportunity Office. Lastly, Sen. Janet Johnson (DFL-North Branch), presented the committee, chaired by Sen. Carl Kroening (DFL-Mpls.) with H.F. 584, legislation regulating telephone services to communication-impaired persons. Among a number of provisions, the bill increases the monthly surcharge on each customer access line to pay for services required by communication-impaired persons; expands the Telecommunication Access for Communication-Impaired Persons Board to represent a wider diversity of communication-impaired persons; requires the board to meet annually rather than monthly; and authorizes the Public Utilities Commission to review the board's budget for "reasonableness" and to modify the budget if necessary.

## Taxes and Tax Laws

### K-12 taxes approved

The Taxes and Tax Laws Committee, chaired by Sen. Douglas Johnson, met Fri., Apr. 23, to review the tax provisions of the omnibus K-12 education funding bill, S.F. 1559.

Sen. Lawrence Pogemiller (DFL-Mpls.), bill author, explained that the proposal raises the third-tier income tax from 8.5 percent to 9.25 percent for single filers with gross incomes of approximately \$70,000 and joint filers with gross incomes of around \$120,000. Pogemiller said the revenue from the proposal is earmarked for a plan to reduce the learner-teacher ratio to 17 to one.

The tax increase will affect the top two to three percent of Minnesota taxpayers, said Pogemiller. He said that the proposal is part of a shift in education funding from property taxes to income taxes.

Pogemiller successfully countered efforts to remove the tax provisions from the bill, saying the increase in revenue is needed to implement the bill's education reforms. After approving several technical amendments, the panel approved the bill and re-referred it to the Finance Committee.

### Local sales taxes okayed

Members of the Taxes and Tax Laws Committee met Mon., Apr. 26, and approved four bills authorizing local sales tax increases. All of the bills either contained or were amended to contain a provision requiring a referendum before

the sales tax increase may go into effect.

S.F. 1249, authored by Sen. Sandra Pappas (DFL-St. Paul), authorizes the city of St. Paul to impose a sales tax of up to one-half of one percent on taxable sales. Under the bill, the proceeds may be used for the expansion of the St. Paul Civic Center, for job creation and economic development in the Downtown Cultural Corridor area and for Neighborhood Revitalization Program activities.

In addition, the measure contains a number of other provisions relating to government finance in St. Paul. The bill establishes a joint property tax advisory committee with members from the city, Ramsey County and the St. Paul School District. All three entities are authorized to hold joint truth-in-taxation hearings. The bill also authorizes the city to issue general obligation bonds to finance the Civic Center project. The bill was approved and sent to the full Senate.

S.F. 1234, authored by Committee Chair Douglas Johnson (DFL-Cook), permits Cook County to impose a sales tax of up to one percent on sales within the city that are subject to sales tax. In addition, the county may impose an excise tax of \$20 per motor vehicle on vehicles purchased from a dealer in the county. The proceeds are to be used for the North Shore Hospital. The measure was approved and sent to the full Senate.

S.F. 1153, carried by Sen. Florian Chmielewski (DFL-Sturgeon Lake), authorizes Aitkin County to impose a one-half of one percent tax on retail on-sales of liquor and beer and sales of food at restaurants. The proceeds of the tax are to be used for a local convention and tourism bureau. The measure was also advanced to the full Senate.

S.F. 1284, authored by Sen. Don Samuelson (DFL-Brainerd), permits the city of Garrison to impose a sales tax of up to one percent, with the proceeds to be used for the city sewer system. Another provision of the bill, authorizing local units of government to conduct raffles that are exempt from lawful gambling rules, generated considerable debate. The provision was deleted and the bill advanced to the full Senate.

Two measures authored by Sen. Lawrence Pogemiller (DFL-Mpls.) were also approved and advanced to the Senate floor. S.F. 1487 changes procedures for allocating bonding authority. S.F. 1419 provides conditions and requirements for the issuance of public debt and for the financial obligations of authorities.

H.F. 129, carried by Sen. Don Betzold (DFL-Fridley), provides that delinquent maintenance payments may be withheld from tax refunds. S.F. 1290, carried by Sen. Phil Riveness (DFL-Bloomington), permits the cities of Bloomington, Edina, Richfield, Eden Prairie and Minnetonka

to establish a transportation demand management program. Both measures were approved and sent to the full Senate.

S.F. 734, authored by Sen. Ember Reichgott (DFL-New Hope), establishes a Board of Cooperation and Innovation to encourage local units of government to achieve specified outcomes and design service budget management models. The bill is also a part of the omnibus tax proposal. The bill is designed to encourage innovation and cooperation in the delivery of services. The measure was advanced to the full Senate.

Finally, the panel approved S.F. 657. The bill, sponsored by Sen. John Marty (DFL-Roseville), originally provided for a tax surcharge on lawful gambling receipts to fund additional compulsive gambling programs. However, the surtax provisions were deleted from the measure. The bill was re-referred to the Finance Committee.

## Metro Council cuts modified

A bill that reduces the tax levy of the Metropolitan Council and uses the money for housing programs was discussed, modified, and approved at a Tues., Apr. 27, meeting of the Taxes and Tax Laws Committee.

As drafted, S.F. 665, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), provides that fifty percent of the council's taxing authority is transferred to the Minnesota Housing Finance Agency for loans and grants for housing in older communities and inner ring suburbs in the Metropolitan Area. The change would reduce the council's overall budget by 25 percent.

After discussing the potential impact of the bill on the Metropolitan Council's services, however, the committee approved an author's amendment changing the levy transfer from 50 to 25 percent. The committee voted down a motion offered by Sen. Carol Flynn (DFL-Mpls.), to lay the bill over for interim study. A motion by Sen. Pat Pariseau (IR-Farmington), to advance the bill without recommendation was also defeated. The committee voted instead to approve S.F. 665 and re-refer it to the Metropolitan and Local Affairs Committee.

The committee, chaired by Sen. Douglas Johnson (DFL-Cook), also approved and sent to the full Senate five other bills.

S.F. 1226, sponsored by Sen. Leonard Price (DFL-Woodbury), uses a portion of the proposed cigarette tax to reduce the estimated \$50 million deficit of the Minnesota Comprehensive Health Association (MCHA). MCHA is the risk pool that provides health insurance for Minnesotans who cannot otherwise obtain coverage. Price said the MCHA deficit is growing because fewer people are in the pool due to the increasing number

of companies that self-insure. After discussion, the committee approved an amendment offered by Sen. Steven Novak (DFL-New Brighton), removing the tax provisions from the bill.

S.F. 998, sponsored by Sen. Randy Kelly (DFL-St. Paul), authorizes the city of St. Paul to issue up to \$25 million in bonds for financing loans and grants for housing rehabilitation.

S.F. 504, sponsored by Sen. James Metzen (DFL-South St. Paul), makes changes to several provisions in the law governing housing and redevelopment authorities. An amendment offered by Sen. John Marty (DFL-Roseville), extends the homestead tax rate to properties that are purchased under a lease-purchase agreement.

S.F. 259, sponsored by Sen. Jerry Janezich (DFL-Chisholm), changes publication provisions that apply to counties in regard to the redemption period for tax forfeited land and for annual financial statement reporting.

S.F. 826, sponsored by Price, gives counties the authority to impose fees or charge interest on payments to the counties that are more than 90 days overdue.

## Transportation and Public Transit

### High speed bus study

The Transportation and Public Transit Committee, chaired by Sen. Florian Chmielewski (DFL-Sturgeon Lake), met briefly Fri., Apr. 23, to take final action of three bills.

S.F. 811, sponsored by Sen. Phil Riveness (DFL-Bloomington), a bill providing for a metropolitan area high speed bus study, was approved by the committee. Under the bill, the study is funded through the general fund and ten percent of the certified levy on each regional rail authority in the seven-county Metropolitan Area. The bill was re-referred to the Finance Committee.

The committee also approved a bill that increases the fine for speeding in a highway work zone. S.F. 1524, sponsored by Sen. Paula Hanson (DFL-Ham Lake), imposes a surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25. The committee adopted an amendment that appropriates \$50,000 in FY94-95 to the commissioner of transportation for highway work zone safety enforcement and public education efforts to increase public awareness of highway work zone safety.

The bill goes next to the Finance Committee.

In other committee action, the committee re-passed S.F. 837 because of a logistical problem with the House companion bill. The bill, authored by Sen. William Belanger (IR-Bloomington),

authorizes cities of the second class, as well as first class cities, to use citizen volunteers to enforce parking regulations for persons with physical disabilities. The bill was re-referred to the Rules and Administration Committee.

## Tuesday, April 27

### Title-washing curbed

A bill regulating title branding for damaged vehicles was given approval at the Tues., Apr. 27, Senate floor session. H.F. 51, sponsored by Sen. Ted Mondale (DFL-St. Louis Park), was approved on a 66-0 vote.

Mondale said the bill is aimed at preventing a salvaged car from being rebuilt and sold without the buyer's knowledge of damage to the vehicle. "Approximately 15,000 cars are re-cycled each year in Minnesota," Mondale said.

The bill sets forth requirements to obtain a certificate for a reconstructed vehicle and attempts to address the issue of "title-washing." Under the bill, a person who purchases a scrapped, dismantled or destroyed vehicle must immediately relinquish the certificate of title to the Dept. of Transportation. The owner must subsequently apply for a salvage title or junking certificate, whichever is applicable. An insurer who acquires ownership of a late model or high value vehicle through payment of damages must immediately apply for a salvage title or must stamp the existing certificate of title with the legend. In addition, any person who acquires a damaged vehicle with an out-of-state title, and the cost of repairing the vehicle exceeds its value, must also apply for a salvage certificate of title. A junking certificate authorizes the holder only to possess and transport the vehicle, except that a salvage pool or insurance company may sell an unrepairable total loss vehicle with a junking certificate to a licensed used parts dealer.

Furthermore, upon transfer and application for title of all repaired vehicles with out-of-state titles, the bill requires the registrar to record the term "prior salvage" on the first Minnesota certificate of title and all subsequent Minnesota certificates of title used for that vehicle.

Senators also processed numerous bills on the Special Orders Calendar. See page 8 for a listing of action taken on individual bills.

## Wednesday, April 28

### Conciliation Court bill debated

Much discussion was devoted to a bill relating to conciliation courts during floor session Wed., Apr. 28. Sen. Randy Kelly (DFL-St. Paul) sponsored an amendment increasing the current jurisdictional limit from \$5,000 to \$6,000, and to \$7,500 by

July 1, 1994, under a schedule signed into law during last year's legislative session. The current bill, S.F. 532, repeals the 1992 law. Kelly said that the increase is necessary for those citizens who are unable to afford a lawyer and require the informality of Conciliations Court, instead of being forced to take their larger claim to District Court which, though not requiring legal representation, is much more formal.

The bill's author, Sen. Harold "Skip" Finn (DFL-Cass Lake), countered that allowing the consideration of larger settlements can be dangerous for an individual without legal representation. Sen. John Hottinger (DFL-Mankato) concurred, adding that often in Conciliation Court, "sophisticated creditors come in to collect from unsophisticated people." Sen. John Marty (DFL-Roseville) also opposed the amendment and reported that Minnesota currently has the highest jurisdictional limit in the country except for one county in another state which is set at \$6,000.

An amendment to Kelly's amendment was offered by Sen. Sheila Kiscaden (IR-Rochester) allowing the courts more time to better implement the higher limit. Under her amendment, the increased limit of \$7,500 does not occur until 1996. The amendment was adopted. Kelly's amendment was adopted on a roll call vote of 46-20.

Another amendment, offered by Sen. William Luther (DFL-Brooklyn Park), reinstates a \$250 penalty if an appealed Conciliations Court judgement goes on to lose in District Court. The bill had changed the law, leaving the penalty up to the discretion of the judges. Sen. Don Betzold (DFL-Fridley) opposed the amendment, saying that it penalizes people for seeking judicial remedies. Luther, however, said that the threat of a penalty will "clean up our court system" by diminishing the amount of frivolous appeals. The amendment was adopted on a voice vote. A later amendment, sponsored by Sen. Thomas Neuville (IR-Northfield), reduces the amount of the penalty from \$250 to \$50 and was also adopted.

The bill was given final passage on a vote of 44-23.

### Information Office services

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# Floor action

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For April 23-29

## Bills granted final passage on the Calendar--April 23

- H.F. 576-Wiener:** Secretary of State's Office housekeeping bill providing for appointments to advisory task forces, councils, committees, administrative boards and agencies. 57-0
- H.F. 57-Murphy:** Clarifying situations when some school bus signals should not be used and clarifying the definition of special transportation as not including transportation of children by school bus. 51-0
- S.F. 672-Murphy:** Providing for the traffic offense of failure to maintain control of a vehicle. 56-2
- S.F. 653-Lessard:** Permitting cartways to be established on alternative routes. 58-0
- S.F. 1368-Chandler:** Imposing criminal penalties for knowing violations of air pollution requirements. 57-2
- S.F. 167-Berglin:** Modifying eligibility for the private employers insurance program and small employer insurance coverages. 61-0
- H.F. 670-Berglin:** Regulating benefits for outpatient mental or nervous disorder treatment. 61-0
- H.F. 846-Hottinger:** Authorizing new procedures for the return of patients who are absent from treatment facilities without authorization. 60-0
- H.F. 661-Sams:** Regulating dairy trade practices. 60-1
- S.F. 240-Berglin:** Changing the membership requirements of the board of nursing. 61-0
- S.F. 122-Berglin:** Requiring a minimum funding level for each grantee under the Head Start Program which is no less than that of FY93 and provides for proportional allocation in the event of reduction of funding. 61-0
- S.F. 1161-Ranum:** Expanding the definition of domestic abuse to include terroristic threats and allowing child abuse interviews to be conducted at a designated location. 60-0
- S.F. 1060-Ranum:** Clarifying that a misdemeanor conviction in which the court stays imposition of sentence is nevertheless counted as a misdemeanor for purposes of determining the penalty for subsequent offenses. 60-0
- S.F. 1129-Solon:** Dept. of Commerce housekeeping bill regulating financial institutions, deposits, rates and charges. 61-0
- S.F. 872-Lessard:** Abolishing the nonresident bear guide license. 44-15
- S.F. 639-Solon:** Providing for the disposal of ash from incinerators operated by the Western Lake Superior Sanitary District. 55-5
- S.F. 105-Spear:** Repealing the authority of the Conference of Chief Judges to establish a schedule of misdemeanors to be treated as petty misdemeanors effective Apr. 30, 1992. 58-3
- S.F. 1315-Betzold:** Creating a Council of Traditional Indian Practitioners to make recommendations about the management, treatment, and protection of Indian burial grounds or artifacts contained in or removed from those grounds. 61-0
- S.F. 1006-Murphy:** Authorizing the Veterans Homes Board to define residency by board rule. 61-0
- S.F. 1221-Murphy:** Requiring license plates to stay with motor carrier on prorate trucks and changing the registration period for prorate vehicles. 61-0
- H.F. 546-Murphy:** Prohibiting motor sports areas within the Dorer Memorial Hardwood Forest without county and township board approval. 60-0
- S.F. 636-Murphy:** Requiring a study on the feasibility of including the city of Red Wing in the state financial assistance program for combined sewer overflow. 61-0
- S.F. 429-Solon:** Omnibus liquor bill providing for reciprocity in interstate transportation of wine; changing the definition of licensed premises, restaurant and wine; and making numerous changes in provisions governing liquor. 48-13
- S.F. 1152-Betzold:** Relating to metropolitan government setting conditions for tax equivalent payments. 62-0
- S.F. 1171-Spear:** Creating a Commission on Nonfelony Enforcement to review the proportionality and enforcement of petty misdemeanor, misdemeanor and gross misdemeanor offenses. 60-3

## Bills granted final passage on Special Orders--April 23

- S.F. 1496-Samuelson:** Omnibus health care and family services funding bill. 50-10
- H.F. 1709-Langseth:** Omnibus transportation and public transit finance bill. 58-8
- S.F. 1620-Cohen:** Omnibus state government finance bill. 61-0
- S.F. 397-McGowan:** Allowing county state-aid highway money to be used for equipment for emergency responders. 62-0
- H.F. 801-McGowan:** Requiring operating procedures for hand-held traffic radar. 61-0
- S.F. 1276-McGowan:** Requiring the deduction from a prison inmate's wages of unpaid restitution obligations from previous convictions. 60-0
- S.F. 918-Betzold:** Providing that the statute of limitations in a particular section of law governs materials incorporated into an improvement to real property. 60-0
- S.F. 739-Solon:** Regulating x-rays and exempting practitioners of veterinary medicine from some quality assurance tests. 59-2
- S.F. 948-Oliver:** Regulating the FAIR plan and modifying its provisions. 59-0
- H.F. 1408-McGowan:** Redefining terms in the plant pest act and exempting some nonprofit organizations from the requirement for a nursery stock dealer certificate. 59-0.

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- S.F. 886-Finn:** Regulating timber sales and increasing the value of sales requiring executive council approval and maximum lot value on auction sales. 61-0
- S.F. 827-Spear:** Expanding the RICO law to include gambling crimes and authorizing the Division of Gambling Enforcement to seize and forfeit property under the criminal forfeiture law. 60-0
- H.F. 806-Finn:** Prohibiting smoking in designated nonsmoking hotel rooms. 54-7
- H.F. 592-Spear:** Relating to creditors' remedies; limiting the value of the homestead exemption and providing for the exemption of homestead insurance proceeds. 61-0
- S.F. 818-Murphy:** Prescribing changes in eligibility and in duties and responsibilities regarding post-secondary financial assistance programs. 60-0
- H.F. 1423-Runbeck:** Changing provisions relating to eligibility for and administration of unemployment compensation. 62-0
- S.F. 1602-Murphy:** Providing for burials in the winter season and prohibiting relocation of cemeteries without the trustees' or owners consent. 60-0

### **Bills granted final passage--April 26**

- H.F. 350-Pogemiller:** Omnibus K-12 education funding bill. 40-26

### **Bills granted concurrence and repassage--April 26**

- S.F. 431-Hottinger:** Providing that government records may be stored and retained on optical imaging systems and only. 61-0

### **Bills granted final passage on Special Orders--April 27**

- S.F. 840-Betzold:** Authorizing interstate contracts between Wisconsin and Minnesota for the treatment of mentally ill persons who have been involuntarily committed. 54-0
- H.F. 51-Mondale:** Requiring junking certificates of title and regulating title branding for damaged vehicles. 66-0
- S.F. 236-Anderson:** Requiring a report on victims of domestic abuse and eligibility for unemployment compensation benefits. 64-0
- S.F. 681-Anderson:** Clarifying that victim's rights are applicable to juvenile proceedings; providing notice and waiver of fees for victims of auto theft; and extending the date of expiration of the Minnesota Crime Victim and Witness Advisory Council. 66-0
- S.F. 1184-Chmielewski:** Authorizing road authorities to develop, finance, design, construct, improve, rehabilitation, own and operate toll facilities. 41-21
- S.F. 1333-Solon:** Regulating minimum loss ratios for noncomprehensive policies. 38-24
- S.F. 697-Price:** Requiring criteria for water deficiency declarations; prohibiting the use of groundwater for surface water level maintenance; and requiring changes to the Metropolitan Area water supply plan. 64-0
- S.F. 1454-Flynn:** Providing for an advisory council on metropolitan governance. 64-0
- S.F. 1087-Anderson:** Providing for determination by the Public Utilities Commission of competitive rate filings. 63-0
- S.F. 913-Larson:** Modifying provisions relating to and renaming the Minnesota Council for the Blind and the Consumer Advisory Council and establishing a Rehabilitation Advisory Council for the Blind. 64-0
- H.F. 1424-Solon:** Exempting certain storage tanks from notification, environmental protection and tank installer training and certification requirements. 65-0
- H.F. 783-Piper:** Actuarial assumptions for the Albert Lea Fire Department Relief Associations. 66-0
- H.F. 667-Larson:** Modifying the corporate registration requirement for firefighter relief associations complying with fire state aid financial reporting requirements. 64-0
- S.F. 625-Solon:** First class city teachers annuities, death-while active survivor benefits and administration and St. Paul teachers postretirement adjustments. 62-0
- S.F. 561-Flynn:** Directing the commissioner of public safety to issue a temporary permit to applicants for special disabled license plates or parking certificates immediately. 62-0
- S.F. 952-Solon:** Requiring crane operators to be licensed by the state; establishing a crane operators examining board and providing penalties. 63-0
- S.F. 329-Stevens:** Allocating money to the child care basic sliding fee program. 61-0
- S.F. 1208-Price:** Allowing walleye and northern pike to be possessed and transported in a dressed or undressed condition; establishing an experimental program for commercial fishing in Minnesota-Wisconsin boundary waters; and limiting the number of larger pike taken. 65-0
- S.F. 1201-Finn:** Extending the deadline by which previously qualified persons may file a declaration of intent to seek licensure as a licensed psychologist without further examination; requiring the board to issue notices of the extensions; modifying reciprocity licensing requirements and making other technical changes. 62-0
- S.F. 65-Novak:** Requiring mandatory notification of the state fire marshal in fires involving death; requiring autopsies on all victims of death caused by fire; deleting the intent element for all crimes of possession of explosives, incendiary devices and molotov cocktails; and defining fire as a dangerous weapon under the criminal code. 61-0
- S.F. 413-Janezich:** Authorizing the sale of tax-forfeited lands in St. Louis County. 60-0
- S.F. 298-Kiscaden:** Expanding the crime of trespass to include entry onto locked or posted construction sites and buildings without consent. 64-0
- H.F. 1474-Janezich:** Providing for the use of fees from county records. 61-3
- S.F. 58-Pogemiller:** Permitting local governments to require the payment of legal fees incurred by peace officers who are the subject of investigation by a civilian review authority. 55-7
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# Floor action

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*For April 23-29*

- S.F. 1380-Janezich:** Regulating heavy and utility equipment dealership agreements; including truck parts within the scope of coverage and defining terms. 60-0
- H.F. 893-Bertram:** Specifying the prosecuting attorney for certain offenses. 64-0
- H.F. 1404-Novak:** Permitting the cities of New Brighton and St. Louis Park to acquire granular carbon without a bond. 62-0
- H.F. 477-Pappas:** Increasing the fine for child passenger restraint system violations. 56-7
- S.F. 487-Janezich:** Requiring that iron mines and production facilities be maintained in salable operating condition. 65-0
- S.F. 1275-Mondale:** Providing protection from liability for releases of hazardous substances to lenders and owners for redevelopment of property under an approved cleanup plan and providing authority to issue determinations regarding association with a release. 63-0
- H.F. 55-Janezich:** Authorizing a benefit increase for retired police officers, firefighters and surviving spouses in the city of Eveleth. 62-0
- S.F. 645-Chmielewski:** Protecting the interests of employees following railroad acquisitions. 62-0
- S.F. 1158-Novak:** Modifying provisions relating to the adjustment of workers compensation benefits. 37-27
- S.F. 699-Sams:** Providing for chiropractic review of utilization reviews of health care. 61-0
- H.F. 237-Janezich:** Providing procedures for the combination of the offices of county auditor and treasurer. 46-13
- S.F. 848-Janezich:** Making numerous changes to provisions relating to mineral leasing, environmental research and protection, exploratory borings and date, and lean ore stockpile removal. 62-0
- S.F. 464-Sams:** Specifies blaze orange as the color of outer clothing required in firearms deer zones. 49-12
- H.F. 804-Sams:** Providing an exception to the contested case hearing process required for changing the service area of an ambulance service. 63-0
- H.F. 768-Solon:** Authorizing a purchase of service credit by a former grain inspector. 51-9
- S.F. 563-Vickerman:** Requiring notice of and imposing a penalty for fraudulent certification of eligibility for special transportation service. 63-0
- S.F. 911-Metzen:** Requiring the commissioner of the Bureau of Mediation Services to designate separate units for peace officers and other essential employees at the request of either group of employees. 62-0
- H.F. 1525-Betzold:** Providing for applicants to be exempt from the abstractors bond and liability insurance requirement. 61-0
- H.F. 945-Wiener:** Modifying the membership of the Board of Nursing; requiring an examination for licensure of graduates from nursing programs in other countries; and adding grounds for disciplinary action. 61-0

## Bills granted final passage on Special Orders--April 28

- S.F. 1075-Hottinger:** Including arbitration awards under the collateral source statute. 63-0
- H.F. 977-Metzen:** Permitting purchase of service credit by a member of the Minneapolis Employees Retirement Fund. 60-1
- H.F. 1122-Flynn:** Prohibiting parking in transit stops marked with a handicapped sign; establishing priority for transit in energy emergencies; and requiring motor vehicles to yield to transit buses entering traffic. 62-0
- S.F. 902-Vickerman:** Defining armored carrier service; requiring any person providing armored carrier service to obtain an armored carrier permit from the Transportation Regulation Board; and providing for conversion of existing operating authority. 60-0
- S.F. 237-Berg:** Directing the commissioner of agriculture to promote farming of cervidae (deer and elk); declaring farmed cervidae to be livestock and the raising of farmed cervidae to be an agricultural pursuit. 61-0
- H.F. 1428-Solon:** Modifying an exception to the dentist licensing requirements and making changes in the laws governing dentistry. 60-0
- S.F. 1178-Vickerman:** Declaring llamas and ratitae (ostriches) to be livestock and the raising of llamas and ratitae to be agricultural pursuits. 59-0
- S.F. 1105-Betzold:** Extending the expiration date of certain advisory councils and committees; modifying provisions relating to lead abatement; and changing regulation provisions for hotels, resorts, restaurants and manufactured homes. 61-0
- H.F. 522-Solon:** Clarifying the specificity needed for public service corporation easements. 62-0
- S.F. 340-Vickerman:** Entering the National Guard Mutual Assistance Counterdrug Activities Compact. 61-0
- S.F. 532-Finn:** Adopting one body of law to govern Conciliation Courts. 44-23

## Bills granted concurrence and repassage--April 29

- S.F. 737-Johnston:** Requiring vehicle owners to transfer certificate of title upon gaining ownership of the vehicle and allowing registrar to research records before responding to phone requests. 48-0

## Bills granted final passage on Special Orders--April 29

- S.F. 1074-Price:** Making changes to laws governing the management of state-owned lands by the Dept. of Natural Resources and requiring a public hearing prior to disposal of public wildlife management areas. 60-0

- S.F. 1262-Anderson:** Authorizing the Metropolitan Transit Commission to appoint peace officers and establish a law enforcement agency. 61-1
- S.F. 403-Hottinger:** Altering reasons for innkeeper ejection and refusal to admit persons; establishing parent responsibility for guests who are minors; establishing liability; and increasing the penalty for setting fire to hotel belongings. 54-0
- H.F. 454-Runbeck:** Requiring a summary of performance measures for business loan or grant programs from the Dept. of Trade and Economic Development. 62-0
- S.F. 470-Cohen:** Changing the time and date of the precinct caucuses. 56-0
- H.F. 1720-Cohen:** Requiring at least one member of the Metropolitan Transit Commission to be a disabled user of the transit system. 63-0
- S.F. 175-Wiener:** Creating a felony level offense for repeat fifth-degree assault offenders. 60-0
- S.F. 1077-Piper:** Regulating child care programs; requiring an interpretive memoranda study; and providing for a vulnerable adult study. 62-0
- H.F. 113-Cohen:** Specifying that a pedestrian lawfully in a crosswalk with pedestrian control signals must be given the right-of-way by all vehicles. 62-0
- H.F. 9-Piper:** Requiring health insurance coverage for elimination or treatment of port-wine stains. 58-6
- S.F. 1000-Solon:** Omnibus real estate bill; making changes in laws governing fees, licenses and agreements; and requiring disclosures. 64-0
- S.F. 1437-Novak:** Public Utilities Commission (PUC) housekeeping bill; requiring cooperative electric associations and municipal utilities to comply with standards set by the PUC relating to electrical current or voltage; and regulating PUC procedures and findings. 62-0
- H.F. 430-Samuelson:** Requiring the Dept. of Health, the Dept. of Human Services and the Dept. of Agriculture to develop plans to reduce duplication and paperwork in licensing and inspection reviews conducted by the departments. 60-0
- H.F. 1153-Cohen:** Clarifying the limits on recovery for economic loss caused by components of manufactured goods. 55-0
- H.F. 643-Belanger:** Dept. of Commerce cosmetology bill; regulating cosmetology; prescribing powers, duties and fees. 57-0
- H.F. 969-Belanger:** Dept. of Transportation motor carrier bill; adopting federal motor carrier safety regulations; allowing small carriers to file abbreviated annual reports; allowing 45 foot buses to be operated in the state; requiring information on shipping documents and imposing penalties. 56-4
- S.F. 480-Belanger:** Requiring appointment of guardians and conservators for minors and incapacitated persons in workers' compensation cases. 56-0
- S.F. 1036-Cohen:** Regulating transfers and sales of audio and visual recordings and prescribing penalties. 56-0
- S.F. 190-Cohen:** Providing that BCA criminal conviction data are public; providing that a record of conviction of some serious crimes and other determinations disqualify an individual from obtaining human services licenses and providing access to data on day care and foster care licensees. 64-0
- H.F. 1420-Cohen:** Providing for determination of reasonable compensation for guardians and conservators and changing provisions for guardians and conservators of institutionalized persons. 61-0
- S.F. 674-Cohen:** Regulating the posting of a bond required by plaintiffs in civil actions against a public body. 62-0
- S.F. 741-Cohen:** Authorizing appeals from the decisions of civil service commissions by first-class cities and their employees on the same basis and to the same extent. 57-0
- S.F. 1097-Cohen:** Prohibiting trustees from exercising specific powers. 62-0

# Preview

## The Minnesota Senate Week at a Glance

**Monday, May 3**

**The Senate will meet at 8:30 a.m.**

### Finance Committee

*Chair: Sen. Gene Merriam*

6 - 10 p.m. Room 123 Capitol

**Agenda:** S.F. XXXX-Kelly: Claims bill.

S.F. 1274-Murphy: Veterans Home

Claims. Other bills may be added.

### Conference Committee

7 p.m. - Evening, To Be Announced

**Agenda:** State government funding bill.

**Tuesday, May 4**

**The Senate will meet at 8:30 a.m.**

### Finance Committee

*Chair: Sen. Gene Merriam*

6 - 10 p.m. Room 123 Capitol

**Agenda:** Not available at press time.

**Wednesday, May 5**

**The Senate will meet at 8:30 a.m.**

**Thursday, May 6**

**The Senate will meet at 8:30 a.m.**

**Friday, May 7**

**The Senate will meet at 8:30 a.m.**

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## Senate Members --- 1993 Session

Party	Phone	Name	Room	Dist.	Party	Phone	Name	Room	Dist.
DFL	296-5981	Adkins, Betty A.	309	Cap. 19	DFL	8869	Luther, William P.	205	Cap. 47
DFL	5537	Anderson, Ellen R.	G-27	Cap. 66	DFL	5645	Marty, John	G-9	Cap. 54
DFL	5713	Beckman, Tracy L.	301	Cap. 26	IR	2159	McGowan, Patrick D.	129	SOB 33
IR	5975	Belanger, William V., Jr.	113	SOB 41	DFL	4154	Merriam, Gene	122	Cap. 49
IR	3903	Benson, Duane D.	119	SOB 31	DFL	4370	Metzen, James P.	303	Cap. 39
IR	6455	Benson, Joanne E.	153	SOB 16	DFL	2577	Moe, Roger D.	208	Cap. 2
DFL	5094	Berg, Charles A.	328	Cap. 13	DFL	7-8065	Mondale, Ted A.	309	Cap. 44
DFL	4261	Berglin, Linda	G-9	Cap. 61	DFL	5649	Morse, Steven	G-24	Cap. 32
DFL	2084	Bertram, Joe, Sr.	323	Cap. 14	DFL	4264	Murphy, Steve L.	226	Cap. 29
DFL	2556	Betzold, Don	G-24	Cap. 48	IR	1279	Neuville, Thomas M.	123	SOB 25
DFL	9307	Chandler, Kevin M.	111	Cap. 55	DFL	4334	Novak, Steven G.	322	Cap. 52
DFL	4182	Chmielewski, Florian	325	Cap. 8	IR	4837	Oliver, Edward C.	121	SOB 43
DFL	5931	Cohen, Richard J.	317	Cap. 64	IR	1282	Olson, Gen	131	SOB 34
IR	9457	Day, Dick	105	SOB 28	DFL	1802	Pappas, Sandra L.	G-27	Cap. 65
IR	4131	Dille, Steve	103	SOB 20	IR	5252	Pariseau, Pat	109	SOB 37
DFL	6128	Finn, Harold R. "Skip"	306	Cap. 4	DFL	9248	Piper, Pat	G-9	Cap. 27
DFL	4274	Flynn, Carol	G-29	Cap. 62	DFL	7809	Pogemiller, Lawrence J.	235	Cap. 59
IR	8138	Frederickson, Dennis R.	139	SOB 23	DFL	7-8060	Price, Leonard R.	235	Cap. 57
DFL	3219	Hanson, Paula E.	328	Cap. 50	DFL	7-8061	Ranum, Jane B.	325	Cap. 63
DFL	6153	Hottinger, John C.	G-29	Cap. 24	DFL	2889	Reichgott, Ember D.	306	Cap. 46
DFL	8017	Janezich, Jerry R.	328	Cap. 5	DFL	7-8062	Riveness, Phil J.	317	Cap. 40
IR	3826	Johnson, Dean E.	147	SOB 15	IR	4314	Robertson, Martha R.	125	SOB 45
DFL	8881	Johnson, Douglas J.	205	Cap. 6	IR	1253	Runbeck, Linda	107	SOB 53
DFL	5419	Johnson, Janet B.	322	Cap. 18	DFL	7-8063	Sams, Dallas C.	G-9	Cap. 11
IR	4123	Johnston, Terry D.	117	SOB 35	DFL	4875	Samuelson, Don	124	Cap. 12
DFL	5285	Kelly, Randy C.	122	Cap. 67	DFL	4188	Solon, Sam G.	303	Cap. 7
IR	4848	Kiscaden, Sheila M.	143	SOB 30	DFL	4191	Spear, Allan H.	G-27	Cap. 60
IR	4120	Knutson, David L.	133	SOB 36	IR	8075	Stevens, Dan	127	SOB 17
DFL	7061	Krentz, Jane	235	Cap. 51	DFL	8660	Stumpf, LeRoy A.	G-24	Cap. 1
DFL	4302	Kroening, Carl W.	124	Cap. 58	IR	6238	Terwilliger, Roy W.	115	SOB 42
IR	4351	Laidig, Gary W.	141	SOB 56	DFL	5650	Vickerman, Jim	226	Cap. 22
DFL	3205	Langseth, Keith	G-24	Cap. 9	DFL	7-8073	Wiener, Deanna	303	Cap. 38
IR	5655	Larson, Cal	145	SOB 10	<b>Capitol or State Office Building, St. Paul, MN 55155</b> <b>TDD number 296-0250</b> <b>Senate Information 296-0504</b>				
IR	4125	Lesewski, Arlene J.	135	SOB 21					
DFL	4136	Lessard, Bob	111	Cap. 3					

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# Briefly

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The Minnesota Senate Week in Review

May 7, 1993

## Gas tax increase okayed

A delicately balanced transportation funding package gained the approval of a majority of the members of the Minnesota Senate Tues., May 4. The funding proposal was considered as an amendment to a relatively noncontroversial Dept. of Transportation housekeeping bill.

The amendment, offered by Sen. Keith Langseth (DFL-Glyndon), provides for a nickel a gallon increase in the gasoline tax, alters the county-state aid formula and raises the motor vehicle excise tax (MVET) from six and a half percent to seven percent. Under the proposal, revenue from the gasoline tax is earmarked for highway and bridge projects, while the revenue from the MVET increase is targeted for public transit. Langseth, who offered a similar package as part of the omnibus transportation and public transit funding bill, said that the amendment differed from the previous proposal in that the tax increases and formula change would sunset in two years. The intervening two years would allow time to develop a solid funding mechanism for both highways and public transit, Langseth said.

In addition, the proposal contains an appropriation designed to leverage federal funds for light rail transit.

Langseth argued that the tax increases are needed to avoid the "dire consequences that would result" if the Legislature fails to enact a transportation funding proposal. According to Langseth, if the Legislature fails to provide adequate funding some highway projects will be stopped and there will be steep fare increases for public transit. However, several Senators countered that the tax increases contained in the proposal are too onerous. Sen. Dick Day (IR-Owatonna) said "Minnesota seems intent on being number one in every area of taxation and people are fed up."

After arguing against the MVET tax increase, Sen. Charles Berg (DFL-Chokio) offered an amendment to roll back the MVET increase to six and one half percent. Sen. Dean Johnson (IR-Willmar), argued against the amendment to the amendment saying that the package is so finely balanced that any change would constitute a "deal breaker." The Berg proposal was defeated on a 12-50 roll call vote. An amendment to the Langseth amendment, offered by Sen. Steven Novak (DFL-New Brighton), to have voters consider a constitutional amendment altering the distribution of

MVET funds was also defeated on a 25-40 roll call vote.

The Langseth amendment was then adopted on a roll call vote of 48-17. The Dept. of Transportation housekeeping bill, S.F. 796, authored by Sen. Paula Hanson (DFL-Ham Lake), was then laid on the table. No further action was taken on the measure because bills increasing taxes must originate in the other body.

## Crime prevention measure okayed

The first of the major funding conference committee reports cleared the Senate Wed., May 5. The crime prevention funding bill conference committee report, S.F. 1503, carried by Sen. Tracy Beckman (DFL-Tracy), was adopted and the bill was repassed on a vote of 60-6.

The measure contains total appropriations of \$482.752 million for the Board of Peace Officer Standards and Training, the Board of Public Defense, the Department of Corrections, the Corrections Ombudsman, the Sentencing Guidelines Commission, the Gambling Control Board, the Racing Commission, the State Lottery Board, and the Workers' Compensation Court of Appeals. The bill also includes a \$5 million appropriation for youth works programs. Beckman said that the Senate conferees tried to focus as much on crime prevention as on crime punishment and that the funding for the youth works program is a vital part of the prevention efforts.

Much of the debate on the measure came on a motion, made by Sen. Dean Johnson (IR-Willmar), to reject the conference committee report. Johnson and others argued that the conference committee report contained appropriations that were not in the original Senate bill. Sen. Allan Spear (DFL-Mpls.) said that the bill contained the appropriations because Senate and House budget divisions' jurisdictions did not match up. Thus, the bill contained some appropriations that were originally in other Senate finance bills. The motion to reject the report failed on a 20-46 roll call vote. The conference committee report was then adopted and the bill repassed on a vote of 60-6.

## Bonding bill advances

The Finance Committee met Friday, Apr. 30, and approved two bills. The panel spent much of the meeting working on H.F. 1749, the capital

bonding bill, sponsored by Sen. Gene Merriam (DFL-Coon Rapids). The bill appropriates \$118 million, including \$20.3 million for the Bloomington Ferry Bridge project; \$25.8 million to convert the Moose Lake Regional Treatment Center into a medium-security prison; \$7.5 million for a 50-bed addition on the Minnesota security hospital for mentally ill and dangerous clients; and an additional \$7.3 million to enable the proposed psychopathic personality facility at Moose Lake to house 100 psychopathic personality clients, rather than 50, as originally proposed.

The panel approved the following amendments to the bill.

A Merriam amendment adds \$90,000 to the Dept. of Natural Resources appropriation for the acquisition of Byrne Lake in Swift county so that it may be established as a wildlife management area. An amendment offered by Sen. LeRoy Stumpf (DFL-Thief River Falls), increases the appropriation for the technical colleges from \$1 million to \$3 million. The additional \$2 million is for purchasing a strip of land contiguous with the Metropolitan State University Campus.

An amendment by Sen. Don Samuelson (DFL-Brainerd), requires the commissioners of human services and natural resources to make a recommendation for transferring control of state land necessary to site a psychopathic personality facility at Moose Lake.

An amendment offered by Sen. Roy Terwilliger (IR-Edina), appropriates \$2.7 million for replacing the state airplane. An amendment by Sen. Steven Morse (DFL-Dakota), reduces to \$2 million the bonding authority for dredging the Duluth harbor. The original bonding authority amount was \$6.1 million. The authority is contingent on a dollar for dollar federal match for the project.

An amendment offered by Sen. Janet Johnson (DFL-North Branch), appropriates \$250,000 for remodeling Boswell Hall at the Cambridge Regional Human Services Center. H.F. 1749 now goes to the full Senate.

S.F. 1332, sponsored by Sen. Allan Spear (DFL-Mpls.), makes changes in out-of-home placements of children. An author's amendment, appropriating \$135,000 from the general fund for implementing the bill's provisions, was approved. S.F. 1332 now goes to the Senate floor.

# Committee update

## Finance

### Health care bill advances

Members of the Finance Committee devoted the afternoon meeting, Thurs., Apr. 29, to consideration of amendments to S.F. 900. The bill, sponsored by Sen. Linda Berglin (DFL-Mpls.), establishes integrated service networks and creates a regulatory framework for their operation.

The bill incorporates recommendations of the Minnesota Health Care Commission to provide for a health care cost containment plan. Incentives will encourage the voluntary development of competing non-profit Integrated Service Networks (ISNs) that are accountable for the price and quality of services, Berglin explained. ISNs will be responsible for providing the full array of health care services for a fixed price for the purchaser, thus creating incentives for the participating providers and health plans to be more efficient. The plan not only calls for competition and limits on spending growth, but also for collaboration when competition is likely to produce excess capacity in the health care system. The bill also establishes a regulated all-payer system governing all health care services that are provided outside of an ISN.

The regulated system is designed to control costs, prices and utilization of health care services not provided through an ISN while maintaining or improving the quality of services. According to the bill, the goal of the plan developed by the commission must allow ISNs to begin forming July 1, 1994, and for the implementation of the all-payer system to begin July 1, 1995. Senators discussed the medical care inflation trend under the cost containment program. According to Berglin, the total medical trend, consisting of the consumer price index (CPI) and medical add-on, is reduced by 10 percent per year. Under the bill, in 1993, medical trend is 7.45 percentage points above CPI, by 1998, it is 2.02 points above the CPI. The total savings is \$7.1 billion, said Berglin. The committee also reviewed changes to the current forecast as determined in the latest version of S.F. 900 and other fiscal changes as a result of the adoption of several author's amendments.

The committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), heard a number of Berglin amendments. The first amendment adopted by the committee changes a previously adopted amendment dealing with the Children's Health Plan.

The amendment changes the eligibility to children 1 year to 18 years. The amendment also increases the premium fee of all MinnesotaCare enrollees from \$25 to \$48. Another Berglin amendment increases the actual acquisition cost of pharmaceuticals. A portion of the 1992 appropriation, totaling \$250,000, is carried forward to develop and implement a program to establish community health centers in rural areas of the state, under the amendment.

A third Berglin amendment requires a MinnesotaCare program study. The commissioner of human services must examine the impact the MinnesotaCare program is having on the increase in medical assistance enrollment and costs, and make recommendations to the legislative oversight commission on necessary adjustments in revenues or expenditures to ensure that the health care access fund remains solvent for the 1996-97 biennium.

Sen. Steven Morse (DFL-Dakota) offered an amendment that expanding the grant program from colleges or schools that operate programs of study designed to prepare registered nurses for advanced practice as nurse practitioners to include schools of nursing with an established masters program in nursing for the purpose of developing a nurse practitioner program in their masters curriculum. According to Morse, Winona State University, is the only Minnesota school affected by the amendment. The committee adopted the amendment.

Another Berglin amendment makes appropriations from the proposed cigarette tax revenue to various programs and transfers any remaining proceeds raised by the increase in the tax rate from the general fund to the health care access fund. Yet another Berglin amendment, adopted by the committee, appropriates \$17.534 million from the health care access fund to implement the loan forgiveness and rural clinical nurse practitioner education grant program and to develop and administer a family and pediatric nurse practitioner program. The committee adopted the amendment.

Finally, on an 8 to 7 vote, Sen. Don Samuelson (DFL-Brainerd) successfully amended the bill to include adult dental care services other than preventive services in the list of "covered health services." He also gained approval of an amendment to provide authority to pharmacies to transfer additional expenses, generated by the sale of goods and

services to hospitals or surgical centers, to the extent their product is subject to the wholesale drug distributors tax.

S.F. 900 was approved as amended and sent to the Senate floor.

### Several bills clear Finance

Members of the Finance Committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), met Mon., May 3, approved the following bills and sent them to the full Senate.

The committee approved two bills relating to veterans affairs. First, Sen. Steve Murphy (DFL-Red Wing) gained support for S.F. 1274, a bill that authorizes the Legislature to hear and determine claims by patients at Minnesota veterans homes. Second, Sen. Jim Vickerman (DFL-Tracy) presented S.F. 13. Vickerman said the proposal provides for free motor vehicle license plates for former prisoners of war.

Sen. Steven Morse (DFL-Dakota) offered S.F. 162, a measure that increases some higher education employer contribution amounts to the individual retirement account plans. S.F. 184, authored by Sen. William Luther (DFL-Brooklyn Park), also received the committee's approval. Luther said the bill regulates the registration and operation of off-highway motorcycles.

Merriam sponsored two legislative proposals: S.F. 248, a bill that provides for the issuance of commissioner's opinions under the Data Practices Act; and S.F. 1611, a measure that provides for state financial management reform.

The omnibus game and fish bill, S.F. 669, authored by Sen. Charles Berg (DFL-Chokio), cleared the committee after members deleted a provision in the bill that specifies the use of existing funds that were previously appropriated from the bond proceeds fund for the water bank program. Another bill relating to natural resources, S.F. 760, also cleared the committee. Sen. Leonard Price (DFL-Woodbury), bill author, explained that the measure grants the commissioner of the Dept. of Natural Resources the power to give nominal gifts, acknowledge contributions, and sell advertising.

Price also offered S.F. 812, a bill that increases and extends the motor vehicle transfer fee; establishes a grant program for the purposes of examining management alternatives for shredder residue from steel recycling processes; and requires the Pollution Control Agency (PCA) to address the management of



shredder residue. The committee amended the appropriation section of the bill to clarify that none of the money can be spent unless the Legislative Commission on Waste Management has approved a work program prepared by the PCA commissioner.

Sen. Sheila Kiscaden (IR-Rochester) successfully sponsored S.F. 327, a bill that authorizes intensive family preservation services and child welfare targeted case management services. And finally, Sen. Dennis Frederickson (IR-New Ulm) presented S.F. 965. Frederickson said the measure makes several technical and substantive changes to the Dept. of Finance.

### **Omnibus crime bill okayed**

Members of the Finance Committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids) began a fierce debate over amendments offered to the omnibus crime prevention bill, Tues. evening, May 4.

S.F. 919, authored by, Sen. Randy Kelly (DFL-St. Paul), creates a number of offender penalties for various crimes. In essence, the bill incorporates more stringent penalties for drive-by shootings, possession of dangerous weapons and trespassing on school property, negligent storage of firearms, and reckless discharge of a firearm. Sentence of life without release for first-degree murder of a peace officer is also contained in the bill.

Furthermore, the bill provides for forfeiture of vehicles used in drive-by shootings and prostitution, provides for access to juvenile court records, increases penalties for repeat violations of pistol permit laws and extends the wiretap warrant period. Expansion of sex offender registration as well as expansion of the DNA specimen provision are also detailed in the bill. In addition, the bill requires specific counties to establish diversion programs for offenders.

Kelly outlined new biennial appropriations contained within the measure totaling roughly \$9 million for myriad anti-crime programs within the Departments of Education, Public Safety, Human Services, Health, Corrections and for the DARE Advisory Council. Chief allocations for FY94-95 include \$3 million for violence prevention education grants; \$1.6 million for community crime reduction grants within the Dept. of Public Safety; and \$2.6 million for sex offender programs and the auditing of criminal justice information systems reporting requirements within the Dept. of Corrections. Most of the anti-crime

funding is expected to be offset by \$11 million in new biennial revenues raised from a change in minimum fines for general crimes, a new surcharge on petty misdemeanor processing fees, and a surcharge on information requested in person or transmitted via a computer modem on motor vehicle registration and driver's license records. The ensuing debate focused primarily on a provision contained within the bill authorizing a double departure from the sentencing guidelines for drug crimes if a firearm was possessed in a vehicle used in the crime, near a person from whom drugs were seized, or on premises where drugs were confiscated. Sen. Allan Spear (DFL-Mpls.), referring to a Minnesota Sentencing Guidelines Commission study showing that the provision would increase overcrowding in prisons (a total of 34 extra beds needed by the eighth year), moved to delete the provision. The bill "has terrific financial implications," said Spear. "We'll be using three times as many prison beds as we've created throughout the rest of the bill." Spear's motion prevailed.

Kelly gained approval of a second amendment, on a roll-call vote of 8-5, incorporating several anti-crime sections of S.F. 114, a comprehensive restructuring of the Dept. of Public Safety. Specific sections of S.F. 114, also authored by Kelly, encompassed within the amendment abolish the Liquor Control Division and transfer its responsibilities to the Dept. of Commerce; shift the duties of the Drug Policy Office and the Gambling Enforcement Division to the Attorney General; make the Dept. of Correction responsible for crime victims programs; and set up the Bureau of Criminal Apprehension as a free standing agency. Several Senators, speaking in vehement opposition to the amendment, said that extensive reorganization efforts such as those included within the amendment needed to be taken up in the appropriate policy committee. Sen. Terwilliger (IR-Edina), likened the process to an impromptu reorganization on the back of a restaurant napkin.

Sen. Patrick McGowan (IR-Maple Grove), stating that he would not allow a lack of prison space to "dictate what's good public policy," moved to reconsider the deleted provision authorizing a double departure for drug crimes if a firearm was possessed in a vehicle used in the crime. "I want to send a strong message that this will not be tolerated," contended McGowan. His amendment to reinstate the provision failed on a 10-4 roll call

vote. The committee approved S.F. 919 and advanced it to the Senate floor.

In other action, the committee approved and sent to the Senate floor the following bills.

A bill, S.F. 1162, making substantial changes to the state agency rulemaking process and altering the membership of the Legislative Commission to Review Administrative Rules (LCRAR) was presented by Sen. Duane Benson (IR-Lansboro). Specific appropriations within the bill include a one-time allocation of \$65,000 for the LCRAR to study and make recommendations on standards and procedures for review of proposed rules by the legislative and executive branches; \$50,000 for administrative hearings; and an open-ended figure for the development of proposed "rule notes" to accompany bills requesting rulemaking authority. The committee approved an amendment reducing the general fund appropriation for administrative hearings to \$35,000, making up the balance with a transfer of \$15,000 from the Attorney General's Office. The transfer of funds accompanies the transfer of responsibility to review proposed emergency and noncontroversial rules from the Attorney General's Office to the Office of Administrative Hearings.

S.F. 817, authored by Sen. Steven Morse (DFL-Dakota), provides early retirement incentives for public employees. The legislation, which increases the multiplier percentage used to calculate the retirement annuity, applies specifically to employees who have at least 25 years of combined service credit in any Minnesota public pension plan, are at least 55 years of age, and who work for an agency that will incur layoffs after May 1993. The incentive provisions do not apply to a teacher as defined by the Teachers Retirement Act employed by a local school board.

Members next considered a bill imposing stricter penalties for transporting exotic harmful water species such as Eurasian water milfoil and zebra mussels. The financial provisions contained with S.F. 883, carried by Sen. Kevin Chandler (DFL-White Bear Lake), increase the watercraft surcharge from \$3 to \$5 until Dec. 1996. Money generated from the surcharge will be used by the DNR to control and monitor research nuisance aquatic exotic species in public waters.

Sen. Sam Solon (DFL-Duluth) sponsored S.F. 1101, a bill establishing a hearing instrument dispensers certification program. The measure replaces the current permit system for both the hearing instrument sellers and hearing

# Committee update

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instrument dispensers. The measure contains a \$95,000 appropriation to the health commissioner for new staff to assist in administering examinations and rulemaking.

Next on the agenda, Sen. William Luther (DFL-Brooklyn Park), presented S.F. 1088. The legislation carries a combined general revenue and special fund appropriation of roughly \$274,000 for the DNR to regulate registration and operation of off-road vehicles.

Lastly, Sen. Phil Riveness (DFL-Bloomington), carried S.F. 811, a bill requesting \$50,000 for a Metropolitan Area high speed bus study.

## Governmental Operations and Reform

### Binding arbitration okayed

A bill providing for mandatory and binding arbitration in collective bargaining situations for "first represented" private and public employees, was approved and advanced to the Senate floor at a brief Governmental Operations and Reform Committee meeting, Wed., May 5. According to Sen. Carl Kroening (DFL-Mpls.), author of S.F. 891, the arbitration provision applies only if: the exclusive bargaining representative became accredited between six months and a year of the request; if the employer and exclusive representative fail to settle; the employees haven't been represented by an exclusive representative within two years of the accreditation; and mediation attempts have failed to negotiate an agreement.

The committee, chaired by Sen. James Metzen (DFL-South St. Paul) next approved and advanced to the Finance Committee S.F. 553, a bill making numerous changes to the Minneapolis and St. Paul Teacher Retirement Funds. Sen. Phil Riveness (DFL-Bloomington), the bill's author, explained that both funds have large contribution deficiencies and low funded percentages. Riveness maintained that based on a projected decline of assets, the Minneapolis Teachers Retirement Fund Association (MTRFA) will be depleted by the year 2011 unless corrective action is taken.

S.F. 553 provides avenues, within a limited period of time, for collecting additional dollars for MTRFA by allowing School District No. 1 and the city of Minneapolis to make additional employer contributions via a tax levy. The bill specifies that for every \$1000 contributed in equal proportion by both entities, the

state will provide matching funds, not to exceed \$2.5 million in FY94. The total amount available for each subsequent fiscal year must be increased at the same rate as the increase in the general education aids formula in subsequent fiscal years.

Additional funds for the St. Paul fund will come from special direct state aid. The legislation also assesses active and retired members for certain teacher retirement fund associations supplemental administrative expenses and modifies post retirement adjustments.

## Judiciary

### Confirmations recommended

Members of the Judiciary Committee, Wed., May 5 met briefly to consider confirmation of a number of gubernatorial appointees to various state boards. The committee, chaired by Sen. Ember Reichgott (DFL-New Hope), confirmed Peter Westerhaus, Beth Baker and Mara Thompson to the Harmful Substance Injury Board. In addition, Peter Hustad Watson, Harriette Burkhalter, Jon Haaven and Virginia Ward were confirmed to the Board on Judicial Standard. Lastly, the committee confirmed M.J. "Mac" McCauley to the Harmful Substance Compensation Board.

## Metropolitan and Local Government

### Omnibus crime bill advances

Local control over the regulation of assault weapons topped the agenda of the Metropolitan and Local Government Committee, chaired by Sen. Betty Adkins (DFL-St. Michael), Thurs., Apr. 29.

Sen. Randy Kelly (DFL-St. Paul) and Sen. Pat Piper (DFL-Austin) presented portions of S.F. 919, the omnibus crime bill. The committee focused on provisions that authorize metropolitan cities and the Metropolitan Airports Commission to adopt ordinances that regulate military-style assault weapons and the possession of firearms by minors. Pointing out that the United States is the most violent country in the world, Kelly and Piper said that metropolitan cities should have the authority to regulate military-style assault weapons.

Kelly said that the bill does not adversely affect legal owners of hunting guns. The bill prohibits cities from implementing ordinances that ban ownership or possession of firearms that are already lawfully owned, noted Kelly.

Joseph Olson, Gun Owners Civil Rights Alliance, argued against the local control provisions, saying that military assault weapons are rarely used in crimes. Olson also said that such authority is not good policy because it would create a variety of gun regulations, as opposed to a state-wide policy. On a narrow vote of 8-7, the committee deleted the local control provisions of the bill.

The committee amended the bill to make it a gross misdemeanor to carry a rifle or shotgun in a public place. However, the bill allows for several exceptions; for instance, people who are carrying weapons to or from a firearms store or a target shooting facility, or who are engaging in other lawful activity involving firearms, are not subject to the restriction. Members also approved an amendment that subjects military-style assault weapons to the same regulations as handguns, namely a seven-day waiting period that allows for a background check on the purchaser. Other amendments approved by the committee expand the definition of "machine gun" to include weapons that have been altered to fire like a machine gun; and clarify the authority of local units of government to develop zoning ordinances that regulate the location of future firearms dealers.

The committee recommended that the bill pass as amended and re-referred it to the Finance Committee.

## Taxes and Tax Laws

### Gender discrimination bill heard

Members of the Taxes and Tax Laws Committee, chaired by Sen. Douglas Johnson (DFL-Cook), met Thurs., Apr. 29, to take action on two bills.

Sen. Sandra Pappas (DFL-St. Paul) presented S.F. 1327. Pappas said the bill increases property taxes on a private golf club in Stillwater that discriminates against women. The bill provides that real estate operated by a golf club that discriminates against people based on gender must be valued for ad valorem tax purposes as if it were converted to commercial, industrial, residential, or seasonal residential use and were platted and available for sale as individual parcels. Under current law, recreational entities, such as golf clubs, firearms ranges, and ski resorts, are eligible for a lower tax rate if the entities meet certain criteria, part of which prohibits discrimination based on gender.

Pappas said the bill is intended to get the club to allow women as full members.

If the club allows women to join, it will not experience the tax increase, noted Pappas. She pointed out that the golf club is the only one in Minnesota that prohibits full membership for women. Some members said they agreed with Pappas' objective, but disagreed with using tax policy as an incentive for change.

Sen. Ember Reichgott (DFL-New Hope) gained support for an amendment that makes golf clubs ineligible for a lower tax rate if the clubs discriminate against people based on their marital status. Sen. Harold "Skip" Finn (DFL-Cass Lake) offered language that was dropped from the Reichgott amendment that expands the human rights laws by making it an unfair discriminatory practice to deny any person, based on marital status, "full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation." Members approved the Finn amendment.

The committee recommended passage of the bill and sent it to the floor of the Senate.

In other committee business, members approved S.F. 771, authored by Sen. Joe Bertram, Sr. (DFL-Paynesville). Bertram said the bill increases the oxygenate level requirements for gasoline and eliminates some local government aid (LGA)/homestead and agricultural credit aids (HACA) offsets for tax increment financing districts. The bill goes next to the full Senate.

### **Comprehensive choice housing**

The Taxes and Tax Laws Committee met briefly Weds., May 5, to approve S.F. 529, requiring the Metropolitan Council to develop a plan for meeting the need for affordable housing in the Metropolitan Area. Under the bill, sponsored by Sen. Steven Novak (DFL-New Brighton), only municipalities in compliance with the comprehensive choice housing objectives are entitled to homestead and agricultural credit (HACA) payments from the local government trust fund.

The committee approved the bill and sent it to the full Senate.

## **Friday, April 30**

### **Optometrists treating glaucoma**

A bill, H.F. 134, allowing optometrists to prescribe topical eye drugs was debated during floor session Fri., Apr. 30. The greatest discussion was sparked by an amendment, offered by Sen. Sheila Kiscaden (IR-Rochester), striking

glaucoma from the list of diseases to be treated. She said that, because the topical medications for glaucoma treatment are systemic and can conflict with other medications, they should only be prescribed by ophthalmologists who are required to complete more extensive schooling and training than optometrists. Also, other forms of glaucoma treatment, such as laser surgery, are not available to optometrists and might therefore be overlooked, Kiscaden said. Sen. Jim Vickerman (DFL-Tracy) voiced opposition, noting that in rural areas optometrists are more accessible than ophthalmologists, thus making treatment more accessible. Sen. Harold "Skip" Finn (DFL-Cass Lake) agreed, adding that optometrists are more affordable than ophthalmologists. However, the amendment was defeated on a roll call vote of 25-36.

An amendment, sponsored by chief author, Sen. Don Samuelson (DFL-Brainerd), requiring an optometrist treating glaucoma to notify a physician, was adopted. The amendment was later reconsidered and withdrawn by Samuelson, who then offered another amendment removing all requirements for physician notification. The amendment was adopted on a roll call vote of 33-29.

Because all provisions for physician notification regarding the treatment of glaucoma were removed, Kiscaden again moved to amend the bill by striking glaucoma from the list of diseases. The amendment was also defeated on a roll call vote of 29-34.

The bill was granted final passage on a vote of 47-17.

### **Medical facility access bill passes**

Friday's floor session also included debate on S.F. 1046, authored by Sen. Sandra Pappas (DFL-St. Paul), which increases penalties for interfering with a person's access to medical facilities. Sen. Patrick McGowan (IR-Maple Grove) offered an amendment striking the term "medical facilities" and inserting "building or dwelling." He said that the penalties should apply to all cases where access to a building is made difficult or prevented, citing past incidents of striking workers and protesters of animal experimentation, war and nuclear power plants. Pappas argued that the immediate threat is to medical facilities and indicated that a law reading too broadly could be misused; for example, in cases of domestic abuse, building or dwelling access may be denied for safety reasons prior to obtaining a restraining order. McGowan's amendment was defeated on a roll call vote of 31-34.

Sen. Thomas Neuville (IR-Northfield) offered an amendment striking "medical facility" from the definition of injured party, thus limiting the definition solely to the individual seeking access. He said that while the individual loses their right to access, the medical facility only loses money. Opponents countered that all businesses have a right to profit and interference with this right should be included in the definition as well. The amendment was defeated on a roll call vote of 29-35.

An amendment requiring a 24-hour delay of an abortion while the patient reviews materials produced by the commissioner of health was offered by Sen. Florian Chmielewski (DFL-Sturgeon Lake). The materials would contain information regarding services for women who continue their pregnancy and scientific information on the fetus at various gestational ages. However, the President of the Senate ruled that the amendment was not germane to the bill.

The bill was given final passage on a vote of 41-24.

### **Mille Lacs bill approved**

After a floor hearing marked by passionate debate and numerous amendment attempts, the Senate granted final passage to a bill aimed at resolving disputed hunting, fishing, and gathering rights granted to the Mille Lacs Band of Chippewa Indians under an 1837 treaty. S.F. 1619, sponsored by Sen. Steven Morse (DFL-Dakota), was passed on a 40-25 vote during the Fri., Apr. 30, floor session.

The Senators approved a controversial amendment offered by Sen. Gary Laidig (IR-Stillwater), delaying the harvest of walleyes until either the walleyes have finished spawning or the opening of the state walleye season, whichever is earlier. The amendment was approved on a 40-26 vote. The Senate subsequently approved an amendment by Sen. Harold "Skip" Finn (DFL-Cass Lake), that limits the restrictions in the Laidig amendment only to netting.

Another Finn amendment expands the scope of lands that can be transferred to the band to include game preserves, including lands in the Red Lake Game Preserve; reforestation areas; and lands that border on public waters.

An amendment offered by Sen. LeRoy Stumpf (DFL-Thief River Falls), provides that any revision of the agreement must be ratified by either a resolution adopted by the band assembly or legislation. The amendment was adopted.

# Committee update

Several other attempts to amend the bill were unsuccessful. An amendment offered by Sen. Dennis Frederickson (IR-New Ulm), requires that lands transferred to the band under the agreement are subject to the state's environmental and natural resource protection laws. The amendment failed on a 28-37 vote.

On a 33-33 vote, the Senators also failed to approve an amendment offered by Sen. Kevin Chandler (DFL-White Bear Lake), that allows netting of fish in Mille Lacs lake, but permits gill nets to be used only to the extent allowed for nonband members under state law. A more restrictive netting amendment, offered by Sen. Charles Berg (DFL-Chokio), bans all netting of game fish. The amendment was also defeated.

An amendment offered by Sen. Joanne Benson (IR-St. Cloud), to put the Mille Lacs Band under the jurisdiction of the Minnesota Human Rights Act failed on a 27-38 vote. Under an amendment offered by Sen. Bob Lessard (DFL-Int'l. Falls), mineral rights for the lands transferred to the Band are retained by the state. The amendment failed on a 26-39 vote.

Sen. Dan Stevens (IR-Mora), attempted to add an amendment appropriating \$500,000 from the general fund to pay legal fees of landowners or counties if a lawsuit is brought by the band. The amendment was defeated 23-36.

An amendment offered by Sen. Gene Merriam (DFL-Coon Rapids), requires the commissioner of natural resources and the attorney general to seek a determination of rights of the Band under the treaty. The amendment deletes all other provisions in the bill. The amendment failed on a 26-39 vote.

An amendment by Sen. Pat Pariseau (IR-Farmington), permits non-band members to harvest one-half of the harvestable surplus, including any surplus in the treaty fishing zone. However, the amendment failed to gain approval.

An amendment by Stevens to exclude the transfer of land with a public access to waters was also defeated. Stevens said the amendment was an attempt to preserve the public access on the west shore of Lake Mille Lacs.

## Saturday, May 1

### Teen work curfew

High school students cannot work past 11:00 p.m. on school nights, under S.F. 53--unless they have a note from their parents. On a vote of 34-30, the full Senate passed the bill, authored by Sen.

Leonard Price (DFL-Woodbury), on Special Orders Sat., May 1.

Price's original bill prohibited students who are under age 18 from working past 11:00 p.m. on a school night or before 5:00 a.m. on a school day. Under the original bill, students could work until 11:30 p.m. if they had a note from a parent. However, Sen. Gen Olson (IR-Minnetrista) sponsored an amendment that allows a students to work any time--if they can produce a note from a parent. Senators approved the Olson amendment on a vote of 35-28. The proposal provides for fines and penalties against employers who violate the law. According to the bill, any employer who knowingly employs a child in violation of the law is guilty of a gross misdemeanor if the violation results in the death or substantial bodily harm of a child.

### Waste management changes okayed

In other action Sat., May 1, Senators also granted final passage to S.F. 271, authored by Sen. Janet Johnson (DFL-North Branch). Johnson outlined the major provision in the bill, which makes changes to the Waste Management Act. Johnson noted the importance of recycling, pointing out that the bill encourages local units of government to use purchasing techniques to reduce waste and to develop markets for recycled products. She said the bill also, among other things, prohibits the disposal of unprocessed mixed municipal solid waste; requires collectors of commercial waste to disclose where they deposit waste; and requires electric utilities to encourage the use of fluorescent and high intensity discharge lamps and to collect spent lamps.

Johnson gained support for an amendment that sets up a packaging advisory council and requires the Office of Waste Management to develop a statewide education campaign that addresses concerns relating to the reduction, reuse, recycling, recycled content, composting, resource recovery and disposal of packaging materials. The education campaign must "inform consumers of their the right to remove unwanted packaging at the point of sale and to leave it with the seller, keeping in mind preservation of the safety and sanitation of the seller's establishment."

Members engaged in a lengthy debate over an amendment, also sponsored by Johnson, that calls for the establishment of uniform labels on hazardous products.

At a minimum, the labels must include a warning that, as waste, the product contains a hazardous material that can harm the environment if not properly managed, in addition to information for proper management or disposal of the waste product.

Johnson said the amendment aims to reduce the amount of hazardous waste that goes into landfills, eventually poisoning ground water and wreaking havoc on the environment. Opponents of the amendment said the labeling requirements would hamper interstate commerce and reduce the availability of some consumer products in Minnesota. Sen. Thomas Neuville (IR-Northfield) made a motion to change the effective date of the labeling requirements on the Johnson amendment from Jan. 1, 1996 to Jan. 1, 2000. Speaking against the Neuville motion, Johnson said the measure is too important to wait until the year 2000. Neuville countered by saying that more time was needed to sort through the complexities of the issue and to analyze how it relates to federal proposals for labeling requirements. After voting in favor of the Neuville motion on a vote of 38-27, Senators approved the Johnson amendment.

The Senate passed the bill on a final vote of 60-4.

## Monday, May 3

### Health care bill approved

Senators devoted much of the Mon., May 3, floor session to the health care reform bill, sponsored by Sen. Linda Berglin (DFL-Mpls.). After lengthy debate, the Senate granted final passage to H.F. 1178 on a 52 to 14 roll call vote.

Under the bill, Integrated Service Networks (ISNs) and a regulated all-payor system governing all health care services provided outside of an Integrated Service Network are established. In addition, the bill establishes data reporting and collection requirements and establishes of a drug volume purchasing program that would allow the state to negotiate volume discounts from drug distributors and manufacturers for participating organizations.

Among the substantive changes, Berglin successfully amended H.F. 1178 to address compliance with expenditure limits and require that contracts and data on the payments, salaries and other remuneration paid to for-profit firms, affiliates, or to persons for administrative expenses, services contracts, and manage-

ment of the ISN be made available to the commissioner upon request. The amendment also allows the commissioner to review any contract to determine whether it complies with provisions of the bill and require replacement of the provisions that are not in compliance. Another Berglin amendment requires that an association which does not qualify as a small employer and has been in existence prior to July 1, 1993, must comply with all requirements in providing coverage to new groups after July 1, 1993. The amendment was adopted.

Senators also adopted an amendment, offered by Sen. Cal Larson (IR-Fergus Falls), that allows all health carriers governed under the bill to provide a nonsmoker's discount for individual health plans offered in Minnesota. The amendment was adopted.

An amendment, offered by Sen. Harold "Skip" Finn (DFL-Cass Lake), requires a person selling the coverage or enrollment to disclose to the prospective purchaser the amount of any commission or other compensation, excluding renewal commissions, the person will receive as a direct result of the sale. Another Finn amendment requires the commissioners of health and commerce to study and report to the legislature the amount of money spent by nonprofit health insurance companies on compensation, salaries, bonuses, incentive clauses, and contracts for management and consulting services during a specified time period. Both Finn amendments were adopted.

Three additional amendments were also approved. The first, offered by Sen. Kevin Chandler (DFL-White Bear Lake), prohibits manufacturers or wholesale drug distributors from giving "gifts of value" to a practitioner. The second, offered by Sen. LeRoy Stumpf (DFL-Thief River Falls), increases the loss ratio standards for individual and small employer policies. Sen. William Luther (DFL-Brooklyn Park) also gained approval of an amendment that increases the use of generic drugs.

Several amendments failed to gain Senate approval. Larson offered an amendment that allows for-profit organizations to set up ISNs. Larson said that in their recommendation, the Minnesota Health Care Commission encouraged formation of ISNs by for-profit ISNs and questioned why Berglin's bill excluded the specific recommendation. Berglin countered that formation of a non-profit ISN is the only way to maintain accountability for the money involved. The amendment failed to gain approval by a

roll call vote of 37 to 22. Another amendment, offered by Sen. Florian Chmielewski (DFL-Sturgeon Lake), requires that the rules establishing the standardized benefit plans to permit coverage of abortion services only to the extent allowed under the Medical Assistance program. Berglin, opposing the amendment, said that the bill "is not an abortion issue and, as it stands, does not mandate coverage." The amendment was defeated on a roll call vote of 28-37.

Sen. Sandra Pappas (DFL-St. Paul) offered an amendment that requires a study of the administrative cost of paying Minnesota health care providers through the multiple payors that currently reimburse Minnesota providers. The Minnesota Health Care Commission must also analyze the administrative costs of paying providers through one state government agency and through one private sector health carrier. Sen. Ted Mondale (DFL-St. Louis Park) successfully amended the Pappas amendment to include a provision that the commission must study the different types of administrative expenses and differentiate between administrative costs that relate solely to the operation of the claims-paying entity and those costs that relate toward expansion of access and enhancement of the quality of care." The amendment as amended was not adopted.

Sen. Leonard Price (DFL-Woodbury) offered an amendment changing the bill's seatbelt requirement to provide that a peace officer may not issue a citation to a driver for failure to wear a seatbelt unless it is a secondary offense. Berglin successfully countered that without the seatbelt requirement, onerous costs to Minnesota's health care system will continue to increase. "It's the one part of the bill asking us to be a bit more responsible," said Berglin.

On a roll call vote of 20 to 43, senators also defeated a proposal, offered by Finn, that phases in higher loss ratios on group health care insurance policies in a shorter period of time than originally proposed under the bill.

In other floor action, Senators revised the Senate Rules and the Joint Rules. Legislators took action on several changes to the rules offered by Luther. To address the long distance telephone bill controversy, Luther successfully amended the rules to require that long distance telephone services paid by the Senate be for only Senate-related business and that records and calls related to services and purchase of supplies be open for review. Sen. Thomas Neuville (IR-Northfield)

amended the Luther amendment to require adoption of administrative controls to ensure that each member is accountable for the member's own long distance telephone calls.

In addition, Luther amended the rules to ban smoking in any Senate-controlled space and to require that bills be sent to a finance division of a full committee upon request of the division chair. Senators also approved the Senate and House of Representatives Joint Rules.

## Tuesday, May 4

### Lottery squeaks through

In addition to taking a "sense of the Senate" vote on a transportation and public transit funding package, other highlights of the Tues., May 4, floor session included debate on the omnibus lawful gambling bill and the defeat of a measure to regulate tanning parlors.

The omnibus lawful gambling bill, S.F. 103, sponsored by Sen. Charles Berg (DFL-Chokio), makes numerous changes in the laws regulating gaming in Minnesota. The focus of debate, though, was on an amendment to abolish the Minnesota Lottery June 30, 1995. According to the amendment's sponsor, Sen. Steve Dille (IR-Dassel), the state's sponsorship of the lottery is sending the wrong message.

"The state is promoting the idea that people can get ahead by gambling rather than by education and hard work," Dille said. The amendment was defeated on a narrow 30-31 roll call vote.

The omnibus lawful gambling bill was developed over the course of the session by the Gaming Regulation Committee. The measure specifies that individuals must be at least 18 years of age in order to gamble; permits charitable gaming organizations to pay the greater of 50 percent of their property taxes or \$15,000 and all of their real estate taxes if construction or expansion of the facility began before Aug. 1, 1990; provides that expenditures for activities for people over 55 or natural resource projects are lawful expenditures; and allows lawful gambling organizations to spend the lesser of five percent of the gross profits or \$5,000 for advertising. The bill was approved on a vote of 60-0.

Senators also defeated a proposal to bring tanning facilities under regulation. S.F. 751, authored by Sen. Sandra Pappas (DFL-St. Paul), also requires warning notices, establishes record keeping requirements and prescribes penalties for violations. The measure was defeated on a 28-32 roll call vote. However, Weds.,



# Committee update

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May 5, Sen. Steven Morse (DFL-Dakota) moved that the bill be reconsidered. The motion prevailed and the Senate once again considered the bill for final passage. Morse offered an amendment, deleting a controversial portion of the measure, that was adopted. The bill then gained final passage on a vote of 38-26.

## Wednesday, May 5

### Foster care, adoption bill passes

Passage for H.F. 994 occurred during the floor session, Wed., May 5. The bill, authored by Sen. Allan Spear (DFL-Mpls.), makes changes to current foster care and adoption placement laws, but no longer makes changes to the Minority Heritage Act as it had originally. The changes are intended to meet requirements for racial placement from the

outset and to prevent the unnecessary removal of a child from an established home.

Spear said that all efforts will be made up front to maintain the racial heritage of every child. However, if no suitable families of the same race are available for out-of-home placement, the child will be placed with another family and will not be removed at a later date solely on the basis of race. Spear said that his concern is that too often "children are not given the chance to establish a stable relationship with a single family," and that this need takes precedence.

Spear also indicated that, while it is preferable to place a child with a suitable relative, relative searches are limited to six months so that, if no relative is found, another permanent home can be established. Multiple foster care placements are

limited to just one additional placement under the bill, thus preventing a child from being moved numerous times. The bill also specifies that placements be reviewed every six months to ensure suitability. Also, a hearing must be conducted not more than 12 months after an out-of-home placement to determine if the child is to be returned to their parents or if permanent placement is to be sought.

The bill was given final passage on a vote of 59-3.

### Preview

It is anticipated that the Senate will meet in session daily the week of May 10-14. For more current information regarding the scheduling of session and conference committees, please call the Senate Information Office at (612) 296-0504.

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# Floor action

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## For April 30-May 6

### Friday, April 30

#### Bills granted final passage on Special Orders--April 30

**H.F. 134-Samuelson:** Requiring licensed optometrists to be certified by the Board of Optometry to prescribe topical legend drugs; authorizing the prescription of topical legend drugs by licensed optometrists who are board certified; and modifying the definition of practice of medicine. 47-17

**S.F. 1046-Pappas:** Prohibiting persons from interfering with access to medical facilities; prescribing penalties and authorizing civil and equitable remedies. 41-24

**S.F. 1619-Morse:** Resolving the claims raised by the Mille Lacs Band of Chippewa Indians regarding hunting, fishing, and gathering rights under treaty. 40-25

### Saturday, May 1

#### Bills granted final passage on Special Orders--May 1

**H.F. 287-Johnson, J.B.:** Making numerous changes in laws relating to waste management and encouraging local government units to use purchasing techniques to reduce waste and develop markets for recycled products. 60-4

**H.F. 1199-Flynn:** Relating to state government and the Legislative Commission on Employee Relations and ratifying salaries and a bargaining agreement. 60-0

**S.F. 53-Price:** Regulating the employment of children; establishing a child labor curfew; and providing penalties. 34-30

**S.F. 869-Lessard:** Providing for the prevention and suppression of wildfires and providing penalties. 50-10

**H.F. 139-Adkins:** Authorizing the establishment of a detached banking facility in the town of Santiago. 59-0

**H.F. 43-Sams:** Allocating funding for town bridges replaced by culverts when replacement does not exceed \$20,000 and authorizing the establishment of a sign franchise program for the purpose of providing specific information on gas, food, camping, and lodging. 57-1

**S.F. 131-Hanson:** Restricting authority of regular route common carriers of passengers to depart from their authorized routes. 47-10

**S.F. 1367-Chandler:** Authorizing administrative penalty orders for violations of provisions relating to hazardous chemical reporting requirements. 41-19

**S.F. 693-Merriam:** Clarifying, modifying and expanding rulemaking authority and other powers and duties of the commissioner of natural resources relating to game and fish, wild rice, stromatolites, and cross-country ski passes. 58-0

**S.F. 1081-Pogemiller:** Redrawing the boundaries of Metropolitan Council districts. 56-5

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- H.F. 1228-Pogemiller:** Providing for the retention of pension coverage for specific transferred employees. 62-0  
**H.F. 785-Pogemiller:** Relating to survivor benefits payable by the Minneapolis Police Relief Association. 62-0  
**H.F. 807-Pogemiller:** Setting service pension rates of the Minneapolis Fire Department Relief Association. 60-0  
**S.F. 1187-Pogemiller:** Clarifying the Uniform Anatomical Gift Act by retroactively defining organ donation as the rendition of a service. 63-0  
**H.F. 270-Pogemiller:** Authorizing payment of refunds to the estates of certain deceased St. Paul firefighters. 63-0  
**H.F. 385-Sams:** Providing a time limit for actions related to the right of first refusal. 62-0  
**H.F. 1442-Novak:** Providing for exclusions from salary in computing Police Relief Association retirement benefits and permitting a contribution with interest by a member for past service with the city of Columbia Heights. 64-0  
**S.F. 968-Berglin:** Changing the distribution scheme for money appropriated for the foodshelf program. 64-0

#### **Bills granted concurrence and repassage--May 1**

- S.F. 44-Berglin:** Making trust provisions related to public assistance eligibility unenforceable as against public policy; clarifying availability of trusts in determining eligibility for medical assistance and other benefit programs; and defining supplemental needs trusts. 64-0

#### **Monday, May 3**

##### **Bills granted final passage on Special Orders--May 3**

- H.F. 1749-Merriam:** Bonding bill. Authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature. 67-0

##### **Bills granted final passage under suspension of rules--May 3**

- H.F. 1178-Berglin:** Implementing recommendations of the Minnesota Health Care Commission; defining and regulating integrated service networks; requiring regulation of all health care services not provided through integrated service networks; and establishing other cost containment measures. 52-14

##### **Bills granted concurrence and repassage--May 3**

- S.F. 50-Vickerman:** Authorizing the operation of recreational vehicle combinations with restrictions. 50-0  
**S.F. 485--Neuville:** Providing for the civil service status of specific officers of the city of Faribault and providing postretirement adjustments payable from the Faribault fire consolidation account. 57-1  
**S.F. 848-Janezich:** Providing for mineral leasing, environmental research and protection, exploratory mineral borings and data, lean ore stockpile removal, and oil and gas well spacing, pooling and utilization. 59-0

#### **Tuesday, May 4**

##### **Bills granted final passage on Special Orders--May 4**

- S.F. 521-Hottinger:** Permitting minors to give consent for a hepatitis B vaccination and establishing procedures and programs relating to tuberculosis. 55-0  
**S.F. 1297-Luther:** Establishing a procedure for issuance, denial, revocation, and suspension of licenses by the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, and certified Interior Designer. 55-0  
**S.F. 1114-Luther:** Regulating franchise assignments, transfers, and sales. 55-0  
**S.F. 157-Luther:** Authorizing the purchase of prior service credit in the public employees police and fire fund by two employees of the city of Minneapolis. 56-0  
**H.F. 20-Beckman:** A resolution memorializing the United States secretary of agriculture to establish higher price supports for grain commodities. 50-7  
**H.F. 1398-Novak:** Directing the commissioner of transportation to study and report on traffic safety improvement measures in residential neighborhoods. 52-3  
**S.F. 253-Marty:** Clarifying the training requirements for private detectives and security guards. 60-0  
**H.F. 168-Beckman:** Authorizing state agencies to enter into contracts with regional organizations. 58-0  
**H.F. 732-McGowan:** Exempting law enforcement agencies from the requirements of the criminal offender rehabilitation employment law. 59-0  
**S.F. 103-Berg:** Omnibus lawful gaming bill. Making numerous changes to statutes governing lawful gambling. 60-0  
**S.F. 1054-Wiener:** Providing for reports on advisory task forces committees and councils; providing for their expirations; and eliminating some advisory bodies. 55-1  
**H.F. 947-Stevens:** Authorizing sale of tax-forfeited lands that border public water in Sherburne and Stearns Counties. 59-0  
**H.F. 854-Olson:** Eliminating the driver's license endorsement requirement for special transportation service drivers. 52-0  
**H.F. 622-Marty:** Providing long-term protection of agricultural land in the Metropolitan Area. 56-0  
**H.F. 974-Pappas:** Clarifying the duties and powers of the Capitol Area Architectural and Planning Board. 59-0  
**S.F. 868-Kiscaden:** Relating to human services; adding conditions on the availability of funds; changing conditions on adoption assistance agreement; changing reimbursement of costs; and determining program funding. 56-0
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Wednesday, May 5

**Bills granted final passage on Special Orders--May 5**

- H.F. 648-Lessard: Permitting Itasca and Polk Counties to consolidate the offices of auditor and treasurer. 44-3
- H.F. 962-Riveness: Requires a classroom noise study in neighborhoods near the Mpls.-St. Paul International Airport. 44-14.
- H.F. 1169-Ranum: Requiring the Metropolitan Transit Commission to obtain consent to use parkways, including use of the parkways for temporary detour permits. 54-0
- S.F. 1032-Chandler: Regulating prize notices; requiring disclosures by solicitors; and providing penalties and remedies. 55-0
- H.F. 1205-Kelly: Making the housing calendar consolidation projects in the second and fourth judicial districts permanent law and providing that the law requiring fines collected for violations of building repair orders must be used for the housing calendar consolidation projects is permanent. 52-0
- S.F. 853-Stumpf: Omnibus firefighters pension bill; making changes in laws governing Volunteer Firefighters Relief Associations. 58-0
- H.F. 1018-Reichgott: Requiring biennial registration of limited liability companies. 57-0
- H.F. 1454-Dille: Permitting the city of Hutchinson to erect a specific sign. 48-1
- S.F. 1413-Chandler: Modifying provisions relating to charges by nursing homes in workers compensation cases. 55-0
- H.F. 889-Metzen: Department of Trade and Economic Development housekeeping bill, making numerous changes and clarifications to provisions relating to the department. 56-0
- H.F. 1058-Novak: Modifying action to recover leased premises; providing for actions for destruction of leased residential rental property; and allowing expedited proceedings. 66-0
- H.F. 1579-Pogemiller: Bond allocation bill. Changing procedures for allocating tax credits and changing procedures for allocating bonding authority. 58-0
- S.F. 1290-Riveness: Permitting the cities of Bloomington, Edina, Richfield, Eden Prairie, Minnetonka, Maple Grove and Plymouth to establish a transportation demand management program and providing for a transportation demand management plan for the Capitol complex. 60-0
- H.F. 874-Belanger: Authorizing cities of the second class to establish programs for citizen enforcement of laws governing parking spaces for persons with disabilities. 60-0
- S.F. 550-Dille: Regulating activities relating to wild hogs; creating a restricted species task force; and providing penalties for violation. 60-0
- S.F. 264-Anderson: Housing Finance Agency housekeeping measure. 59-0
- H.F. 1311-Metzen: Providing for the continuation of the Mississippi River Parkway Commission. 61-0
- S.F. 832-Hottinger: Regulating athletic trainers; establishing an advisory council; providing for registration; and requiring fees. 61-0
- S.F. 338-Johnson, J.B.: Creating Minnesota Business Finance, Inc. to provide capital for commercial borrowers through the Small Business Administration; providing for the powers and duties of a board of directors and employees; and transferring funds from the certified development company established under the Dept. of Trade and Economic Development to the new corporation. 61-0
- H.F. 584-Johnson, J.B.: Regulating telephone service to communication-impaired persons. 55-0
- H.F. 994-Spear: Relating to foster care and adoption placement; specifying time limits for compliance with placement preferences; and setting standards for changing out-of-home placement. 59-3
- S.F. 947-Stevens: Permitting the sale of tax forfeited land bordering public waters in Sherburne and Stearns Counties. 61-0

**Reconsideration and final passage--May 5**

- S.F. 751-Pappas: Providing for regulation of tanning facilities.

**Conference Committee reports adopted and repassed--May 5**

- S.F. 1503-Beckman: Omnibus crime prevention finance bill. 60-6

Thursday, May 6

**Bills granted final passage on Special Orders--May 6**

- H.F. 1133-Johnson, J.B.: Directing the Public Service Department to evaluate and implement a policy to promote the use of motor vehicles powered by alternate fuels. 54-0
- S.F. 894-Stevens: Imposing licensing requirements for general merchandise storage warehouses and providing bond claim procedures. 52-1
- S.F. 296-Knutson: Requiring parents' social security numbers at birth and modifying various child support provisions. 54-0

- S.F. 544-Murphy:** Providing that not informing a worker that a union representative may be present for specific meetings is an unfair labor practice. 37-27
- H.F. 554-Chandler:** Requiring roofers to be licensed by the state; providing for temporary licenses and fees; and authorizing actions against lapsed licenses. 49-11
- S.F. 788-Johnson, J.B.:** Clarifying maximum energy consumption requirements for exit lamps; eliminating advance forecast reporting requirements for public electric utilities submitting advance forecasts in an integrated resource plan; updating the municipal energy conservation loan program and eliminating the district heating loan program. 56-0
- H.F. 988-Stumpf:** Allowing the taking of two deer in designated counties. 55-0
- H.F. 1402-Stumpf:** Amending requirements relating to replacement of wetlands and modifying exemptions. 50-0
- S.F. 826-Price:** Allowing counties to impose fees or interest on late payments. 58-0
- S.F. 1226-Price:** Clarifying the duties of the Minnesota Comprehensive Health Association; the authority of the commissioner of commerce; and provides for establishing insurance premium rates. 56-0
- H.F. 165-Morse:** Prohibiting state permits for construction of hydropower facilities on the bluffs of the Mississippi River overlooking Lake Pepin. 54-0
- S.F. 1064-Morse:** Providing for alternative retirement coverage for state university and community college teachers. 48-0
- S.F. 141-Reichgott:** Relating to uniform acts; enacting the Minnesota Common Interest Ownership Act. 58-0
- H.F. 951-Solon:** Authorizing the transfer of money from the gas division account in the public utility fund to the general fund. 57-0
- H.F. 427-Pappas:** Making technical corrections and administrative changes to sales and use taxes, income and franchise taxes, property taxes, and tax administration and enforcement. 57-0
- S.F. 304-Olson:** Requiring aquatic pest control applicators to be licensed and establishing the categories of commercial aquatic applicator and certified aquatic commercial aquatic applicator. 57-0
- H.F. 238-Johnston:** Providing that metropolitan town elections may take place on the general election day. 53-1
- S.F. 1320-Murphy:** Requiring changes in college preparation requirements. 50-0
- H.F. 571-Morse:** Extending dates for per pupil revenue option; authorizing contracts with school board members and with the spouses of school district employees. 48-0
- S.F. 785-Chandler:** Establishing rights and duties in relation to union organization; providing that specific acts are an unfair labor practice and proposing penalties. 37-27
- H.F. 1151-Langseth:** Requiring sugar beet growers to make wage payments at least every 30 days. 63-0
- H.F. 964-Chmielewski:** Relating to public safety: authorizing the commissioner of public safety to apply for federal natural disaster assistance funds. 61-0
- S.F. 1115-Berg:** Modifying provisions relating to aquaculture; providing penalties and appropriating money. 63-0
- S.F. 694-Marty:** Omnibus DWI bill; increasing driver's license revocation periods and restricting issuance of limited licenses to persons convicted of DWI, to comply with federal standards; increasing penalties for DWI with a child under 16 in the vehicle; establishing misdemeanor offense of operating a motor vehicle by a minor with alcohol concentration greater than 0.02 percent; providing for implied consent to test minor's blood, breath, or urine and making refusal to take the test a crime; authorizing vehicle forfeiture upon second conviction. 54-8
- S.F. 1232-Luther:** A resolution memorializing Congress to consider the impact of the North American Free Trade Agreement on state sovereignty, the need for full legislative deliberation, and the withdrawal of NAFTA from the current fast-track procedures. 41-18
- S.F. 937-Riveness:** Providing for the benefit computation for members of the Bloomington Police Relief Association. 60-0
- H.F. 1063-Wiener:** Relating to currency exchanges; changing the date for submission of license renewal applications; and altering the procedures for confirmation of notary publics. 60-0

#### **Bills granted concurrence and final passage--May 6**

- S.F. 911-Metzen:** Requiring the commissioner of the Bureau of Mediation Services to designate separate units for peace officers and other essential employees at the require of either group of employees 48-0
- S.F. 181-Reichgott:** Making technical changes to the laws governing limited liability companies. 51-0

#### **Conference committee reports adopted and repassed--May 6**

- H.F. 1408-McGowan:** Redefining terms in the plant pest act and exempting specific nonprofit organizations from the requirement for a nursery stock dealer certificate. 50-1

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## Senate Members --- 1993 Session

Party	Phone	Name	Room	Dist.	Party	Phone	Name	Room	Dist.
DFL	296-5981	Adkins, Betty A.	309	Cap. 19	DFL	8869	Luther, William P.	205	Cap. 47
DFL	5537	Anderson, Ellen R.	G-27	Cap. 66	DFL	5645	Marty, John	G-9	Cap. 54
DFL	5713	Beckman, Tracy L.	301	Cap. 26	IR	2159	McGowan, Patrick D.	129	SOB 33
IR	5975	Belanger, William V., Jr.	113	SOB 41	DFL	4154	Merriam, Gene	122	Cap. 49
IR	3903	Benson, Duane D.	119	SOB 31	DFL	4370	Metzen, James P.	303	Cap. 39
IR	6455	Benson, Joanne E.	153	SOB 16	DFL	2577	Moe, Roger D.	208	Cap. 2
DFL	5094	Berg, Charles A.	328	Cap. 13	DFL	7-8065	Mondale, Ted A.	309	Cap. 44
DFL	4261	Berglin, Linda	G-9	Cap. 61	DFL	5649	Morse, Steven	G-24	Cap. 32
DFL	2084	Bertram, Joe, Sr.	323	Cap. 14	DFL	4264	Murphy, Steve L.	226	Cap. 29
DFL	2556	Betzold, Don	G-24	Cap. 48	IR	1279	Neuville, Thomas M.	123	SOB 25
DFL	9307	Chandler, Kevin M.	111	Cap. 55	DFL	4334	Novak, Steven G.	322	Cap. 52
DFL	4182	Chmielewski, Florian	325	Cap. 8	IR	4837	Oliver, Edward C.	121	SOB 43
DFL	5931	Cohen, Richard J.	317	Cap. 64	IR	1282	Olson, Gen	131	SOB 34
IR	9457	Day, Dick	105	SOB 28	DFL	1802	Pappas, Sandra L.	G-27	Cap. 65
IR	4131	Dille, Steve	103	SOB 20	IR	5252	Pariseau, Pat	109	SOB 37
DFL	6128	Finn, Harold R. "Skip"	306	Cap. 4	DFL	9248	Piper, Pat	G-9	Cap. 27
DFL	4274	Flynn, Carol	G-29	Cap. 62	DFL	7809	Pogemiller, Lawrence J.	235	Cap. 59
IR	8138	Frederickson, Dennis R.	139	SOB 23	DFL	7-8060	Price, Leonard R.	235	Cap. 57
DFL	3219	Hanson, Paula E.	328	Cap. 50	DFL	7-8061	Ranum, Jane B.	325	Cap. 63
DFL	6153	Hottinger, John C.	G-29	Cap. 24	DFL	2889	Reichgott, Ember D.	306	Cap. 46
DFL	8017	Janezich, Jerry R.	328	Cap. 5	DFL	7-8062	Riveness, Phil J.	317	Cap. 40
IR	3826	Johnson, Dean E.	147	SOB 15	IR	4314	Robertson, Martha R.	125	SOB 45
DFL	8881	Johnson, Douglas J.	205	Cap. 6	IR	1253	Runbeck, Linda	107	SOB 53
DFL	5419	Johnson, Janet B.	322	Cap. 18	DFL	7-8063	Sams, Dallas C.	G-9	Cap. 11
IR	4123	Johnston, Terry D.	117	SOB 35	DFL	4875	Samuelson, Don	124	Cap. 12
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DFL	3205	Langseth, Keith	G-24	Cap. 9	DFL	7-8073	Wiener, Deanna	303	Cap. 38
IR	5655	Larson, Cal	145	SOB 10	<b>Capitol or State Office Building, St. Paul, MN 55155</b> <b>TDD number 296-0250</b> <b>Senate Information 296-0504</b>				
IR	4125	Lesewski, Arlene J.	135	SOB 21					
DFL	4136	Lessard, Bob	111	Cap. 3					



# Briefly

MAY 14 1993

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The Minnesota Senate Week in Review

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May 14, 1993

## Major bills processed

Members of the Senate devoted the final full week of the 1993 regular session to daily floor sessions and to hammering out differences in various bills in conference committees. Most of the major conference committees have either finished or are close to finishing work on the budget bills and other significant pieces of legislation.

At press time, Senators had processed the conference committee reports on the tax bill, the crime prevention finance bill, the environment and natural resources finance bill, the jobs, energy and community development funding bill, the state government finance bill, the campaign reform bill, and a host of other measures. Still to be processed are the conference committee reports on the omnibus street crime prevention bill, the transportation and public transit finance bill, the waste management bill, the K-12 education funding bill, the higher education funding bill, and the health care and family services funding bill. The latter three bills were scheduled for consideration by the Senate late Thurs., May 13 or Fri., May 14.

The Legislature must adjourn Mon., May 17, under the provisions of the state constitution.

## Anti-street crime bill passed

One of the highlights of the Fri., May 7, floor session was debate on the omnibus street crime prevention bill. H.F. 1585, authored by Sen. Randy Kelly (DFL-St. Paul), takes aim at escalating violence by providing for stricter penalties for crimes involving firearms and by providing for crime prevention programs.

Kelly said that passage of the bill is especially important for the women and children of Minnesota. "We're sick of the violence," said Kelly. The bill includes harsher penalties for drive-by shootings, provides for a 7-day waiting period for persons wishing to buy military assault type weapons and specifies a penalty of life without parole for persons convicted of killing a police officer.

The bill also specifies that terroristic threats are a crime of violence, that it is a

felony to bring firearms onto school grounds, and that vehicles used in drive-by shootings are subject to forfeiture. The measure also authorizes crime prevention programs such as an Asian-American juvenile crime intervention and prevention grant program aimed at providing family-based crime intervention services. Another program authorized under the bill is designed to enrich the educational, cultural, or recreational opportunities of at-risk elementary or secondary school age youth. The measure also creates a higher education center on violence and abuse to make sure that professionals with responsibilities toward victims and offenders have the knowledge and skills needed to prevent and respond appropriately to the problems of violence and abuse. Finally, the bill also places some divisions within the Dept. of Public Safety in other agencies and sets up the Bureau of Criminal Apprehension as an independent agency.

Most of the debate centered on an amendment, offered by Sen. Pat McGowan (IR-Maple Grove), making it a felony to knowingly transmit the HIV virus. McGowan argued that the amendment is designed to make people responsible for their actions. Sen. Allan Spear (DFL-Mpls.), countered that Minnesota already has a responsible public health procedure in place to deal with people who intentionally spread the virus. The amendment was defeated on a 32-32 roll call vote.

Two amendments, offered by Sen. Don Betzold (DFL-Fridley), were adopted. The first provides for penalties for cruelty to animals and the second provides penalties for disturbing Indian burial grounds. The bill gained final passage on a vote of 40-25.

## Gender balance bill okayed

A bill calling for gender balance in the memberships of multimember advisory agencies appointed by the executive, legislative and judicial branches was debated on the floor of the Senate, Thurs., May 13. H.F. 31, carried by Sen. Sandra Pappas (DFL-St. Paul), requires that all appointed multimember agencies

in the executive, legislative, and judicial branches of state government be gender balanced.

Sen. Ember Reichgott (DFL-New Hope), moving to exempt the legislative branch from the bill, said the measure would force a small number of female Legislators to serve on an inordinate number of legislative boards and commissions. Pappas added that when women, who currently make up 27 percent of the Legislature, increase their representation to 50 percent, the notion of gender balance will be achievable. Several Senators, speaking in vehement opposition to the amendment, claimed it creates a double standard by exempting Legislators from a law that applies to the other branches of government. "We need to be under the same laws as others," contended Sen. Dennis Frederickson (IR-New Ulm). However, the amendment was adopted 28-18.

Under the bill as amended, no person of the "overrepresented gender" may be appointed or reappointed to a vacant multimember advisory agency position within the executive and judicial branches, if the appointment would create a gender imbalance. Furthermore, appointing authorities are required to ensure that the membership of agencies reflect racial, gender, geographic, and socioeconomic diversity to the "greatest extent possible."

In response to concerns that there may not be enough qualified women to accept agency appointments, Pappas pointed out that the bill contains a clause allowing gender imbalance if the agency serves the needs of a specific gender-defined population; or after a good faith effort to achieve gender balance, the appointing authority has been unable to find enough persons of the underrepresented gender who are willing and able to serve.

After lengthy debate over Sen. Roy Terwilliger's proposal to retain only the provision in the bill that requires appointing authorities to make an overall good faith effort to be gender-balanced, Senators defeated the amendment by 5 votes. H.F. 31 was passed on a 34-24 roll call vote.

# Committee update

## Finance

### Several bills okayed

Members of the Finance Committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), met late into the night on Friday, May 7, to approve the following bills and sent them to the full Senate.

Among the eighteen bills approved, were two bills carried by Sen. Steven Novak (DFL-New Brighton). The first bill to gain support establishes an employee wage protection act. S.F. 1314 provides for an annual appropriation of \$200,000 to a special account to be paid to employees in the event the employer becomes unable to pay due or owed wages. Novak explained that, under the bill, the Dept. of Labor and Industry will file a claim against the employer in an attempt to recover costs and disbursements as well as attorney fees and a penalty of 25 percent of all wages owed by the employer. The bill was amended to stipulate that the department's obligation to make payments from the account is limited to the amount appropriated and that after the fund is exhausted, no further obligation may be incurred.

The second Novak bill provides for passive bioremediation, allows for more efficient for petroleum tank release cleanups and establishes a fee schedule of costs or criteria for evaluating reasonableness of costs submitted for reimbursement. H.F. 514 adjusts the reimbursement rate to allow payment for 90 percent of the total reimbursement costs on the first \$250,000 and 75 percent on any remaining costs on a site. Sen. Steven Morse (DFL-Dakota) amended the bill, incorporating language from S.F. 1100, to increase the cargo threshold of oil or hazardous substance at which truck operators must comply with specific requirements, and allows for an abbreviated preparedness plan for trucks with cargo of an average monthly aggregate total of 10,000 gallons and for tank facilities that store between 10,000 and 1 million gallons of oil or hazardous substances.

Novak successfully offered an amendment that provides that an unrecovered petroleum discharge of five gallons or less does not require notification, but specifies that passive bioremediation must be used for petroleum tank cleanups whenever an assessment of the site determines that there is a low potential risk to public health and the environment. The bill was further amended by Sen. Randy Kelly

(DFL-St. Paul) to provide an appropriation of \$1.296 million in FY 94-95 to the petroleum tank release compensation board for providing staff support.

Next on the agenda, Sen. Ted Mondale (DFL-St. Louis Park), presented H.F. 1436. The legislation carries a special fund appropriation of \$2.3 million to the PCA to reimburse the city of Hopkins for costs incurred to remediate methane at the city's landfill.

Members next approved a bill that permits the sale of credit involuntary unemployment insurance. S.F. 683, carried by Sen. John Hottinger (DFL-Mankato), appropriates approximately \$48,000 to the Dept. of Commerce for rulemaking purposes. A Hottinger amendment specifies that until four or more insurers, who plan to write such insurance policies, agree to pay for the cost of rule promulgation, the department will not begin the rulemaking process.

S.F. 1524, offered by Sen. Paula Hanson (DFL-Ham Lake), increases the fine for a speeding violation. The bill, approved by the committee, assesses an additional surcharge of up to \$25 to speeding in a highway work zone. The measure contains a \$50,000 appropriation in FY94-95 to Mn/DOT for highway work zone safety enforcement and public education efforts.

S.F. 908 was also approved. The bill changes the eligibility and participation requirements for a beginning farmer loan or a seller-sponsored loan. In addition to imposing a \$50 application fee, the bill, offered by Sen. Joe Bertram, Sr. (DFL-Paynesville) calls for eligible lenders to retain at least 55 percent of the loan and increases the state participation to \$100,000. An amendment, offered by Morse, appropriates money to provide for provisions under the bill.

Sen. Dallas Sams (DFL-Staples) sponsored two legislative proposals: S.F. 861, a bill that increases the dollar limit of agriculture improvement direct loans to \$50,000 and appropriates \$60,000 for the program; and H.F. 1060, a measure that specifies that the requirement for a beginning farmer loan to participate in a farm management program may be waived if the participant has either a four year degree in an agricultural program or certification as an adult farm management instructor. The committee approved an appropriation under H.F. 1060 of \$41,000 to the commissioner of agriculture for the loan restructuring program. S.F. 579, carried by Sen. James Metzen

(DFL-South St. Paul), also gained committee approval. The bill increases the pension benefit multiplier for the public employees police and fire fund. According to Metzen, local approval is necessary for the pension increase from 2.5 percent per year of allowable service to 2.65 percent.

S.F. 867, a bill establishing the automobile theft prevention board cleared the committee after the panel amended the bill to specify that not more than ten percent of the combined appropriation of \$2.79 million can be spent for administrative and operating costs. In addition, the amendment specified that the Dept. of Public Safety must provide office space and administrative support staff.

Presenting H.F. 984, Sen. Phil Riveness (DFL-Bloomington), gained approval for a measure containing provisions for the Dept. of Administration. Among the financial provisions contained within the bill, \$200,000 is appropriated from the 911 emergency telephone service account to provide emergency poison information. Riveness also gained support for S.F. 553, a bill dealing with the Minneapolis and St. Paul Teacher Retirement Fund associations. The bill was successfully amended to delete a section that modifies the St. Paul Teachers Retirement Fund Association post retirement adjustment.

Sen. LeRoy Stumpf (DFL-Thief River Falls) gained approval of three bills: S.F. 1501, a bill that modifies provisions relating to wheat and barley promotion orders; S.F. 154, a measure that provides for gas tax refunds for bombardiers; and S.F. 860, a bill that modifies the law related to unclassified employee pensions. S.F. 860 was amended to strike a provision that deals with prior employer contribution forfeiture.

Morse also gained support for two additional measures: S.F. 545, a bill that expands coordinated plan survivor coverage benefits for specific public employees and teachers; and H.F. 1225, a bill that modifies several provisions dealing with pesticides. The latter provision carries a combined appropriation of \$400,000 for pesticide use reduction grants, pesticide best management practice evaluation grants or agricultural chemical spill site remediation research grants.

### Youth entrepreneurship bill

A bill establishing a comprehensive youth apprenticeship program cleared its final hurdle before reaching the Senate

floor. The Finance Committee, chaired by Sen. Gene Merriam (DFL-Coon Rapids), approved S.F. 29 at a Tues., May 11, meeting.

The measure, said sponsor Sen. Tracy Beckman (DFL-Bricelyn), ties schoolwork with work that students will do after graduation. Students in the apprenticeship program earn both a degree and an industry-approved occupational credential. Standards committees composed of educators and representatives of employers and industry and trade, will identify skills needed for occupations in the program, establish the terms of apprenticeship, and establish assessment standards for students. The program also includes a sequence of career information and career counseling activities beginning in elementary school.

An author's amendment, appropriating \$1 million for the program, was approved. The measure now goes to the full Senate.

## Friday, May 7

### Tax conference committee report

The Senate heard the conference committee report for the omnibus tax bill during floor session Fri., May 7. According to chief author Sen. Douglas Johnson (DFL-Cook), H.F. 1735 works in close coordination with the K-12 education finance bill to conjointly provide \$16 million in property tax relief. He indicated that the bill creates a fairer tax system as it refrains from shifting the tax burden onto the middle and lower classes, adding that it, in conjunction with the K-12 bill "balance things out."

Johnson noted that farm property tax rate reductions are located in the K-12 bill since farms face the greatest property tax rate increases if schools aren't properly funded by the state.

A new formula for local government aid is included which is more responsive to need. Another provision, concerning housing for low-income families, was removed in conference committee after it was noted that its inclusion would guarantee a veto by the governor.

The greatest discussion occurred between Johnson, who argued that the bill will lower property taxes, and Sen. Duane Benson (IR-Lanesboro), who disagreed, stating that instead it will cause property taxes to increase. The report of the conference committee was adopted and the bill repassed on a vote of 51-15.

### Fuel oxygen requirements raised

The Senate granted final passage to a bill that increases the minimum oxygen

content in gasoline at the Fri., May 7, floor session. H.F. 931, sponsored by Sen. Joe Bertram, Sr. (DFL-Paynesville), increases the required level of oxygen in gasoline sold in carbon monoxide control areas to 2.7 percent, effectively increasing the demand for Minnesota-produced ethanol. Sen. Gene Merriam (DFL-Coon Rapids), attempted unsuccessfully to amend the bill by inserting language that applies the 2.7 percent requirement only during carbon monoxide control periods, which are generally during the winter, and reinstating the 2 percent requirement for the remainder of the year. Merriam said the increased oxygen content is needed only during the winter months and can create ozone problems in the summer. The amendment encountered stiff opposition, however, from Sen. Steven Morse (DFL-Dakota), who pointed out that it would benefit oil companies and block the state's transition to alternative fuels. Morse also said that the increased oxygen requirements create no net increase in ozone problems. The committee defeated the amendment, 26-39.

Another amendment, offered by Sen. Douglas Johnson (DFL-Cook), restores language that was in a previous version of the bill. The restored language specifies that the exemption from Local Government Aids and HACA offsets provided in the bill applies to ethanol production districts, rather than all agricultural products processing districts.

The bill was passed on a 60-4 vote.

The Senators also considered and approved the conference committee report on S.F. 1570, the omnibus environmental finance bill. The bill appropriates \$555.8 million over the 1994-95 biennium for funding environmental programs. It provides \$151 million for the Dept. of Natural Resources; \$20.2 million for the Office of Waste Management; \$3.9 million for the planning and final development of the Agricultural Utilization Research Institute; and \$1.1 million to the Science Museum of Minnesota to study the creation of a freshwater aquarium on the Mississippi River in downtown St. Paul.

The measure establishes a hazardous waste generator loan program to provide loans to small businesses for the purpose of cleaning up hazardous waste releases. It also increases solid waste assessments to \$2 per year for each residential customer.

The bill also includes provisions for retrofitting regional parks to meet the requirements of the Americans with Disabilities Act; establishment of the Cuyuna Country State Recreational Area;

planning and design of the Agricultural Utilization Research Institute; expansion of agriculture opportunities for the Hmong and Southeast Asian farmers; funding of grants for the Minnesota Grown promotion; and replacement of Eurasian milfoil with native Minnesota plants by the White Bear Lake Conservation District.

## Monday, May 10

### Campaign finance report okayed

During the floor session on Mon., May 10, the Senate heard the conference committee report on the omnibus campaign finance reform bill. H.F. 163, sponsored by Sen. John Marty (DFL-Roseville), puts a 20 percent cap on contributions raised by lobbyists and political action committees (PACs), down from 100 percent; allows contributions of up to \$2,500 for the governor's race, up from \$1,300 in the Senate bill; allows contributions of up to \$500 in an election year for legislative races; and eliminates "friends of" committees.

Sen. Douglas Johnson (DFL-Cook) made a motion to reject the report and requested that the bill be returned to a conference committee, saying that too many concessions were made from the version passed earlier by the Senate. In response, Sen. Roger Moe (DFL-Erskine) cautioned against the "trap" of thinking that if the bill is sent back "we'll get something better," because some legislators are against any reform at all.

In support of Johnson's motion, Sen. Dean Johnson, (IR-Willmar) suggested that provisions for special interest money need to be tightened. He said that the limits the bill places on PAC funds will simply reroute the excess money towards independent expenditures. "Fix this and the governor will sign it," said Dean Johnson. Sen. Kevin Chandler (DFL-White Bear Lake) challenged that statement, saying that the governor would find another reason for a veto.

A question was raised about why the 20 percent PAC cap was agreed to in the conference committee when the Senate had earlier voted against allowing any PAC funding. Sen. Ember Reichgott (DFL-New Hope) said that, while she appreciated the argument for PAC funding elimination, there is some usefulness for PAC money. She noted that her own first term campaign was aided by contributions from women's organizations, and that other women and minorities running for office can benefit greatly from the help of such groups.

The motion to reject the report was defeated on a roll call vote of 29-37. The report was adopted and repassed on a vote of 48-19.

### **Jobs, State Government funding**

The Senate approved the conference committee report on S.F. 1613, the omnibus Jobs, Energy and Community Development funding bill, at the Mon., May 10, floor session. The bill, according to its sponsor, Sen. Carl Kroening (DFL-Mpls.), provides \$80 million for jobs and job development programs. According to Kroening, the bill leverages \$3 of federal funding for every \$1 of state funding. The measure appropriates \$64.96 million over the 1994-95 biennium for the Dept. of Trade and Economic Development.

The bill includes appropriations of \$15.7 million to Minnesota Technology, Inc.; \$95.8 million to the Dept. of Jobs and Training; \$45.7 million to non-health related boards; \$38.8 million to the Minnesota Housing Finance Agency; and \$28.8 million to the Dept. of Commerce.

Among the numerous programs provided for in the bill are the revolving tourism loan account; the youth entrepreneurship program; job skills partnership grants; the food shelf program; and the YOUTHBUILD program, a program in which unemployed youth participate in building homes for people who are homeless. Also provided for in the bill are funds for expanding the services provided by the Head Start program.

The Senate also approved the \$668.3 million omnibus state government bill, S.F. 1620. The measure is carried by Sen. Richard Cohen (DFL-St. Paul). The agencies funded under the bill include the Legislature, legislative commissions, the state auditor, state treasurer attorney general, the Board of Investment, the Office of Administrative Hearings, the Dept. of Administration, the Dept. of Finance, the Dept. of Employee Relations; the Dept. of Revenue, the Amateur Sports Commission, the Dept. of Military Affairs, the attorney general, the secretary of state, the Dept. of Commerce, the Dept. of Human Rights, the non-health related boards, the Historical Society and the judiciary branch of government.

## **Tuesday, May 11**

### **Junk fax bill passed**

So-called "junk faxes" are subject to regulations, under S.F. 174, a bill that received final approval on concurrence and repassage Tues., May 11. Sen. Ember Reichgott (DFL-New Hope), bill author,

said the measure aims to address the problem of unsolicited faxes that "tie up" fax machines, consuming paper supplies and creating an annoyance.

Reichgott explained that the proposed legislation prohibits people who are conducting business in Minnesota from faxing unsolicited advertising materials for the lease, sale, rental, gift offer, or other disposition of property or services unless they establish a toll-free telephone number that recipients of unsolicited documents may call to notify senders not to transmit such documents.

Under the bill, unsolicited facsimile transmissions must include a statement, in at least nine point type, that informs recipients of the sender's toll-free telephone number and address. Reichgott pointed out that the bill does not apply to the transmission of documents by a telecommunications service provider to the extent that the provider merely provides transmission facilities.

### **Local government reform**

Later in the day on Special Orders, Reichgott presented S.F. 580. The bill, which is supported by the state auditor, addresses concerns about local government officials who abuse their privileges, said Reichgott.

Reichgott said the measure gives the state auditor more power to examine the books, records, documents, and accounting practices of local government contractors and grantees. Citing a need to limit severance packages for public employees, Reichgott noted that the bill imposes limits on the compensation of local government officials. Other provisions in the proposal provide procedures for the satisfaction of claims that administrative officials make against counties and cities; limit cities' authority to make high-risk investments; and outline procedures for the removal of city managers.

Senators engaged in a lengthy debate over a provision in the bill that spells out restrictions on the use of local government vehicles. Sen. Roy Terwilliger (IR-Edina) offered an amendment that allows local governments to retain control over the development of regulations for the use of local government vehicles. Pointing out that the local officials are accountable to elected officials and voters, Terwilliger and several other members argued that the vehicle provision "micro manages" local governments. Arguing against the amendment, Reichgott said the provision subjects local government officials to the same regulations that state officials face regarding the use of government vehicles.

The amendment fell short of approval on a vote of 29-31.

After approving amendments that clarify the definition of a "highly-compensated employee," members granted final passage to the bill on a vote of 59-0.

### **Affordable housing debated**

H.F. 671, authored by Sen. Steven Novak (DFL-New Brighton), brought to Senators' attention the lack of affordable housing in some suburbs. Novak said the bill requires the Metropolitan Council to adopt rules allocating comprehensive choice housing among cities and towns in the Metro Area.

Cities that do not comply with affordable housing objectives lose homestead credit and agricultural aid (HACA). In addition, the Metropolitan Council will deny extension of sewer service to cities that are out of compliance--except in cases that address environmental contamination problems or in demonstrated cases of undue hardship for the property owner affected. However, saying he wanted the bill to be a "carrot" rather than a "stick," Novak won approval for an amendment that deleted the HACA and sewer extension penalties.

The Novak amendment changes the thrust of the bill into a "study of incentives for comprehensive choice housing." The amendment requires the Metropolitan Council to work collaboratively with local governments, the Minnesota Housing Finance Agency, the Minnesota Dept. of Revenue and other state executive branch agencies, the U.S. Dept. of Housing and Urban Development, and nonprofit organizations "to identify incentives and determine their likely impact on the supply and location of comprehensive choice housing." The Metropolitan Council must report the study results and make recommendations to the Legislature by Feb. 15, 1994.

Discussing the need for the legislation, Novak said that the lack of affordable housing exists, primarily, in those suburbs where most of the opportunities for new, entry-level jobs occur. This situation makes it more difficult for people to pursue job opportunities because of the lack of public transit from suburbs that offer affordable housing to the suburbs with job opportunities, according to supporters of the bill.

Novak said that some zoning regulations can create barriers to affordable housing in some suburbs; for example, large lot size requirements can prevent the development of affordable housing. Opponents of the legislation argued that

cities should have the right to implement ordinances that require things such as large lot sizes. The opponents said that some people make a conscious choice to move to suburbs that require large lot sizes because, among other reasons, they want to live in less congested neighborhoods.

Some Senators that opposed the bill in its original form said they would support it because Novak removed the penalty provisions from the measure. On Special Orders, members granted final passage to the bill on a vote of 34-29.

### Workers'comp reform debated

A fierce debate over workers' compensation reform began on the floor of the Senate following the presentation of a bill by Majority Leader Roger Moe (DFL-Erskine) Tues., May 11. Although H.F. 199, a bill transferring \$20 million from the Workers' Compensation Reinsurance Association to the financially-strapped State Fund Mutual Insurance Company, met with general approval, an amendment calling for worker's compensation reform erupted into a polarized debate.

The amendment, offered by Sen. John Hottinger (DFL-Mankato), provides a definition for "excessive" insurance rates; eliminates lump sum payments of impairment compensation; provides that the minimum weekly compensation for a permanent total disability must be 65 percent of the statewide average weekly wage; and repeals all supplemental benefits for workers that are injured after October 1993. "We have a golden opportunity to fix the system," said Minority Leader Dean Johnson (IR-Willmar), encouraging members to support the proposal. Although members upheld, on a 35-31 roll call vote, Senate President Allan Spear's (DFL-Mpls.) ruling that the amendment was not germane, the heated controversy continued. Senators rallied around one of three major arguments. One group argued that costly compensation rates are driving business out of Minnesota. An opposing faction countered that the proposed reforms are merely an attempt by the "rich and powerful" to keep more for themselves. Finally, a third group maintained that for real change to take place, the state needs to reform the system that has sprung up around workers' compensation. The bill, without the amendment, passed on a 57-7 vote.

In other action, Senators entered into brief debate over legislation carrying a \$50,000 general fund appropriation for the Regional Transit Board to study the feasibility of a Metro Area high speed bus

system on highways 35W and I-494. "It's the most cost-effective, speediest way to move the most people," said the author of the bill, Sen. Phil Riveness (DFL-Bloomington). Under the bill, the system includes an integrated system of exclusive bus only or high occupancy vehicle (HOV) lanes on freeways, bus timed transfer stations, circulator and feeder bus services, park-and-ride facilities, and the use of advanced transit technologies.

Despite major investments in public transit, its market share has declined over the last decade in a majority of U.S. metropolitan areas with a population over one million residents, according to Riveness. The new high speed bus system has met with greater public acceptance and usage. Two states experimenting with the new system are New Jersey and Virginia. Riveness noted that the Lincoln Tunnel HOV lane between the New Jersey Turnpike and midtown Manhattan has dramatically increased the passenger peak-hour capacity equaling 12 new highway lanes. Northern Virginia's "Shirley" busway system carries more riders into Washington D.C. from Virginia than any heavy rail, he added. S.F. 811 gained approval on a 49-9 roll call vote.

## Wednesday, May 12

### Child support bill debated

The majority of the floor session on Tues., May 12 was spent discussing a bill relating to child support. The provisions in H.F. 1042 are two-fold, according to its sponsor, Sen. Richard Cohen (DFL-St. Paul). First, the measure is designed to prevent children from heading into poverty due to unpaid child support; and second, it saves tax dollars by reducing the need for AFDC payments for children once they begin receiving full child support benefits. The bill allows for an incentive program for counties regarding their efforts in the collection of child support and establishment of paternity; upgrades health insurance for children; and includes an employer contempt provision.

An amendment was offered to address the situation in which the employer or union of the non-custodial parent is responsible for submitting the child support payment but fails to do so. Sen. Bob Lessard (DFL-Int'l Falls) moved to delete the provision for employer contempt, stating that it would be too difficult to prove that an employer or union "wilfully" failed to comply. Cohen disagreed, arguing that whomever is

responsible for payment, whether it be an individual or a business, should also be liable for failure to pay. The amendment was defeated on a roll call vote of 2-57. Lessard then offered an amendment awarding attorney's fees and court costs to employers or unions who prevail in such cases. Cohen reminded the Senate that currently any prevailing party can seek reimbursement of the costs and that the amendment simply restates current law. However, the amendment passed on a roll call vote of 40-21.

The bill also seeks to limit pension deductions to 5 percent, but an amendment, sponsored by Lessard, retains current law which leaves the amount up to the discretion of the court. An opposing argument was put forth by Sen. Linda Berglin (DFL-Mpls.) citing cases in which some non-custodial parents shelter up to 24 percent of their annual salaries in pension plans, thus lessening their child support payments and occasionally placing some of the burden onto the taxpayers. There was a roll call vote of 35-25 and the amendment was adopted.

Sen. Kevin Chandler (DFL-White Bear Lake) sponsored an amendment providing for the disclosure of the names of obligers who are negligent for more than \$10,000 in support payments. Although she thought it was "probably a good idea," Sen. Jane Ranum (DFL-Mpls.) indicated that the provision should be heard in the Data Privacy Subcommittee next year. Cohen disagreed, stating that the information is already public. Sen. Dan Stevens (IR-Mora) concurred, comparing the amendment to the publication of overdue property tax amounts in newspapers. Ranum noted that, while the information is indeed currently public, the chosen figure of \$10,000 is arbitrary and warrants further discussion. Additionally, Sen. Harold "Skip" Finn (DFL-Cass Lake) suggested that a better indicator of negligence would not be monetary at all, as the amount of judgements vary greatly, but instead would be the amount of time the obliger has been negligent. The amendment was eventually defeated.

An amendment, offered by Sen. David Knutson (IR-Burnsville), provided for the reversion of the mandatory increase in child support payments for work-related child care costs to the optional increase which is currently at the court's discretion. Berglin argued against the amendment, saying that sole responsibility for child care expenses can be an unfair burden on the custodial parent. "This goes to the heart of the bill," said Sen. Ember Reichgott (DFL-New Hope), citing a poll



which indicates that only 43 percent of male judges (and 68 percent of women judges) in Minnesota currently opt to increase judgements for child care expenses. The amendment was defeated on a roll call vote of 30-32.

Sen. Martha Robertson (IR-Minnetonka) successfully sponsored an amendment allowing for the extended family of the non-custodial parent to be considered as possible child care providers. Another amendment, offered by Sen. Linda Runbeck (IR-Circle Pines), requiring the courts to assess the availability of the non-custodial parent to participate in child care, was also adopted.

An amendment, put forth by Sen. Thomas Neuville (IR-Northfield), requiring annual accounting of child support expenditures by the custodial parent if the non-custodial parent pays

more than \$400 a month, sparked considerable controversy. Neuville argued that the provision is necessary to insure that all of the child support payments are going toward the child's welfare. The amendment was considered to be "unworkable," according to Cohen, who added that "child support has always been an approximation of need and never dollar for dollar." Finn declared that the amendment was an example of the "male mentality wanting to continue to control a woman's finances." Reichgott noted that the provision could create more litigation and be a potential source for harassment. Eventually the amendment failed on a roll call vote of 18-41.

Neuville offered another amendment stating that Minnesota does not recognize same sex marriages, but the president ruled that the amendment was not

germane to the bill.

The bill was given final passage on a vote of 65-2.

### Greater Minnesota TV

Senate Media Services is pleased to announce that for the remainder of the session, live coverage of Senate action will be available to Greater Minnesota cable companies. Cities now able to broadcast the coverage include Appleton, Buffalo, Duluth, Owatonna, Rochester, St. Cloud, and Thief River Falls. The coverage is being offered to all cable systems, but limited channel capacity and equipment may prevent some systems from carrying it. In the Metro Area Senate proceedings are on Regional Cable Channel 6.

# Floor action

May 7-13

## Bills granted final passage on Special Orders--May 7

**H.F. 1274-Murphy:** Authorizing the Legislature to hear and determine claims by patients at the Minnesota veterans homes. 46-1

**H.F. 1039-Bertram:** Prohibiting cities and towns from requiring additional licenses of persons already licensed as auctioneers by a county. 50-0

**S.F. 4-Bertram:** Providing an open appropriation for payment of state reimbursement for supplemental retirement benefits paid to volunteer firefighters. 51-0

**S.F. 1101-Sams:** Requiring hearing instrument dispensers to be certified by the commissioner of health; requiring holders of temporary hearing instrument dispensing permits to be supervised by certified hearing instrument dispensers; authorizing cease and desist orders; and providing for penalties. 45-0

**S.F. 760-Price:** Granting power to the commissioner of natural resources to give nominal gifts, acknowledge contributions, and sell advertising. 50-0

**H.F. 498-Janezich:** Clarifying that St. Louis County's contracting authority includes management operations and modifying contracting procedure. 50-1

**H.F. 259-Janezich:** Providing for the publication of certain accounts and delinquent property tax information. 46-4

**S.F. 162-Morse:** Increasing the Individual Retirement Account Plans employer contribution rate. 53-0

**S.F. 1472-Morse:** Relating to economic development and limiting certain daily payments. 53-0

**S.F. 993-Johnston:** Allowing social security numbers of commercial drivers to be provided to the federal commercial driver license information system; allowing a person whose vehicle license plates are impounded to designate a licensed driver for the purpose of obtaining special series license plates; prohibiting a person whose license plates are impounded from purchasing a motor vehicle under some conditions; clarifying driver's license classification provisions; imposing a fee for duplicate identification card; requiring application for duplicate identification card when specific information changes; including some traffic offenses as being serious violations when committed by commercial vehicle drivers; and providing for driver's license reinstatement fees. 56-0

**S.F. 1403-Terwilliger:** Expanding the duties of the chair of the Public Utilities Commission. 54-3

**H.F. 1114-Berg:** Omnibus game and fish bill. Providing for stamp design, training of hunting dogs, clothing requirements, raccoon season, rough fish taking by non-residents, muskie size limits, and the taking of mussels; providing for the advance of matching funds; providing for financing waterfowl development; defining "undressed bird;" regulating the taking of deer; regulating seasons on muskrat, mink, otter, and beaver; specifying the required license to take and specifying the condition of fish brought into the state from Canada; authorizing suspension of requirements upon action by Canadian authorities; and authorizing an organization to conduct a raffle in conjunction with an ice fishing contest. 60-0

**H.F. 931-Bertram:** Increasing the minimum oxygen content in motor vehicle fuel during carbon monoxide control periods. 60-4

**H.F. 735-Dille:** Highway traffic regulation technical bill; defining implements of husbandry; exempting trailers that carry dry fertilizer from vehicle registration tax; reducing the maximum speed limit for implements of husbandry to 25 miles per hour; requiring hazard warning lights on implements of husbandry; regulating brakes on implements of husbandry; imposing size and weight restrictions on implements of husbandry; and requiring slow-moving vehicle safety to be included in driver examinations and driver education courses. 60-0

**S.F. 502-Mondale:** Modifying provisions relating to asbestos-related work, licenses, and fees; providing penalties; and appropriating money. 62-0

**S.F. 1418-Moe, R.D.:** Relating to state government and public employees; establishing a pilot project and permitting the waiver of rules governing the classified and unclassified service of the state by joint committees. 64-0

### **Bills granted concurrence and repassage--May 7**

**S.F. 384-Berglin:** Regulating executions and garnishments; providing that executions and garnishments on child support judgments are effective until the judgments are satisfied; and exempting child support payments from execution. 48-0

**S.F. 674-Cohen:** Regulating the posting of a bond required of plaintiffs in actions against a public body. 60-0

**S.F. 190-Cohen:** Providing that specific criminal conviction data are public; providing that a record of conviction of some crimes and other determinations disqualify an individual from obtaining day care licenses; and providing for access to data on day care and foster care licensees. 58-0

### **Conference committee reports adopted and repassed--May 7**

**S.F. 1570-Morse:** Omnibus environment and natural resources finance bill. Appropriating money for environmental, natural resource, and agricultural purposes; transferring responsibilities to the commissioner of natural resources; continuing the Citizens Council on Voyageurs National Park; establishing the Cuyuna Country State Recreation Area; modifying provisions relating to timber sales; providing for crop protection assistance; establishing a grant program to determine how to manage motor vehicle shredder residue; imposing a solid waste assessment; modifying the hazardous waste generator tax; establishing a hazardous waste generator loan program; expanding the number of facilities subject to pollution prevention requirements; and requiring reports relating to toxic air contaminants. 62-2

**H.F. 1735-Johnson, D.J.:** Omnibus tax bill. Revising the operation of the local government trust fund; modifying the administration, computation, collection, and enforcement of taxes; imposing taxes; changing tax rates, bases, credits, exemptions, withholding, and payments; modifying property tax provisions relating to procedures, valuation, levies, classifications, exemptions, notices, hearings, and assessors; adjusting formulas of state aids to local governments; providing for the establishment and operation of special service districts; authorizing establishment of an ambulance district; modifying definitions in the property tax refund law and providing a source of funding for the refunds; authorizing and changing requirements for special assessments; modifying provisions governing the establishment and operation of tax increment financing districts; establishing a process by which local governments may obtain waivers of state rules and laws establishing procedures; establishing a board of government innovation and cooperation and authorizing it to provide grants to encourage cooperation and innovation by local governments; authorizing the imposition of local taxes; imposing a sports bookmaking tax; changing bonding and local government finance provisions; enacting provisions relating to cities, counties and special taxing districts; imposing a tax on contaminated property and providing for use of the proceeds; conforming with changes in the federal income tax law; limiting deductions for compensation paid to employees; clarifying an income tax apportionment formula; modifying sales tax exemption and collection provisions; modifying taconite production tax provisions and increasing the distribution of the proceeds to the taconite economic development fund; modifying the availability of tax incentive and preferences; providing additional allocations to border city enterprise zones; providing for a budget and cash flow reserve account transfer; revising penalty, notification and publication provisions of the unfair cigarette sales act; changing definitions; making technical corrections and clarifications; providing for studies; and providing penalties. 51-15

### **Bills granted final passage under suspension of rules--May 7**

**H.F. 1585-Kelly:** Omnibus crime prevention bill. Prohibiting drive-by shootings, possession of dangerous weapons and trespassing on school property, the negligent storage of firearms and the reckless discharge of firearms; providing for forfeiture of vehicles used in drive-by shootings and prostitution; authorizing the adoption of zoning ordinances governing the location of firearms dealers; providing for access to juvenile court records; increasing the penalty for repeat violations of pistol permit law; extending the wiretap warrant period; providing for a sentence of life without release for first-degree murder of a peace officer; making terminology changes and technical corrections related to the new felony sentencing law; expanding the scope of sex offender registration and DNA specimen provisions; requiring some counties to establish diversion programs; prohibiting possession of a device for converting a firearm to fire at the rate of machine gun; prohibiting carrying rifles and shotguns in public; and transferring functions and positions from the Dept. of Public Safety to the Office of the Attorney General, the Dept. of Commerce, the Dept. of Corrections and the Bureau of Criminal Apprehension. 40-25

### **Bills granted final passage on Special Orders--May 10**

**H.F. 327-Vickerman:** Providing for free motor vehicle license plates for former prisoners of war and exempting former prisoners of war plates from motor vehicle registration tax. 53-10

**H.F. 690-Kelly:** Reducing the reduction in PERA disability benefits to coordinate with amounts received under workers' compensation law for specific former employees. 58-0

**H.F. 1161-Kelly:** Permitting an individual to make payment in lieu of salary deductions to obtain PERA service credit notwithstanding a one-year time limitation. 62-0

**S.F. 998-Kelly:** Providing for a housing rehabilitation program in the city of St. Paul and authorizing the issuance of general obligation bonds. 62-0

**H.F. 1450-Kelly:** Authorizing the expenditure of RIM funds for restoration of fish and wildlife habitat and directing a report on plantings of native trees and shrubs. 59-4

**S.F. 1624-Kelly:** Providing for payment of various claims against the state. 60-0

**H.F. 1524-Pogemiller:** Providing conditions and requirements for the issuance of public debt and for the financial obligations of authorities; providing an exemption from the mortgage registration tax; providing an exemption from an ad valorem taxation for specific lease purchase property; and providing a property tax exemption for property devoted to public use. 59-0

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**H.F. 299-Pogemiller:** Changing requirements and procedures for maintaining precinct boundary data. 56-0

**H.F. 608-Morse:** Exempting specific nonprofit organizations from the requirement for a nursery stock dealer certificate. 65-0

**S.F. 880-Morse:** Changing methods for the assessment and collection of hazardous waste administration fees and providing for rulemaking. 65-0

**H.F. 1245-Ranum:** Omnibus data practices bill. Providing for the collection, classification, and dissemination of data; proposing classifications of data as not public; classifying specific licensing data, educational data, security service data, motor carrier operating data, retirement data and other forms of data. 65-0

### **Conference committee reports adopted and repassed--May 10**

**H.F. 163-Marty:** Campaign reform bill. Limiting noncampaign disbursements to items specified by law; requiring lobbyists and political committees and funds to include their registration number on contributions; prohibiting "friends of" committees; requiring reports by solicitors of campaign contributions; limiting use of contributions carried forward; requiring unused postage to be carried forward as an expenditure; requiring notices; changing contribution limits; limiting contributions by political parties; prohibiting transfers from one candidate to another, with specific exemptions; limiting contributions by political committees, funds, and individuals; eliminating public subsidies to unopposed candidates; providing for a public subsidy to match in-district contributions; clarifying filing requirements for candidate agreements and the duration of the agreements; requiring return of public subsidies under some conditions; imposing contribution limits on candidates for local offices; prohibiting political contributions by nonprofit corporations and partnerships; and requiring a report of candidates on whose behalf political contributions have been refunded by the state. 48-19

**S.F. 1613-Kroening:** Omnibus jobs, energy and economic development funding bill. Appropriating money for the Dept. of Labor and Industry; Dept. of Public Service, Dept. of Jobs and Training; the Housing Finance Agency and other purposes. Establishing and modifying programs and providing penalties. 53-13

### **Bills granted concurrence and repassage--May 10**

**S.F. 1244-Chandler:** Recodifying the historic sites act of 1965; providing for a recorded music center; and requiring a study of Carver's Cave. 51-0

**S.F. 1148-Bertram:** Increasing fees for overweight trucks and authorizing a permit to be issued for trailer or semitrailer exceeding 28-1/2 feet in three-vehicle combination. 55-1

**S.F. 589-Kroening:** Permitting the mayor of Minneapolis and the chair of the Hennepin Board of Commissioners to designate a representative to the St. Anthony Falls Heritage Board. 57-0

**S.F. 536-Finn:** Expanding the jurisdiction of the commissioner of natural resources over the use of snowmobiles and all-terrain vehicles on public lands and waters; changing accident reporting duties; providing that the person in lawful control of a snowmobile or all-terrain vehicle is responsible for the operation of these vehicles by youthful operators; providing that a portion of the fines and assessments collected from recreational vehicle violations be credited to the snowmobile trails and enforcement account in the natural resources fund; expanding the duties of the sheriff to include investigating recreational vehicle accidents involving injury or death. 56-1

**S.F. 1208-Price:** Allowing walleye and northern pike to be possessed and transported in a dressed or undressed condition; establishing an experimental program for commercial fishing in Minnesota-Wisconsin boundary waters; and limiting number of larger pike taken. 47-13

**S.F. 697-Price:** Requiring criteria for water deficiency declarations; prohibiting the use of groundwater for surface water level maintenance; requiring review of water appropriations permits; requiring contingency planning for water shortages; changing water appropriation permit requirements; requiring changes to the Metropolitan Area water supply plan; and requiring reports to the Legislature. 63-0

**S.F. 1413-Chandler:** Excluding specific wages in determining workers compensation insurance premiums and modifying provisions relating to charges by nursing homes. 63-0

### **Bills granted final passage on Special Orders--May 11**

**H.F. 1021-Merriam:** Exempting specific lakeshore lots from sale requirements and authorizing the commissioner of natural resources to acquire personal property. 63-0

**H.F. 795-Anderson:** Excluding certain vehicles from the right of indemnity granted by the no-fault act. 37-26

**S.F. 580-Reichgott:** Providing for the preparation and review of local government accounts; providing for the duties of the state auditor; providing for the costs of examinations; defining the limits to various types of compensation; providing procedures for the satisfaction of claims; providing procedures for the removal of city managers; and limiting high risk investments. 59-0

**S.F. 566-Morse:** Removing the requirement for the periodic review of the Rule of 90. 56-0

**H.F. 50-Berg:** Changing the apary laws; reducing an appropriation; and providing for dealing with Africanized honey bees. 57-0

**H.F. 208-Cohen:** Prohibiting discrimination against persons who have physical or sensory disabilities and who use service animals; clarifying language governing transportation of disabled persons; clarifying the commissioner's acceptance of charges; and providing for the Office of Administrative Hearings costs' to be charged in human rights cases. 56-0

**H.F. 671-Novak:** Requiring the Metropolitan Council too adopt rules allocating comprehensive choice housing among cities and towns in the Metro Area; requiring Metropolitan Council review of city's and town's efforts to comply with the allocation; and establishing penalties for noncompliance. 34-29

**H.F. 948-Luther:** Modifying the definition of business license; regulating residential building contractors and remodelers; providing licensing requirements; prescribing the powers and duties of the commissioner; prohibiting unlicensed persons from obtaining building permits; and establishing a contractor's recovery fund. 44-9

**H.F. 864-Chandler:** Providing for inspection of watercraft for exotic harmful species; providing for gasoline tax distribution; specifying the permit fee for aquatic vegetation control; authorizing civil citations and penalties; and making recommendations on milfoil control on White Bear Lake. 54-0

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**S.F. 811-Riveness:** Providing for a metropolitan area high speed bus study. 49-9

**H.F. 199-Moe, R.D.:** Regulating the state fund mutual insurance company and requiring the workers' compensation reinsurance association to provide funds. 57-7

### **Conference committee reports adopted and repassed--May 11**

**H.F. 546-Murphy:** Requiring legislative approval of development or operation of motor sports areas within the Dorer Memorial Hardwood Forest. 58-5

**H.F. 643-Belanger:** Making technical changes in the Dept. of Commerce's enforcement powers; regulating cosmetology; prescribing department powers and duties; and setting fees. 54-7

**S.F. 1201-Finn:** Extending the deadline by which previously qualified persons may file a declaration of intent to seek licensure as a licensed psychologist without further examination; requiring the board to issue notices of extension; modifying the reciprocity licensing requirement; providing for disciplinary actions; and consolidating and modifying enforcement remedies. 65-0

### **Bills granted final passage on Special Orders--May 12**

**S.F. 1062-Mondale:** Relating to metropolitan government and urban planning; clarifying the applicability of comprehensive plans that conflict with official controls; and establishing a Metropolitan Radio Systems Planning Committee under the Metropolitan Council. 44-18

**H.F. 514-Novak:** Making changes in the laws concerning the petrofund; providing for passive bioremediation; providing for review of agency employee decisions; increasing the membership of the Petroleum Tank Release Compensation Board; establishing a fee schedule of costs or criteria for evaluating reasonableness of costs submitted for reimbursement; modifying petroleum tank release cleanup fee; modifying reimbursements; modifying consultant and contractor reimbursement powers and duties to the commissioner of commerce; requiring a report and authorizing rulemaking. 63-1

**H.F. 1042-Cohen:** Modifying provisions dealing with the administration, computation, and enforcement of child support; and imposing penalties. 65-2

### **Bills gaining final passage on Special Orders--May 13**

**H.F. 1499-Janezich:** Providing for training requirements for manual or mechanical therapy; requiring diagnosis of person's condition before therapy; providing for rulemaking; and imposing a penalty. 62-0

**H.F. 777-Merriam:** Requiring disclosures when consumer reports are used for employment purposes; and providing for access to consumer reports. 55-0

**H.F. 31-Pappas:** Providing for gender balance in multimember state boards and commissions. 34-24

**H.F. 623-Pappas:** Requires the revision of the state transportation plan and development guide to include matters relating to the Metropolitan Area; prohibiting federal block grant funds from being spent on trunk highways unless ancillary to public transit facilities; and adding metropolitan transit goals. 35-26

**H.F. 1529-Pogemiller:** Reviewing the possible reorganization and consolidation of agencies and departments with environmental and natural resource functions; creating a legislative task force; and requiring establishment of worker participation committees before possible agency restructuring. 51-9

**H.F. 1081-Wiener:** Regulating collections agencies; modifying prohibited practices; requiring notification to the commissioner upon certain employee terminations; repealing inconsistent surety bond and term and fee rules; regulating credit services organizations; modifying registration and bond requirements; and modifying enforcement powers. 57-0

**S.F. 553-Riveness:** Providing additional funding from various sources for the Minneapolis and St. Paul Teacher Retirement Fund Associations; assessing active and retired members for teacher retirement fund associations supplemental administrative expenses; modifying post retirement adjustments; authorizing contributions by the city of Minneapolis; appropriating money; and authorizing tax levies by Special School District No. 1. 55-0

**H.F. 836-Laidig:** Providing for the sale of game and fish licenses through subagents. 56-1

**H.F. 251-Ranum:** Expanding the definition of "neglect" to include failure to provide a child with necessary education. 53-0

**H.F. 519-Luther:** Regulating the registration and operation of off-highway motorcycles; setting fees and penalties; appropriating money; and requiring reports to the Legislature. 59-0

**S.F. 1162-Benson, D.D.:** Changing the membership and duties of the Legislative Commission to Review Administrative Rules; transferring rule review functions of the Office of the Attorney General to the Office of Administrative Hearings; regulating grants of rulemaking authority, notices of intent to solicit outside opinion, and public hearing requirements; authorizing the governor to disapprove rules adopted after public hearing; and eliminating the requirement that agencies review their rules and consider methods to reduce their impact on small business. 61-0

**S.F. 860-Stumpf:** Providing coverage for unclassified managerial employees in temporary, acting, or interim positions; providing default plan for employee selection; adding conforming language to clarify eligibility between plans; relating to the Individual Retirement Account Plan; providing for repayment of missed contributions; providing for administrative expenses; providing for contributions during period of sabbatical leave; and relating to the supplemental retirement plan by providing conforming language for previous oversight of eligible members. 54-0

**H.F. 1225-Morse:** Authorizing use of money in the agricultural chemical response and reimbursement account for administrative costs; exempting specific pesticides from the ACRRA surcharge; requiring a report; appropriating money; and repealing the hazardous substance labeling act. 58-3

### **Bills gaining concurrence and repassage--May 13**

**S.F. 1115-Berg:** Modifying provisions relating to aquaculture and providing penalties. 47-0

# Senate Committee Assignments

## Agriculture and Rural Development (10)

Chair: Bertram Vice Chair: Hanson  
Office: 323 Telephone: 296-7405  
Meets: M, W; 12 noon-2 p.m.; Room 107

Berg	Lesewski	Murphy	Stevens
Dille	Morse	Sams	Vickerman

## Commerce and Consumer Protection (15)

Chair: Solon Vice Chair: Wiener  
Office: 303 Telephone: 296-4158  
Meets: M, W; 12 noon-2 p.m.; Room 112

Anderson	Janezich	Luther	Samuelson
Belanger	Johnston	Metzen	
Chandler	Kroening	Oliver	
Day	Larson	Price	

## Crime Prevention (13)

Chair: Spear Vice Chair: Anderson  
Office: G-27 Telephone: 296-4191  
Meets: M, W, Th; 2-4 p.m.; Room 15

Beckman	Kelly	McGowan	Piper
Belanger	Laidig	Merriam	Ranum
Cohen	Marty	Neuville	

## Crime Prevention Finance Division (9)

Chair: Beckman  
Office: 301 Telephone: 296-5713

Kelly	Marty	Merriam	Ranum
Laidig	McGowan	Neuville	Spear

## Education (22)

Co-Chair: Pogemiller Co-Vice Chair: Krentz  
Co-Chair: Stumpf Co-Vice Chair: Price  
Office: 235 Telephone: 296-4185  
Meets: T, W, Th; 10 a.m.-12 noon; Room 112

Beckman	Langseth	Olson	Solon
Benson, J.E.	Larson	Pappas	Terwilliger
Hanson	Moe, R.D.	Ranum	Wiener
Janezich	Murphy	Reichgott	
Knutson	Neuville	Robertson	

## Education Funding Division (15)

Chair: Pogemiller Vice Chair: Krentz  
Office: 235 Telephone: 296-7809

Beckman	Langseth	Ranum	Terwilliger
Hanson	Larson	Reichgott	
Janezich	Olson	Robertson	
Knutson	Pappas	Stumpf	

## Environment and Natural Resources (18)

Chair: Lessard Vice Chair: Chandler  
Office: 111 Telephone: 296-1113  
Meets: T 2-4 p.m., F 10-2 p.m.; Room 107

Anderson	Finn	Merriam	Olson
Benson, J.E.	Frederickson	Mondale	Pariseau
Berg	Johnson, J.B.	Morse	Price
Dille	Laidig	Novak	Riveness

## Environment and Natural Resources Finance Division (12)

Chair: Morse  
Office: G-24 Telephone: 296-5649

Berg	Johnson, J.B.	Merriam	Price
Finn	Laidig	Olson	Riveness
Frederickson	Lessard	Pariseau	

## Ethics and Campaign Reform (12)

Chair: Marty Vice Chair: Luther  
Office: G-9 Telephone: 296-8866  
Meets: T, Th; 12 noon-2 p.m.; Room 107

Cohen	Johnson, D.J.	Moe, R.D.	Reichgott
Flynn	Laidig	Pariseau	
Johnson, D.E.	McGowan	Pogemiller	

## Family Services (16)

Chair: Piper Vice Chair: Betzold  
Office: G-9 Telephone: 296-9248  
Meets: T, Th; 12 noon-2 p.m.; Room 15

Adkins	Johnson, J.B.	Krentz	Solon
Benson, J.E.	Kelly	Riveness	Stevens
Berglin	Kiscaden	Robertson	
Chandler	Knutson	Samuelson	

## Finance (21)

Chair: Merriam Vice Chair: Kelly  
Office: 122 Telephone: 296-4157  
Meets: M, T, W, Th; 4-6 p.m.; Room 123

Beckman	Johnston	Luther	Samuelson
Cohen	Kroening	McGowan	Spear
Frederickson	Laidig	Morse	Stumpf
Johnson, D.E.	Langseth	Piper	Terwilliger
Johnson, J.B.	Larson	Ranum	

## Finance State Government Division (12)

Chair: Cohen  
Office: 317 Telephone: 296-5931

Frederickson	Kroening	McGowan	Piper
Johnston	Langseth	Merriam	Terwilliger
Kelly	Luther	Morse	

## Gaming Regulation (10)

Chair: Berg Vice Chair: Janezich  
Office: 328 Telephone: 296-5539  
Meets: T, W, F; 8-10 a.m.; Room 107

Adkins	Johnson, D.E.	McGowan	Neuville
Bertram	Marty	Mondale	Spear

## Governmental Operations and Reform (13)

Chair: Metzen Vice Chair: Riveness  
Office: 303 Telephone: 296-4175  
Meets: T, W, F; 8-10 a.m.; Room 15

Beckman	Morse	Sams	Terwilliger
Benson, D.D.	Pogemiller	Stevens	Wiener
Hottinger	Runbeck	Stumpf	



**Higher Education Division (10)**

Chair: Stumpf      Vice Chair: Price  
Office: G-24      Telephone: 296-8660

Benson, J.E.      Moe, R.D.      Neuville      Solon  
Larson      Murphy      Pogemiller      Wiener

**Health Care (12)**

Chair: Berglin      Vice Chair: Sams  
Office: G-9      Telephone: 296-4151  
Meets: T, W, Th; 10 a.m.-12 noon; Room 15

Benson, D.D.      Finn      Oliver      Vickerman  
Betzold      Hottinger      Piper  
Day      Kiscaden      Samuelson

**Health Care and Family Services Funding Division (12)**

Chair: Samuelson  
Office: 124      Telephone: 296-4875

Benson, D.D.      Day      Riveness      Stevens  
Berglin      Kiscaden      Sams      Vickerman  
Betzold      Piper      Solon

**Jobs, Energy and Community Development (13)**

Chair: Novak      Vice Chair: Johnson, J.B.  
Office: 322      Telephone: 296-1767  
Meets: T, W, Th; 10 a.m.-12 noon; Room 107

Anderson      Dille      Kelly      Metzen  
Chandler      Frederickson      Kroening      Runbeck  
Chmielewski      Johnson, D.J.      Lesewski

**Jobs, Energy and Community Development Funding Division (10)**

Chair: Kroening  
Office: 124      Telephone: 296-4302

Anderson      Frederickson      Metzen  
Chandler      Johnson, J.B.      Novak  
Chmielewski      Lesewski      Runbeck

**Judiciary (10)**

Chair: Reichgott      Vice Chair: Finn  
Office: 306      Telephone: 296-2889  
Meets: M, W; 12 noon-2 p.m.; Room 15

Berglin      Cohen      Knutson      Robertson  
Betzold      Kiscaden      Krentz      Spear

**Metropolitan and Local Government (15)**

Chair: Adkins      Vice Chair: Mondale  
Office: 309      Telephone: 296-4150  
Meets: M, W, Th; 2-4 p.m.; Room 107

Betzold      Janezich      Pappas      Wiener  
Day      Langseth      Pariseau  
Flynn      Lessard      Robertson  
Hottinger      Oliver      Runbeck

**Metropolitan and Local Government Tax Division (9)**

Chair: Flynn      Vice Chair: Hottinger  
Office: G-29      Telephone: 296-4274

Adkins      Mondale      Pappas      Runbeck  
Lessard      Oliver      Pariseau

**Rules and Administration (30)**

Chair: Moe, R.D.      Vice Chair: Luther  
Office: 208      Telephone: 296-4196  
Meets: On call

Adkins      Flynn      McGowan      Pogemiller  
Belanger      Frederickson      Merriam      Reichgott  
Benson, D.D.      Johnson, D.E.      Metzen      Solon  
Berg      Johnson, D.J.      Novak      Spear  
Berglin      Laidig      Olson      Stumpf  
Bertram      Lessard      Pariseau      Terwilliger  
Chmielewski      Marty      Piper      Vickerman

**Taxes and Tax Laws (22)**

Chair: Johnson, D.J.      Vice Chair: Pappas  
Office: 205      Telephone: 296-4839  
Meets: M, T, W, Th; 4-6 p.m.; Room 15

Belanger      Day      Mondale      Pogemiller  
Benson, D.D.      Finn      Neuville      Price  
Benson, J.E.      Flynn      Novak      Reichgott  
Berglin      Hottinger      Olson      Riveness  
Bertram      Marty      Pariseau      Sams

**Transportation and Public Transit (15)**

Chair: Chmielewski      Vice Chair: Ranum  
Office: 325      Telephone: 296-4186  
Meets: T, W, F; 8-10 a.m.; Room 112

Belanger      Johnston      Murphy      Vickerman  
Dille      Krentz      Novak  
Flynn      Langseth      Olson  
Hanson      Lesewski      Pappas

**Transportation and Public Transit Finance Division (9)**

Chair: Langseth  
Office: G-24      Telephone: 296-3205

Belanger      Dille      Hanson      Novak  
Chmielewski      Flynn      Johnston      Vickerman

**Veterans and General Legislation (10)**

Chair: Vickerman      Vice Chair: Murphy  
Office: 226      Telephone: 296-1771  
Meets: T, Th; 12 noon-2 p.m.; Room 112

Bertram      Hanson      Larson      Lesewski  
Chmielewski      Johnston      Lessard      Metzen

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## Senate Members --- 1993 Session

Party	Phone	Name				Party	Phone	Name	Room	Dist.
DFL	296-5981	Adkins, Betty A.	309	Cap.	19	DFL	8869	Luther, William P.	205	Cap. 47
DFL	5537	Anderson, Ellen R.	G-27	Cap.	66	DFL	5645	Marty, John	G-9	Cap. 54
DFL	5713	Beckman, Tracy L.	301	Cap.	26	IR	2159	McGowan, Patrick D.	129	SOB 33
IR	5975	Belanger, William V., Jr.	113	SOB	41	DFL	4154	Merriam, Gene	122	Cap. 49
IR	3903	Benson, Duane D.	119	SOB	31	DFL	4370	Metzen, James P.	303	Cap. 39
IR	6455	Benson, Joanne E.	153	SOB	16	DFL	2577	Moe, Roger D.	208	Cap. 2
DFL	5094	Berg, Charles A.	328	Cap.	13	DFL	7-8065	Mondale, Ted A.	309	Cap. 44
DFL	4261	Berglin, Linda	G-9	Cap.	61	DFL	5649	Morse, Steven	G-24	Cap. 32
DFL	2084	Bertram, Joe, Sr.	323	Cap.	14	DFL	4264	Murphy, Steve L.	226	Cap. 29
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DFL	9307	Chandler, Kevin M.	111	Cap.	55	DFL	4334	Novak, Steven G.	322	Cap. 52
DFL	4182	Chmielewski, Florian	325	Cap.	8	IR	4837	Oliver, Edward C.	121	SOB 43
DFL	5931	Cohen, Richard J.	317	Cap.	64	IR	1282	Olson, Gen	131	SOB 34
IR	9457	Day, Dick	105	SOB	28	DFL	1802	Pappas, Sandra L.	G-27	Cap. 65
IR	4131	Dille, Steve	103	SOB	20	IR	5252	Pariseau, Pat	109	SOB 37
DFL	6128	Finn, Harold R. "Skip"	306	Cap.	4	DFL	9248	Piper, Pat	G-9	Cap. 27
DFL	4274	Flynn, Carol	G-29	Cap.	62	DFL	7809	Pogemiller, Lawrence J.	235	Cap. 59
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DFL	3219	Hanson, Paula E.	328	Cap.	50	DFL	7-8061	Ranum, Jane B.	325	Cap. 63
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DFL	8017	Janezich, Jerry R.	328	Cap.	5	DFL	7-8062	Riveness, Phil J.	317	Cap. 40
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DFL	8881	Johnson, Douglas J.	205	Cap.	6	IR	1253	Runbeck, Linda	107	SOB 53
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DFL	3205	Langseth, Keith	G-24	Cap.	9	DFL	7-8073	Wiener, Deanna	303	Cap. 38
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IR	4125	Lesewski, Arlene J.	135	SOB	21	TDD number 296-0250				
DFL	4136	Lessard, Bob	111	Cap.	3	Senate Information 296-0504				

# Briefly

The Minnesota Senate Week in Review

May 21, 1993

## Session adjourns

The Minnesota Senate adjourned at midnight Mon., May 17, bringing to an end the first part of the 78th Legislative Session. Senators worked through the day and into the night to finish processing legislation for the operation of state government for the next biennium. An eleventh hour agreement between Senate leadership and the administration seemed for a time to eliminate the need for a special session. However, members of the other body failed to endorse the compromise and the governor vetoed two additional budget bills. Thus, Legislators must be called back into session before the start of the next fiscal year, July 1, 1993, to devise new funding bills for the higher education systems and for health and human services.

## Budget agreement reached

Early in the evening of the last day of session, Mon., May 17, Majority Leader Roger Moe (DFL-Erskine) announced that legislative leaders and the governor had reached an agreement on a budget proposal. Included in the agreement, Moe said, was a new jobs, energy and community development funding proposal and a new tax proposal. The original funding and tax bills had been vetoed by the governor. Under the agreement, the budget reserve and cash flow account is set at \$400 million and the governor is given authority to make across the board budget cuts, or "unallot" should the economy experience a downturn. In return, the governor is to sign the funding proposals passed by the Legislature.

Moe said that a bill in the Rules and Administration Committee could be the vehicle for the jobs, energy and community development funding proposal. Accordingly, Moe moved that the bill be recalled from the committee and that the measure, H.F. 1650, be designated a Special Order. The original author of the measure, Sen. William Luther (DFL-Brooklyn Park), then asked to be removed as chief author and moved that Sen. Carl Kroening (DFL-Mpls.), be named chief author. All three motions were adopted without discussion. The measure was then amended to delete the original language and substitute the conference committee report for the original jobs, energy and community development funding bill. Again, the motion was adopted without discussion. The bill was then given final passage on a roll call vote of 53-10. However, several Senators that were in a

conference committee requested a chance to vote on the measure. Therefore, upon a motion by Moe, the bill was reconsidered and repassed on a vote of 58-9.

Later in the evening, an amendment, offered by Sen. Douglas Johnson (DFL-Cook) to a bill, H.F. 984, modifying provisions relating to the Dept. of Administration, contained other provisions of the agreement. The amendment provides for the authority for unallotment contingent upon the funding bills, the campaign finance bill and the tax bill being signed. If by a specific date, the commissioner of finance finds that the budget reserve has fallen under \$400 million, the commissioner has authority to unallot \$160 million. Further, the amendment specifies that if, on Nov. 30, 1994, the commissioner finds there is more than \$400 million in the budget reserve, the commissioner must restore the amount cut. Another amendment, offered by Johnson, removes a provision of the Dept. of Administration bill relating to consultant contracts. Both amendments were adopted. The bill, sponsored by Sen. Phil Riveness (DFL-Bloomington), was then granted final passage on a 56-11 vote.

The final piece of the agreement came with the passage of a new omnibus tax bill. The proposal, which is identical to the previous tax bill except for the provision authorizing corporations to take a tax deduction for employees earning more than \$1 million, was included in H.F. 427, the conference committee report on the technical tax bill. The conference committee report was adopted and the measure, authored by Sen. Sandra Pappas (DFL-St. Paul), was repassed on a 62-5 roll call vote.

## MinnesotaCare bill passes

The conference committee report on the MinnesotaCare bill establishing integrated service networks and creating a regulatory framework for their operation, was among several bills granted final approval by the Senate, Mon., May 17.

Sen. Linda Berglin (DFL-Mpls.), bill author, said that the bill, H.F. 1178, changed very little during conference committee deliberations. The comprehensive health care bill implements recommendations of the Minnesota Health Care Commission, defines and regulates all health care services not provided through Integrated Service Networks (ISNs) and establishes data reporting and collection requirements. In addition, the bill establishes other cost

containment measures and provides for voluntary public commitments by health plans and providers to limit the rate of growth in total revenues.

ISNs provide for a cost containment plan. Incentives are included to encourage the voluntary development of competing ISNs that are accountable for the price and quality of their services. ISNs are responsible for providing the full array of health care services for a fixed price for the purchaser, thus creating incentives for the participating providers and health plans to be more efficient. The plan not only calls for competition and limits on spending growth, but also for collaboration when competition is likely to produce excess capacity in the health care system. In addition, practice parameters are to be developed to give guidance to providers regarding the most effective methods of care and treatment.

Berglin outlined the substantive changes made by the conferees. The changes include eliminating the provision that mandates seatbelt use as a primary offense, reducing the gift limit to practitioners to \$50, raising the loss ratio requirement one percent each year over the next seven years, and adjusting the loan forgiveness program for the rural health portions.

Berglin said that bill establishes a cost containment plan along with mechanisms to enforce it and saves \$7 million, cumulatively, over the next 5 years. Berglin said that by the end of FY97, the projected deficit exceeds just over \$237 million. To put it into perspective, Sen. Duane Benson (IR-Lanesboro), said that if no plan for cost containment had been proposed, the deficit would far exceed the projected deficit under the bill. Berglin also explained a cost saving provision that stipulates that the Depts. of Human Services and Health cannot hire additional staff for the program if the budget is not balanced in FY97. The measure was repassed on a 50 to 17 roll call vote.

## Subscription renewal

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# Floor action

Thursday, May 13

## Truancy deemed neglect

Failure to provide education to a child is deemed "neglect" and is reportable under the Child Abuse Reporting Act, according to H.F. 251. Members of the Minnesota Senate considered the bill, Thurs., May 13. Sen. Jane Ranum (DFL-Mpls.), bill sponsor, said the bill aims to deal with "baby truancy" resulting from failure of the child's parent, guardian, or custodian to comply with compulsory instruction laws. The members adopted a Ranum amendment that stipulates that the measure targets children under the age of 12 years and requires reporting after the school has made appropriate efforts to resolve the child's attendance problems. The measure gained final passage on a roll call vote of 56-0.

A measure that authorizes use of money in the agricultural chemical response and reimbursement account for administrative costs, exempts certain pesticides from the ACRRA surcharge and repeals the hazardous substance labeling act also gained the majority of the Senators approval on a roll call vote of 53 to 3. Sen. Steven Morse (DFL-Dakota), bill sponsor, offered an amendment to H.F. 1225. Sen. Dennis Frederickson (IR-New Ulm) questioned the germaneness of the amendment. He argued that the amendment had little to do with the bill. Morse countered that since the bill is the omnibus agricultural bill, the amendment was germane. After the president ruled the amendment germane, Frederickson requested that the amendment be divided. The first portion, gaining members approval, calls for cooperative research to include pesticide use reduction, technology transfer of pesticide reduction practices, and the evaluation and demonstration of best management practices, with the goals of achieving a reduction in input costs of producers and improving utilization of integrated pest management, biological pest controls, and other pesticide reduction practices. Research may also be conducted regarding agricultural chemical spill site remediation. The second portion of a Morse amendment did not gain approval. The amendment requires the Dept. of Agriculture to study the feasibility of developing a producer-controlled oilseed production facility to process canola, crambe, and other grains. Frederickson voiced concern about the budget constraints already faced by the department.

Sen. Dallas Sams (DFL-Staples) also gained support for an amendment to remove the pricing floor on milk on a roll call vote of 51-9.

## K-12 education bill passed

After lengthy deliberations in conference committee, Senators granted final passage to H.F. 350, the omnibus K-12 education bill, Thurs., May 13. Sen. Lawrence Pogemiller (DFL-Mpls.), bill author, outlined the major provisions in the education reform measure, which he said aims to bring more equity into Minnesota's educational system.

Pogemiller said the bill implements the mission of public education in Minnesota through innovation and systemic restructuring. The mission of public education in Minnesota, according to the bill, "is to ensure individual academic achievement, an informed citizenry, and a highly productive workforce."

The measure provides policy changes and funding for the state's K-12 schools, addressing issues relating to general education revenue, transportation, special programs, community programs, infrastructure and equipment, education organization and cooperation, libraries, state agencies, and state board duties, said Pogemiller.

A key feature of the bill, according to Pogemiller, is a plan to reduce class sizes. The bill provides increased funding to reduce learner teacher ratios to an average of 17 to one in kindergarten and first grade. After meeting the goal for kindergarten and first grade, schools must prioritize the use of remaining funds for reductions in learner teacher ratios in subsequent grades--up to grade six. Pogemiller said the original Senate bill provided more money for class size reductions, but a compromise was reached in conference committee to use some of that money to fully fund pupil growth formulas.

To promote local flexibility and innovation in the classroom, Pogemiller said the bill contains an article that modifies or repeals restrictive and unnecessary mandates existing in current law. The bill also provides for family services and community-based collaboratives which aim to promote cooperation and gain efficiencies; a youth apprenticeship program; a teachers of color program to provide incentives for the recruitment of minority teachers; and more flexibility in school schedules to provide for the decrease in class sizes.

Other provisions in the package include a plan to shift agricultural and homestead credit aids (HACA) from districts of greater property wealth to property-poor districts; a program for radon testing in schools; and a teacher residency program. The measure also includes a directive that requires the Minnesota High School

League to submit to the Legislature a written report that analyzes "the extent of the opportunities available for women to train and serve as referees at league-sponsored events." Another provision raises the statewide cap from eight to 20 on the number of charter schools, which give teachers and parents more control over budgets, staffing, curriculum, and teaching methods.

Pogemiller pointed out that proposal accelerates the adoption of new high school graduation requirements. He said the new graduation rule provides accountability for the increased decision making authority that schools and teachers gain under the bill.

The conference committee removed provisions that had been in the Senate version that allowed increases in education funding through local referendums that raised income taxes, as opposed to property taxes, said Pogemiller. He also noted that conferees deleted a proposal to raise the third-tier income tax.

Speaking in opposition to the bill, Sen. Gen Olson (IR-Minnetrista) said the measure is "further tinkering on the edge," and does not provide major reform to Minnesota's education system. Olson said the bill creates property tax increases in many suburbs. Sen. Roy Terwilliger (IR-Edina) also spoke against the bill, saying the initial inclusion of the tax provisions disrupted the deliberations on education policy.

Pogemiller said that it was right to include the tax provisions in the education bill because taxes and education are so closely linked. Pogemiller said he would offer a separate bill that raises more money for education by increasing income taxes on Minnesota's wealthiest citizens.

Senators approved the \$5.2 billion package on a vote of 52-14.

## Income-tax increase debated

Calling for increased funding to improve Minnesota's schools, Pogemiller offered H.F. 443. Pogemiller said the bill provides more money for property tax relief, reductions in learner teacher ratios, increases in the general education formula, and sparsity aid for some school districts.

The proposal raises \$227 million by increasing income taxes on single filers with taxable incomes of \$84,830 and joint filers who have a taxable income of \$150,000, according to Senate tax analysts.

Sen. Dean Johnson (IR-Willmar) spoke against the increase, saying that there is already enough money in the system to have an excellent educational system. Johnson argued that the question

was a matter of how the money is allocated, not how much is spent. Pogemiller countered that the additional revenue is needed in order to effectively implement educational reforms.

On a vote of 43-22, members granted final passage to the bill.

### **Human services bill passed**

The omnibus health care and family services conference committee report, S.F. 1496, passed the Senate on a 61-5 vote Thurs., May 13. Sen. Don Samuelson (DFL-Brainerd) explained the key provisions in the \$4.4 billion bill, which provides funding and policy direction for the Dept. of Human Services, the Dept. of Health, the Veterans Nursing Home Board, the health-related state boards, the Council on Disability, and the ombudsperson for mental health and mental retardation.

The bill provides for a variety of social services and welfare programs, including a grant program to help public or private agencies fund "crisis nurseries," which provide care for children who are at risk or have been subject to abuse or neglect. Another grant program in the bill provides funds for respite services to families at risk of abusing or neglecting children, and to families who are already receiving protective services.

The proposed legislation gives the commissioner of the Dept. of Health, rather than the governor, the power to appoint members to the Chemical Dependency Licensing Advisory Council. According to the bill, the commissioner must consult with the council before developing rules that regulate the testing, licensing, and ethical reviews of chemical dependency counselors.

As part of an effort to control the high cost of nursing home care, the bill makes it more difficult for elderly people to transfer their assets in order to become eligible for Medical Assistance (MA). The measure prohibits transfers of assets at less than fair market value for the purpose of establishing or maintaining MA eligibility. The provision provides that any disposal of assets for less than fair market value that a person makes within 60 months preceding their application for MA or during MA eligibility may be used in determining MA eligibility. Furthermore, the new policy presumes that any transfer made within 60 months of MA application, or during MA eligibility, has been made in order to establish or maintain eligibility.

Samuelson said a key part of the bill is a funding mechanism that leverages federal dollars, preventing budget cuts to nursing homes. The mechanism leverages the federal dollars by raising money from a

surcharge on medical providers; in turn, said Samuelson, the providers receive an increase in Medical Assistance rates.

A number of lawmakers sponsored provisions in the bill that aim to collect child support payments that are in arrears, and to make it easier to establish paternity. The bill authorizes interstate income withholding for child support and spousal maintenance payments. The measure also provides that child support orders shall contain provisions that require obligors to keep public agencies informed of their employment and insurance status.

Parents must provide their Social Security numbers when filing birth certificates, under the proposal. Human services agencies may use the social security information to establish paternity and to enforce child support orders. Also, the commissioner of human services must prepare materials for prospective and new parents about the benefits and effects of establishing paternity. When preparing the materials, the commissioner must consult with child advocates and support workers, advocates for battered women, social services providers, educators, attorneys, persons who work with parents in decisions related to paternity, and communities of color.

The bill also increases efforts to control welfare and Food Stamp fraud. Upon a showing of probable cause, county attorneys have the authority to subpoena insurance, employment, and wage records relating to persons who are the subject of a welfare fraud investigation relating to eligibility for public assistance programs. The provision only applies to business entities' records and does not extend to private individuals or their dwellings.

Food Stamp fraud, according to the proposal, is specified as a criminal, as well as a civil, violation. Provisions in the measure give peace officers and welfare investigators the authority to confiscate Food Stamps or transaction devices that are in the hands of unauthorized persons.

Included in the bill is funding to convert the Moose Lake Regional Treatment Center (RTC), which currently provides care for mentally ill and developmentally disabled patients, into a 100-bed hospital for patients who have psychopathic personalities. The plan also provides for the transfer of the Mooselake RTC patients into residential homes.

Another project in the bill requires the Veterans Home Board to establish a veterans home in Fergus Falls, with at least 60 skilled nursing beds. The financing of the home must be comprised of 65 percent federal funds and 35 percent nonstate sources, such as local government, veterans' organizations, and businesses.

## **Friday, May 14**

### **Mpls residency requirement**

New employees of the city of Minneapolis may be required to reside within the city's territorial limits as a condition of employment under a bill approved by the Senate, Fri., May 14.

Sen. Carol Flynn (DFL-Mpls.), bill author, said, "Minneapolis is transforming into a island of poverty, divided by class, race and politics." She said that the bill, H.F. 74, not only strengthens the tax base of the city's economy, but also improves city employees' performance since they hold a stake in the city's health. Sen. Steve Novak (DFL-New Brighton) rose in opposition, saying that the unions do not support the measure. The bill passed on a roll call vote of 40 to 27.

The conference committee report on S.F. 1046, a bill that prohibits interference with access to medical facilities, also received final passage. The bill, carried by Sen. Sandra Pappas (DFL-St. Paul), was expanded by the conference committee to include interference with access to other health and safety facilities. Among the facilities covered by the revised bill are those providing counseling regarding options for medical services or recovery from an addiction, emergency shelter services for battered women, residential care homes, hospice programs, and nuclear and meat processing plants. Senators, who voiced their opposition to the Conference report, stated that the expansion of the "facilities" definition is an attempt to obscure the abortion issue.

The measure imposes a gross misdemeanor penalty upon a person who intentionally and physically obstructs any individual's access to or egress from a facility and also provides for civil remedies, not exclusive of any other legal or equitable remedies, to the person who is aggrieved by the interference.

On a roll call vote of 43 to 24, the Senate repassed the bill as amended by the conference committee.

### **Transportation bill repassed**

Late in the day Fri., May 14, Senators granted acceptance of the conference committee report on the omnibus transportation and public transit finance bill. H.F. 1709, carried by Sen. Keith Langseth (DFL-Glyndon), contains funding for various highway and transit projects throughout the state over the next biennium. Langseth said that the bill is fairly non-controversial because it contains "very little money" for funding the many necessary projects. Langseth said that the measure contains no new gasoline tax increase nor does it add to the motor vehicle excise tax, both proposals which



# Floor action

had been favorably acted upon by the Senate earlier.

The measure provides total appropriations of \$2.349 billion from all sources for funding the Dept. of Transportation, the Regional Transit Board, the Transportation Regulation Board, part of the Dept. of Public Safety and several non-health related boards.

According to Langseth, the measure also provides for an appropriation of \$200,000 to match federal funds for the planning and design of a metropolitan light rail transit system. Hennepin and Ramsey Counties must also provide matching funds, said Langseth. The measure also specifies a \$2.50 increase in the fees for drivers' licenses and Minnesota identification cards that is earmarked for the State Patrol, Langseth said. Also, under the bill, the commissioner is directed to develop new drivers' licenses and identification cards that are more impervious to alteration. Finally, Langseth said that the bill provides an additional \$2 million for Greater Minnesota transit, \$6.4 million for metropolitan transit and \$1 million for metro mobility. The bill was repassed on a vote of 59-0.

## Higher ed funding okayed

The last of the major budget bills was sent to the governor Fri., May 15, when Senators adopted the conference committee report on S.F. 1407, the higher education funding bill. The bill, sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls), provides a total general fund appropriation of \$2.043 billion for the Higher Education Coordinating Board, the State Board of Technical Colleges, the State Board of Community Colleges, the State University Board, the University of Minnesota, the Mayo Medical Foundation and the Higher Education Board. According to Stumpf, the compromise funding package is about \$19 million more than the original Senate bill and about \$6 million less than the original House position with the major difference in the area of financial aid.

Stumpf said that the bill holds the line on tuition increases to about 3 percent each year. In addition, the compromise bill includes a provision in the Senate bill providing for a telecommunications network between higher education institutions. In addition, the planned merger of the higher education systems is to continue under the compromise bill. Stumpf said that the measure sets up a process to monitor the progress of the planned merger.

There was very little debate on the measure and the bill was repassed on a vote of 58-0.

## Saturday, May 15

### Appointments confirmed

The early portion of the Sat., May 15, floor session was devoted to the consideration of a number of gubernatorial appointments. The Senate confirmed the appointments of Morris J. Anderson as commissioner of the Dept. of Revenue; Dorothy McClung as a judge on the Minnesota Tax Court; Laurie Fiori Hacking as executive director of the Public Employees Retirement Association; Dottie M. Rietow as chair of the Metropolitan Council; Barbara Butts, Martha M. Head, Mary Hill Smith, Patrick Leung, Esther Newcome and Stephen B. Wellington to the Metropolitan Council; Louis R. Clark as chair of the Metropolitan Waste Commission; Lyle G. Mehrkens to the Transportation Regulation Board; Michael S. Jordan as commissioner of the Dept. of Public Safety; Harriette Burkhalter, Jon O. Haaven, Virginia Ward and Peter Hustad Watson to the Board on Judicial Standards; Beth A. Baker, Mara R. Thompson, Peter Westerhaus and M.J. "Mac" McCauley to the Harmful Substance Compensation Board; James Gustafson as commissioner of the Iron Range Resources and Rehabilitation Board; Thomas Burton to the Public Utilities Commission; Richard Hefte, Thomas Johnson and Rosalia Olsen to the Workers' Compensation Court of Appeals; Peter G. Bernier to the Minnesota Housing Finance Agency; and Paul J. Gam to the Minnesota World Trade Center Corporation Board of Directors.

### Child placement bill repassed

A bill making changes in the procedures for the out-of-home placement of children was repassed during the Sat., May 15, floor session. The measure, H.F. 994, authored by Sen. Allan Spear (DFL-Mpls.), had originally been quite controversial because it made major changes in the Minority Heritage Preservation Act. However, according to Spear, changes made in the Senate and in the conference committee, made the measure more palatable to all parties concerned. The compromise proposal clarifies that the racial and cultural background are elements in the determination of placement but that they are not the overriding factors in the determination.

Spear said that most of the controversial portions of the bill had been removed. For example, the compromise bill emphasizes that the court must consider the "best interest of the child" in permanent placement cases, but the proposal does not contain a list of items that define "best interest of the child."

According to Spear, the major thrust of the bill, after the conference committee finished its work, is to streamline the procedures for foster care and adoption placement by setting time limits to minimize the number of placements. The conference committee report was adopted and the measure was repassed, 61-0.

### Uniform local elections debated

A bill providing for uniform local elections generated heated debate during the Sat., May 15 floor session. S.F. 1512, authored by Sen. William Luther (DFL-Brooklyn Park), requires regular city elections to be held in the fall; permits town elections to be held in November; and authorizes special elections to be conducted by mail ballot. Debate on the measure centered on an amendment offered by Luther. The amendment contained several provisions to clarify language in the bill. In addition, the amendment specified that the secretary of state could require mail ballots to be used for local government special elections. Sen. John Marty (DFL-Roseville) argued against the provision and said that requiring mail ballots regardless of the wishes of the local units was an unfair mandate on the local unit. Luther then withdrew that portion of the amendment.

In addition, members conducted a spirited debate over an amendment, also offered by Luther, to require school board elections to be held in November. Proponents argued that the increased voter turnout at the November election insures greater accountability and responsiveness. Opponents, led by Sen. Roger Moe (DFL-Erskine), argued that the current procedure of holding school board elections in the spring insures that the issues are not clouded by the other issues surrounding the November elections. Moe also argued the current procedure is an example of the "if it ain't broke, don't fix it," rule. The amendment failed on a vote of 21-42.

A third Luther amendment, providing that non-metropolitan townships may hold elections on the same day as the town meeting and Metropolitan Area townships may have elections in November also generated considerable debate. Sen. Terry Johnston (IR-Prior Lake) argued that townships could save money and increase voter turnout by holding elections in November as specified in the original bill. Luther withdrew the amendment and the bill gained final passage on Special Orders with a vote of 65-0.

### Anti-crime bill passed

The conference committee report on the omnibus crime prevention bill was adopted and repassed Sat., May 15. H.F. 1585,

authored by Sen. Randy Kelly (DFL-St. Paul), makes changes in the penalties for a variety of firearms-related offenses, provides for a sentence of life without parole for persons convicted of killing a peace officer, requires a waiting period before purchase of assault type weapons, and stiffens penalties for drive-by shootings. Kelly said that the compromise contains much of the Senate version of the original bill and "attempts to address the critical problems of violence in our state."

In addition, Kelly yielded to Sen. Lawrence Pogemiller (DFL-Mpls.) and Sen. Pat McGowan (IR-Maple Grove) to explain provisions in the bill that toughen penalties for stalking and harassment crimes. McGowan said the proposal offers hope of providing protection to people whose lives have been ruined by stalkers. McGowan also praised a provision in another portion of the bill that allows statistical evidence relating to DNA testing to be offered in court.

Sen. Allan Spear (DFL-Mpls.) also spoke in support of the bill. "Last year we adopted the principle of balancing penalty provisions with prevention efforts and this bill maintains that balance," Spear said. "We have responded to concerns about violence, drive-by shootings and guns in schools, yet at the same time we have provided creative prevention efforts in youth intervention proposals," he concluded.

Kelly said that the measure appropriates about \$9.35 million but that the funding is raised through increases in fines and fees. One of the major prevention initiatives contained in the compromise package is an appropriation for Asian-American youth intervention programs.

The conference committee report was adopted and the bill was repassed 66-0.

### **Veto override attempted**

The gubernatorial veto of the omnibus jobs, energy and economic development funding bill provided the impetus for an attempted veto override early in the evening Sat., May 15. S.F. 1613, carried by Sen. Carl Kroening, provided funding for Head Start Programs, job creation and numerous other programs. The governor in his veto message said that though the measure contained many worthwhile programs, the bill was \$26 million over the budget target.

Kroening, in urging the override, said that "the veto holds the most vulnerable people in the state hostage" by denying funding for Head Start, programs for the homeless and youth job creation programs. Sen. Dennis Frederickson (IR-New Ulm), argued against the override. Frederickson said that the budget contains fiscal implications that leave those very pro-

grams vulnerable to the slightest downturn in the economy.

Minority Leader Dean Johnson (IR-Willmar) also argued against the override. "Many have given the impression that if we uphold the veto we are against the good programs in the bill, but we are worried about the taxpayers in this state. We want to be responsible and be able to say that we have not raised taxes," he said.

Majority Leader Roger Moe (DFL-Erskine), argued for the override and said that the Senate had tried to compromise time after time throughout the session, but that the governor had been unwilling. "We have done all that we could to compromise this session and we'd ask you to join in an effort to address the needs of the most helpless people of our society," Moe said.

The motion to override the veto failed to gain adoption on a vote of 44-23.

### **Campaign finance reform**

The campaign finance reform bill approved by the Legislature, but vetoed by the governor, surfaced Sat., May 15, as an amendment to a bill dealing with local elections. The amendment was characterized by sponsor Sen. John Marty (DFL-Roseville) as an attempt to address the governor's concerns about independent expenditures.

According to Marty, the amendment is the conference committee report of the original bill with no changes except on the issue of independent expenditures. The amendment requires notice of independent expenditures and provides penalties for failure to provide notice. In addition, the amendment specifies that the expenditure limits of the candidate against whom the independent expenditure is aimed, are raised to the same extent as the expenditure. The amendment also specifies that the candidate is eligible for an increase in public subsidy for up to half of the independent expenditure amount. Senators adopted the amendment on a voice vote.

The bill, H.F. 201, was then granted final passage on Special Orders with a vote of 62-5.

## **Monday, May 17**

### **Data practices bill passed**

The Senate heard the conference committee report on the data practices bill in floor session Mon., May 17. H.F. 1245 provides for the collection, classification, and dissemination of data, declaring what data is to be considered public or private information, and in which cases private information can be disclosed to certain persons or agencies. Among many provisions, the bill declares information regarding disqualifications of licensure for

day care and foster care providers to be public, states that the identity of a complainant or witness involved in a sexual harassment complaint can be kept private, and makes available certain data for a study concerning remedial instruction in public post-secondary education systems. Sen. Jane Ranum (DFL-Mpls.), author of the bill, noted that one of the Senate's provisions, which would have allowed juveniles over the age of 14 to give consent for the release of their juvenile records, was deleted in the conference committee.

The report of the conference committee was adopted and the bill was given final passage on a vote of 64-1.

### **Bonding bill moves ahead**

In the late hours on the last night of Session, Senator conferees reached an agreement with the House on a capital budgeting bill, S.F. 1749, authored by Sen. Gene Merriam (DFL-Coon Rapids). Merriam outlined the compromise package, which authorizes \$64.4 million in building and public improvement projects.

The package contains a variety of projects relating to transportation, education, corrections, human services, the environment, state agencies, and veterans homes. Merriam explained that funding is needed to repair public buildings, correct hazardous conditions and bring the structures under code compliance. For example, some of the funds will be used to repair damage caused by the recent floods in southwest Minnesota.

Projects relating to K-12 education receive the largest allotment of funds, \$12 million. Higher education projects in the package total \$5.2 million.

The Dept. of Corrections receives \$9.6 million in funding to convert the Moose Lake Regional Treatment Center into a medium-security prison and \$212,000 for a facility in Red Wing that detains violent and predatory juveniles.

Environmental spending in the package includes projects relating to flood control, state forest inholdings, dam repair, wildlife management areas, conservation reserve, and land acquisition. In addition, the Pollution Control Agency receives \$11 million for the state share of combined sewer overflow grants and the Public Facilities Authority gains \$4 million for to match federal grants to capitalize the state water pollution control revolving fund.

Other projects in the bill include \$6.9 million for the Bloomington Ferry Bridge, \$3 million to renovate the transportation building, \$3 million for local bridge repair and replacement, and \$400,000 for renovation of the Mpls. Veterans Home.

Members approved the package on a vote of 66-0.

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# Floor action

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for May 13-17

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## Bills gaining final passage on Special Orders--May 13

- H.F. 1499-Janezich:** Providing for training requirements for manual or mechanical therapy; requiring diagnosis of person's condition before therapy; providing for rulemaking; and imposing a penalty. 62-0
- H.F. 777-Merriam:** Requiring disclosures when consumer reports are used for employment purposes; and providing for individual's access to consumer reports. 55-0
- H.F. 31-Pappas:** Providing for gender balance in multimember state boards and commissions. 34-24
- H.F. 623-Pappas:** Requires the revision of the state transportation plan and development guide to include matters relating to the Metropolitan Area; prohibiting federal block grant funds from being spent on trunk highways unless ancillary to public transit facilities; and adding metropolitan transit goals. 35-26
- H.F. 1529-Pogemiller:** Reviewing the possible reorganization and consolidation of agencies and departments with environmental and natural resource functions; creating a legislative task force; and requiring establishment of worker participation committees before possible agency restructuring. 51-9
- H.F. 1081-Wiener:** Regulating collections agencies; modifying prohibited practices; requiring notification to the commissioner upon certain employee terminations; repealing inconsistent surety bond and term and fee rules; regulating credit services organizations; modifying registration and bond requirements; and modifying enforcement powers. 57-0
- S.F. 553-Riveness:** Providing additional funding from various sources for the Minneapolis and St. Paul Teacher Retirement Fund Associations; assessing active and retired members for teacher retirement fund associations supplemental administrative expenses; modifying post retirement adjustments; authorizing contributions by the city of Minneapolis; and authorizing tax levies by Special School District No. 1. 55-0
- H.F. 836-Laidig:** Providing for the sale of game and fish licenses through subagents. 56-1
- H.F. 251-Ranum:** Expanding the definition of "neglect" to include failure to provide a child with necessary education. 53-0
- H.F. 519-Luther:** Regulating the registration and operation of off-highway motorcycles; setting fees and penalties; appropriating money; and requiring reports to the Legislature. 59-0
- S.F. 1162-Benson, D.D.:** Changing the membership and duties of the Legislative Commission to Review Administrative Rules; transferring rule review functions of the Office of the Attorney General to the Office of Administrative Hearings; regulating grants of rulemaking authority, notices of intent to solicit outside opinion, and public hearing requirements; authorizing the governor to disapprove rules adopted after public hearing; and eliminating the requirement that agencies review their rules and consider methods to reduce their impact on small business. 61-0
- S.F. 860-Stumpf:** Providing coverage for unclassified managerial employees in temporary, acting, or interim positions; providing default plan for employee selection; adding conforming language to clarify eligibility between plans; relating to the Individual Retirement Account Plan; providing for repayment of missed contributions; providing for administrative expenses; providing for contributions during period of sabbatical leave; and relating to the supplemental retirement plan by providing conforming language for previous oversight of eligible members. 54-0
- H.F. 1225-Morse:** Authorizing use of money in the agricultural chemical response and reimbursement account for administrative costs; exempting specific pesticides from the ACRRA surcharge; requiring a report; and repealing the hazardous substance labeling act. 58-3
- H.F. 443-Pogemiller:** Increasing income tax rates on upper income persons and using the proceeds of the tax increase to reduce school district property tax levies and to reduce class sizes. 43-22

## Bills gaining concurrence and repassage--May 13

- S.F. 1115-Berg:** Modifying provisions relating to aquaculture and providing penalties. 47-0
- S.F. 162-Morse:** Providing for retirement coverage for state university and community college personnel; providing coverage for providing default plan for employee selection; adding conforming language to clarify eligibility between plans; relating to the individual retirement account plan; increasing the employer contribution rate; providing for repayment of contributions during period of sabbatical leave; permitting certain coverage transfers; relating to the supplemental retirement plan; providing conforming language for previous oversight of eligible members; relating to marriage dissolutions; providing alternate method of retirement asset distribution for individual retirement account plan; providing alternative coverage for certain state university and community college personnel. 64-0
- S.F. 207-Finn:** Providing for data classifications relating to the Board of Social Work and the Board of Marriage and Family Therapy; changing board membership; adding licensing requirements to the Board of Social Work. 66-0
- S.F. 235-Frederickson:** Authorizing release of a reversionary interest in state lands conveyed to the city of St. Peter. 63-0
- S.F. 262-Kelly:** Authorizing the city of St. Paul to prepare, adopt, and amend design districts and a design framework, to establish a design advisory committee, and to establish design review procedures to preserve and enhance the city's appearance and environmental quality. 66-0
- S.F. 560-Berlin:** Extending the hospital construction moratorium. 66-0
- S.F. 751-Pappas:** Regulating tanning facilities; requiring warning notices; authorizing local units of government to license and otherwise regulate tanning facilities; establishing record keeping requirements and prescribing penalties. FAILS. 31-36
- S.F. 853-Stumpf:** Increasing service pension maximums for Volunteer Firefighters' Relief Associations; establishing a fire state aid maximum apportionment; providing penalties for noncompliance with service pension maximums; specifying duties for the state auditor; ratifying prior nonconforming lump sum service pension amounts in force; modifying investment performance calculations; modifying local Volunteer Firefighters Relief Association provisions; prohibiting the use of lawful gambling contributions for pensions.

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## Conference committee reports adopted and repassed--May 13

H.F. 350-Pogemiller: Omnibus K-12 education funding bill.

S.F. 1496-Samuelson: Omnibus health care and family services funding bill. Appropriating money for human services, health and other purposes; establishing and modifying programs; and providing penalties. 61-5

## Bills gaining final passage on Special Orders--May 14

H.F. 543-Johnson, D.J.: Authorizing the sale of tax-forfeited land that borders public water in Cook County; authorizing the sale of tax-forfeited land in Sherburne County; authorizing the sale of tax-forfeited land in Stearns County; and correcting the legal description of the state land to be sold in Anoka County. 59-1

H.F. 1259-Kroening: Extending to the city of Minneapolis the authority to guarantee specific loans. 61-0

H.F. 1182-Kroening: Providing for the release of a state interest in specific property in the city of Minneapolis. 56-1

H.F. 94-Chmielewski: Exempting manufacturers of snowmobile trailers from being required to have a dealer's license to transport the trailers. 62-0

S.F. 1260-Pogemiller: Providing that the Local Government Pay Equity Act does not limit the ability of public employees to strike and requiring the commissioner of employee relations to consider the effects of strikes in determining whether political subdivisions are in conformity with the act. 61-1

H.F. 504-Metzen: Allowing a county authority to operate public housing projects without a city resolution; changing minimum amounts for contract letting procedures; and changing requirements for general obligation revenue bonds; authorizing the Duluth Housing and Redevelopment Authority to levy a property tax under general law; and providing for a separate statement of the levy for the Seaway Port Authority of Duluth. 58-0

S.F. 416-Pogemiller: Providing for a presidential primary by mail; changing the date of the presidential primary; increasing the filing fee for an affidavit of candidacy; and changing duties and procedures. FAILS 29-37

H.F. 74-Flynn: Authorizing the city of Minneapolis, Special School District No. 1, the city library board and the city park and recreation board to impose residency requirements. 40-27

H.F. 1325-Johnson, D.E.: Modifying the definition of dwelling for smoke detection devices. 61-0

S.F. 176-Moe, R.D.: Regulating distributions of excess surplus made by the Workers' Compensation Reinsurance Association and clarifying the law regulating distribution of excess surplus. 62-5

H.F. 10-Beckman: Establishing a comprehensive youth apprenticeship system and appropriating money. 67-0. Reconsidered and laid on the table.

S.F. 1314-Novak: Providing for a wage protection program in the event an employer goes out of business and providing penalties. 45-17

H.F. 1149-Sams: Relating to the Agricultural Finance Authority; authorizing direct loans and participation; increasing dollar limits; providing for an appropriation to the Minnesota Dairy Leaders Roundtable. 59-0

H.F. 1138-Bertram: Changing eligibility and participation requirements for Rural Finance Authority programs and authorizing a fee. 60-1

H.F. 1523-Luther: Establishing and regulating the Life and Health Guaranty Association and providing for its powers and duties. 61-0

H.F. 1095-Luther: Regulating the investments, assets, and liabilities, and annual statements of insurance companies; providing for continuance of coverage upon liquidation; modifying the definition of resident for purposes of the Minnesota Insurance Guaranty Association; regulating dividends and other distributions of insurance holding company systems; regulating risk retention groups; regulating the workers' compensation assigned risk plan; and enacting the NAIC model legislation. 58-0

H.F. 1436-Mondale: Appropriating money from the metropolitan landfill contingency trust fund to the commissioner of the Pollution Control Agency for reimbursement to the city of Hopkins for remediation of methane at the city landfill. 54-2

H.F. 1060-Sams: Making technical changes in eligibility for rural finance authority loan programs; authorizing an ethanol development program and appropriating money. 50-2

S.F. 545-Morse: Expanding coordinated plan survivor coverage benefits for certain public employees and teachers. 54-6

\*H.F. 1247-Riveness: Establishing an automobile theft prevention program and creating a board. 57-1

H.F. 1107-Johnson, D.J.: Establishing a small craft harbors program on Lake Superior; stating powers and duties of the commissioner of natural resources and local authorities in respect to the program. 59-1

H.F. 639-Luther: Regulating coverages under Medicare supplement insurance; conforming state law to federal requirements; and making technical changes. 51-0

## Conference committee reports adopted and repassed--May 14

S.F. 1074-Price: Providing for management of state-owned land by the Dept. of Natural Resources; providing for the use of proceeds from the private sale of state land in Washington County; providing for the transfer of shoreland lots in Otter Tail County; providing for reporting and planning by the commissioner of natural resources; providing for the deletion of land from the Moose Lake State Recreation Area; and providing for the private use of state trails. 53-0

S.F. 1315-Betzold: Relating to burial grounds and providing for civil actions. 55-0

S.F. 1105-Betzold: Extending the expiration date of specific advisory councils and committees; modifying provisions relating to lead abatement; changing regulation provisions for hotels, resorts, restaurants and manufactured homes; and specifying requirements for a manufactured home park zoning study. 47-9

S.F. 273-Knutson: Changing the description of Legislative Route No. 279 in the state trunk highway system after an agreement to transfer part of the old route to Dakota County and providing for a telecommuting study. 58-0

S.F. 413-Janezich: Authorizing the sale of tax-forfeited lands that border public water in St. Louis County; and authorizing the conveyance of Willmar Regional Treatment Center land to Kandiyohi County. 58-0

S.F. 236-Anderson: Requiring the development of an interim policy and a report on the issue of employees forced to leave employment due to domestic abuse and requiring a study on the issues of employees separated from employment due to problems with child care and domestic abuse. 53-7

S.F. 1275-Mondale: Providing protection from liability for releases of hazardous substances to lenders and owners for redevelopment of property under an approved cleanup plan; and providing authority to issue determinations regarding association with a release. 60-0

S.F. 512-Novak: Providing for regulation of telecommunications carriers; limiting discriminatory practices, services, rates, and pricing; providing for investigation, hearings, and appeals regarding telecommunications services; delineating telecommunications practices allowed; mandating availability of custom local area signaling service in the Metro Area; and providing penalties and remedies. 61-0.

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- H.F. 287-Johnson, J.B.:** Encouraging local government units to use purchasing techniques to reduce waste and develop markets for recycled products; prohibiting burning and burial of harmful materials on farms; defining packaging and recycling facility; prohibiting disposal of unprocessed mixed municipal solid waste; extending the time to construct specific projects with grant money; authorizing counties to count waste reduction toward 1996 recycling goals; regulating management of specific automobile waste; providing for county management and service contracts; requiring local government units to separately account for all revenue and spending related to waste management; requiring collectors of solid waste to disclose where the waste is deposited; prohibiting fluorescent and high intensity discharge lamps in solid waste; clarifying that organized waste collection is one of several tools for cities and counties to use to collect waste; requiring labeling of hazardous products; requiring reporting of tipping fee schedules at all waste facilities; requiring owners or operators of waste facilities that are publicly financed to account for charges and expenditures related to the facilities; regulating lamp recycling facilities; requiring electric utilities to encourage use of fluorescent and high intensity discharge lamps and requiring utilities to collect spent lamps; requiring a study of collection of such lamps; extending by one year the solid waste field citation pilot program; clarifying the effects of the repeal of the metropolitan landfill siting process; and requiring an environment enforcement policy. 51-11
- H.F. 931-Bertram:** Requiring that the minimum oxygen content for gasoline sold or offered for sale in a carbon monoxide control area after Oct. 1, 1993 and during a carbon monoxide control period contain at least 2.7 percent oxygen by weight; specifying that after Oct. 1, 1995, gasoline sold or offered for sale at any time in a carbon monoxide control area contain at least 2.7 percent oxygen by weight; specifying that after Oct. 1, 1997, all gasoline sold or offered for sale in Minnesota must contain at least 2.7 percent oxygen by weight; exempting ethanol development tax increment financing districts outside the Metropolitan Area. 61-3
- H.F. 1039-Bertram:** Prohibiting cities and towns from requiring additional licenses of persons licensed as auctioneers by a county. 58-1
- H.F. 454-Runbeck:** Requiring a summary of performance measures for business loan or grant programs from the Dept. of Trade and Economic Development; creating a task force on the state's economic future and competitiveness. 61-0
- H.F. 1151-Langseth:** Requiring wage payments at least every 30 days. 61-0
- H.F. 1133-Johnson, J.B.:** Directing the Public Service Department to evaluate and implement a policy to promote the use of motor vehicles powered by alternate fuels and appropriating money. 62-0
- S.F. 1046-Pappas:** Prohibiting persons from interfering with access to health care facilities; prescribing penalties; and authorizing civil and equitable remedies. 43-24
- H.F. 1205-Kelly:** Making the housing calendar consolidation projects in the second and fourth judicial districts permanent law; changing definitions relating to housing; and providing for changes in specific housing reports. 62-0
- H.F. 1709-Langseth:** Omnibus transportation and public transit finance bill. Appropriating money for the Dept. of Transportation and other agencies; modifying funds; creating a justice information policy group; providing for the regulation of specific activities and practices; and increasing fees. 59-0
- S.F. 1407-Stumpf:** Omnibus higher education appropriations bill. Appropriating money for education and related purposes to the Higher Education Coordinating Board, State Board of Technical Colleges, State Board for Community Colleges, State University Board, University of Minnesota, Higher Education Board, and the Mayo Medical Foundation; prescribing changes in eligibility and in duties and responsibilities for financial assistance programs; prescribing fees; adjusting duties and powers of the Higher Education Coordinating Board; prescribing changes for post-secondary systems; establishing an instructional telecommunications council; providing for grants from the HECB for regional linkages and coordination; authorizing the State Board of Community Colleges to use higher educational facilities authority revenue bonds to construct student residences; creating three accounts in the permanent university fund and making allocations from the accounts; providing tuition exemptions at technical colleges for Gulf War veterans; establishing grant programs to promote recruitment and retention initiatives by nurses training programs directed toward persons of color; and establishing grant programs for nursing students who are persons of color. 58-0
- H.F. 1524-Pogemiller:** Providing conditions and requirements for the issuance of public debt and for the financial obligations of authorities; providing an exemption from the mortgage registration tax; providing an exemption from an ad valorem taxation for specific lease purchase property; and providing a property tax exemption for specific property devoted to public use. 52-2
- H.F. 584-Johnson, J.B.:** Regulating telephone services to communication-impaired persons and requiring studies and reports. 57-0
- H.F. 1114-Berg:** Omnibus game and fish bill. Providing funding for wildlife habitat; defining terms; authorizing possession of firearms in deer zones; providing for stamp design; providing for financing waterfowl development; providing for shipment of wild animals taken in Canada; providing for the training of hunting dogs; specifying the transportation of firearms by disabled hunters; specifying clothing requirements; providing for firearms permits for the disabled; providing for the taking of deer; specifying nonresident fish house license fees; specifying seasons for taking raccoon, muskrat, mink, otter, and beaver; specifying the seasons for and requiring the tagging of fur-bearing animals; providing for ice fishing contests in conjunction with raffles; providing for rough fish taking by nonresidents; providing for the importation of minnows; specifying requirements for taking, possession, transportation, sale and purchase of mussels; and providing for the use of specific funds. 54-0
- H.F. 988-Stumpf:** Authorizing the taking of two deer in Kittson, Lake of the Woods, Marshall, and Roseau Counties. 56-0
- H.F. 574-Stumpf:** Relating to retirement; providing for administrative changes, age discrimination act compliance, death-while-active surviving spouse benefit improvements by the Minnesota State Retirement System, the Public Employees Retirement Association and the Teachers Retirement Association. 50-0
- S.F. 653-Lessard:** Providing conditions for the establishment of town roads and providing for a deputy registrar of motor vehicles. 39-16
- S.F. 1320-Murphy:** Requesting consultation on, and requiring consideration of, content about college preparation courses and providing an appeal procedure. 62-0

### **Bills gaining concurrence and repassage--May 14**

- S.F. 782-Berglin:** Expanding Medical Assistance Coverage to include nutritional supplementation products. 44-0
- S.F. 419-Berglin:** Modifying and making corrections to the Health Right Act. 50-0
- S.F. 948-Oliver:** Relating to insurance and property; regulating the FAIR plan; modifying provisions; and making technical corrections. 51-0
- S.F. 1171-Spear:** Creating a committee on nonfelony enforcement to review the proportionality and enforcement of petty misdemeanor, misdemeanor, and gross misdemeanor offenses and requiring a report. 62-0
- S.F. 1187-Pogemiller:** Clarifying the Uniform Anatomical Gift Act and retroactively defining organ donation as the rendition of a service. 66-0
- S.F. 1129-Solon:** Regulating financial institutions, deposits, rates and charges enforcement provisions and modifying the definition of insurance premium finance licensee. 64-0



S.F. 53-Price: Regulating the employment of children and establishing a child labor curfew. 36-30

S.F. 192-Chmielewski: Authorizing the sale of tax-forfeited and other state land that borders public water in Aitkin County. 50-4

### **Bills granted final passage on Special Orders--May 15**

H.F. 1486-Kelly: Requiring the Metropolitan Council to conduct a study of Metropolitan Area libraries and library systems and report to the Legislature with recommendations for strategies to work more efficiently in the future. 37-21

H.F. 10-Beckman: Establishing a youth apprenticeship program and appropriating money. 64-0

S.F. 142-Hottinger: Regulating rehabilitation services and consultations relating to workers' compensation. 42-19

H.F. 1658-Morse: Abolishing Minnesota Project Outreach Corporation and transferring its duties to Minnesota Technology, Inc.; requiring MTI report to be given to the University of Minnesota; requiring the Dept. of Trade and Economic Development to study methods of gaining federal grant funds for defense conversion opportunities; changing the membership of the Minnesota Jobs Skills Partnership Board; and authorizing the board to use up to 10 percent of funds for communication and information about employment needs. 60-6

S.F. 1512-Luther: Providing for uniform local election procedures; requiring regular city elections to be held in the fall; permitting town elections to be held in November; making uniform local government procedures; providing for designation of judge positions on the ballot; and authorizing special elections to be conducted by mail ballot. 65-0

H.F. 1415-Stumpf: Modifying provisions relating to wheat and barley promotion orders. 65-1

H.F. 555-Hottinger: Permitting the sale of credit involuntary unemployment insurance. 45-21

H.F. 531-Anderson: Requiring owner to furnish a tenant with a copy of a written lease for building of 12 units or more; requiring notice to tenants of foreclosure and limiting leases for properties that are under foreclosure; requiring disclosure of inspection and condemnation orders if the orders concern a threat to health or safety; modifying procedure for tenant file disclosure by tenant screening services; modifying definitions; requiring reports; reauthorizing housing courts in Hennepin and Ramsey Counties; and requiring studies. 65-0

### **Conference committee reports adopted and repassed--May 15**

H.F. 994-Spear: Providing for foster care and adoption placement; specifying time limits for compliance with placement preferences; setting standards for changing out-of-home placement; requiring notice of adoptions; clarifying language; and requiring compliance with specific laws; and appropriating money. 61-0

S.F. 40-Reichgott: Providing for durable power of attorney for health care; establishing duties of health care providers for the provision of life-sustaining health care; and imposing penalties. 52-10

S.F. 532-Finn: Conciliation Court bill; adopting one body of law to govern Conciliation Courts; and increasing the jurisdictional limits. 57-1

H.F. 129-Betzold: Relating to family law; providing for suspension of a license for unpaid maintenance; clarifying language; modifying provisions for establishment of third-party visitation rights; modifying time period for bringing paternity actions; permitting delinquent maintenance payments to be withheld from tax refunds; changing notices required in court orders; requiring specific terms in child support orders; providing for third-party compensatory visitation providing for jurisdiction of domestic abuse actions; providing for pleadings to be forwarded; and authorizing additional relief. 57-0

S.F. 1437-Novak: Public utilities agency bill; setting requirements for exit sign illumination for new buildings; eliminating advance forecast requirements for public electric utilities submitting advance forecasts in an integrated resource plan; requiring cooperative electric associations and municipal utilities to comply with standards set by Public Utilities Commission relating to electrical current or voltage; allowing extension of utility rate hearings in some cases; eliminating the district heating loan program; setting conditions for utility contracts; regulating the provision of water service to communities near Duluth; and making technical changes. 60-0

S.F. 306-Metzen: Providing for appointments of department heads and members of administrative boards and agencies; clarifying procedures and requirements; providing oversight of state and metropolitan government consulting contracts; and limiting and restricting state contracts. 44-23

S.F. 869-Lessard: Providing for the prevention and suppression of wildfires and providing penalties. 62-0

H.F. 1585-Kelly: Omnibus street crime prevention bill. Prohibiting drive-by shootings, possession of dangerous weapons and trespassing on school property; prohibiting the negligent storage of firearms and the reckless discharge of firearms; regulating the transfer of semiautomatic military-style assault weapons; prohibiting possession of a device for converting a firearm to fire at the rate of machine gun; prohibiting the carrying of rifles and shotguns in public; increasing the penalty for repeat violations the pistol carry permit law; providing for forfeiture of vehicles used in drive-by shootings and prostitution; revising and increasing penalties for stalking, harassment, and domestic abuse offenses; providing for improved training, investigation and enforcement of these laws; increasing penalties for and making revisions to controlled substances offenses; revising wiretap warrant law; providing for a sentence of life without release for first-degree murder of a peace officer; increasing penalties for crimes committed by groups; increasing penalties and improving enforcement of arson and related crimes; making changes to restitution and other crime victim laws; revising laws relating to law enforcement agencies, and state and local corrections agencies; making terminology changes and technical corrections related to new felony sentencing law; expanding the scope of sex offender registration and DNA specimen provisions; requiring counties to establish diversion programs; increasing surcharges and fees; expanding community crime reduction grant programs; and appropriating money. 66-0

S.F. 694-Marty: Omnibus DWI bill. Increasing penalties for driving while intoxicated with a child under 16 in the vehicle and providing for vehicle forfeiture for multiple offenses; requiring driver's license revocation for persons convicted of a controlled substance offense if the court finds that the person committed the offense while driving a motor vehicle; providing for pretrial release conditions for habitual DWI violators; increasing the penalty for persons who drive while under license cancellation; allowing the use of preliminary screening tests in some proceedings; providing a one-year program for funds from the sale of forfeited vehicles to be used for DWI-related enforcement, training, and education; making technical changes to apply DWI-related provisions to commercial motor vehicle operators; requiring information related to the risks and effects of alcohol to be printed in the driver's manual; clarifying administrative revocation penalties; extending the ignition interlock pilot program for one year; defining "consumption" in the underage drinking law; expanding prosecutorial jurisdiction over underage drinking offenses; requiring driver's license suspension for persons who commit an underage drinking offense while operating a motor vehicle; and expanding filing requirements relating to dram shop actions. 52-14

### **Bills gaining concurrence and repassage--May 15**

S.F. 1000-Solon: Regulating real estate fees, licenses and agreements; requiring disclosures; providing for meetings of the Real Estate Appraiser Advisory Board; changing terms; and regulating fees and licenses. 58-0

- S.F. 625-Solon:** Relating to first class city teachers retirement annuities, death-while-active survivor benefits, and administration; providing for St. Paul teachers postretirement adjustments; providing for administrative expenses; and expanding coordinated plan survivor coverage benefits for certain public employees and teachers. 61-1
- S.F. 1062-Mondale:** Establishing a Metropolitan Area radio systems planning committee under the Metropolitan Council and limiting expenditures to \$100,000. 60-3
- S.F. 1081-Pogemiller:** Redrawing the boundaries of the Metropolitan Council districts. 51-12
- S.F. 580-Reichgott:** Providing for the preparation and review of state and local government accounts; providing for the duties of the state auditor; providing for the costs of examinations; defining the limits to various types of compensation; providing procedures for the satisfaction of claims; providing procedures for the removal of city managers; and limiting specific high risk investments. 62-0
- S.F. 751-Pappas:** Regulating tanning facilities; requiring warning notices; authorizing local units of government to license and otherwise regulate tanning facilities; establishing record keeping requirements; and prescribing penalties. 42-24
- S.F. 1054-Wiener:** Requiring reports on advisory task forces committees and councils; providing for their expirations and eliminating advisory councils and committees that are no longer active. 62-0
- S.F. 1077-Piper:** Regulating child care programs; requiring an interpretative memoranda study; and providing for a vulnerable adult study. 63-0
- S.F. 748-Betzold:** Clarifying day training and habilitation transportation exemptions; clarifying that counties may contract with hospitals to provide out-patient mental health services; clarifying the definition of crisis assistance; increasing the allowable duration of unlicensed, single-family respite care; clarifying the definition of related condition and application procedures for family support grants; correcting references to case management and hospital appeals; clarifying eligibility for case management services; clarifying nursing facility rate adjustments; clarifying the calculation and allowing 12 month plans for special needs exceptions; clarifying requirements for health care provider participation; and clarifying voluntary spend-down procedures. 63-0
- S.F. 131-Hanson:** Restricting authority of regular route common carriers of passengers to depart from their authorized routes; authorizing the continued exercise of operating authority by such carriers; abolishing regulations related to personal transportation service providers; and making technical corrections. 59-5
- S.F. 1226-Price:** Minnesota Comprehensive Health Association changes. Clarifying the duties of the association and the responsibilities of the commissioner of commerce. 67-0

### **Bills gaining final passage on Special Orders--May 17**

- H.F. 1387-Novak:** Requiring Occupational Safety and Health Act compliance by independent contractors and requiring studies and reports on independent contractors. 64-0
- H.F. 373-Kroening:** Requiring arbitration in specific circumstances; establishing procedures; and providing penalties. 41-24
- H.F. 570-Metzen:** Changing the employee and employer contribution rates for the Public Employees Retirement Association; changing benefits under specific consolidations; and increasing the pension benefit multiplier for the public employees police and fire fund. 60-0. Reconsidered. Repassed 62-0
- H.F. 1377-Luther:** Making legislative telephone records and budgets public information. 67-0
- H.F. 1094-Luther:** Insurance technical bill. Regulating fees, data collection, coverages, notice provisions, enforcement provisions, the Minnesota Joint Underwriting Association, and the liquor liability assigned risk plan; enacting the NAIC model regulation relating to reporting requirements for licensees seeking to do business with unauthorized multiple employer welfare arrangements; and making various technical changes. 64-2
- Reconsidered. Amendments adopted providing for a study on the issue of lawyer's financial responsibility for malpractice to their clients and whether lawyers should be required to maintain malpractice insurance and delaying the date for requiring medical malpractice insurance. Repassed 67-0
- H.F. 1650-Kroening:** Amended to include the conference committee report on the omnibus jobs, energy and community development funding bill. Appropriating money for community development and agencies of state government; establishing and modifying programs; providing for the regulation of activities and practices; providing for accounts, assessments, and fees; eliminating or transferring agency powers and duties; and requiring studies and reports. 53-10
- H.F. 1253-Johnson, J.B.:** Relating to energy and cogeneration and small power production; providing for establishment of prices paid for utilities' avoided capacity and energy costs; and providing that the Public Utilities Commission establish a preference for renewable resource energy production. 63-0
- H.F. 125-Pogemiller:** Permitting Independent School District No. 279, Osseo, to adopt an alternating eight-period schedule; exempting the district from statutory instructional time requirements through the 1995-96 school year; making technical corrections in the omnibus K-12 education funding bill; providing for city of Red Wing levy; and changing a retirement provision. 66-1
- H.F. 984-Riveness:** Dept. of Administration technical bill; modifying provisions relating to the department. Johnson amendment providing for unallotment contingent upon the budget bills being signed; providing that if upon a specified date, the commissioner of finance finds that the budget reserve has fallen under \$400 million the commissioner has authority to unallot \$160 million; providing that if, on Nov. 30, 1994, the commissioner finds there is more than \$400 million the commissioner must restore the amount cut. 56-11
- H.F. 936-Frederickson:** Changing the name of the Dept. of Jobs and Training to the Dept. of Economic Security and providing a \$2.7 million appropriation for the purchase of a state aircraft. 43-22

### **Bills granted final passage under suspension of rules--May 17**

- S.F. 1642-Reichgott:** Making noncontroversial technical corrections and clarifications in bills passed by the Legislature this session. 67-0

### **Bills gaining concurrence and repassage--May 17**

- S.F. 811-Riveness:** Providing for a Metropolitan Area high speed bus study and appropriating money. 56-6
- S.F. 414-Flynn:** Providing for light rail transit governance and providing procedures for the design, approval and construction of light rail transit; establishing a corridor management committee; providing for resolution of disputes; and changing the membership and responsibilities of the light rail transit joint powers board. 63-1
- S.F. 663-Pogemiller:** Authorizing the filing officer to keep from the ballot the names of persons who are convicted felons, who are found incompetent or who are under guardianship or conservatorship; streamlining the process whereby names may be removed from the ballot. 66-0

**S.F. 1114-Luther:** Regulating franchise actions regulating sales of private label goods. 66-0

**S.F. 636-Murphy:** Requiring a study on the feasibility of including the city of Red Wing in the state financial assistance program for combined sewer overflow and providing an appropriation for multicounty solid waste composting facilities. 40-26

### **Conference committee reports adopted and repassed--May 17**

**H.F. 1042-Cohen:** Omnibus child support bill. Modifying provisions dealing with the administration, computation, and enforcement of child support; and imposing penalties. 59-6

**H.F. 1178-Berglin:** MinnesotaCare bill. Implementing recommendations of the Minnesota Health Care Commission; defining and regulating integrated service networks; requiring regulation of all health care services not provided through integrated service networks; establishing data reporting and collection requirements; establishing other cost containment measures; providing for classification of tax data; permitting expedited rulemaking; requiring studies; and appropriating money. 50-17

**H.F. 514-Novak:** Making changes in the laws concerning the petrofund; providing for passive bioremediation; providing for review of agency employee decisions; increasing the membership of the Petroleum Tank Release Compensation Board; establishing a fee schedule of costs or criteria for evaluating reasonableness of costs submitted for reimbursement; modifying petroleum tank release cleanup fee; modifying reimbursements; modifying consultant and contractor reimbursement powers and duties to the commissioner of commerce; requiring a report; and authorizing rulemaking. 65-1

**S.F. 429-Solon:** Omnibus liquor bill. Providing for reciprocity in interstate transportation of wine; changing definitions of licensed premises, restaurant and wine; authorizing an investigation fee on denied licenses; disqualifying felons from licensing; revising authority for suspensions and civil penalties; making rule violations and false or incomplete statements in license applications misdemeanors; providing instructions to the revisor; providing penalties for importation of excess quantities; requiring proof of age for purchase or consumption; providing an opportunity for a hearing for license revocation or suspension; prohibiting specific transactions; authorizing the dispensing of intoxicating liquor at the Como Park lakeside pavilion; authorizing dispensing of liquor by an on-sale licensee at the National Sports Center in Blain; authorizing the city of Apple Valley to issue on-sale licenses on zoological gardens property and to allow an on-sale license to dispense liquor on county owned property within the city; authorizing Houston County to issue an on-sale intoxicating liquor license to establishments in Crooked Creek and Brownsville townships; authorizing the town of Schroeder in Cook County to issue an off-sale license to an exclusive liquor store; authorizing an on-sale liquor license in Dalbo township of Isanti County; authorizing Stillwater to issue an additional on-sale intoxicating liquor license to a hotel in the city; authorizing Aitkin County to issue one off-sale liquor license to a premises located in Farm Island township; and authorizing Pine County to issue one Sunday on-sale intoxicating liquor license to a licensed premises located in Barry township. 46-21

**H.F. 1245-Ranum:** Omnibus data practices bill. Providing for the collection, classification, and dissemination of data; proposing classifications of data as not public; classifying licensing data, educational data, security service data, motor carrier operating data, retirement data and other forms of data. 64-1

**H.F. 1063-Wiener:** Regulating currency exchanges and changing the date for submission of license renewal applications. 54-0

**H.F. 31-Pappas:** Providing for gender balance for multimember state boards and commissions. 37-29

**S.F. 1368-Chandler:** Imposing criminal penalties for knowing violations of air pollution requirements; bringing Minnesota into conformance with federal EPA clean air guidelines; and providing for a study by the Minnesota PCA. 57-0

**H.F. 795-Anderson:** Excluding school buses and large commercial vehicles from the right of indemnity granted by the no-fault laws. 63-3

**H.F. 1658-Morse:** Abolishing Minnesota Project Outreach Corporation and transferring its duties to Minnesota Technology, Inc.; requiring the MTI report to be given to the University of Minnesota; requiring the Dept. of Trade and Economic Development to study methods of gaining federal grant funds for defense conversion opportunities; and increasing the membership of the Minnesota Jobs Skills Partnership Board. 64-1

**H.F. 1225-Morse:** Providing for the continued use of unregistered pesticides; modifying procedures for the return of empty pesticide containers and unused portions of pesticides; changing the amount of the ACCRA surcharges; authorizing the use of money in the agricultural chemical response and reimbursement account for administrative costs; making changes in the laws on pesticides and agricultural chemicals; changing provisions regarding the pricing of dairy products by providing for a phased down deregulation of the retail price of milk by reducing the current markup of 7.5 percent to 5 percent at the end of this year; providing that by July 1, 1994, the prices be marked down to the actual price of the milk; repealing the hazardous substance labeling act; requiring studies; maintaining an agriculture education specialist; transferring funds; and appropriating money. 63-3

**H.F. 1749-Merriam:** Bonding bill. Authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; authorizing state bonding and appropriating money. 66-0

**H.F. 427-Pappas:** Making technical corrections to the tax laws and including the new omnibus tax proposal. Revising the operation of the local government trust fund; modifying the administration, computation, collection, and enforcement of taxes; changing tax rates, bases, credits, exemptions, withholding, and payments; modifying property tax provisions relating to procedures, valuation, levies, classifications, exemption, notices, hearings, and assessors; adjusting formulas of state aids to local governments; providing for the establishment and operation of special service districts; authorizing establishment of an ambulance district; modifying definitions in the property tax refund law and providing a source of funding for the refunds; authorizing and changing requirements for special assessments; modifying provisions governing the establishment and operation of tax increment financing districts; establishing a process by which local governments may obtain waivers of state rules and laws establishing procedures; establishing a Board of Government Innovation and Cooperation and authorizing the board to provide grants to encourage cooperation and innovation by local governments; authorizing imposition of local taxes; imposing a sports bookmaking tax; changing bonding and local government finance provisions; enacting provisions relating to cities, counties, and special taxing districts; imposing a tax on contaminated property and providing for use of the proceeds; conforming with changes in the federal income tax law; clarifying an income tax apportionment formula; modifying taconite production tax provisions, and increasing the distribution of the proceeds to the taconite economic development fund; modifying the availability of tax incentives and preference; providing additional allocations to border city enterprise zones; providing for a budget reserve and cash flow account transfer; revising penalty, notification, and publication provisions of the unfair cigarette sales act; defining terms and changing definitions; establishing advisory councils; requiring reports and studies; classifying data; making technical corrections, clarifications, and administrative changes to various taxes and to tax administration and enforcement; and changing and imposing penalties. 62-5

**H.F. 1529-Pogemiller:** Establishing a task force and legislative commission to recommend a government structure for agencies dealing with environment and natural resources. 54-11

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