

# Briefly

*The Minnesota Senate Week in Review*

*January 10, 1997*

## **Bring on the session**

With a rap of the gavel at 12:00 p.m. sharp, Lt. Gov. Joanne Benson commenced the 1997 Senate, Tues., Jan. 7, signaling the start of the 80th Legislature.

Serving as Clerk Pro Tem, Sen. Dean E. Johnson (R-Willmar) called roll as his fellow Senators presented their certificates of election to Chief Justice A.M. Keith of the Minnesota Supreme Court. The entering Senate membership includes nine freshmen Senators, comprised of one Republican and eight DFL Senators. After a quorum was declared present, Chief Justice Keith administered the oath of office to the assembled body.

Citing Sen. Allan Spear's (DFL-Mpls.) long record of service, experience, and integrity, Sen. Sam Solon (DFL-Duluth) nominated Spear to resume his post as President of the Senate. Likewise, Sen. Pat Pariseau (R-Farmington) nominated Sen. William Belanger (R-Bloomington) for the position. A majority elected Spear, and Chief Justice Keith administered the oath of office. Lt. Gov. Benson welcomed Spear as he assumed his position as President.

Spear thanked the Senate and promised to govern the proceedings of the Senate equitably. He then proceeded with the election of officers for the Senate. He recognized Sen. Roger Moe (DFL-Erskine) who nominated Patrick Flahaven for Secretary of the Senate. Flahaven was unanimously elected. The remaining officers were elected in one motion. Patrice Dworak, First Assistant Secretary; Colleen Pacheco, Second Assistant Secretary; Catherine Morrison, Engrossing Secretary; Sven Lindquist, Sergeant at Arms; Ralph Graham, Assistant Sergeant at Arms; and Thomas Stillyday, Jr., Senate Chaplain, were all approved by the assembled body.

Before Chief Justice Keith took leave of the Senate, he congratulated the newly sworn in body. He recalled, "I'll never forget the day that I was elected to this body," and continued, "I've seen some of the greatest names in the history of the State debate in this chamber." Keith stressed that while the upcoming session will be enormously complex, "the State needs your wisdom."

Moe then moved to adopt several procedural resolutions. Among the adopted resolutions: Moe was named as Majority Leader and President Pro Tem; Dean Johnson was named as Minority Leader; parking space was reserved for Senate members and their staff; the list of committees and their members was officially approved; the meeting schedules, rooms, phone numbers, and contact names for the various committees were approved; a committee was assembled to notify the governor that the 80th Legislature is organized; and the Secretary was instructed to notify the House that the Senate is organized. A final resolution authorizing a weekly stipend of \$50 per week for Senate interns, including \$300 per week for student interns from outside the Metro Area, was approved.

Moe welcomed everyone and counseled the new Senate, "We all agree that for the 80th Session, we have a very long list of complicated, complex, controversial issues. We will need the attention, commitment, and energy from all members." He called on Senators to work in a bi-partisan manner because, "I think that's what the public wants us to do." Moe continued, "The political debate has been rather shrill during the past few years. I would hope each of us would commit to bring more civility to the process. We are one State, one family, and we have to remember that in order to have Minnesota remain a leader." He concluded by reminding the Senate that, "We have been sworn in as State Senators, and we need to keep in mind that we answer to all Minnesotans."

Dean Johnson also pledged "a spirit of cooperation" for the coming session. He went on to say that there will be times of disagreement, "We may even disagree 100 percent, but what is important is to maintain respect for fellow legislators."

The Senate also held a brief floor session Thurs., Jan. 9, in order to introduce bills.

## **The case for ADR**

On Weds., Jan. 8, the Judiciary Committee addressed the problems of an over-litigious culture, hearing testimony on efforts by the state and the private

sector to provide Minnesotans with alternative dispute resolution options. Committee Chair Jane Ranum (DFL-Mpls.), a former county prosecutor, alluded to her past experience with court backlogs and emphasized the need for alternatives to costly trials and lawsuits.

The committee heard from Office of Dispute Resolution Director Roger Williams, who traced the history of Minnesota ADR, beginning with the 1939 establishment of the state's Bureau of Mediation Services in response to clashes between employers and organized labor. In 1984, Minnesota's Community Dispute Resolution Program became the fourth project of its kind in the country, providing seed money for five metro and two greater Minnesota community-based mediation centers offering ADR for all manner of disagreements except divorce mediation. Williams detailed a rise in ADR awareness surrounding 1986's Farmer-Lender Mediation Act and 1992's Minnesota Special Education Mediation Service. In the wake of these changes, he said, his office has become an intensive training ground for many new mediators with backgrounds "as varied as those in the legislature." Williams closed by describing more recent developments, including 1994's sweeping Rule 114, which requires civil courts to offer an ADR option to disputing parties, and a fresh 1997 requirement that health care companies offer such options to unsatisfied enrollees.

Representatives from the state Department of Human Rights presented the committee with results of their nine-month workflow redesign, aimed at eliminating case backlog by incorporating ADR into the processing of claims. According to Acting Commissioner Dolores Fridge and Acting Deputy Commissioner Ken Nickolai, their office discovered that ADR was not the best option for all claimants. However, since instituting a preliminary screening procedure to determine claimant suitability for ADR, results have been more than encouraging. Fridge and Nickolai indicated that though transition costs have made it difficult to claim definite savings, their ongoing investigative caseload has

# Committee update

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decreased from 1,695 to 990 with the availability of ADR.

By the time Nancy Welsh from Hennepin County Bar Association's spinoff Mediation Center testified, the committee had warmed up and questions from Senators Linda Berglin (DFL-Mpls.) and Ranum focused on what kind of access the poor will have to ADR services when Rule 114 expands this year to include the previously off-limits family law area. Welsh acknowledged that at rates ranging from \$100 - \$300 per hour, mediation does threaten to become a luxury item, especially if its emphasis is allowed to shift from actual resolution to a "hoop-jumping" exercise preceding an inevitable courtroom clash. At present, Welsh was quick to emphasize, the timbre of the ADR process still seems to be one of genuine good faith efforts to expedite workable agreements and avoid trial. As far as cost savings for those with financial means is concerned, Welsh cited a survey of Fortune 1000 companies attesting that consistent use of ADR has saved 11-50 percent of the cost of litigation. Before the committee adjourned, Welsh was asked, by Senator David Knutson (R-Burnsville), to discuss with private sector ADR colleagues the issue of low-income access and report back to the committee with suggestions.

## Revenue forecast is sunny

During his address to the first Committee on Taxes, Tues., Jan. 7, chaired by Douglas Johnson (DFL-Tower), Finance Commissioner Wayne Simoneau forecast a strong Minnesota economy through 2001. General fund revenues for the 1996-97 biennium are expected to reach \$19.099 billion, or \$646 million more than was expected. Projected general fund expenditures are expected to yield a \$793 million balance for the current biennium.

However, Simoneau pointed out that current law has already committed \$114 million of the projected \$793 surplus for the creation of a new school reserve account, and \$157 million to fund a one-time school district payments schedule change. This will leave a \$522 million remaining balance for the 1996-1997 biennium. Fiscal year balances of \$468 million in 1998 and \$448 million in 1999 are forecast.

Simoneau said that the existing budget surplus was fueled by a stronger than expected 1996 economy along with a number of one-time events, among them: higher wages, higher than expected tax

returns, rapid 1995 stock-price increases and increased capital gains tax revenues. In addition, the 1996 federal Agricultural Improvement and Reform Act increased expected gross farm income.

Simoneau said that he wished to see \$266 million of the surplus deposited in the budget reserve, currently well below the 5 percent reserve target established following the state's 1980 financial problems. Simoneau also advised fiscal restraint, observing that, while a recession is not expected, the Minnesota economy is nearly as good as it will get.

Implementation of a property tax reform package is one possibility for the remaining \$266 million surplus. Another is to return the surplus to the taxpayers.

Johnson urged a nonpartisan property tax reform solution using the available surplus. Johnson said that without a surplus appropriation the possibility of property tax reform would die. He noted that property tax reform would not necessarily mean a reduction in property taxes as many people are inclined to believe, but that the surplus might be used to fix the system--without hurting some people while offering others relief.

Sen. Steven Novak (DFL-New Brighton) said the state has an unusual opportunity to implement systemic tax reform. Novak said that even the governor has nothing to lose should he use the surplus for tax reform instead of an unproductive tax refund.

## Priorities highlighted

The Transportation Committee, chaired by Sen. Carol Flynn (DFL-Mpls.), discussed its priorities for 1997 at its opening meeting Thurs., Jan. 8. Members presented their concerns and areas of interest for the new session. Following the discussion, Department of Transportation Commissioner James Denn gave an overview of the department.

A wide variety of concerns were expressed by the membership. The implications for the state's transportation needs in light of pending welfare reform was a priority raised by a number of Senators. "If we are going to put people into jobs, it can't work unless we can get them to and from those jobs," stated Flynn. In a related issue, Sen. Jane Ranum (DFL-Mpls.) highlighted the relationship between economic development and transportation. "By the year 2010, 35,000 people will need to get to downtown Minneapolis for jobs," she said. Sen. Sandra Pappas (DFL-St. Paul) endorsed "rider-friendly route changes" for mass transit.

Members also raised rural transportation issues. Infrastructure, the condition of the state's highways, speed limits, and rural transit issues were mentioned as items for future consideration. Sen. Dick Day (R-Owatonna) reiterated the need for a strong Highway Patrol. The funding of the patrol was mentioned as a concern by a number of legislators. Sen. Kevin Langseth (DFL-Glyndon) pointed out that another method of funding the Highway Patrol would be required should the Transfer Fund be discontinued.

Other financial considerations, such as potential increases in the gas tax, the state's dedicated funding mechanism as it relates to transportation, the use of toll roads and the implementation of congestion pricing surfaced as future items for the committee's deliberations. "Since license revenues are good, we have more money than we thought," said Langseth, "but not enough for the year 2000."

This theme was taken up by Commissioner in his overview. "While the state is not facing an immediate funding crisis, there are transportation needs in Minnesota that cannot be met with existing levels of funding," he stated. But Denn spoke mostly about the current fiscal position at Transportation. "Due to cost savings within MnDOT, sound agency management, and slightly higher than projected state and federal transportation revenues," said Denn, "the funding picture is much improved. In addition, due to the efforts of people within our department, we have better practices and increased quality." He also cited figures showing road maintenance and internal operating expenditures coming in under projections.

The meeting concluded with questions from the committee for Denn. In response to Sen. Randy Kelly (DFL-St. Paul), he stated "the department spent \$50 million less than projected due to changes in spending habits." Kelly also asked if, given welfare reform, MnDOT would have jobs for those expected to be moved off welfare rolls. The commissioner responded with examples of existing hiring practices that have "helped the underemployed and have made the department more representative." Ranum asked if Minnesota was one of 21 states asking for changes in the Intermodal Surface Transportation Efficiency Act (ISTEA) program for roadway funds. Denn stated "We are part of the group, but not to propose changes. We'd like to force discussion on how funds are distributed. We think it's unfair the way it's done now."

# 1997 Senate Committee Assignments

## Policy Committees

### Agriculture and Rural Development(15)

**Chair:**Sams **Vice Chair:** Hanson

**Office:**328 Capitol **Phone:**296-7405

**Meets:** Tues., Thurs., 2-3:45 p.m.; Room 107

**Members:**

Beckman	Johnson, D.E.	Morse	Vickerman
Berg	Lesewski	Murphy	
Dille	Lessard	Piper	
Fischbach	Lourey	Scheevel	

### Children, Families and Learning(31)

**Co-Chairs:** Piper, Pogemiller, Stumpf

**Meets:** Tues., Weds., Fri., 8-9:45 a.m.; Room 15

**Members:**

Foley	Kleis	Marty	Scheevel
Hanson	Knutson	Murphy	Scheid
Higgins	Krentz	Neuville	Solon
Janezich	Langseth	Olson	Ten Eyck
Junge	Larson	Pappas	Terwilliger
Kelley, S.P.	Lesewski	Robertson	Wiener
Kiscaden	Lourey	Robling	Wiger

### Commerce (16)

**Chair:**Solon **Vice Chair:** Wiener

**Meets:** Tues., Thurs., 2-3:45 p.m.; Room 112

**Office:** 303 Capitol **Phone:** 296-5776

**Members:**

Belanger	Kleis	Novak	Scheid
Cohen	Larson	Oliver	Spear
Day	Marty	Runbeck	
Hottinger	Metzen	Samuelson	

### Crime Prevention(17)

**Chair:**Spear **Vice Chair:** Johnson, D.H.

**Meets:** Mon., Weds., Fri., 2-3:45 p.m.; Room 15

**Office:** 120 Capitol **Phone:** 296-4191

**Members:**

Anderson	Foley	Knutson	Neuville
Beckman	Junge	Krentz	Ranum
Belanger	Kelly, R.C.	Laidig	Ten Eyck
Berglin	Kleis	Limmer	

### Election Laws(11)

**Chair:**Marty **Vice Chair:** Junge

**Meets:** Mon., Weds., 12 noon-1:45 p.m.; Room 112

**Office:** 326 Capitol **Phone:** 296-5712

**Members:**

Flynn	Johnson, D.J.	Ourada
Frederickson	Larson	Sams
Johnson, D.E.	Moe, R.D.	Scheid

### Environment and Natural Resources(19)

**Chair:**Lessard **Vice Chair:** Anderson

**Office:** 111 Capitol **Phone:** 296-1113

**Meets:** Mon., Weds., Fri., 12 noon-1:45 p.m.; Room 107

**Members:**

Berg	Krentz	Pariseau	Stumpf
Dille	Laidig	Pogemiller	Vickerman
Frederickson	Morse	Price	
Higgins	Novak	Samuelson	
Johnson, J.B.	Olson	Stevens	

### Governmental Operations and Veterans(15)

**Chair:**Metzen

**Office:** 303 Capitol **Phone:** 296-4175

**Meets:** Tues., Thurs., 12 noon-1:45 p.m.; Weds., 10-11:45 a.m.; Room 15

**Members:**

Berg	Morse	Runbeck	Wiener
Betzold	Pogemiller	Stevens	Wiger
Cohen	Price	Stumpf	
Fischbach	Robertson	Terwilliger	

### Health and Family Security(17)

**Chair:**Hottinger **Vice Chair:** Lourey

**Office:** 120 Capitol **Phone:** 296-1323

**Meets:** Tues., Thurs., Fri., 10-11:45 a.m.; Room 15

**Members:**

Berglin	Foley	Robertson	Stevens
Betzold	Kiscaden	Sams	Ten Eyck
Dille	Morse	Samuelson	Terwilliger
Fischbach	Piper	Solon	

### Jobs, Energy and Community Development(19)

**Chair:**Novak **Vice Chair:** Kelley, S.P.

**Office:** 322 Capitol **Phone:** 296-1767

**Meets:** Tues., Thurs., Fri., 10-11:45 a.m.; Room 107

**Members:**

Anderson	Johnson, D.H.	Limmer	Runbeck
Beckman	Johnson, D.J.	Metzen	Scheevel
Frederickson	Johnson, J.B.	Murphy	
Higgins	Kelly, R. C.	Ourada	
Janezich	Lesewski	Pariseau	

### Judiciary(13)

**Chair:**Ranum **Vice Chair:** Betzold

**Office:** 306 Capitol **Phone:** 296-0249

**Meets:** Mon., Weds., Fri., 12 noon-1:45 p.m.; Room 15

**Members:**

Berglin	Kiscaden	Neuville	Ten Eyck
Cohen	Knutson	Oliver	Wiener
Foley	Limmer	Spear	

### Local and Metropolitan Government(18)

**Chair:**Vickerman **Vice Chair:** Higgins

**Office:** 226 Capitol **Phone:** 296-4150

**Meets:** Mon., Weds., Fri., 2-3:45 p.m.; Room 107

**Members:**

Day	Kelley, S.P.	Oliver	Price
Flynn	Langseth	Olson	Robling
Hottinger	Lessard	Pappas	Scheevel
Johnson, D.J.	Lourey	Pariseau	Wiger

### Rules and Administration(21)

**Chair:**Moe, R.D. **Vice Chair:** Junge

**Office:** 208 Capitol **Phone:** 296-2577

**Meets:** On call

**Members:**

Belanger	Johnson, D.J.	Metzen	Samuelson
Berglin	Laidig	Novak	Solon
Cohen	Langseth	Olson	Spear
Frederickson	Larson	Piper	Stumpf
Johnson, D.E.	Lessard	Pogemiller	

**Transportation (17)****Chair:** Flynn**Office:** 120 Capitol**Meets:** Tues., Thurs., 12 noon-1:45 p.m.; Weds. 10-11:45 a.m.; Room 112**Members:**

Belanger	Johnson, D.H.	Laidig	Ranum
Day	Johnson, D.E.	Langseth	Robling
Hanson	Johnson, J.B.	Ourada	Sams
Janezich	Kelly, R.C.	Pappas	

**Vice Chair:** Murphy**Phone:** 296-5099**Budget Divisions****Crime Prevention and Judiciary Budget Division (13)****Chair:** Kelly, R.C.**Office:** 323 Capitol**Phone:** 296-5285**Meets:** Mon., Weds., Fri., 2-3:45 p.m.; Room 15**Members:**

Anderson	Junge	Neuville	Ten Eyck
Beckman	Knutson	Ranum	
Belanger	Laidig	Spear	
Betzold	Limmer		

**Economic Development Budget Division (14)****Chair:** Beckman**Office:** 124G Capitol**Phone:** 296-5713**Meets:** Mon., Weds., 2-3:45 p.m.; Room 112**Members:**

Anderson	Kelly, R.C.	Novak	Wiener
Higgins	Larson	Oliver	
Janezich	Lesewski	Ourada	
Johnson, D.H.	Murphy	Runbeck	

**Environment and Agriculture Budget Division (12)****Chair:** Morse**Office:** G-24 Capitol**Phone:** 296-5649**Meets:** Mon., Weds., Fri., 12 noon-1:45 p.m.; Room 107**Members:**

Berg	Johnson, J.B.	Lessard	Stumpf
Dille	Krentz	Pariseau	Vickerman
Frederickson	Laidig	Price	

**Family and Early Childhood Education Budget Division (9)****Chair:** Piper**Vice Chair:** Foley**Office:** G-9 Capitol**Phone:** 296-9248**Meets:** Tues., Weds., Fri., 8-9:45 a.m.; Room 15**Members:**

Higgins	Lesewski	Marty	Terwilliger
Janezich	Lourey	Robling	

**Governmental Operations Budget Division (11)****Chair:** Price**Office:** 235 Capital**Phone:****Meets:** Tues., Thurs., 12 noon-1:45 p.m.; Weds., 10-11:45 a.m.; Room 15**Members:**

Betzold	Marty	Runbeck	Stevens
Cohen	Metzen	Scheid	Wiger
Frederickson	Robertson		

**Health and Family Security Budget Division (14)****Chair:** Samuelson**Office:** 124 Capitol**Phone:** 296-4875**Meets:** Tues., Thurs., Fri., 10-11:45 a.m.; Room 15**Members:**

Berglin	Hottinger	Piper	Terwilliger
Dille	Kiscaden	Sams	
Fischbach	Lourey	Solon	
Foley	Morse	Stevens	

**Higher Education Budget Division (9)****Chair:** Stumpf**Vice Chair:** Ten Eyck**Office:** G-24 Capitol**Phone:****Meets:** Tues., Weds., Fri., 8-9:45 a.m.; Room 107**Members:**

Kelley, S.P.	Kleis	Murphy	Wiener
Kiscaden	Larson	Solon	

**K-12 Education Budget Division (14)****Chair:** Pogemiller**Office:** 235 Capitol**Meets:** Tues., Weds., Fri., 8-9:45 a.m.; Room 112**Members:**

Hanson	Knutson	Neuville	Robertson
Janezich	Krentz	Olson	Scheevel
Junge	Langseth	Pappas	Scheid

**Vice Chair:** Wiger**Phone:** 296-7809**Property Taxes and Local Government Budget Division (14)****Chair:** Pappas**Office:** 120 Capitol**Phone:** 296-1802**Meets:** Mon., Tues., Weds., Thurs., Fri., 4-6 p.m.; Room 15**Members:**

Day	Kelley, S.P.	Pariseau	Vickerman
Flynn	Novak	Pogemiller	
Hottinger	Oliver	Price	
Johnson, D.J.	Olson	Scheevel	

**Transportation Budget Division (11)****Chair:** Johnson, J.B.**Office:** G-9 Capitol**Phone:** 296-5419**Meets:** Tues., Thurs., 12 noon-1:45 p.m.; Weds. 10-11:45 a.m.; Room 112**Members:**

Belanger	Hanson	Langseth	Sams
Day	Johnson, D.E.	Ourada	
Flynn	Johnson, D.H.	Ranum	

**Taxes and Finance Committees****Committee on Taxes (23)****Chair:** Johnson, D.J.**Vice Chair:** Scheid**Meets:** Mon., Tues., Weds., Thurs., Fri., 4-6 p.m.; Room 15**Office:** 205 Capitol**Phone:** 296-4839**Members:**

Anderson	Hottinger	Novak	Price
Belanger	Kelley, S.P.	Oliver	Runbeck
Berg	Knutson	Olson	Vickerman
Betzold	Lesewski	Pappas	
Day	Marty	Pariseau	
Flynn	Murphy	Pogemiller	

**Education Finance Committee (13)****Chair:** Langseth**Vice Chair:** Krentz**Office:** 122 Capitol**Phone:** 296-9612**Meets:** Mon., Tues., Weds., Thurs., Fri., 4-6 p.m.; Room 123**Members:**

Foley	Johnson, D.E.	Piper	Scheevel
Hanson	Larson	Robertson	Wiger
Higgins	Moe, R.D.	Robling	

**Human Resources Finance Committee (15)****Chair:** Berglin**Vice Chair:** Sams**Office:** 309 Capitol**Phone:** 296-4151**Meets:** Mon., Tues., Weds., Thurs., Fri., 4-6 p.m.; Room 112**Members:**

Beckman	Kleis	Samuelson	Ten Eyck
Johnson, D.H.	Lourey	Spear	Terwilliger
Kelly, R.C.	Neuville	Stevens	
Kiscaden	Ranum		

**State Government Finance Committee (16)****Chair:** Cohen**Vice Chair:** Janezich**Meets:** Mon., Tues., Weds., Thurs., Fri., 4-6 p.m.; Room 107**Office:** 317 Capitol**Phone:** 296-5308**Members:**

Dille	Junge	Metzen	Stumpf
Fischbach	Laidig	Morse	Wiener
Frederickson	Lessard	Ourada	
Johnson, J.B.	Limmer	Solon	

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, January 13

#### Personnel Subcommittee of the Rules and Administration Committee

Chair: Sen. Roger D. Moe

9:30 a.m. Room 237 Capitol

**Agenda:** Adoption of the rosters of permanent and temporary employees, other personnel issues.

#### Rules and Administration Committee

Chair: Sen. Roger D. Moe

10:30 a.m. Room 107 Capitol

**Agenda:** Personnel issues, litigation expenses, other.

The Senate will meet at 11:30 a.m.

#### Election Laws Committee

Chair: Sen. John Marty

12 noon Room 112 Capitol

**Agenda:** S.F. XX-Marty: Recodification of Chapter 10A.

#### Environment and Agriculture Budget Division

Chair: Sen. Steven Morse

12 noon Room 123 Capitol

**Agenda:** Joint hearing with Governmental Operations and Transportation Budget Divisions for an overview of Sustainable Development Principals.

#### Judiciary Committee

Chair: Sen. Jane Ranum

12 noon Room 15 Capitol

**Agenda:** The state of the Judiciary: Changes and challenges. Sue Dosal, Minnesota state court administrator.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** Minnesota Crime Alert Network update. Legislative Auditor's report: Recidivism of Adult Felons.

#### Local and Metropolitan Government Committee

Chair: Sen. Jim Vickerman

2 p.m. Room 107 Capitol

**Agenda:** Metropolitan Council presentation on growth options and related issues.

### Tuesday, January 14

#### Children, Families and Learning Committee

Co-Chairs: Sen. Pat Piper, Sen. Lawrence

Pogemiller and Sen. LeRoy Stumpf

8 a.m. Room 15 Capitol

**Agenda:** Organizational meeting and introductions.

#### Health and Family Security Committee

Chair: Sen. John Hottinger

10 a.m. Room 15 Capitol

**Agenda:** Department of Health overview.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

10 a.m. Room 107 Capitol

**Agenda:** To be announced.

#### Agriculture and Rural Development Committee

Chair: Sen. Dallas Sams

2 p.m. Room 107 Capitol

**Agenda:** Sharon Clark, Deputy Commissioner of the Department of Agriculture, overview; Jim Boerboom, Rural Finance Authority, overview.

### Wednesday, January 15

#### Transportation Committee

Chair: Sen. Carol Flynn

10 a.m. Room 112 Capitol

**Agenda:** "Transportation Logistics" Gerard McCullough, Center for Transportation Studies; Ron Lifson, LDI Industries; Sherry Munyon, MN Chamber of Commerce; and Richard Murphy, Jr., Murphy Warehouse, Inc.

#### Joint Crime Prevention and Judiciary Committee\*\*

Chair: Sen. Allan Spear and Sen. Jane Ranum

12:00 noon Room 15 Capitol

**Agenda:** An overview of the mental health needs of adults and children in Minnesota. Patricia Harrison, DHS; Sharon Autio, DHS; Roberta Ophelm, Ombudsperson for Mental Health and Mental Retardation. \*\*Note: This is not the regular Crime Prevention Committee meeting time. The Committee will meet at the regular time on Wednesday, January 15, at 2:00 p.m. — or when the joint committee meeting concludes if later than 2:00 p.m. — if necessary to complete this agenda or Monday's (January 13) agenda.

#### Election Laws Committee

Chair: Sen. John Marty

12 noon Room 112 Capitol

**Agenda:** S.F. XX-Flynn: Growe Commission recommendations.

#### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

12 noon Front steps of Capitol

**Agenda:** Open House and tour at Minnesota PCA. Bus will leave from the front of Capitol and return at 3:00 p.m.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. (or when the joint committee meeting at noon ends) Room 15 Capitol

**Agenda:** Continuation of the Mon., Jan. 13, and/or Weds., Jan. 15, agendas if needed.

#### Local and Metropolitan Government Committee

Chair: Sen. Jim Vickerman

2 p.m. Room 107 Capitol

**Agenda:** Presentations by the Association of Minnesota Counties; League of Minnesota Cities; Coalition of Greater Minnesota Cities; Minnesota Municipal Board.

### Thursday, January 16

#### Health and Family Security Committee

Chair: Sen. John Hottinger

10 a.m. Room 15 Capitol

**Agenda:** Department of Health overview.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

10 a.m. Room 107 Capitol

**Agenda:** To be announced

The Senate will meet at 11:30 a.m.

The Senate will meet in joint session with the House to hear the governor's State of the State Address in the House Chamber at 12:00 noon.

#### Agriculture and Rural Development Committee

Chair: Sen. Dallas Sams

2 p.m. Room 107 Capitol

**Agenda:** Wally Sparby of the Farmer's Home Administration, Pat Hoben of the Public Utilities Commission, Science Advisors Stray Voltage overview.

### Friday, January 17

#### Health and Family Security Committee

Chair: Sen. John Hottinger

10 a.m. Room 15 Capitol

**Agenda:** Dept. of Human Services overview.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

10 a.m. Room 107 Capitol

**Agenda:** To be announced.

#### Legislative Coordinating Commission Subcommittee on Rulemaking Exemptions

Chair: Rep. Peggy Leppik

10:15 a.m. Room 300S SOB

**Agenda:** Public testimony and subcommittee action on the working draft (97-0381) dealing with rulemaking exemptions.

#### Judiciary Subcommittee on Data Privacy and Information Policy

Chair: Sen. Don Betzold

12 noon Room 15 Capitol

**Agenda:** Overview of data privacy issues.

#### Crime Prevention and Judiciary Budget Division

Chair: Sen. Randy Kelly

2 p.m. Room 15 Capitol

**Agenda:** Overview of various state funded crime prevention programs.

For more up to date information, consult the Senate's World Wide Web site. The address is <http://www.senate.leg.state.mn.us>, or call the Senate Information Office at 296-0504 (toll free 1-888-234-1112).

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Party	Phone	Name	Room	District	Party	Phone	Name	Room	District
DFL	296-5537	Anderson, Ellen R.	G-24 Cap.	66	DFL	296-5645	Marty, John	325 Cap.	54
DFL	6-5713	Beckman, Tracy L.	124B Cap.	26	DFL	6-4370	Metzen, James P.	303 Cap.	39
R	6-5975	Belanger, William V.	113 SOB	41	DFL	6-2577	Moe, Roger D.	208 Cap.	2
IND	6-5094	Berg, Charles A.	G-95 SOB	13	DFL	6-5649	Morse, Steven	G-24 Cap.	32
DFL	6-4261	Berglin, Linda	309 Cap.	61	DFL	6-4264	Murphy, Steve	301 Cap.	29
DFL	6-2556	Betzold, Don	306 Cap.	48	R	6-1279	Neuville, Thomas M.	123 SOB	25
DFL	6-5931	Cohen, Richard J.	317 Cap.	64	DFL	6-4334	Novak, Steven G.	322 Cap.	52
R	6-9457	Day, Dick	117 SOB	28	R	6-4837	Oliver, Edward C.	121 SOB	43
R	6-4131	Dille, Steve	103 SOB	20	R	6-1282	Olson, Gen	119 SOB	34
R	6-2084	Fischbach, Michelle L.	151 SOB	14	R	6-5981	Ourada, Mark	145 SOB	19
DFL	6-4274	Flynn, Carol	120 Cap.	62	DFL	6-1802	Pappas, Sandra L.	120 Cap.	65
DFL	6-4154	Foley, Leo T.	G-9 Cap.	49	R	6-5252	Pariseau, Pat	109 SOB	37
R	6-8138	Frederickson, Dennis R.	139 SOB	23	DFL	6-9248	Piper, Pat	G-9 Cap.	27
DFL	6-3219	Hanson, Paula E.	328 Cap.	50	DFL	6-7809	Pogemiller, Lawrence J.	235 Cap.	59
DFL	6-9246	Higgins, Linda I.	227 Cap.	58	DFL	7-8060	Price, Leonard R.	235 Cap.	57
DFL	6-6153	Hottinger, John C.	120 Cap.	24	DFL	7-8061	Ranum, Jane B.	306 Cap.	63
DFL	6-8017	Janezich, Jerry R.	328 Cap.	5	R	6-4314	Robertson, Martha R.	125 SOB	45
DFL	6-9261	Johnson, Dave	111 Cap.	40	R	6-4123	Robling, Claire A.	132D SOB	35
R	6-3826	Johnson, Dean E.	147 SOB	15	R	6-1253	Runbeck, Linda	107 SOB	53
DFL	6-8881	Johnson, Douglas J.	205 Cap.	6	DFL	7-8063	Sams, Dallas C.	328 Cap.	11
DFL	6-5419	Johnson, Janet B.	G-9 Cap.	18	DFL	6-4875	Samuelson, Don	124 Cap.	12
DFL	6-2889	Junge, Ember Reichgott	205 Cap.	46	R	6-3903	Scheevel, Kenric J.	129 SOB	31
DFL	7-8065	Kelley, Steve	321 Cap.	44	DFL	6-8869	Scheid, Linda	317 Cap.	47
DFL	6-5285	Kelly, Randy C.	323 Cap.	67	DFL	6-4188	Solon, Sam G.	303 Cap.	7
R	6-4848	Kiscaden, Sheila M.	135 SOB	30	DFL	6-4191	Spear, Allan H.	120 Cap.	60
R	6-6455	Kleis, Dave	143 SOB	16	R	6-8075	Stevens, Dan	105 SOB	17
R	6-4120	Knutson, David L.	133 SOB	36	DFL	6-8660	Stumpf, LeRoy A.	G-24 Cap.	1
DFL	6-7061	Krentz, Jane	235 Cap.	51	DFL	6-4913	Ten Eyck, David J.	G-24F Cap.	4
R	6-4351	Laidig, Gary W.	141 SOB	56	R	6-6238	Terwilliger, Roy	115 SOB	42
DFL	6-3205	Langseth, Keith	122 Cap.	9	DFL	6-5650	Vickerman, Jim	226 Cap.	22
R	6-5655	Larson, Cal	153 SOB	10	DFL	7-8073	Wiener, Deanna L.	303 Cap.	38
R	6-4125	Lesewski, Arlene J.	131 SOB	21	DFL	6-6820	Wiger, Charles W.	325 Cap.	55
DFL	6-4136	Lessard, Bob	111 Cap.	3	<b>Capitol address: 75 Constitution Ave</b>				
R	6-2159	Limmer, Warren	127 SOB	33	<b>State Office Building address: 100 Constitution Ave</b>				
DFL	6-0293	Lourey, Becky	G-9 Cap.	8	<b>St. Paul, MN 55155</b>				

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# Briefly

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*The Minnesota Senate Week in Review*

*January 17, 1997*

## **Martin Luther King, Jr. memorialized**

The Senate held a brief floor session Mon., Jan. 13, to process bill introductions and to act on several housekeeping resolutions. The highlight of the session was the passage of a resolution memorializing the late Dr. Martin Luther King, Jr. The resolution, sponsored by Sen. Linda Berglin (DFL-Mpls.), describing King's work for racial equality, was adopted unanimously.

Members also held a brief floor session Thurs., Jan. 16, prior to hearing the governor's state of the state address.

## **Recidivism discussed**

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), was updated, Mon., Jan. 13, on a promising crime alert project that grew out of a tragic missing child case. Accompanied by Sen. Ember Reichgott Junge (DFL-New Hope), participants in the Crime Alert initiative described its merits and outlined reasons for its expansion. The program, which allows law enforcement agencies to alert communities by broadcast fax.

After his child was abducted and slain, Minnesotan Clark Hussey championed the idea of using this method in the recovery of missing children. Under the direction of Golden Valley's Sheila Miller, the program's scope was expanded to handle alerts on a variety of criminal activities, targeting alerts to both those in danger of harm and those most likely to help apprehend an offender. Law enforcement can selectively fax information to particular businesses, schools and community groups. The U of M Police Dept.'s Joy Rikala said the network helps a constituency like hers by linking her office to the Metro Areas where university commuters reside. The Golden Valley Police Department's Joanne Paul told of a serial burglar identified from a network fax description and captured. Junge and Miller suggested further funding to expand use of the technology.

Also on Monday, the committee heard results of the Legislative Auditor's report on Recidivism of Adult Felons presented by Deputy Legislative Auditor Roger

Brooks and his staff. The study tracked two subject pools, 1,879 prisoners released in 1992 and 6,791 felons placed on probation in 1992 but not imprisoned. The report detailed how often these subjects have been re-arrested, re-convicted and re-imprisoned. The report also detailed new crimes committed; factors affecting outcomes; and placed Minnesota rates in national context.

The auditor's staff said Minnesota's rates are comparable to others nationwide, although Minnesota imprisons fewer inmates per state resident than any state except North Dakota and spends more money per inmate. Some committee members voiced concern that the report found that prisoners involved in work and education programs are as likely to re-offend as non-participants.

Of the 59 percent of prisoners and 42 percent of probationers who were rearrested, the auditors announced that serious offenders were less likely to backslide. Sen. Allan Spear (DFL-Mpls.) posited that this was because they had most likely served longer sentences, were older and therefore less likely to recidivate. While they did not control for this possibility, the auditors said that younger offenders were more likely to be repeat offenders, as were males, non-whites, offenders in the urban areas, and property offenders sentenced to probation despite guidelines calling for imprisonment.

According to the auditor, minor misdemeanors were not counted as repeat offenses, nor were domestic violence arrests. Sen. Jane Ranum (DFL-Mpls.) expressed concern that domestic violence was not factored in as a repeat offense, but was told that the BCA data was not reliable enough to be of consistent use.

The auditor expressed frustration with the fact that, they said, 50 percent of the BCA records they sought were incomplete or difficult to access. "This is really troubling to me," said Sen. Randy Kelly (DFL-St. Paul). The BCA, he said, should exist as a clearinghouse for law enforcement, courts and agencies.

The committee will hear responses to the report at a later hearing.

## **State of the state**

Gov. Arne J. Carlson opened his final State of the State speech with a call for unity and "to set aside partisan politics for the well-being of the state." Titled "Strengthening Our Minnesota Community," the governor's speech outlined his accomplishments over the past six years and spoke of his legislative agenda for the 1997 session. Noting the severity of the winter and expressing fears of spring flooding, Carlson requested a \$20 million disaster fund to assist agencies and communities due to the weather. He said, "I don't want any public official to place money over safety."

Carlson reviewed accomplishments that have occurred during his administration. He noted a control in the growth of state spending that resulted in a \$1.4 billion surplus. Stating that taxes have been reduced by \$356 million, he proposed a further \$500 million in tax cuts. Carlson spoke of MinnesotaCare, calling it "a national model for health care reform." He also pointed out the creation of 313,000 new jobs and changes in workers' compensation that have led to further savings. Wetlands protection, an environmental partnership with business, and the creation of the Department of Children, Families, and Learning, were mentioned as other highlights.

Setting forth his agenda for 1997, Carlson stressed the need for property tax reform and pay raises for state agency commissioners, Legislators, and the judiciary. In the area of crime prevention, the governor said "While overall crime has decreased, the number of violent juvenile offenders has increased dramatically," and proposed the use of Camp Ripley for first-time juvenile offenders. He also proposed an arts initiative to help nonprofit organizations tour throughout Minnesota, a 10 cents per pack increase in the state tax on cigarettes to fund a new stadium and public ownership of the Minnesota Twins. Other proposals included tax-free higher education savings accounts and tax credits and deductions to expand education choices for parents and students.

# Committee update

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## **Agriculture and Rural Development**

### **Dept. of Ag overview**

The Agriculture and Rural Development Committee began its business for the session Tues., Jan. 14, with a report from the Dept. of Agriculture. Sen. Dallas Sams (DFL-Staples) convened the meeting with introductory remarks and introductions. Sharon Clark, deputy commissioner of the department, opened the presentation by highlighting the efficiencies achieved by its reorganization, which reduced the number of divisions from fifteen to nine. The heads of each division then presented issues and concerns important to the department and the state for the coming year.

Greg Buzicky, head of Agronomy and Plant Services, noted that his division was responsible for pest and fertilizer regulation, nursery inspections, quality control, and the noxious weed program. Fred Mitchell, in charge of Dairy and Food Inspection, talked about the milk grading function of the dairy division, and stated that the food section was responsible for "ensuring wholesomeness and quality at food establishments, grocery and convenience stores, and other facilities." Sen. Charles Berg (IND-Chokio) asked Mitchell about the impact of a new federal food code. Mitchell responded, "It changes our approach in how we make inspections. We'll need to identify critical areas in food processing and production to minimize the chance of a food-borne illness outbreak. We'll move our focus from the floors, walls, and ceilings of food establishments to temperature control and personal hygiene."

The testimony of Jerry Heil of the department's Agriculture Marketing and Development division took up most of the remainder of the meeting. "Our mission," said Heil, "is to facilitate the sustainable development of agriculture in the state of Minnesota. We work to expand markets, to increase the value-added components of Minnesota agriculture, to preserve the environment, and to increase public awareness of the social and economic aspects of farming in the state." He cited the "Buy Minnesota" program, ethanol initiatives, the Agriculture Preservation Program, and Agriculture in the Classroom as some examples of the division's work.

Heil also emphasized the need to increase international trade efforts for Minnesota products. Kevin Edberg, an assistant to

Heil, said "We are missing major opportunities for international trade here. We're working with the Minnesota Trade Office to expand our markets."

Edberg also underlined the importance of animal agriculture. "It's critical for us to grow with the marketplace. That means adopting new technologies and production systems," he said, "and working with local agencies to make economic growth compatible with environmental concerns and sustainable development." Sen. Tracy Beckman (DFL-Bricelyn) pointed out that small processing plants around his district are being bought by larger corporations and then closed down, and asked if this is a trend statewide. Edberg replied, "Yes, it is endemic to the industry of agriculture processing as a whole, as companies centralize their marketing efforts, seek greater profit margins and more productive efficiencies. The challenge is to stay current in production related advances and to be more competitive in order to insure local products and ownership."

After a report on grain inspection by Jim Gryniowski of the Agricultural Certification division, the department's report was continued to Thurs., Jan. 16.

## **Children, Families and Learning Overview of higher ed**

Co-Chairs Lawrence Pogemiller (DFL-Mpls.) and LeRoy Stumpf (DFL-Theif River Falls) grinned when Sen. Pat Piper (DFL-Austin) described herself as the "holy spirit" of the Children, Families and Learning trinity. Hyperbole aside, the newly-created group took some time after introductions to acknowledge hard work ahead. The panel began its first meeting with vows of vigilance as it enters what Piper referred to as the "third phase" of the major education policy redesign.

Department of Children, Families and Learning Commissioner Bob Wedl spoke in broad terms of the progressive stages by which his office has assimilated programs previously scattered throughout the administration, under departments as disparate as Health, Economic Security and Corrections. By July 1997, absorption of family-related initiatives from Economic Security will complete the consolidation, he said.

Without detailing specifics of his department's many programs, Wedl assured the panel, "We regard you as one of our customers," makers of "key deci-

sions" to whom the department will provide timely information. In a pledge of focused innovation, he indicated that the current structure and operation of specific programs will not take primacy over the department's goals, which include promotion of stable families, lifelong learning and learning readiness. Wedl's mention of the governor's plans to request \$10 million for after-school programs and technology prompted Pogemiller to express his intent to contact the department regarding areas where its position might differ from the governor's.

Early Childhood and K-12 took a back seat as Higher Education dominated the balance of the Tues., Jan 14, meeting. Higher Education Budget Division Chair Stumpf pointed out that not since 1989 has the higher education budget been adjusted for inflation, even as tuition rates have grown from 33 percent to over 40 percent of the system's operating costs. Minnesota State Colleges and Universities Chancellor Judith Eaton, Marvin Marshak of the University of Minnesota, Robert Poch, director of the Higher Education Services Office and John Corbid of the Minnesota Private College Council all presented evidence of how the state's higher education network directly and indirectly affects the statewide economy and quality of life. Marshak offered the most detailed analysis and demonstrated with an animated arrow chart how healthy institutions effectively "recycle" money back into the state treasury. To the amusement of some legislators, an arrow materialized at the display's conclusion, linking the state treasury back to the university coffer, foreshadowing requests awaiting the three discrete budget divisions as they meet separately over the next few weeks.

## **Crime Prevention**

### **Felon transition programs discussed**

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), continued its consideration of adult felon recidivism Weds., Jan 15, hearing testimony in reaction to the legislative auditor's report. Department of Corrections Commissioner Gothriel LaFleur cited drug addiction among criminals as a major factor in recidivism. He urged the committee to fund those support services which help former prisoners re-assimilate into their communities.

The Dept. of Corrections representa-

tives also spoke on the probation officer's role as the primary "broker of services" who must "address the deficits" of their wards. The trouble is, according to Assistant Commissioner for Community Service Richard Mulcrone, services are limited. He said that "there has not been a new halfway house created for adult felons in 20 years." Subsequent testimony addressed the need for more "after-care." Lester Collins, Executive Director of the Council on Black Minnesotans, suggested the committee hear testimony from representatives from the Nation of Islam on its methods of providing young men with alternatives to crime. Roger Clarke of the Side-By-Side Institute of Minnesota described his work with the state's most truant, disruptive and violent youths, stressing the need for mental health support as a component of "culturally competent aftercare." While Clarke said he agreed with the committee's need for updates on programs receiving state funds, he criticized what he called the funding bureaucracy, "these reports won't reflect the success of your funding efforts because we haven't received the money." Without programs like his, he said, kids come out of corrections with "the same old skills, and fall into the same old traps."

Committee members expressed concern about the auditor's findings that in-prison work and education programs have done little to prevent recidivism. Ellen Shelton, of The Minnesota Citizens Council on Crime and Justice echoed these concerns, but reminded the lawmakers to continually ask the question, "compared to what?" As Dept. of Corrections Deputy Commissioner Dennis Benson said, "we will never know what the recidivism rates would be in a 23 hour lock-up situation."

Because prison programs are a factor in Minnesota's comparatively high per diem costs, Benson went on to explain that the high rates also result from the state's decision to recycle its real estate, using vacated hospitals and other buildings as corrections facilities. Initially conceived as a cost-saving measure, the use of multi-unit complexes with obstructed sight lines have resulted, he said, in tradeoffs, like hiring more staff. Benson said staff is paid a respectable wage, in an effort to encourage career loyalty and build teams stable enough to implement strategic programs over time.

Senators David Knutson (R-Burnsville) and Thomas Neuville (R-Northfield) emphasized the importance of continuing to study recidivism. Spear concluded by suggesting that, while a full audit is not an

affordable yearly option, a mechanism should be instituted, perhaps within the Dept. of Corrections, to collect such data on an ongoing basis.

## **Election Laws**

### **Cleaning up Chap. 10**

The Election Laws Committee is recodifying Chapter 10A, the statute relating to campaign finance, conflicts of interest, and registration of lobbyists. The hearing Mon., Jan. 13, gave Senate Counsel, Peter Wattson the opportunity to walk members through the 77 page bill. The bill, S.F. 45, sponsored by Committee Chair John Marty (DFL-Roseville), simplifies Chapter 10 language and removes all items deemed by the court to be unconstitutional. Committee members agreed that years of patchwork amending have resulted in a convoluted statute that frustrates first-time candidates and treasurers. Many of the bill's changes are relatively minor, spurred by stylistic and continuity concerns. Wattson said that many changes resulted from suggestions made when a draft was reviewed by the Ethical Practices Board and circulated through the caucuses over the past few months. A one-page author's amendment, containing further similar changes was adopted into the bill before the walk-through began.

While consolidating lobbyist reporting requirements or eliminating phrases like "transfer of funds" in favor of the simpler "contribution" does not generate controversy, other changes will be of more significance. Acknowledging this, the committee laid the bill over, giving members a chance to consider its more precise interpretive language regarding more controversial issues.

### **Grove commission bill approved**

Secretary of State Joan Grove appeared before the Election Laws Committee on Wed., Jan 15, asking for their support of S.F. 43. The bill, sponsored by Sen. Carol Flynn (DFL-Mpls.), contains election reform recommendations made by Grove's bi-partisan commission. The Secretary of State praised the bill as a "clean" version of the "Christmas tree" that languished last year after initially passing the Senate. This version, as explained by Flynn, pertains to all constitutional offices and aims to strengthen a party system suffering from a lack of participation. Grove explained that to encourage partisan activity, the bill actually changes the official term "partisan primary" to "party

nominating election." If passed, the bill will move the primary elections from September to the second week in June, and push party caucuses up to the first week of February. It also stiffens petitioning requirements for appearance on a ballot without party endorsement.

Committee Chair John Marty (DFL-Roseville) spoke out against moving the primary date, offering an amendment to hold these elections the second week in August, which he said was the "original" recommendation of the Grove Commission. The August date was shifted to June last year, said Grove, mainly because skeptical legislators feared lower voter turnout due to summer vacationing.

"Most of my constituents don't own lake cabins," Marty said. He proceeded to describe a hypothetical grueling twenty-week election trek. Sen. Mark Ourada (R-Buffalo) concurred that elongated campaigns were desired by neither candidates nor the voting public. Sens. Ember Reichgott Junge (DFL-New Hope) and Linda Scheid (DFL-Brooklyn Park) spoke in favor of the June date. Junge said the move would allow parties time to heal before the general election and give voters more time to become informed about candidates. Flynn added that strengthening the parties makes it easier for citizens of ordinary means to run for office.

After voting down the Marty amendment, the committee approved S.F. 43 and sent it to the floor.

## **Environment and Agriculture Budget Division**

### **Sustainable living**

A joint meeting of the Environment and Agriculture, Governmental Operations, and Transportation Budget Divisions, chaired by Sen. Steven Morse (DFL-Dakota), convened Mon., Jan. 13, to listen to testimony covering sustainable development. Morse suggested that members use "today's discussion to develop some criteria" that could be used in committees to guide and formulate policy.

Sen. Janet Johnson (DFL-North Branch) provided a brief overview of the Sustainable Development Act. The Act mandated the Environmental Quality Board to assemble and produce a development planning guide for communities. She said, "It is critical for communities like mine to develop sustainable development criteria."

Rolf Nordstrom, asst. director of the Minnesota Roundtable on Sustainable Development, provided a brief historical

# Committee update

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survey of the sustainable development concept. "Sustainable development," said Nordstrom, "is the idea that society must find ways to meet its needs without sacrificing the needs of future generations." He provided many examples of global environmental degradation to emphasize the crisis the world may soon face if we continue along present levels of consumption and pollution. He also said that two major forces govern our everyday lives, Nature and Commerce. According to Nordstrom, a natural system is a cyclical process where the waste of one entity is the food for another. In commercial systems, the process is linear, where resources are extracted, refined into a product, and eventually discarded as waste. He ran through several examples where business entrepreneurs are using sustainable development practices, consequently "bending lines into circles." Nordstrom said this attempt to mirror the process found in nature reveals a major shift in societal thinking.

Sen. Dan Stevens (R-Mora) said, "We need to be careful when talking about environmental decline. We often don't take into consideration in our discussions the scientific breakthroughs that have occurred, especially in food production." When Stevens questioned the projections on development trends, Nordstrom responded that he should have emphasized more the global aspects of environmental decline. Nordstrom agreed that "Minnesota's environment is in good shape, but around the world, virtually every environmental indicator points towards decline."

Jim Kubiak, chief executive officer of Membran Corp. and a member of the governor's roundtable discussion group, followed Nordstrom and testified about his company's sustainable development business practices. His company acquires "brown field" sites in the Twin Cities, cleans them with "bio-remediation" techniques, and then re-sells the sites to commercial developers. Sen. Charles Berg (Ind.-Chokio) asked Kubiak about the representation in the roundtable discussions. "There are land developers to environmentalists, and everyone in between," said Kubiak. Berg was most concerned that agricultural issues be well-represented, and Kubiak assured him that several members of the roundtable were farmers.

Next, Kim Carlson, president of City Management, Inc., spoke about her experience with sustainable development

business practices. Like Kubiak, she also sits on the roundtable group. She cited several examples from the daily operations of her two businesses, property management and construction companies, where sustainable business techniques have reduced waste, cut costs dramatically, and increased revenues substantially. "I believe business has acknowledged sustainable development and that it will become the next level of differentiation," said Carlson.

"It sounds like the biggest incentives for your companies' policies have been revenue," said Sen. Leonard Price (DFL-Woodbury), "So why haven't other companies arrived at the same conclusions and instituted similar practices?" Carlson said that because sustainable development is a relatively new concept, others are having difficulty applying the idea to their businesses. Her company spent two years and a large sum of money developing the concept to fit her business, and many companies have been unable to make that first step.

Attorney General Hubert H. Humphrey III provided his own perspective on sustainable development. He served on the President's Council on Sustainable Development, and briefly outlined the council's recommendations that might prove useful for legislative discussions. For example, said Humphrey, the council recommended the concept of product stewardship, where companies design products that minimize environmental destruction throughout the production, distribution, and selling process. He also said new regulatory programs that use performance-based evaluations and that are flexible might prove to be beneficial.

## OEA update

Chair Steven Morse (DFL-Dakota) called the Environment and Agriculture Budget Division to order, Wed., Jan. 15, to hear an update from the Office of Environmental Assistance on its interim activities.

Deputy Director Art Dunn, OEA, provided a brief background for members. The primary mission of the OEA, said Dunn, is to "provide a healthy, sustainable environment and economy" through a combination of waste generation prevention and resource conservation. Recently, said Dunn, the office has re-focused its efforts in several areas, among them being an increased attempt to work with regional businesses to reduce both the volume and toxicity of waste. Dunn also outlined OEA's solid waste assistance

activities which include: financial assistance in the form of SCORE block grants to counties for reduction and recycling; capital assistance program (CAP) grants to local governments for facility development; and competitive grants and loans for reduction, recycling or other abatement activities.

Sigurd Scheurle, supervisor of OEA's solid waste assistance unit, updated members on his office's waste generation and source reduction efforts. "Economic growth," said Scheurle, "is the critical factor influencing waste generation rates." According to Scheurle, Minnesota generated 4.6 million tons of municipal solid waste in 1995, a 3 percent increase from 1994. The annual increase is attributable to the state's economic growth, he said. Scheurle also reported that the 1995 goal to reduce 1993 waste generation levels by 10 percent by 2000 will be difficult to achieve due to current growth rates. Morse said, "So three or four years ago we made a commitment to reduce waste generation levels, but we're presently going in the other direction?" "That's correct," said Scheurle, "and in order to meet the goal, a tactical plan will be completed in Feb., 1997 that will emphasize high volume generators with a strong potential for source reduction." The plan targets food waste, office paper, and transport packaging, said Scheurle.

Tom Osdoba, OEA, reported on the office's recycling and waste abatement efforts, which, he said, "is the high profile part of OEA's work." According to Osdoba, in 1995 Minnesota recycled 45 percent of its municipal solid waste, a 3 percent increase over 1994, and he also highlighted that these recycling levels are among the highest in the nation. The success is attributable to OEA's public education campaign and capital infrastructure. Sen. Jane Krentz (DFL-May Township) asked if the figures represented both residences and businesses. Osdoba said that the 45 percent recycling level includes both.

Turning to mixed municipal solid waste (MSW) management, Scheurle reported that in 1995, about 2.6 million tons were delivered to processing and disposal facilities. While no new resource recovery facilities have been developed since 1991, several facilities have been modified to increase their capacity, said Scheurle. Goodhue County's proposed MSW composting project is now on hold, he reported. Furthermore, Scheurle said, several facilities have closed or are con-

templating closure due to competition with landfills.

Scheurle also updated members on the budget for the Capital Assistance Program. The final CAP grant requests are under review, and if no unforeseeable expenses arise, the ending balance for the program will be approximately \$96,000, said Scheurle. Morse asked, "So are we in great shape for the biennium?" "I believe we are," Scheurle said.

Osdoba returned to municipal solid waste's system costs and financing. He reported that total costs for all MSW management activities is more than \$450 million annually, and that a large majority of these costs are paid through direct charges for collection and disposal. Osdoba also said that recycling is cost effective, "despite what one might read in the media." According to Osdoba, of the \$450 million spent in 1995, \$150 million was spent for recycling. The state recycled 45 percent of its waste, while \$300 million was spent to manage the garbage left over, he said.

The SCORE sales tax task force is still meeting and trying to "hammer out a recommendation," said Osdoba. He said that the first report issued by the SCORE task force, released in Nov., 1996, recommends that the moratorium on back taxes due from 1990-95, totaling \$3 million, be extended indefinitely. Osdoba said that the deadline, Jan. 15, 1997, for a second report that recommends how to apply the tax in the future has been extended due to differing opinions on the task force. When asked what the final recommendation might say, Osdoba said that he did not know, but "there are several options they are considering." Sen. Janet Johnson (DFL-North Branch) asked if more time would be necessary for the task force to work on the recommendation. Osdoba said, "Given the process and how it's proceeded, I don't think more time will really help."

Scheurle reported on the status of the Waste Management Act examination process that was initiated by OEA Director Edward Garvey in 1996. He said that the process is designed to develop policy recommendations for the 1998 legislature and that the process has been designed to be as inclusive as possible.

## **Environment and Natural Resources**

### **Panel tours PCA**

The Minnesota Pollution Control agency provided an open house and tour

for the Environment and Natural Resources Committee Weds., Jan., 15. The committee is chaired by Sen. Bob Lessard (DFL-Int'l. Falls).

## **Health and Family Security Departmental overview**

Chair John Hottinger (DFL-Mankato) welcomed the new committee to order, Tues., Jan. 14. Following brief staff introductions, Hottinger also highlighted for the audience a new committee telephone line; the hotline will be updated daily for meeting times and agendas. As for opportunities for public testimony during the upcoming welfare reform debate, Hottinger announced three tentative meeting places outside the Capitol that will provide a less formal and imposing environment: Hutchinson, Faribault, and the St. Paul Technical College. No dates or times have been set, he said.

Commissioner Anne Barry, Dept. of Health, introduced the department's executive team for the upcoming session and then launched into a description of the "Vision and Guiding Principles" document. According to Barry, the department has been working on the document since Jan., 1996, and almost the entire department, all 1200 employees, have had a hand in its development. The work in progress outlines the variables in today's health care environment--health factors, changing management practices, political factors, and changing economic and demographic factors--that are driving rapid change. It also sets out five guiding principles that provide direction for the department as it works toward its vision, Barry said.

Sen. Dan Stevens (R-Mora) asked the commissioner to "share a little more about your priorities." He asked how the legislative process may affect the department's public health priorities. Barry said, "The department has spent a great deal thinking about that issue. What we believe will happen is that the confines of federal grant programs will change and loosen up." The problem Stevens was alluding to, Barry said, occurs when the federal government provides a block grant for a specific program. The department, by law, must proceed with implementing the program even if there are other problems in the community that might need more attention but have no funding. The key, according to Barry, is to work alongside organizations outside the Dept. of Health to find solutions to a community's health problems.

Assistant Commissioner Barbara Colombo, overseer of the Health Systems and Special Populations area in the department, outlined the general responsibilities of the four divisions under her direction. The division is accountable for minimum health care quality assurance, especially for vulnerable populations, she said. Colombo said that 46 percent of the agency's budget is diverted to the Family Health division, and that much of this money is allotted to anti-tobacco outreach functions aimed at teenage smoking. She said that smoking is the number one preventable public health problem in the state, and further provided some detail about the aggressive advertising campaign initiated by the department. According to the assistant commissioner, the state spends \$513 million annually for smoking related health care costs.

Sen. Sheila Kiscaden (R-Rochester) asked Colombo to explain the difference between a population focused health care approach versus an individual focused approach. Colombo said that the primary duty of a public health agency is to examine population trends and use the data to develop community based approaches to solving health problems. "Therefore," said Kiscaden, "the primary duty is to identify a population's health priorities and allocate resources to solve the problems. For that reason, the department is data dependent in order to identify trends and set priorities." Colombo agreed with Kiscaden's statement and said, "The department relies heavily on sound, scientific data for making decisions."

Sen. Leo Foley (DFL-Anoka) asked if "there were any studies done locally or nationally to identify the efficacy of the anti-smoking messages aimed at teenagers." Colombo said she was not aware of any specific data or studies, and that, "The media messages make a difference with kids. Tobacco companies invest incredible resources to attract children, such as to develop Joe Camel. Therefore, we need to allocate resources to counter the tobacco messages."

Stevens asked if there is any scientific data exploring the correlation between the the increase in teenage tobacco use and illicit drug abuse. Colombo stated that tobacco is the "gateway drug for teenagers," and that there is a high correlation between teenage smokers and illegal drug users.

Asst. Commissioner Kelli Johnson, overseer of the Health Protection area, provided an overview of the agency's responsibilities, which focus on front-end

# Committee update

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prevention of illness and disease. She cited safe drinking water and food in restaurants as examples of areas of public health her agency regulates.

## Human services overview

The Health and Family Security Committee met Thurs., Jan. 16, to listen to an overview of the functions and priorities for the Dept. of Human Services.

Chair John Hottinger (DFL-Mankato) welcomed Commissioner David Doth who introduced his senior management team and proceeded with a summary of the department's primary priorities—health care and welfare. Doth said, "In many ways, the department is no different than a major business. We have planning, research, and development activities."

Doth then summarized the expenditures for fiscal year 1996-97 and the projected budget for the coming biennium. He said that of the projected \$1 billion growth in state resources, 75 percent will be consumed by Health and Human Services.

Turning to the department's health care programs, Doth briefly summarized the three important programs: Medical Assistance, General Assistance Medical Care, and Minnesota Care.

Next, the commissioner outlined the priority initiatives for the department for 1997. Health care, welfare reform, children, technology and information access, and workforce development—all are considered top priority for this coming year, he said.

Assistant Commissioner Dennis Erickson, supervisor of the department's finance and management operations, provided a brief overview of the various offices in his division. According to Erickson, the Audits Office, Financial Operations, Health Care Systems Management, Office of Legal Management, and Management Operations are included in his office.

"With the introduction of new technology in the department, have you seen a reduction in staff?" asked Sen. Pat Piper (DFL-Austin). Erickson said that the department has not seen a reduction in staff, but we have seen a savings in administrative costs.

Assistant Commissioner Tom Moss, supervisor of Aging Initiative and Project 2030, provided a survey of his division's responsibilities. Subdivisions in his office include: Community Support, Continuing Care, and Minnesota Senior Health Options. Moss also summarized Project 2030. He said in looking at the future of

senior health management and administration starting in the year 2030, one quarter of the state's population will be elderly. This will place strain on the state's funding stream, so solutions need to be considered now that will ameliorate foreseen problems, he said.

## Jobs, Energy, and Community Development

### Committee begins overview

Committee Chair, Sen. Steven Novak (DFL-New Brighton), convened the Jobs, Energy, and Community Development Committee Tues., Jan. 14. For the first four hearings, Novak stated, the committee would hear overviews from state agencies concerned with industry regulation. On Tuesday, the Dept. of Public Services, the Public Utilities Commission, and the Attorney General's office each presented summaries to the committee.

Commissioner Kris Sanda spoke for the Dept. of Public Service and explained the functions of its three divisions: Telecommunications, Energy, and Weights and Measures. "The mission of the department is to efficiently provide public interest advocacy, enforcement and regulatory services for all Minnesota consumers and to expand economic opportunities while improving the environment and our quality of life," she said. Sanda cited the savings of over \$13 million in rate reductions for Minnesota consumers as an example of the department's efforts in telecommunications. "Redefining basic needs and providing service for all is another issue. The touch tone phone, for example, is no longer a luxury, but a necessity," she said.

In the Energy Division, Sanda said, the department continues to take the lead on the issue of nuclear waste. "We brought a successful suit against the federal Dept. of Energy on waste storage, but more work needs to be done," she said. In response to a question from Sen. Dennis Frederickson (R-New Ulm) about further federal involvement on the issue of nuclear waste, Sanda said, "Minnesota has contributed \$250 million to the federal nuclear waste fund, and the federal government promised us they'd take our nuclear waste in 1998. But I expect that the feds will offer to pay us to store the waste. That is not acceptable, and we may have to sue again." Sanda also pointed to the Wind Resources Assessment Program (WRAP), a project examining the potential of wind harvest-

ing for energy purposes, as a successful program. She cited the Metrology Laboratory in the division of Weights and Measures for special praise as the "best mass measurement laboratory in the U.S."

Burl Haar presented the overview for the Public Utilities Commission. "The mission of the PUC is to create and maintain an environment of accessible energy at fair and reasonable rates," Haar said. "We have two major responsibilities. Legislatively, we have to make broad policy affecting individual consumers. Quasi-judicially, we are responsible for resolving specific disputes, such as those concerning rate changes." Sen. Ellen Anderson (DFL-St. Paul) asked Haar about the time line for a decision on the proposed NSP merger. Haar replied, "The merger will come before the commission in March. I expect it will be several weeks before a decision actually comes down."

Eric Swanson spoke on behalf of the Attorney General's office. "Our office represents citizens and small business customers at the PUC, in the courts, and with other agencies," he said. "We've had an impact that has provided a number of benefits. Our services cost about a penny a month per customer. We introduced the nation's first antislammung legislation to prevent phone companies from changing long distance carriers without customer approval. And we assist hundreds of citizens who call our office with their concerns."

Before adjourning, Novak closed with announcements of various business before the committee this session, including the Minneapolis Convention Center issue, labor management concerns, and housing considerations in light of pending welfare reform.

## Departmental overview

The Jobs, Energy and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), heard a Minnesota Department of Economic Security overview Thurs., Jan. 16. The overview consisted of reports from three divisions: Business and Community Development; the Minnesota Trade Office; and the Minnesota Office of Tourism.

Dept. of Economic Security Commissioner Jay Novak defined his department's purpose as that of creating jobs. To this end, he said, his department is pro-business and does not measure its annual success by the number of businesses it

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brings into the state, but instead, by the number of quality jobs that it creates.

The commissioner said a growing number of good jobs in the state, 288,000 last year, is encouraging and places the state at a job growth rate 65 percent faster than the rest of the country. He said that manufacturing is growing more quickly in greater Minnesota than in the Twin Cities, and that every county enjoys lower unemployment than it did several years ago. Jay Novak also said that his department will continue expanding local company operations in foreign countries.

A report on Minnesota Technology, a Dept. of Economic Security enterprise and the successor to the Greater Minnesota Corporation, was of interest to the panel. Minnesota Technology strengthens the state's economy by helping companies become more competitive through the application and development of technology, the commissioner said. Minnesota Technology is part of the state's strategy to strengthen its economy and to maintain and create more higher-skill, quality-wage jobs, according to the commissioner.

## Judiciary

### Judiciary prepares for change

The Judiciary Committee, chaired by Sen. Jane Ranum, met Mon., Jan. 13, with judges from metropolitan counties and greater Minnesota to explore modified and innovative methods to decrease and expedite swelling Minnesota Court caseloads.

Family breakdown, more at-risk children, increasing family income disparity, an aging and less crime-tolerant population, as well as diminished reliance on churches and other community institutions once used to resolve disputes have contributed to overwhelming court caseloads, said Minnesota Supreme Court Justice Edward C. Stringer.

Conference of Chief Judges Chair William E. Walker said that today's system deals with a multiplicity of cases that are not necessarily appropriate for the courtroom. He said that many involve divorce, custody, mental health and elderly matters; and are routine, one-sided, often uncontested cases that do not require a trial judge's supervision.

In fact, only 10 percent of the cases filed are major cases, while 90 percent are minor cases involving civil, traffic, parking and other minor criminal matters, Walker said. This translates to an average annual per judge caseload of 700 major cases and 6,000 minor cases.

Walker said that to reduce the overload and to provide timely resolution of cases and controversies, a Conference of Chief Judges was assembled to establish a strategy to be in place by the year 2005. In part, the plan aims to resolve certain disputes before they reach the courts, he said.

Walker said the Conference of Chief Judges developed proposals including the resolution of civil, personal, family and welfare cases through the use of alternative dispute resolution; promotion of early intervention or pre-trial diversion programs for some juvenile and adult nonviolent acts; increased preventative community involvement to discourage criminal behavior; the consolidation of related dissolution, custody and domestic abuse cases using a one judge-one family approach; and the decriminalization of certain nonviolent violations, such as city ordinance violations.

Hennepin County Judge Lucy Ann Wieland described Hennepin County Child Protection program changes. Under the new program, parents, case managers and judges work together to develop a case plan, and when necessary, to secure foster care, preferably among relatives. Judges and case workers attempt to resolve in 30 days what once may have taken months, Wieland said.

Hennepin County Judge John M. Stanoch described new rehabilitation programs aimed at pistol-toting kids and drug abusers. The firearm program emphasizes the bleak realities of gun violence and involves visits with emergency room trauma staff, murder victims' loved ones and prisoners convicted of gun-related crimes, he said. Those charged with narcotics use will receive immediate treatment evaluation, as well as assistance with employment procurement and housing, Stanoch said. He said the improved drug rehabilitation program attempts to help offenders become productive citizens instead of costly prisoners.

### Mental health needs reviewed

A joint meeting, Weds., Jan. 15, of the Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), and the Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), reviewed mental health needs among Minnesota children and adults. The committees also examined a correlation between mental illness and criminal justice system involvement.

Administrative Planning Director

Patricia Harrison, Dept. of Human Services, cited statistics from a mental health and substance abuse survey involving 15 year-old adolescents in public schools and detention centers. Harrison said age 15 was chosen for study because it is a critical age in which many high-risk behaviors are initiated.

The survey determined that indicators of psychological distress and substance abuse are higher among adolescents in special settings, such as correctional facilities and foster homes; that 10 to 20 percent of girls and boys in public schools felt pervasive feelings of sadness, hopelessness and anxiety; that one in five girls and almost one in five boys in public schools reported having attempted suicide; that one-half of public school students used alcohol; one in five, marijuana; and that alcohol, marijuana and inhalant use was higher among girls than boys.

In response to questions from Ranum, Spear and Sen. Linda Berglin (DFL-Mpls.), Harrison said that a history of sexual or physical abuse is a predictor of later mental health and substance abuse problems. Citing from the survey, she said that 53 percent of girls having attempted suicide had been sexually or physically abused, while male suicide attempts, though lower, also reflected high abuse rates. She said that abuse histories were also strongly associated with multiple drug use.

Children's Mental Health Director Janice Cooper, DHS, cited Minnesota children's mental health statistics and answered questions on methods proposed to meet children's needs. Cooper said that 32,500 severely emotionally disturbed children are currently receiving publicly funded treatment; that Minnesota schools have identified 16,000 children experiencing emotional and behavioral disorders, and that of this number, 15.5 percent are children of color and 80 percent are male.

The report also indicated a connection between homelessness and emotional problems. It stated that among 10,000 children expected to experience homelessness within a one year period, 35 percent will be subsequently diagnosed with a serious emotional disturbance.

Spear asked Cooper to explain how her department planned to respond to the statistics it had collected. Cooper said that the figures would be used to research and to implement programs intended to reduce future criminal behavior through identification and treatment of mental health problems.

# Committee update

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Mental Health Program Division Director, Sharon Autio, DHS, defined for the committee “serious and persistent mental illness” (SPMI). Quoting from a fact sheet, Autio said that there are 32,000 adults with SPMI within the state, and that approximately 24,000 are receiving publicly funded services; she said she anticipated an increase in these numbers based on a recent federal estimate. According to Autio’s statements, those suffering SPMI are divided equally by gender, are between age 20-45, have at one or more times been employed, and typically suffer cycles of mental illness with resultant job-loss.

Among 40,600 homeless adults, 11,000 reported having received inpatient mental health care. Autio said that studies have shown mentally ill persons are no more prone to violence than the general population.

Sen. Sheila Kiscaden (R-Rochester) expressed concern that underlying the adult statistics lay serious problems that have not been addressed, such as the possibility of large numbers of untreated mentally ill individuals languishing in correctional institutions.

Autio, quoting from her survey, stated that no data regarding the incidence of serious mental illness among Minnesota prisoners was available, but that a recent survey had found that roughly 13 percent of prisoners relied on medications normally administered to those suffering serious mental illness.

She added that DHS mental health divisions are now working with the Dept. of Corrections to address mental health needs in correctional settings.

Pat Saleen, ombudsperson for corrections, said that the system had recently studied mental illness policies in adult correctional institutions and had made beneficial changes necessary to meet the needs of those imprisoned. She said that many more inmates now receive treatment in a timely manner.

## **K-12 Education Budget Division**

### **Elimination of caps bills**

The K-12 Education Budget Division hearing Wed., Jan 14, began with a shower of identical bills to reinstate \$337 million cut from the education budget last session. The meeting’s focus shifted, however, to a discussion of school district budget timetables that continually force the legislature into school-funding crunches.

In response to the eight bills calling for repeal, Committee Chair Lawrence Pogemiller (DFL-Mpls.) slowed the rush toward passage. He called for members to “hone in on reality,” and decide whether the \$337 million is indeed “old money” or if it should be simply treated as a fresh appropriation request. The cap holds the school budget at 1995 rates, a reduction in the general education formula by \$75 per student, and was adopted when gloomy state budget forecasts predicted an upcoming shortfall. The bills’ co-authors cited the actual state budget surplus as their reason for requesting cap repeal.

Pogemiller pointed out that while the foundation aid to schools has indeed not been adjusted for inflation in the past six years, the school budget has been increased considerably by additional appropriations. Sen. Keith Langseth (DFL-Glyndon) reminded members that while this is true, some districts “don’t get plugged into such programs and depend more on foundation aid than others.”

Testimony by Bob Meeks of the Minnesota School Board Association focused on the need for legislative alacrity in repealing the caps, informing the committee that school districts are currently doing multi-track planning, not knowing how much they will have to cut for the next year. Meeks said that most districts will have to cut whether the caps are repealed or not. “We cut programs, not people,” Meeks said, explaining that his euphemism really means putting teachers of cut programs on unrequested leave. Districts must inform teachers of these decisions by June 1, and plan for them much earlier. He said, “If this [the repeal] isn’t done pretty soon, we are going to have to go ahead and make the layoffs.”

Pogemiller expressed frustration with school district fiscal planning schedule, the assumption schools must make and the pressure on lawmakers to indicate early how much will be coming. Sen. Gen Olson (R-Minnetrissa) suggested that future consideration might be given to changing the timeline of school budgeting.

School and community groups testified on the kinds of cuts they will be making with and without the cap repeal. In particular, Andy Walmeyer, a high school senior and editor of Stillwater High School’s newspaper caught the committee’s attention. “There’s been a lot of debate today about what’s real and what’s not real. I’m here to tell you that

I’m what’s real.” He went on to explain how budget cuts have meant crammed science labs and abbreviated extracurriculars. “I’m not going to debate with anyone if this is old money or new money,” he said, “It’s money we need, or the cuts will continue.”

## **Local and Metropolitan Development**

### **Metro 2040 strategy outlined**

The Metropolitan Council’s 25-year plan for addressing growth in the seven county Metropolitan Area was outlined in the opening meeting of the Local and Metropolitan Government Committee Mon., Jan. 13. The plan, dubbed Metro 2040, was presented by Kurt Johnson, chair of the Council, Craig Rapp, director of community development, and Jim Solem, executive director. Committee Chair, Sen. Jim Vickerman (DFL-Tracy), opened with brief remarks about the committee’s work for the session and the introduction of new members. “This will be a busy session,” said Vickerman, “In addition to the local and metropolitan government issues, we’ll be taking up gaming and some property tax issues as well.”

Growth projections set forth by the Met Council show a population increase of 650,000 in the metro area by the year 2020, and Metro 2040 is designed “to meet the needs of a growing population through partnership with the 189 jurisdictions involved and with the concerns of the citizens in mind,” said Johnson. “We listened to people at town meetings, in focus groups, and through phone surveys, and three items came through loud and clear: people are worried by the disappearance of natural resources; they’re worried about how or if we can revitalize the inner core; and they fear the loss of community values, the relationship between communities.”

Johnson said the Met Council is responding to these concerns with the Metro 2040 proposal. “After negotiation with all the communities impacted, by 2020 we will draw urban boundaries to keep growth orderly and configured. We hope to channel 80 percent of future growth into areas where infrastructure already exists. And, we will pay unprecedented attention to revitalizing the inner core.” He cited, for example, a proposal in Metro 2040 to set up transit ways-corridors dedicated to mass transit. “We aren’t going to build new roads; we have

to rehabilitate the roads we have and make them more efficient," Johnson said. He pointed out that in the last twenty years, 250 miles of new roads have been built as opposed to plans for only 25 miles for the next twenty years.

In response to a question from Sen. Douglas Johnson (DFL-Tower) about how growth could be regulated, Rapps said that partnership and negotiations with metro communities is the goal. "We have identified the ultimate growth boundaries and can withhold approval of projects outside of those boundaries as a last resort, but we don't think it will come to that," he said.

Other concerns, such as brownfield cleanup, the cost of redevelopment versus new construction, and the implications of welfare reform on the Metro 2040 proposal were also discussed. Rapps said, "The Metropolitan Council wants to insure economic vitality, and that means matching people, jobs, and transportation inside the urban core." Kurt Johnson reiterated the point and said "There is a link between jobs, safety, quality of life and social stability, and if this plan succeeds, there will be more jobs available and more ways to get people to those jobs."

## **Municipal agendas outlined**

On Weds., Jan. 15, the Local and Metropolitan Government Committee heard testimony from city, county, and municipal organizations about their missions and legislative agendas for this session. Property tax reform, juvenile crime, and the gas tax were among the issues raised.

Hennepin County Commissioner Peter McLaughlin and Cottonwood County Commissioner Marlowe Nelsen represented the Association of Minnesota Counties. Nelsen, an executive board member of the association, said, "It is the mission of the Association to assist in the provision of effective county governance for the people of Minnesota. Some key county issues are fiscal and property tax reform, and preparation for welfare reform." McLaughlin, association president, stressed the need for tax reform in light of the issue of public safety. "There are 100,000 criminals in the state of Minnesota who are under county supervision as opposed to 4,000 criminals who are the state's responsibility. Funding from the state has not kept up with the increase in crime, and we need to renew our partnership with the state to keep increased public safety expenditures off the property tax," he said.

Committee Chair, Sen. Jim Vickerman

(DFL-Tracy), voiced his concerns about welfare reform, and stated, "There may be lots of work in the Metro Area, but in my district we don't have enough jobs for the people who are going to need them."

McLaughlin agreed, and said, "This is a good time to bring up the fact that there are pockets of jobs, rural and metro, and the transit system is not adequate to get these people where they'll need to go." He added that the association's additional welfare reform goals for 1997 were to protect kids and families, to require work, and to avoid further shifts in property taxes.

The presentation by the League of Minnesota Cities was given by Jim Miller, executive director, and Del Haag, second vice president. Haag pointed out the league's infrastructure funding and rehabilitation concerns, particularly regarding upgrades in wastewater treatment. Miller disclosed the results of a survey of league members regarding changes and challenges faced by the cities. He said, "Changing projections about crime and juvenile delinquency are high on the list. And we are moving toward a need for increased social services to respond to this challenge." Sen. Becky Lourey (DFL-Kerrick) emphasized the importance of this issue to her constituents. "The sheriff of Pine County can't afford a new jail," she said, "and the juveniles have to walk past the adult criminals to get to their facilities."

The Minnesota Municipal Board, whose duties include boundary adjustments, land use, and annexation considerations, were represented by Christine Scottillo, executive director, and Patricia Lundy, assistant executive director. Scottillo said, the Board considers welfare, safety and health factors as criteria for annexation resolution. Ken Flaherty of the Coalition of Greater Minnesota Cities said three issues: property tax reform, land use planning, and environmental concerns, lead the coalition's agenda for 1997.

## **Transportation**

### **Business leaders discuss needs**

Cooperation among the public and private sectors was the subject of discussion in the Transportation Committee, chaired by Sen. Carol Flynn (DFL-Mpls.), Weds., Jan 15.

University of Minnesota Center for Transportation Studies Director Gerard McCullough defined the discussion when he pointed out that it's less important to identify a transportation mode, such as rail, air or truck, than it is to identify the

numbers of households and businesses necessary to generate a transportation need. Needed transportation means jobs and increased tax revenues, McCollough said.

According to Sherry Munyon, Minnesota Chamber of Commerce, the need for freight transportation in Minnesota is high. She said that 122 million tons of manufactured freight are moved within the state each year. For this reason she advised improved communication between the public and private sectors concerning freight issues and the incorporation of those issues within the transportation planning process.

Murphy Warehouse, Inc. President Richard Murphy, Jr. revealed that many transportation companies are no longer involved in trucking alone, but offer instead customized storage, product distribution, client inventory control, and local, national, and international delivery--a service mix that creates jobs within communities.

Murphy said that such diversified services are known as "logistics," a term that, in this instance, means getting the correct products to the right place at the right time, damage-free and at the right cost.

Doing so is not easily accomplished from Minnesota, Murphy said, because the state is off the beaten path. Its location requires continued transportation innovations to retain local clients, he said. Competitive pricing and timely service are two obvious methods; however, Murphy said the state's high commercial industrial tax make competitive pricing difficult.

Flynn praised the state's success as a distribution center despite its regional location. She said its highly productive workforce and its comparatively defect-free products are benefits that more than compensate for Minnesota's higher taxes. She later observed that higher taxes often subsidized mobility programs necessary to move employees to jobs located in the suburbs.

LDI Industries Vice President of Manufacturing Ron Lifson, who also addressed the committee, recommended that the state become more regionally competitive and suggested that it negotiate with businesses instead of imposing inflexible restrictions.

Sen. Sandra Pappas (DFL-St. Paul) said that she was concerned that eroding the commercial industrial tax structure would place a greater tax burden on homeowners, and would result in fewer tax-dollars and inadequate resources for growth.

# Information update

## Information 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 printed 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 about the Minnesota Senate, call 296-0504. The Senate Information Office has recently initiated toll-free telephone numbers to enable citizens of Greater Minnesota to obtain general information about the Minnesota Senate. The new telephone numbers are: 1-888-234-1112 (voice) and 1-888-234-1216 (TTY). Staff members are available to answer questions about the Senate and the legislative process. For daily recorded updates on committee meetings, call the Senate Hotline at 296-8088.

## Hearing interpreters services

The Legislative Coordinating Commission has contracted with the Minnesota Foundation for Better Hearing and Speech to provide sign language interpretive services for deaf and hard of hearing people during this legislative session. The foundation's coordinator for this project will maintain an office in Room 90 of the State Office Building.

Requests for ASL interpretive services should be directed to the coordinator at 282-2231 v/tty. Interpretive services are available to facilitate testimony, to interpret for those attending hearings, and to interpret for meetings between members and constituents.

## Listserv available

Both the Senate and House have established "listservs" to automatically send daily committee schedules to subscribers with Internet e-mail access. The service is designed to make it easier for the public to get up to the minute information about Senate and House committee schedules. A "listserv" is a mailing list program designed to copy and distribute electronic mail to everyone subscribed to a particular mailing list. It is necessary to subscribe to each list separately.

Individuals may subscribe to the Senate and House listservs at any time and the schedules will be e-mailed on a daily basis. In cases of a major change in the schedule, updated schedule information will also be sent to the listserv mailing list.

To subscribe to the Senate listserv simply send an e-mail message to:  
listserv@senate.leg.state.mn.us

In the message body type the following text:  
subscribe sen-schedules

To subscribe to the House listserv send e-mail to:

listserv@hsched.house.leg.state.mn.us

In the message body type the following text:  
subscribe h-schedules

A welcome message with information about how to unsubscribe from the listservs will then be sent to the new subscriber. Subscribers may leave the e-mail mailing list at any time by following the simple instructions.

## Senate TV services

Television coverage of Senate and House floor sessions and selected committee meeting is again available in the Metro Area on broadcast TV.

KTCI, channel 17, will carry Senate and House programming during the daytime hours throughout the session. KTCI reaches about one million households in the Metro Area. In addition, this year Senate and House coverage is closed-captioned for hearing-impaired viewers of KTCI. The services will be extended to Greater Minnesota cable channels when statewide distribution begins in mid-March.

Capitol Report, the weekly legislative public affairs program produced by Senate Media Services, will air on the PBS broadcast network throughout the state this year. The programs air:  
9:30 p.m. Tuesdays on KTCI 17, Twin Cities.  
11:30 a.m. Sundays on KWCM 10, Appleton.  
11:30 a.m. Sundays on KSMQ 15, Austin.  
11:30 a.m. Sundays on KAWB 9, Bemidji.  
11:30 a.m. Sundays on KAWB 22 Brainerd.  
12:30 p.m. Sundays on WDSE 8, Duluth.

## The Senate on the worldwide web

Now there is a new way to get information about the Minnesota Legislature. In a joint effort, the Legislative Reference Library, the Office of the Revisor of Statutes, the Senate and the House of Representatives have established a World Wide Web home page.

At present, the site contains the texts of House and Senate bills, bill status information, biographical material about members, current daily and weekly schedules, the complete Minnesota Statutes, committee membership lists and more. To access the Legislature's World Wide Web page, simply point your browser to:

<http://www.leg.state.mn.us>

The Legislature's World Wide Web site is a dynamic entity and more information items are being added. The Web site makes an incredible amount of information instantly available to anyone who has computer on-line capabilities.

## Frequently called numbers

### Secretary of the Senate

231 Capitol 296-2344  
Voice mail/order bills 296-2343

### Chief Clerk of the House

211 Capitol 296-2314

### Index, Senate

110 Capitol 296-2887

### Index, House

211 Capitol 296-6646

### Information, Senate

231 Capitol 296-0504  
Toll free 1-888-234-1112

### Information, House

175 State Office Building 296-2146  
Toll free 1-800-657-3550

### Committee Hotline, Senate

296-8088

### Committee Hotline, House

296-9283

### Sergeant at Arms, Senate

G-1 Capitol/Chamber 296-1119/296-7159

### Sergeant at Arms, House

45 State Office Building 296-4860

### Legislative Reference Library

645 State Office Building 296-3398

### Revisor of Statutes

700 State Office Building 296-2868

### Capitol Information Desk

1st Floor Capitol 296-3962, 296-2739, 297-1503

### Capitol Historic Site Program (tours)

B-59 Capitol 296-2881

### TTY, Senate

296-0250  
Toll free 1-888-1216

### TTY, House

296-9896  
Toll free 1-800-657-3550

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# Preview

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## *The Minnesota Senate Week at a Glance*

### **Monday, January 20**

**All Senate offices will be closed in observance of Martin Luther King, Jr. Day.**

### **Tuesday, January 21**

#### **Family and Early Childhood Budget Division**

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** Department of Children, Families and Learning Office of Community Services overview.

#### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** U of M technology initiative and distance learning. MnSCU, technology initiative and distance learning; Electronic University. HESO, update on federal Pell Grant program and state grant program.

#### **K-12 Education Budget Division**

*Chair: Sen. Lawrence Pogemiller*

8:30 a.m. Room 112 Capitol

**Agenda:** Presentation by Legislative Auditor of findings of Special Education audit report; discussion of work plan.

#### **Legislative Coordinating Commission Subcommittee on Rulemaking Exemptions**

*Chair: Rep. Peggy Leppik*

9 a.m. Room 300S State Office Building

**Agenda:** Public testimony and subcommittee action on the working draft dealing with rulemaking exemptions.

#### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** Minnesota Family Investment Program (MFIP) evaluation results conducted by MDRC; S.F. XX-Stevens: Welfare; S.F. 1-Samuelson: Welfare; S.F. XX-Berglin: Welfare.

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

*Chair: Sen. Steven Novak*

10 a.m. Room 123 Capitol

**Agenda:** Labor and business issues. Department overviews and agendas: Dept. of Labor and Industry; MN Chamber of Commerce; and AFL-CIO.

#### **Transportation Committee**

*Chair: Sen. Carol Flynn*

12 noon Room 112 Capitol

**Agenda:** "Systems Thinking: A New

Framework for Decision-Making" with Barbara Nelson of Nelson & Associates.

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

*Chair: Sen. Dallas Sams*

2 p.m. Room 107 Capitol

**Agenda:** Tour, Department of Agriculture

#### **Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

4 p.m. Room 123 Capitol

**Agenda:** Environmental Quality Board, presentation of report, "Saving Resources: Meeting Minnesota's Water and Waste-water Needs;" Public Facilities Authority, WIF, safe drinking water, SRF; PCA-ISTS.

#### **Health Care and Family Security Budget Division**

*Chair: Sen. Don Samuelson*

4 p.m. Room 112 Capitol

**Agenda:** Agency budget process overview.

### **Wednesday, January 22**

**No Senate committee meetings will be held during the day on January 22, due to a welfare reform conference.**

#### **Education Finance Committee**

*Chair: Sen. Keith Langseth*

4 p.m. Room 123 Capitol

**Agenda:** "Pre-K-12 Education Funding Overview" Tom Melcher, manager of the Program Finance Division, Department of Children, Families, and Learning.

#### **Joint Governmental Operations and Veterans Committee and Governmental Operations Budget Division**

*Chairs: Sen. James Metzen and Sen.*

*Leonard Price*

7 p.m. Room 15 Capitol

**Agenda:** Rulemaking Panel Discussion. Paul Marinac, Revisor's Office; Professor Mel Goldberg of William Mitchell College of Law; George Beck, Office of Administrative Hearings; David Orren, Rule Writer, MN Department of Health.

### **Thursday, January 23**

**The Senate will meet at 9:00 a.m.**

#### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** Organization introductions (non-welfare reform groups).

#### **Health Care and Family Security Budget Division**

*Chair: Sen. Don Samuelson*

4 p.m. Room 112 Capitol

**Agenda:** Report on Minnesota's nursing home costs compared to other states by the Legislative Auditor's Office.

### **Friday, January 24**

#### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** Continuation of organization introductions (non-welfare reform groups).

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

*Chair: Sen. Dallas Sams*

12 noon Room 15 Capitol

**Agenda:** Joint Meeting: Senate Agriculture and Rural Development with House Agriculture Committee: alleged price fixing of milk.

#### **Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

12 noon on the front steps of the Capitol

**Agenda:** Tour of DNR. Agenda will include customer information expansion and pilot program update; monitoring presentations; electronic licensing; web page demonstration; Mississippi River computer model demo; ecosystem-based management update.

#### **Crime Prevention and Judiciary Budget Division**

*Chair: Sen. Randy Kelly*

2 p.m. Room 15 Capitol

**Agenda:** Review the budgets of the courts.

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

*Chair: Sen. Jim Vickerman*

2 p.m. Room 107 Capitol

**Agenda:** Presentations by the MN Association of Small Cities, the MN Association of Townships, and the Association of Metropolitan Municipalities.

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# Briefly

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## *The Minnesota Senate Week in Review*

*January 24, 1996*

### **Floorsession held**

The Senate held one floor session Thurs., Jan. 23, in order to process bill introductions and refer bills to the appropriate committees. Committee activity was markedly reduced because of the Martin Luther King, Jr. holiday and an administration sponsored day-long workshop on welfare reform. Committee activity will resume the week of January 27-31.

### **Budget reviewed**

Chair Keith Langseth (DFL-Glyndon) welcomed members to the first joint meeting of the three new finance committees, Thurs., Jan. 16. Co-Chair Linda Berglin (DFL-Mpls.) also welcomed members and said, "I hope this joint committee is a sign of things to come." Co-Chair Richard Cohen (DFL-St. Paul) added, "I'm optimistic that the new system will work."

Commissioner Wayne Simoneau, Dept. of Finance, began his presentation with an overview of the current budget for fiscal year 1996-97. According to the November forecast, said Simoneau, the state will have an available balance of \$522 million. He then proceeded with the budget outlook for FY 1998-99. Simoneau said that after forecast revenues and projected expenditures have been accounted for, the state will have an estimated available balance of \$468 million in 1998 and \$448 million in 1999. He then offered several recommendations for consideration: create an adequate reserve to manage risk; recognize the difference between one-time spending and continuing program commitments; avoid creating future fiscal "tails;" and anticipate the possibility of slower revenue growth and potential federal budget action.

State Economist Tom Stinson said that because the economy was revealed to be stronger in the November estimate than in the original end-of-session estimate, and due to a "lack of a distress on the horizon," the department was able to forecast growth through 1999. Stinson said that several unanticipated, one-time events in 1996 spurred the economy more than originally estimated. For example, he said, the agricultural center was strong with good prices and high yields, the new farm bill added \$260 million in income,

and several large business mergers all added to the state's higher than expected revenue.

"There is a substantial downside risk, though," Stinson was quick to add. Data Resources, Inc., estimates real Gross Domestic Product for the state grew at a rate of 2.4 percent in 1996, and that growth rate is predicted to continue through mid-1999. While no recession is predicted for the near future, the 2.4 percent growth rate can easily slip to 2.0 or 1.9 percent, said Stinson, and this will substantially affect state revenues for the 1998-99 biennium. Therefore, said Stinson, one of his chief recommendations is to increase the state reserve.

Cohen asked how Minnesota has performed in relation to the nation. Stinson said that Minnesota has out-performed national job growth, and consequently, the state has a lower than average unemployment rate. "The problem," added Stinson, "is how do you fill the new job openings?" In the projections, it is assumed that migration will increase at the rate new jobs are created, but that is an assumption that might fail, said Stinson.

"If weather continues as it has been, will it affect the revenue in the short term?" asked Cohen. "I suspect in the short term the weather already has affected state revenues," responded Stinson. For example, the January sales tax receipts will be lower than usual as people did little shopping during inclement weather, especially in Western Minnesota, said Stinson. Furthermore, Stinson continued, there is some concern about a shorter growing season and an early frost, which would affect agricultural revenue.

### **Labor, business agendas**

The Jobs, Energy, and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), met Tues., Jan. 21, to hear the concerns and legislative agendas of state labor and business leaders. Represented were the AFL-CIO, the Minnesota Chamber of Commerce, the Dept. of Labor and Industry, and the Minnesota Business Partnership.

Commissioner Gary Bastian of the Dept. of Labor and Industry pointed out that the state's job safety record is the

among the best in the nation. "Time lost due to work-related injuries, the number of injuries, and the number of claims are all down, and savings in workers' compensation was about \$100 million in December alone," he said. Gail Blackstone, assistant commissioner of Workplace Services for the department, outlined labor outreach programs. "We're building contacts in the Hmong community, for example, to explain labor standards and correct violations," she said.

Labor concerns were presented by Bernard Brommer, president of the Minnesota AFL-CIO. We support an increase in the state minimum wage to make it consistent with the recent federal increase," he said. "In the area of welfare reform, we're interested in getting people to their jobs, quality child care and increased pay for child care workers, improved training, and a broadening of the Parental Leave law." Other issues of importance to labor as summarized by Brommer, include maintaining the Dislocated Worker Fund, labor relations law, and greater study and attention to repetitive motion injury.

Bill Blazer, senior vice-president of the Minnesota Chamber of Commerce, said, "There are six workforce issues on our legislative agenda for 1997: drug/alcohol testing, sunseting the Dislocated Worker Fund, minimum wage, prevailing wage, wage mandates, and workers' compensation." Sen. Randy Kelly (DFL-St. Paul) asked "Wouldn't we have to reenact the Dislocated Worker Fund each time we needed it? The program has been a good buffer for those people, for example, who have been injured by displacement brought on by the information age. I don't think the governor would sign this bill again." Blazer responded, "I understand your concerns, but by reexamining this program, we can create a broader forum for discussion."

An overview of the legislative agenda of the Minnesota Business Partnership was presented by Duane Benson. "We represent 106 of the largest corporations in the state," Benson said. "Our agenda includes welfare reform issues, the budget surplus, property tax reform, fiscal reform in education, and health care issues," he said.

# Committee update

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## **Agriculture and Rural Development**

### **Stray voltage, loans discussed**

The Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples), continued to hear updates from state agencies with agricultural concerns on Thurs., Jan. 16. Jim Boerboom of the Agriculture Department's Rural Finance Authority presented a summary of the agency's work and current agenda. He discussed a number of loan programs the authority administers, including the Basic Farm Loan, Restructure Program, Ethanol Production Facility Loan Program, and the Agricultural Development Bond, also known as the Aggie Bond. "The RFA helps lenders and borrowers restructure existing farm debt," said Boerboom, "The Aggie Bond, for example, allows the borrower to finance real estate purchases, make farm improvements, buy farm machinery, even breeding livestock." He added that the program needs more funding for 1997.

Wally Sparby of the Farmer's Home Administration testified on rural development issues. He noted that 99.9 percent of Minnesota farmers are participating in the new farm program. Sparby also stated that the Conservation Reserve Program, which had 1.9 million acres set aside in 1996, would have 1.2 million acres set aside this year. In response to a question from Sen. Charles Berg (IND-Chokio) about farmers impacted by the recent severe winter weather, Sparby said, "We're trying to coordinate efforts with North Dakota, South Dakota, and Montana. But I'm worried we may have a shortage of hay and feed in Minnesota. If feed costs get too high, some assistance will have to be provided." He also expressed concern about the possibility of spring flooding.

A presentation about the PUC's Stray Voltage Research Program was given by Dr. Patricia Hoben, research director at the commission. Hoben brought the committee up to date on the timetable for the research, which was funded in part by the Legislature last year. "The purpose of the research is to examine the potential for adverse effects by electric currents, on dairy cow health and milk production, arising from the practice of bonding the utility distribution system to the earth," said Hoben. She added that mail and telephone surveys of Minnesota and Wisconsin dairy farmers are being

conducted. "We're already getting data," she said, "and we'll start sharing that immediately." She stated field studies would begin in May and laboratory studies in June, with pilot field study findings to be presented in November.

## **Crime Prevention and Judiciary Budget Division**

### **Evaluation and funding stability discussed**

Introductory remarks at the first meeting of the Senate Crime Prevention and Judiciary Budget Division Fri., Jan 18, focused on the to both evaluate programs already in place and build evaluative mechanisms into new program proposals. Chair Randy Kelly (DFL-St. Paul) reminded the group that public safety and human services are the two fastest growing budget areas for local governments, and urged members to concentrate efforts on systemic change and avoid simply "moving dollars around."

Fiscal Analyst Chris Turner's preliminary budget overview itemized the crime prevention budget of \$926 million. Total appropriations, he said, amount to 5.2 percent of the general fund and 3 percent of the overall state budget. When Turner mentioned increases in monies distributed directly to counties for discretionary crime prevention spending, Sen. David Knutson (R-Burnsville) requested a report showing exactly how the money is being spent. Sen. Jane Ranum (DFL-Minneapolis) also called for closer program oversight, "Without goals for things like electronic monitoring or alternatives to incarceration, we may just be giving out money without accountability."

After Turner's presentation, members discussed broad criminal justice concerns. "We pledged to spend dollar for dollar on prevention and punishment," said Crime Prevention Committee Chair Allan Spear (DFL-Mpls.), "but when you spend 90 million dollars for a new prison, it's hard to keep that guideline." In reference to the recent legislative auditor's findings on Minnesota's relatively high prison per diems, Spear said other states are dealing with prison crises due to an inability to single cell dangerous offenders.

While many legislators cited evaluation as a primary concern, stability of funding was the expressed priority for representatives of several crime prevention programs testifying at the hearing. Department of Children Families and Learning Assistant Commissioner Barbara Yates described

the evaluation mechanisms already in place in the department's granting process, which encourages partnership between public and private entities in the provision of community-based programs. Providers submit quarterly reports, she said, and this year the department contracted with The Center for Evaluation Research to evaluate thirty-eight granted programs. Yates said the CER evaluation cited stability of funding as the biggest obstacle to program success. "One year is not enough for many programs to realize goals," she said. Yates told the committee that the recently instituted two-year state funding for some programs has been very helpful.

Evaluation is more difficult for some programs. Department of Human Services' Asian American Juvenile Crime Intervention and Prevention Program Manager Mayjouna Ly testified that her program spends all its state money on services, and has in the past used federal money for evaluation. Federal cuts and block granting will mean they will not have money for evaluation in the future, she said. Minnesota D.A.R.E. representatives presented nationwide statistics suggesting that their program, too, would be more successful with extended funding for implementation at both the grade school and high school level.

Nancy Latourneau, Executive Director of the St. Paul Youth Services Bureau, a Department of Economic Security Youth Development Program, also spoke on the value of budgetary consistency, and addressed earlier comments by Sen. Ember Junge (DFL-New Hope) and Sen. Warren Limmer (R-Maple Grove). In opening statements, Junge had suggested the division "look for innovative ideas and set up a model so others don't have to reinvent the wheel," and Limmer had called for innovation as opposed to bureaucracy.

"We're good at being innovative," said Latourneau, after describing her program's synergistic relationship with St. Paul law enforcement, "we are that by nature, but funding stability is crucial"

## **Environment and Agriculture Budget Division**

### **Water infrastructure reviewed**

"We will spend some time today talking about water and wastewater infrastructure needs," said Chair Steven Morse (DFL-Dakota) as he called the division to order, Tues., Jan. 21.

Marilyn Lundberg, director of the Water Resources Committee, presented the Environmental Quality Board's (EQB) report "Saving Resources." According to the report, there are three basic findings: communities's needs are growing; land use decisions determine future water needs; and federal funds are decreasing, leaving the state and local governments with increased burdens.

Lundberg outlined the current infrastructure situation. In the public sector, there are 10,000 water systems, and 600 wastewater systems, while for individuals around the state, 25 percent are on private water systems and 27 percent are served by on-site systems, she said. In addition, public water and wastewater needs are expected to exceed \$1.5 billion by the year 2000.

"Land use has a great affect on infrastructure cost," Lundberg said. As development continues to spread into rural areas, it spreads to areas with insufficient infrastructure, and the "huge population boom" in the 1990s exacerbates the problem, she said.

Lundberg also outlined the three major sources of funding for infrastructure--the state revolving fund, the wastewater infrastructure fund, and the rural utilities service.

According to the report, said Lundberg, counties and cities throughout the state are in need of updated plans for their future infrastructure needs. Many county plans are over 20 years old, and 15 counties lack plans entirely. As for cities, if a city has an infrastructure plan it is most likely antiquated, she said.

Morse highlighted information from the report that states that between 1967 and the 1990s, more than \$1.2 billion in infrastructure grants have been provided by the state and federal government. "That is a huge sum of money, and it is a source that has been cut off," he said.

Executive Director Terry Kuhlman, Public Facilities Authority, overviewed the Drinking Water Revolving Fund. The purpose of the fund, he said, is to provide low interest loans and other types of financial assistance to public drinking water suppliers to improve or construct drinking water storage, conveyance, and treatment systems. He said that in order for Minnesota to receive the \$42 million in federal capitalization grants, the state requires a match of \$8 million for FY 1997.

Kuhlman also outlined the Wastewater Infrastructure Fund the purpose of which is to provide supplemental assistance to

municipalities seeking financing for high cost wastewater treatment projects. After listening to Kuhlman, Morse said, "We need to be careful because we want to encourage current infrastructure development with this program, but we don't want to subsidize and encourage new construction."

Victoria Cook, Pollution Control Agency, followed with a survey of the Individual Sewage Treatment Systems (ISTS) grant program. The program, she said, provides grants to municipalities to resolve sewage treatment problems in areas where individual and small cluster systems are good environmental alternatives. "I see the program funding 'gap' projects, where a community does not necessarily need a centralized system, and instead, can be more cost effective with individual sewage treatment systems," Cook said. She outlined the application process and said that with an annual budget of \$200,000, her division has only been able to assist a quarter to a third of the projects that have applied. "In order to encourage planning efforts in more communities, some type of incentive may be necessary, such as low interest loans, or subsidization grants," she said.

## **Family and Early Childhood Budget Division**

### **Community services overview**

The Family and Early Childhood Budget Division, chaired by Sen. Pat Piper (DFL-Austin) met, Tues., Jan. 21, and received a mission and goals description from Minnesota Department of Children, Families and Learning Commissioner Robert J. Wedl.

Wedl described the department's mission as seeking the best ways to help children and families of Minnesota communities, measure program results, strengthen those efforts found to work well, and to seize opportunity for positive change.

Included in the department goals Wedl mentioned are coordination and integration of state and locally administered family and children's programs; improved program flexibility and design; effective problem preventing strategies; improved public accountability through research, information and the development of measurable outcomes; the encouragement of pervasive and nurturing community involvement for all children; and parental support in their dual roles as breadwinners and parents.

Assistant Commissioner for Community Services, Barbara Yates, offered the

division an overview of services offered. Among the programs she mentioned were Early Childhood Family Education, providing children with learning and development programs; Learning Readiness, offering pre-kindergarten skill training; Child Care Assistance so that parents may pursue employment or education; Family Services Collaboratives allowing state and community run children's service systems; and Head Start, a state and federally funded program offering parents and children the chance to work together on health, social services and education activities. Other department programs Yates mentioned include: violence prevention education; community crime prevention; school breakfast and lunch programs; energy assistance and the Minnesota Food Shelf Program.

She said that many programs, particularly those involving food and housing may be affected by the welfare reforms, and that interagency cooperation and "working across lines" will be necessary to offer the best service possible. "We don't fit into tidy boxes anymore," she said of her department's programs.

Piper pointed out the importance of more business and community cooperation in child care and other programs.

## **Governmental Operations and Veterans**

### **Panel discussion**

The Governmental Operations Committee and the Governmental Operations Budget Division held a joint panel discussion on rulemaking in the evening of Thurs., Jan. 22. The panels are chaired by Sen. James Metzen (DFL-South St. Paul) and Sen. Leonard Price (DFL-Woodbury), respectively.

## **Higher Education Budget Division**

### **Technology and higher education**

The Higher Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), held its first meeting of the session Tues., Jan. 21. Stumpf opened by stating that the changing nature of technology as it relates to higher education would be the theme for the next three meetings. Dr. Marvin Marshak, senior vice president, Academic Affairs, at the University of Minnesota, then gave a presentation on technology initiatives and distance learning.

Marshak spoke of the "electronic commons in which our ability to be

# Committee update

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competetitive globally depends upon maintaining initiatives in technology as it relates to higher education." In addition, he said, "I can't overemphasize enough that the purpose of technology is not to have students by themselves interacting with a screen. We want them to use technology to interact with each other, to encourage teamwork." Marshak also talked about barrier-free education, "free of the traditional barriers of distance, time, economic or class disablers, or disabilities. We want students to pick the place and the pace of their education by giving them greater access."

Marshak also agreed with Sen. Cal Larson (R-Fergus Falls) that the change by the University of Minnesota to a semester-based calendar from one based on quarters "would provide a great opportunity to re-examine the curriculums in each of our schools to make them reflect the needs the information age." Sen. Deanna Wiener (DFL-Eagan) expressed concern about privacy issues and asked, "How about students and families without Internet access?" Marshak replied, "With regard to your question about privacy, security and privacy issues are important to us, and we use the very best encryption technology to protect students. As far as access goes, it is our goal to have a PC for each student. This is a crucial financial issue for us, and we'll build it into the budget. We will not succeed if we restrict technology to a few." He added that at the Crookston campus of the U of M every student has a laptop; at the Twin Cities campus, he sees a range of PCs available, "from a \$250 Web TV unit up to laptops."

Judith Eaton, Chancellor of MnSCU, echoed many of Marshak's comments and concerns in her presentation to the division. The MnSCU initiative, known as the Electronic Academy Grant Program, is a plan "to transform the system's campuses into centers of electronically accessible instruction, community development and culture from around the world," she said. The program has three goals: to increase access, to provide just-in-time education focused on business and industry, and to enhance competitiveness. "We in the public sector must represent a commitment to low-cost educational opportunity for students," she said. Dr. Jim Benson, President of Bemidji State University reiterated the value of just-in-time education, and stated "This gives our students access to 11:00 in the morning data, not one-year-old or three-year-old data."

## Health and Family Security

### Human Services Overview

Chair John Hottinger (DFL-Mankato) called the Health and Family Security Committee to order, Fri., Jan. 17, to continue listening to an overview of the functions and priorities for the Dept. of Human Services.

Asst. Commissioner Judy Wong, supervisor of the Children's Initiative, provided a brief overview of the responsibilities of her office. The initiative, said Wong, was established in 1994 to create a more coordinated and holistic approach to children's health issues. Within her office, she said, are four divisions: Children's Mental Health; Family and Children's Services; Community Services; and the Social Services Information System.

Wong outlined several priorities for the Children's Initiative including: more aggressive recruitment and placement for the adoption program; increased foster care recruitment; continued development of the social services information system (SSIS); and a close watch of welfare reform.

Sen. Sheila Kiscaden (R-Rochester) asked, "When we say there are 20,000 children in foster home placements, I would like to have a general sense for how long and how frequent the placements occur." Wong said that she did not have the precise data with her and that she would have to get back to the Senator when it became available.

Sen. Leo Foley (DFL-Anoka) asked if there were any studies that examine the effectiveness of the foster home placements and the children's future course of conduct. Wong said, "I'm not sure those studies have been done in Minnesota. However, when the SSIS is fully operational, there will be much more data available that can answer questions like this." All the information that is available right now is anecdotal, she said.

Asst. Commissioner Elaine Timmer, overseer of the Health and Continuing Care Strategies division, outlined the basic functions of her office. She said that the duties delegated to her division are "very broad," and that the office's expenditures account for 75 percent of the Dept. of Human Services budget. Within the office, she said, there are five subdivisions: Continuing Care for Persons with Disabilities; Health Care for Families and Children; Performance Measurement and Quality Improvement; Purchasing and Service Delivery; and the State

Medicaid Director.

Sen. Pat Piper (DFL-Austin) said, "There is a large number of women in my community who are working at jobs with no health benefits and who are eager to get into MinnesotaCare. Do you have any numbers for how many people there are like this in the state?" Timmer said that she would have to get back to the committee with more information.

Asst. Commissioner Deborah Huskins, supervisor of the Economic and Community Support Strategies office, said that her division focuses on very low income people and provides them both with a "safety net and ladders up out of poverty." Among the many responsibilities of her office, the division administers: Aid to Families with Dependent Children (AFDC); General Assistance (GA); food stamps; Minnesota Supplemental Aid; child support enforcement; and refugee services.

Huskins also outlined the legislative priorities for her office. A universal, infant-hearing screening program and recognizing American sign language as an official language are two issues that will come forward this session, she said. The committee will also see a bill to implement the federal child support enforcement mandates that the state does not have in place yet, Huskins added. The provisions to match federal requirements include sections to increase the efficiency of the child support office by granting it the ability to subpoena banks and seize bank accounts, and to suspend recreational licenses that are administered electronically. These recreational licenses may include snowmobiling or fishing, she said, but the details have not been worked out. Piper asked what the total amount was for unpaid child support. Huskins said approximately \$650 million, and quickly added that none of that money can be retired as bad debt, so the amount will continually grow.

Huskins proceeded with an introduction to the upcoming welfare reform debate. She said that people receiving AFDC will be the most affected by the reform. Huskins concluded, "Most people don't like AFDC, including the recipients," and she added, "The Minnesota Family Investment Program does what should be done to replace AFDC by supporting and rewarding work."

### Welfare debate begins

The Health and Family Security Committee was called to order Tues., Jan.

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21, by Chair John Hottinger (DFL-Mankato). Hottinger asked that the scheduled speakers to begin with their presentation on the Minnesota Family Investment Program (MFIP) pilot project.

Two representatives from the Manpower Demonstration Research Corp., Barbara Goldman, vice president of research, and David Butler, asst. director of operations, provided an overview of the MFIP pilot project. Goldman said the program was administered in seven counties, with three urban counties--Hennepin, Anoka, and Dakota--and four rural--Mille Lacs, Todd, Sherburne, and Morrison--participating. According to Goldman, MFIP offers recipients both enhanced financial incentives to encourage work, and mandatory employment-focused services, such as job training and education. The study was broken into two groups, she said. The first group consisted of long-term recipients who had received welfare for at least two years, and the second group was comprised of single parent applicants who were not yet eligible for mandatory employment-focused services. The preliminary findings, said Goldman, for single parents in the program show that MFIP: increased employment and earnings for the long-term recipients during the first eighteen months; increased the receipt and pay out of welfare benefits to both long-term recipients and applicants; increased total income for both groups; and reduced poverty for both groups.

Butler then proceeded with a comparison of MFIP to other welfare-to-work programs. He said for the incentives to have any positive affect on behavior, "people need to believe in these incentives." In other words, he said, there needs to be a culture change within the welfare community, both among the recipients and the financial workers. MFIP succeeded in this regard where other programs around the country have failed; case managers worked more closely and collectively to get people to go to work, he said. The effects, therefore, are great. "MFIP is at the top in the nation at poverty reduction and increasing income," said Butler. The trade-offs, he added, are as financial work incentives are granted, welfare payments increase.

"There are several policy implications that the state needs to consider, however," said Butler. He posed several questions for members to consider: Will this applicant group increase their earnings and employment as they become subject to mandatory case management?

Will MFIP succeed in making people less dependent on welfare? Will employment and earnings grow enough to offset the growth in welfare payments? Will MFIP become cost effective and reduce welfare costs in the long run?

Sen. Roy Terwilliger (R-Edina) asked for more information about the results in counties other than Hennepin. Goldman said that the results presented were essentially for the urban counties and that the report due out this spring will provide more information for the rural areas.

Hottinger suggested, "Since we need to get three proposals on the table today, we should proceed with the bill discussion," whereupon he invited Sen. Dan Stevens (R-Mora) to present his legislation.

Stevens provided an outline of the Dept. of Human Services' proposal, and said that based on the results of the eighteen month study, "MFIP is an effective program to get people back to work and out of poverty," by rewarding work, supporting the family, and providing a safety net and ladders out of poverty.

Asst. Commissioner Deborah Huskins then provided a summary of the department's proposal. She said the bill does respond to the results of the research that had been presented, and the bill "is the product of tremendous thinking, research, and discussion with people from all over Minnesota." Under the bill, parents will be expected to begin supporting their families within strict time limits or their benefits will be reduced. Adults have a 60-month lifetime limit on the assistance they receive. In addition, working families will receive help with subsidized child and health care. The bill also rewards work by providing an income supplement until their income reaches 120 percent of the poverty level and they leave public assistance. The bill simplifies welfare by replacing AFDC, Family General Assistance, food stamps, and training programs with MFIP; there, food stamp and cash assistance programs will be consolidated. The new strict residency requirements in the bill attempts to make welfare a neutral factor for those moving to Minnesota. Furthermore, the bill provides employment and job training for welfare recipients, with an emphasis on quick job placement coupled with job supports. The bill also contains provisions for welfare prevention by making child care more available, increasing child support enforcement efforts, continuing access to Minnesota Care, providing tax credits to augment earnings, and working to reduce teen pregnancy. The bill,

however, will not replace all funding for lost federal benefits to legal noncitizens. Finally, under the bill, MFIP will not request additional funding statewide and is expected over a four-year period to balance in the state budget.

Sen. Don Samuelson (DFL-Brainerd) followed with a presentation of SF 1, his proposal for welfare reform. Under the bill, the entitlement to AFDC ends and places a five year limit on cash assistance. The bill replaces AFDC with a new Temporary Assistance for Needy Families (TANF) program that emphasizes job search, work, and short-term training. The bill uses the MFIP pilot project as a model, but has more restrictive work incentives. In addition, the bill applies sanctions against noncompliant participants, and adopts federal mandates that require able-bodied people to work in order to receive food stamps. The bill removes the child care entitlement for certain recipients, but provides additional money to subsidize child care. Furthermore, the bill establishes new residency requirements for TANF and General Assistance (GA). It adopts "the most liberal approach allowed" by federal law regarding eligibility for TANF and Medical Assistance (MA) for legal noncitizens. While the bill implements strict Supplemental Security Income (SSI) and food stamp eligibility criteria, it retains the safety net of GA and General Assistance Medical Care (GAMC) for people who no longer qualify for SSI, food stamps, and other programs. Additionally, the bill restricts TANF benefits to criminals, requires the Dept. of Human Services to report to the Immigration and Naturalization Service information on illegal immigrants, and repeals the \$50 pass through of child support payments.

Finally, Sen. Linda Berglin (DFL-Mpls.) introduced her proposed welfare reform legislation. Under the bill, the TANF model is generally adopted with several additions. Among those additions, an assessment of a client's needs, educational level, skills, and work experience is required in order to produce an individualized plan. Moreover, the bill defines work activity more broadly than the federal definition. The bill provides incentives for counties to place recipients in meaningful employment. Furthermore, the bill creates two state programs--job retention assistance and working family assistance programs. Time spent in these programs does not count against the TANF 60 month lifetime limit. Access to higher education is encouraged and job

# Committee update

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training efforts are stimulated under the bill. Finally, the bill supplements the GA grant for noncitizens who are no longer eligible for food stamps and provides money to expand citizenship classes.

Discussions will continue on all three proposals.

## Services overview

Vice Chair Becky Lourey (DFL-Kerrick) called the Health and Family Security Committee to order, Thurs., Jan. 23, to hear an overview of welfare services.

Asst. Commissioner Deborah Huskins, Dept. of Human Services, began by providing background information on the Aid to Families with Dependent Children (AFDC) program, which is jointly administered between the federal government and the states. According to Huskins, AFDC currently consumes 1.2 percent of the state budget, which, when adjusted for inflation, is down 28 percent from 1986 levels. Under the federal welfare reform, said Huskins, Minnesota will receive a block grant of \$268 million per year over the next several years; the grant level is based on federal FY 1994 expenditures. She added that most people on AFDC want to work, and that 50 percent get off assistance within two years and do not return.

Sen. Sheila Kiscaden (R-Rochester) asked if the department had any data on those people who were able to leave AFDC assistance. Huskins said longitudinal studies have been performed that reveal that people stay off assistance once they are no longer in AFDC. "So it can be assumed that the remainder come on and off assistance repeatedly?" asked Kiscaden. "Yes," responded Huskins, "and these are the costliest recipients on welfare." The primary reason people on AFDC have no job or repeatedly return to assistance is due to a lack of education, she added.

Huskins then proceeded with an overview of the food stamp program, over which the state has no discretion since it is a federally administered program. Sen. Martha Robertston (R-Minnetonka) asked if all of the people on AFDC are also receiving food stamps. Huskins said that approximately 90 percent of AFDC families receive food stamps.

Huskins then provided information on the General Assistance (GA) program. GA is a state administered program designed to assist childless couples or single adults who are not expected to work, such as the elderly or people with

disabilities, she said. In addition to GA, the state administers the Family General Assistance (FGA) program, which is designed to be an added safety net for those people not eligible for AFDC.

Robertson asked if GA was a draw for welfare recipients from other states. Huskins said, "I have never heard that as a reason for migration into Minnesota."

In addition, Huskins also provided an overview of the STRIDE program, a jobs training program that accompanies AFDC, and the federal Supplemental Security Income (SSI) program.

Finally, Huskins turned to an information packet produced by the Dept. of Human Services that surveys the major provisions of the new federal welfare reform legislation. She briefly outlined the major titles of the new federal act and highlighted several pages for more consideration.

The latter part of the meeting was set aside for brief presentations by several citizen and consumer advocacy groups.

## Health Care and Family Security Budget Division

### Budget Process Overview

In preparation for what are sure to be grueling family security and welfare restructuring decisions this session, the Health Care and Family Security Budget Division reviewed the budget process. Tues., Jan 21, the Human Services Budget Staff gave members a brief refresher course in state budget terminology, detailing the finer points of base adjustments and annualization. The department presented examples of standard fiscal documents and walked the panel through the stages of a biennial budget cycle. Department of Finance Human Development Team Leader Jim Showalter presented handouts mapping the construction of a budget request and graphing elemental components. He assured the panel that detailed budget books would be available the Monday following the governor's budget presentation.

## Jobs, Energy, and Community Development

### Agency overview continues

Representatives from the Metropolitan Council and the state Housing Finance Agency updated the Jobs, Energy, and Community Development Committee, chaired by Sen. Steve Novak (DFL-New Brighton), on the work of their agencies

and presented their legislative initiatives for this session Fri., Jan. 17. Affordable housing and metropolitan development were predominant issues discussed at the meeting.

Jim Solem, Regional Administrator of the Met Council, described the work of his agency as "investment in the health and vitality of the region." He reminded the committee that "the Metropolitan Livable Communities Act, as passed by the Legislature, established a fund for communities to invest in local economic revitalization and affordable housing initiatives." By emphasizing cooperation and partnerships with communities, Solem stated, "we're better able to coordinate the resources we have and to make affordable housing available throughout the Metro Area." He added that, while there were places in the region that don't want affordable housing, "we work every day to overcome that resistance."

Sen. Warren Limmer (R-Maple Grove) asked, "Is there any desire on the part of the Metropolitan Council to petition the Legislature to expand the Metro Area?" Solem said, "There is no interest in any way, shape, or form on behalf of the council to expand outside the Metropolitan Area." In response to a question from Sen. Randy Kelly (DFL-St. Paul), Solem replied, "There is a serious problem in affordable housing in that many jobs at lower wage levels are unrealistic even for affordable housing. More money is needed. We do the best we can with what we've got."

Commissioner Katherine Hadley gave an overview of the Housing Finance Agency. Hadley noted concern about two assumptions she suggested were incorrect: There are no developments of affordable housing in the suburbs, and what development there is only happens when communities are forced to accept it. "For example, in the last couple of years, places like Chaska and Eden Prairie have become engines of housing and development activity," she said, "Our biggest problem is a lack of resources, not communities saying no."

### Rights of way issue

The Jobs, Energy, and Community Development Committee met Thurs., Jan. 23 and began discussion of the right of way issue, as it relates to the deregulation of telecommunications. Committee chair Sen. Steven Novak (DFL-New Brighton) said, "It's our intent to have a few

hearings on this issue, and perhaps achieve a consensus leading to a committee bill and a state policy regarding rights of way." John Fuller, committee counsel, briefed the committee on the background of the issue in light of the Federal Telecommunications Act of 1996 and subsequent legal considerations arising from a Redwood Falls ordinance, aimed at US West, that has generated potential legislative concerns regarding rights of way.

Jim Miller of the League of Minnesota Cities presented his organization's perspective. "A public right of way is land used for streets, sidewalks, alleys, utility poles and wires, water lines, and sewer pipes," he said, "At issue is the management of these rights of way. We believe it's the city's responsibility to manage them." Miller summarized the roots of the issue, "After the Federal Telecommunications Act was signed last February, a number of regulatory challenges appeared. The provisions in the Redwood Falls ordinance that were challenged by US West were the assessment of an annual fee, the requirement of a certificate of insurance, and the requirement of either a concrete encasement around the cables or a \$2000 limit on liability on damages to the cable. US West then filed a petition with the Minnesota Public Utilities Commission (PUC) asking the commission to take jurisdiction over the issue of rights of way, and, in April, US West filed suit in District Court challenging the ordinance. In May, the court dismissed the suit; on appeal, it has been remanded by the Supreme Court to the Court of Appeals. In July, the PUC dismissed the US West petition."

Sen. Warren Limmer (R-Maple Grove) asked, "In terms of looking at future needs, do companies or cities reserve space?" Miller said, "Some cities have, some are consolidating facilities to maximize their use. I would add that we have begun conversations with individual companies on this issue, something we had never done in the past. We're opening new lines of communication." He also stated that the bottom line in the debate was the cities' right to manage the rights of way and to protect the taxpayers.

Jeff Oxley, attorney for Dept. of Public Services, presented the agency's position on rights of way and current statutory provisions. He said, "In their petition to the PUC, US West asked the commission to declare its authority to authorize telecommunications facilities regarding rights of way. They also objected to the franchise fee set by the Redwood Falls

ordinance. The PUC dismissed the petition because the commission can't order cities to do anything; their authority extends only to competition-related regulation." Regarding franchise fees, Oxley said, "It's our view that the cities don't have the authority to impose franchise fees. They can recover costs, but not through raising general revenues. Those can be construed, through the Federal Communications Act, as barriers to entry." Sen. Steve Kelley (DFL-Hopkins) asked, "Is there any prohibition of local taxes in the act?" Oxley responded, "The act permits taxes for compensation, not revenue raising."

Dianne Wells, senior telecommunications analyst for the Public Utilities Commission, noted that the commission, along with the Department of Public Service, filed an amicus brief on behalf of US West in their appeal. She said, "Our concerns are the effect of municipal actions on the development of markets, and the effect on rates."

## Judiciary

### Data privacy overview

The Judiciary Subcommittee on Data Privacy and Information Policy held its first meeting of the session Fri., Jan. 17. The panel, chaired by Sen. Don Betzold (DFL-Fridley), heard an overview of various data privacy issues from three different perspectives.

Don Gemberling, director of Public Information Policy Analysis, with the Dept. of Administration, outlined the history of Minnesota's Data Privacy Act. In addition, Gemberling described the his office's function of issuing commissioner's advisory opinions on various questions arising in conjunction with the Data Privacy Act. Gemberling said that the policy made by the Legislature is often subject to differing interpretations in the implementation of the act's provisions. As a result, he said, the issuance of advisory opinions has become a major activity of his office. Gemberling also said that there has been concern, particularly on the part of the executive branch, on the complexity of the Data Privacy Act. Gemberling also distributed an article he wrote along with Gary A. Weissman, an attorney, on the Data Practices Act. According to Gemberling, while researching the article, which was an update of an earlier article he and Weissman wrote in 1982, one of the problems that emerged was a lack of consistency throughout the statutes in regards to data practices.

Gemberling said that he expected several proposals to be brought forward throughout the session to address issues of clarity and complexity.

Panel members also heard from Michael Norton, deputy director of the Office of Technology. According to Norton, the Office of Technology was created six months ago by executive order. The new office is charged with helping Minnesota achieve technology leadership, Norton said. He said, the office provides a single focal point for Minnesotans to address the infrastructure, policy, service and regulatory issues in the dynamic information and communications industry. Further, Norton said, "The mission of the Minnesota Office of Technology is to provide statewide leadership and direction for information and communications technology.

Three representatives of the Government Information Access Council also appeared before the panel to discuss the GIAC's recent report, Digital Democracy. Mark Lynch of KTCA public television, Mick Souder of the Minnesota Regional Network (MRNet) and Dr. Milda K. Hedblom of Augsburg College, described the conclusions reached by the council and the recommendations in the report. The recommendations cover the areas of systems design, training, providing government information on-line, information policy organization and enforcement and providing community access.

## K-12 Education Budget Division

### Accountability clarified as CFL goal

The K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Tues., Jan 21, to update its work plan and hear an overview of the Legislative Auditor's report on Special Education.

"Accountability" was the rallying concept as members worked to clarify and streamline the division's work plan. "This year," said Pogemiller, "we're going to be more aggressive in requiring authors to align new bills with specific work plan objectives."

Sen. Gen Olson (R-Minnetrista) was the first to push for work plan language prioritizing "accountability." Olson and Sen. Martha Robertson (R-Minnetonka) collaborated on possible phrasings geared to link both teacher and student accountability to a plan objective calling for "measurable outcomes." Sen. David

# Committee update

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Knutson (R-Burnsville) took things a step further, calling into question the plan's school-centered focus and suggested expanding it to explicitly encourage accountability on the part of families and even neighborhoods. Pogemiller cautioned against broadening objectives into quasi-mandates, but acknowledged that such concerns are indeed what prompted the redesign of the comprehensive Department of Children, Families and Learning.

Following the discussion, the division heard results of the Legislative Auditor's Special Education report. Evaluation Coordinator Marilyn Jackson said that the state's exemplary implementation of special education programs made auditing for access unnecessary. "The state provides exceptional access to these programs," she said, "It is now time to look at costs." The audit was requested by the Legislature after The Minneapolis Star Tribune looked at costs two years ago and published a controversial story, a copy of which Pogemiller distributed to members. The newspaper's story suggested that special education was draining needed resources from the average schoolchild.

The audit found that special education accounted for 21 percent of school district budgets in 1995. According to the report, of 101,000 special education students tallied last year, 69 percent were male, most were being educated in regular classrooms and just over half of the total suffered from learning disabilities or emotional/behavioral disorders. Special education had an even rural/urban distribution, with African-American and Native American students more likely to receive special education. Between 1988 and 1995, the auditors found, special education spending increased 22 percent, while overall education spending increased only 11 percent. The report shows how Minnesota has expanded on federal requirements, offering special education opportunities to children with developmental delays as well as those with behavior problems not deemed serious emotional disturbances. Recommendations by the auditor include simplification of the state's complex funding formula as well as a rethinking of the open enrollment law that requires the district of the special education student's residence to pay for services received elsewhere.

Department of Families and Learning Special Education Director Wayne Erickson thanked the auditor but criticized the report for what he called its lack

of context. He took issue with report numbers comparing \$432 million in regular education spending to \$693 million spent on special education. "Special education calculations are different," Erickson said, in that Minnesota's special education programs serve children from infancy and continue up through age 21. According to Erickson, the \$5,800 it takes to educate a child in the regular school system should have been subtracted from the special education per child figure of \$12,000, since the child would cost at least that much regardless of program.

## Rules and Administration

### Regents Advisory Council named

The Rules and Administration Subcommittee on Committees met briefly Thurs., Jan. 23, to consider names for appointment by the Senate to the Regents Advisory Council. The panel, chaired by Sen. Roger D. Moe (DFL-Erskine), endorsed Richard Ista from Congressional District 7, David Kanatz from Congressional District 3, Gregg Orwall from Congressional District 1 and Jana Turner from Congressional District 5.

## Transportation

### "System thinking" described

Management Consultant, Barbara Nelson, Nelson & Associates, spoke to Transportation Committee members, Tues., Jan 21, on the merits of problem-solving using a concept known as "systems thinking."

System thinking can be used to solve personal, business and political problems, including transportation issues, Nelson told the committee, chaired by Sen. Carol Flynn (DFL-Mpls.).

Nelson defined "system thinking" as a problem-solving technique that can neutralize conflict, provide a useful tool to explore divergent ideas and find common ground or shared views. Shared views neutralize conflict and promote problem-solving, she said. Once a solution is reached, courage is needed to follow through, she said.

Problems often remain unresolved, Nelson said, because their solutions are not carefully thought through. She said that system thinking is in itself difficult because it involves thorough forethought. She offered several examples of the costliness of incompletely thought-out problems and resulting erroneous solu-

tions. She said that most people are well-meaning but naive; they want to do the right thing but begin with the wrong premise.

Sen. Jane Ranum (DFL-Mpls.) said that improperly framed questions may elicit misleading answers. She said that a rephrased question will sometimes reveal that no answer is available, and that its absence can be more instructive than the answer itself.

Nelson agreed that questions necessary to reach solutions are often improperly framed and lead to skewed feedback and faulty reasoning.

Flynn said that her committee is currently confronted with the possibility of approving emergency snow plowing funds for Western Minnesota municipalities. She asked if Nelson thought systems thinking should be applied to sensitive legislative problems that eventually are reduced to the need for 34 votes. Nelson said that doing so might be difficult.

## Send e-mail to your Senator

To improve correspondence with the public, most Senators now have e-mail addresses. For a complete list of Senators with e-mail addresses, point your World Wide Web browser to

<http://www.senate.leg.state.mn.us/campaign/email.htm>

The general form of the e-mail address is:

sen.[first name].[lastname]@senate.leg.state.mn.us

If you attempt sending an e-mail message to a Senator without e-mail service, you will receive a message listing the postal addresses of those Senators who have chosen not to use e-mail.

Please remember that Senators and staff will be better able to serve you if, when you send e-mail, you include your name, postal address and phone number.

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# Information update

## Information 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 printed 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 about the Minnesota Senate, call 296-0504. The Senate Information Office has recently initiated toll-free telephone numbers to enable citizens of Greater Minnesota to obtain general information about the Minnesota Senate. The new telephone numbers are: 1-888-234-1112 (voice) and 1-888-234-1216 (TTY). Staff members are available to answer questions about the Senate and the legislative process. For daily recorded updates on committee meetings, call the Senate Hotline at 296-8088.

## Hearing interpreters services

The Legislative Coordinating Commission has contracted with the Minnesota Foundation for Better Hearing and Speech to provide sign language interpretive services for deaf and hard of hearing people during this legislative session. The foundation's coordinator for this project will maintain an office in Room 90 of the State Office Building.

Requests for ASL interpretive services should be directed to the coordinator at 282-2231 v/tty. Interpretive services are available to facilitate testimony, to interpret for those attending hearings, and to interpret for meetings between members and constituents.

## Listserv available

Both the Senate and House have established "listservs" to automatically send daily committee schedules to subscribers with Internet e-mail access. The service is designed to make it easier for the public to get up to the minute information about Senate and House committee schedules. A "listserv" is a mailing list program designed to copy and distribute electronic mail to everyone subscribed to a particular mailing list. It is necessary to subscribe to each list separately.

Individuals may subscribe to the Senate and House listservs at any time and the schedules will be e-mailed on a daily basis. In cases of a major change in the schedule, updated schedule information will also be sent to the listserv mailing list.

To subscribe to the Senate listserv simply send an e-mail message to:  
listserv@senate.leg.state.mn.us

In the message body type the following text:  
subscribe sen-schedules

To subscribe to the House listserv send e-mail to:

listserv@hsched.house.leg.state.mn.us

In the message body type the following text:  
subscribe h-schedules

A welcome message with information about how to unsubscribe from the listservs will then be sent to the new subscriber. Subscribers may leave the e-mail mailing list at any time by following the simple instructions.

## Senate TV services

Television coverage of Senate and House floor sessions and selected committee meeting is again available in the Metro Area on broadcast TV.

KTCI, channel 17, will carry Senate and House programming during the daytime hours throughout the session. KTCI reaches about one million households in the Metro Area. In addition, this year Senate and House coverage is closed-captioned for hearing-impaired viewers of KTCI. The services will be extended to Greater Minnesota cable channels when statewide distribution begins in mid-March.

Capitol Report, the weekly legislative public affairs program produced by Senate Media Services, will air on the PBS broadcast network throughout the state this year. The programs air:  
9:30 p.m. Tuesdays on KTCI 17, Twin Cities.  
11:30 a.m. Sundays on KWCM 10, Appleton.  
11:30 a.m. Sundays on KSMQ 15, Austin.  
11:30 a.m. Sundays on KAWE 9, Bemidji.  
11:30 a.m. Sundays on KAWB 22 Brainerd.  
12:30 p.m. Sundays on WDSE 8, Duluth.

## The Senate on the worldwide web

Now there is a new way to get information about the Minnesota Legislature. In a joint effort, the Legislative Reference Library, the Office of the Revisor of Statutes, the Senate and the House of Representatives have established a World Wide Web home page.

At present, the site contains the texts of House and Senate bills, bill status information, biographical material about members, current daily and weekly schedules, the complete Minnesota Statutes, committee membership lists and more. To access the Legislature's World Wide Web page, simply point your browser to:

<http://www.leg.state.mn.us>

The Legislature's World Wide Web site is a dynamic entity and more information items are being added. The Web site makes an incredible amount of information instantly available to anyone who has computer on-line capabilities.

## Frequently called numbers

### Secretary of the Senate

231 Capitol 296-2344  
Voice mail/order bills 296-2343

### Chief Clerk of the House

211 Capitol 296-2314

### Index, Senate

110 Capitol 296-2887

### Index, House

211 Capitol 296-6646

### Information, Senate

231 Capitol 296-0504  
Toll free 1-888-234-1112

### Information, House

175 State Office Building 296-2146  
Toll free 1-800-657-3550

### Committee Hotline, Senate

296-8088

### Committee Hotline, House

296-9283

### Sergeant at Arms, Senate

G-1 Capitol/Chamber 296-1119/296-7159

### Sergeant at Arms, House

45 State Office Building 296-4860

### Legislative Reference Library

645 State Office Building 296-3398

### Revisor of Statutes

700 State Office Building 296-2868

### Capitol Information Desk

1st Floor Capitol 296-3962, 296-2739, 297-1503

### TTY, Senate

296-0250

Toll free 1-888-234-1216

### TTY, House

296-9896

Toll free 1-800-657-3550

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, January 27

The Senate will meet at 11:30 a.m.

#### Election Laws Committee

Chair: Sen. John Marty

12 noon Room 112 Capitol

**Agenda:** Derus versus Higgins election contest.

#### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

12 noon Room 107 Capitol

**Agenda:** Presentation by the Department of Natural Resources on Minnesota's white pine.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** S.F. 32-Junge: Stalking law modification.

#### Local and Metropolitan Government Committee

Chair: Sen. Jim Vickerman

2 p.m. Room 107 Capitol

**Agenda:** Presentations by: Patrick McCormack, analyst, Senate Counsel and Research; Gambling Control Board; Allied Charities; Patrick Finnegan, Department of Revenue; Thomas Brownell, Gambling Enforcement Division, Department of Public Safety.

### Tuesday, January 28

#### Environment and Agriculture Budget Division

Chair: Sen. Steven Morse

8 a.m. Room 123 Capitol

**Agenda:** Trails and snowmobiles; emergency deer feeding report.

#### Family and Early Childhood Budget Division

Chair: Sen. Pat Piper

8 a.m. Room 15 Capitol

**Agenda:** Child care issues, Department of Children, Families & Learning.

#### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf

8 a.m. Room 107 Capitol

**Agenda:** University of Minnesota; current use of technology.

#### K-12 Education Budget Division

Chair: Sen. Lawrence Pogemiller

8 a.m. Room 112 Capitol

**Agenda:** To be announced; will include discussion of work plan and governor's budget.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

9:45 a.m.

**Agenda:** Tour of Minneapolis Convention Center. Bus will leave from the capitol at 9:45 and will return at 12 noon.

#### Health and Family Security Committee

Chair: Sen. John Hottinger

10 a.m. Room 15 Capitol

**Agenda:** Public testimony on welfare reform bills (to sign up to testify, call 612-296-6153).

#### Governmental Operations and Veterans Committee

Chair: Sen. James Metzen

12 noon Room 15 Capitol

**Agenda:** Overview: Howard Bicker, executive director, Board of Investment; Jim Gelbman, director, Board of Government Innovation and Cooperation; occupational licensure.

#### Transportation Committee

Chair: Sen. Carol Flynn

12 noon Room 112 Capitol

**Agenda:** "Transportation Technology" with Laurie McGinnis, director of research, Center for Transportation Studies, Univ. of MN; Catherine E. French, associate professor, Institute of Technology, Univ. of MN; Peter A. Hancock, associate professor, education & human development, Univ. of MN; David E. Newcomb, associate professor, Institute of Technology, Univ. of MN.

#### Agriculture and Rural Development Committee

Chair: Sen. Dallas Sams

2 p.m. Room 107 Capitol

**Agenda:** Dairy Producers Board report, Dairy Producers Board; branding report, Board of Animal Health; dairy diagnostic teams report, Department of Agriculture; dairy roundtable, Allan Gerber.

#### Governmental Operations Budget Division

Chair: Sen. Leonard Price

2 p.m. 318 Capitol

**Agenda:** There will be a presentation by the Department of Finance regarding the budget book and the budget process.

### Wednesday, January 29

#### Family and Early Childhood Education Budget Division

Chair: Sen. Pat Piper

8 a.m. Room 15 Capitol

**Agenda:** Investing in child care.

#### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf

8 a.m. Room 107 Capitol

**Agenda:** Minnesota State Colleges and Universities; access and availability of technology.

#### K-12 Education Budget Division

Chair: Sen. Lawrence Pogemiller

8 a.m. Room 112 Capitol

**Agenda:** To be announced; will include discussion of work plan and governor's budget.

#### Governmental Operations and Veterans Committee

Chair: Sen. James Metzen

10 a.m. Room 15 Capitol

**Agenda:** Pension overview: Teachers Retirement Association (TRA), Public Employees Retirement Association (PERA), Minnesota State Retirement System (MSRS); Larry Martin, executive director, Legislative Commission on Pensions and Retirement.

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# Preview

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## *The Minnesota Senate Week at a Glance*

### **Transportation Committee**

*Chair: Sen. Carol Flynn*

10 a.m. Room 112 Capitol

**Agenda:** "The Rural Economy and Transportation" with Cheri Trenda, director of technology transfer and education outreach, Center for Transportation Studies, Univ. of MN; Fred Beier, professor, Carlson School of Management, Univ. of MN; Jerry E. Fruin, associate professor, College of Agriculture, Food & Environmental Sciences, Univ. of MN; Dietmar Rose, professor, College of Natural Resources, Univ. of MN.

### **Election Laws Committee**

*Chair: Sen. John Marty*

12 noon Room 112 Capitol

**Agenda:** S.F. 45-Marty: Recodification of Chapter 10A; S.F. 72-Marty: Secretary of State's housekeeping bill; S.F. 73-Marty: Change of address.

### **Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

12 noon Room 107 Capitol

**Agenda:** Forestry, GEIS; timber harvest report.

### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 31-Spear: Legislative Auditor's nonfunding probation recommendations; overview of sentencing guidelines and sentencing data; S.F. 107-Spear: Sentencing guidelines clarification (Givens case).

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

*Chair: Sen. Jim Vickerman*

2 p.m. Room 107 Capitol

**Agenda:** Continuation of overviews by gambling related organizations; Dick Krueger, executive director, MN Racing Commission; MN Thoroughbred Association; MN HBPA; John Berglund, MN Licensed Beverage Association and hospitality industry concerns.

### **Education Finance Committee**

*Chair: Sen. Keith Langseth*

4 p.m. Room 123 Capitol

**Agenda:** "Pre-K-12 Education Funding Overview" with Tom Melcher, manager of the Program Finance Division, Department of Children, Families, and Learning.

### **Property Taxes and Local Government Budget Division**

*Chair: Sen. Sandra Pappas*

4 p.m. Room 15 Capitol

**Agenda:** Presentation by P.M. Raup, Professor Emertius and Professor Fred L. Morrison, University of Minnesota

## **Thursday, January 30**

### **The Senate will meet at 9 a.m.**

### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** Public testimony on welfare reform bills (to sign up to testify, call 612-296-6153).

### **Transportation Committee**

*Chair: Sen. Carol Flynn*

12 noon Room 112 Capitol

**Agenda:** "Urban Design and Transit" with Gerard McCullough, director, Center for Transportation Studies, Univ. of MN; Thomas Fisher, dean, College of Architecture & Landscape Architecture, Univ. of MN; Lance M. Neckar, associate professor, and Mary Vogel, research fellow, Univ. of MN; James Pettinari, professor of architecture, Univ. of Oregon; Ed Anderson, former professor, Univ. of MN.

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

*Chair: Sen. Dallas Sams*

2 p.m. Room 107 Capitol

**Agenda:** University of Minnesota, College of Agriculture, overview; S.F. 106-Vickerman: Expanding services by the passing on the farm center; S.F. 108-Stumpf: Seed potato inspection.

### **Committee on Taxes**

*Chair: Sen. Douglas Johnson*

4 p.m. Room 15 Capitol

**Agenda:** Governor's budget proposal.

### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

4 p.m. in front of the Capitol

**Agenda:** Tour the Revenue Department. Transportation will be provided.

### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*

7 p.m. Christ Lutheran Church sanctuary, 105 University Ave. W.

**Agenda:** Joint House/Senate public hearing on welfare reform bills, immigrant focus.

## **Friday, January 31**

### **Family and Early Childhood Education Budget Division**

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** Impact of welfare reform on legal immigrants.

### **Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

12 noon Room 123 Capitol

**Agenda:** S.F. 76-Morse: Extending the environmental trust fund.

### **Crime Prevention and Judiciary Budget Division**

*Chair: Sen. Randy Kelly*

2 p.m. Room 15 Capitol

**Agenda:** I. Review community crime prevention programs funded in 1996. Barb Yates, assistant commissioner, Department of Children, Families & Learning. II. Review Board of Judicial Standards budget. DePaul Willette, executive director, Board of Judicial Standards. III. Review budget. Laura Goodman Brown, ombudsman for crime victims. IV. Review budget. Patricia Seleen, ombudsman for corrections.

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# Briefly

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## *The Minnesota Senate Week in Review*

January 31, 1997

### **Election bill debated**

The Senate met for an hour long floor session, Thurs., Jan. 30, to process bill introductions and take up an elections bill based on recommendations of the Growe Commission.

The bill, S.F. 43, sponsored by Sen. Carol Flynn (DFL-Mpls.), proposes many changes to state election laws, especially in the area of the partisan nominating process. Flynn explained that the bill would change the name of the primary election to the "state party nominating election," and would advance the date of that election to the third Tuesday in June of even-numbered years. Additionally, precinct caucuses would be moved up to the first Tuesday in February, Flynn said. Continuing her presentation of the bill, she explained that candidates receiving party endorsement will have that designation on the primary ballot, and candidates not receiving at least 20 percent of their party's support at the endorsing convention could still have their names appear on the primary ballot through a petition process.

Debate began in earnest when Sen. John Marty (DFL-Roseville) offered an amendment to delay the precinct caucuses until April and keep the primary election date in September. Marty said the amendment would encourage greater participation in the caucuses because they would happen in warmer weather. He also criticized the earlier primary date, saying it would triple the length of the general campaign, and that is something that voters do not want. Sen. Claire Robling (R-Prior Lake) supported the Marty amendment, saying many potential candidates would have serious doubts about entering a race if they had nine months of campaigning ahead of them. In response to Robling's statement, Sen. Ember Junge (DFL-New Hope) opposed the amendment, saying an earlier primary date would shorten the primary campaign.

Sen. Steve Kelley (DFL-Hopkins) asked to divide Marty's amendment so that members could vote separately on caucus precinct and primary election date changes. Kelley said he supported Marty's amendment because otherwise the bill would give an advantage to a well financed unendorsed candidate if the time between the endorsing convention and the primary election were shorter. Sen. Sheila Kiscaden (R-Rochester) also sup-

ported the Marty amendment, saying the focus of the bill should be on increasing voter turnout rather than partisan differences. She said that voters want elections at a better time of the year, and without Marty's amendment, elections are like "insider baseball" where the focus is on what it takes to be a successful candidate. Sen. Linda Scheid (DFL-Mpls.) countered that argument, saying that voters want change, and the Marty amendment would keep the primary election date where it is at.

The Senate voted 45-21 to maintain the September primary election date, where upon Flynn asked to progress the bill.

The Senate also met briefly Mon., Jan. 27, to introduce bills and process committee reports.

### **Task force report heard**

The recommendations of the Supreme Court Foster Care and Adoption Task Force provided the focus for committee discussion at the Weds., Jan. 29, meeting of the Judiciary Committee. The panel, chaired by Sen. Jane Ranum (DFL-Mpls.), first heard introductory remarks by Chief Justice Edward Toussaint, Jr., Minnesota Court of Appeals and Associate Justice Kathleen Blatz, Minnesota Supreme Court. Blatz said that although the jurisdictions of the Legislature and the judiciary are different, in the areas of foster care and adoption, the two branches of government must "lock arms in addressing these issues." In many cases, Blatz said, the laws have not kept up with the problems arising from foster care and adoption cases. Toussaint said that the task force traveled the state in researching the issues and talked with a wide range of interested parties, including children.

The report contained a series of 23 recommendations. Dr. David Sanders, of Hennepin County Child and Family Services, and Judge Heidi S. Schellhas highlighted eight of the recommendations for the panel. According to Sanders, the task force had developed six themes during the course of the study: putting the child's interest first, providing accountability, providing training for concerned parties, dealing with the lack of resources, providing for reorganizations of court policies and procedures and providing for a less adversarial system.

As a result of the themes, the study

recommended the appointment of a guardian ad litem for every child, amending the law to emphasize that the best interest of the child is paramount, shortening the time a child spends in temporary care, amending the law to comply with the Child Abuse Prevention and Treatment Act Amendments of 1996 in regards to the use of "reasonable efforts" in placing children back with their parents, clarifying a number of concepts relating to the permanency time clock, making several changes to expedite the adoption procedure, assuring access to specific kinds of information, and making hearings in juvenile protection matters open except in exceptional circumstances.

Sanders and Schellhas said only four of the recommendations generated controversy in the 31 member task force. The issues dealing with private petitions, the appeals process, providing legal counsel and opening the proceedings to the public stirred debate among the task force members, Schellhas said. However, the issue of opening the proceedings to the public was the most serious point of disagreement, she said. Schellhas said that a minority report on the recommendation, taking the opposite position, will be attached to the full report.

### **Caps removal bill sent to floor**

The Children, Families and Learning Committee took up the matter of S.F. 3, a bill authored by Sen. Keith Langseth (DFL-Glyndon) that repeals caps placed last year on the K-12 education funding formula. Gloomy budget forecasts in 1996 had prompted the Legislature to cut the K-12 funding formula increase by \$75 per student. With the revelation of the state's actual budget surplus, several identical bills calling for reversal of the action were introduced.

Langseth told members present for the early morning vote, "I was against these caps when it was done, but I understand why it was done. The threat of budget shortfall proved untrue, so let's pass this bill and allow school districts to start planning on this budget."

The committee, co-chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and Sen. Pat Piper (DFL-Austin) voted to approve the measure and the bill was sent to the floor with a recommendation to pass.

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# Committee update

## Agriculture and Rural Development

### Milk pricing discussed

The Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples) held a joint meeting Fri., Jan. 24, with the House Agriculture Committee about milk pricing issues. Sams expressed concern over the disparity between the price producers receive for milk and the price consumers pay, and said, "We can't let the number of dairy farmers in Minnesota continue to decline." Rep. Stephen Wenzel (DFL-Little Falls), co-chair for the meeting, said, "Dairy is the largest agriculture industry in the state, and I do believe there is a crisis related to milk pricing." The committee then called a number of witnesses representing farmer and dairy interests.

Commissioner Gene Hugoson of the Minnesota Department of Agriculture said, "There are three elements that enter into dairy profitability, price, cost, and volume, and the department has to look at all three. There isn't much the state can do about price in that it's set by the Federal Milk Marketing Order System. We can help farmers examine cost structure and whether they should change their volume of production." Sams asked about the effect of the Green Bay Cheese Exchange, the subject of a current investigation into milk price fixing, on pricing nationwide. Hugoson said, "It has an enormous impact. Our department is working with the Wisconsin Dept. of Agriculture in its investigations." He said that it was a real possibility the Exchange might be dropped by the USDA.

Paul Strandberg, assistant attorney general, reaffirmed his office's focus on consumers' rights. "We're assisting the federal government's investigation into antitrust activities and price fixing, and we're conducting our own investigation." He added that the attorney general's office would support deregulation of the dairy industry. "There are maybe ten people in the entire country who understand the federal milk marketing order system. Given Minnesota's place in that system, in a free market shake out with deregulation, the state's farmers couldn't end up worse off than they are now."

The Minnesota Farm Bureau was represented by Al Christopherson, president, and Dwight Hasselquist, vice president. Christopherson said, "Many of the problems and solutions in the area of dairy pricing are federal in nature, such as the pricing of milk and reforming the federal milk market order system. The Farm Bureau is also requesting the USDA to review the activities of the Green Bay Cheese Exchange as it relates directly to establishing milk prices for all federal

orders." Hasselquist added, "The Cheese Exchange serves a function; we think it should be a place for buyers and sellers to meet."

Frank Grim of the Minnesota Farmer's Union, asked the committee, "Why can't a young man in this state go out and start a dairy farm on his own? The answer is for people to start a business, they need a profit. And to get a profit, they need to get fair prices. We don't have fair prices here." Grim, a farmer from Wright County, also pointed out that grain and feed prices were too high, making it more difficult for a farmer to stay in business.

Steve Taff, agricultural economist at the University of Minnesota, testified that dairy is "the most heavily regulated industry in agriculture." He said, "Maybe we're trying to overmanage, and we ought to step back and relax this micromanagement. But we've never had a relatively free market in dairy, so we don't know if we'd be better off, whether as a society or an industry."

Also testifying on behalf of the state's dairy farmers were Lee Johnston, president of the Minnesota Milk Producers, Jeff Kunstleben, president of the Minnesota Dairy Producer's Board, and John Cunningham, a farmer from Kandiyohi County.

### Branding, dairy issues reviewed

The Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples), met Tues., Jan. 28, to hear continued testimony related to dairy issues and a report on branding and brand inspection programs.

The branding report was given by Dr. William Hartmann from the Board of Animal Health. He said, "The board surveyed licensed livestock dealers, livestock auction market owners, and livestock owners to see where they stand on brand inspection and alternatives to hot branding. There is no clear consensus concerning the need for a brand inspection program in Minnesota, and the majority of those responding are not in favor of allowing alternatives to hot iron and freeze branding."

The Minnesota Dairy Producers' Board gave a report, in compliance with Minnesota statute, on the economic aspects of the dairy industry. Jeff Kunstleben, president, said, "We conclude that the 40 cent drop in the cheese price announced by the National Cheese Exchange is unjustified. After analyzing market conditions of supply and demand, the board views the price drop as abnormal and the latest example of a pricing mechanism that doesn't price milk fairly for dairy farmers." Sen. Kenric Scheevel (R-Preston) asked, "How can we advance the ability of all dairy farmers to capture a greater share of the profits?" Kunstleben said, "We need to educate the farmer as to how milk is priced, and that would give farmers a chance to have a say

in setting policy. We need to understand the process."

Amy Janke, assistant to the commissioner of the Dept. of Agriculture, gave the Dairy Diagnostic Teams Report. "The primary objective is to increase the number of Minnesota dairy herds having one-on-one advice from a local team, helping to improve profitability and to empower the local community," she said. Jerry Steuernagel, project coordinator, named recipients of grants under the program--the Carver County Dairy Profitability Enhancement Program, the Becker/Otter Tail Dairy Retention and Enhancement Program, and Riverland Community College.

## Crime Prevention

### Stalking bill debated

Sen. Ember Junge (DFL-New Hope) presented to the Crime Prevention Committee on Mon, Jan. 27, a bill passed by the other chamber that aims to clarify elements of harassment and stalking crimes.

H.F. 5, she explained, was introduced in reaction to the 1996 Minnesota Supreme Court opinion in the case of Paul Orsello, initially convicted under Section 609 of stalking his ex-wife. In the 4-3 opinion, the court gave credence to Orsello's claims of statutory ambiguity with regard to intent, and interpreted the law as requiring proof of specific intent to harm or threaten.

According to Junge, the word "intentional" is used only to delineate intentional acts as opposed to accidental ones, and that the law was deliberately drafted to generalize intent. That is, said Junge, the law does not contain language calling for proof of specific malicious intent on the part of the accused. Junge cited the Supreme Court's dissenting opinion by Justice Stringer in support of this assertion.

In light of the Orsello decision, which granted the defendant a retrial, Junge urged members to prioritize clarification. She went on to explain that the Senate language incorporated into H.F. 5 takes the bill's intent language a step further, ensuring that "the state is not required to prove that the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted, or intimidated." Rather than applying the "knows or should know" standard of the original House bill, the Senate language shifts the bill's perspective from that of the perpetrator to that of the victim. The state would only have to prove that actions in question would "cause a reasonable person under the circumstances" to feel frightened or threatened.

Members indicated that unsettling testimony from male and female stalking victims lent credence to Junge's plea for expediency, but the examples were, for the most part, cases in which the accused was

proven to be mentally incompetent, a condition not covered by the stalking law. "There is a difference," Sen. Jane Ranum (DFL-Mpls.) reminded the panel, "between irrational obsession and mental incompetence."

Margaret Chutich of the attorney general's office testified in support of the Senate language. She said that the court's confusion was probably due to the fact that some harmful or threatening acts defined in the law overlap with other misdemeanor statutes that do call for specific intent. When Committee Chair Allan Spear (DFL-Mpls.) posited that the "tried and true" knew or should have known standard might better ensure the bill's constitutionality, Chutich indicated that clarification of ambiguous "intent" parameters should satisfy the court.

Junge concluded by reiterating her message. "The court," she said, "has inferred that specific intent to harm is required. We have to say, 'No it's not.' That's crucial." The bill was laid over for further consideration.

## Harassment bill debated

The Crime Prevention Committee devoted the entire Weds., Jan. 29, hearing to continued debate of a bill making it easier to prosecute individuals charged with stalking or harassing another person. H.F. 5, sponsored by Sen. Ember Junge (DFL-New Hope), changes the definition of "harass" in current law to provide that "harass" means engaging in intentional conduct that would cause a reasonable person to feel frightened, threatened, oppressed, persecuted or intimidated. In addition, the bill no longer requires that the state prove that the perpetrator intended to cause the victim to feel frightened, threatened, oppressed, persecuted or intimidated. The bill also adds language including electronic mail to the kinds of contact that may constitute harassing contact.

Most of the discussion concerned an amendment, offered by Sen. Thomas Neuville (R-Northfield), that changed the measure in several ways. The amendment increases the penalties for violating a restraining order granted under the harassment and stalking law. The amendment also changes the definition of "harass" to focus on the intent of the perpetrator. In addition, the amendment provides for a rebuttable presumption that when a person whose conduct is within the definition of "harass," acts in a secretive, covert, or anonymous manner, the person is presumed to adversely affect the safety, security or privacy of another. Finally, the amendment provides for a notice be given to the perpetrator that a victim considers the perpetrator's actions to have an adverse affect on the victim's safety, security, or privacy.

Debate hinged on the philosophical

question of whether the bill should focus on the behavior of the perpetrator or the emotional state of the victim. Neuville said that the amendment provided much clearer language and that all other criminal laws focus on the behavior of the perpetrator. Junge countered that the amendment was a step backwards because the focus was shifted back to the perpetrator's intent. "By defining intent, the whole area of romantic obsession is left out," she said. Junge said that the "reasonable person" standard regarding the victim's state of mind was objective and would allow prosecutions in those cases where the perpetrator claimed the intent was romantic and not to frighten, threaten, oppress, persecute or intimidate another person.

The committee, chaired by Sen. Allan Spear (DFL-Mpls.), divided the amendment and voted to incorporate the portion of the amendment that increases the penalties for violating harassment restraining orders. The balance of the amendment failed to gain the panel's approval. Members also adopted an amendment, offered by Junge, that requires mandatory minimum sentences for persons convicted of harassment or stalking with a gun or other dangerous weapons. An amendment, offered by Sen. Linda Berglin (DFL-Mpls.), was also adopted. The amendment requires a mental health assessment of persons convicted under the harassment law. The panel did not take final action on the measure and will continue debate at a later hearing.

## Crime Prevention and Judiciary Budget Division

### Judicial branch budgets reviewed.

The Crime Prevention and Judiciary Budget Division, chaired by Sen. Randy Kelly, (DFL-St. Paul) listened, Fri., Jan 24, as judges from various Minnesota districts and legal service representatives presented their annual budget requests.

State Court Administrator Sue Dosal gave a Minnesota court system overview. Dosal said that trial courts are the busiest of the three judicial levels. She said that trial courts hear civil, criminal, family and juvenile actions, as well as probate and conciliation court appeals. Dosal said major cases make up only 10 percent of case filings but account for 82 percent of the courts' workload. Criminal and juvenile crime cases are growing most rapidly, she said, having increased nearly 25 percent since 1986. Nevertheless, judges spent less time in 1996 per case than in 1986, she told the committee.

Judge John Stanoch, president elect, Minnesota District Judges Assn., said that he was proud of the way judges have worked to achieve individual justice involving serious crime. Stanoch said that judges now work hard to utilize early intervention in their communities to assure

that residents become contributing members of society and do not return to the courtroom.

Dale Good, Supreme Court director of research and information technology, presented a court infrastructure improvement plan for a paperless court system. Good said that the proposed improved technology infrastructure would cost \$4 million over four years, take four years to complete and would consist of PCs in each District Court. He said that the PC system would hasten the judicial process through sharing state agency information via a confidential computer network known as Mnet.

Sibley County Judge Thomas McCarthy said that in-court PCs would assure accurate, updated information on defendants. He said the system would give judges and court administration staff immediate access to statutes, defendants' criminal histories, driving records, domestic assault records, protection orders issuance and probation status.

Chief Judge Dennis Murphy, Ninth Judicial District, described activities in his geographically large district. Murphy said his district covers 17 counties and 25,678 square miles. Murphy supported in-court PCs as well as an "interactive video" system that would allow some cases to be conducted without the physical presence of a judge. Besides saving 30 to 34 hours a week in driving time, Murphy said the use of video cameras offers litigants timely access to a judge in less populous areas. He said the cameras reduce the wait for a scheduled judge in civil, family and probate cases. In addition, he said camera-use offer civil commitment patients less trauma and hasten relief in domestic abuse cases, which may otherwise go unheard until the scheduled arrival of a judge. Infrastructure video is not a part of the initial funding request presented to the committee, he pointed out.

Sen. Don Betzold (DFL-Fridley) expressed his concern for how courtroom cameras may affect the quality of justice and overall courtroom behavior. McCarthy said that cameras have worked well in Sibley County where they have been used in civil commitment cases.

## Education Finance

### Funding overview

Calling the Wed., Jan 29, meeting to order, Chair Keith Langseth (DFL-Glyndon) expressed hopes that the afternoon's presentation would substantially augment the panel's working knowledge of what, despite laudable reform efforts, remains a Byzantine education budget process. "When it comes to budgets," he said, "we're used to not seeing the forest for the trees. I would like this committee to try to see the forest."

In the same spirit, Tom Melcher, finance director of the Department of

# Committee update

Children, Families and Learning began his presentation broadly, invoking Minnesota's constitutional guarantee to "establish a general and uniform system of public schools throughout the state." He reminded members that K-12 Education consumes a full 33.4 per cent of the \$18.8 billion general fund.

Melcher reviewed the state's pupil accounting method, which is not based on a student head count but rather on a two-part calculation. Average daily membership, said Melcher, represents the number of pupil-days enrolled divided by the total days in a school year. For funding purposes, this figure is then multiplied by different weights for each educational subdivision. Melcher was careful to point out the fact that although weight changes are often motivated by the Legislature's desire to see more money actually spent at heavily weighted levels, districts are not mandated to spend the money as it was weighted.

Melcher broke out the state's total tax revenue by type and graphed the revenue percentage funded by each over time. In the late 1980's, he pointed out, property tax bypassed income tax as the largest revenue source for education. The ratio for school funding, which in the early 1980's was 70 per cent state aid and 30 per cent property tax, stands currently at 60/40. School districts, he told the panel, are responsible for 46.1 per cent of payable property tax levies, while counties come in at 27.6 per cent.

Because the cooperation and consolidation law of 1989 provided incentives for schools to combine, said Melcher, the state now has substantially fewer schools than it once did. Isolated areas, however do receive extra funding as do those schools with a high percentage of students supported by AFDC. Despite state attempts to equalize funds, full per-student operating expenditures, excluding debt service and capital outlay, evidence disparities between districts that can reach as high as \$2,000.

Melcher confirmed Langseth's assertion that even though the general fund expenditures have not kept pace with inflation in the past 6 years, overall school funding from combined appropriations has well exceeded it. Melcher broke K-12 education revenue out by fund to give members an idea of the revenue schools receive from sources other than the general fund. He asked members to keep in mind that the NEA continues to rank Minnesota's per pupil expenditures above the national average, though the percentage above that line has decreased almost 5 per cent since 1985.

In a two-part document Melcher said he hopes will be of great help to the panel, he breaks out both general fund revenue formulas and the components of 1995 payable 1996 K-12 property tax. With regard to levying, he conceded that

districts with higher levy revenues are likely, under the current formula, to lose some state aid. He said the state does, however, offer incentive to levy in cases of operating capital. Melcher concluded by advising members on the interpretation of various district-by-district revenue tables.

## Election Laws

### Derus election contest considered

On Mon., Jan. 28, the Election Laws Committee heard its first election contest since 1971. This time around, longtime area politician John Derus testified regarding his loss in last fall's District 58 DFL Senate primary. Derus claims his loss to Sen. Linda Higgins (DFL-Mpls.) resulted from the Star Tribune newspaper's erroneous primary day publication of his campaign photo under a headline topping a charity fraud expose. At the outset, Chair John Marty (DFL-Roseville), said the hearing's purpose was not to allay the specific complaint, but to allow the panel to determine its proper role in such disputes and consider appropriate handling of third-party actions affecting elections.

In the wake of a State Supreme Court dismissal, Derus and his attorney, Brian Rice, argued that the judicial role of the Legislature is clearly outlined in Minnesota's constitution. Derus' original District Court case was halted when the Supreme Court stayed the lower court action and requested briefs. Rice said there is no precedent for such intervention in an election case, but said that according to Article IV, Section 6 of the Minnesota State Constitution, in the case of legislative election disputes, the absolute and sole authority to adjudicate such matters rests with the Legislature itself. In this circumstance, Rice said, the Legislature can ask the judicial branch to act as a factfinder and recorder. Though he indicated displeasure with the court's handling of the Derus case Rice emphasized that the committee's power to promote "fair and free elections is an a priori argument that reaches to the core of the institution."

In articulating Linda Higgins' position, attorney Alan Weinblatt asked the panel to consider Higgins' position as both rightful victor and faultless victim. Most panel members were careful both to express sympathy for Derus and to assure Higgins that her conduct was in no way suspect. Near meeting's end, however, Sen. Mark Ourada (R-Buffalo) moved to "hear evidence, make findings of fact, and debate the eligibility of Senator Higgins to serve in the Senate." Senator Ember Reichgott Junge (DFL-New Hope) countered with a plea for balance and caution, asking that Marty invite the Star Tribune to air its version of the story before the committee decides how to proceed. She said that the Derus case merits a hearing, but that she is

wary of "the very daunting possibility of opening the door to election contests regarding all third-party activity." By adjournment, Marty promised to request that representatives of the newspaper testify and also conceded that a change current law may well need to be considered.

With regard to his specific complaint, Derus testified that the Star Tribune, which had editorialized against him on numerous occasions, deliberately committed a "serious, material violation of Minnesota elections laws." The photo in question, featured in 30,000 pieces of distributed literature, had also, according to Derus, appeared in the Star Tribune's September 4 election guide. Derus lost the race by 104 votes.

## Recodification bill approved

Bills voted on Wed., Jan 29, by the Election Laws Committee addressed the streamlining of voter registration in address change situations, ethics housekeeping and recodification of Chapter 10.

Upon passage of S.F. 73, Minnesota voters relocating within the state and filing a standard change of address card with the postal service will be tracked and re-registered automatically at their new location. The bill allows the state to use driver's license information to identify and contact new Minnesota residents to inform them of registration procedures and polling places. Committee Chair and bill author John Marty (DFL-Roseville) assured members that the bill will simplify the present process while saving cities money and reducing administrative paperwork. The bill was approved.

S.F. 72, authored by Marty at the secretary of state's request, contains many of the same provisions included in last year's S.F. 315, a bill vetoed on the basis of its call for expanded use of mail ballots. The present bill does not include those sections to which the governor objected.

During consideration of the bill, committee members expressed amusement at Section 1, which states that an individual living in a house overlapping two precincts will be considered to officially reside in the precinct that claims most of that individual's bedroom.

Substantive changes include the handling of absentee ballots, dissemination of maps and other voter information, incentives for citizen to volunteer as election judges, limitation of polling notices to one per household and the shortening of optical scan lines on ballots. Many sections simply serve to delete obsolete language on the proper use of currently outmoded machines and processes.

When Sen. Linda Sheid (DFL-Brooklyn Park) expressed skepticism over the state's reliance on a drivers license as proof of residency, Marty moved to strike the contested section. At the suggestion of

Majority Leader Roger Moe (DFL-Erksine) the committee cut the bill's required waiting period between general election and a subsequent special election from 60 to 40 days. The original length, Moe pointed out, would interfere with timelines of entities attempting to levy ahead. S.F. 72 was approved as amended.

Recodification of Chapter 10 is the function of S.F. 45, which addresses ethics issues, campaign finance, conflicts of interest and lobbyist registration. Having discussed the bill at a previous meeting, members this time leveled their specific critiques.

Debate over the official labeling of "principals," organizations with lobbyists, hinged upon whether an association or political subdivision spending less than \$500 per year on lobbying should be included in the definition. Sen. Mark Ourada (R-Buffalo) phrased his disagreement in terms of whether such a policy change should accompany what was intended to be a straightforward recodification. Along the same lines, Sen. Dean Johnson (R-Willmar) said that while he thinks limitations on things like special interest receptions was essentially positive, he feels "a real barrier to public officials sitting down with officials of other levels."

Members discussed the clarification of allowable contributions to one's own campaign and determined that the bill sets a per year cap at 10 times the legal individual campaign contribution limit. Without further debate, the panel approved S.F. 45, sponsored by Marty, and advanced the bill to the Senate floor.

## **Environment and Natural Resources**

### **White pine regeneration discussed**

Sen. Bob Lessard (DFL-Int'l. Falls) called the Environment and Natural Resources Committee to order Mon., Jan. 27, to discuss white pine tree regeneration efforts in Minnesota.

Bruce ZumBahlen, manager of the Forest Resource Management Section, Dept. of Natural Resources, presented the report produced by the White Pine Regeneration Strategies Work Group. "There are not as many white pine trees in the state as many would like to see," said ZumBahlen. A work group was organized to address the problem with four goals in mind: addressing the status of Minnesota's white pine resources; increasing the existing white pine resources through management strategies and practices; identifying where research is needed; and recommending regeneration management strategies.

Craig Locey, a silviculturist for the U.S. Forest Service and co-chair for the work group, briefly outlined the central recommendations from the report. The work

group recommends implementing appropriate silvicultural systems, including long term monitoring and care, to ensure retention and regeneration of white pine on suitable sites throughout its pre-European settlement range; doubling the number of white pine trees within the next seven years and doubling the number of acres within 50 years; using management activities to increase the acreage and spatial dispersion of older white pine stands, create a more balanced age distribution; planning and harvesting activities conducted in a way to increase the growth and regeneration of white pine; doing research in the areas of deer predation, regeneration systems, genetic improvement, and blister rust management; developing educational materials and programs promoting white pine management; and best management practices-type audits to evaluate the success of specific regeneration activities. "Overall," said ZumBahlen, "there are thirty-three recommendations that the work group developed."

Based on the central recommendations from the work group, the department has put together a budget proposal of \$1.2 million for the biennium to initiate regeneration activities, ZumBahlen said. Sen. Steven Morse (DFL-Dakota) asked if the department has a cost-benefit analysis of how much it costs to manage a single white pine to the age of 120 years. ZumBahlen said that it depends on the region of the state, where some areas have more opportunity for regeneration than others. "It might be nothing more than scarification of the soil to promote seed growth, while other areas may require intensive management," he said.

### **Environment and Agriculture Budget Division Snowmobiling discussed**

Due to the recent string of snowmobiling accidents, the Environment and Agriculture Budget Division was called to order by Chair Steven Morse (DFL-Dakota) Tues., Jan. 28, to listen to a panel of experts outline the state's current snowmobiling policy.

Dennis Asmussen, director of the Dept. of Natural Resources' Trails and Waterways Division, presented the department's report "The 65/35 Implementation Plan and Additional Snowmobile Funding Alternatives." The report was produced cooperatively by the department and the Minnesota Snowmobile Advisory Committee, and examines both the funding mechanisms and the safety of the state managed trails. "The recent string of accidents demonstrates the stress on the trail system," said Asmussen. Currently there are 18,000 miles of trails, with plans to extend the system to include over 20,000 miles, he said. Citing information from the 1997 Statewide Snowmobile Trail System Plan,

Asmussen said the state's snowmobile management effort is running at a \$2.5 million deficit for FY 97. In order to bring all existing trails up to current safety standards and build the proposed trail extensions, the report calls for an additional \$2.5 million appropriation.

Because the sport generates millions of dollars in tax revenues each year, Sen. Bob Lessard (DFL-Int'l. Falls) said it was in the state's interest to adequately fund the trail system in order to provide reasonable safety standards for riders. He said that the backbone of the trail system was built by the local snowmobiling clubs as they constructed their own trails. Asmussen agreed and said, "The trail system is comprised of lots of little systems and was designed to be local. The most striking change in the past few years has been the driving habits of the snowmobilers." The average number of miles per vehicle has risen from 500 miles per year up to 1,000 miles "as long distance touring has become part of the sport," he added.

Jeff Mausolf, president of the Minnesota United Snowmobiling Association (MN USA), provided an overview of MN USA's legislative priorities. MN USA will be seeking a \$1 million emergency appropriation from the state general fund to keep the trail system operational for the remainder of this season, he said. They also propose establishing a mandatory youth helmet law, raising the age of youth safety training from 16 to 18, increasing the yearly licensing fee by \$5, and increasing the gasoline tax .25 percent, Mausolf said. Morse said, "We will look long and hard at how much gas tax money should go towards trail maintenance."

Sen. Janet Johnson (DFL-North Branch) said that she was working on a snowmobiling proposal that includes liability insurance for machines with 440 cubic centimeter engines. She asked if MN USA had considered any such insurance initiative. Mausolf responded that while the organization had considered it, there were no concrete decisions. When Sen. Leonard Price (DFL-Woodbury) asked why no decisions had been made, Mausolf said his organization would consider liability insurance another tax on snowmobilers. "Snowmobiles are a substantial investment, and many are covered under homeowners insurance," he said. Sen. Charles Berg (IND-Chokio) suggested that homeowner's insurance usually does not cover snowmobiles while they are operating out on the trails. Mausolf agreed and said, "But many have purchased an umbrella insurance plan that provides general liability coverage." Sen. Dennis Frederickson (R-New Ulm) asked, "Could we tie a liability insurance plan to a mandatory safety training program?" Morse added, "Or could we have mandatory insurance for those who have not taken the safety course?" Frederickson said, "We can provide some

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kind of incentive to get people into safety training." Morse said the division will consider the idea at a later date.

Leo Haseman, director of the Dept. of Natural Resources Enforcement division, outlined the current snowmobiling enforcement efforts. He said that it is "highly likely that we will exceed last year's fatality total of 26 this season." He also said that snowmobiling laws are extremely hard to enforce due to staff and equipment limitations. Therefore, he expects to provide proposals in this year's budget for additional enforcement officers and for new equipment--up-to-date snowmobiles, helmet communicators, breathalysers, and radar guns. He said that the existing laws "are pretty good, but there is a need for increased penalties," particularly for repeat offenders and unsafe drivers.

Frank Wippler, Minnesota Sheriff's Association, and Tony Cornish, Minnesota Conservation Officers Association, provided brief presentations on the responsibilities for their respective agencies. According to Wippler, 83 county sheriff offices spent \$741,749 on snowmobile enforcement operations during the 1995-96 season. Both agreed that the key to solving the public safety concerns are improved education, training, and enforcement.

## Forestry discussed

Chair Steven Morse (DFL-Dakota) invited Greg Knopff, Senate Counsel and Research, to provide an overview of the generic environmental impact statement (GEIS) on forestry at the Weds., Jan. 29, Environment and Agriculture Budget Division meeting.

During the 1980s, the timber industry spent \$1.5 billion on capital investment for pulp, paper, and fiberboard facilities, Knopff said. This in turn sparked public concern over the use and management of Minnesota's forests and a petition was filed with the Environmental Quality Board to conduct a GEIS on forestry in mid-1989. Morse summarized, "The general concept was to provide an overall statement on the impact timber harvesting rates were having on the industry and the environment." The final GEIS report was published in April, 1994, and the Dept. of Natural Resources was instructed to analyze and implement the results of the report. In 1995, the Legislature enacted the Sustainable Forest Resources Act, appropriated \$1.7 million to implement the GEIS findings, and created the Minnesota Forest Resources Council, he said. The act is set to sunset in mid-1999, he added.

Morse then invited Dr. David Tillman and Dr. Peter Reich, both professors of forest ecology, to discuss biological diversity and why it is important. According to statute, biological diversity means, "The variety and abundance of species, their genetic composition, and the commu-

nities and landscapes in which they occur, including the ecological structures, functions, and processes occurring at all these levels." Tillman suggested that diverse ecosystems provide services to humans, such as purification of air and water, detoxification and decomposition of wastes, and pollination of crops. These ecosystems are essential for the health and vitality of our communities, he said.

Paul Ellefson and Mike Kilgore, Minnesota Forest Resources Council, followed with a presentation of the council's biennial report. "Up until now," said Kilgore, "the council has focused primarily on developing site-level harvesting guidelines." A draft of these guidelines are due by the end of this year, and the final timbering guidelines are due at the end of 1998. Sen. Dennis Frederickson (R-New Ulm) suggested that the report focuses on site-level management but not on long-term, landscape-level guidelines. Kilgore agreed and said that was by design, and that the council was not ignoring the landscape element. Sen. Bob Lessard (DFL-Int'l. Falls) said that without site preparation, the state can not have long-term, landscape development. Morse said, "The council is developing the guidelines that will nurture not only the timber industry but also other public interests over the long haul."

Jerry Rose and Bruce ZumBahlen, both from the Dept. of Natural Resources' Forestry Division, presented the department's report, but due to time constraints, were not able to provide a summary. Rose said, "I think we're making good progress in implementing the Sustainable Forest Resources Act, and we're creating significant savings by using this collaborative approach." Other states, such as California or Washington that use industry enforcement, are finding such methods costly and inefficient, he added.

## Family and Early Childhood Budget Division

### Child care issues heard

The Family and Early Childhood Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin), met Tues., Jan. 28, to hear an overview of child care programs.

Child care representative Cherie Kotilinek described eligibility requirements necessary for participation in AFDC Child Care programs, such as the AFDC Cash Assistance and AFDC Transition Year programs. Cash Assistance and Transition Year families are in a transition period after leaving AFDC due to increased earned income or an increase in hours worked. Kotilinek said that most AFDC Cash Assistance families participate in Minnesota's JOBS and STRIDE Programs, while a limited number participate in self-initiated education programs and are

referred to as ACCESS families. She said that eligibility for STRIDE and ACCESS child care require participation in authorized education or job search activity.

Kotilinek said that the Basic Sliding Fee (BSF) Child Care Program helps to pay child care costs for low income families who are not receiving AFDC cash assistance in the year following their departure from the AFDC program. According to Kotilinek, families eligible for BSF are those with children under age 13 and with incomes below 75 percent of the state median income of approximately \$39,000. The BSF program is open to anyone eligible and currently has a waiting list of 5,572 children. She said the state and federal governments are currently studying these eligibility requirements and may offer recommendations that affect eligibility requirements.

Child Care Support Team Member Zoe Nicholie spoke of the Infant Toddler Training Intensive Project that provides high-quality training for child care providers in communities throughout the state.

Nicholie said that never before have so many children been for so long away from home. She said that little contact with home or the loss of a trusted child care person can cause a child anxiety and a loss of emotional security. In addition, she said that providers should make every attempt to keep children together with the same child care person.

Sen. Claire Robling (R-Prior Lake) pointed out that a grandparent may offer ideal child care. She asked if funding was available for such providers. Nicholie said that funding was available and that the child care providers could be a friend or family member. However, she said that unlicensed home care providers may care for only one other family's children in addition to their own.

Finally, Cherie Kotilinek briefly addressed child care measures in progress needed to meet federal welfare reforms that emphasize work. She said that the Child Care Reform Proposal simplifies the child care assistance program for low income families by integrating child care into a coordinated service system for families and children. She said the proposal recognized children's developmental needs and supported working family efforts to achieve or maintain self-sufficiency. According to a study Kotilinek distributed, strategies under consideration include the creation of an income-based child care assistance program that will assure that all low income families will receive needed assistance whether or not they're receiving some form of cash assistance. The proposal may also require income adjusted child care copayments from all families, and the integration of existing early childhood education family support and parent education programs to meet working parents' needs.

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## Community services overview

Weds., Jan 29, Nancy Johnson, Director of Child Care WORKS, a statewide coalition of organizations concerned with children's care and education, asked each member of the Family and Early Childhood Education and Budget Committee, chaired by Pat Piper (DFL-Austin), to imagine for a moment that they were a single parent with an infant, living on a \$29,000 legislative salary. Suddenly, Johnson said, you would have to produce \$7,800 a year to pay infant care, leaving only \$1,100 per month for other expenses. Johnson said that a \$3,000 salary cut would qualify them for sliding fee assistance and a \$380 per month co-payment, but that the savings would be only \$170 per month and that they would be placed on a year-long child-care waiting list. In this situation, Johnson said, you would have little or no choice among infant care providers and you would pay extra for evening care allowing you to attend evening legislative meetings. "Now, suppose you have twins..." Johnson said.

Johnson said that 76 percent of today's mothers with children under age 18 are in the work force, and that the younger their children the more their child care costs. Making matters worse has been a one-third drop in young family's incomes from what they were in 1973, Johnson said.

Welfare reform will require 8,860 Minnesota families to move into the paid work force in 1998, and those families unable to find or afford child care will not be able to work, she said. Such families may qualify for Temporary Assistance for Needy Families (TANF), a program already \$35 million dollars short of erasing the current child care subsidy waiting list, Johnson told the committee.

Families receiving TANF might provide child care for each other, Johnson said, but recipients must want to care for children and should receive adequate training to ensure that children will be well cared for. Johnson said that the early childhood education experience has a lasting impact because a child's early years, ages 0 to 8, are critical to development. She attributed high caregiver turnover rates to the profession's low pay. She said that 50 percent of teaching staff earn less than \$7 per hour, while family care providers earn \$2.50 per hour for a 60-hour week.

Without child care assistance one-quarter of Hennepin County families on Child Care Sliding Fee Program waiting lists turned to AFDC, while one-half turned to food stamps and Medical Assistance for economic survival, said researcher Deb Swanson-Klatt, of the Greater Minneapolis Day Care Association (GMDCA).

Swanson-Klatt said that in 1991, families earning less than \$15,000 per year spent 23 percent of their incomes for child care, while families earning \$50,000 and more spent only 6 percent. She said that despite financial adversity, the majority of

GMDCA families surveyed continue to work while waiting for Child Care Sliding Fee Assistance, but that they do so at great expense to the security of their family.

Ramsey County Planner Deb Schlick, citing a Ramsey County study on child care subsidies and economic development trends, briefly examined the favorable relationship between child care subsidies and economic activities. Schlick told the committee that dominant industries and occupations supported by child care subsidies are those that are forecast to lead state job growth throughout the next five years. Schlick said that the Basic Sliding Fee Child Care program does not support many minimum wage jobs, but instead supports those jobs having wages slightly above the minimum and those requiring specialized training. Schlick told the committee that jobs paying less than \$7 per hour make up fewer than 20 percent of all subsidized jobs; conversely, 57 percent of all subsidized jobs fell within the \$7 to \$10 per hour range.

## Government Operations and Veteran Affairs

### State boards overview

Chair James Metzen (DFL-South St. Paul) called the Government Operations and Veteran Affairs Committee to order Tues., Jan. 28, to listen to presentations from three state boards. He welcomed new committee members and announced the creation of two subcommittees—Veterans Affairs, chaired by Sen. Charles Wiger (DFL-North St. Paul), and Rulemaking, chaired by Sen. Don Betzold (DFL-Fridley).

Executive Director Howard Bicker, State Board of Investment (SBI), provided a brief overview of the organization. The board was established by the state constitution and has statutory authority over a variety of investments. According to Bicker, membership in SBI includes the governor, state auditor, state treasurer, secretary of state, and the attorney general, along with a 17 member investment advisory council. In addition, he said, the board manages \$31.4 billion from various retirement funds, trust funds, and cash accounts. As for performance, Bicker said the investments managed by the board consistently outperformed the market over a five year period.

Larry Spicer, executive director of the Board of Chiropractors, appeared before the committee on behalf of the State Health Licensing Board, which includes representatives from thirteen health related licensing boards. Spicer stated that the boards are composed of both professional and public members, and are financed solely from annual license fees. "The boards were created to protect the public from misconduct and sub-standard care," said Spicer. Based on several recommenda-

tions from a nation-wide health advisory committee, he said, the state board is developing several legislative proposals designed to improve the board's effectiveness and accountability to the public.

Director Jim Gelbman, Board of Government Innovation and Cooperation, outlined the responsibilities for his agency. According to Gelbman, the board was created "to help government work better by eliminating wasteful duplication of effort and bureaucratic red tape." By implementing pilot projects throughout the state to consolidate governance efforts, and by providing local units of government exemptions from inefficient procedural laws, the board assists the state by streamlining daily operations and cutting costs, he said.

### Pension overview

The Government Operations and Veteran Affairs Committee was called to order Wed., Jan. 29, by Chair James Metzen (DFL-South St. Paul) to listen to an overview of state pension plans.

Nile Zickman, representing the Minnesota volunteer firefighters, began the meeting with a brief presentation on the challenges the volunteers face and the need for continuing funding for their pension plan. "The pensions are essential for attracting and retaining firefighters," he said.

Dave Bergstrom, executive director of the Minnesota State Retirement System (MSRS), introduced his fellow panel members, Gary Austin, Teachers Retirement Association (TRA), and Mary Vanek, Public Employees Retirement Association (PERA). The panel outlined the intricacies of the complex pension plans for state employees, highlighting the over-arching administrative structure, the calculations to determine pension size, and the various financing streams. Vanek said that the three funds' assets are not handled by the boards, but are instead invested by the State Board of Investment. Austin said that all three funds are in "excellent funding positions," with above average assets to accrued liability ratios.

The panel for the Cities of the First Class Teachers Retirement Fund Association then proceeded with a brief overview of the pension plans for teachers in the Duluth, Minneapolis, and St. Paul school districts. "Unlike the major pension funds," said Karen Kilberg, Minneapolis Teachers Retirement Fund Assoc., "our funds are responsible for their own investing."

Larry Martin, executive director for the Legislative Commission on Pensions and Retirement, said the advisory body is a bicameral group, representing the governmental operations committees of the Senate and the House. He added that his office is completing several mandated studies that will be completed in February and March.

# Committee update

## Governmental Operations Budget Division

### Panel discusses budget books

Members of the Governmental Operations Budget Division, chaired by Sen. Leonard Price (DFL-Woodbury), held their first hearing of the session, Tues., Jan. 28, and heard an overview of the budget process and a description of the material contained in the budget documents. David Johnson, Dept. of Finance, outlined the governor's five budget goals. According to Johnson, the governor wants to restore Minnesota's triple A bond rating, maintain spending below the rate of personal income growth, provide an adequate budget reserve, return money to taxpayers and ensure long term budgetary stability. Johnson said that budget will be in structural balance in the second year of the biennium and for the following biennium.

He also described the overall process used to develop the state's \$19.2 billion general fund budget. He reminded members that the overall budget includes monies from special revenue funds, expendable trust funds and the debt service fund.

Johnson said that 59.8 percent of all state spending comes from the general fund, with the balance coming from the other types of funds. He said that individual income tax accounts for 41.6 percent of state revenue, sales tax accounts for 30.5 percent, and corporate tax accounts for 6.2 percent. Other revenue sources include gross earning taxes, liquor and tobacco taxes and motor vehicle excise taxes. According to Johnson, the four largest areas of state spending, health and human services, property tax aids and credits, post secondary education and k-12 education, account for 88.7 percent of all state spending. Those four areas are also the fastest growing areas of state spending, Johnson said.

Johnson also explained the process by which the Dept. of Finance developed the actual budget books members will use in making their decisions for the next biennium. He explained the process for arriving at the base level funding for the various areas encompassed by the budget, and the process by which the agencies developed their budget plans.

## Health and Family Security

### Public presentations continue

The Health and Family Security Committee, chaired by Sen. John Hottinger (DFL-Mankato), convened Fri., Jan. 24, to continue listening to presentations from various interest groups. The following groups came before the committee: Anne Henry, Disability Law Center; John Kingrey, MN Hospital and Health Care Partners; Brock Nelson, Children's

Health Care; Ron Pratt, Children's Hospital Group; O.J. Doyle, Emergency Medical Services; Sue Stout, MN Nurses Association; Shirley Hokanson, MN Developmental Achievement Centers Association; Susan Robertson, Metro Inter-Counties Association; Michael Scandrett, MN Council of Health Plans; Tom Lehman, Blue Cross Blue Shield; Iris Freeman, Advocacy Center for Long Term Care; Dr. Daniel Shaw, MN Dental Association; Dean Neumann, Care Providers; Jill Larson, Health Partners; Elizabeth Cabot, U Care MN; Phil Griffin, PreferredOne; Nancy Hylden, MN Chamber of Commerce; Todd Johnson, Allina Health System; and Sarah Ferguson, Family and Children's Service, Crisis Nurseries.

### Public testimony begins

In what is expected to be a contentious issue, the first round of public testimony on welfare reform commenced as Chair John Hottinger (DFL-Mankato) called the Health and Family Security Committee to order Tues., Jan. 28. Hottinger outlined a tentative meeting schedule for the next several meetings and said the day's agenda was set aside for concerned organizations.

Rev. Chris Morton, chair of the Food First Coalition, was the first to present his organization's views. "Overall, the giving of religious organizations is already very high," he said, "and they will be unable to replace, dollar for dollar, the cuts being made by government." Therefore, he said, the government can not expect private charities to entirely pick up where the government left off. "Religious organizations are already the backbone of most every food shelf in the state," he added. As for the food stamp program, Morton admitted that though there are problems, the program's benefits are crucial—people are not going hungry. Morton then presented several proposals. He suggested the state create a supplemental food program for the two major groups of people who will lose food stamp coverage, the legal noncitizens and the 18-50 year old childless adults. Another proposal the state should consider, said Morton, is to exclude counties and "other geographic areas" with unemployment rates above 10 percent from the food stamp cuts, as already allowed under federal law.

Sen. Martha Robertson (R-Minnetonka) said, "I will be asking this of everyone that testifies today, so please help me understand from where you receive your funding." Morton answered that his organization receives most of the funding for its \$15,000 budget from membership dues and private contributions; it receives no public funding.

"In the proposed welfare reform bills, there is little attention paid to training and education," said Kathy Tomlin from Catholic Charities. "The training money

provided in the bills is not focused to welfare recipients." Tomlin continued, "After five years on state assistance, it's important that we have provided enhanced skill development training so that when benefits are taken away, they are on the right path out of poverty."

Sen. Becky Lourey (DFL-Kerrick) asked if Catholic Charities had any data, beyond anecdotal stories, on the success rate for the STRIDE program. Tomlin said they did not. Then Lourey asked Julie Maden, a case worker from Catholic Charities, if many of her clients are enrolled in continuing education programs. Maden said, "My clients rely heavily on community colleges for their education."

Robertson asked Tomlin how Catholic Charities' programs are funded. Out of an annual budget of \$21 million, over half comes from federal, state, and county aid, Tomlin said.

"State leaders have a special function," said Brian Rusche, the executive director of the Joint Religious Legislative Coalition, "They must defend the poor and the vulnerable." He asked members to look for a "soft-landing approach" for the immigrant community by establishing a direct grant program to assist people who would have received General Assistance (GA) or Medical Assistance (MA) but for their immigrant status. He asked members to "do MFIP right," referring to the Minnesota Family Investment Program, "by staying with welfare recipients long enough to ensure they are gainfully employed." In the governor's proposal, the MFIP grant amount is lower per individual and the exit point from the program is earlier, said Rusche. "Therefore, you won't get the rosy results the Manpower Demonstration Research Corp. (MDRC) told you about," referring to the study on the MFIP pilot project conducted by MDRC. In his concluding remarks, Rusche said that the current welfare system was designed to be a safety net, but the new reform places an additional burden on the system by requiring job training and education. "You can't do the two goals under the same budget. There has to be additional funds on the table," he said.

Shawn Fremstad, Legal Services Advocacy Project, presented his report on reforming welfare. He suggested that the two most difficult barriers to employment for recipients were transportation and child care. According to the General Accounting Office, he said, successful programs use a comprehensive assessment process to identify barriers to employment, remove barriers that limit a client's ability to finish training and get and keep a job, improve participants' employability skills as part of training, link occupational skills training with the local labor market, and do a regular follow-up after people leave the program.

Anna Sochoky, Harriet Tubman Center, and Kit Waickman, Cornerstone, Inc., both proposed extending a waiver for residency requirements for women and children fleeing from domestic violence. When Robertson asked where the Tubman Center receives its funding, Sochoky said that over 60 percent of the center's budget comes from government sources.

### **Public testimony continues**

Chair John Hottinger (DFL-Mankato) called the Health and Family Security Committee to order Thurs., Jan. 30. He said, "My intention today is to take testimony from welfare recipients."

Deb Konechne, a member of the Minnesota Welfare Rights Coalition, began the discussion by presenting her organization's legislative proposal and said, "We would like our proposal to stand as a bill on its own, a bill from the people." She said that the current welfare reform legislation "is a travesty for low income people."

Der Vang followed and talked to the committee about her life experiences and the difficulties she has faced in her struggle to immigrate to the U.S. from Southeast Asia. "We humbly accept the small amount of aid not because we are lazy or do not want to work, but because we are unable to find jobs to support our families," she said. She asked the members not to cut aid to immigrants, especially the elderly.

Sen. Linda Berglin (DFL-Mpls.) said, "I want to make it clear, we are not the ones who cut SSI (supplemental security income) or disability assistance, we are not the ones who cut food stamps. Many of us feel that these cuts are inhumane." "In Washington, D.C.," she said, "they are reconsidering these cuts and I urge you to contact your congressional representatives and urge them to re-instate the cuts."

"I am coming before you today as a concerned citizen, concerned about the migrant workers in Minnesota," said Anthony Zaragoza. According to Zaragoza, companies in Minnesota recruit Mexican workers in Texas and Mexico to come to Minnesota and work. When they arrive here, the companies often do not pay them until the harvest is collected, or in many cases, there are no jobs waiting for them, he said. Sen. Becky Lourey (DFL-Kerrick) asked, "Do you agree that business has been counting on state and federal dollars to subsidize their migrant workforce?" Zaragoza said, "That would be a correct assumption." Sen. Pat Piper (DFL-Austin) said, "Business must assume greater responsibility for the workers they recruit to come to Minnesota."

Blong Thao suggested that the United States assume the responsibility for the immigrant families who cooperated with and fought alongside American soldiers in the Vietnam War.

## **Health and Family Security Budget Division**

### **Nursing homes discussed**

Chair Don Samuelson (DFL-Brainerd) called the Health and Family Security Budget Division to order Thurs., Jan. 23, to listen to a presentation from the Legislative Auditor's Office on nursing home costs compared to other states.

Roger Brooks, deputy legislative auditor, said that the original idea for the study came from a citizen who was concerned about higher nursing home costs in Minnesota than in other states in the Upper Midwest. The report came to several conclusions, one of which proved that Minnesota rates are higher than other states for two central reasons—Minnesota provides more nursing care in the homes, and the state pays higher average staff salaries. Brooks said the study was difficult to do because his office was faced with "a tangle of confused statistics from other states."

Susan Von Mosch, program evaluation presentation specialist from the Auditor's Office, followed Brooks and outlined the details of the study. The report was commissioned in May of 1996 and included five states—Minnesota, North Dakota, South Dakota, Iowa, and Wisconsin. She said that Minnesota averaged a \$95.61 per day reimbursement rate for nursing homes, which was 15 percent higher than Wisconsin and over 30 percent higher than South Dakota. Furthermore, she said, the average cost of \$89.82 per resident day for nursing care was also higher than any other state. In Minnesota, nursing home costs account for over 50 percent of total costs, a rate higher than other states.

Along the same lines, she said, salaries and fringe benefits in Minnesota account for 70 percent of nursing home operating costs, and therefore, the higher salaries paid would drive overall costs higher than surrounding states.

Samuelson asked if the report measures the quality of nursing home care in relation to other states. Von Mosch said that quality of care is difficult to measure and was not covered under the report.

Von Mosch said the report concludes that the higher rates in Minnesota are due to more nursing care, higher labor costs, and higher reimbursement rates.

Tom Moss, Dept. of Human Services, said he was "quite impressed with the report," and that, "The conclusions verify the common wisdom on how Minnesota stacks up with other states." He added that the state is moving away from cost-based reimbursement and moving towards a contract system where homes are paid on a competitive price basis.

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

### **Rights of way overview continued**

The Jobs, Energy, and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), concluded background testimony on the telecommunications rights of way issue Thurs., Jan. 30. Committee Counsel John Fuller announced to the committee a decision issued by the Court of Appeals, Jan. 28, regarding the Redwood Falls Ordinance discussed at the last meeting. "The Court ruled that Redwood Falls lacks the authority to require US West to obtain a franchise and to encase telephone lines in concrete," Fuller said.

Jerry Knickerbocker testified on behalf of the Minnesota Telephone Association, representing the state's 88 local telephone companies. "We see change coming in two ways—technological and regulatory. The telecommunications revolution will require more and more data to be moved faster, and the passage of the Federal Telecommunications Act brings competition to local telephone markets," he said. "We need a statewide policy on rights of way to facilitate that change." Commenting on the Legislature's role in the debate, Novak said, "If we don't set a statewide policy, one will gradually be set by a number of court cases."

James Erickson of the Minnesota Cable Association said, "We would like to provide the committee a framework on this difficult, far-reaching issue. Most of the players in this discussion, from municipalities to telecommunications interests, met last week and will meet again next week to discuss right of way." Erickson summarized both sides of the issue, and said, "Cable providers are against fees as a new revenue source and limits on the number of users of rights of way."

Representatives from Sprint, US West, and MCI gave similar testimony. Bill Flynn, spokesperson for the Minnesota Business Utility Users Council, provided examples of successful partnerships between business and municipalities in resolving rights of way concerns.

## **Higher Education Budget Division**

### **Technology discussed**

The Higher Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), heard presentations focused on technology, distance learning, and training K-12 teachers to use technology in the classroom. Senior Vice President of Academic Affairs Dr. Marvin Marshak of the University of Minnesota continued his testimony from a previous meeting.

"There are three important aspects to the new initiatives in learning technologies—providing access for all interested

# Committee update

parties from traditional students to citizens interested in learning for its own sake, driving active learning that enables students to pull knowledge themselves rather than having it pushed on them, and giving students tools to become lifelong learners," he said. Michael Handberg, coordinator in the Registrar's Office, demonstrated benefits currently available to traditional students via the University's Web page. These include personal schedulers and organizers, on-line forms, and access to newsletters unique to the student's interests. "This technology is customer-focused, an approach that is carrying over throughout business," said Handberg. Rick Peifer, from the University's Biology Department, presented examples of the use of computers and the Internet in biology instruction.

Sandra Balli and Simon Hooper from the College of Education and Human Development described the University's work instructing preservice teachers in the use of education technology applications. "We work with about 350 preservice teachers to train them in the use of technology in the classroom. This opens several exciting opportunities, students and teachers have access to current research and information, students can collaborate with other students over the Internet, students can correspond with other students, and even publish their own work on the Internet," said Balli. Hooper emphasized that the goal was not to replace schools and universities. "Education is an inherently social process. We don't want to use technology to prevent students from interacting, but to enhance and expand their interaction," he said. Vince Magnuson, vice chancellor for Academic Affairs at UMD, outlined his school's teacher preparation program.

## MnSCU technology

The Higher Education Budget Division of the Children, Families, and Learning Committee continued to examine the role of technology in education. The committee, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), heard testimony Weds., Jan. 29, regarding the state of technology at MnSCU's colleges and universities.

Dr. Roland Barden, president of Moorhead State University, said, "There are three challenges before us at Moorhead State—the challenge of re-equipping our facilities for high technology, the challenge of bringing students and faculty up to the standards of the professional marketplace, and the cost of building new, high-tech facilities."

Larry Shellito, president of Alexandria Technical College, demonstrated the Digital College, a project funded in part by a MnSCU Electronic Academy Grant. "Its goals are to get the faculty technically proficient, provide Internet access to

students and faculty, enable the production of validated and replicable technology information, and increase student learning and involvement," Shellito said. Talking of the partnership between the college and local business, he said, "We're working with Caterpillar and Ziegler on technology issues as part of our Quickstart program in diesel mechanics. For example, Caterpillar provided us with an engine and diagnostic software so our students can learn to regulate emissions, fuel economy, clean air and efficiency."

Results of an instructional technology survey of MnSCU colleges to determine current student participation were reported by David Garloff, associate vice chancellor of technology innovation for MnSCU. "The survey shows that there is a need for increased faculty training to develop and deliver courses using instructional technology," Garloff said.

## Judiciary Committee

### Task force reports heard

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), met Mon., Jan. 27, to learn the findings of the Supreme Court appointed Advisory Task Force of Visitation and Child Support Enforcement. The task force was primarily established to examine to what extent custodial parents deny noncustodial parents visitation and other rights, and to offer the courts recommendations to resolve custody and visitation conflicts.

Task Force Co-Chair Peter Parilla said that, according to the task force investigation, only 3 percent of parents involved in dissolutions involving child custody and visitation rights return to court, and that 60 percent of custodial parents interviewed said that such issues had not been a problem. He said that among the remaining 40 percent, most said they had not returned to court because problems experienced were not serious, while a minority of that percentage said they had not sought legal remedy due to attorneys' fees or the fear of reprisal from their former spouse. According to Parilla, the study found that most custody related complaints occur shortly after marriage dissolution and arise primarily among non-custodial parents. He said that only 4 percent of parents interviewed believe that visitation disputes result in withheld child support. Conversely, many judges said that visitation disputes were serious, he said.

Parilla attributed the difference between parents' and judges' differing assessments of visitation and custodial problems to the possibility that judges hear the worst side of such cases when parents "unload" in court and expand court files with added grievances.

The task force also found that few judges and parents interviewed favored

withholding child support payments when visitation rights were denied.

Task force member, Linda Aaker, reviewed task force policy recommendations needed to effectively deal with visitation-related conflicts. Among the recommendations Aaker cited are developing more effective methods to screen visitation disputes and routing the disputes to alternative mediation outside the courts when appropriate; requiring parents to participate in one or more education programs; and the including of information regarding visitation and custody matters in parental instruction materials. The recommendations also call for the Supreme Court to define and publicize "reasonable visitation guidelines," and call on the Legislature not to enact legislation authorizing custodial parents to withhold visitation when child support is not paid.

Judge Tanya Bransford, Fourth Judicial District reported on progress made by the Implementation Committee on Multicultural Diversity and Racial Fairness in Courts. Bransford said a Racial Bias Task Force had been charged to investigate whether race affects arrests, detention on probable cause, charging offenses, bail, plea negotiations, jury selection and related issues. She said the information is needed to determine whether disparate treatment exists within the criminal justice system. In addition, other committees are working to achieve ethnic diversity within the judicial system, and to investigate charges that persons of color are being disproportionately charged with low-level misdemeanor offenses, Bransford said.

Hennepin County Attorney Michael Freeman thanked committee members for legislation enacted allowing Ramsey and Hennepin Counties to deal swiftly with neighborhood nuisance violations. In the past, Freeman said, two convictions were needed before action could be taken against nuisance landlords and tenants. The conviction requirement created a problem, Freeman pointed out, because many nuisance activities did not result in convictions. Today, Freeman said, only two "behavioral incidents" are needed to allow the judicial system to identify and act on problem tenants and landlords.

Freeman said that activities that can result in a behavioral incident involve narcotics sale or use, prostitution, gambling, unlawful sale or use of alcoholic beverages, the unlawful use of a firearm or keeping a disorderly house.

Under the law when two or more behavioral incidences are documented, the county attorney may arrange a meeting between the county and property owner to negotiate a nuisance elimination plan. Should the landlord ignore the summons, the county attorney may petition the court for a restraining order to end the nuisance. Thereafter, Freeman said, the parties must

resolve the problem or the court may order the building vacated and boarded-up. In most cases the attorney's initial letter to a landlord will solve the problem, Freeman said.

Freeman presented the committee with a report that outlines initiatives needed to further improve neighborhood nuisance resolution. The report suggests the use of well-written leases that will provide immediate relief when nuisance behavior occurs; reduced time limits for complaint subjects to appear in court; and the development of a mediation process to handle landlord-tenant disputes before court resources are expended.

## **K-12 Education Budget Division**

### **Caps bill approved; work plan debated**

After Department of Families and Learning Commissioners Robert Wedl and Tom Melcher walked the K-12 Budget Division through the governor's budget on Tues., Jan 29, members resumed honing the language of the division's evolving work plan.

Continuing the formulation of the work plan designed to focus policy, the division heard plan revisions drafted by minority members. While most of the recommended changes reflected the entire panel's expressed desire to strengthen plan language, contention arose when Sen. Gen Olson (R-Minnetrista) announced the caucus' edit of the overall goal statement.

The original plan had defined that the goal of state education policy is to "ensure that every student in Minnesota is prepared to reach his or her highest potential and to attain the educational achievement necessary to be an informed and productive citizen." The minority's revisions altered the goal, which they said is, "to provide quality educational experiences to enable every student in Minnesota to reach his or her highest potential and attain the level of, etc." The suggestion to substitute the word "enable" for "ensure" opened debate on both the role of government in education and the subtleties of "motivation" in learning.

The minority members argued the impossibility of ensuring results. "For four years we've been dealing with whether or not we can force the horse to drink," said Sen. Martha Robertson (R-Minnetonka). "Saying that we will provide the water" includes the responsibility of the student," she said. Olson and Chair Lawrence Pogemiller (DFL-Mpls.) debated where to draw the line of educational responsibility. Pogemiller indicated that he disagreed with Olson's statement, "they're not our children," and preceded to defend the need for a state safety net. He asked the panel if, under a student accountability model, preschoolers could really be expected to

"do their part?" Citing precedent, Sen. Sandra Pappas (DFL-St. Paul) brought up legal circumstance of child abuse and neglect, emphasizing that the state is, in those cases, considered the default parent.

In support of his caucus' critique, Sen. Kenric Scheevel (R-Preston) invoked the U.S. Constitution, claiming that government should continue to guarantee only the right of citizens to life, liberty and the pursuit of happiness, it being impossible to guarantee happiness itself. This is, he said, "the land of opportunity, not the land of guaranteed outcomes."

By meeting's end, Pogemiller had conceded, "you can't ensure anything," but continued to hold his original position on plan wording. With regard to the gravity of the semantics at hand, Pogemiller touted the efficacy of tying money to results. "Unless you're clear about what you want," he said, "you won't get it."

The meeting adjourned after members approved a bill authored by Sen. Keith Langseth (DFL-Glyndon) calling for repeal of last year's precautionary K-12 appropriation caps. The bill was referred to the Children, Families and Learning Committee with a recommendation to pass.

### **Educators critique work plan**

Addressing the K-12 Education Budget Division Wed., Jan 29, Zona Burke-Sharp of the Academic Excellence Foundation praised the panel for its "nationally-recognized" decision to develop a policy work plan. At the meeting, she and other education experts offered the division recommendations on specific work plan language.

Dale Jensen of the Minnesota Association of School Administrators suggested that the panel change its "maintain a well-prepared faculty and staff" objective to "develop and maintain a high quality staff." Sen. Martha Robertson (R-Minnetonka), challenged that statement by positing that teacher education would be better addressed by the Higher Education Budget Division. In response to Robertson's statement that the state's objective should be to hire quality teachers, not develop them, Sen. Gen Olson (R-Minnetrista) referred to her own teaching background, saying, "No one arrives at that job totally developed."

Jensen also called for plan language specifically guaranteeing stability of funding and the improvement of communication between state and stakeholders. She asked that the division consider ways it could more effectively communicate its expectations and intentions to districts, schools, teachers, parents and students. "Even now," she said, "some schools are not sure when the graduation standards tests are to be taken."

Vernae Hasburgen of the MN Rural Education Association suggested collapsing all objectives into three. Her model would

include a guarantee of personalized education, assurance that the state system will work to the same standards expected of localities, and the institution of mechanisms that hold all players accountable.

The "all players" statement stirred debate among division members on whether they should or can possibly hold parents, and even non-parent taxpayers, accountable in achieving the state's educational goals. Sen. Sandra Pappas (DFL-St. Paul) reminded the panel that cases of abuse and neglect provide the best examples of parental legal liability. Sen. Jane Krentz (DFL-May Township) also mentioned that in the case of disruptive behavior on a school bus, a student can be suspended from bus travel, whereupon responsibility reverts to the parent to ensure the child gets to school.

Dale Swanson of the Minnesota Elementary School Principals Association also commented on parental liability, citing state tax relief available to parents as a possible way to leverage positive participation. As a society, said Swanson, we may be within our rights to expect some returns. After all, he said, "we're paying parents an awful lot simply because they have children."

## **Local and Metropolitan Government**

### **Small cities, townships agenda discussed**

The Local and Metropolitan Government Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), met Fri., Jan 24, to hear the agendas of Minnesota's smaller municipalities. Snow removal and budget concerns dominated the presentation of the Minnesota Association of Townships. Dave Fricke, executive director, outlined the extent of weather related problems facing townships. He said, "We're working with the townships night and day to get an idea of the scope of the problems, but we already know it's pretty widespread. Some townships are reporting broken equipment. There are some parts of the state that don't even have access to some roads. And, of course, some budgets for snow removal have already been exhausted. For example, one township in the Alexandria area had a snow removal budget of \$3,500 for each of the last three years. As of the second week in January, they had already used \$9,000 just to open roads."

Sen. Leonard Price (DFL-Woodbury) asked, "Do federal disaster relief guidelines take all this into account?" Fricke said, "The federal government covers 75 percent of the excess costs, the state 15 percent, and the local governments have to make up the remaining 10 percent. Another problem is that there hasn't been closure on this storm. It started January 3, and it hasn't really ended yet. That's made it hard for our townships to get a handle on

# Committee update

how much they need." Sen. Claire Robling (R-Prior Lake) said, "Emergency planning for the future might be in order. Perhaps any money left over at the end of the fiscal year should be put into an interest bearing account just for emergencies like this." Other issues on the association's agenda, according to Fricke, are planning and annexation concerns, property tax reform, and jobs.

Executive Director Nancy Larson presented the concerns of the Minnesota Association of Small Cities. "Our organization represents communities with populations of under 5,000," she said. Property tax reform, housing issues, and weather-related budget problems are additional interests shared by members.

## Gaming issues discussed

Gaming issues were discussed at the Local and Metropolitan Government Committee meeting Mon., Jan. 27. The committee, chaired by Sen. Jim Vickerman (DFL-Tracy), heard presentations by the Gaming Control Board, the Dept. of Revenue, the Dept. of Public Safety, and an analysis of the state of the gaming industry from Senate Counsel and Research. Testimony by King Wilson on behalf of Allied Charities was continued to the next meeting due to time constraints.

Patrick McCormack, analyst for Senate Counsel and Research, gave an overview of the state of the gaming industry in Minnesota. "The gaming business has grown immensely in this state. It has gone from a fun, amateur driven recreation to a competitive business-oriented well-run industry," he said. McCormack cited figures showing gross receipts from gaming rising from \$712 million in 1987 to \$5.3 billion in 1996, \$3 billion of that growth coming from Indian casino gaming. He talked about the four types of legal gaming in the state: lawful gambling for nonprofit organizations, the state lottery, parimutuel racing, and Indian casinos. Asked by Vickerman about the status of video gambling, McCormack said, "We may need a constitutional amendment to allow video gambling. On the other hand, if video gambling was run by the lottery, an amendment may not be required. It's still an open question."

Bernice Caruth, executive assistant of the Gambling Control Board, summarized the board's work. "We regulate lawful gambling conducted by nonprofits. This takes five forms: pull-tabs, bingo, paddle wheels, tipboards, and raffles. Of the five, pull-tabs account for 92 percent of the activity, bingo 6 percent, and the rest the remaining 2 percent," she said.

An estimate of this year's lawful gambling tax collections was one of the topics reviewed by Patrick Finnegan and Robert Swanson of the Dept. of Revenue. "The combined receipts tax from lawful

gambling will come to about \$67 million, 60 percent of which goes into the General Fund and the rest to the Environmental Fund," Finnegan said, "Gambling activity increased in 1994, probably due to an increase in prizes. It appears to be leveling off now at almost \$1.4 billion per year."

Director Thomas Brownell of the Dept. of Public Safety outlined the investigatory role his agency has in the gaming industry. "We do background investigations on potential employees, surveillance of operations and current employees, and investigations of criminal activities that may arise in the industry," he said.

## Horseracing, hospitality overview

Various gaming concerns were expressed to the Local and Metropolitan Government Committee Thurs., Jan. 29. The committee, chaired by Sen. Jim Vickerman (DFL-Tracy), heard testimony from horse racing and hospitality industry interests. King Wilson, executive director of Allied Charities, an organization of nonprofit charitable gambling concerns, concluded his testimony from the previous meeting. He said, "You can travel in virtually every community throughout the state and you'll see examples of profits from charitable gambling being put to good use."

The state of the horse racing industry was the next item on the committee's agenda. Cort Holten of the Minnesota Horseman's Benevolent Protection Association said, "Simulcasting of races continues to grow in popularity at Canterbury Park. We think off-track betting would be successful, and we'd like to see the OTB amendment reintroduced." Randy Sampson represented the Canterbury Park Holding Company, and said, "Minnesota can support horse racing. While live racing is expensive, we're moving toward a longer season. We can broaden our customer base if we can add off-track betting." Testimony was also given by representatives of the Minnesota Thoroughbred Association and the Minnesota Racing Commission.

Jim Berglund of the Minnesota Licensed Beverage Association and the Minnesota Association of Innkeepers began the overview of the hospitality industry concerns. He said, "Casino gambling has had a tremendously negative impact on the hospitality industry in the state. Sales are declining throughout Minnesota as the casinos expand their business, adding hotels and gaming space." A number of bar, club, and restaurant owners spoke about the economic impact on their businesses. Phil Olson, a club owner from International Falls, expressed the sentiment of the group, and said, "Food and liquor prices are subsidized by casino gambling revenues, and we can't compete. The playing field isn't level, and we can't

afford the perks, like trips and prizes, that casinos use." Possible solutions expressed by the owners included video poker and gambling on-site, charitable gambling reform, and the sale of football boards.

## Property Tax and Local Government Budget Division

### Property tax structure reviewed

Professor Fred L. Morrison, University of Minnesota, explained the inception of the property tax in Minnesota to the Property Tax and Local Government Budget Division, chaired by Sen. Sandra L. Pappas (DFL-St. Paul), Weds., Jan. 29.

Morrison told the committee that Minnesota land was once taxed at a uniform rate even while the state was still a territory. In 1890, he said, uniform property taxation was found unconstitutional until 1906 when a people's amendment allowed for a constitutional property tax rate.

Property tax terminology has changed somewhat since 1990, Morrison said. For example, he said, property was once assigned an "assessed value" of 20-43 percent of its actual market value; however, in 1990, it was given a "tax capacity," and was statutorily required to be valued between 1 and 5 percent of its actual market value.

Morrison explained that there are more than 20 property tax classifications for diverse land-use, but only five principal classifications: homestead, residential non-homestead, agricultural, seasonal and recreational and commercial/industrial.

He said that property tax classification rationale embodies social policy, the citizens' ability to pay, the need for municipal services, and investment encouragement, such as special tax rates for low income housing.

Property taxation is freighted with perceived problems, Morrison said, but no guaranteed solutions. He cited popular ideas that have been considered solutions to an inequitable, high tax system. Among them are more strictly controlled municipal expenditures, increased state aid to municipalities (especially for state mandated services), equalized state aid adjustments to alleviate disproportionate tax and expense burdens among municipalities, and a uniform tax rate to eliminate disproportionate tax burdens among classes of people.

While some of the ideas appear to be good, Morrison said, not one of them could be accomplished without consequence and adjustments that would once again result in the reformation of a complex tax law structure.

Sen. Randy Kelly (DFL-St. Paul) commented on the questionable fairness of

the residential non-homestead tax classification for rental properties. Kelly said that he was concerned that higher non-residential property taxes are passed along to low-income families that typically occupy rental properties and are least able to pay the increase.

## **Transportation Committee**

### **Transportation technology reviewed**

Roads, bridges and behind-the-wheel human behavior were discussed when the Transportation Committee met, Tues., Jan 28, with transportation research experts from the University of Minnesota Center for Transportation Studies.

Director of Research, Laurie McGinnis, University of Minnesota Center for Transportation Studies told committee members that the center conducts a multifaceted research program to address issues that include transportation and the economy, safety and traffic flow and transportation infrastructure and the environment.

Institute of Technology Associate Professor David E. Newcome explained how climate and load tonnage will affect various pavement materials. Newcome said that implanted road sensors and road-surface simulating computer models that duplicate pavement behavior during temperature variations offer valuable advice on appropriate road-surface materials, thicknesses and paving times. He said that such devices help to assure optimal road longevity. He said that the center's program has been used nationwide, and that such information has saved millions of dollars in road maintenance.

Newcome said it is necessary to determine a road's traffic volume and intended purpose before a decision is made on building materials and methods. He said that a high traffic volume roadway may justify the use of more costly materials, while a low traffic roadway may not. Not all states employ identical road construction standards, Newcome told the committee. He said that the difficulty of comparing road conditions among other states is attributable to materials used, construction methods, climate and other factors.

Sen. Sandra Pappas (DFL-St. Paul) asked Newman if salt used on Minnesota roads is as corrosive to pavement as it is to cars. Pappas also asked if the use of a salt alternative, CMA, would cost less in the long term.

Newman said that the salt used is less corrosive to pavement than to road expansion bars planted within the pavement. Damage to expansion bars occurs when salt invades expansion joints and erodes the bars, he said, preventing summer road expansion and causing roads to buckle. He said also that he wasn't sure if a salt-substitute CMA would be economically useful because of its high cost.

Institute of Technology Associate Professor Catherine E. French said that she and others strive to improve bridge durability and economic savings through investigating the behavior of existing structures and experimenting with high performance concrete and other new materials. In addition, she said, the center has developed a program to monitor structures to determine structural areas suited for retrofitting, and has done research to prolong the life of existing Northern Minnesota timber bridges.

Associate Professor of Education and Human Development Peter A. Hancock, told the committee that he studies human behavior and how it affects potentially dangerous and often tragic driving habits. Hancock said he studies why people will drive when they're fatigued, drunk, or at 60 m.p.h. into a snow white-out and into the back of a moving snowplow. Hancock said that he believes the reason for such behavior is that "driving is an over-learned skill," and that it results in personal satisfaction with our driving habit-pattern. Then, when an emergency arises, such as a child darting into the road, we are unprepared to deal with it, he said.

Hancock said that the problem is one of drivers' inexperience with unusual situations, adding that, like aircraft disasters, most auto accidents are the result of human error. Hancock said that road accidents take 40,000 lives in this country each year.

### **Rural transportation considered**

Professor of Marketing and Logistics, Frederick J. Beier, Carlson School of Management, tied transportation logistics with the concept of short-line railroad service when the Transportation Committee, chaired by Sen. Carol Flynn (DFL-Mpls.), met Weds., Jan 29.

Beier told the committee that logistics is the process of efficient planning and controlling the cost effective flow and storage of raw materials, manufactured inventory, finished goods and related information from the point of origin to the point of consumption for the purpose of satisfying the customer.

Beier said that satisfying this definition is an integral part of competing in a global economy. He said that because domestic firms now have global competitors, they must restructure their facilities on a global basis.

He said that new dynamics of consumer demand have shortened product-life and have caused new product proliferation. This ongoing product replacement cycle has substantially increased inventory costs because of the need to carry more items, he said. Supply chain strategies such as "just-in-time" inventory programs help reduce inventory costs, but require coordination of all supply chain participants, especially of transportation and distribution.

Product proliferation has shifted the

supply chain power balance from manufacturing to the retail level distribution, Beier said, particularly in the area of consumer products such as those stocked by popular local chain retailers who control large business volumes. Beier called attention to the necessity of low cost, high volume data processing needed to enhance our ability to perform complicated logistics coordination strategies.

Beier said that he is particularly interested in the role of the transportation firm in the supply chain, especially the possible evolution of short-line railroads in the United States. Conventional wisdom suggests that flexible truck transportation provides higher service levels that offset higher trucking rates, Beier said, adding that this reasoning explains why trucks have captured a dominant transportation market share.

In theory, Beier said, railroad short-lines may tailor product supply chain services more effectively than trucking. If this should occur, Beier said, it could be used as a model and reverse traffic road erosion. In general, Beier said, short-line railroads provide an important transportation alternative, particularly for rural areas.

University of Minnesota Associate Professor Jerry E. Fruin, College of Agriculture, discussed current methods of moving grains, corn and other Minnesota agricultural products to various terminals throughout the state and world. Fruin said methods included trucking, rail and Mississippi River barges. He said that 35 million tons of grain and corn annually leave the farm via truck, resulting in 40,000 trucks on Minnesota roads annually. He said that 60 percent of the wheat produced in Minnesota leaves the country by barge through the Gulf area.

Professor Dietmar Rose, College of Natural Resources, University of Minnesota, presented a plan to seed less productive northern Minnesota farmland, much of it currently enrolled in the Soil Conservation Program, with renewable aspen and other fast growing trees. Rose said that such trees might be harvested, shipped, and used to fuel strategically placed power plants constructed within reasonable proximity of the proposed timber operations.

Rose told committee members that a shift from agricultural crops to trees depended on the existence of power plants and the availability of transportation.

### **Hearing interpreters services**

The LCC has arranged to provide sign language interpretive services for deaf and hard of hearing people during this session. The project will maintain an office in Room 90 of the SOB.

Requests for ASL interpretive services should be directed to the coordinator at 282-2231 v/tty.

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, February 3

The Senate will meet at 10 a.m.

#### Environment and Agriculture Budget Division

Chair: Sen. Steven Morse

12 noon Room 107 Capitol

**Agenda:** Emergency deer feeding report; S.F. 194-Berg: Emergency deer feeding. S.F. 195-Stumpf: Emergency deer feeding.

#### Judiciary Committee

Chair: Sen. Jane Ranum

12 noon Room 15 Capitol

**Agenda:** S.F. 53-Betzold: Civil commitment, voluntary treatment; S.F. 57-Betzold: Clarifying the commitment act.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** H.F. 5-Junge: Stalking law modification. S.F. 107-Spear: Sentencing guidelines clarification (Givens case). Confirmations of Gothriel J. La Fleur, commissioner of corrections, and Donald E. Davis, commissioner of public safety.

#### Economic Development Budget Division

Chair: Sen. Tracy Beckman

2 p.m. Room 112 Capitol

**Agenda:** Dept. of Labor and Industry budget review and governor's recommendations.

#### Local and Metropolitan Government Committee

Chair: Sen. Jim Vickerman

2 p.m. Room 107 Capitol

**Agenda:** Presentations by George Anderson, director, Minnesota Lottery; Jay Bamberg and Sharon Autio, Dept. of Human Services, Compulsive Gambling Division; Scott Strand, Office of the Attorney General.

### Tuesday, February 4

#### Environment and Agriculture Budget Division

Chair: Sen. Steven Morse

8 a.m. Room 123 Capitol

**Agenda:** Lakeshore lease lot holders; land acquisition report.

#### Family and Early Childhood Education Budget Division

Chair: Sen. Pat Piper

8 a.m. Room 15 Capitol

**Agenda:** Impact of welfare redesign on Minnesota's immigrant community.

#### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf

8 a.m. Room 107 Capitol

**Agenda:** Excess costs of snow removal on college campuses; U of M and MnSCU. HESO, financial aid presentation.

#### Health and Family Security Committee

Chair: Sen. John Hottinger

10 a.m. Room 15 Capitol

**Agenda:** S.F. 1-Samuels: Welfare. S.F. 146-Stevens: Welfare. S.F. XX-Berglin: Welfare. Testimony on the impact of SSI cuts for children and legal immigrants with disabilities.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

10 a.m. Room 123 Capitol

**Agenda:** Economic development, presentation by former Senator Carl W. Kroening; strategies for economic growth, presentation by Janna King, Kevin Walli, Rebecca Yanisch.

#### Governmental Operations and Veterans Committee

Chair: Sen. James Metzen

12 noon Room 15 Capitol

**Agenda:** Overviews. Department of Administration: Elaine Hansen, commissioner; Dennis Spalla, ass't. commissioner for facilities management; Kent Allin, ass't. commissioner of operations management; Douglas Schneider, acting ass't. commissioner of intertechnologies; Beverly Schuft, ass't. commissioner, Information Policy Office; Judy Plante, director of management analysis; Julie Smith Zuidema, ass't. to the commissioner. Minnesota Planning, Linda Kohl, director.

#### Transportation Committee

Chair: Sen. Carol Flynn

12 noon Room 112 Capitol

**Agenda:** "Transportation Funding": Bonnie Berezovsky, Transportation Committee Counsel; Amy Vennewitz, Transportation Committee fiscal analyst.

#### Commerce Committee

Chair: Sen. Sam Solon

1:45 p.m. in front of the Capitol

**Agenda:** Tour of Minneapolis Convention Center.

#### Agriculture and Rural Development Committee

Chair: Sen. Dallas Sams

2 p.m. Room 107 Capitol

**Agenda:** Agricultural Utilization Research Institute (AURI), Pat Jensen. S.F. 164-Wiger: Conforming certain food rules with federal regulations. S.F. 204-Sams: Permanence of sales tax exemption for used farm machinery.

#### Governmental Operations Budget Division

Chair: Sen. Leonard Price

2 p.m. Room 318 Capitol

**Agenda:** Budget presentation by the Department of Finance.

#### Transportation Budget Division

Chair: Sen. Janet Johnson

4 p.m. Room 107 Capitol

**Agenda:** Budget presentation by the Department of Public Safety.

#### Health and Family Security Committee

Chair: Sen. John Hottinger

7 p.m. Hutchinson Middle School, 1365 South Grade Road

**Agenda:** Public Hearing on S.F. 1-Samuels: Welfare. S.F. 146-Stevens: Welfare. S.F. XX-Berglin: Welfare.

### Wednesday, February 5

#### Family and Early Childhood Education Budget Division

Chair: Sen. Pat Piper

8 a.m. Room 15 Capitol

**Agenda:** Lifelong learning/self-sufficiency budget activity; review of Dept. of Children, Families and Learning.

#### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf

8 a.m. Room 107 Capitol

**Agenda:** Discussion of higher education in Minnesota.

#### Governmental Operations and Veterans Committee

Chair: Sen. James Metzen

10 a.m. Room 15 Capitol

**Agenda:** Overview. Department of Employee Relations; Legislative Coordinating Commission (LCC), Greg Hubinger.

#### Transportation Budget Division

Chair: Sen. Janet Johnson

10 a.m. Room 112 Capitol

**Agenda:** S.F. 87-Johnson, D.E.: Appropriating money for emergency snow removal. S.F. 114-Vickerman: Appropriating money for emergency snow removal.

#### **Election Laws Committee**

*Chair: Sen. John Marty*

12 noon Room 112 Capitol

**Agenda:** S.F. 35-Wiger: Soil and water conservation district supervisor elections; S.F. 144-Marty: Conduit funds bill.

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

*Chair: Sen. Bob Lessard*

12 noon Room 107 Capitol

**Agenda:** To be announced.

#### **Judiciary Committee**

*Chair: Sen. Jane Ranum*

12 noon Room 15 Capitol

**Agenda:** Continuation of Monday's agenda. Testimony about S.F. 53-Betzold: A bill relating to civil commitment, voluntary treatment; S.F. 57-Betzold: A bill relating to civil commitment, clarifying the commitment act.

#### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 31-Spear: Legislative Auditor's nonfunding probation recommendations. S.F. 67-Kelly, R.C.: Prison cell multiple occupancy requirements. S.F. 179-Kelly, R.C.: New prison modifications.

#### **Economic Development Budget Division**

*Chair: Sen. Tracy Beckman*

2 p.m. Room 112 Capitol

**Agenda:** Review of Dept. of Economic Security budget and governor's recommendations.

#### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

2 p.m. Room 318 Capitol

**Agenda:** Secretary of State's budget presentation.

#### **Joint Senate and House Transportation Committee**

*Chairs: Sen. Carol Flynn and Rep. Jean Wagenius*

3:30 p.m. Room 112 Capitol

**Agenda:** "Urban Design" with Walter Kulash, transportation planner, Glattig Jackson Kerchner Anglin Lopez Rinehart, Inc. of Orlando, Florida.

#### **Education Finance Committee**

*Chair: Sen. Keith Langseth*

4 p.m. Room 123 Capitol

**Agenda:** John Myers of Augenblick & Myers, Inc. of Denver, Colorado will present the Minnesota School Board Association commissioned study: "An

Analysis of Changes in School Funding in Minnesota over the Past 20 Years."

#### **Property Taxes and Local Government Budget Division**

*Chair: Sen. Sandra Pappas*

4 p.m. Room 15 Capitol

**Agenda:** TIF report, presented by Susan Von Mosch, Leg. Auditor; utility report, presented by Mike Wandmacher, DOR; S.F. 52-Pappas: Joint Property Tax Advisory Comm. S.F. 65-Stevens: City of Foley TIF District. S.F. 160-Day: City of Kenyon recertifying levy.

## **Thursday, February 6**

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

#### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** S.F. 1-Samuels: Welfare. S.F. 146-Stevens: Welfare. S.F. XX-Berglin: Welfare. Testimony on job development strategies for welfare recipients.

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

*Chair: Sen. Steven Novak*

10 a.m. Room 123 Capitol

**Agenda:** To be announced.

#### **Rules and Administration Committee**

*Chair: Sen. Roger D. Moe*

10 a.m. or immediately following Session Room 237 Capitol

**Agenda:** Appointments to commissions.

#### **Transportation Committee**

*Chair: Sen. Carol Flynn*

12 noon Room 112 Capitol

**Agenda:** "Railroads and Waterways" with Allan J. Vogel and Richard F. Lambert, MnDOT Office of Freight, Railroads & Waterways; Kevin Walli, MN Ports Association; John F. Apitz, MN Regional Railroads Association.

#### **Joint Agriculture and Rural Development Committee and Environment and Agriculture Budget Division**

*Chairs: Sen. Dallas Sams and Sen. Steven Morse*

2 p.m. Room 123 Capitol

**Agenda:** Ethanol report.

#### **Commerce Committee**

*Chair: Sen. Sam Solon*

2 p.m. Room 112 Capitol

**Agenda:** Overviews: Minnesota Department of Commerce; Commissioner Dave Gruenes, Deputy Commissioners Gary LaVasseur, Jim Miller, Patrick Nelson; MN Comprehensive Health Ass'n: Lynn Gruber and Jennifer Breiting; Insurance Federation of Minnesota, Robert

Johnson and Beverly Turner; Minnesota Bankers Association, Joan Archer.

#### **Economic Development Budget Division**

*Chair: Sen. Tracy Beckman*

4 pm Room 112 Capitol

**Agenda:** Continuation of review of Dept. of Economic Security budget and governor's recommendations.

#### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*

7 p.m. South Central Technical College, 1225 3rd Street Southwest in Faribault

**Agenda:** Public hearing on S.F. 1-Samuels: Welfare. S.F. 146-Stevens: Welfare. S.F. XX-Berglin: Welfare.

## **Friday, February 7**

#### **Family and Early Childhood Education Budget Division**

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** Lifelong learning/self-sufficiency budget activity; review of Department of Children, Families and Learning.

#### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** Completion of January 30 agenda: testimony on S.F. 1-Samuels: Welfare. S.F. 146-Stevens: Welfare. S.F. XX-Berglin: Welfare.

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

*Chair: Sen. Steven Novak*

10 a.m. Room 123 Capitol

**Agenda:** To be announced.

#### **Permanent and Joint Rules Subcommittee of the Rules and Administration Committee**

*Chair: Sen. Ember Junge*

10 a.m. Room 107 Capitol

**Agenda:** Discussion of changes to Permanent and Joint Rules.

#### **Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

12 noon Room 107 Capitol

**Agenda:** To be announced.

#### **Crime Prevention and Judiciary Budget Division**

*Chair: Sen. Randy Kelly*

2 p.m. Room 15 Capitol

**Agenda:** Tour of the BCA.

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

*Chair: Sen. Jim Vickerman*

2 p.m. in front of the Capitol

**Agenda:** Tour of Minneapolis Convention Center.

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DFL	6-9261	Johnson, Dave	111 Cap.	40	R	6-4123	Robling, Claire A.	132D SOB	35
R	6-3826	Johnson, Dean E.	147 SOB	15	R	6-1253	Runbeck, Linda	107 SOB	53
DFL	6-8881	Johnson, Douglas J.	205 Cap.	6	DFL	7-8063	Sams, Dallas C.	328 Cap.	11
DFL	6-5419	Johnson, Janet B.	G-9 Cap.	18	DFL	6-4875	Samuelson, Don	124 Cap.	12
DFL	6-2889	Junge, Ember Reichgott	205 Cap.	46	R	6-3903	Scheevel, Kenric J.	129 SOB	31
DFL	7-8065	Kelley, Steve	321 Cap.	44	DFL	6-8869	Scheid, Linda	317 Cap.	47
DFL	6-5285	Kelly, Randy C.	323 Cap.	67	DFL	6-4188	Solon, Sam G.	303 Cap.	7
R	6-4848	Kiscaden, Sheila M.	135 SOB	30	DFL	6-4191	Spear, Allan H.	120 Cap.	60
R	6-6455	Kleis, Dave	143 SOB	16	R	6-8075	Stevens, Dan	105 SOB	17
R	6-4120	Knutson, David L.	133 SOB	36	DFL	6-8660	Stumpf, LeRoy A.	G-24 Cap.	1
DFL	6-7061	Krentz, Jane	235 Cap.	51	DFL	6-4913	Ten Eyck, David J.	G-24F Cap.	4
R	6-4351	Laidig, Gary W.	141 SOB	56	R	6-6238	Terwilliger, Roy	115 SOB	42
DFL	6-3205	Langseth, Keith	122 Cap.	9	DFL	6-5650	Vickerman, Jim	226 Cap.	22
R	6-5655	Larson, Cal	153 SOB	10	DFL	7-8073	Wiener, Deanna L.	303 Cap.	38
R	6-4125	Lesewski, Arlene J.	131 SOB	21	DFL	6-6820	Wiger, Charles W.	325 Cap.	55
DFL	6-4136	Lessard, Bob	111 Cap.	3	<b>Capitol address: 75 Constitution Ave</b>				
R	6-2159	Limmer, Warren	127 SOB	33	<b>State Office Building address: 100 Constitution Ave</b>				
DFL	6-0293	Lourey, Becky	G-9 Cap.	8	<b>St. Paul, MN 55155</b>				

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# Briefly

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*The Minnesota Senate Week in Review*

*February 7, 1997*

## **Education caps removed**

The Senate voted 65-0 to remove the education spending cap enacted last year, but not before adding an amendment requiring statewide standardized testing.

The bill, H.F. 1, came to the Senate floor Mon., Feb. 1. Chief sponsor Keith Langseth (DFL-Glyndon) said that although he opposed the caps, he understood why they were enacted. He said that the reasons for enacting the caps "are no longer there." By passing the cap removal this early in the session, "it will give school districts a much better idea of what they're dealing with," Langseth added.

Senate Majority Leader Roger Moe (DFL-Erskine) offered an amendment requiring school boards to test all students in grades 3, 5, 8 and 11. Moe said the requirement will provide "a comprehensive framework of consistent educational indicators to assess the needs and achievements of Minnesota students." He added that the public is demanding "greater evaluation and accountability," and this requirement meets that demand in the public schools.

Responding to a question from Sen. Jane Krentz (DFL-May Township), Moe said the cost of the testing would not come out of the money restored by the cap removal. Sen. David Knutson (R-Burnsville) said the amendment was a good idea, but the timing was bad. He asked Moe to abide by the committee process and let the committee decide on the testing amendment. The amendment was adopted 51-14 on a roll call vote.

Moe offered another amendment requiring that ten percent of all school funding be spent on preparing students for learning. He said that currently only .011 percent of school funding goes to that purpose. Moe said that he wanted to encourage the Senate to change the way it thinks about school funding so that more money will be spent on preparing children before they show up at the school door. He then withdrew the amendment.

Senate Minority Leader Dean Johnson (R-Willmar) offered an amendment giving schools the option of starting classes after 8:30 a.m., and not allowing schools to dismiss students before 3:30 p.m. Johnson said that a teacher in his district said that too many students are coming to school too tired to learn. Johnson cited the positive results in Edina when the district adopted a later start time for the high school. Sen. Sandra Pappas (DFL-St. Paul) cited a study by the Minnesota Medical Association that

found a later start time improves students' performance. Sen. Randy Kelly (DFL-St. Paul) supported the amendment and said that much of the opposition to a later start time comes from school district transportation directors. He said the Legislature should do what makes sense pedagogically. However, the amendment failed on a divided voice vote.

Sen. Gen Olson (R-Minnetrista) offered a technical amendment allowing school districts to spread catch-up referendum levies over three years instead of just one. She said that 87 school districts had passed levy referenda above the equalized portion. Olson explained that the law allows those school districts to regain the levy aid that was not received during the cap imposition, but without her amendment taxpayers in some districts could experience large one-time property tax bills. The amendment failed on a voice vote.

The Senate passed the bill unanimously.

## **Snow removal aid okayed**

A bill providing \$20 million in statewide financial relief for cities and towns burdened by heavy snowfalls was unanimously approved, Wed., Feb. 5, at a meeting of the Transportation Budget Division. S.F. 114, sponsored by Sen. Jim Vickerman (DFL-Tracy), authorizes the emergency funds and requires that the appropriation be coordinated with emergency federal funding. The bill specifies the funds are to be distributed to counties, cities and towns under a formula derived by comparing the snowplowing expenditures of the local units for 1993, 1994 and 1995 against 1996 expenditures.

The bill coordinates a proposed \$20 million dollar state appropriation with emergency federal funding for part of the state. In addition to snowplowing, the bill provides for other 1997 weather-related emergencies, including expected spring flooding, that may urgently threaten public safety.

Federal Emergency Management Agency funds will cover 75 percent of a municipality's snowplowing budget over-run, the state will pay 15 percent from the proposed \$20 million general fund allocation, and the municipality will pay the remaining 10 percent, said Jim Franklin, director, Division of Emergency Management, Dept. of Public Safety. To compensate for inadvertent error in over-run computations, relief funding will be based upon just 90 percent of a municipality's estimated

snowplowing budget over-run, Franklin told the committee.

The proposed snow relief bill will not cover normal snowplowing costs, but only those incurred due to the snow emergency, such as overtime hours for snowplow operators, emergency equipment rentals, contractor's bills and national guard and other expenses, Chair Janet Johnson (DFL-North Branch) told the committee.

Franklin said that national congressional intent does not classify snow as a natural disaster, but as a natural occurrence in northern states. He said that snowfall figures obtained from Minnesota cities, counties and towns helped to encourage federal help. Never in its history has Minnesota dealt with such a snow emergency, Franklin told the committee. The bill was referred to the full Transportation Committee.

## **Stalking bill approved**

Despite urgent appeals by Sen. Ember Junge (DFL-New Hope), the Crime Prevention Committee adopted an amendment Wed., Feb. 4, to reinsert House language specifying that an offender "knows or should have known" into the stalking bill, H.F. 5. In a final effort to preserve the "reasonable person" victim impact standard of Senate language, Junge asked that the amendment be split to provide for possible application of victim-focused language in severe stalking cases with established patterns of offense. After the panel approved both parts of the amendment, Junge conceded that the stalking bill remained strong, and thanked members for approving amendments toughening the penalties for restraining order violations and instituting mandatory sentences for offending while in possession of a deadly weapon.

A final vote on H.F. 5 was delayed until after Chair Allan Spear (DFL-Mpls.) presented S.F. 107 regarding sentencing guidelines. Spear's bill was authored in response to the Supreme Court's 1996 decision in the Givens case, which included language permitting a defendant to waive rights to sentencing guidelines. The bill spells out the fact defendants do not have the right to waive the guidelines, and that judges are still required to document reasons for departure due to mitigating factors. The bill was amended into H.F. 5 and the combined bill was approved and advanced to the Senate floor for further discussion.

# Committee update

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## **Agriculture and Rural Development Committee**

### **Bill advanced**

A bill, S.F. 106, increasing funding for the Passing on the Farm Center was advanced by the Agriculture and Rural Development Committee, Thurs., Jan. 30. Sen. Jim Vickerman (DFL-Tracy) authored the bill. The bill proceeds to the Environment and Agriculture Budget Division.

Vickerman explained the mission of the Passing on the Farm Center. "It's a service that hosts a variety of programs--estate planning, farm business leadership training, succession planning. It's most important service connects young and beginning farmers with retiring farmers through a computerized list," he said, "About 500,000 farmers are expected to reach retirement age in the next five years, and only about 250,000 young farmers will be available to take their place." The bill, which appropriates an additional \$200,000 to the center over the next biennium, was advanced after language, implying a broader mission for the center, was deleted.

The committee, chaired by Sen. Dallas Sams (DFL-Staples), also heard testimony from Allen Gerber, president and CEO of the Dairy Round Table, and Ed Fredericks, representing the Minnesota Dairy League on the board. Fredericks summarized the issues facing Minnesota dairy interests, and said, "Competition, regulations, finance concerns, the public perception of dairy in Minnesota, and leadership are all issues that have some impact on dairy in this state." Sen. Steven Morse (DFL-Dakota) asked, "Are there any programs to promote milk made in Minnesota, such as Minnesota Grown?" Gerber said, "Not at present, but we're always looking for new ideas."

Mike Martin, dean of the College of Agriculture, Food, and Environmental Science at the University of Minnesota talked about education and the agriculture industry. He said, "Ours is one of the top 5 agriculture colleges in the country. But there isn't enough time or energy to help people in the state understand how valuable human resources are to Minnesota agriculture. We need to recruit more University of Minnesota grads to teach agriculture in high school, and to help recruit other students who will be future agricultural leaders in this state."

### **Bills advanced, AURI reviewed**

The Agriculture and Rural Develop-

ment Committee, chaired by Sen. Dallas Sams (DFL-Staples), considered two bills, S.F. 164 and S.F. 204, Tues., Feb. 4. In addition, the committee heard testimony from the Agricultural Utilization Research Institute (AURI).

S.F. 164, sponsored by Sen. Charles Wiger (DFL-North St. Paul), requires persons buying or selling bison as livestock, for human consumption, or for slaughter comply with state statutes as well as federal regulations for inspection of exotic animals. The bill also makes some technical changes and repeals a section requiring llamas to be slaughtered and inspected according to federal regulations. After some discussion, the bill was approved by the committee and referred to the Senate floor for consideration.

Sponsored by Sams, S.F. 204 makes permanent the tax exemption for the sale of used farm machinery. Sams proposed an amendment adding the sale of new farm machinery to the exemption. Jack Mansun, assistant to the commissioner in the Dept. of Revenue, testified that the governor's Sales Tax Advisory Council recommended the exemption be extended to all farm machinery, and said, "This will represent a \$22.8 million reduction in revenue, but it will reduce the tax burden on farmers." Sen. Steve Dille (R-Dassel), asked, "Is this the best use of what amounts to a \$22 million tax cut?" Sen. Charles Berg (IND-Chokio) said, "This year, because of the heavy snow, lots of farmers are going to have damaged or ruined equipment. If we're going to help them, now is the time." The amendment was advanced. The bill was approved by the committee and referred to the Committee on Taxes.

An update was also given by Pat Jensen, executive director of AURI, and Dave Bartholomay, the institute's deputy director. Jensen said, "The Institute is a nonprofit corporation created to strengthen rural Minnesota's economy. We are in the business of helping to build business and jobs by identifying and creating new markets for new or existing commodities or products." She and Bartholomay showed the committee examples of successful products marketed and produced with the help of the institute. She expressed concern in regards to the governor's budget, and said, "The budget calls for a 25 percent decrease in AURI funding. A cut of that magnitude is truly significant and will hurt our programs."

## **Crime Prevention and Judiciary Budget Division**

### **Program budget overviews**

The Crime and Judiciary Budget Division, chaired by Sen. Randy C. Kelly (DFL-St. Paul), continued Fri., Jan 31, to hear budgetary reports from funded programs.

Tim Hedeon of St. Paul's Dispute Resolution Center explained how his Community Dispute Resolution Program uses state dollars to leverage additional funding from municipalities, counties, community and private sources. Hedeon said the program, which provides mediation under Rule 114, now must turn down many requests. Mediations, he said, have ranged from minor two-neighbor disputes to one involving 200 community residents.

Kathy Cortes, of the Minneapolis Mediation Program, testified that many cases don't fit within the parameters of the judicial system. "Often," she said, "people take disputes to the police, and it's not a criminal matter. There would just not be any way to handle it." Cortes also addressed concerns expressed by Sen. Ellen Anderson (DFL-St. Paul), who suggested that mediation be made an option in housing court. Cortes described a pilot program currently offering mediation in housing disputes.

Jean Greenwood and Carolyn McCloud spoke on behalf of Victim Offender Mediation Programs. According to Greenwood, allowing victims to confront offenders promotes offender accountability to the community as well as to the state. Victims directly ask for restitution from the offender, said Greenwood, and parties reach agreement as to what constitutes restitution.

McCloud said that of 332 offenders, 3 have reoffended. "In many cases," she said, "we deal with juveniles who have been victimized themselves, have very little support, and are involved with gangs. But when they confront an 82-year-old woman who has been shot and see how it impacted her life, I don't think they forget that." Thieves, she added, who believe insurance companies bear the brunt of theft, are often shocked to hear of the suffering they have caused.

McCloud said her Washington County program, which leverages its \$15,000 state subsidy to raise another \$45,000 from other sources, gives volunteers 24 hours of classroom training as well as 8-25 training hours in the field. There are, she said, many counties that want programs and

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have gone through the necessary training but don't have the funding.

Barbara Yates of the Department of Children Families and Learning walked the panel through the procedure for awarding to community-based crime prevention groups.

DePaul Willette, of the Board of Judicial Standards, reported on the activities of the ten-member appointed review panel that handles 2,500 complaints a year regarding the actions of judges. The board has authority, he said, to warn, issue public reprimands, require medical and/or psychological exams and/or refer matters to the Supreme Court. He said the program assists in training judges with regard to listening and understanding the nature of their power.

Sen. Allan Spear (DFL-Mpls.) referenced a recent case, in which the high-profile escalation of job performance conflicts between a Juvenile Court Judge and superiors was addressed by the board. A special appropriation funded the procedure, which required board members and an ad hoc triumvirate of arbitrators to pour over 1,500 pages of testimony. "I think," said Spear, "the board's job is to protect the public from abuses by judges. This case involved judges who were mad at each other. They could have spared [the] board this long expensive process." Willette responded that judges' conduct toward one another can diminish the integrity of the judicial system.

Laura Goodman Brown, the Ombudsman for Crime Victims spoke about the office, founded in 1984, which aims to give crime victims a voice in the criminal justice process. Goodman Brown said though she has increased use of volunteers, expanding rural outreach would mean hiring a clerk, an outreach worker and an investigator.

Patricia Seleen, the Ombudsman for Corrections, reported that her program, which advocates for humane prison conditions, is "doing fine," and did not request funding beyond the base increase.

## **Crime Prevention**

### **Commissioner approved; stalking discussed**

On Mon., Feb. 3, the Crime Prevention Committee confirmed Gothriel J. LaFleur as commissioner of corrections. LaFleur told Chair Allan Spear (DFL-Mpls.) and the rest of the committee that though Minnesota has the second-lowest incarceration rate in the nation, it should not rest on its laurels. The system, according

to LaFleur, should become more preemptive. "It is not fair," he said, "for corrections people to gather all the particulars of why kids are in the system and then not go out and work with the community leaders."

LaFleur said his one major complaint is the state's "horrible" criminal justice data system and the resulting inability of agencies to share information. When asked about rumors of low staff morale, LaFleur replied that staff know about possible upcoming cuts due to pressure over high per diems. Also, he said, the prisoner to staff ratio has climbed, increasing employee stress.

After LaFleur's confirmation, Sen. Ember Junge (DFL-New Hope) continued defending Senate language in H.F. 5 against attempts to reinstate House language into the stalking bill.

Regarding an earlier amendment offered by Sen. Thomas Neuville (R-Northfield) and adopted by the panel, stiffening sentences for restraining order violations, Sen. David Knutson (R-Burnsville) questioned the prison bed impact of raised penalties. Junge agreed that a bed impact check should be run. With regard to the sentencing change, Neuville reminded the panel that upping the charges wouldn't change things much. "We don't," he said, "want to be lulled into a sense that the threat of a felony will change behavior."

Sen. Linda Berglin (DFL-Mpls.) presented an amendment calling for revisions in the law that protects a person's right to privacy. She argued that it may be easier in stalking situations to prove violation of privacy than to interpret fear. Knutson said Berglin's privacy amendment would "cast too wide a net." Junge asked Berglin to introduce the amendment separately as a bill, and the amendment was withdrawn.

After Sen. Dave Johnson (DFL-Bloomington) presented an amendment to re-insert House "knows or should know" standard in the place of the Senate's "reasonable person" standard, the panel heard from Scott Swanson, a Dakota County public defender. Swanson called the Senate language, which focuses on impact rather than intent, a radical departure from that of standard criminal law. Traditionally, he reminded the panel, the mental state of the offender at the time is calculated into criminal charges, with higher levels of intent being held more culpable. "Doing away with mens rea means you can prosecute a picture-taker with the same severity as a

terrorizer."

Swanson said he found House language a better argument against vagueness as well as due process. "The higher the level of mens rea," he said, "the fewer constitutional problems you may have." With regard to the Supreme Court's Orsello opinion, which touched on the law's constitutionality without challenging it directly, Swanson cautioned that risky language could prompt the court to decide there is overbreadth and void the law. "The court," he said, "did the legislature a favor by interpreting the law in a manner that allowed it to live."

Junge reiterated that convictions would be harder to obtain under House language because the offender's stated intent in stalking crimes is often romantic in nature and not malicious. "Know or should know should be irrelevant," said Ranum, "Factors should be what is the objective conduct and what is the objective result."

The bill was laid over for further consideration.

### **Prison bunking bills offered**

On Wed., Feb 5, after approving stalking bill H.F. 5, the Crime Prevention Committee heard testimony on two bills offered by Sen. Randy Kelly (DFL-St. Paul). S.F. 67 and S.F. 179 deal with the double-bunking of inmates in Minnesota prisons. S.F. 67 changes the classification levels of current prisons to the federal six level standard, rather than the three tiers previously used in Minnesota. It then goes on to state that lower security levels one through four must comply with multiple occupancy standards. Under these standards, according to the bill, facilities must permit double celling for at least one half of facility capacity.

S.F. 179 strikes language from last year's bonding bill rider directing the commissioner of administration to develop a design alternative for double bunking one of the residential pods in the Rush City prison. The bill also classifies Rush City as level four.

Corrections Commissioner Gothriel LaFleur and his staff spoke of logistical concerns and outlined the system's plans for facility change. Corrections officer John Westmoreland explained staff concerns about possible overcrowding. Urging caution on the part of the panel, he said, "We don't want to have to come back here in a panic, when it's too late."

Due to time constraints, the bill was laid over for further consideration.

# Committee update

## Economic Development Budget Division

### Labor and industry overview

Members of the Economic Development Budget Division met for the first time this session Mon., Feb. 3, to hear an overview of the Dept. of Labor and Industry budget proposal. The panel, chaired by Sen. Tracy Beckman (DFL-Bricelyn), reviewed the department's major budget initiatives.

A major initiative involves funding to complete the department's switch from a mainframe computer system to a new client/server system and to assure compliance with the Year 2000 event. Most of the \$1.93 million funding for the initiative is to come from the special compensation fund with only \$130,000 coming from the general fund. In addition, the department is requesting \$555,000 from the special compensation fund for the information processing center to handle the "paper tails" from paper workers' compensation claims files and to maintain the system once it is fully digital. In addition, the department is requesting \$868,000 from the special compensation fund to match federal OSHA grants in order to allow for quicker response times to make workplaces safer.

## Education Finance

### School support down, says new study

A study presented to the Education Finance Committee Wed., Feb. 8, by the Denver consulting firm of Augenblick & Myers indicates that over the past 13 years, spending on education in Minnesota has decreased. John Myers, who referenced his own background in the Kansas Legislature, said he realizes the pressure on legislators to deal in projections and focus on the current biennium. "However," he explained to Chair Keith Langseth (DFL-Glyndon) and the rest of the committee, "there are benefits to looking at system trends over the long term." The firm's initial report, he said, is only a first step in what could be a lengthy comparative analysis. For initial overview purposes, he said, he focused on inflation, enrollment and programmatic change in Minnesota.

For the early years analyzed by the study, 1894-85, the firm found Minnesota education spending well above inflation and well above the national average. Myers said he though he had to use

unaudited recent data for comparison, it is clear that the state has fallen significantly in national rankings. In response to an inquiry by Sen. Martha Robertson (R-Minnetonka), Myers said that the state's peaks and valleys have, in general, mirrored the nation's.

Bob Meeks, of the Minnesota School Boards Association, said he is displeased with the foundation aid plateau, and said the study emphasizes the need to keep pace with inflation. Langseth said that although additional appropriations have kept actual school spending well above inflation, some schools that "aren't tapping into special programs" rely more heavily on the general formula funding.

The consulting report concludes, "support for education in Minnesota, as indicated by per pupil revenue or expenditure figures, has been deteriorating. While spending was keeping up with inflation, at least until recently, there no longer appears to be the funding that has fueled program changes in the past, and it may be more difficult to implement any new services in the future."

## Election Laws

### Soil and water election bill approved

The Election Laws Committee voted Tues, Feb. 4, to allow Ramsey and Washington Counties the option to elect their Soil and Water Commission Supervisors by nomination district rather than at large. Tom Peterson of the Ramsey Soil and Water Conservation District testified that S.F. 35, presented by Sen. Charles Wiger (DFL - St. Paul), would relieve the excessive burden placed upon candidates campaigning county-wide for these positions.

Bill Downing, an original founder of the commission, said past efforts by the State Association of Soil and Water Districts to change procedure were opposed by rural and semi-rural counties because nomination districts presently divided up by resource would need to be divided by population. According to Downing, in rural counties, the combination of farmland and high density areas is viewed as a threat to decrease the number of farmers on commissions.

Sen. Carol Flynn (DFL-Minneapolis) suggested that perhaps soil and water positions should not be elected at all. "These positions carry limited authority," she said, "not even as much as that of some appointed positions." The Hennepin Con-

servation District Manager spoke in defense of elected commissions, saying they "should not be taking marching orders from the county." Flynn countered that the county now has considerable authority through its power to levy for the commission. After discussion, the bill was approved and sent to the Consent Calendar.

Committee Chair Sen. John Marty (DFL-Roseville) presented S.F. 144, a bill addressing campaign contributions from "conduit funds." According to an employee political fund solicitation subdivision of the state's Fair Campaign Practices Statute, conduit funds can be established by an employer as a means for employees to contribute, perhaps by payroll deduction, to candidates of their choosing. Reporting requirements at this time, however, do not demand the funds to be designated as contributing entities. Marty said that though normal reporting laws still apply to individual employees giving over \$100, regardless of whether or not the money flows through a conduit fund, the aggregate fund itself is not currently required to be the subject of report. His bill would require that conduit funds be identified by candidates.

Flynn expressed disagreement on the basis that formalizing the process might in some way discourage individual employees from contributing. Marty explained that the individuals would not be required to disclose anything more than they already are, but that the aggregate fund itself would simply be identified as such in candidate records.

Marty said under the bill conduits would not be regarded as lobbying "principals," but he said he was skeptical of employer motives. "During a campaign," he said, "I get thousands of little checks directly from people. I don't know why companies go through the extra work." Sen. Mark Ourada (R-Buffalo) ventured that, "Maybe the company is encouraging employees to become involved in the political process." Sen. Linda Sheid (DFL-Brooklyn Park) added, "It's the discipline factor. The employee does it this way to make sure it gets done."

Mel Duncan of the Minnesota Alliance for Progressive Action said that disclosure of the aggregate fund would in no way have intimidating effects on employees, who would only be identified to the extent that current law requires.

With no time remaining, the bill was laid over.

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## **Environment and Agriculture Budget Division**

### **Environmental Trust Fund bill advanced**

A bill, S.F. 76, extending the Environmental Trust Fund, was presented to the Environment and Agriculture Budget Division, Fri., Jan. 31, by the chair, Sen. Steven Morse (DFL-Dakota). Authored by Morse, the bill proposes an amendment to the state constitution extending until the year 2050 the period during which at least 40 percent of the net proceeds from the state lottery must be credited to the Environment and Natural Resources Trust Fund. The bill calls for the amendment to be submitted to the voters at the general election in 1998.

Morse presented an overview of the legislation. "As the Trust Fund is due to sunset on December 31, 2000, we are proposing to extend it for fifty years," he said, "Polls show environmental issues continue to be supported overwhelmingly by the American people, and especially here in the state of Minnesota where our dedication to this issue will guarantee a legacy for future generations."

A number of groups testified in support of the bill. Nancy Gibson, of the Citizens' Advisory Committee on the Trust Fund, urged passage of the bill, and said, "Preservation is far cheaper than recovery. The fund enables us to be proactive in dealing with environmental issues." Kathy Draeger spoke on behalf of Sustainability International, and said, "Two critical environmental principles are served by the Trust Fund—resiliency, the ability of the environment to rebound from adverse impacts; and sustainability, the ability of people to use natural resources with long term vision." After further testimony and discussion, the bill was advanced by voice vote to the full Environment and Natural Resources Committee.

### **Emergency deer feeding discussed**

Chair Steven Morse (DFL-Dakota) called the Environment and Agriculture Budget Division to order Mon., Feb. 3, to listen to testimony from the Department of Natural Resources on last year's emergency deer feeding effort.

Dave Schad, from the department's Wildlife Section, presented the 1996 emergency deer feeding program report and highlighted several sections. According to Schad, feed was distributed to approximately 9,000 sites in 1996 and the

effort required over 8,000 hours of staff time to implement. Yet, despite these efforts, he said, deer populations still declined in areas where the feeding occurred. Based upon the results of last year's feeding program, the department recommended three initiatives. The first recommendation calls for privatizing the deer feeding and eliminating state agency involvement. If the first recommendation is not adopted, the second calls for appropriating block grants to groups to administer the state feeding funds. The final recommendation suggests targeting state feed to specific sites rather than to the general public in order to reach the larger deer populations that are not already privately fed.

Sen. Charles Berg (IND-Chokio) commented, "It seems that the department has been slow in responding to the needs of the deer herds this year."

Sen. LeRoy Stumpf (DFL-Thief River Falls) asked what would have happened if the state had not had a feeding program last winter. "How many deer would have died? What would the fertility rates be? These are the crucial questions," he said. Schad said that many of the deer that were lost last winter were the fawns, "and we would have lost them last winter, anyway."

Sen. Pat Pariseau (R-Farmington) asked how many dollars are collected each year for feeding from deer licenses. Tim Bremicker, chief of the Wildlife Section, said between \$250,000 and 260,000 per year, but quickly added that half of that revenue is designated for paying back the \$1 million loan taken out of the Game and Fish Fund for the 1996 emergency deer feed. In total, \$10 million are collected annually from deer license fees, he said.

"Please, for my sake, make a concise argument against deer feeding," requested Sen. Steve Dille (R-Dassel). Schad said, "While we would see benefits in very localized feeding zones, we do not see benefits to the public across widespread areas. There is very little difference in the deer population if we spend lots of money or very little money." Bremicker said, "We are dealing with a major, natural event this winter, and we are all aware of what this means for wildlife. A major expenditure in deer feeding does not result in significant public benefit and prevent deer mortality." Therefore, he continued, we recommend not funding a deer feeding program in the northern part of the state. The department will continue to provide feed in the western

portion of the state to control deer feeding and prevent crop damage, and will distribute 20,000 bushels of corn statewide. Other than these programs, Bremicker said, the department is not recommending any additional funding.

Morse then invited Berg to present S.F. 194, an emergency deer feeding proposal. Berg said the bill would allow people to voluntarily contribute \$50 to a deer feeding fund and in return would be eligible for a free \$22 deer license if they request one. "But I don't think many people will ask for one," Berg added. He said this is the quickest way to buy emergency feed for the deer without asking for a state appropriation.

Stumpf presented S.F. 195 to the division, as well. The bill places a one-time \$2.50 surcharge on deer licenses and is estimated to raise \$1.2 million this year. This would allow the state to borrow money from the Game and Fish Fund to pay for emergency deer feeding, he said.

### **Land issues discussed**

"We are going to spend a little time on land issues," said Chair Steven Morse (DFL-Dakota). The Environment and Agriculture Budget Division held a meeting Tues., Feb. 4, to listen to reports on the lakeshore lease lot and land acquisition programs.

Greg Knopff, Senate Counsel and Research, began by providing a brief background on the state laws regarding lakeshore lease lots. The Minnesota Constitution dedicates the proceeds from the leases to the Permanent School Fund (PSF). In 1985, he said, lessees were informed of new appraised values for their properties and the Legislature mandated that leasing procedure rules be established by July 1, 1986. According to Knopff, in 1986, the Legislature enacted sale provisions to allow for the public sale of leased lakeshore lots. Among the 1,782 lessees, 1,200 elected to have their lots sold under this procedure; the remaining 582 lessees decided to continue leasing, he said. However, rules for lakeshore lease procedures were not adopted until November 18, 1996, he said. The lease rates have been held artificially low during the interim years as the lots had not been appraised by the department, and when the lots were eventually appraised in 1996, their value had increased an average of 149 percent, Morse said. Because lease rates are set at 5 percent of a lot's market value, the lease rates jumped significantly, he added.

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Jim Lawler, from the Bureau of Real Estate Management, Department of Natural Resources, outlined the process lessees use to appeal their adjusted lease rates. Of the 582 leases, 89 lessees have appealed their rates to date, he said.

Morse asked how much additional revenue the department will collect from the adjusted leases. Lawler said the department anticipates collecting approximately \$439,000 in FY 98, and once the lease adjustments are fully phased in, approximately \$620,000 per year. Morse and several other members were concerned about the loss of potential revenue over the years because the department had not adopted the mandated rules in 1986.

The division then heard a brief presentation from Lawler on the department's Land Acquisition Account Report. The account was established ten years ago to allow the department to sell surplus land and turn around and use the generated revenue to purchase desirable land, he said. "Thank you for the account because it has been an excellent management tool," Lawler said.

Morse was concerned that funds from the account are not being used solely for land acquisition. He noted that 27 percent of expenditures were used for overhead costs, "arguably for acquisition activities, but not for what the money was appropriated for by statute." Morse said he may look at placing a cap on the fund for overhead expenditures.

## Deer feeding bill okayed

The Environment and Agriculture Budget Division, chaired by Sen. Steven Morse (DFL-Dakota) met Wed., Feb. 5, to discuss two emergency deer feeding bills, S.F. 194 and S.F. 195.

Sen. Charles Berg (IND-Chokio) immediately withdrew S.F. 194 from discussion in order to expedite action on S.F. 195, the bill sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls).

Under S.F. 195, a one-time \$2.50 surcharge would be placed on deer licenses, and this in turn would allow the Department of Natural Resources to borrow \$1.2 million from the game and fish fund to pay for emergency deer feed; revenue collected by the surcharge would be dedicated for paying back the loan. "The Hunters Association supports the \$2.50 surcharge. The hunters have always supported fees that will be put to good use," said Stumpf.

Berg asked, "Why don't we make that

surcharge a two year fee, so that after this year, we have some money in case of another emergency. It just seems to be the prudent thing to do, to have money available in the early part of the season so that we don't have to come back next session and go through all of this again." Stumpf said he would prefer to have the surcharge a one time fee. Sen. Dennis Frederickson (R-New Ulm) said he has an easier time justifying a one time fee for an emergency this year, but he would be hard pressed to explain why hunters will be charged for a hypothetical emergency next year.

Berg said, "I'm a practical person and I don't like living crisis to crisis," and moved to amend S.F. 195 to include a \$2.50 surcharge for deer feeding for FY 97 and FY 98. The motion failed.

Tim Bremicker, chief of the Dept. of Natural Resources' Wildlife Division, said the report presented to the division on Feb. 3 by Dave Schad was "based on the best available science." Bremicker summarized the department's position and said, "Deer feeding is not an effective management tool, and the department does not recommend spending public money for feeding." He said that if the deer hunters are willing to pay for a feeding program, and the Legislature directs the department to feed the deer, the department will cooperate in good faith as it did last year. "But there is a cost to feeding beyond the money appropriated for feed," he added, "The department will spend much more than \$1 million for pellets." According to Bremicker, the department estimates, based on data from last year's effort, that at least 8,000 hours of staff time will be diverted away from other valuable land and wildlife management projects, "and a lot of technical advice will not be available for both government agencies and industry."

Morse then offered an amendment for Bremicker's comments. Similar to S.F. 194, the amendment provides for private contributions to assist paying for emergency deer feeding. Under the amendment, the first 6,000 people who contribute \$50 will be eligible to receive a regular deer license for \$5. If 6,000 people contribute, the deer feeding fund is expected to collect \$300,000. The appropriation from the game and fish fund will be reduced to \$1.1 million under the amendment, and any contributions raised by the public will be in addition to the appropriation.

Bremickers said that the department tried a similar program during the 1988-89 winter. "We tried an extensive public outreach where we broadcast every night on WCCO, calling for contributions," he said. During that season, the department expected to raise hundreds of thousands of dollars, he said, "but we raised only \$15,000."

Stumpf said, "I think the amendment is an excellent approach and I think we should try it."

Frederickson moved to amend the amendment to include language to provide "certificates of appreciation" to those people who contribute to the deer feeding fund. His amendment also called for a study to investigate the efficacy of this year's deer feeding program should the bill pass. The motion carried.

Morse's amendment was then adopted. S.F. 195 was approved and advanced to the full Environment and Natural Resources Committee.

## Family and Early Childhood Education Budget Division

### Welfare reform and legal immigrants

"Foreign born populations in Minnesota declined between World War I and the 1970s, but have since increased, Minnesota State Demographer Tom Gillaspay told the Family and Early Childhood Budget Division committee, chaired by Sen. Pat Piper (DFL-Austin), Fri., Jan. 31. Gillaspay said that between 1990 and 1996 Minnesota added 282,000 additional people. Of that number, he said, international migration contributed the least number of residents, 34,200, while domestic migration contributed 66,100 and in-state births contributed 181,700.

Gillaspay said that in 1995 Minnesota ranked 16th among states having admitted immigrants. He said that 87 percent of those admitted to the state moved to the Metropolitan Area, with 77 percent settling in Hennepin and Ramsey Counties. He said that poverty levels among Minnesota immigrants have increased 26.9 percent among those immigrants who arrived in 1980 and those who arrived between 1985 and 1990.

Catholic Charities Program Manager Tom Kosel said that, unlike immigrants who arrive in this country by choice, refugees are usually invited after having been forced from their countries for political or other reasons. Kosel explained that churches' role as refugee

sponsors and resettlement agencies increased following the fall of Saigon, when the state put out word, especially through churches, that Laotians and Vietnamese who were members of certain endangered groups (typically those sympathetic to U.S. war efforts) could establish refugee status in the U.S. by asserting a believable reason for fearing persecution within their countries. Kosel said that churches attempt to help refugees set up apartments, find jobs and learn English.

Judy Yellin, resettlement coordinator, Mpls. Federation of Jewish Services said that Mpls. and St. Paul Jewish communities began accepting Jewish refugees from the former Soviet Union in 1989. She said the Jewish community has raised over \$5 million in private dollars to help refugees achieve self-sufficiency within 4 to 12 month of their arrival. Despite such success, Yellin said, self-sufficiency is an impossibility for a significant number of people. She requested that the Legislature provide Medicaid to the SSI-eligible elderly who don't receive cash payments but who will lose their SSI benefits because of their alien status; she asked that Minnesota broaden its Supplemental Assistance and Medical Assistance Programs to include safety nets for elderly and disabled refugees whose infirmities prevent them from passing a citizenship test; and finally, she requested child care assistance and English as a Second Language programs to help refugees with employment preparation.

Tom Cytron-Hysom, Minnesota Literacy Council, said that the demand for adult literacy services has shifted from the need for basic reading services for native-born adults to a need for English as a second language instruction for refugees and immigrants. He said that welfare reform impact on refugees and immigrants will increase the need for ESL services and that the end of public assistance may leave many people without the English skills necessary for employment. Cytron-Hysom asked the Legislature for paid English teachers and volunteers; for the establishment of special classes for older refugees and immigrants to help them accomplish citizen preparation needs; and for tutors to help elders complete the citizen application process.

## **Family and Early Childhood Education Budget Division**

### **Legal immigrants discussed** The Family and Early Childhood

Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin) continued hearing testimony, Tues., Feb. 4, concerning the impact of welfare re-design on Minnesota immigrants and refugees.

Rosemary Frazel, Legal Advocacy Project, defined the types of immigrants entering the United States. She said that most of them are family-sponsored immigrants, and that refugees and asylees are legal immigrants who come to the U.S. because they are being persecuted within their own countries. She said that current legal immigrants are those who were in the U.S. legally as of August 22, 1996, and that future legal immigrants are those who arrive in this county after that date. August 22, 1996, is the date that President Clinton signed the Personal Responsibility and Work Opportunity Act that changed who may receive supplemental security income, food stamps and for how long they may receive this assistance, she told committee members.

Frazel told the committee that welfare reform will not affect all immigrants the same way. She said that legal immigrants will stop receiving food stamps sometime between April and September, 1997, and that SSI will end in June or July of 1997. Frazel said that some legal immigrants may continue to receive SSI and Food Stamps if they are Immigration and Naturalization Service designated refugees and asylees, have at least one family member who served in the U.S. Armed Forces, have worked or paid social security taxes for 10 years, or are the dependant of a parent or spouse who has done so.

Margarita Zalamea, director, Chicano-Latino Affairs Council, said that teaching English is necessary to enable immigrants to seek employment as soon as possible. She said that some local companies are expressing interest in hiring immigrants, but that the immigrants' lack of English skills prevents their understanding of safety and employee job expectations.

Piper said that those companies interested in hiring immigrants might hire translators when appropriate, and should be reminded that they might share in the responsibility of providing on-the-job English lessons. Zalamea said that some companies already provide lunch-hour and after work English training.

### **Legal immigrants discussed**

The Family and Early Childhood Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin), heard testimony, Weds., Feb. 5, from speakers on citizenship needs and the state refugee assistant

program.

Barry Shaffer, supervisor of Adult Basic Education for the Dept. of Children, Families and Learning provided an overview of ABE programs and the assistance the programs offer immigrants in obtaining citizenship. Shaffer said that ABE programs provide opportunities for adults to gain control over their lives by helping them practice and master skills required for employment and self-sufficiency. Shaffer described several ABE programs including the English as a Second Language program (ESL) and the General Education Development (GED) program.

Tim Gordon, supervisor, Refugee Assistant Program in the Dept. of Human Services spoke on the numbers of legal immigrants into Minnesota and the types of assistance programs available to them. Gordon also highlighted the funding sources of the programs administered by the department.

## **Governmental Operations Budget Division**

### **Office of technology overview**

The Governmental Operations Budget Division, chaired by Sen. Leonard Price (DFL-Woodbury), met Thurs., Jan. 30, to listen to an overview from the Minnesota Office of Technology.

John Gunyou, executive director of the office, said that the pace and magnitude of technological change provides Minnesota with an opportunity to capitalize on the emerging electronic market. The office, he said, was created in the Fall 1996 to establish Minnesota as a global leader in electronic commerce and to ensure that all citizens benefit from the latest services; it provides a single focal point for the state to address infrastructure, policy, service, and regulatory issues.

To achieve these objectives, he said, the office operates under six principles including focusing the responsibility and accountability for achieving Minnesota's common vision for information and communication technology. In addition, another principle strives to move directly to a fully competitive telecommunications market that encourages both infrastructure development and better service at the lowest possible cost. The third principle provides for refocusing the state's regulatory framework on a consumer protection program that addresses access, service quality, and antitrust issues. Another principle provides for enacting education and lifelong learning initiatives

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to ensure that all Minnesotans have the technical literacy and access to learning resources to prosper in the next millennium. A fifth principle provides for enacting information access and network initiatives to connect Minnesota's citizens and communities to each other, to their government, and to the world. Finally, the sixth principle provides for enacting electronic commerce initiatives to ensure that Minnesota's businesses and citizens can compete in the global economy, and that government agencies can effectively serve their customers.

Price said, "That is a very broad mission and somewhere we need to talk about a more specific scope. We need to operate within a reasonable budget." Gunyou agreed, and said that the office "needs to ensure that we are not just the initiator of new ideas, but we also need to keep a handle on implementation."

"Electronic connectivity is crucial for Greater Minnesota because it helps these communities overcome geographical disadvantage," Gunyou said.

## Finance overview

"We are pleased to have the Department of Finance budget proposal before us today," said Chair Leonard Price (DFL-Woodbury) as the Governmental Operations Budget Division came to order Tues., Feb. 4.

Commissioner Wayne Simoneau, Dept. of Finance, outlined the principle functions of the department, and said the department is in the process of the February economic forecast.

Gordon Yurich, Administrative Services director, provided an overview of the various responsibilities for the department. The agency plan for FY 98-99 requests approximately \$52 million, he said.

He then outlined the programs where the funding will be allocated--accounting services, the accounts receivable project, budget services, economic analysis, information services, and management services.

Sen. Linda Runbeck (R-Circle Pines) asked if the Legislature is on the statewide accounting system. Yurich replied that the Legislature is not on the system.

Sen. Dennis Frederickson (R-New Ulm) asked when the state last sold bonds. Yurich said \$170 million in bonds were sold in November 1996 at a 5 percent interest rate, and the state has a total of \$2.1 billion in general obligation debt.

## Secretary of State overview

The Governmental Operations Budget Division met Wed., Feb. 5, to listen to an overview for the Office of the Secretary of State. Chair Leonard Price (DFL-Woodbury) welcomed Secretary Joan Grove and invited her to begin the presentation.

"Our mission is to serve the people of Minnesota by facilitating commerce and promoting democracy through public participation in governance," Grove said. There are three budget divisions the office administers--Administration, Operations, and Elections. According to Grove, the office's general fund appropriation for FY 98-99 is \$11.3 million. She also highlighted that the office is a revenue generator for the state, with a projected \$6.9 million returned to the state after fees for services are collected.

As for budget requests, Grove presented six items for consideration. The first request is for a biennial appropriation of \$109,000 to create and administer a world wide web page in order to make Business/Uniform Commercial Code forms and voter results available electronically. The office is requesting \$140,000 to establish a "phone smart" system that will improve the efficiency of the office's public information officers. An appropriation of \$250,000 has been requested to cover court costs in the event the State loses the current New Party lawsuit now before the U.S. Supreme Court. Grove said the office is requesting \$142,000 for a toll-free voter information phone line to provide citizens with candidate names, registration information, and absentee voting instructions. An additional appropriation of \$25,000 has been requested for a U.S. Postal Service interface which will allow for quicker and more accurate updates to the Voter Registration System. Finally, the office is requesting \$17,000 to upgrade the map plotting equipment in order to provide more accurate precinct maps for candidates.

Sen. Dennis Frederickson (R-New Ulm) asked, "What kind of authenticity do you require to file liens against property?" Deputy Secretary Elaine Voss said that the state has no authority to verify the authenticity of a lien and her office has to accept a lien as long as it is presented on the proper form. She said false liens are problems in several states, such as Montana and Texas, and Congress is looking at national legislation to ameliorate the dilemma.

## Governmental Operations and Veterans

### Planning overview

The Government Operations Committee, chaired by Sen. James Metzen (DFL-South St. Paul), continued its budget overviews with reports from Minnesota Planning Director Linda Kohl and Commissioner Elaine Hansen of the Department of Administration.

Kohl explained how Minnesota Planning, which does not fund programs or directly provide services, coordinates future state projects and works to synthesize efforts involving multiple departments. Recent reports, she said, include the Work In Progress welfare reform study, Pay the Price, an analysis of Minnesota corrections, and the Children's Report Card, a checklist on the efficacy of child welfare by region. The department also, she said, organizes events like the state's recent welfare conference funded in conjunction with local foundations. The conference allowed lawmakers to interact with human services professionals and discuss welfare reform. Department goals, she said, include planning for sustainable development in Minnesota, monitoring the environmental impact of public and private initiatives and providing demographic information to state agencies.

This year's appropriations, Kohl said, keep the agency at its current size and scope. Additional funds visible in the budget, she explained, will be spun out to other areas. For example, the department is requesting \$3 million to establish a peer sentencing program for teens. Teen courts, she said, will be part of the crime bill, but will be funded through a Minnesota Planning appropriation. Of that particular amount, said Kohl, \$75,000 will be held for purposes of program evaluation.

Kohl said her department, which works in self-directed teams, has created a nationally recognized web site providing full text of all the department's publications, issue-based synopses of current scholarly journal articles and free library access to data resources.

Before introducing her division heads, Commissioner Hanson explained the Administration Department's system of providing administrative and technical services. The budget, she said, is comprised of 71 per cent revolving funds generated through service fees. This structure, she said, gives other departments a truer sense of operating costs than if money was centrally appropriated.

Kent Allin, assistant commissioner of Operations Management, said the goals of his division, which handles purchasing, contracts, professional services, surplus property acquisition, warehousing and disposal, include streamlining the state procurement process. Regarding the state's printing service, Sen. Deanna Wiener (DFL-Eagan) asked Allin if attempts had been made to comparatively price private vendors. Allin said that a recent report finds the state's price 5 per cent lower, adding that its printing venture is a full union shop.

Douglas Schneider, acting assistant commissioner of Intertechnologies, cleared up panel confusion between his division, which handles internal use of technology, and the state's Office of Technology, which provides external statewide technology leadership.

Dennis Spalla, assistant commissioner of Facilities Management spoke on plant management, building code standards and real estate management. When Wiener expressed concern at the high lease rates being paid for the Department of Revenue building, Spalla said the rent is 25 per cent higher than average per foot rate, but that the deal was struck eight years earlier based on projected higher overall rate increases.

Beverly Schuft, assistant commissioner of the Information Policy Office, outlined her division's threefold mission of improving public access to information, ensuring protection of data and promoting an information infrastructure that avoids duplication. One particular project, she said, collapsed six state T1 phone lines into one. Hanson said this saved the state over \$1 million.

Finally, Julie Smith Zuidema, assistant to the commissioner, summarized the department's catch-all function of providing support and human resources to any state council or commission too small to require its own in-house administration.

### **Employee relations overview**

Chair James Metzen (DFL-South St. Paul) convened the Governmental Operations and Veterans Affairs Committee Wed., Feb. 5, to listen to overviews from the Dept. of Employee Relations and from the Joint Subcommittee on Employee Relations.

Karen Carpenter, acting director for the Dept. of Employee Relations, said, "The department provides human resources support for state agencies so the executive branch can recruit and retain a high

quality work force." According to Carpenter, there are two divisions within the department, a Human Resource Management section and the State Employee Insurance section. She outlined the functions and responsibilities for the two divisions.

Sen. LeRoy Stumpf (DFL-Thief River Falls) asked, "How do employees get suggested changes into their insurance contracts?" Kathleen Burek, assistant commissioner for insurance, said that changes in the insurance plans come through a collective bargaining process between the department and the employee unions. Stumpf asked about the level of satisfaction for the insurance contracts. Burek responded, "While there are some problems, I don't get the sense that there is widespread dissatisfaction."

Greg Hubinger, director of the Legislative Coordinating Commission Joint Subcommittee on Employee Relations, provided a brief overview of the group's functions. The bicameral group is comprised of six members, and reviews the collective bargaining agreements and compensation plans between the State and its employees, he said.

## **Health and Family Security**

### **Testimony continues**

Members of the Health and Family Security Committee, chaired by Sen. John Hottinger (DFL-Mankato), continued listening to testimony, Fri., Jan. 31, from social service agencies and local units of government concerned about proposed welfare reform.

"Ninety percent of Aid to Families with Dependent Children (AFDC) recipients are women," said Susal Stebbens from the Minnesota National Organization for Women. She asked members to consider the fact that two-thirds of single mothers with children live below the poverty line. Stebbens remarked that the Minnesota Family Investment Program is one of the few programs in the country that has been both successful at reducing poverty and placing people in work situations. When Stebbens suggested that the 10 percent sanctions applied against recipients who fail to comply with MFIP requirements are too high, Sen. Martha Robertson (R-Minnetonka) disagreed and said, "I think we will hear from the counties that the current sanctions do not work, and that sanctions may have to be higher."

A panel representing the Association of Minnesota Counties outlined their position on welfare reform. Commis-

sioner Kevin Kelleher, Houston County, said, "Some level of governmental support must continue for legal noncitizens, especially the elderly." He also said that he objected to the lifetime ban on assistance to convicted drug felons because such a ban would punish the families; as long as the felon is successfully participating in a re-habilitation program, he or she should receive some public assistance. Finally, he said, there needs to be adequate funding for child care. Generally, Kelleher said he objected to welfare changes that would shift additional costs onto the counties.

In addition, Commissioner Patrice Bataglia, Dakota County, suggested that county social services listen to businesses to understand the skills job applicants should have, and then develop training and education programs to match those needs.

"The counties and county social services are in the best position to implement the welfare reform," said Marian Brandt, director of Sibley County's social services, "but we need as much flexibility as possible when defining what constitutes work activity."

Finally, Commissioner Penny Steele, representing Hennepin County, provided an overview of the county's four welfare reform principles—personal responsibility, work, social responsibility, and public accountability. Due to time constraints, testimony from Hennepin County will continue at a later meeting.

### **Welfare testimony continues**

The Senate Health and Family Security Committee, chaired by Sen. John Hottinger (DFL-Mankato), held a joint meeting with the House Health and Human Services Committee, chaired by Rep. John Dorn (DFL-Mankato), Tues., Feb. 4, to listen to testimony on the impact planned supplemental security income (SSI) cuts will have on children and legal immigrants with disabilities.

Anne Henry, Minnesota Disability Law Center, emphasized the effects the cuts will have on children. Children to be affected, she said, include those with mental health conditions and those with a combination of moderate physical disabilities or chronic illnesses. Up to 3,200 low-income children could lose SSI cash benefits, up to 700 children could lose Medical Assistance (MA), and up to 150 children could lose TEFRA-Medical Assistance coverage, she said. Henry provided three recommendations to lessen the impact of SSI cuts. For example, she

# Committee update

said, provide replacement income for low income families with a disabled-child, or increase funding for the Family Support Grant Program. She also suggested removing insurance barriers for children in the Minnesota Care Program.

"SSI cuts will also mean big changes for legal immigrants who are disabled or elderly," Henry said. According to Henry, the Department of Human Services estimates that 5,400 immigrants--2,000 elderly and 3,400 adults and children--will lose SSI. These people will also lose food stamps and Minnesota Supplemental Aid (MSA), she said. Henry recommended that the state replace lost income with MSA, continue MA, and target increased Family Support Grant and Children's Mental Health funds to alleviate the financial stress the cuts will force on immigrant families.

Dr. Neal Holtan, acting director for St. Paul Public Health, said he provides Immigration and Naturalization Service (INS) designation for legal immigrants and refugees. According to Holtan, "Many of the refugees I assist are fleeing from their own governments, so it is dehumanizing and humiliating for clients to receive this kind of treatment from our government." He outlined the difficulties elderly and disabled immigrants encounter while they seek a citizenship waiver from INS.

For the remainder of the meeting, members listened to personal accounts from the public on how SSI cuts will affect their lives. Accounts included Robin Rodenberg whose son, Alex, needs complex medical treatments and is at risk for losing SSI, and Chang Yer Hang's son who is disabled and may also lose benefits.

## Welfare hearings held

In addition to the regularly scheduled hearings at the state Capitol, the Health and Family Security Committee, chaired by Sen. John Hottinger (DFL-Mankato) held several meetings around the state to hear testimony from citizens concerned about welfare reform.

Hottinger said he wanted to hold the hearings in locations away from the Capitol so that more people would have the opportunity to testify on welfare reform.

The first public meeting was held Thursday night, Jan. 30, at the Christ Lutheran Church in St. Paul. The next meeting was held Tuesday night, Feb. 4, at the Hutchinson Middle School in Hutchinson, and the final meeting was held Thursday night, Feb. 6, at the South Technical Community College in Faribault.

## Higher Education Budget Division

### Snow removal costs highlighted

The Higher Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), heard testimony Tuesday, Feb. 4, regarding excess costs of snow removal on college campuses. An overview of financial aid in higher education was also presented.

Paul Tschida, assistant vice president, Safety and Health Management at the University of Minnesota, summarized the challenges facing the University of Minnesota this winter caused by the heavier-than-expected snowfall. He said, "We currently estimate, with additional snowfall to come and with parking lot maintenance concerns taken into account, that we'll be about \$500,000 over budget for snow removal." Judy Borgen, associate vice chancellor of Finance and Administration for MnSCU, outlined budget concerns for state colleges and universities throughout the state. "Many of our schools had used their entire snow removal budgets by the first of the year," Borgen said, "We estimate an increase of \$861,000 over budget by the end of winter." She added that the excess snow was causing roof damage as well, some of which was included in the estimate.

The committee also heard a presentation on financial aid in higher education. Cheryl Maplethorpe and Patricia Berk told from MnSCU demonstrated the financial aid process, and offered a number of examples showing the variety of considerations and options facing students, their families, and financial aid administrators. "We can put together a package offering grants, work-study, and loans, depending on the needs of the student," said Maplethorpe. Dan Loritz, vice president, University Relations at Hamline University, stressed the need for planning and parental involvement.

### Budget trends reviewed

The Higher Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), reviewed budget trends, Wednesday, Feb. 5. The presentation, given by Maja Weidmann and David Beulow of the Senate staff, focused on spending and appropriation issues based on historical trends.

"Higher education spending as a percentage of general funding was 12.3 percent for FY 1996, equal to 1995. This

percentage has fallen steadily since 1987, when it was 15.5 percent. Minnesota does fairly well, compared to other states. We rank tenth in the country on per capita appropriations of funds for operating expenses of higher education," said Weidmann. "In terms of increases in average tuition and fees," she said, "Minnesota falls below the national average."

The state's share of financial aid decreased by 2 percent between 1989 and 1995, according to Weidmann. "Grants as a type of financial aid decreased over the same period, as well. This may have been due to a change in Pell grant appropriations at the federal level," she said. In response to a question from Sen. Deanna Wiener (DFL-Eagan), Beulow said, "The governor's budget recommends \$2.279 billion for the next biennium for higher education in contrast with \$2.49 requested by higher education institutions."

## Jobs, Energy, and Community Development

### Strategies for economic growth reviewed

The committee on Jobs, Energy, and Community Development, chaired by Sen. Steven Novak (DFL-New Brighton), continued a discussion on economic development issues, Thursday, Feb. 6.

Rebecca Yanisch, executive director of the Minneapolis Community Development Agency, opened the presentation of "Strategies for Economic Growth," a comprehensive report compiled by a group of economic professionals and consultants. "This report represents a commitment to thoughtful analysis and strategic decision-making to shape and strengthen Minnesota's economic foundations in a rapidly changing, competitive, global economy," said Yanisch. She said, "We've identified two priorities for economic growth--the establishment of a joint, nonpartisan Economic Policy Council and the encouragement of a variety of state and local actions in the areas of infrastructure, workforce development, technology, and tax and regulatory policy that will strengthen Minnesota's economy." Kevin Walli, project consultant, said, "Most of all, this is not a report, it's a process. For this approach to work, we have to take the long view and have a strategy independent of political difficulties."

Dept. of Trade and Economic Develop-

ment Commissioner Jay Novak reported on the Minnesota Job Skills Partnership Program. "This very successful program matches one school to one business to produce a high level of job skill training," he said. Roger Hughes, program coordinator, noted the success of the program, and said, "We run out of funds so quickly we have to storehouse demand until more money gets into the program." Jane Brown, commissioner of the Dept. of Economic Security, described the Workforce Centers System, and said, "Each workforce center has current core requirements—such as a job information center, day care, and so forth, but can design other programs according to their needs, such as basic health care and early childhood."

## **Crime Prevention**

### **Hazing bill considered**

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), heard a bill, Fri., Jan. 31, that allows civil actions against student organizations and their members for damages to another caused by hazing, even though the victim may have consented to the hazing. The bill, S.F. 135, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), defines hazing as doing any act, or coercing another, including the victim, to do any act of initiation into any student organization that causes or creates a substantial risk of physical harm to any person.

In its current form the bill places civil liability on high school or college organizations, including clubs and fraternities.

Scheid offered an amended version of the bill that includes an action for wrongful death caused by hazing.

Sen. Allan Spear (DFL-Mpls.) questioned the need for the bill. He pointed out that criminal statutes already exist that cover prosecutable actions, such as assault.

Ranum said that enactment of a hazing statute may prevent the defense from successfully arguing that actions resulting in harm inadvertently occurred during an act of hazing, and thereby convince a jury that a lesser offense had occurred.

Sen. Sheila Kiscaden (R-Rochester) said that the bill should address whether the school, as well as the organization, should be held liable in hazing incidents. Scheid said that if the school is aware of hazing it should be held liable. Spear said that proving organizational liability may be difficult, especially when hazing occurs that is unrelated to any organization. He

said that implementation of a mandated school policy prohibiting all forms of hazing may be more effective than a civil or criminal statute.

Ranum said that the committee would need more time to consider civil, criminal or mandated policy remedies.

The bill's need was inspired following a Roseville high school incident during which a high school sophomore and several classmates were allegedly assaulted during hazing activities. One of the aggrieved students, accompanied by her mother, testified before the committee.

### **Civil commitment bill heard**

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), heard a bill, Mon., Feb. 3, that incorporates 1996 Minnesota Supreme Court Advisory Task Force on Civil Commitment recommendations into the civil commitment system. The bill, S.F. 53, authored by Sen. Don Betzold (DFL-Fridley) authorizes court-ordered early intervention treatment for those suffering mental illness; offers mental health treatment without commitment for some incompetent but consenting persons; describes a process for the administration of neuroleptic medications; and offers language that strengthens the provisional discharge process.

More specifically, Betzold told the committee that the bill no longer requires that a person be deemed dangerous to themselves or others to qualify for treatment; allows persons over age 18 to request admittance to a treatment facility as a voluntary patient for diagnosis, care or treatment; provides that any person under age 16 may be admitted with a parent's or guardian's consent if reasonable evidence of mental illness exists; allows substitute informed consent for mental health treatment when a person voluntarily agrees to treatment but is unable to give informed consent; provides that an admitted voluntary patient may refuse treatment at any time and may, in some instances, be released; provides that an interested person may apply for early treatment intervention on behalf of another in the patient's county; provides for court-ordered early intervention and patient screening; requires commitment cases to include opinion statements from a petitioner and examiner regarding the proposed patient's ability to administer neuroleptic medications; provides for administration of neuroleptic medications with or without the patient's consent under certain circumstances; provides for a written aftercare plan for patient's

released from a facility; and provides for revocation of a patient's facility discharge.

Sen. Leo Foley (DFL-Anoka) said that he was concerned that mentally ill individuals may suffer harm from neuroleptic drugs improperly administered or administered against the patient's will. Foley said that he saw no solid provision within the bill for a "substitute decision maker," such as a county, to intervene and stop the administration of medication should adverse reactions or other problems occur. Betzold referred to a portion of the bill that addressed this issue by allowing the substitute decision maker to object to the medication's use, and allowing the court to either affirm or deny the decision.

Roberta Opheim, director, Office of Ombudsperson for Mental Health and Mental Retardation said that unaddressed mental health problems may pose additional obstacles for parents needing to work under the proposed welfare reforms. She said she supported the bill's early intervention features that could allow parents the treatment necessary to find and maintain employment.

The bill was held over for further discussion.

### **Civil commitment debated**

Members of the Judiciary Committee continued their discussion of changes to the civil commitment laws at a hearing Weds., Feb. 5. The panel, chaired by Sen. Jane Ranum (DFL-Mpls.), heard testimony on a bill that incorporates a number of recommendations made by the Supreme Court Task Force on Civil Commitments. S.F. 53, authored by Sen. Don Betzold (DFL-Fridley), follows the task force recommendations by incorporating provisions allowing for court-ordered early intervention treatment, providing a mechanism for persons with mental illness who are incompetent to voluntarily access mental health services without commitment, providing a new process for the administration of neuroleptic medications and strengthening the provisional discharge process.

Warren Maas, coordinator for the Hennepin County Commitment Defense Project said that he urged extreme caution in altering the current law because changes could restrict individuals' rights. Maas said that he was particularly opposed to the provisions allowing for court-ordered early intervention. "If we had a strong mental health system we would not need early intervention," Maas said. Sen. Sheila Kiscaden (R-Rochester), who also

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served on the task force, said that the dilemma facing the committee was the balancing of patients' rights versus the benefits of intervention for the patients' own good.

Tom Johnson, of the Alliance for the Mentally Ill, also spoke to the committee. Johnson said, "In some cases, a stay of commitment can be more effective than early intervention, although early intervention is more beneficial for some."

The panel delayed taking formal action on the measure and will consider amendments at a future hearing.

Committee members also began discussion of S.F. 57, another bill relating to the civil commitment law. According to Betzold, the chief author, the bill primarily clarifies and restructures sections of the Civil Commitment Act. Betzold gave a section by section summary of the substantive issues in the measure. No action was taken on the bill.

## Local and Metropolitan Government

### Gaming discussed

The Local and Metropolitan Government Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), concluded its overview of gaming issues Mon., Feb. 3. George Anderson, director of the Minnesota Lottery, gave a briefing to the committee. Anderson said, "The state lottery has contributed up to \$552 million to the state since 1990. Our sales in 1996 were \$376 million, \$89 million went to the state. Sixty one percent of the revenue went to prizes, 17 percent went to the general fund, and 7 percent went to the environment and natural resources trust fund." Administrative costs and retailer commissions accounted for the rest.

An overview of the state's compulsive gambling program was given by Sharon Autio and Jay Bambery from the Compulsive Gambling Division of the Dept. of Human Services. "We've identified three special populations in which prevalence rates for compulsive gambling are on the rise--adolescents, older adults, and communities of color. A majority of adult problem gamblers in Minnesota, however, are males between the ages of 18 and 24," said Autio. Bambery said, "This is the first generation of adolescents faced with a wide variety of gaming options. And there is a high correlation between parents who have serious problems and young people who have serious problems."

Scott Strand, deputy counsel in the Attorney General's Office, provided the committee an update on Indian sovereignty issues. "Generally, the state is very limited in what it can do as far as Indian sovereignty is concerned. Sovereignty is a federal issue; Indian law is primarily federal law. Tribes have the authority to adopt and enforce laws of their own making," Strand said, "Courts have ruled the Indians' right to self-government is greater than the states' authority to regulate." He said, "The state of Minnesota prefers a policy of constructive engagement with the tribes, to seek common ground."

## Property Tax and Local Government Budget Division

### Local tax bills heard

The Property Tax and Local Government Budget Division, chaired by Sen. Sandra Pappas (DFL-St. Paul) heard three local tax bills on Weds., Feb. 5.

S.F. 65 authored by Sen. Dan Stevens (R-Mora) authorizes the city of Foley to spend a portion of tax increment financing (TIF) revenues on a wastewater treatment facility constructed outside that district. Foley Mayor Jerry Lutgen explained that revenues from the TIF district at one time paid for the facility, but that current law no longer allowed the needed percentage of the TIF district's revenues to be spent outside the district. Lutgen said that the city had acted on misinformation and was unaware of the district coverage limitations enacted by the Legislature until the city received a letter of noncompliance from the Minnesota Department of Revenue. After Dec. 31, 1996, the bill limits TIF expenditures for the facility to \$270,000. Lutgen said that should the Legislature not approve the bill, the city would need to sue the source of the misinformation that led to the error, or increase residential sewage bills by approximately \$80 per person per year. Pappas laid the bill over. She said that it would be considered at a later time with a number of other TIF bills.

S.F. 160, authored by Sen. Dick Day (R-Owatonna), allows the city of Kenyon to recertify its property tax levy for taxes payable in 1997. Kenyon Mayor Tom Thunhorst told the committee that the city's levy had been incorrectly figured and was approximately \$156,000 short. He said that the town's budget had absorbed the first one-half of the shortfall,

but could not afford to do so with the second half. The bill requires the city to publish, in an official newspaper, a notice of its revised final levy with examples of its impact on all city property types. The bill was approved and re-referred to the Metropolitan and Local Government Committee.

S.F. 52, authored by Pappas eliminates the Dec. 31, 1997 termination date applicable to provisions that require the city of St. Paul, Ramsey County and Independent School District No. 624 to meet as a joint property tax advisory committee to recommend the appropriate, most effective and efficient use of property taxes. Pappas offered, and the division adopted, an amendment changing the date for determination of a levy amount from Sept. 1 to Oct. 1 of each year.

Pappas pointed out that St. Paul is unique in that its school district incorporates a large area of Ramsey County. The committee approved the bill and re-referred the measure to the Metropolitan and Local Government Committee.

## State Government Finance

### Executive budget summary presented

The State Government Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul) held its first meeting of the session Weds., Feb. 5. The committee heard budget summaries from three executive agencies--the Dept. of Finance, the Dept. of Natural Resources, and the Dept. of Transportation.

Finance Commissioner Wayne Simoneau outlined the governor's budget goals. "We want to restore the AAA bond rating, provide for an adequate budget reserve, ensure long term fiscal stability, and return money to the taxpayers with a one-time individual tax rebate," he said. In addition, Simoneau said, "There are two once-in-a-lifetime expenditures--\$25 million to finance modifications of business systems in anticipation of the year 2000, and \$17.5 million for service bonuses for Gulf War veterans."

The DNR's budget agenda was summarized by deputy commissioner Ron Nargang. He said, "The governor's recommendations provide for an additional \$4.8 million for fisheries habitat improvement and management projects, an appropriation supported by proposed increases in fishing license fees; an additional \$1.6 million for the operation

of state parks to meet public demand, supported by a \$3 increase in the annual park use permit fee, and an additional \$2.1 million for grooming and maintenance of snowmobile trails." Sen. Steven Morse (DFL-Dakota), asked Nargang, "Will any emergency dollars for snowmobile trails be requested due to the heavy snow in parts of the state?" Nargang said, "Not at the present time. Some of the snowmobile clubs pitch in and raise money to maintain the trails. As most of our safety issues are not on the trail system, it's advisable to keep the trails groomed and keep sleds on the system."

Representing the Pollution Control Agency, Peggy Adelman advised continuation of the current Motor Vehicle Transfer fee, projected to be \$7.8 million, in order to support contaminated site cleanup efforts under the state Superfund program. Dick Swanson reviewed the Dept. of Transportation's agenda, citing transit, road construction, and public safety proposals.

## **Committee on Taxes**

### **Governor's budget proposal heard**

The Committee on Taxes, chaired by Sen. Douglas Johnson (DFL-Tower) reviewed the governor's 1998-99 proposed state biennial budget, Thurs., Jan 30.

Minnesota Dept. of Finance Commissioner Wayne Simoneau said that revenues are forecast to grow to \$1.4 billion in the 1998-99 biennium. Simoneau said that because of the surplus the governor is proposing a \$261 million one-time tax rebate; recurring tax cuts of \$274 million; educational tax credits of \$150 million; and \$30 million for the EdVest program. The EdVest program proposes a \$30 million exemption for those saving to finance college education through contributions made to an Edvest trust account, Simoneau said.

Included in the proposal, according to Peggy Ingison, Minnesota Department of Finance, are other tax savings favorable to Minnesota Corporations and businesses. Among them is the revenue elimination of \$5.2 million in sales tax on the purchase of replacement capital equipment; corporate savings of \$28.1 million provided through the repeal of the alternative minimum tax; and a \$25.7 million biennial savings for some corporations made possible through state conformance with recent changes in the federal tax law.

Ingison said that the proposed corporate tax cuts will keep Minnesota's economy

globally competitive, and encourage Minnesota business investment. However, the possible tax breaks raised questions among some committee members. Douglas Johnson said that most of the revenue-cutting revisions benefit corporations, and he questioned their origin, logic and impact on other budget areas.

Of particular concern to some committee members is proposed consolidation of General Assistance Medicaid Care enrollees with Minnesota Care enrollees. The transition will make Minnesota Care the dominant state source to fund health care for low-income Minnesotans. The governor's proposal is intended to integrate and better manage rising health care costs and ensure that families of like circumstance receive similar benefits. The consolidation concerned some committee members who oppose combining GAMC and Minnesota Care populations.

In addition, the governor's proposal recommends \$20.3 billion in spending for the 1998-99 biennium, an increase of \$1.5 billion over the preceding biennium. The proposal asks for a \$700 million increase in the Education/Children and Families area; over \$500 million targeted to education reform; an increase of \$90 million for child care programs; an increase of \$991 million for forecast growth in health and human services programs serving poor, elderly and disabled persons; an increase of \$200 million to improve excellence among higher education programs; and a \$58 million anti-crime package to provide a balance between prevention, enforcement and correctional costs.

The committee also confirmed James Girard's appointment as commissioner of the Dept. of Revenue.

## **Transportation Committee**

### **Personal rapid transit considered**

Research Fellow Mary Vogel, co-principal investigator of the Project on Transit and Urban Design, University of Minnesota, addressed the Transportation Committee, chaired by Sen. Carol Flynn (DFL-Mpls.), when it met Thurs., Jan. 30, to examine Personal Rapid Transit issues.

Vogel spoke on linking transit systems and urban design. Vogel said that when city design and transit systems are integrated, the city's whole becomes greater than the sum of its parts. Appropriate and well thought-out transit decisions may shape and actually design cities, affect community policy, protect

valuable land resources, such as parks and agricultural land and provide a framework for private and public development, she told committee members.

Associate Professor Lance M. Necktar, co-principle investigator of the Project on Transit and Urban Form, University of Oregon, discussed the importance of pedestrian-friendly (PF) communities and commercial facilities. Necktar said that PF communities integrate well with all transit systems, including personal rapid transit (PRT) systems that use numbers of small, lightweight rail-borne cars to carry limited numbers of passengers short or long distances. Necktar showed examples of poorly designed "auto-realm" facilities and communities composed mostly of highways and parking lots that discourage pedestrian traffic.

Professor James Pettinari, transit and urban form consultant, University of Oregon, described successes and errors made during the development of a Portland Oregon PRT system. Pettinari said that early developmental errors involved placing the system and boarding stations too near adjacent highways. He said that safe location of the transit system and its stations in PF surroundings must be considered before system construction begins.

Dean Thomas Fisher, College of Architecture and Landscape Architecture, University of Minnesota, is currently studying possible Twin City transit corridors that may combine PRT transit systems with employment and affordable housing. Too often, cities are a group of transportation systems instead of a place to live and work, he said.

Professor Ed Anderson, University of Minnesota, said that Korean cities are already using PRT systems and that such transportation would provide environmentally advantageous solutions to the intolerable transportation problems that Americans will encounter in the 21st century.

Sen. Dick Day (R-Owatonna) asked if any studies had been conducted to assure that people would use a PRT system, even if it stopped at their door. He also asked how the system would eliminate waits that might discourage system use.

Anderson said that there was no way to assure significant ridership, but that a PRT system could create attractive central hubs where people could interact. He also said that, in those countries using the system, PRT cars line up like cabs at a stand. When a car deficit occurs, he said, a computer system immediately calls in more cars.

# Committee update

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## Transportation funding reviewed

Transportation Committee Counsel Bonnie Berezovsky and Committee Analyst Amy Vennewitz offered Transportation Committee members a refresher course on Minnesota roads and road funding at a Tues., Feb. 4 hearing.

Berezovsky told the committee, chaired by Sen. Carol Flynn (DFL-Mpls.), that much of Minnesota's 131,000 miles of highways and roads are funded from the Highway User Tax Distribution Fund (HUTDF), established in Article 14 of the Minnesota Constitution. The HUTDF funds are provided by motor vehicle fuel and registration taxes, she said, and must be used solely for highway purposes. Some roads are maintained entirely with property taxes, she said, and do not receive state funding.

Berezovsky said that Article 14 provides that the state may construct, improve and maintain public highways, may assist local governments in this effort, and may authorize local governments to assist with state highway work within their boundaries.

Berezovsky said that Article 14 establishes a funding formula that allocates 62 percent of HUTDF funding for state trunk highways, 29 percent for the county state-aid system, and 9 percent for the municipal state-aid street fund.

Vennewitz said that interstate and trunk highways account for 12,010 miles of roadway and are the most heavily traveled within the state, accounting for 59 percent of the state's total road-travel. She said that county state-aid highways and county roads account for 45,418 miles of roadway and 24 percent of the state's road travel, while municipal streets account for 17,219 miles and 15 percent of total state travel. She said township roads account for 56,214 roadway miles but only 2 percent of total state travel.

County state-aid highways and municipal state-aid streets are funded through a portion of the state gas tax, the vehicle registration tax and county property taxes, Vennewitz said, while county roads, non-state-aid municipal streets and township roads are entirely property tax funded.

Vennewitz said that between 1975 and 1995 HUTDF revenues have increased from approximately \$200 million in 1970 to over \$900 million in 1995. She attributed the HUTDF increase to the growth in vehicle registration tax revenues and not to the growth in fuel tax

revenues. Vennewitz said that average vehicle values have increased faster than the inflation rate, but that motor fuel revenues have increased slowly because they are based on the per gallon consumption rate and not on the price of fuel. The Legislature has increased the gas tax 6 times since 1970, she said, from \$0.07 per gallon in 1970 to the current rate of 20 cents per gallon. These increases have been somewhat offset by increased automobile fuel efficiency, she told the committee.

## Traffic planning discussed

The Transportation Committee held a joint meeting with the House Transportation Committee, Weds., Feb. 5, to hear a presentation by Walter Kulash, a transportation planner from Orlando, Florida. The two panels, co-chaired by Sen. Carol Flynn (DFL-Mpls.) and Rep. Jean Wagenius (DFL-Mpls.), came together to hear Kulash and discuss new concepts in transportation planning.

According to Kulash, until the recent past, the primary solution for all transportation problems was to "lay more pavement." "That era has come to an end," Kulash said, "mainly because of funding." He said that now, rebuilding highways costs more than building them and that there are no longer generous federal matching dollars to support "laying more pavement." Instead, Kulash said, traffic engineers are beginning to look at transportation problems differently. The old solutions of rebuilding or building highways were "vertical" solutions to transportation problems, he said. In addition, simply building or rebuilding highways did not really solve the problems, Kulash said. A new lane reaches traffic capacity almost immediately, Kulash said because more people move to the area, jobs move and there are more cars per household.

Kulash said traffic engineers are beginning to think in terms of more lateral solutions. An example of this more "lateral thinking," Kulash said, "is to think about moving more people rather than moving more cars." Improving the quality of travel, moving fewer people fewer miles and "managing" rather than "solving" traffic problems were other concepts included in Kulash's description of lateral thinking. By using the concept of lateral thinking, new alternatives to transportation problems become more attractive, he said. Some of the alternatives are ex-

tremely cost effective, he said, because they require little investment.

Kulash concluded by saying that policy makers should be prepared to reallocate funds to alternative ways of managing transportation problems, embrace a process that involves citizen design and promote small demonstration projects.

## Transportation Budget Division

### Public Safety budget reviewed

The Transportation Budget Division, chaired by Sen. Janet Johnson (DFL-North Branch), met for the first time Tues., Feb. 5, and began work by hearing an overview of the Dept. of Public Safety budget.

The panel heard from Commissioner Donald Davis, who introduced other departmental officials and gave a brief description of the department's responsibilities. Frank Ahrens, finance director for the department, explained that the department receives monies from a number of different sources, including the general fund, the trunk highway fund, the highway users tax distribution fund and the federal government. Ahrens said that one of the major initiatives for the department is the addition of 75 troopers to the State Patrol.

Charles Kenow and Tom Brace, the state fire marshal, explained the operations of the Office of Pipeline Safety. The office oversees 50,000 miles of pipeline in the state and provides inspections of both intra- and inter-state pipelines.

Traffic Safety Director Thomas Boerner provided members with several charts detailing the fluctuations of traffic fatalities over the years. Boerner said that in recent years, traffic fatalities have numbered about 600 per year and that about 40,000 people are injured each year in traffic accidents. Committee discussion centered on forthcoming proposals to lower the legal alcohol limit to .08 and to enact a primary seat belt law.

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## Helpful phone numbers

Senate Information .....	296-0504
Toll free .....	1-888-234-1112
TTY .....	296-0250
Toll free .....	1-888-234-1216
House Information .....	296-2146
Toll free .....	1-800-657-3550
TTY .....	296-9896
Toll free .....	1-800-657-3550

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, February 10

The Senate will meet at 11 a.m.

#### Election Laws Committee

Chair: Sen. John Marty

12 noon Room 112 Capitol

**Agenda:** Star Tribune testimony on Derus versus Higgins election contest.

#### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

12 noon Room 107 Capitol

**Agenda:** S.F. 153-Janezich: Authorizing sale of metallic minerals; S.F. 296-Frederickson: Four year terms for soil and water conservation district supervisors; S.F. 306-Laidig: Adopt-a-park program exemption from rulemaking procedures; S.F. 308-Laidig: Allow use of license identification number and license validation.

#### Judiciary Committee

Chair: Sen. Jane Ranum

12 noon Room 15 Capitol

**Agenda:** S.F. 315-Knutson: Technical changes applicable to business corporations and limited liability companies; S.F. 202-Ten Eyck: Validating certain conveyances by religious corporations, etc.; S.F. 298-Ten Eyck: Uniform Partnership Act of 1994; S.F. 299-Kelley: Revised article 5 of the UCC.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** S.F. 77-Marty: Decreasing per se DWI blood alcohol content to 0.08.

#### Economic Development Budget Division

Chair: Sen. Tracy Beckman

2 p.m. Room 112 Capitol

**Agenda:** Review DTED budget.

#### Property Taxes and Local Government Budget Division

Chair: Sen. Sandra Pappas

2 p.m. Room 107 Capitol

**Agenda:** TIF Report, Susan Von Mosch, Leg. Auditors office; property tax reform goals.

### Tuesday, February 11

#### Environment and Agriculture Budget Division

Chair: Sen. Steven Morse

8 a.m. Room 123 Capitol

**Agenda:** OEA overview

#### Family and Early Childhood Education Budget Division

Chair: Sen. Pat Piper

8 a.m. Room 15 Capitol

**Agenda:** Lifelong learning, self-sufficiency budget activity overview.

#### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf

8 a.m. Room 107 Capitol

**Agenda:** HESO, budget presentation.

#### Economic Development Budget Division

Chair: Sen. Tracy Beckman

10 a.m. Room 123 Capitol

**Agenda:** Continuation of review of DTED, including the World Trade Center.

#### Health and Family Security Committee

Chair: Sen. John Hottinger

10 a.m. Room 15 Capitol

**Agenda:** Completion of testimony on S.F. 1-Samuels: Welfare, S.F. 146-Stevens: Welfare, and S.F. 289-Berglin: Welfare, including testimony from hospitals and social service agencies.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

10 a.m. Room 123 Capitol

**Agenda:** To be announced.

#### Joint Governmental Operations and Veterans Committee and Governmental Operations Budget Division

Chairs: Sen. James Metzen and Sen.

Leonard Price

12 noon Room 15 Capitol

**Agenda:** State systems project-Roger Brooks, deputy Legislative Auditor and Tom Walstrom and Jan Sandberg, program evaluators.

#### Transportation Committee

Chair: Sen. Carol Flynn

12 noon Room 112 Capitol

**Agenda:** S.F. 170-Dille: Seat belt violations, a primary offense; S.F. 114-Vickerman: Emergency snow removal; S.F. 61-Johnson, J.B.: Drug and alcohol testing for snowplow drivers.

#### Agriculture and Rural Development Committee

Chair: Sen. Dallas Sams

2 p.m. Room 107 Capitol

**Agenda:** Ron Harnack, BWSR, Overview; S.F. 329-Dille: Modifying liens on veterinary services; S.F. 383-Lesewski: Relating to grants and contracts.

#### Commerce Committee

Chair: Sen. Sam Solon

2 p.m. Room 112 Capitol

**Agenda:** Overviews: Minnesota Ass'n. of Realtors; Liquor Control Division, liquor industry representatives.

### Wednesday, February 12

#### Family and Early Childhood Education Budget Division

Chair: Sen. Pat Piper

8 a.m. Room 15 Capitol

**Agenda:** Lifelong learning, self-sufficiency budget activity overview.

#### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf

8 a.m. Room 107 Capitol

**Agenda:** HESO, continuation of budget presentation. S.F. 400-Murphy: Establishing a research center on grapes and wine.

#### Joint Governmental Operations and Veterans Committee and Governmental Operations Budget Division

Chairs: Sen. James Metzen and Sen.

Leonard Price

10 a.m. Room 15 Capitol

**Agenda:** Overview of veterans and military affairs.

#### Transportation Budget Division

Chair: Sen. Janet Johnson

10 a.m. Room 112 Capitol

**Agenda:** Overview of Dept. of Public Safety Budget, focusing on the state patrol and driver and vehicle services.

#### Judiciary Committee

Chair: Sen. Jane Ranum

12 noon Room 15 Capitol

**Agenda:** Continuation of S.F. 53-Betzold: Supreme Court Task Force on Civil Commitments recommendations; S.F. 315-Knutson: Business corporations and limited liability companies technical changes; S.F. 202-Ten Eyck: Conveyances by certain religious corporations; S.F. 298-Ten Eyck: Uniform Partnership Act of 1994; S.F. 299-Kelley: Revised article 5 of the Uniform Commercial Code.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** Completion of Monday, February 10 agenda. S.F. 31-Spear: Legislative Auditor's nonfunding probation recommendations.

## **Senate Publications**

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

*Chair: Rep. Richard H. Jefferson*  
2 p.m. Basement Hearing Room SOB  
**Agenda:** Draft reports on Investment Performance Attribution Reporting; on the comparison of defined contribution pension plans and defined benefit pension plans; on the study of providing pension plan coverage for educational breaks in service for regional treatment center and related DHS employees. Second consideration of a report on the use of police state aid to fund PERA-P&F pension coverage for salaried firefighters.

### **Education Finance Committee**

*Chair: Sen. Keith Langseth*  
4 p.m. Room 123 Capitol  
**Agenda:** Tom Melcher, Dept. of Children, Families and Learning, "Education Funding by Program, by District."

### **Health Care and Family Security Budget Division**

*Chair: Sen. Don Samuelson*  
4 p.m. Room 112 Capitol  
**Agenda:** Budget overviews: Veterans Home Board, Ombudsman for Mental Health & Mental Retardation, Ombudsman for Families. Budget overview of Dept. of Health.

## **Thursday, February 13**

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

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

*Chair: Sen. Steven Novak*  
10 a.m. Room 123 Capitol  
**Agenda:** To be announced.

### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*  
10 a.m. Room 15 Capitol  
**Agenda:** To be announced.

### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*  
12 noon Room 15 Capitol  
**Agenda:** Dept. of Administration budget. If not finished during this meeting, will be continued from 4 to 6 p.m. in room 107.

### **Transportation Committee**

*Chair: Sen. Carol Flynn*  
12 noon Room 112 Capitol  
**Agenda:** "Minnesota's Airports," MAC; MnDOT's Office of Aeronautics; Northwest Airlines.

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

*Chair: Sen. Dallas Sams*  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 360-Lesewski: Changes wholesale food processors or manufacturers fees; rural transportation issues.

### **Permanent and Joint Rules Subcommittee of the Rules and Administration Committee**

*Chair: Sen. Ember Junge*  
2:30 p.m. Room 125 Capitol  
**Agenda:** Discussion of changes to permanent and joint rules.

### **Economic Development Budget Division**

*Chair: Sen. Tracy Beckman*  
4 p.m. Room 118 Capitol  
**Agenda:** Review of Minnesota Technology Institute, and pass through grants.

### **Health Care and Family Security Budget Division**

*Chair: Sen. Don Samuelson*  
4 p.m. Room 112 Capitol  
**Agenda:** Budget overview - DHS.

### **Transportation Budget Division**

*Chair: Sen. Janet Johnson*  
4 p.m. Room 123 Capitol  
**Agenda:** Overview of MnDOT budget.

## **Friday, February 14**

### **Family and Early Childhood Education Budget Division**

*Chair: Sen. Pat Piper*  
8 a.m. Room 15 Capitol  
**Agenda:** Lifelong learning, self-sufficiency budget activity overview.

### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*  
10 a.m. Room 15 Capitol  
**Agenda:** To be announced.

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

*Chair: Sen. Steven Novak*  
10 a.m. Room 123 Capitol  
**Agenda:** To be announced.

### **Judiciary Subcommittee on Data Privacy and Information Policy**

*Chair: Sen. Don Betzold*  
12 noon Room 15 Capitol  
**Agenda:** S.F. 53-Betzold: Task force recommendations on civil commitment bill; S.F. 324-Knutson: Reclassifying certain human rights investigative data; S.F. 97-Betzold: Tuberculosis isolation and detention.

### **Crime Prevention and Judiciary Budget Division**

*Chair: Sen. Randy Kelly*  
2 p.m. Room 15 Capitol  
**Agenda:** Review various computer/technology budgets and requests. Presentations from technology offices and judicial branch on current computer resources and future needs.

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

*Chair: Sen. Jim Vickerman*  
2 p.m. Room 107 Capitol  
**Agenda:** Presentation by Indian tribal leaders on gaming and related issues.

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# Briefly

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*The Minnesota Senate Week in Review*

*February 14, 1997*

## **Elections bills gain**

The Senate devoted the Mon., Feb. 10, floor session to considering several relatively non-controversial bills on General Orders. Bills on General Orders have been heard in committee and have had two readings. The Senate considers bills on General Orders acting as one large Committee of the Whole. The bills are debated and may be amended. If approved, the bills are then placed on the Senate Calendar for consideration and final passage.

The Monday floor session resulted in four bills being granted approval on General Orders. S.F. 45, sponsored by Sen. John Marty (DFL-Roseville), is a recodification of Chap. 10A, the chapter in the statutes that deals with ethics in government. Marty said the bill was a much needed cleanup of the chapter's language and makes various corrections and clarifications to make the law easier to understand and use. S.F. 72, also sponsored by Marty, is the Secretary of State's housekeeping bill and makes a number of non-controversial changes in the laws dealing with elections. A third bill authored by Marty, S.F. 73, provides for a change of address system for registered voters. Members also granted approval to S.F. 164. The measure, authored by Sen. Charles Wiger (DFL-North St. Paul), conforms a variety of food rules with federal statutes and requires that bison be inspected prior to slaughter.

Senators also granted final passage to one bill on the Consent Calendar. Bills on the Consent Calendar are generally of a noncontroversial nature, have had two prior readings and have been acted upon by one or more standing committees. Bills on the Consent Calendar do not appear on General Orders and are not considered by the Senate acting as a Committee of the Whole. Bills on the Consent Calendar are considered for final passage and given a third reading prior to the roll call vote.

The bill granted final passage Monday, H.F. 13, is a revisor's bill providing for the correction of miscellaneous oversights, inconsistencies ambiguities and technical errors in the statutes. The measure, sponsored by Sen. Randy Kelly (DFL-St. Paul) was passed on a vote of 63-0.

## **Chaplains sworn**

The Thurs., Feb. 13, floor session marked a historic occasion for the Minnesota Senate. Thomas Stillday, Jr., a Spiritual

Elder for the Red Lake Nation, was sworn in as Chaplain of the Minnesota Senate. Stillday is the first Native American to serve as Chaplain for any state legislature. After President Allan Spear (DFL-Mpls.) administered the oath, Stillday conducted a traditional Ojibway Pipe Ceremony in the Senate Chamber.

## **Funding caps repeal bill passed**

One of the first items of business at the Thurs., Feb. 13, floor session was the adoption of the conference committee report on H.F. 1. The bill, sponsored by Sen. Keith Langseth (DFL-Glyndon), repeals the K-12 education funding caps and requires statewide standardized testing. The removal of the funding caps gives school districts more time and information in planning their budgets. The standardized testing applies to students in grades 3, 5, 8 and 11 and will go into effect for the 1997-98 school year. Langseth said. The bill was re-passed on a 62-0 vote.

In other action, the Senate granted final passage to three bills on the Senate Calendar. S.F. 45, authored by Sen. John Marty (DFL-Roseville), recodifies and makes corrections and clarifications to Chap. 10A, the law governing lobbyists and campaign finance. S.F. 72, also sponsored by Marty, makes numerous technical changes to Minnesota's election law. S.F. 164, authored by Sen. Charles Wiger (DFL-North St. Paul), conforms certain food rules with federal regulations and requires that bison be inspected prior to slaughter.

Members also granted final passage to two measures on the Consent Calendar. S.F. 35, sponsored by Wiger, permits the election of soil and water conservation district supervisors from single-member districts in Ramsey and Washington Counties. S.F. 264, carried by Sen. Dennis Frederickson (R-New Ulm), provides temporary authority for certain loans.

One bill on General Orders gained preliminary passage. S.F. 67, authored by Sen. Randy Kelly (DFL-St. Paul), modifies the multiple occupancy requirements applicable to state prisons. Kelly said the bill maintains the Legislature's position that double-bunking not be done in high security prisons but it does modify the requirements to reflect changes in levels of security. The measure also lifts the requirement that limited double-bunking to less than 50 percent of a prison's population. Sen. Gary Laidig (R-Stillwater) urged

the Legislature to continue funding educational opportunities and work programs for inmates in order to ensure the safety of both the inmates and staff under more crowded conditions. "Double bunking is not the solution," Laidig said, "other programs must be maintained."

## **Economist Kahn addresses meeting**

Economist Alfred Kahn addressed a joint meeting of the Senate Jobs, Energy, and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton) and the House Regulated Industries and Energies Committee, chaired by Rep. Loren Jennings (DFL-Rush City), Weds., Feb. 12. Kahn, former chair of the Civil Aeronautics Board, was invited by the committees to share his reflections related to telecommunications and utility deregulation.

Regarding deregulation of the telecommunications industry, Kahn said, "I always think competition is a good thing, and deregulation has broadened that. Look at the breakup of AT&T. More competition, better service, competitive rates. AT&T lost 60 percent of its market share, so they reduced rates for long distance calls. As a result, they had such an increase in long distance volume they made up for the lost market share."

Sen. Kenric Scheevel (R-Preston) asked, "Given the possibility of a utilities merger between a Minnesota company and a Wisconsin company, with higher utility rates being paid in Wisconsin than in Minnesota, do we risk paying higher rates?" Kahn replied, "No mechanism exists that would transfer higher costs on that basis. In any case, you shouldn't permit a merger that results in higher rates and fewer providers. If there is a proposed increase of 5-10 percent in costs after such a merger, you shouldn't permit the increase." Commenting on costs associated with environmental regulation, subsidizing utility access for low income users, and other social costs, Kahn said, "There are some values competition doesn't take care of, like social values. In fact, competition injures the environment, because any money spent on environmental issues, benefits, or any other social need comes out of profit. It's the function of government to attach socially beneficial qualifications, perhaps in the form of taxes, and that's okay if all competitors are being taxed the same way."

# Committee update

## Agriculture and Rural Development Committee

### Ethanol report received

The Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples), met in joint session Thurs., Feb. 6, with the Environment and Agriculture Budget Division, chaired by Sen. Steven Morse (DFL-Dakota). On the agenda was the Ethanol Program Evaluation Report, compiled by the Legislative Auditor's office.

The report, presented by Elliot Long, evaluation coordinator, and Jared Creason, program evaluation specialist, highlighted the benefits and risks of the state's ethanol program. "Minnesota's programs to promote the production and use of ethanol have put the state in the lead nationwide in establishing a sizable ethanol industry," said Long. "These programs include a producer payment, a tax credit, and subsidized loans to ethanol producers. In addition, the metro requirement for year-round use of oxygenated gasoline expands statewide this October," he said. Minnesota now has eight ethanol plants, with a projected production of 90 million gallons this year, and additional plants planned or under construction. According to the report, the estimated statewide economic impact of ethanol production is \$211-300 million, providing, directly and indirectly, up to 1,375 jobs.

"Despite these benefits, there are future risks involved we think are worth considering," said Creason. "These risks come from the possibility of high corn prices and/or low ethanol prices in the future, the possible loss of state or federal subsidies, and competition from larger, more efficient producers." He added, "It's also still not clear that use of oxygenated gasoline can be linked to a significant reduction in atmospheric carbon monoxide."

Sen. Dean Johnson (R-Willmar) said, "The question is, should the state and the federal governments provide subsidies for the economic development of rural areas?" Morse said, "It's important to keep even incremental steps in environmental protection, such as oxygenated fuel, in mind."

The state Dept. of Agriculture, represented by Sharon Clark, deputy commissioner, and Kevin Edberg, assistant director of Agriculture Marketing and Development, presented two concerns with the report. "We don't agree that ethanol use leads to higher prices, and there is some research suggesting in fact a decrease in carbon monoxide levels due to oxygenated gas," said Edberg. The department's response will be continued at the next joint session.

### Ag grant, vet lien bills advance

S.F. 383, a bill changing statutory provisions relating to agricultural grants

and contracts, and S.F. 329, a bill modifying provisions for liens on veterinary services, were advanced Tues., Feb. 11 by the Agriculture and Rural Development Committee. Chaired by Sen. Dallas Sams (DFL-Staples), the committee also heard an agency overview from the Bureau of Water and Soil Research.

S.F. 383, authored by Sen. Arlene Lesewski (R-Marshall), increases from \$70,000 to \$100,000 the amount the Dept. of Agriculture can grant to an agricultural services organization and widens the scope of the department's promotional activities. Jerry Heil, director of marketing and development for the department, said, "The intent of the bill is to increase our flexibility and enable us to deliver the services we'd like to by increasing the size of the grants, expanding eligibility, and eliminating the requirement that only one grant be made per grantee." The bill was referred to the Environment and Agriculture Budget Division.

S.F. 329, sponsored by Sen. Steve Dille (R-Dassel), allows a veterinarian to file a priority lien ahead of a bank to collect payment for services rendered. The bill also limits filing time on the lien to 180 days after the last service is performed. "This bill was brought forward after a compromise with banking interests, who were reluctant to cede lien priority but recognize the need to ensure care for animals when a farmer is going through tough times," said Dille. After hearing testimony from veterinarians and representatives of the banking industry, the committee supported the bill and referred it to the Judiciary Committee.

## Commerce

### Overviews heard

Commerce Committee members gathered Tues., Feb. 11, to hear overviews from the Minnesota Bankers Association, the Minnesota Association of Realtors, the Liquor Control Division of the Dept. of Public Safety and several liquor industry representatives.

The panel, chaired by Sen. Sam Solon (DFL-Duluth), heard first from Joan Archer of the Minnesota Bankers Association. She said the Minnesota Bankers Association represents the interests of commercial banks in Minnesota. Currently, the association has 520 members ranging in size from the larger banks, such as First Bank and Norwest, to smaller community banks. Archer said the association monitors legal and legislative issues that impact the financial services industry and keeps members informed of developments that might affect their operations.

Glenn Dorfman, representing the Minnesota Association of Realtors, also spoke. Dorfman gave an overview of state and federal laws and made some recommendations. Dorfman said that he would caution members against over regulation of

the industry. Dorfman said, "Not every consumer complaint needs to result in a new law. We don't want to have the protection of the few to the detriment of many."

Tom Brownell, director of the Liquor Control Division of the Dept. of Public Safety, also spoke to the panel. Brownell said the division was proposing three initiatives, to statutorily consolidate the liquor control and gambling control divisions into one division, to authorize a central malt liquor warehouse and to refine liability laws. Representatives of the liquor industry also gave brief presentations to the committee.

## Crime Prevention

### Double bunking financing discussed

Conflict over state prison construction policy took center stage Fri., Feb. 7, as the Crime Prevention Committee debated two prison-related bills offered by Sen. Randy Kelly (DFL-St. Paul).

S.F. 67, which calls for the state to modify prison double occupancy requirements after conforming to a federal paradigm of six security classifications, requires double bunking in prisons ranked one through four.

John Stuart, a public defender, sparked discussion when he spoke for the rights of double-celled inmates. Kelly brought up a common situation in nursing homes, "We're double bunking old people, what's good enough for our senior citizens had better be good enough for convicted felons." Chair Allan Spear (DFL-Mpls) followed by saying he had always opposed double bunking on the basis of inmate safety concerns not their comfort. He added that he feels the state's new Rush City plan takes such safety concerns into account.

Members adopted an amendment clarifying language stipulating that cells in the one through four level prisons be double bunked to the greatest extent possible in compliance with state multiple occupancy standards. S.F. 67 was approved and advanced to the Senate floor.

S.F. 179 classifies Rush City at level four and permits bonding for double-bunked facilities. Kelly offered an amendment allowing the Dept. of Corrections to construct access roads to the Rush City site.

Responding to the bills, Peggy Johnson of Citizens for Responsible Planning enumerated the concerns of her Rush City area township over site selection and construction of the project. Regarding road construction costs set at \$1.4 million, Johnson said she was initially told the county had designated the roads for upgrade, but then discovered that no such plans existed. The roads therefore, she said, are in fact directly related to the building of the prison. Spear said he sympathized, but remarked that Rush City residents coming before the panel during the site

selection process had strongly supported the project.

Spear recalled that last year Sen. Tracy Beckman (DFL-Bricelyn), former chair of the Crime Prevention Finance Division, had suggested delaying bonding, but that projections indicating an upcoming need for more prison beds had convinced Legislators to begin the process.

S.F. 179 was approved and re-referred to the Transportation Committee.

### **.08 blood alcohol level discussed**

At the Mon., Feb. 10, meeting of Crime Prevention Committee, Sen. John Marty (DFL-Roseville) offered S.F. 77, a bill to lower Minnesota's legal blood alcohol concentration (b.a.c.) limit to .08 from .10. The bill states that the .08 standard would apply in cases of driving while impaired, boating while impaired, snowmobiling while impaired and hunting while impaired. The bill lowers the per se standard for alcohol concentration for those under 21 to .04. It also changes chemical testing, criminal vehicular homicide and injury laws to reflect lower per se standards.

Dr. Ralph W. Hingson, chair of the Department of Social and Behavioral Sciences at the Boston University School of Public Health, presented a study on states with .08 levels. He compared five of the thirteen .08 states with similar .10 states. Comparing drivers in single vehicle fatal accidents with roadside survey control drivers not involved in crashes, he concluded that every .02 increase in b.a.c. doubles the risk of fatal crash. He also said there was 16 percent crash reduction correlate to the adoption of a .08 standard, though he admitted difficulty in separating out effects of other laws like administrative license revocation.

Hingson pointed out to Chair Allan Spear (DFL-Mpls.) and the panel that the national b.a.c. limit for commercial drivers is .04. Maine, he said, has a .04 b.a.c. limit for DWI recidivists. Regarding possible increased arrests and hospitality industry declines, he said some .08 states have shown decreased arrests, and cited international data showing that countries with very low b.a.c. limits have not lost alcohol sales. According to Hingson, the state could save ten percent of the \$292 million currently spent on alcohol-related fatalities by switching to .08, and added that lowering the limit "moves the curve over," reducing accidents at higher b.a.c. levels. In response to a question by Sen. David Knutson (R-Burnsville) Hingson said speed control, lane changing and breaking are impaired at .08.

Professor Steve Simon of the University of Minnesota Law School testified that those working in the criminal justice field do not believe the new limit will strain their resources.

Lynne Goughler of MADD described her parents' death when hit by a driver with a b.a.c. of .09. Pat Budig, mother of five, told how her husband was killed by a driver

with a b.a.c. level less than .10. Presenting enlarged photos of the crash scene and of her husband's funeral, she said, "At .08," she said, "you think you're okay, but you drive poorly and kill people."

Rick Berman of the American Beverage Institute said the panel was being misled. "A .08 driver," he said "can be a person who has three glasses of wine over the course of an evening." His graphs showed that in states with .08 limits, fatalities at that b.a.c. level remained low and unchanged. Challenging Hingson's methods and results as biased, Berman said that Hingson's study was rejected by the National Highway and Traffic Safety Administration. He said that all .08 testing so far has been inconclusive, and that Hingson's 16 percent drop in fatalities is not directly due to .08, but rather to license revocations and passive restraints like airbags. He suggested it would be more effective to stiffen penalties for higher b.a.c. levels.

In an attempt to meet Knutson's request for "data that shows .08 drinkers are not impaired" Berman cited a Rutgers University study, "In this study, no one except police officers with a lot of DWI arrest experience could distinguish between a sober person and one at the .08 level." Sen. Leo Foley (DFL-Anoka) referenced his own experience, "In over-thirty years as a state trooper, I never saw anybody who didn't show some evidence of impairment at .08."

Testimony on S.F. 77 will continue.

### **.08 bill approved**

Wed., Feb. 12, the Crime Prevention Committee approved S.F. 77. The bill, sponsored by Sen. John Marty, lowers the state's legal blood alcohol concentration level while operating a motor vehicle from .10 to .08.

Lt. Mark Peterson of the Minnesota State Highway Patrol detailed the standard field study tests used to detect the influence of alcohol. He said he supports the .08 level because .10 drivers are too difficult to prosecute. Routinely, he said, cases are pled down a simple moving violation.

Peterson disagreed with testimony given at the panel's Mon. Feb. 10 meeting by the American Beverage Institute's Rick Berman that three glasses of wine over two hours would bring a person to the .08 level. "In all candor," he said, "at .08, you are impaired."

After Peterson spoke, Marty also took a moment to rebut Berman's earlier comments. He distributed a letter from the National Highway and Traffic Safety Administration advocating .08 limits and supporting the Boston University study by Professor Dr. Ralph Hingson, which Berman had attempted to discredit. He also referenced a study finding an .08 driver sixteen times more likely to get into an accident than a sober driver. Marty said Minnesota also stands to lose federal

highway funds if it does not change the law to .08.

Testimony from families of accident victims included a father whose underage son drove and died after being served alcohol at a bar.

Representatives of the Minnesota Licensed Beverage Association, John Berglund and Ron Nicholas testified against the bill, claiming that an .08 law will negatively affect business and won't achieve promised results. Berglund challenged Marty's statement about federal funding, saying that Minnesota has already complied with the federal minimum standards required to receive highway funds. Arguing that the .08 level creates a new class of criminal, Berman described a scenario in which a drinker at the .08 level, not driving poorly, could be subject to prosecution. He also said cellular phones can cause more driving impairment than .08 blood alcohol concentration.

After testimony concluded, Sen. Thomas Neville (R-Northfield) said, "I don't think human physiology has changed since we adopted the .10 standard. Why is it that we felt back then that .10 was the rational level of impairment?" In response, Marty called the panel's attention to a National Safety Council's 1971 statement that, "there is no person not impaired at .08." Sen. Leo Foley (DFL-Anoka) said that the original limit was set more according to societal attitudes than impairment, "It was set at .10 because because that's all you could get."

On a motion by Sen. Linda Berglin (DFL-Mpls.) the bill was recommended to pass and re-referred to the Transportation Committee.

## **Crime Prevention and Judiciary Budget Division**

### **Program budgets discussed**

The Crime Prevention and Judiciary Budget Division on Fri., Feb 7, heard from programs regarding budgetary requests.

Debra Dailey, director of the Sentencing Guidelines Commission, testified that the group's request for a budget increase is due to its growing workload and the need to automate. At this point, she said, the office uses manual typewriters and wants to upgrade to word processing and MNnet capability. Staff, she said, includes three research analysts, one trainer, one administrative person and one clerical person. Chair Randy Kelly (DFL-St. Paul) asked if one trainer was enough to do the field work required. Dailey responded that it would be better to have more staff to work with probation officers regarding guideline compliance.

Revisor of Statutes and Uniform Laws Commissioner Harry Walsh explained that his commission is made up of eleven appointees who meet yearly with representatives of other states nationwide to discuss laws that are then uniformly introduced in

# Committee update

all states. The commission's entire budget goes toward dues and expenses for the yearly trip. The increase this year, said Walsh, is because the commission has fallen behind in dues payments.

Executive Director of the Private Detective and Protective Agent Services Board Marie Ohman described how her board regulates licensure of investigative and security practitioners. According to the board's budget description, it is comprised of industry professionals, law enforcement and members of the public, and generates its operating revenue through fees for licensure. Training programs have been established by the board for license holders and their employees, said Ohman. The board's budget request calls for authorization to implement a new fees structure for certification of training instructors and courses.

## Economic Development Budget Division

### DTED budget reviewed

The Economic Development Budget Division, chaired by Sen. Tracy Beckman (DFL-Bricelyn), began a review of the Dept. of Trade and Economic Development budget, Mon., Feb. 10. The division also heard a summary of the governor's recommendations for the department.

Beckman said, "Our theme, as we look at the budget and its initiatives, is trying to put people to work, particularly those impacted by welfare reform." Department Commissioner Jay Novak said, "Our goal is to enhance the economic vitality of all of Minnesota by creating jobs. We have several strategies to achieve this goal--promoting quality jobs with high pay and good benefits, helping Minnesota companies to expand, selecting industries that reflect current marketplace needs, focusing on small cities development programs, and being focused on the global marketplace."

On a projected increase in appropriations for the Minnesota Investment Fund, Sen. Randy Kelly (DFL-St. Paul) said, "We need to figure out where this money would be better spent." Beckman agreed and said, "This budget is up against the Summer Youth Program, the Dislocated Workers' Fund, and Contamination Cleanup. How are we going to fund everything?"

The committee reviewed the mission of Minnesota Advantage. "This program promotes Minnesota globally as an attractive environment for business development, expansion, and job creation," said Jim Roach, vice president of administration for the program. George Crollick elaborated on the Minnesota Trade Office and the governor's proposal to fund a China trade initiative developed by the office. "China represents a great return on investment for Minnesota business. Through education, tradeshow and seminars, and building upon the many relationships that already exist between

Minnesota and China, we can expand our exports significantly."

### DTED initiatives overview

The Economic Development Budget Division, chaired by Sen. Tracy Beckman (DFL-Bricelyn) continued Tues., Feb. 11, to review budget requests presented by the Dept. of Trade and Economic Development.

Commissioner Jay Novak summarized the initiatives for the committee. Regarding the Contamination Cleanup Program that provides funds to clean up polluted sites throughout the state in preparation for development, Novak said, "The governor is requesting \$1 million over the next biennium for cleanup grants in Greater Minnesota." According to the governor's recommendation, Metropolitan Council programs will meet the Metro Area's needs in the next biennium. Novak said, "There isn't disagreement on whether there's a need. There is disagreement about where the funding should come from." Sen. Linda Runbeck (R-Circle Pines), asked about the level of pent-up demand for grants. Novak said, "There is a sizable pent-up demand in the state. We could spend up to \$20 million right now if we had the money. But for any money we use, we need completed applications with development plans."

Sen. Ellen Anderson (DFL-St. Paul) said, "In St. Paul, there are developers waiting in line for large spaces that can accommodate manufacturing. We have a list of sites waiting for money, and if we're serious about welfare reform, about creating jobs, we have to find the money to do this." Sen. Randy Kelly (DFL-St. Paul) agreed, and said, "There are \$27 million worth of new initiatives in this budget, and only \$1 million devoted to contamination cleanup. This is a critical issue."

Novak also described the Job Skills Partnership Program, for which the governor recommends an increase in funding of \$7.576 million. "This program provides customized job skills training in partnership with businesses and educational institutions, and at relatively low cost. While companies who participate in the program are required to match our funds 1 to 1, the average is actually closer to 2.75 to 1. This will be an essential part of our effort to transition people to work from welfare," he said.

## Education Finance

### Program by district budget overview

On Wed., Feb. 12, Chair Keith Langseth (DFL-Glyndon) and the Education Finance Committee heard from Program Finance Manager Tom Melcher regarding his report on breakouts of education funds by program by district.

According to Melcher, the listed programs account for 95.8 percent of total

school district state aid plus levy revenue in the general education, district cooperation, pupil transportation, special education, vocational-disabled, limited English proficiency, assurance of mastery, desegregation and low income concentration programs. Not included in the report are programs related to debt service, health and safety, disabled access, building lease levies, community and family education and secondary vocational education.

Melcher broke the statistics out into four sections; 1998 revenue per pupil, 1995 revenue per pupil revenue, change in revenue per pupil and change in revenue per pupil sorted by enrollment size.

When asked by Sen. Cal Larson (R-Fergus Falls) about non-public transportation costs in the upcoming years, Melcher explained that the state's decision to roll the cost of transportation into the general fund will mean that non-public education transport will be included under targeted need transport.

In response to Sen. Linda Higgins, Melcher explained that low income concentration grants are made available to Metro Area communities but not to the center cities. These funds go to specific buildings which have been determined to have a high concentration of students receiving free or reduced lunch. Sen. Claire Robling (R-Prior Lake) asked why desegregation costs were broken out separately from transportation. Melcher said the desegregation category was for programmatic costs associated with desegregation policy.

Regarding budget implications if the Legislature were to mandate uniform school hours, Melcher said the state would incur a large increase in transportation costs. It would need, he said to purchase more buses and to find drivers willing to work very few hours. Larson asked why Minneapolis transportation costs are so much higher than St. Paul's, and was told by Melcher that Minneapolis' magnet program necessitates more and specialized transportation.

Melcher also provided a complete 1994-95 comparative school district profile. Of particular interest to the panel were tax capacity amounts for various districts. Melcher explained that the tax capacity numbers in the report indicate the ratio of state funding to the amount met by local referendum. Sen. Martha Robertson (R-Minnetonka) indicated that the lack of strong connection between tax capacity and the amount a district needs or desires to raise is one reason the property tax system needs fixing.

## Election Laws

### Star Tribune responds

At the invitation of Chair John Marty (DFL-Roseville), representatives from The Star Tribune newspaper appeared before the Election Laws Committee Mon., Feb. 10, to air its views in the election contest

involving the erroneous election day publication of Senate primary candidate John Derus' photo under the headline of a "charity fraud" expose. Derus and his attorney, Brian Rice, appeared before the committee on Jan. 27 along with Sen. Linda Higgins (DFL-Mpls.), who won the District 58 primary by 104 votes. Star Tribune News Editor Tim McGuire, News Production Editor Stephen Ronald and attorney John French represented the paper.

Derus' District Court case was stayed last fall by the State Supreme Court, which requested briefs and then dismissed the matter. French admitted the odd handling of the case, but attributed the court's swift action to a desire to settle the matter quickly after elections.

Ronald described the paper's usual publication run, then detailed the chain of events leading to the photo's appearance. He said an election day article, which was to feature pictures of all DFL candidates, was subbed in for the charity fraud story. At the last minute, he said, the charity fraud story was re-slotted for publication, and, because the employee who performs the daily purge of the computer cache was ill, Derus' picture remained in the system. When the fraud story ran, the computer pulled his picture instead of the correct match.

In response to a query by Sen. Douglas Johnson (DFL-Tower), Ronald said seven or eight editors marked the page, after which, thirty additional editors scanned the paper.

McGuire said the newspaper is mortified by the error. Responding to Derus' claims of receiving no apology, McGuire said Editor Pam Fine was about to call Derus when he called her, apologized and offered to contact other media to announce the error.

Rice and Derus were given rebuttal time and, among other things, took issue with Ronald's claims of employee illness. "They say they purge the files daily. Two employees were sick on Friday, not Monday," said Rice. Derus said he called the paper at 6:30 am and that his call was not answered until 11:30 am. Finally, Rice read a sworn affidavit from a fired Star Tribune employee who stated that while working on the morning of Sept. 10, he overheard employees discussing the photo switch, and that he believed it to have been done at the printing level.

Junge asked Rice why he has not pursued County Court or civil suit avenues. Rice said he doubted the county would take it up, but hinted at a possible civil filing. "We haven't yet had the benefit of discovery," said Rice, and reiterated his belief that the Senate is constitutionally empowered to decide these matters.

After final response by the paper, in which French criticized Rice's introduction of new evidence, the panel debated. Ourada said Derus should have his day in court, but Junge said the committee is "the

wrong court" Cautioning the panel on the dangers of opening the door to sundry third party contests, Junge said that she had just introduced a bill allowing for proper review of third party actions in elections. She moved to dismiss the Derus contest, but Marty said the panel wished to continue discussion.

### **Derus case dismissed**

Discussion scheduled to take place at the Election Laws Committee's Wed., Feb. 12, meeting regarding John Derus' Senate primary election contest was all but preempted when Sen. Roger Moe (DFL-Erksine) moved to dismiss consideration of the matter.

Longtime local politician Derus brought the contest before the committee after a Supreme Court dismissal of his case against the Star Tribune newspaper, which had erroneously published Derus' campaign photo under the headline of a charity fraud expose on the morning of the District 58 Senate primary. Derus lost the primary to Sen. Linda Higgins (DFL-Mpls.) by 104 votes. It has been the candidate's contention that the Minnesota constitution empowers the Senate to rule on the fairness of its own elections, even in a case of possible third party misconduct.

Said Moe, "I keep getting back to why we're having this contest, and the winner is innocent. No one disputes her innocence. It's a given that we have to look at those laws [on third party actions], but we've got to move on. There are other legal avenues Mr. Derus can pursue."

Sen. Mark Ourada (R-Buffalo) said he would vote against Moe's motion. He said that while it is true that Higgins is an innocent victim, Derus is also. "To me," said Ourada, "what we have to decide is, under the constitution, was the election contest fair. Has Mr. Derus had his day in court?"

In light of the fact that Sen. Ember Junge (DFL-New Hope) is sponsoring new legislation making it possible for the panel to systematically review existing laws regarding third party actions, Sen. Linda Sheid (DFL-Brooklyn Park) said that she supported dismissal of this particular case. She said she saw little sense in "pursuing what can only be an unfair decision." Sen. Higgins, she said, deserves some peace.

Following this exchange, the Moe motion prevailed and the committee adjourned.

## **Environment and Natural Resources**

### **Emergency deer feeding approved**

On Fri., Feb. 7, a bill appropriating \$1.1 million for emergency deer feeding was approved at a meeting of the Environment and Natural Resources Committee. S.F. 195, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), authorizes the Dept. of Natural Resources to borrow the money from the game and fish fund. Under the

bill, a one-time \$2.50 surcharge is placed on deer licenses to pay for the appropriation, and a deer feeding fund is established so that individuals can contribute money for this year's emergency. The first 6,000 people who individually contribute \$50 will be able to purchase a deer license for \$5. Stumpf said the fund is expected to generate \$300,000 if 6,000 participate. Revenue collected for the fund will augment the appropriated money. In addition, the bill provides "certificates of appreciation" for contributors, and directs the department to conduct a study to measure the efficacy of this year's deer feeding effort.

Chair Bob Lessard (DFL-Int'l. Falls) invited Roger Holmes, Dept. of Natural Resources, to comment on the department's position. "We will lose a lot of fawns this winter. The adult deer prevent the fawns from eating if there is limited food, and this is how deer survive harsh winters," Holmes said. He suggested that the deer feeding be a private effort, similar to Wisconsin, and that Minnesota state agencies not become involved. "A feeding program administered by the department will divert valuable staff time away from other essential projects," and instead, Holmes proposed raising the surcharge to \$3.00 per license. This would provide money for seasonal employees whose time would be solely dedicated to deer feeding operations, he said.

Tom Kelliher, Minnesota Deer Hunters Association (MDHA), said his organization supports the emergency deer feeding and has made the commitment to work with the department. Last year, over 8,300 volunteers contributed their time and effort, and he expects a similar turnout this year. As for the proposed \$3.00 surcharge, Kelliher said, "While I would have to discuss it with the MDHA, I believe they would not support an increased surcharge."

After a brief discussion, the committee approved S.F. 195 and re-referred it to the State Government Finance Committee.

### **Electronic licensing discussed**

Members considered four bills at the Mon., Feb. 10, Environment and Natural Resources Committee meeting.

Sen. Jerry Janezich (DFL-Chisholm) presented S.F. 153. "All over the Iron Range we have stockpiles that contain iron minerals and we have had a problem determining the ownership of these stockpiles," he said. The bill clarifies the ownership of the stockpiled metallic mineral materials, defines their uses, and provides for a uniform method of taxation.

Kathy Lewis, Division of Minerals, Dept. of Natural Resources, said the heart of the legislation is the taxation provision. Under the bill, the stockpiles are subject to the general property tax, and the tax is based on the market value of the land the material is on as if the land were rental property. In addition, the bill also stipulates that if the land underneath a stockpile

# Committee update

were to be forfeited, ownership for the stockpile will go along with the forfeiture. Sen. Don Samuelson (DFL-Brainerd) asked if the forfeited land went to the county or to the state. Lewis said that the title of the property will go to the state, but most often management duties are delegated to the counties. "Therefore, in most instances the counties will manage the stockpiles, except for piles where material is ore quality and can be processed at a refinery," she said. The bill was approved and re-referred to the Committee on Taxes.

The bill authored by Sen. Dennis Frederickson (R-New Ulm), S.F. 296, reduces the term of office for soil and water conservation district supervisors from six to four years. "Six years is a long time," said Frederickson, "and many potential candidates do not want to commit to such long terms." Jim Birkholz, State Board of Soil and Water Resources, said the board is not a regulatory agency, but instead provides technical assistance to land owners. The board also has a small discretionary account to help land owners with projects, he said. The bill was approved and re-referred to the Election Laws Committee.

"S.F. 306 will allow two existing programs, that are not exempt from rulemaking procedures, to continue," said the bill's author, Sen. Gary Laidig (R-Stillwater). Under the bill, both the adopt-a-park program and the timber appraisal standards will be exempted from rulemaking provisions. The current temporary exemption sunsets July 1, 1997.

Sen. Steven Morse (DFL-Dakota) said he was concerned about eliminating the specifications for tree appraisals from statute. A representative from the Dept. of Natural Resources said many of the specifications for timber appraisal were established in 1982 and are obsolete. Morse said, "As long as the state is conducting timber appraisals, we should have some minimum guidelines for the department to follow." Sen. Gen Olson (R-Minnetrista) offered an amendment to reinsert minimum appraisal standards language into the bill. After the Olson amendment was adopted, the bill was approved and was moved to the Governmental Operations and Veterans Affairs Committee.

Finally, Laidig presented S.F. 308, a bill that provides the Dept. of Natural Resources the authority to administer an electronic system to issue fish and game licenses. Tom Keith, coordinator for the department's electronic licensingsystem (ELS) effort, said, "ELS represents a major change in technology." According to Keith, the department prints and distributes over 40 different types of licenses through 3,500 license agents, and due to the caseload, there are many problems with the current system. ELS will use point of sale terminals at existing license agents, telephone sales, and sales over the Internet, he said. Keith said the license terminals

will be offered to all current license agents, but the department has not determined whether to provide them at no cost or to require a refundable security deposit.

Due to time constraints, no action was taken on the bill and discussion was held over for a later meeting.

## Environment and Agriculture Budget Division

### Environmental budget overview

Before the Environment and Agriculture Budget Division listened to a budget overview from the Office of Environmental Assistance (OEA), David Johnson, Dept. of Finance, briefed members on the layout of the new budget books, Tues., Feb. 11.

Johnson outlined the governor's budget goals for the upcoming biennium which included restoring the states AAA bond rating, maintaining expenditures below the rate of personal income growth, providing an adequate budget reserve, returning a portion of the state's budget surplus to taxpayers, and ensuring long term economic stability. According to Johnson, the total state budget from all sources for FY 98-99 is expected to exceed \$32.2 billion. He also highlighted the 13 percent spending increase for environment and natural resource activities between bienniums.

"The mission of the (OEA) is to protect Minnesota's environment and assure a sustainable economy through waste prevention and resource conservation," said Art Dunn, the office's acting director. Dunn said that approximately 90 percent of the office's operating budget, \$20 million annually, comes out of the general fund.

As for budget initiatives, Dunn noted that the office is requesting a reduction of \$100,000 per year in pollution prevention grants. Because fees collected for the pollution prevention fund are not as high as expected, the office is not increasing fees but is instead reducing its budget request. The office is also reallocating \$167,000 in FY 98 and \$171,000 in FY 99 from its grant programs into internal operations in order to provide more technical assistance. "We need this internal shift in order to fund the employee roster at its current level," Dunn said. Chair Steven Morse (DFL-Dakota) questioned the wisdom of moving over \$300,000 in state grants out of potential programs and into the office's operations budget. Dunn explained that the grants are not pass-through mechanisms, but are instead discretionary, and the shift needs to occur to adequately fund operations to administer program effectively.

Due to time constraints, Morse asked that Dunn continue with the OEA's budget presentation at a later meeting.

### Budget overviews heard

Budget presentations by the Office of Environmental Assistance (OEA), the

Board of Animal Health and the Minnesota Zoological Garden were the agenda items for the Weds., Feb. 12, meeting of the Environment and Agriculture Budget Division.

Art Dunn, OEA acting director, summarized the programs administered by the OEA and highlighted the Solid Waste Assistance program. Dunn said that under that program, the OEA disburses \$14 million in the form of block grants to counties for processing solid waste. Dunn said that a total of \$150 million is spent in the state on recycling 45 percent of solid waste, whereas \$300 million is spent on the other 55 percent that is not recycled. "Twice as much money is spent on only ten percent more of the waste stream," Dunn summarized.

Dunn said that in the next biennium the agency will focus on the increasing amount of waste generated by the business sector, specifically mercury, construction and demolition waste and transport packaging such as wooden pallets. He said the agency will also focus on environmental education programs for children in the pre-school to high school age range.

Dunn said his agency has just compiled preliminary results on the impact of recycling on the Minnesota economy. According to the survey, he said the recycling industry has created 8700 new jobs and generates \$1.5 billion in sales. Division Chair Steven Morse (DFL-Dakota) commented on the results of the study, saying "recyclables use yields a windfall, not a cost."

The panel next heard from Board of Animal Health Executive Director Thomas Hagerty, who said the purpose of his agency was to protect the health of domestic animals. Hagerty said those protection responsibilities include investigating and monitoring diseases such as rabies, brucellosis and tuberculosis. He said that with the recent concern about the so-called "mad cow disease," or bovine spongiform encephalopathy (BSE), the board learned that 500 cattle were imported into the U.S. between 1980 and 1988. Of the 200 of those cattle still alive in March 1996, one was found in Minnesota. Hagerty said that animal's owner voluntarily allowed it to be "put down" for examination. An autopsy of the animal found it was negative for BSE, which has been associated with the development of Kruezfeld-Jacob Syndrome in humans, according to Hagerty.

The meeting concluded with a presentation by the Minnesota Zoo, including a visit by four zoo animals. Catherine Roberts, zoo director, highlighted two items in their budgetary requests: \$75,000 for a student internship program, and \$175,000 for a computerized scheduling and inventory system. Jeff Higgins, also of the zoo, said the new system would result in better customer service and more efficient use of staff time. No formal action was taken on any of the presentations.

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## Family and Early Childhood Education Budget Division

### Legal immigrants discussed

The Family and Early Childhood Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin), listened, Fri., Feb. 7, as Senior Committee Director Sheri Steisel, National Conference of State Legislatures, described state welfare reform implementation measures during a special briefing. Steisel said that financial assistance to welfare recipients used to be provided through Aid to Families with Dependent Children, a federal program whose funding varied with the economy and the number of people who qualified for it. Steisel said that the new block grant, Temporary Assistance to Needy Families (TANF), replaces AFDC, but limits the amount of money each state receives per year. The program also creates a block grant for child care that combines previous programs for welfare parent, she said.

Steisel said that the federal Department of Health and Human Services (HHS) has released a new interpretation of how states may use their welfare "Maintenance of Effort" (MOE) dollars. She said that the HHS guidelines allow state flexibility in the use of state MOE dollars that are not commingled with federal block grant funds. The state may combine all or part of its funds with federal TANF funds or use all of its funds for its own designated programs, she said. Should the state commingle its funds with federal funds, she said, it must meet the MOE requirements. Those requirements, Steisel said, require a state to maintain 80 percent of their historic level of state spending. This will be reduced to 75 percent, she said, if welfare recipient work rates are achieved. Failure to achieve this spending level will result in a reduction of the state's federal block grant and the requirement that the state replace the funds, she told committee members.

To receive TANF, the governor must submit a state plan to the HHS by July 1, 1997, Steisel said. The law requires the state to submit a plan every two years, she stated. She said that early program implementation will be fiscally advantageous for states receiving a TANF grant that is higher than the matching fund it would have received under AFDC. Submission of a state plan begins a federal 5-year time limit for families receiving TANF money for federal work participation requirements and fiscal penalties for states that do not comply, the repeal of the federal \$50 child support pass-through, and the transition period for other penalties, such as work and reporting.

Steisel said that all information concerning separate state programs must be provided to HHS to prevent states from using those programs to undermine state work requirements. States that experience heavy caseloads due to high unemployment

and use 100 percent of their previous level of state spending may qualify for non-reimbursable federal contingency fund assistance of not more than 20 percent of their block grant, she said.

Recipients receiving TANF assistance must find work after 24 months, she said. She added that states will be free to define what counts as employment and to set minimum work hours per week. The program would cut off TANF assistance to any adult who has received assistance for 5 years, she said, but she added that states may provide their own funds to provide assistance after the 5 year cut-off. She said that states may also exempt 20 percent of their caseload from the 5 year limit due to hardship, such as in the case of grandparents who provide child care.

Legal immigrants and most refugees will lose access to food stamps and the Supplemental Security Income program for the elderly, blind and disabled by Aug. 22, 1997. Steisel said that sponsors for newly arriving immigrants will be responsible for their well-being.

The law consolidates the Child Care Development Block Grant (CCDBG), AFDC/JOBS, and at risk and transitional funding into a new child care block grant, Steisel said. According to Steisel, Legislatures must channel most of the child care money to welfare recipients, people in work programs who are attempting to leave welfare, and those at risk of becoming recipients. Steisel said that the CCDBG contains the same health and safety provisions of the old grant.

### Lifelong learning overview heard

Literacy Coordinator Barbara Weiss, Metro North Adult Basic Education (ABE), told Family and Early Childhood Education Budget Committee members, Tues., Feb. 11, that parents must be offered the opportunity to be successful, because their success will be transferred to their children. Weiss told the committee, chaired by Sen. Pat Piper (DFL-Austin), that parents need to read to their children, especially during the early formative years of a child's life. She said that doing so will begin to teach children the language of success and of successful parenting.

Weiss said that ABE, consisting of a number of educational programs, enables adults to acquire basic educational skills needed to meet community and family needs. She stated that ABE programs include GED preparation, English as a second language (ELS), high school diploma, basic skills, Job Readiness, family literacy and deaf adult basic education.

Carlyle Peterson, program manager, Adult Options in Education (AOE), provided committee members profiles of students who have successfully used the AOE program. She said that because AOE is a component of ABE, it is a part of public schools and community education and creates cooperative opportunities.

Cooperation with other teaching entities facilitates efficiency and hastens the learning, she said.

Julie Williams, program manager for Mindquest, the world's first high school Internet diploma program for adult students unable to attend high school classes, told the committee that computers will enable students to complete their high school educations and to prepare for future careers. The program, free to Minnesota residents under age 21, is open to anyone who would like to complete their high school diploma, she said. Williams said that the modem-linked campus is open 24 hours a day.

ABE Supervisor Barry Shaffer said that, according to the 1990 census, 514,000 Minnesotans age 20 and over had not graduated from high school. He said that these individuals are disproportionately represented among the working poor, single parents, welfare recipients, language minorities and the incarcerated. Shaffer said that these statistics highlight the importance of ABE programs as they relate to welfare reform. He said that between 1992 and 1996 the number of adult learners who attended for at least 12 hours has decreased, but that those who enroll need more in-depth programming and related services. The trend, he said, is for learners to continue in the programs for longer periods of time until their needs are met.

### Human services programs reviewed

The Family and Early Childhood Education Budget Division, chaired by Pat Piper (DFL-Austin), heard budget reports and program overviews from various human service program providers on Weds, Jan 12. The overviews were presented to provide an awareness of the vast array of human services that will be eventually combined under the MN Department of Children Families and Learning, according to introductory remarks by Barb Yates, assistant commissioner, Department of Children Families and Learning.

Yates and Connie Greer, Department of Economic Security, offered the committee a brief overview of Economic Opportunity Programs delivered by community based agencies. The programs seek to remove barriers imposed by poverty on the health and development of children and families. The programs reviewed are funded by federal Community Services Block Grants (CSBG), and Minnesota Economic Opportunity Grants (MEOG). Yates said. These funds flow to community action agencies to support a variety of local Community Action Programs (CAP) delivered through a statewide network of local nonprofit agencies.

Program activities are locally determined to provide a range of services based on local needs, according to Community Action of Mpls. Executive Director William J. Davis. He said that community based review

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boards comprised of low income individuals, elected officials and business persons assess and determine local needs.

Davis told the committee that CAP are funded by \$175 million in CSBG and MEOG funding. He said that public and private sector funds also are used. In addition, he said, 1.7 million volunteer hours are expended annually to administer the programs.

Davis said that he and the Minnesota Community Action Association appreciate the governor's recommendation for \$18 million in state MEOG funds, a \$4 million increase over the previous biennium. However, he requested an additional \$2 million to continue employment assistance and "Keep a Job" functions for TANF recipients and for the working poor.

Stephen Schmidt, a private sector member of the Ramsey Action Programs (RAP) board of directors told the committee that RAP has dealt with issues affecting persons age three to ninety. Schmidt said that families who request RAP help are not only poor but are in need of many services. He said that RAP is currently engaged in a strategic planning process that will direct its activities and identify desired outcomes.

## Government Operations and Veterans Committee

### Audit finds systems project flaws

In a report to the Joint Governmental Operations and Veterans Committee and Governmental Operations Budget Division Tues., Feb 11, the Legislative Auditor revealed many problems with the statewide computer systems project begun in 1991.

For the study, over 120 managers and users in 30 agencies were surveyed on the new SEMA4 personnel and payroll system and the MAPS Minnesota Accounting and Procurement System. Deputy Legislative Auditor Roger Brooks said the Legislature requested the audit last year after hearing complaints about the project and reports of its growing costs.

By way of preface, Brooks distributed an article on the IRS's \$4 billion failed restructuring and pointed out that the majority of computer development projects fail.

According to program evaluator Tom Walstrom, Minnesota's new systems have cost 50 percent more than originally promised, and delivered less than full functionality. Originally estimated to cost \$15-20 million, after bids came in 1993, the price was upped to \$26.1 million. By 1996, expenditures stood at \$35.8 million. Increases, said Walstrom, are due to customization of software, changed specifications, new components and higher computer usage charges.

The operating costs of the systems have proven to be ten times the originally estimated amount, Walstrom said. The old system cost \$1.7 million. The new one was

estimated to cost less than \$5 million but now stands at \$16 million. According to Walstrom, Minnesota has also discovered, like many companies and governments, that its systems are not equipped to handle twenty-first century dates. He said this latter problem will take \$4.5 million to fix.

The audit reports that the human resources as well as the payroll functions have been met with satisfaction. Users of the procurement system however, said Walstrom, call it "cumbersome" and report that they are being asked to provide too much detailed information per order. Training costs have also been high, said Walstrom, because employees came in with widely varying levels of computer literacy and also because a training unit was not fully developed in time to thoroughly train many employees before they would be expected to use the systems.

Despite these issues, auditors called the project a moderate success, stressing that such cost and time overruns are not unusual. Walstrom said project benefits include increased communication, multiple basis accounting and network capability. An "information warehouse" function is also, he said, a plus. Unfortunately, the information warehouse was initially pitched as a user-friendly data resource for Legislators, but has proved too complicated for this purpose.

Some members took issue with the term "moderate success." Upon discovering that the project had not resulted in government downsizing, Sen. Charles Berg (IND-Chokio) called it a "bust all the way around." Chair Leonard Price (DFL-Woodbury) asked if downsizing had been an project goal. Program Evaluator Jan Sandberg said it had, and added that agencies were reporting present employee overtime in connection with use of the newsystem.

### Veterans and military affairs overview

On Wed., Feb. 12, the Governmental Operations and Veterans Affairs Committee and the Governmental Operations Budget Division held a joint meeting. Chair James Metzger (DFL-South St. Paul) invited representatives from the Departments of Veteran Affairs and Military Affairs to provide overviews for their respective offices.

Deputy Commissioner Jeff Olson, Dept. of Veterans Affairs, explained the rationale behind the recently completed customer satisfaction survey conducted by the University of Minnesota for his office. "Since we are a service provider, it's important to know how we are performing for our customers." He noted that over 2,500 surveys were mailed out, and over 72 percent responded. Among those surveyed, "The responses overall were very positive," he said. In virtually every area of the department, Olson said, respondents gave high marks for service. However,

there were several areas of concern raised by the survey he advised. For example, because the office has almost the same name as the U.S. Dept. of Veterans Affairs, "there is a massive identity crisis for the state's department," he said, and many people confuse the responsibilities between the two agencies. Olson also noted that county veteran service officers gave low marks for the turn around time for returned phone calls.

Olson said there are three budget initiatives for this biennium. His department has requested a \$100,000 per year appropriation to operate maintenance equipment at the Little Falls Veterans Cemetery. The department has also asked for a \$46,000 per year increase to improve services to veterans and family members affected by Agent Orange exposure and Persian Gulf syndrome. The governor's proposal calls for a one-time biennial appropriation of \$17.5 million for the payment of a Persian Gulf veterans bonus. Sen. Martha Robertson (R-Minnetonka) asked how many people are eligible for the bonus. Olson said 43,700 people are eligible to receive bonuses.

Brigadier General Gary LeBlanc, Assistant Adjutant General for the Dept. of Military Affairs, summarized the duties for his office. The office oversees the operations for all Army and Air National Guard units in the state, as well as the installations that provide support for these units. The department is responsible for ensuring the military readiness of the national guard units, attracting and retaining quality personnel, and ensuring the adequacy of training and support facilities. LeBlanc explained, "We work in partnership with several state agencies and departments." In addition, LeBlanc said 95 percent of the operating budget for the National Guard comes from the federal government, while the state picks up the remainder. "With federal dollars flowing into the state to support operations, the state collects \$13.5 million annually in tax revenue," he said.

## Governmental Operations Budget Division

### Planning budget overview

Departmental overviews were provided, Thurs., Feb. 6, by the Office of Strategic and Long Range Planning and the Board of Government Innovation and Cooperation at the Governmental Operations Budget Division meeting.

Chair Leonard Price (DFL-Woodbury) welcomed Director Linda Kohl, Dept. of Minnesota Planning, who presented the requested budget for the Office of Strategic and Long Range Planning. The office, she said, was established to provide policy-makers and the public with accurate information and analysis about emerging and critical issues. This biennium, the

governor recommends appropriating approximately \$11.3 million to fund the office's activities, and as part of his anti-crime initiative, the governor has earmarked \$3 million of that appropriation to implement a statewide teen court system. Other budget initiatives include a wind power plant assessment project, an environmental review to provide rulemaking procedures for proposed amendments to the Environmental Policy Act, and a proposal to conduct several Legislative Commission on Minnesota's Resources (LCMR) studies.

Executive Director James Gelbmann, Board of Government Innovation and Cooperation, outlined his office's functions and responsibilities. "The board has requested approximately \$2 million for FY 98-99, but the vast majority is a pass-through appropriation to local governments," he said. The board was created to help government work better by eliminating wasteful duplication of effort and bureaucratic red tape. Gelbmann said, by providing economic incentives and removing state-imposed barriers. The two staff members, he added, administer three grant programs, a program of procedural laws, and a program for assisting local governments that agree to voluntarily consolidate with neighboring governments as means of improving their overall efficiency.

Sen. Martha Robertson (R-Minnetonka) said, "I am struggling with the question of why we give grants for good behavior. These governments should be initiating programs on their own." Gelbmann said the grant programs are designed to initiate pilot projects that may or may not prove successful. "For a variety of reasons, local governments are not willing to assume the financial risk these projects pose," he said, "but whether they succeed or fail, the initiatives will provide hard and fast data to other units of government." Robertson said, "If they reap the rewards, they should also share the risk." She suggested that governments reimburse the board if a project is successful. Gelbmann said the board had considered giving loans instead of grants but did not pursue the idea because the board did not want to discourage innovative approaches. The Robertson concept, however, is slightly different and had not been considered, he said.

## Health and Family Security

### Business community speaks

Representatives from the business community were able to provide their perspective on proposed welfare reform at the Thurs., Feb. 6, Health and Family Security Committee meeting.

Chair John Hottinger (DFL-Mankato) welcomed the first panel--Bill Blazar, senior vice president, Minnesota Chamber of Commerce; Duane Benson, executive director, Minnesota Business Partnership; and Judy Cook, president, Minnesota Retail Merchants Association--to the

committee. According to Blazar, the Chamber represents 3,000 employers throughout the state who employ a half million workers. As for welfare reform, he said, "The principle thing the employer can do is provide the job." In return, the business community expects the state to provide transitional assistance to help pay for child care, health care coverage, and transportation. He also called for policy-makers to recognize the value of all jobs. "Even entry-level jobs provide an opportunity for workers to learn job skills," he said.

Blazar also outlined several reform policies that may negatively affect the business community's efforts. "Employers are more cost conscious than ever before, so mandates that raise the cost of adding employees will cost Minnesota jobs," he said. Blazar is concerned that certain mandates will make it more expensive to hire a welfare recipient than another job applicant. In addition, tax incentives that are intended to lower the cost of hiring welfare recipients create problems when the incentives are taken away, he said, because the job might disappear. Furthermore, Blazar said he is concerned about additional investment in the training bureaucracies. "I would like more investment in job placement efforts and arranging the support services that recipients need to start a career," he said. The training will occur as a person's career develops, he added.

"We need workers," said Benson, and the central goal welfare reform should be aiming toward is to establish self-dependence through long-term employment. Benson recommended that the state not subsidize the employer in the welfare reform equation, because this would tie the employee to the employer. Instead, the state should be providing the employees as much flexibility with their career choices as possible by tying assistance, like health care coverage and child care, to the worker. This will allow the employee the ability to change jobs as opportunities arise, he said.

Sen. Sheila Kiscaden (R-Rochester) said that with the advent of the welfare reform, there has to be a change in the business community's role in actively working with welfare-to-work programs. She asked, "What kind of leadership can we expect from business?" Blazar explained that the local chambers of commerce act as a bridge between employers and county services, and while job training is important, the chamber is primarily concentrating on getting people into work.

Sen. Leo Foley (DFL-Anoka) asked about the types of barriers that constrain child care. "Things are very over managed by state law," Benson said. "There are many people in greater Minnesota providing child care, very good care, in their homes, but who are doing it illegally because they can't realistically meet the law requirements." Benson suggested that the state revisit the child care licensing laws and make it easier for more people to

provide child care.

Director John Flory, Whittier Community Development Corp. (WCDC), provided a brief survey of his organization. The WCDC is noteworthy, Flory said, because it places low income people into jobs that the organization has partnered with, and in addition, provides job coaches to serve as a liaison between the worker and the employer. The president of one of the participating companies, Denny Donaldson from Nico Products, said his partnership with the WCDC has been a positive one, and one of the reasons his business has remained and expanded in the Whittier neighborhood is due to the availability of workers. In response to Kiscaden's question on what it will take to bring business to the low income communities, Donaldson said, "The market will bring business to the job base. The businesses will go to where the workers are."

### Welfare reform testimony heard

Members continued to hear presentations from individuals concerned about proposed welfare reform at the Fri., Feb. 7, Health and Family Security Committee meeting.

After listening to testimony from several immigrants, Chair John Hottinger (DFL-Mankato) said he empathized with their difficulties learning English and studying for the citizenship test. "I place myself in their position, trying to learn their language, and I think I would have a difficult time," he said.

Linden Gawboy, a member of the Welfare Rights Coalition, said the proposed welfare reform constitutes corporate welfare by creating a disincentive for corporations to pay livable wages while providing an incentive to pay minimum wages. Furthermore, she said, the reform bills before the committee do not provide adequate education and training levels for recipients. Sen. Linda Berglin (DFL-Mpls.) countered, "In the bill I introduced, two years are allowed for education, the same level currently granted under the state's STRIDE program. We should be talking about how to save education and not assume that it has already been cut."

"I feel it is extraordinarily important to consider the circumstances of women and children trying to get out of abusive homes," said Sheila Wellstone. She asked members to consider adopting the Family Violence Amendment to the final welfare reform package the Legislature will consider. The amendment, she said, allows states to do three things: screen applicants for a history of family violence, provide referrals to counseling and advocacy services, and allow good cause waivers for certain program requirements. The proposed waiver from the Temporary Assistance for Needy Families (TANF) time limit will provide these women and children "a little extra time to recover from the violence," she said. Wellstone said

# Committee update

physical and emotional abuse is a great impediment for women seeking financial self-sufficiency from abusive relationships, and that spouses will go to great lengths to prevent the women from finding work and independence. According to Wellstone, ten states have specifically adopted the amendment to their reform legislation, and sixteen other states are considering similar proposals for victims of domestic violence. "We must commit ourselves to the safety of every woman and child in Minnesota, and the Family Violence Amendment is critical for this effort," she said.

## Welfare reform discussion continues

The Health and Family Security Committee continued its extensive survey of the welfare reform debate, Tues., Feb. 11, by listening to public testimony from several social service and employment agencies.

The challenge in the coming months as the welfare reform takes shape, said Laura Turner, director of Employment Transitions, Dept. of Economic Security, will be to coordinate services with the employer groups. She said she has been told repeatedly that "soft skills" development for welfare recipients is more valuable, and therefore more attractive, for employers than specific job skills training. According to Turner, soft skills primarily consist of job retention skills--punctuality, organization skills, willingness to take orders, and conflict resolution skills. In response to the demand, therefore, the department is developing a soft skill curriculum for its clients to teach basic job retention skills.

Sen. Martha Robertson (R-Minnetonka) and Sen. Sheila Kiscaden (R-Rochester) were concerned about the funding mechanisms for the department. Both were interested in whether the department receives funding based on the success clients have in locating and retaining employment. Turner said the department is not outcome based, but is instead paid for services provided. "It sounds like you're re-inventing the wheel. The state already has lots of private employment agencies providing many of these programs," Robertson said. Robertson said she is concerned that the department is adding another layer to the bureaucracy. Turner said the department is not adding layers but is instead collaborating with the private employment providers, "and, in fact, the office is smaller this year than last."

Betsy McMillan, director of the Welfare to Work program at the Employment Action Center, contributed a perspective from a non-profit training provider. According to McMillan, the governor's welfare reform proposal inadequately funds training services for the Minnesota Family Investment Program (MFIP), especially when compared to the MFIP pilot project. "There is a 40 to 50 percent reduction in funds for training services in the governor's plan as compared to the pilot project," she said. And McMillan predicted that the

state would not see the same positive welfare-to-work results as in the pilot project because of this reduction on the emphasis for training funding.

Kathy Dolphin, president of Dolphin Staffing, and Neil Clark, president of the Minnesota Technical Services Association testified on the activities of the temporary and technical employment agencies. Dolphin said that the majority of temporary agencies provide employee training, offer competitive wages, and 90 percent of the agencies offer health benefits.

Finally, a panel representing the state's labor unions--Steve Hunter, AFSCME; Tom Beer, AFSCME; and Christine Matuzek-Rivas, AFL-CIO--presented their organizations' input into the welfare reform discussion. "Existing private and public workers must not be displaced by welfare reform mandates," Hunter said as he provided a list of AFSCME reform principles. Hunter also advocated offering Medicaid for all people in need, regardless of legal citizenship status. Kiscaden said, "The unions will be an important tool for changing the workforce demographics, especially in the public sector where increased diversity will prove to be an asset."

Chair John Hottinger (DFL-Mankato) announced that another meeting will be scheduled for Tuesday, Feb. 18, to finish testimony from people who were listed on the day's agenda but were unable to speak due to time constraints.

## Health and Family Security Budget Division

### Health related board overview

Budgetary overviews were provided by the state's health related boards at the Wed., Feb. 12, Health and Family Security Budget Division meeting. Representatives from the boards outlined their responsibilities and legislative initiatives for the coming biennium.

Several boards indicated that they will increase their licensing fees or may be forced to increase fees due to higher legal costs charged by the Attorney General's Office. Chair Don Samuelson (DFL-Brainerd) expressed concern about the higher legal costs as he had noticed increased legal funding requests for many budget proposals. Larry Spicer, Board of Chiropractic Examiners, explained that his board has experienced an increased court case load, while at the same time, the Attorney General's Office increased legal fees by 25 percent. After some discussion, it was revealed that legal fees have increased approximately 25 percent for the majority of the state boards.

Members also expressed concern when the majority of the pages presented from the budget book contained faulty statistical information.

Due to time constraints, Samuelson announced that the overviews for the

Veterans Home Board and the Dept. of Health will be continued at the next meeting.

## Higher Education Budget Division

### HESO initiatives reviewed

The Higher Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls) Tues., Feb. 11, reviewed initiatives offered by the Minnesota Higher Education Services Office (MHESO) in response to the governor's budget. The organization, which promotes access to post-secondary education in Minnesota, was represented by Cecil Smith, co-chair, and Robert Poch, director.

Poch outlined some general concerns about financing post-secondary education. He said, "Our biggest challenge is that significant price increases are outstripping the ability to pay, for families and for students. Tuition and fee increases over the last decade exceeded price increases in both the Consumer Price Index and Minnesota per capita income. The gap in families' ability to pay is growing between the highest and lowest income families. And undergraduate students and families are increasingly forced to borrow for post-secondary education."

Poch presented the MHESO plan to strengthen and expand access to higher education. "The goal is to help residents from all economic backgrounds invest in and obtain a post-secondary education that best meets their needs," he said. The MHESO program differs from the governor's budget state grant program request on two principle line items--assigned student responsibility, currently 50 percent of tuition and fees, and the living and miscellaneous expense allowance, currently at \$4200 per term. "Our program would reduce the assigned student responsibility to 48 percent in 1998, and 45 percent in 1999. And it would increase the living and miscellaneous expense allowance to \$4500 in 1998 and \$4880 in 1999," he said. "This differs from the governor's budget by about \$38 million."

### EdVest bill presented

S.F. 373, a bill on education investment that includes the governor's EdVest proposal, was presented to the Higher Education Budget Division Weds., Feb. 12, by bill sponsor Sen. Thomas Neville (R-Northfield). The committee, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), also continued the budget presentation begun Tues., Feb. 11, by the Minnesota Higher Education Services Office (MHESO).

S.F. 373 establishes an education investment fund that provides grants to low-income students who withdraw funds from a qualified savings plan to pay for higher education. The fund would consist

of money contributed by individuals, private corporations, foundations, and income from investments in the fund. "Under this bill, students and/or their families who save for their post-secondary education will be eligible for matching grants. Priority would be given to people who save the most," said Neuville. "The bill also provides for the establishment of education trust savings accounts. Contributions up to \$2000 per year would be exempt from state income tax," he said. These accounts, referred to as EdVest Savings Accounts in the governor's budget, would have to be held in trust for at least five years, and the funds would have to be spent on post-secondary education. After further research and language modifications, Neuville said he will present the bill again for committee consideration at a later date.

Robert Poch, director of MHESO, continued his presentation outlining the office's initiatives for the next biennium. In addition to increases in the Minnesota State Work Study Program, the Non-AFDC Child Care Grant Program, summer scholarships for academic enrichment, and interstate tuition reciprocity, MHESO is seeking \$395,000 to expand the "GetReady" Program. Shelly Ryan, program coordinator, said, "GetReady is targeted at children in the fourth through sixth grade, and their families, and provides them access to information about academic and financial preparation for college."

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

### **Bill gain, job training discussed**

The Jobs, Energy, and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), advanced two bills, S.F. 264 and S.F. 148, Fri., Feb. 7. The committee then discussed job training issues in light of welfare reform.

S.F. 264, sponsored by Sen. Dennis Frederickson (R-New Ulm), provides temporary authority to the Minnesota Housing Finance Agency to make home improvement loans to prevent property damage due to severe winter weather. "This bill would enable homeowners to take out small loans to remove ice dams and snow from their roofs, for example," said Frederickson. The authority would expire July 1, 1997. The bill was advanced by voice vote to the consent calendar.

S.F. 148, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls) and presented by Frederickson, increases revenue bonding authority of the Public Facilities Authority by raising the bond ceiling from \$450,000 to \$850,000. Speaking on behalf of the bill, Terry Kuhlman from the Dept. of Economic Development, said, "This authority will allow us to fund certain projects in water pollution control, drinking water, and wastewater control,

among others." The bill was advanced by voice vote to the Human Resources Finance Committee.

Deb Huskins of the Dept. of Human Services outlined portions of the governor's welfare reform plan. "The centerpiece of the plan, the Minnesota Family Investment Program, will be expanded to statewide use. This plan has two main features—a five year lifetime limit on public assistance, and support for working families by providing subsidized child and health care," said Huskins. In response to a question from Novak about funds the governor's budget would set aside for job training, Huskins replied, "\$1,000 per person." Sen. Ellen Anderson (DFL-St. Paul) said, "You may get jobs out of this program, but they might be poverty level jobs, even full-time jobs at minimum wage."

## **Judiciary**

### **Three bills advance**

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), heard two bills, Fri., Feb. 7, relating to civil commitment. S.F. 57 sponsored by Sen. Don Betzold (DFL-Fridley), clarifies and reorganizes portions of the Civil Commitment Act. Among the changes are modifications concerning the administration of neuroleptic medications, the prohibition of charges against the county of financial responsibility incurred when a patient has been recommitted by a county other than the patient's county of residence, and possible federal reimbursement to counties for the commitment costs of non-residents by the federal government.

Bonnie Lee, Department of Human Services, raised a number of questions regarding the bill's language. For example, she said that the term "temporary services," as it applies to patients under the care of a federal agency, needed definition.

Betzold said that often counties must bear the cost of a nonresident's commitment, sometimes through area VA hospitals. Betzold recommended that the bill be laid over until revised language could be provided.

S.F. 93, also sponsored by Betzold and relating to civil commitment, was amended and recommended to pass to the Health Care and Family Security Committee. The bill incorporates Dept. of Human Services recommendations regarding commitment proceedings and state liens for public assistance, medical assistance, and claims against an estate.

Amendments offered by Betzold and adopted by the panel change the notice requirements to creditors and to the commissioner of human services in cases where the decedent or a predeceased spouse received public assistance. The amendment also provides for the correction of errors and for the addition of new information to existing claim notices after they have been served.

In addition, the committee also approved

a Betzold motion to delete proposed language that would allow the commissioner authority to transfer committed persons between the Minnesota Psychopathic Treatment Center and the Minnesota State Hospital without a special review board hearing, and that would have authorized the head of the treatment facility to discharge patients from the secure portion of the Minnesota Extended Treatment Options program.

Sen. Sheila Kiscaden (R-Rochester) offered S.F. 242, a bill that, in cases where parties in human rights disputes are involved in mediation or alternative dispute resolution, would suspend the 12 month time-limit that requires the commissioner of human rights to make a finding of probable cause. The committee recommended the bill to the Consent Calendar.

Sen. David Knutson (R-Burnsville) authored a bill amending the reprisal prohibition in the human rights act to make it an unfair and discriminatory act for any "person" to intentionally engage in a reprisal. The current law applies the prohibition only to public and private sector entities, and does not include reference to a "person." However, Knutson further amended his bill to delete "person" and to substitute "individual," a term, he said, that has a definition that can be more effectively applied. The committee approved the amended bill and recommended its placement on the Consent Calendar.

### **UCC, corporate bills heard**

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), heard three bills, Mon., Feb. 10.

S.F. 299, sponsored by Sen. Steve Kelley (DFL-Hopkins), revises Article 5 of the Uniform Commercial Code (UCC). The UCC revision updates the law governing the \$200 billion U.S. letter of credit industry, Kelley told the committee. He said that banks and other persons issue letters of credit to assure payment to third party customers. Such letters of credit are primarily used in international trade as a common means of guaranteeing and obtaining payment, Kelly said. The proposed changes seek to update the previous version of Article 5 promulgated in 1950, so that it conforms with current day technologies, such as the use of electronic and computer technology, Kelley said. Article 5 revisions of the UCC were drafted to reflect domestic and foreign concerns, and it is expected that the revisions will be introduced in many states including the major financial centers of New York, California and Illinois, Kelley told the committee.

Changes to Article 5 include the allowance of time to examine documents, deferred payment letters of credit, two-party letters of credit and the use of electronic transfer technology, Kelley stated. He said that the Article 5 revisions

# Committee update

will lessen litigation, clarify disputed matters and promote international trade.

S.F. 299 was approved and re-referred to the Commerce Committee.

Sen. David Knutson (R-Burnsville) sponsored S.F. 315, a bill making technical changes to business corporations and limited liability companies.

According to Robert Ranum, Minnesota State Bar Association, the bill excludes from the "control share acquisition statute" those corporations with less than 100 shareholders; allow conformity to the 1995 UCC amendments; and authorize non-public corporate shareholders to use, under Minnesota law, telecommunication authorizations, even without an authorizing signature.

Katherine Engler, Office of the Secretary of State, clarified aspects of the bill that allow domestic and foreign corporation mergers through the exchange of corporate stock shares, or from mergers provided through the membership interests of domestic or foreign limited liability companies. Engler also explained a revised definition of the term "signed" as being a signature on a document, including those affixed by stamp, ink or by engraving, and including those transmitted electronically. S.F. 315 was approved and sent to the Senate.

Sen. David Ten Eyck (DFL-East Gull Lake) sponsored a bill validating certain real estate conveyances by religious corporations, requiring published notice of dispositions of certain real property in a marriage dissolution action, regulating property held in revocable trusts upon the dissolution of marriage and regulating specific devises and distributions of property under the Uniform Probate Code. The committee approved the measure and sent the bill to the Senate.

## Civil commitment bill okayed

Two bills dealing with civil commitment were the focus of debate at the Weds., Feb. 12, meeting of the Judiciary Committee. S.F. 53, authored by Sen. Don Betzold (DFL-Fridley), incorporates numerous recommendations of the Supreme Court Advisory Task Force on the Civil Commitment System.

The bill makes a number of changes in the laws dealing with the commitment of persons with mental illness. Key provisions of the bill include providing for court-ordered early intervention treatment, allowing a designated agency to consent to voluntary treatment on behalf of a person who voluntarily agrees to accept the treatment but is not capable of informed consent, modifying standards and procedures for the administration of neuroleptic medications and strengthening the provisional discharge process.

Betzold offered a series of amendments to the bill, most of which were relatively technical in nature and generated little debate. One amendment, however,

touched off a wide ranging discussion over the philosophy behind the bill. The amendment, offered by Betzold, sets forth standards for making decisions regarding the administration of neuroleptic medications. The amendment specifies that if an individual, when competent, has clearly stated a preference in regard to the administration of medications, the court must take those wishes into consideration. An amendment to the amendment, offered by Sen. David Knutson (R-Burnsville), requires the court to follow the individuals preferences in regard to the medications. Betzold opposed the amendment and said that there are times when a person's preferences are not in the person's best interests. Knutson and Sen. Allan Spear (DFL-Mpls.), countered that the amendment puts in place language that is similar to living wills or other advanced medical directives that specify limitations on treatment in other illnesses with the caveat that following the person's wishes not violate standard medical practice. Bill Conley, speaking for the Mental Health Association, also spoke for the Knutson amendment. He said that clients are making a tremendous leap of faith in making any sort of advance directive and that to be faced with the possibility their wishes would be ignored further erodes their trust in the mental health system. The Knutson amendment to the amendment was adopted, the Betzold amendment was adopted and the bill was approved and referred to the Subcommittee on Data Privacy and Information Policy.

Members also approved, and sent to the Subcommittee on Data Privacy and Information Policy, a second bill, S.F. 57, dealing with civil commitment. The measure, also sponsored by Betzold, makes numerous technical changes in the commitment act and recodifies the act to make it easier to use.

## Property Tax and Local Government Budget Division

### Tax exempt financing report.

Susan Van Mosch, Office of the Legislative Auditor, told the Property Tax and Local Budget Division committee, Mon., Feb. 10, that \$203.3 million in tax increment financing had been captured by large, medium and small Minnesota cities in 1995. Citing from a tax increment financing study conducted by the Office of the Legislative Auditor, Van Mosch told the committee, chaired by Sen. Sandra Pappas (DFL-St. Paul) that while tax increment financing enables a city to capture property taxes generated by a development, and to use those taxes to finance the development's costs, it is the state that compensates school districts and other taxing entities for those diverted TIF revenues. Van Mosch said that TIF financing falls into several categories, among them are redevelopment, housing,

renovation and economic development.

The 1979 TIF law, Van Mosch said, allowed tax districts to spend tax increment collections anywhere within the project district. In 1982, amendments to the TIF Act allowed cities to "pool" or to spend collected tax increments anywhere within and outside the development district, she said. Changes in the 1990 TIF Act ended pooling, she said, requiring that tax increments be used for activities limited to five years following the creation of the TIF district, and later, to reimburse costs paid during the five-year period.

Van Mosch said that growth of TIF activity slowed to two percent per year during the 1990's compared with a 24 percent average annual increase between 1984 and 1989. She said that active TIF districts created before the 1979 Tax Increment Financing Act were larger and captured more 1995 tax capacity than those districts created after 1979.

Perceived misuse of TIF caused the Legislature to restrict TIF use between 1988 and 1990, Van Mosch said. Perceptions that those restrictions are too strict or too permissive prompted the study of TIF use in 43 cities and 3 counties, she said.

Van Mosch said that the study suggested the need to monitor compliance with the pooling and spending restrictions for maturing post-1990 districts, and to possibly require that revenues from pre-1990 TIF districts be used to retire outstanding debt.

Elizabeth Blakely, Minnesota Association of Small Cities, pointed out that TIF offers small cities services and economic development that they would otherwise go without. A small city could use TIF to create jobs, increase its tax base, and help meet critical housing needs, she said. She said that it is important to preserve small cities' primary economic development tool. She said that only 8.3 percent of all captured TIF value in the state results from small cities.

## Transportation

### Railroads and waterways reviewed

Although the state has only one-half the railroad track that it had in 1920, Minnesota companies shipped 143 million tons of freight by rail in 1995, said Allan J. Vogel, Office of Freight, Railroads and Waterways, Minnesota Department of Transportation. He told the Transportation Committee, chaired by Sen. Carol Flynn (DFL-Mpls.), on Thurs., Feb. 6, that the state currently has a total of 4,652 miles of track including 894 miles of improved rail. New signal systems to enhance railroad safety have been added, he said. Vogel said that another \$2.6 million had been invested in 1996 to meet expanded markets and growing rail needs caused by increased rail shipping and by railroad mergers, such as occurred between the Burlington Northern and Santa Fe railroads. He said that

mergers offer shippers growth opportunities in new geographic areas.

Richard F. Lambert, Office of Freight, Railroads and Waterways, said that barges moved nearly 15 million tons of grain, fertilizer, coal, salt, concrete and other commodities between 41 terminals on the Mississippi, Minnesota and St. Croix Rivers in 1995. Grain led other commodities in outbound barge cargo tonnage, he said, followed by fertilizer, scrap steel and aluminum. He said that a 20 cent per gallon federal fuel user tax charged to towboat operators helps to pay for lock and dam maintenance, dredging and other river services provided by the Army Corps of Engineers and the Coast Guard.

Environmental and Government Affairs Director, Ray Skelton, Duluth Seaway Port Authority, said that the port of Duluth-Superior ranks among the 15 largest tonnage shipping harbors in the United States. He said that total maritime commerce through the Duluth-Superior port exceeded 37 million metric tons for 1996. He pointed out that this tonnage quantity is remarkably high for a port that is not open year-round.

Skelton said that Duluth-Superior shipping is critical to steel mills in Illinois, Indiana, Michigan, Ohio and Pennsylvania that depend on the 20 million tons of iron ore shipped from the port annually. In addition, he said, lower Great Lakes power plants depend on the port for 12 million tons of coal, and that the port is used for 4 million tons of grain shipments annually.

### **Emergency snow removal okayed**

A bill providing \$20 million from the general fund for state-wide financial relief for cities and towns burdened by heavy snowfalls was approved Tues., Feb. 11, at a meeting of the Transportation Committee chaired by Sen. Carol Flynn (DFL-Mpls.).

Under S.F. 114, a bill sponsored by Sen. Jim Vickerman (DFL-Tracy), \$14.5 million will be used to reimburse townships, cities and counties for excessively large snow removal costs they incurred in calendar year 1996; \$3.5 million will be used as a state match for federal dollars received in conjunction with the presidential disaster declaration for the time period between Jan. 1, and Feb. 10, 1997; and \$2.0 million will be held in reserve for 1997 spring flooding and related emergencies that affect public safety.

The bill specifies that the funds are to be distributed to counties, cities and towns under a formula requiring each local government to compare its snowplowing expenses for 1993, 1994 and 1995 against its 1996 expenditures.

Sen. Dean Johnson (R-Willmar) offered an amendment to the bill clarifying the language for reimbursement of 1996 snowplowing expenditures and matching federal disaster assistance. His amendment also provides for the Division of Emergency Management to review local government requests to determine the appropriate

amount of each reimbursement or federal match, and to distribute funding accordingly. In addition, the amendment clarifies approval criteria for flooding or related emergencies that affect public safety.

Sen. Janet Johnson (DFL-North Branch) offered a second amendment that expands the bill to include an additional \$16 million appropriation from the trunk highway fund to the Dept. of Transportation for snow and ice control and for spring maintenance. Her amendment also includes a \$95,000 appropriation from the trunk highway fund to the Dept. of Public Safety to offset extraordinary State Patrol overtime expenditures because of the weather.

The committee adopted the amendment, approved the bill and re-referred it to the Crime Prevention Committee.

In other committee activity, Administrative Manager Robert Bennet, Minnesota Regional Railroads Assn., told committed members that regional railroads are smaller, locally managed railroad companies that typically operate in one or two states. Regional railroads are growing, he said, because they are more personalized, competitive and efficient than larger class railroads. Bennet said the regional railways reduce costs for shippers, manufacturers and agricultural operations; reduce pollution through the elimination of truck traffic, and contribute directly to the state's economy through local purchases and expanded employment.

Twin Cities and Western Railroad Co. President William Drusch told committee members that short-line railroads could possibly run freight-passenger lines between the Twin Cities and western and eastern Minnesota cities, such as to Hudson, Wis., or to Chanhassen and Norwood.

### **Transportation Budget Division Correction facility road approved**

A bill amending the appropriation of state funding to construct a closed-custody correctional facility at Rush City was approved at a Weds., Feb. 12, meeting of the Transportation Budget Committee, chaired by Sen. Janet Johnson (DFL-North Branch). The bill, S.F. 179, authored by Sen. Randy Kelly (DFL-St. Paul), also deletes certain construction bid requirements and authorizes the construction of an access road to the facility.

An amendment offered by Sen. Keith Langseth (DFL-Glyndon), requires the commissioner of transportation to construct "any necessary improvements" at the intersection of trunk highway 361 and the correctional facility's access road to provide entry and exit from the facility. The amendment also establishes a county-state-aid highway (CSAH) in Chisago County, beginning at the intersection of trunk highway 361 and the access road, and continuing to the correctional facility's parking lot.

Responding to Senators' questions concerning the \$700,000 cost of the intersection improvements, MN/DOT engineer Robert Brown explained that construction of the intersection requires a widened roadway and culvert work.

Peggy Johnson, representing a Rush City citizens' group opposed to the construction of the facility, said that residents had not been fully informed of the project's infrastructure costs. She said that such related costs should have been made known to the public long ago. Johnson claimed that infrastructure construction related to the correctional facility might burden the community with additional water and sewer costs of \$5 million dollars.

Kelley said that the facility was well-researched and that its costs had been greatly reduced. He also said that stricter sentencing guidelines and longer sentences requested by the courts, law enforcement and provided by the Legislature had created an immediate need for additional prison space. The committee adopted the amendment, approved the bill and referred it to the full Transportation Committee.

Katherine Burke Moore, driver and vehicle services, Dept. of Public Safety, said that the governor has recommended \$867,000 in FY 1998 and \$777,000 in FY 1999 from the Highway User Tax Distribution Fund to purchase manufactured license plates from the Dept. of Corrections.

Burk Moore said that for years the Dept. of Public Safety has funded and managed the manufacture of license plates at the St. Cloud Reformatory. The department owns the equipment and pays the salaries, she said. However, she explained, the actual production operation is supervised by the Department of Corrections. The governor's funding request will allow the Dept. of Public Safety to back away from the production related functions and to purchase the finished plates from the Dept. of Corrections, she told the committee.

### **The Senate on the world wide web**

Now there is a new way to get information about the Minnesota Legislature. In a joint effort, the Legislative Reference Library, the Office of the Revisor of Statutes, the Senate and the House of Representatives have established a World Wide Web home page.

At present, the site contains the texts of House and Senate bills, bill status information, biographical material about members, current daily and weekly schedules, the complete Minnesota Statutes, committee membership lists and more. To access the Legislature's World Wide Web page, simply point your browser to:  
<http://www.leg.state.mn.us>

The Legislature's World Wide Web site is a dynamic entity and more information items are being added. The Web site makes an incredible amount of information instantly available to anyone who has computer on-line capabilities.

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, February 17

The Senate will meet at 11 a.m.

#### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

12 noon Room 107 Capitol

**Agenda:** S.F. 436-Morse: Environmental Learning Centers; and S.F. 94-Moe, R.D.: State lands, sale of trust lands and transfers.

#### Judiciary Committee

Chair: Sen. Jane Ranum

12 noon Room 15 Capitol

**Agenda:** S.F. 344-Junge: Clarifying delayed discovery rule governing the statute of limitations for damages due to sexual abuse; S.F. 368-Junge: Providing immunity from civil liability for persons who preside at alternative dispute resolution proceedings.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** S.F. 218-Kelly: Criminal gang strikeforce.

#### Local and Metropolitan Government Committee

Chair: Sen. Jim Vickerman

2 p.m. Room 107 Capitol

**Agenda:** S.F. 5-Johnson, D. E.: Authorizing Willmar to impose certain taxes. S.F. 52-Pappas: Extending a joint property tax advisory committee. S.F. 197-Wiger: Met Council preventive health and employee recognition programs. S.F. 284-Marty: Authorizing costs as a criterion in the designation of official newspapers.

The Senate will meet in joint session with the House to hear an address by U.S. Senator Paul Wellstone in the House Chamber at 4 p.m.

### Tuesday, February 18

#### Environment and Agriculture Budget Division

Chair: Sen. Steven Morse

8 a.m. Room 123 Capitol

**Agenda:** Interagency water monitoring initiative-PCA, Dept. of Agriculture, BOWSR, DNR, Dept. of Health, Met Council.

#### Family and Early Childhood Education Budget Division

Chair: Sen. Pat Piper

8 a.m. Room 15 Capitol

**Agenda:** Learning readiness, screening, Part H-budget activity review, Dept. of Children, Families and Learning.

#### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf

8 a.m. Room 107 Capitol

**Agenda:** HESO, completion of budget presentation. S.F. 400-Murphy: Establishing center at U of M for research on grapes and wine; S.F. 486-Morse: Proposed amendment to Minnesota constitution; dedicating lottery proceeds to MnSCU.

#### Rules and Administration Subcommittee on Senate Information Systems

Chair: Sen. Leonard Price

8:30 a.m. Room 125 Capitol

**Agenda:** Review action plan. Discussion of Internet services specialist position. Review the draft of the 1997-99 information systems strategic plan. Discussion of laptop use in the Senate and Chamber automation study.

#### Health and Family Security Committee

Chair: Sen. John Hottinger

10 a.m. Room 15 Capitol

**Agenda:** Completion of testimony on S.F. 1-Samuelson: Welfare; S.F. 146-Stevens: Welfare, and S.F. 289-Berglin: Welfare.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

10 a.m. Room 123 Capitol

**Agenda:** S.F. 200-Scheid: Brooklyn Park economic development certification; S.F. 331-Anderson: Creating statewide citizenship program.

#### Governmental Operations Budget Division

Chair: Sen. Leonard Price

12 noon Room 15 Capitol

**Agenda:** Dept. of Admin. budget presentation.

#### Transportation Committee

Chair: Sen. Carol Flynn

12 noon Room 112 Capitol

**Agenda:** S.F. 179-Kelly: Rush City correctional facility.

#### Agriculture and Rural Development Committee

Chair: Sen. Dallas Sams

2 p.m. Room 107 Capitol

**Agenda:** S.F. 326-Stumpf: Wheat and barley scab research; ethanol report, Dept. of Agriculture, Pollution Control Agency.

#### Commerce Committee

Chair: Sen. Sam Solon

2 p.m. Room 112 Capitol

**Agenda:** Continuation of liquor industry overviews; S.F. 458-Higgins: Right to escrow in certain cases.

#### Committee on Taxes

Chair: Sen. Douglas Johnson

4 p.m. Room 15 Capitol

**Agenda:** Tentative: S.F. 160-Day: Authorize Kenyon to recertify 1996 tax levy; S.F. 378-Murphy: Recodify taxes on liquor; S.F. 472-Belanger: Recodify sales tax on tobacco products.

#### Economic Development Budget Division

Chair: Sen. Tracy Beckman

4 p.m. Room 123 Capitol

**Agenda:** Division review of Minnesota Housing Finance Agency budget and governor's recommendations.

#### Governmental Operations Budget Division

Chair: Sen. Leonard Price

4 p.m. Room 318 Capitol

**Agenda:** Budget presentation for the Minnesota Racing Commission; budget presentation for the Minnesota State Lottery.

#### Health Care and Family Security Budget Division

Chair: Sen. Don Samuelson

4 p.m. Room 112 Capitol

**Agenda:** Continuation of budget overview.

#### Children, Families and Learning Committee

Chairs: Sen. Pat Piper, Sen. Lawrence Pogemiller and Sen. LeRoy Stumpf

7 p.m. 200 State Office Building

**Agenda:** Joint meeting with House Education Committee, Regent selection.

### Wednesday, February 19

#### Family and Early Childhood Education Budget Division

Chair: Sen. Pat Piper

8 a.m. Room 15 Capitol

**Agenda:** Head Start budget activity overview, Dept. of Children, Families & Learning; new developments in brain research and early development, Dr. Mary McEvoy, Center for Early Education and Development, U of M.

#### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf

8 a.m. Room 107 Capitol

**Agenda:** U of M budget presentation.

#### K-12 Education Budget Division

Chair: Sen. Lawrence Pogemiller

8 a.m. Room 112

**Agenda:** Testing and socio-economic issues related to education.

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**Joint Governmental Operations and Veterans Committee and Governmental Operations Budget Division**

*Chairs: Sen. James Metzen and Sen. Leonard Price*

10 a.m. Room 15 Capitol

**Agenda:** Continuation of the statewide systems project overview. Dept. of Administration, Elaine Hansen, commissioner; Dept. of Employee Relations, Karen Carpenter, acting commissioner; Dept. of Finance, Wayne Simoneau, commissioner.

**Transportation Budget Division**

*Chair: Sen. Janet Johnson*

10 a.m. Room 112 Capitol

**Agenda:** To be announced.

**Election Laws Committee**

*Chair: Sen. John Marty*

12 noon Room 112 Capitol

**Agenda:** S.F. 80-Johnson, D.J.: Presidential primary by mail; S.F. 78-Marty: Absentee ballot bill.

**Environment and Natural Resources Committee**

*Chair: Sen. Bob Lessard*

12 noon Room 107 Capitol

**Agenda:** S.F. 128-Stevens: Prohibiting hunter, trapper and angler harassment; S.F. 137-Morse: Modifying provisions of youth corps advisory committee.

**Judiciary Subcommittee on Family Law**

*Chair: Sen. Leo Foley*

12 noon Room 15 Capitol

**Agenda:** S.F. 500-Foley: Adopting changes to the uniform interstate family support act. S.F. 203-Berglin: Putative father registry.

**Crime Prevention and Judiciary Budget Division**

*Chair: Sen. Randy Kelly*

2 p.m. Room 15 Capitol

**Agenda:** To be announced. Please note day change.

**Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

2 p.m. Room 318 Capitol

**Agenda:** Budget presentation for the Dept. of Revenue.

**Local and Metropolitan Government Committee**

*Chair: Sen. Jim Vickerman*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 36-Sams: Hospital districts to operate assisted living facilities. H.F. 282 (S.F. 470-Wiger): Appointment, discharge, and discipline of metropolitan transit police officers. S.F. 415-Johnson, D.E.: Granite Falls for Minnesota River bank restoration. S.F. 424-Wiger: Ramsey County eligibility rules. S.F. 504-Lessard: Permitting the city of Nashauk to own and operate a gas utility.

**Economic Development Budget Division**

*Chair: Sen. Tracy Beckman*

4 p.m.

**Agenda:** Behind-the-scenes tour of the History Center for division and full policy members and staff.

**Education Finance Committee**

*Chair: Sen. Keith Langseth*

4 p.m. Room 123 Capitol

**Agenda:** Higher education and technology.

**Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

4 p.m. Room 107 Capitol

**Agenda:** Interagency initiatives: community assistance and education, DNR, PCA, BOWSR; ISTS-PCA and BOWSR; agricultural feedlots, PCA & Dept. of Agriculture; lakes, BOWSR and PCA.

**Health and Family Security Budget Division**

*Chair: Sen. Don Samuelson*

4 p.m. Room 112 Capitol

**Agenda:** Continuation of budget overview.

**Thursday, February 20****The Senate will meet at 9 a.m.****Health and Family Security Committee**

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** S.F. 101-Berglin: Dept. of Human Services technical bill; S.F. 198-Foley: Dept. of Health, school immunization and health records; S.F. 199-Foley: Dept. of Health mortuary science bill; S.F. 352-Piper: Relating to health occupations, permitting physician assistants to render emergency care without physician supervision.

**Jobs, Energy and Community Development Committee**

*Chair: Sen. Steven Novak*

10 a.m. Room 123 Capitol

**Agenda:** To be announced.

**Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

12 noon Room 15 Capitol

**Agenda:** Budget presentation for the Office of the Attorney General.

**Transportation Committee**

*Chair: Sen. Carol Flynn*

12 noon Room 112 Capitol

**Agenda:** Metro regular route transit discussion.

**Agriculture and Rural Development Committee**

*Chair: Sen. Dallas Sams*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 347-Lourey: Setting expiration dates for certain advisory committees and commissions; S.F. 526-Pariseau: Providing

for food handler certification; overview, Central Lakes Agricultural Center, University of Minnesota.

**Commerce Committee**

*Chair: Sen. Sam Solon*

2 p.m. Room 112 Capitol

**Agenda:** S.F. 398-Wiener: OB/GYN access; S.F. 465-Wiener: Long term care.

**Human Resources Finance Committee**

*Chair: Sen. Linda Berglin*

4 p.m. Room 112 Capitol

**Agenda:** S.F. 179-Kelly: Rush City correctional facility; S.F. 85-Kelly: State claims bill; and Dept. of Human Services budget overview.

**State Government Finance Committee**

*Chair: Sen. Richard Cohen*

4 p.m. Room 107 Capitol

**Agenda:** S.F. 195-Stumpf: Emergency deer feeding bill, S.F. 508-Kelly, S.: Hopkins Art Center, S.F. 361-Pariseau: Balanced budget amendment, S.F. 447-Frederickson: State finance submission of Dept. earnings.

**Friday, February 21****Family and Early Childhood Education Budget Division**

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** Community education, hearing-impaired adults, adults with disabilities, extended day; budget activity overview, Dept. of Children, Families and Learning.

**K-12 Education Budget Division**

*Chair: Sen. Lawrence Pogemiller*

8 a.m. Room 112

**Agenda:** Testing and socio-economic issues related to education.

**Health and Family Security Committee**

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** S.F. 430-Berglin: Establishing a birth defects information system; S.F. 553-Samuelson: Relating to health, exempting certain advisory councils and committees from expiration.

**Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

12 noon Room 107 Capitol

**Agenda:** PCA budget overview.

**Joint Senate Crime Prevention and House Judiciary Committee**

*Chairs: Sen. Allan Spear and Rep. Wes Stoglund*

2 p.m. Room 5 State Office Building

**Agenda:** Juvenile gun violence: presentation by David M. Kennedy, Kennedy School of Government, Harvard University, and director of the Boston Gun Project.

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DFL	296-5537	Anderson, Ellen R.	G-24 Cap.	66	DFL	296-5645	Marty, John	325 Cap.	54
DFL	6-5713	Beckman, Tracy L.	124B Cap.	26	DFL	6-4370	Metzen, James P.	303 Cap.	39
R	6-5975	Belanger, William V.	113 SOB	41	DFL	6-2577	Moe, Roger D.	208 Cap.	2
IND	6-5094	Berg, Charles A.	G-95 SOB	13	DFL	6-5649	Morse, Steven	G-24 Cap.	32
DFL	6-4261	Berglin, Linda	309 Cap.	61	DFL	6-4264	Murphy, Steve	301 Cap.	29
DFL	6-2556	Betzold, Don	306 Cap.	48	R	6-1279	Neuville, Thomas M.	123 SOB	25
DFL	6-5931	Cohen, Richard J.	317 Cap.	64	DFL	6-4334	Novak, Steven G.	322 Cap.	52
R	6-9457	Day, Dick	117 SOB	28	R	6-4837	Oliver, Edward C.	121 SOB	43
R	6-4131	Dille, Steve	103 SOB	20	R	6-1282	Olson, Gen	119 SOB	34
R	6-2084	Fischbach, Michelle L.	151 SOB	14	R	6-5981	Ourada, Mark	145 SOB	19
DFL	6-4274	Flynn, Carol	120 Cap.	62	DFL	6-1802	Pappas, Sandra L.	120 Cap.	65
DFL	6-4154	Foley, Leo T.	G-9 Cap.	49	R	6-5252	Pariseau, Pat	109 SOB	37
R	6-8138	Frederickson, Dennis R.	139 SOB	23	DFL	6-9248	Piper, Pat	G-9 Cap.	27
DFL	6-3219	Hanson, Paula E.	328 Cap.	50	DFL	6-7809	Pogemiller, Lawrence J.	235 Cap.	59
DFL	6-9246	Higgins, Linda I.	227 Cap.	58	DFL	7-8060	Price, Leonard R.	235 Cap.	57
DFL	6-6153	Hottinger, John C.	120 Cap.	24	DFL	7-8061	Ranum, Jane B.	306 Cap.	63
DFL	6-8017	Janezich, Jerry R.	328 Cap.	5	R	6-4314	Robertson, Martha R.	125 SOB	45
DFL	6-9261	Johnson, Dave	111 Cap.	40	R	6-4123	Robling, Claire A.	132D SOB	35
R	6-3826	Johnson, Dean E.	147 SOB	15	R	6-1253	Runbeck, Linda	107 SOB	53
DFL	6-8881	Johnson, Douglas J.	205 Cap.	6	DFL	7-8063	Sams, Dallas C.	328 Cap.	11
DFL	6-5419	Johnson, Janet B.	G-9 Cap.	18	DFL	6-4875	Samuelson, Don	124 Cap.	12
DFL	6-2889	Junge, Ember Reichgott	205 Cap.	46	R	6-3903	Scheevel, Kenric J.	129 SOB	31
DFL	7-8065	Kelley, Steve	321 Cap.	44	DFL	6-8869	Scheid, Linda	317 Cap.	47
DFL	6-5285	Kelly, Randy C.	323 Cap.	67	DFL	6-4188	Solon, Sam G.	303 Cap.	7
R	6-4848	Kiscaden, Sheila M.	135 SOB	30	DFL	6-4191	Spear, Allan H.	120 Cap.	60
R	6-6455	Kleis, Dave	143 SOB	16	R	6-8075	Stevens, Dan	105 SOB	17
R	6-4120	Knutson, David L.	133 SOB	36	DFL	6-8660	Stumpf, LeRoy A.	G-24 Cap.	1
DFL	6-7061	Krentz, Jane	235 Cap.	51	DFL	6-4913	Ten Eyck, David J.	G-24F Cap.	4
R	6-4351	Laidig, Gary W.	141 SOB	56	R	6-6238	Terwilliger, Roy	115 SOB	42
DFL	6-3205	Langseth, Keith	122 Cap.	9	DFL	6-5650	Vickerman, Jim	226 Cap.	22
R	6-5655	Larson, Cal	153 SOB	10	DFL	7-8073	Wiener, Deanna L.	303 Cap.	38
R	6-4125	Lesewski, Arlene J.	131 SOB	21	DFL	6-6820	Wiger, Charles W.	325 Cap.	55
DFL	6-4136	Lessard, Bob	111 Cap.	3	<b>Capitol address: 75 Constitution Ave</b>				
R	6-2159	Limmer, Warren	127 SOB	33	<b>State Office Building address: 100 Constitution Ave</b>				
DFL	6-0293	Lourey, Becky	G-9 Cap.	8	<b>St. Paul, MN 55155</b>				

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# Briefly

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*The Minnesota Senate Week in Review*

*February 21, 1997*

## **Double bunking bill passed**

The Senate granted final passage to three bills, and preliminary passage to four other bills during a floor session, Mon., Feb. 17.

Two of the bills granted final passage, S.F. 73 sponsored by Sen. John Marty (DFL-Roseville) and S.F. 67 sponsored by Sen. Randy Kelly (DFL-St. Paul), appeared on the Calendar. The first establishes a change of address system for registered voters and passed 53-9. On a 60-0 vote, the Senate passed the other bill, which allows double bunking in state prisons that are at certain security levels.

Sen. Sheila Kiscaden (R-Rochester) said that her bill on the Consent Calendar, S.F. 242, would suspend a twelve month time limit for investigating human rights violations if the participants in the case voluntarily agree to enter into mediation or an alternative dispute resolution process. The bill passed 62-0.

The Senate spent the balance of the session in the Committee of the Whole processing bills on General Orders. The most discussion was generated by S.F. 296, authored by Sen. Dennis Frederickson (R-New Ulm). The bill changes the length of the term of the office of Soil and Water Conservation District Supervisor from six years to four. Frederickson said that it was hoped that the shorter term would encourage more candidates to run for the office because of the shorter commitment. Sen. Jane Krentz (DFL-May Township) asked if the bill would affect the term length of anyone currently holding the office. She said that if a candidate ran believing they were running for a six year term, it didn't seem fair for the term to be shortened by the Legislature. After consulting with Senate counsel, Frederickson said that such offices are a public trust and are not for the benefit of the office holder. He added that the Legislature does have the authority to shorten term lengths and has done so in the past.

Other bills taken upon general orders included S.F. 315, authored by Sen. David Knutson (R-Burnsville), making technical changes to corporate and limited liability law; S.F. 323, also sponsored by Knutson, prohibiting individual reprisals under the human rights statutes; and S.F. 202, authored by Sen. David Ten Eyck (DFL-East Gull Lake), making minor changes in

property law. All four bills were recommended to pass.

## **Wellstone addresses members**

U.S. Senator Paul Wellstone addressed a joint session of the Minnesota State Legislature Mon., Feb. 17. The theme of his remarks was education. He said, "Four basic points should guide us as we look at our education system--the federal government must do better in its commitment to public education, Minnesota must adequately fund public education in a fair and equitable manner, basic standards should be embraced as blueprints for action and reform, and all education values education." He proposed a Minnesota campaign to "engage the community in the learning process." Wellstone closed and said, "Few things that we do as Legislators are as important as guiding our children through school and providing resources necessary to allow our students the opportunity to learn."

## **Bills processed**

The Thurs., Feb. 20, floor session was devoted to the nuts and bolts routine of the legislative session. Bills were introduced, referred or re-referred to the appropriate committees and considered for preliminary and final passage. None of the measures generated a great deal of controversy but all are part of the day to day business of the Legislature. The session was short in length and conducted with businesslike dispatch.

All four of the bills that had received preliminary passage at the Mon., Feb. 17, floor session were granted final passage. In addition, Senators gave final passage to one measure on the Consent Calendar. H.F. 121, authored by Sen. Linda Higgins (DFL-Mpls.), adds the Harrison Neighborhood to the Sumner-Glenwood Neighborhood for purposes of eligibility for certain enrichment grants.

Members also gave preliminary passage to two bills on General Orders. S.F. 38, sponsored by Sen. Dallas Sams (DFL-Staples), modifies provisions relating to recordkeeping by persons regulated by the Board of Medical Practice. S.F. 95, carried by Sen. Becky Lourey (DFL-Kerrick), is a Dept. of Health housekeeping bill that makes numerous noncontroversial technical changes in the laws dealing with health related subjects.

## **Fathers' registry okayed**

A bill establishing a birth fathers' registry was advanced at the Weds., Feb. 19, meeting of the Judiciary Family Law Subcommittee. The panel, chaired by Sen. Leo Foley (DFL-Anoka), approved the measure and sent it to the full committee for consideration.

The bill, S.F. 203, authored by Sen. Linda Berglin, sets up the registry in order to aid in the notification of, and consent to, adoptions by birth fathers who have not otherwise established paternity. According to Berglin, the bill grew out of a Supreme Court Case that found that the birth father must be notified when a child is being placed for adoption. The bill, said Berglin, is an attempt to solve the problem of notification. Further, the bill sets forth a time line for fathers to initiate paternity actions after they have received notice. "Until we solve this problem, there will be a cloud over adoptions," Berglin said, "My goal is to make sure that children who are adopted have permanence." The measure also provides that failure to register constitutes giving up rights to the child at the time of adoption. Sen. Sheila Kiscaden (R-Rochester) said that the bill was trying to balance four sets of rights, the rights of the birth mother, the birth father, the child and the adoptive parents.

Prior to the hearing, the bill had been known as the "putative father registry bill." Kiscaden offered an amendment to delete the word "putative" throughout the bill. Another amendment, offered by Berglin, brought the bill into conformity with the federal Indian Child Welfare Act. Specifically, the amendment requires that the tribe be notified via registered mail of any action taken regarding the placement of an Indian child and clarifies that the tribe has the right to intervene in the proceedings. Both amendments were adopted.

Testimony in support of the measure was offered by Mark Fiddler of the Indian Child Welfare Law Center, Ted Stamos of the Children's Home Society, Liz Keller of Lutheran Social Services, and Joe Day of the Indian Affairs Council.

In other action, the panel also approved a bill, S.F. 500, adopting changes to the Uniform Interstate Family Support Act. The measure, sponsored by Foley, is mandated by changes in federal law. The bill was advanced to the full committee.

# Committee update

## Agriculture and Rural Development

### Processing fee bill advances

A bill changing certain wholesale food processor or manufacturer fees, was presented to the Agriculture and Rural Development Committee, Thurs., Feb. 13. The committee, chaired by Sen. Dallas Sams (DFL-Staples), also heard a presentation on the Center for Transportation Studies.

S.F. 360, authored by Sen. Arlene Lesewski (R-Marshall), reduces fees by \$60 for wholesale food processors and manufacturers who have gross sales of less than \$125,000 per year, and raises fees on those who have sales of over \$10 million by \$253. Fees are also reduced at the lower range and increased at the higher range for processors of meat and poultry products. The bill was advanced to the Environmental and Agriculture Budget Division.

Gary DeCramer, senior fellow for the Center for Transportation Studies at the University of Minnesota, opened the presentation of two studies produced by the center.

A study titled "Alternative Income Opportunities for Rural Minnesota" was presented by Dr. Dietmar Rose, professor at the university's College of Natural Resources. The study's objectives were to evaluate sites for biomass power plants, and to identify locations with the greatest potential for biomass energy production. Rose said, "The study points out that the choices of Alexandria and Granite Falls for these plants are poor choices. This is mostly due to the long transportation distance between production centers and the proposed sites. Other sites need further investigation."

Dr. Jerry Fruin, professor at the university's College of Agriculture, Food, and Environmental Sciences, summarized other transportation studies. Regarding a study that examines the importance of the Mississippi River to Minnesota agriculture, Fruin said, "Twenty-five percent of the world's grain trade is transported down the Mississippi. Barge transportation is also important for some major farm inputs, such as fertilizer, petroleum, and chemicals. It needs some improvements and maintenance in a few places in order for it to provide the low-cost, efficient mode of transport it's given us over the years."

### Ethanol report continued

The Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples), resumed discussion Tues., Feb. 18, of the Legislative Auditor's report on the ethanol industry in Minnesota. The committee also advanced a bill appropriating money for wheat and barley scab research.

S.F. 326, authored by Sen. LeRoy

Stumpf (DFL-Thief River Falls), appropriates \$1,624 million funding scab research. Stumpf said, "Very few people realize the economic impact of wheat and barley scab to farmers and producers, some of whom have been driven out of business. \$1.2 billion had been lost since 1993." Representatives from wheat and barley grower associations testified in support of the bill. The bill was approved and advanced to the Children, Families and Learning Committee.

The Dept. of Agriculture continued its review of the legislative auditor's ethanol report presented to the committee Feb. 6. Kevin Edberg, assistant director of marketing and development for the department, said, "While we agree with much of the auditor's report, there are two areas with which we disagree—that oxygenated fuel requirements will cause consumers to bear increased costs due to higher pump prices, and that the environmental benefits of ethanol use are minimal. We believe retail pricing policies, not ethanol, has driven the increase in prices. We also believe Minnesota derives environmental and public health benefits because of the state's oxygenated fuel program."

## Children, Families and Learning

### Regents candidates selected

Meeting jointly with their House counterparts the evening of Tues., Feb. 18, the members of the Children, Families and Learning Committee selected five finalists for positions on the Board of Regents of the University of Minnesota. Candidates selected were Bryan Neel from the First District, David Metzen from the Fourth District, Michael O'Keefe from the Fifth District, Maureen Reed from the Sixth District and Bob Bergland from the Seventh District. A joint session of the Legislature will be held Thurs., Feb. 27, to elect five regents to lead the University.

## Crime Prevention and Judiciary Budget Division

### Technology requests reviewed

"Sometimes what we're being told we're doing isn't what really happens," said Chair Randy Kelly (DFL-St. Paul) as he prepared his committee on Fri., Feb. 14 to hear a recent audit of the Statewide Systems Project. Deputy Legislative Auditor Roger Brooks told the panel that state's computer systems overhaul, estimated to cost \$20 million, has, to date, cost over \$35 million. Though sponsor departments promised downsizing and cost savings, according to Audit Project Manager Tom Walstrom, "When we look back to see if these savings have been realized, they have not." He added, however, that "nobody does this

very well in the private or public sector," and said that if viewed in a national context, the project has been a "moderate success."

Dale Good of the Supreme Court Research and Information Technology Office described his Justice Technology Plan, which he said will "provide quick and easy access to correct, complete criminal justice information to help make decisions and operate efficiently." New technology is needed, he said, to provide staff with probation, jail and juvenile information. Good said the Bureau of Criminal Apprehension's fingerprinting data could be improved by statewide live scan technology. He also stressed the need for network access for all levels of criminal justice.

As Good listed recent strides made by his office, Sen. Ember Junge (DFL-New Hope) praised its coordination of an Orders for Protection database. "This will make OFP identification as easy as DWI," she said. Current projects, Good said, include a Ramsey County pilot that allows inquiry and payment of court fines by phone by credit card.

Beverly Schuft of the Department of Administration's Information Policy Office explained that her office educates policymakers on the role of technology while also helping agencies maximize their use of technology and avoid data duplication. All agency technology funding requests, said Schuft, are reviewed by the office. She said the office has saved the state \$20 million in withdrawn requests. When asked about her role in the SSP project, Schuft said it had oversight of risk management up-front, but that due to lack of resources, her office relies on agency vendor research rather than conducting objective outside inquiry.

State Court Administrator Sue Dosal explained the functions of the Criminal and Juvenile Justice Information Policy Group. The multi-agency panel, she said, facilitates the accumulation, storage, updating, retrieval and dissemination of data to all customers of the Criminal and Juvenile Justice System. She said along with administering the state's criminal justice database, the group is responsible for oversight of task forces dealing with inter-agency initiatives.

Representing the group, Deb Dailey of the Sentencing Guidelines Commission mentioned some examples of recent accomplishments such as the institution of statewide training efforts as well as automated pass of information from localities to the BCA, eliminating data entry. A large part of this latter project, said Dailey, has been the streamlining of definitions, "we needed to know we had common definitions when we referred to race, offense codes and sentencing information."

Karen McDonald of the BCA asked the panel to consider scan technology for local

law enforcement at a cost of \$2.5 million for the biennium. She pointed out that cardswiping ability as well as live scan fingerprinting will be necessary when mandated expanded documentation of juvenile and targeted misdemeanor records starts this year. At this point, she told the group, two or three terminals are needed to access all the networks. Representatives from the Public Defender's Office testified that they are in dire need of automated links to BCA and the rest of the criminal justicesystem.

### **Emergency snow removal approved**

The Crime Prevention and Judiciary Budget Division had a full plate at its Weds., Feb 19, meeting. The day's agenda included a lecture from an expert on violence prevention, a presentation on the emergency snow removal bill, and overviews for several budget requests.

"I have spent the last 25 years in Massachusetts working with society's most violent individuals," said Dr. James Gilligan, from the Harvard Medical School's Dept. of Psychiatry. Gilligan explained he has worked with violent criminals in the prison system to try to learn the causes of violence in order to understand how to prevent it. "The main idea I would like to leave with you is that I am convinced the underlying cause for violence is the feeling of overwhelming shame and humiliation. Human beings have an essential need for a sense of dignity, and when a person's self-esteem has been severely destroyed, the normal social rules of behavior no longer apply," he said. Furthermore, Gilligan said the likelihood of being treated with disrespect and treated as worthless is statistically greater when one is poor or a member of a discriminated racial group.

"However, it is possible to prevent violence in the prison. When one gives people the tools to build-up self-esteem, they gain a sense of worth and become less prone to violence," Gilligan explained. There are no simple solutions or panaceas, he said, but when tools are provided, like education, they allow the person to move out of a life of crime.

Sen. Allan Spear (DFL-Mpls.) asked, "Why are women, who have historically been treated with less respect, not as violent as men?" Gilligan said that for men, violence is a way out of shame and is a way for men to gain respect and honor in our society. The opposite is true for women, he said, and women also tend to tolerate their suffering.

Chair Randy Kelly (DFL-St. Paul) asked if there were tools to build self-esteem other than education. Gilligan explained that the more the prison experience was degrading, the more violent prisoners became. "The most important thing we can do is to treat prisoners with respect by listening to them and allowing them to talk," he said.

Sen. Jim Vickerman (DFL-Tracy) presented S.F. 114, the emergency snow removal bill. Under the bill, \$20 million is appropriated for three activities. He explained that in the bill \$13 million is made available for immediate statewide dispersal to cover costs already accrued during the 1996 snow removal season, including funds for overtime costs incurred by the state patrol. In addition, \$5 million is designated for the 49 counties targeted for disaster relief; 9 additional counties have been added to the original list. Finally, \$2 million is set aside and will only be made available as a state match to federal disaster relief in the event of severe flooding this spring.

Sen. Tracy Beckman (DFL-Bricelyn) offered an amendment that specifies that unexpended emergency relief funds to be returned to the general fund. The Beckman amendment prevailed. The bill was approved and re-referred to the full Crime Prevention Committee.

Dale Good, an employee of the Minnesota Supreme Court, provided an overview of the judicial branch technology budget request. The Supreme Court, responsible for the administration of the state's court system, is requesting \$11.7 million for computer hardware and software improvements, he said. "Access to information will allow the courts to make quality and informed decisions efficiently. For example, a defendants record will be provided to set pre-trial or bail decisions and to pronounce appropriate sentences," he explained.

Judge Dorothy McClung reviewed the responsibilities of the Minnesota Tax Court. The court is requesting \$350,000 to replace the court's entire computer system.

### **Crime Prevention**

#### **Gang strike force bill**

"The need for a concerted statewide effort is clear and the time to strike is now," said Sen. Randy Kelly (DFL-St. Paul), as a preface to S.F. 218, his bill calling for a coordinated law enforcement effort aimed at shutting down the powerful criminal activity of local and out-of-state gangs operating in Minnesota. Kelly pointed out to Chair Allan Spear (DFL-Mpls.) and the committee that between 1983-1992, juvenile crime increased by 100 percent. "Until recently," he said, "there has been little coordination regarding gangs, the system in juvenile information has been inadequate."

The bill, said Kelly, calls for the formation of a "strike force," a criminal gang oversight council that will develop a statewide strategic plan to identify dangerous gang participants based on criminal behavior, and investigate and prosecute offenses by criminal gangs. According to the bill, the strike force includes the commissioner of public safety, the superintendent of the BCA, the attorney general, the Hennepin, Ramsey, St. Louis and

Olmstead county attorneys, the chief law enforcement officers for Minneapolis, St. Paul and Duluth, and the Hennepin, Ramsey, St. Louis and Olmstead county sheriffs. The bill also provides for grants to local law enforcement to expand their capacity to investigate gangs and collect data.

St. Paul Police Chief William Finney spoke on the work of the East Metro Task Force, formed in 1996 after the longtime steady growth in crack cocaine trade had attracted gangs like Chicago's Vice Lords and L.A.'s Rolling 60's Crips. He cited some success but said, "As we in the metro get tough, these people begin to reside just outside the Metro Area." Sen. Dave Kleis (R-St. Cloud) expressed concern about Metro Area over-representation. Steve Borchardt of Olmstead County testified that Rochester has become the site of much gang activity. In the past year, he said, crack seizures have quadrupled in the area.

When Kelly explained that those on the strike force will have statewide jurisdiction, Sen. Linda Berglin (DFL-Mpls.) expressed some concern about possible power abuse by law enforcement. She asked for assurance that criteria would be objective and that strike force actions would not violate the rights of individuals. Finney said offenders would be tracked by criminal activity and criteria like admission of gang membership, association with gang members, having gang tattoos, flashing known gang signs and being arrested in the company of gang members.

### **Economic Development Budget Division**

#### **Housing agency budget reviewed**

The Economic Development Budget Division, chaired by Sen. Tracy Beckman (DFL-Bricelyn), reviewed the Minnesota Housing Finance Agency budget Tues., Feb. 18. Kit Hadley, commissioner of the agency, presented the governor's recommendations to the division.

"The agency has four main objectives--to help low-income renters and home buyers, to rehabilitate existing housing for prospective low-income buyers, to assist the homeless, and to respond to others with special needs," said Hadley. "The governor's recommendations and the agency's plans address these concerns. We would like to consolidate the Transitional Housing Program into the Housing Trust Fund, streamlining the procedure that helps extremely low-income persons. Reallocation of the home equity conversion counseling funds to the Foreclosure Prevention and Retail Assistance Program will make us more efficient. We'd also like to expand the rental assistance for family stabilization to permit higher subsidies for security deposits."

Hadley summarized projected federal subsidies and funding to be provided to the agency the next biennium. "The Lead Abatement Grant is being phased out. The

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HUD Rental Rehab Grant ended in 1990, but we're still using some funds from that program. Section 8 Housing Assistance Payments, Shelter Plus Care, Housing Opportunities for Persons with Aids, and HUD Foreclosure Prevention Programs will receive federal dollars through 1999," she said.

## Education Finance

### MnSCU and U budgets reviewed

According to University of Minnesota Vice President of Academic Affairs Marvin Marshak, technology to increase access and heighten quality will require \$295 million in state funds over the next four years. Marshak told Chair Keith Langseth (DFL-Glyndon) and the Education Finance Committee Wed., Feb. 19, that "the U of M exists in a very competitive environment, competing for the best students and faculty, who expect from us services they can get at universities with which we compete."

Marshak's computer-aided presentation aimed to highlight benefits of technology, like the improvement of student critical analytical skills, encouragement of teamwork and access to timely worldwide information. Sen. Martha Robertson (R-Minnetonka) said after attending hearings on Minnesota's costly statewide systems project, she was skeptical of the university's \$116 million biennial request, and asked for details on proposed expenditures. "Frankly," echoed Sen. Leo Foley (DFL-Anoka), "you're talking in generalities about things, and we need specifics."

Marshak said the university currently spends \$100 million per year on technology. He then yielded to Michael Handberg, of the university's Office of the Registrar, who clicked the committee through a demonstration of the university's new internet registration and student service pages. "Seventy-five percent of students now register on the web," he said, and demonstrated the time and energy saving services available, including all course and scheduling information, all university forms, newsletters, loan and aid information, a GPA calculator and a personal online organizer.

Jim Benson, president of MnSCU's Bemidji State testified on the "electronic academy" concept and the use of technology grants by his program. One example, he said, was the school's decision to develop a multi leveled CD-ROM admissions viewbook for wide distribution. He explained, "This product has 22 video clips. If you want to see the choir, you click on it and the choir is singing. You click on sports, you get the winning goal in the division II hockey championship and the announcer going crazy." He explained that students and faculty had worked together on the project, which was cheaper than a slick pamphlet to produce and which offers

twenty minutes of view time. Benson listed other cutting-edge programs: interactive TV classes, high tech labs and computer-aided engineering and agricultural projects. When asked by Langseth if "distance learning" would replace classrooms, he replied, "Our choir just got back from Carnegie Hall. Students benefit from interaction. You can't have choir on the net."

Picking up on Benson's point, Minnesota Private College Council President David Laird emphasized the indispensability of the teacher-student classroom even in a technological age. He introduced Anedith Nash of the Minneapolis College of Art and Design, who added that technology is a way for people to create collaboratively. She said MCAD did suffer a bit, however, as they went paperless and made a more comprehensive commitment to technology. "But, problems are opportunities," she said, and emphasized MCAD's ethical responsibility to avail its students of technology they will need in the rapidly changing world. "The curriculum, however," she said, "must drive the technology, not the other way around."

## Election Laws

### Mail primary, absentee bills okayed

"It's time to take advantage of available technology to encourage voter participation," said Sen. Douglas E. Johnson (DFL-Tower) at the Wed., Feb. 19 Election Laws Committee hearing. Johnson spoke in support of his bill, S.F. 80, requiring a March 1 presidential primary by mail beginning in the year 2000. The bill also provides that political parties not conforming to results of the primary in selecting delegates for the national convention and are no longer eligible receive the ten percent of check-off money that goes directly to parties, nor to participate in the political contribution refund program. Johnson said a mail ballot would improve participation over the meager 10 percent turnout in Minnesota's last presidential primary. An earlier date will also, he said, assures the state a more significant national role.

Lively discussion ensued after Johnson offered an author's amendment to delete language designating a voter's party selection as public information. He called it an invasion of privacy. Flynn countered, and said, "people should publicly stand up for their party." Sen. Mark Ourada (R- Buffalo), in support of Johnson, said, "it should be the decision of the individual to publicly declare party affiliation." The motion to amend did not prevail.

Voting by mail was also the subject of debate. Some members took issue with the bill's provision allowing the secretary of state to count completed mail ballots upon their arrival. Sen. Ember Junge (DFL-New Hope) said she had no problem with moving the primary to March 1, but

suggested deletion of the bill's references to mail ballots altogether. Ourada agreed that journeying to the polls is a "symbolic act" worthy of preservation. Sen. Linda Scheid (DFL-Brooklyn Park) disagreed. "Voting is a right," she said "It is not something you should have to jump hurdles to do. It might make some of us feel good to get up on a snowy morning and go to the polls, but if we can make it easier for people to participate, we are obliged to do that." S.F. 80 was approved and sent to the floor.

S.F. 78, authored by Marty, changes present law regarding absentee voting. The bill makes Minnesota the 23rd state to eliminate the notary witness requirement and the eleventh state to allow eligible voters to vote by absentee ballot without providing a qualifying excuse. The panel approved an author's amendment allowing absentee voters to designate an agent, most likely a relative, to deliver ballots. Junge challenged Marty on a subsequent amendment, which allows for faxed ballots in cases of hospitalization. Despite narrowly drawn language applying only to those hospitalized within seven days of the election, Junge said she thought there was too much potential for fraud. The bill was approved and sent to the Senate floor.

## Environment and Natural Resources

### Bills approved

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), heard two bills at the Mon., Feb. 17, meeting. "This legislation dates back to 1994," said Sen. Steven Morse (DFL-Dakota) as he presented S.F. 436. "When the Legislature appropriated \$7.5 million to five Environmental Learning Centers (ELC) to make capital improvements." While the matching private contributions have moved forward, the appropriations ran into constitutional problems, however, because general fund appropriations may only be used for publicly owned centers and three of the centers are privately operated, he explained. Thus, the five ELCs have been unable to proceed with the needed improvements. "This piece of legislation will clarify the final points of confusion," Morse said. Under the bill, the \$7.5 million appropriation will be funneled into the two public ELCs, and the remaining ELCs will receive private contributions.

Morse also said that a section had been adopted in the budget division that changes funding for the Pickwick Mill learning center from bonding to the future resources fund. The bill was approved and as was re-referred to the State Government Finance Committee.

Sen. Roger Moe (DFL-Erskine) presented S.F. 94. The bill makes several changes to laws relating to the manage-

ment of state trust land and acquired real estate. It also provides for the sale of specific state lands, and provides options for lessees at Horseshoe Bay on Lake Superior.

Moe offered an amendment that "resolves an inadvertent property trespass on state land on Long Lost Lake in Clearwater County." The property owner had mistakenly built a cabin that crossed the private lot's property line onto the state land. The amendment provides for the sale of a sufficient amount of land to the cabin owner to remedy the trespass. Eventually, the Moe amendment was adopted.

Then Morse offered a technical amendment that allowing the Dept. of Natural Resources to amend the lease lots on Horseshoe Bay when necessary to conform to current shoreline standards. The Morse amendment prevailed, and the bill was approved and re-referred to the floor.

### **Hunter harassment discussed**

Sen. Dan Stevens (R-Mora) and Sen. Steven Morse (DFL-Dakota) each presented a bill at the Wed., Feb. 19, Environment and Natural Resources Committee meeting.

Stevens sponsored S.F. 128, a bill protecting hunters from harassment. Under the bill, a person who exhibits the intent to "disrupt or prevent the taking of a wild animal" and willfully interferes with the hunting activities will face civil penalties.

Members discussed whether to re-insert language that penalized people who disrupted "the enjoyment of the out-of-doors" for hunters. Chair Bob Lessard (DFL-Int'l. Falls) suggested that by including the language, it would be easier to prosecute a person with ill-intent. Sen. Dennis Frederickson (R-New Ulm) successfully moved to amend the bill with making it illegal to disrupt people preparing to hunt or in the process of hunting. The bill was approved and was re-referred to the floor.

"S.F. 137 is a Dept. of Natural Resources bill," said Morse. Under the bill, the sunset date for the Minnesota Conservation Corps (MCC) Youth Technical Advisory Committee is removed. The bill also clarifies county work planning and allocation of staffing. Furthermore, Morse said, the bill allows the department to contract with nonprofit agencies to assist in carrying out MCC programs.

Morse then offered an amendment changing a number of provisions. Under the amendment, the MCC is no longer restricted to forestry work and the implementation of the work allocation process is made easier. The amendment also guarantees participating counties to receive a minimum MCC work contribution per year. The amendment was adopted, and the bill was quickly approved and re-referred to the Government Operations and Veterans Affairs Committee.

## **Environment and Agriculture Budget Division**

### **Water monitoring discussed**

Answering the questions, "Will water be available when we want it, where we want it and for the purposes we want it?" is the motivation behind an interagency water monitoring initiative according to Peggy Adelman of the Pollution Control Agency (PCA). Adelman, along with representatives of the Dept. of Agriculture, Board of Water and Soil Resources, Dept. of Natural Resources, Dept. of Health and the Metropolitan Council presented the plan to the Environment and Agriculture Budget Division, Tues., Feb. 18.

According to a fact sheet prepared by the various agencies, the elements of the water monitoring program include integrated cross-disciplinary monitoring of rivers and wetlands; lake quality monitoring; coordination of volunteer monitoring efforts; fish contamination monitoring; specific site investigations; mercury and PCB pollution source monitoring in the Minnesota River basin; Metro Area watershed outlet monitoring and mitigation cost-effectiveness studies; agricultural chemical monitoring in rivers; water level and flow rate monitoring of lakes and rivers; groundwater quality and availability studies; local health official training; development of a local water improvement activity and effectiveness database; local water monitoring technical assistance; development of a comprehensive well record database; and coordination of all the various monitoring activities and management of the derived information.

Adelman said that if the participating agencies attempted the studies independently, the total cost could easily approach \$20 million, but because of the planned coordination and sharing of resources, the budget request is only \$4.67 million for the biennium.

The division, chaired by Sen. Steven Morse (DFL-Dakota) also heard from Sylvia McCollor, of the PCA. She said the benefit of the initiative will be information that is accessible and understandable by all who need to use it.

## **Family and Early Childhood Education Budget Division**

### **Budget overviews heard**

The Family and Early Childhood Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin), listened, Fri., Feb. 14, as Mark Kaszynski, Department of Economic Security, described the energy assistance program (EAP). Kaszynski said that the EAP, funded by state and local dollars, offers immediate assistance to low income households that pay a high proportion of their incomes for home heating costs. The program also assists with weatherization and repairs to faulty

furnaces, he said. Kaszynski said the EAP is predominantly federally funded in Minnesota and that it relies on supplemental state grants. He said that 380,000 households may be eligible for the program, but that fewer than one-half that number receive services.

Early Childhood and Family Initiatives Supervisor Lois Engstrom told the committee that Early Childhood and Family Education (ECFE) is sponsored by 99 percent of Minnesota's school districts. She said that it serves families who have children ages birth to five. ECFE is a universal access program serving families and children from all income brackets, she told the committee.

Responding to committee members' concerns that the open access program may not be reaching those who truly need it, Engstrom replied that, through 1995 and 1996, more than 9,000 families were referred to ECFE by human service agencies, conversely, over 9,000 families were referred to other programs from ECFE programs. She said that the program also helped 6,300 children with developmental disabilities during the same period.

Ann Tressel, assistant commissioner, Mpls. Way to Grow, said the Way to Grow program promotes intellectual, social, emotional and physical development, based upon identified community needs. She said the program works to establish collaborations and networks between existing community-based businesses and services to provide programs to targeted residents. To operate, the program requires a 50 local percent match to state funding, she told the committee.

### **Learning readiness discussed**

Assistant Commissioner of the Department of Children Families and Learning Barb Yates addressed Chair Pat Piper (DFL-Austin) and her division, Tues., Feb. 18, regarding budgets for early childhood screening and learning readiness.

Debby Kay Peterson, the department's screening and readiness specialist, said that early childhood health and development screening, in existence since 1977, served 61,254 Minnesota children last year. The program, she said, detects and seeks solutions to conditions that may interfere with development and learning, then works to minimize physical and educational barriers. The required components include developmental review, sensory screening, immunization review and growth assessment. Peterson said that 60 percent of participating districts also collect information on family factors and health history. In 1996, screening identified 16,827 previously undiagnosed potential problems, she said, with hearing and language being the main areas of deficiency. According to Peterson, 17,224 children were referred through the program to other health and educational services and 2,448 were placed in Early Childhood Special Education. At

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this point, school districts conducting screening are reimbursed \$25 per child, but report that screening actually costs \$40-\$60 per child to conduct. The program is seeking \$1.5 million per year for the next biennium.

Though screening is usually conducted in community centers, schools or WIC clinics, Barb Flanagan of the Hennepin County Community Health Department testified that her program screens in local parks. Flanagan's program, which also receives funding from Learning Readiness and Hennepin County, trains health care workers on screening procedure.

Learning Readiness, said Peterson, is not a separate program but rather a concept formalized in 1991 to coordinate social services and provide a continuum of services to four-year-olds and their families. Initiatives must include a development and learning component, a nutrition component, health referral, parental involvement, community outreach and be community-based.

In response to Sen. Leo Foley (DFL-Anoka) on the subjects of evaluation, Peterson explained that the Legislature has appropriated \$10,000 per year for program evaluations. Parents, she said, report increased interest in learning, improved social skills, increased self-reliance on the part of their children. Teachers emphasize also the importance of such programs for children with limited English language skills, she said. In 1994, the program began piloting a nationally recognized Work Sampling System of child assessment developed by the University of Michigan. The system tracks children in seven developmental areas and is compatible, she said, with Minnesota's graduation standards. The first aggregate data will be available in the summer of 1997. Peterson said the governor recommends an aid entitlement of \$10.4 million for each year of the next biennium.

Lois Engstrom, supervisor of Early Childhood and Family Initiatives for the Department of CFL told the panel about First Grade Preparedness, which provides additional funding for communities with high percentages of free and reduced lunch recipients. The funds are allocated to provide either all-day kindergarten or extend classroom options to younger children. Engstrom concluded with a description of the department's plan to eventually standardize statewide developmental assessment of children at age three. She reiterated the benefits of early intervention, adding, "Teachers are telling us that by third grade, when students are presently first assessed, the die has been cast."

## HeadStart reviewed

Barb Yates, assistant commissioner of the MN Department of Children, Families and Learning said that the Head Start (HS) Program, begun in 1965 as a part of

President Johnson's Great Society initiative, was designed to break the cycle of poverty by providing low income families with preschool children with a comprehensive program to meet their emotional, social, health, nutritional and psychological needs. She told the Family and Early Childhood Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin), Weds., Feb. 19, that the program promotes economic self-sufficiency for parents and social competence among their children. For this reason, she said, the governor recommends a HS appropriation of \$13.5 million for FY 98 and FY 99, amounting to a \$4 million increase over the last biennium.

HeadStart grants manager Joelle Hoefft said that Minnesota is one of 14 states to provide state funding for the HS program. Unlike other states, she said, Minnesota is recognized as a federal grantee model because it uses federal funding for HS and does not use those funds to duplicate or parallel HS programs. For this reason, Minnesota children and their families receive high quality services regardless of whether they are being funded through state or federal dollars, she told members.

HeadStart collaboration project director Francie Mathes asked members to think of HS as an anti-poverty program as it relates to welfare reform. Mathes referred members to a HS legislative report that shows that approximately 57 percent of Head Start families received AFDC benefits during 1995 and 1996. She said that under welfare reform, more parents will be required to work, and that this will increase the demand for full day HS services. She said that 9 of 35 state HS agencies already operate child care in addition to their programs.

Aubrey Puckett, chair, Minnesota Head Start Program told members that at this time, Minnesota can serve only 40 percent of its eligible families and children. She said that program funding has helped only 12,000 of 29,000 eligible children, and she asked members to appropriate \$27 million to allow HS to assist an additional 5,000 children.

Former Mpls. Mayor Don Fraser, a long-time HS panel member, told members that he hoped that HS will, at some time, include preschool children and families of all income brackets. "Our obligation to provide education is embraced in the constitution," he told members. Fraser said that he believes that publicly and privately funded HS programs will eventually become reality as more parents join the workforce.

## Governmental Operations Budget Division

### Administration budget overview

Representatives from the Dept. of Administration began their presentation of

the department's biennial budget at the Thurs., Feb. 13, Governmental Operations Budget Division meeting.

Commissioner Elaine Hansen explained the sources of funding for the department. Ten percent of the operating budget comes from the general fund and over 70 percent is generated through internal revolving funds where the department bills other government agencies for the services.

Kent Allin, assistant commissioner of Operations Management, outlined the division's budget request which calls for no new initiatives and no increased funding. "If we were not providing cost-effective services to state agencies, there would be no need for our division," he said, "Consequently, we are constantly monitoring the private sector's prices to evaluate our job performance."

Sen. Martha Robertson (R-Minnetonka) suggested that the Office of Citizenship and Volunteer Services, contained within the Operations Management division, could be an important governmental component in the welfare reform effort.

Douglas Schneider, acting assistant commissioner of the Inter Technologies Group, presented budget initiatives that include \$325,000 for Statewide Disaster Recovery Planning and \$1.6 million to install a high speed telecommunications circuit to expand MNet service statewide.

Because the budget division ran out of time, Chair Leonard Price (DFL-Woodbury) announced that the department's budget presentation will continue at the next meeting.

## Archeology, museum budgets heard

They think it's a little strange when I have human remains in my office, but other than that it's been just fine," said State Archeologist Mark Dudzik of his unlikely housing in the Administration Department. Chair Leonard Price (DFL-Woodbury) and his division met on Tues., Feb 18, and heard budget requests from Dudzik as well as the Minnesota Children's Museum's Anne Bitter and Commissioner Elaine Hansen of the Department of Administration.

Dudzik said that moving into the Historical Society would make sense in terms of mission, but that as a state employee, he is not sure he can work from that site. He said he does work closely with Administration in planning for construction projects and approving building in archeologically sensitive areas. He is asking the Legislature for \$324,000 for the biennium.

Hansen introduced Dennis Spalla, assistant commissioner of Facilities Management, who spoke on plant management, building code standards and real estate management. He asked the panel for 14 full-time employees to help shorten what is now a six to ten week delay in

inspections. His division, he said, is supposed to maintain three dedicated ADA specialists but can now only afford to rotate eight employees as needed. Spalla said that fee revenue would cover the new hires if the Legislature assures that fees go back into the division rather than into the general fund. "Municipalities," he said, "don't mind paying the fees if they feel they're getting something for it." Sen. Dan Stevens (R-Mora) asked about the Department of Revenue building, which presently pays a 25 per cent higher than average rental per foot rate. Hansen said the division is looking into purchasing or building a new facility.

Julie Smith Zuidema, assistant to the commissioner, summarized her catch-all function of providing support and human resources to any state council or commission too small to require its own in-house administration. Her salary, she said, is the only council expense funded through the Dept. of Administration.

Bitter said the Minnesota Children's Museum, which creates interdisciplinary hands-on exhibits for children aged six months to ten years, is among the five largest children's museums in the U.S. in budget size, attendance, and square footage. She said the museum partners with Head Start and public libraries in an initiative called Ready, Set, Read! Though the museum has an art component, it is not, she said, eligible for funding through the State Arts Board. The museum is asking for \$270,000 for the biennium.

## Racing lottery, IPO budget heard

Chair Leonard Price (DFL-Woodbury) and the Governmental Operations Budget Division continued to hear budget requests at the Tues., Feb. 18., meeting. Members heard from the Minnesota Racing Commission, the Minnesota State Lottery and the Department of Administration's Information Policy Office.

Minnesota Racing Commissioner Richard Krueger testified on the commission's regulation of the horse-racing industry. The scope of authority, he said, includes the licensing of all racetracks and managing all employees and personnel operating at these facilities. Security and law enforcement at the facilities is also provided by the commission, which distributes collected fees and taxes to the general fund and the breeders fund. In the next biennium, the Canterbury Park facility plans to run year-round simulcasting, as well as 50-60 day live meets, he said.

Krueger said that though the Canterbury Park facility did not create as many jobs as had been originally projected, the industry is recovering. The industry anticipates larger returns if off-track betting legislation passes in the biennium. Of the \$371,000 per year for the biennium, Krueger said \$256,000 will go toward salaries, \$36,000 to professional technical services, \$9,000 to national fees, \$7,000 to drug testing, and

the balance to maintenance.

Minnesota State Lottery Commissioner George Andersen said the lottery gets no appropriation and operates on 15 percent of its sales revenue. "We always budget low," he said, "We don't know exactly what sales will be, and we don't want to know what happens if we come in higher than 15 percent."

Sales in 1996, he said, were \$376 million. There was a decrease in Powerball sales when more winners made for a lower jackpot. The Daily Millions game has much better odds, he said, but fewer winners.

According to Andersen, the lottery does not compete with casinos. The key is, he said, to sell lottery tickets to people gassing up their cars. A discussion of riverboat gambling was fueled by Sen. James Metzen, who said his own riverboat bill had hit a big rockpile. "It's an incredibly lucrative business," agreed Andersen. When asked for his future forecast, Andersen said his goal is to keep a finger on the pulse and develop sustainable games with attractive premises. "The mosquito game didn't fly," he said, "no matter how cute you make it, Minnesotans have no sense of humor when it comes to mosquitos."

Beverly Schuft, assistant commissioner of the Information Policy Office, outlined her division's threefold mission of improving public access to information, ensuring protection of data and promoting an information infrastructure that avoids duplication. One particular project, she said, collapsed six state T1 phone lines into one. Hanson said this saved the state over \$1 million. The office reviews all technology projects proposed by state agencies, said Schuft, and is presently working on the state's Year 2000 Project, aimed at helping agencies deal with system inability to handle 21st century dates.

Hansen also attempted to clear up panel confusion between the IPO, which handles internal use of technology, and the state's Office of Technology, which provides external statewide technology leadership.

## Systems project defended

"I didn't want to be alone up here," said Department of Administration Commissioner Elaine Hansen, flanked by Department of Employee Relations Acting Commissioner Karen Carpenter and Department of Finance Commissioner Wayne Simoneau. The agencies were called before a Joint Government Operations and Veterans Committee and Government Operations Budget Division co-chaired by Sen. James Metzen (DFL-South St. Paul) and Sen. Leonard Price (DFL-Woodbury) on Wed., Feb 19, to respond to a Statewide Systems Project audit. The report, while calling the project a "moderate success," details large time/cost overruns and functionality shortfalls in comparison with what the three sponsoring departments had originally promised the Legislature.

At the Legislature's request, agencies were surveyed on the SEMA4 personnel and payroll system and the MAPS accounting and procurement system. The audit found costs at 50 percent above projection, and functionality incomplete. Estimated at \$15-20 million, costs by 1996 were \$35.8 million and the system's inability to handle year 2000 dates will take an additional \$4.5 million to fix.

In defense of the sponsoring departments, Hansen said, "To allege that employees on the project weren't looking for ways to reduce costs is not fair." In the case of the project's heavily criticized procurement component, she said, a totally manual system was brought online. She said reported modifications and "work-arounds" actually show proactivity and responsiveness on the part of the project's developers as they work to customize the system. She also said SEMA4 is able to accept 21st century dates. Simoneau reminded the panel that Minnesota's integrated project "is probably the largest public system in America."

Project Director Kent Allin, set out to dispel what he said were myths related to the study. "I'm really proud of what the state has done," he said, and added that participating staff had "worked longer and harder than any bargaining agreement could have ever required of them."

Sen. Richard Cohen (DFL-St. Paul) said the Legislature requested an audit two years ago, but that departments said it was too soon. When Cohen said the audit was the first time full cooperation was received, Allin countered that Coopers and Lybrand had studied the progress in 1995, and had pointed out some problem areas.

"In the high risk context of such projects, the audit should have called the project "amazingly successful," said Allin, reminding the panel that the project's five fundamental business systems were brought up in 300 locations, link 100 agencies and involve 5,000 users, many of whom were not computer literate at the outset. Said Allin, "Thirty-one percent of projects like these are cancelled before anything is even turned on. We went five for five."

The notion that the Legislature "never got the bad news," he said, is not the case. He recalled that in 1993, when the project ran into snags, instead of spending remaining money and creating an emergency, developers shut down the troublesome area, admitted the problem to the Legislature and gave it the option to cut off funding. In 1995, he says, a progress report to the Legislature warned policy makers to expect considerable trauma from agencies and individuals.

Allin said time savings, rather than downsizing, was the goal, but that "no agency is going to admit they are saving time and risk losing appropriations." The use of expensive consultants is due, said Allin, to the fact that people with technical skills are in such market demand that

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the state can't retain a sufficient staff. Finally, regarding the audit's claim that the ability to easily upgrade the system was sacrificed, Allin said customization was necessary to comply with mandates, collective bargaining conditions and unique situations like Minnesota's tax payment policy.

When asked by Sen. Deanna Wiener (DFL-Eagan) what he would do differently, Allin said the audit recommendation of smaller, phased projects echoes his own retrospective wisdom.

## Revenue Dept. budget reviewed

Members of the Governmental Operations Budget Division, chaired by Sen. Leonard Price (DFL-Woodbury), met Weds., Feb. 19, to review the budget of the Department of Revenue. Members heard from several departmental representatives including Commissioner Jim Girard, Deputy Commissioner Matthew Smith, Assistant Commissioner Bev Driscoll, Assistant Commissioner John Lally and Jerry McClure, director of Minnesota Collection Enterprise. Jerry McClure, Director of MN Collection Enterprise. In addition, Deputy State Treasurer Jake Manahan and Rosalies Greeman of the Dept. of Finance also spoke.

The Revenue Department representatives reviewed the FY 98-99 budget briefing, outlined the current activities and resources of the department, the goals and issues confronting the agency and the specifics of the budget funding requests.

## Higher Education Budget Division

### Wine research bill presented

A bill funding a research center for grapes and wine and a bill providing financial support to low-income students were presented Tues., Feb. 18 to the Higher Education Budget Division. The division also heard continuing testimony in support of the Minnesota Higher Education Services Office budget request.

S.F. 400, authored by Sen. Steve Murphy (DFL-Red Wing), establishes the research center for grapes and wine at the University of Minnesota. Under the bill, the funding for the center comes from the dedication of one cent of the excise tax on table wines, providing approximately \$300,000 per year. "The Minnesota wine industry continues to grow, but is somewhat limited by our winter climate. Currently, vines have to be taken off the trellis and buried in the fields to protect them during the winter. The University of Minnesota is trying to breed a winter-proof vine. This center, which has been requested by the university, would continue those studies," said Murphy. On a motion

by Sen. LeRoy Stumpf (DFL-Thief River Falls), the bill was amended to sunset the appropriation. The bill was then advanced to the Committee on Taxes.

Sen. Steven Morse (DFL-Dakota) presented S.F. 486, a bill proposing an amendment to the Minnesota Constitution to dedicate 20 percent of state lottery proceeds to MnSCU in order to provide financial support to students from low-income families. "If we're serious about welfare reform, we can show that by ensuring low-income students have access to higher education," said Morse. Citing a study of educational funding in the state university system, Morse said, "Students from the lowest income families pay the pay the highest percentage, 49.9 percent, of their education. We need to help them." Sen. Sheila Kiscaden (R-Rochester), said, "Why are we limiting the amendment to MnSCU? Other students at other systems need assistance, too." Morse said, "There has been funding for the University of Minnesota, funding for K-12 education, funding dedicated to other institutions. But the MnSCU system has been left out of the picture."

Students testified on behalf of the bill. Julie Bradow, a student at Cambridge Community College, said, "I've had to work 30 hours a week sometimes, and it's forced me to take longer to complete my education. It's also affected my grades. No student should have to work that much when I could be using that time to study."

Morse said his purpose in presenting the bill was to introduce the concept, and that further work was needed. The bill was laid aside for further consideration.

### U of M requests presented

The University of Minnesota began its budget presentation to the Higher Education Budget Division Weds., Feb. 19. The division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), heard testimony from university President Nils Hasselmo, Regent Wendell Anderson, and a number of students.

Hasselmo noted the university was one of the top 30 research institutions in the country, and said, "We need to continue to make strategic investments to become even better. Those investments would be in curriculum reform, information technologies, and instructional technologies. We need to invest more in our faculty, so we can attract the very best. And we need to concentrate funding on scholarship, and continue to improve quality and access." He pointed out the university's recent fundraising success. He said, "Our total endowments have reached \$1 billion and we have gone from 17 endowed faculty chairs and professorships to 240. But we need state investment. We cannot let the gap grow between state investment and private funding."

Introduced by Hasselmo as "the force that has driven the University to where it is today, Anderson focused on tuition concerns. He said, "When I started at the U of M, it was basically tuition free, about \$27 a quarter. State investment had a lot to do with that. And for fifty years, the Minnesota Senate took care of the U; more than any other body, the state Senate built the University of Minnesota. You can continue that legacy." Regarding tuition increases, he said, "I believe strongly tuition should be affordable. You must freeze it, or at least get the increases down to a manageable level. The best aid is low tuition."

Students representing various populations in the University of Minnesota system also spoke. Sean Holmsworthy, a student in veterinary science, said, "Tuition has gone up an average of 11 percent per year, higher than the Consumer Price Index. A study shows grad school students have borrowed \$8 billion in student loans. We also need to support the faculty and bring their compensation up."

## Health and Family Security

### Health bills discussed

On Thurs., Feb. 13., Sen. Linda Berglin (DFL-Mpls.) and Sen. Becky Lourey (DFL-Kerrick) presented several bills to the Health and Family Security Committee meeting.

Berglin provided background information for the first bill presented, S.F. 302. "A health clinic in my district, the Community University Health Care Center (CUHCC), is owned by the University of Minnesota Hospital and has been providing services for people regardless of their ability to pay," she said. Based on a sliding scale, people who belong to the clinic pay a monthly fee and in return they receive health care services when needed. This system, said Berglin, helps the clinic collect adequate revenue and helps people pay their health care costs at affordable rates. According to Berglin, the clinic operated for 15 years without a problem, but when the legality of its monthly pay system was investigated, the Dept. of Health determined that CUHCC needed to comply with insurance provider regulations. "A little clinic like this could not afford to meet the insurance laws," Berglin explained. The department's ruling left many patients on the pre-paid plan not knowing if the plan would continue. "The bill allows clinics like the CUHCC clinic to continue performing the services that they're providing without having to meet insurance provider regulations," she said. Berglin said she was not aware of any opposition to the bill, and after a brief discussion, the bill was approved and referred to the Commerce Committee.

Next, Berglin presented S.F. 150 and said

the bill was brought forward by the Department of Health to simplify operating procedures delineated under the Administrative Procedure Act. Under the bill, the department is exempted from several rulemaking provisions in order to establish a uniform method of billing to be implemented throughout the health care community. In addition, a common submissions form is required to be submitted from the care providers to the payers. Members approved the bill and re-referred S.F. 150 to the Governmental Operations and Veterans Affairs Committee.

Berglin then presented S.F. 126, a bill designed to help both health care providers and parents to know a child's immunization history and when additional shots are needed. Under the bill, a statewide computerized registry network is established to allow easy access for providers. "So when a child moves or is involved in an accident outside his or her community, the provider will have quick access to the child's immunization history," Berglin said. The registry service will also issue reminders to parents by mail. Berglin indicated that there are data privacy issues with the bill, so after the measure was approved, it was re-referred to the Judiciary Committee.

Finally, Lourey presented S.F. 103, a bill that modifies the prompt payment statute by authorizing the Dept. of Human Services to consolidate multiple nonentitlement grants into a single award. In addition, the bill also authorizes the development of a funding formula for crisis nurseries. Several representatives from the department outlined the specifics in the three sections of the bill. The most controversial section was reviewed by Larry Wood, who provided details on the prompt payment provisions that specify the amount of interest the department pays for late claim payments.

Sen. Steven Morse (DFL-Dakota) disagreed with a provision that excludes interest payments on claims that are delayed in order to investigate potential fraud. He said the committee should consider whether the department should pay interest on the delay for claims that are investigated but not found fraudulent. Morse also said there should be clarifying language indicating which public entity has the authority to review whether a claim is fraudulent or not. Morse moved to amend the bill and provide the attorney general with the authority to review cases; the amendment was adopted. Sen. Don Betzold (DFL-Fridley) also offered an amendment that requires the payment of interest for late claims that were investigated but found not fraudulent, and his amendment was also adopted. The bill was approved as amended as re-referred to the Health and Family Security Budget Division.

#### **Four bills advance**

As the pulse of the session quickened, four bills were presented in rapid order at

the Fri., Feb. 14, Health and Family Security Committee meeting. Chair John Hottinger (DFL-Mankato) invited Sen. Martha Robertson (R-Minnetonka) to present her bill.

"S.F. 274 authorizes the commissioner of the Dept. of Human Services to fully reimburse licensed child placement agencies for the appropriate costs of providing adoption services for a child certified as eligible for adoption," Robertson said. According to Robertson, current administrative rules cap the amount the department can reimburse private child placement agencies for services at \$4,000, far below the actual costs of placement. Real costs for placement services range between \$8,000 and \$13,000, she said, and therefore, "the cap rule is a significant barrier to finding adoptive homes for children who otherwise could be placed for adoption." After Sen. Linda Berglin (DFL-Mpls.) suggested placing the bill on the Consent Calendar, Robertson offered an amendment to change the effective date of the reimbursement agreements to on or after the day following final enactment. The amendment was approved, and after a brief discussion, the bill was approved and recommended for placement on the Consent Calendar.

Sen. Dallas Sams (DFL-Staples) then presented the two bills he authored, S.F. 37 and S.F. 38. After a Sams amendment was adopted, S.F. 37 extends the life of the advisory committee established to advise the Health Professionals Services Program Committee to June 30, 2001. In addition, the bill sunsets the Physical Therapy Council, the Physician Assistant Advisory Council, and the Respiratory Care Practitioners' Council on June 30, 2001. The bill also makes those councils, along with the Acupuncture Advisory Council, subject to review by the 2001 Legislature. The committee approved the bill and re-referred the measure to the Governmental Operations and Veterans Affairs Committee.

According to Sams, S.F. 38 transfers the authority for the Board of Medical Practices to suspend regulated persons from rules to statute. Rob Leach, executive director of the board, said, "The bill allows us to suspend the credentials of a regulated person without a hearing by the board in four special cases." Credentials can be suspended, he said, when a person is under investigation by the board, party to a contested case, party to an agreement for corrective action, or under a board order for disciplinary action. After an amendment was adopted, which clarifies when credentials can be suspended for persons under investigation, the bill was approved and advanced to the Senate floor.

Finally, Sen. Becky Lourey (DFL-Kerrick) presented S.F. 95, which had been amended to include S.F. 102. The combined bill represents the Dept. of Health's annual housekeeping bill, she said, as it

clarifies language and makes various technical changes. Lourey then provided a brief section by section overview of the bill, highlighting the sections containing the HMO technical amendments language taken from S.F. 102. In order to make the bill non-controversial, Lourey offered an amendment to strike a section that requires the commissioner of health to notify victims of a brain or spinal cord injury or their families of resources and services available from public and private agencies. In addition, the amendment requires the creation of a risk adjustment advisory work group, but the work group sunsets June 30, 1999. The amendment also deletes language that charges parents with a misdemeanor if a birth is performed at home and the new-born infant is not tested for metabolic disorders. The Lourey amendment was adopted, and the bill was approved and advanced to the floor.

#### **Final day of welfare testimony**

At the Tues., Feb. 18, Health and Family Security Committee meeting, Chair John Hottinger (DFL-Mankato) invited members to listen to a final day of public testimony from non-profit social service agencies, medical organizations, and county agencies that desired to have input into the welfare reform process.

"The Dakota County Employee Training Center has several creative approaches for job placement strategies," said Dennis Wenzel, an employer services specialist. For example, he said, the center publishes a magazine that is sent to all employers in the county containing brief summaries of resumes for welfare recipients enrolled at the center. An interested employer can then call the center for a complete resume if a particular applicant has attractive skills. "We distribute 600 resumes a month through this program," he said. The center also sponsors community job fairs, he added, and provides personal counseling to clients to develop strategies to overcome barriers to employment. Wenzel stressed, "I hope that job development activities will stay on the local level, because what we have works well for Dakota County, but what works for Apple Valley may not work for the Phillips neighborhood."

Hennepin County Commissioner Peter McLaughlin discussed the significant role the Hennepin County Medical Center (HCMC) serves not only in the county, but statewide as well. He said, of the over \$28 million in uncompensated care provided by HCMC last year, 19 percent is attributable to care provided to people from outside Hennepin County. Furthermore, over \$17 million in uncompensated care was paid through property taxes. According to McLaughlin, a significant reduction in welfare benefits will dramatically increase the level of uncompensated care provided by HCMC. "And we don't want any additional shift onto property taxes," he said.

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"Housing cannot be a casualty to welfare reform," said Bruce Nordquist, president of the Minnesota chapter of the National Association of Housing and Redevelopment Officials. Affordable housing is an essential component for a person seeking self-sufficiency, he said. He suggested \$15 million in additional resources for rent assistance and community rehabilitation programs.

## Health and Family Security Budget Division

### Health budget overview continues

Members continued listening to a budget presentation from the Dept. of Health at the Tues., Feb. 18, Health and Family Security Budget Division meeting.

Assistant Commissioner Barbara Colombo, assisted by staff from the Health Systems and Special Populations Bureau, presented the budget requests for the remaining divisions. The Health Policy and Systems Compliance Division, funded primarily by the Health Care Access Fund (HCAF), expects total expenditures for FY 98 to reach \$6.8 million. According to Colombo, the final division in the bureau, Facility and Provider Compliance, expects a total budget of \$17.2 million for FY 98.

Chair Don Samuelson (DFL-Brainerd) asked the department to provide a breakdown for the number of license fee increases proposed for the biennium. "It seems like an extraordinarily high number this year, and it does make you wonder where the money goes. These health providers will recover their costs, so the fee increases are directly related to the cost of health care," he said.

Assistant Commissioner Kelly Johnson, overseer for the Health Protection Bureau, presented the bureau's \$53.5 million budget for FY 98. Representatives from the bureau then proceeded with overviews for the bureau's divisions. The Environmental Health Division has estimated expenditures for FY 98 to equal \$20.2 million. The department's remaining divisions will be reviewed in the next budget division meeting, she said.

### Health completes budget review

Assistant Commissioner Kelly Johnson, overseer of the Dept. of Health's Health Protection Bureau, continued her outline of the bureau's budget at the Wed., Feb. 19, Health and Family Security Budget Division meeting.

With the assistance of department staff, Johnson presented the Disease Prevention and Control Division's FY 98 budget of \$27.3 million. Total expenditures for the Public Health Laboratories Division is budgeted at \$6 million, she said. Finally, the Management and Support Services Division offered the details to its requested

\$12.9 million budget.

Next, Clell Hemphill from the Council on Disability outlined the goals and objectives for the office of the biennium. The council is requesting approximately \$1.2 million for the biennium, he said.

Commissioner David Doth began the Dept. of Human Services' budget overview. Doth said the department has five priorities for the coming biennium which are reflected in the budget requests--promoting economic self-sufficiency, ensuring affordable health care, promoting the best interests of children, providing access to technology and information, and developing a diverse and well-trained work force. As for the state budget surplus this year, he said, "That's good news and bad news. The good news is obvious, but the bad news means the surplus masks the hard choices we have to face." Furthermore, he said, the department's high rate of growth will consume 63 percent of the estimated general revenue fund growth, over \$1 billion, in the next biennium.

Chair Don Samuelson (DFL-Brainerd) said the department will commence with the detailed budget overview at the next budget division meeting.

## Jobs, Energy, and Community Development

### Housing bill presented

S.F. 403, a bill establishing an emergency services grant program to provide homeless persons essential services and emergency shelter, was brought before the Jobs, Energy, and Community Development Committee, Thurs., Feb. 13. The committee, chaired by Sen. Steven Novak (DFL-New Brighton), heard testimony from a number of advocates for the homeless in support of the bill.

The bill was authored by Sen. Ellen Anderson (DFL-St. Paul). She said, "Homeless shelters are overburdened and underfunded. This bill will give organizations grants to make available emergency housing and to help meet some of the operating and maintenance costs of shelters."

Sue Watlov Phillips, director of Elim Transitional Housing, testified in support of the bill. She said, "The definition of a homeless person is an individual who lacks a fixed or adequate nighttime residence. The homeless have three common characteristics--poverty, joblessness, and no place to live." She added, "Part of the problem is there is no transitional or low-income housing available in the communities where jobs are being created." Sen. Tracy Beckman (DFL-Bricelyn) said, "If you're not making enough money, you can't pay the rent. We'll either have to subsidize housing or make sure we pay people more to work."

Providing some statistics regarding

homelessness, Phillips said. "According to one study, there are approximately 12,000 homeless persons across the state, but that number is difficult to confirm. Fifty to sixty percent of the homeless are in the Metro Area. Three to five percent are homeless by choice. Most of the homeless stay in homeless shelters less than thirty days; some stay as long as two to three months. There is so much overcrowding at the shelters that your living space becomes your body--that's as much room as you get."

Greg Horan, chair of the St. Paul Coalition for the Homeless, said, "The importance of an address, a place to get messages, to have a phone in order to be able to make appointments, to search for jobs, can't be stressed enough. And homelessness takes away your self-esteem. When you're homeless, people don't know where you belong; they know you don't belong with them."

The bill was laid over for further consideration.

### Three bills advance

Three bills were advanced Fri., Feb. 14 by the Jobs, Energy, and Community Development Committee. The meeting was chaired by Vice Chair Sen. Steve Kelley (DFL-Hopkins).

Discussion continued on S.F. 403, presented to the Committee Thurs., Feb. 13, by Sen. Ellen Anderson (DFL-St. Paul). The bill funds emergency service grant programs and other housing initiatives aimed at helping the homeless. Sue Watlov Phillips, director of Elim Transitional Housing, continued her testimony in support of the bill, and said, "If the state would give nonprofits as much flexibility as it gives business, we'd be more effective. The state should give as much scrutiny to tax expenditures as it does to appropriations for nonprofits." After amendments to clarify language, the bill was advanced to the Children, Families, and Learning Committee.

H.F. 121 was presented by Sen. Linda Higgins (DFL-Mpls.). The bill adds the Harrison neighborhood in Minneapolis to the Sumner-Glenwood neighborhood for purposes of eligibility for youth initiative grants to fund after-school enrichment programs in low-income areas. The bill was advanced to the Consent Calendar.

S.F. 403, authored by Sen. Linda Runbeck, (R-Circle Pines), is a housekeeping bill making technical and administrative changes to statutes relating to reemployment insurance. The bill was advanced to the Senate floor for consideration.

### Lien bill okayed

A bill relating to the Brooklyn Park economic development authority was advanced Tues., Feb. 18, by the Jobs, Energy, and Community Development Committee. The committee, chaired by

Sen. Steven Novak (DFL-New Brighton), also heard opening testimony on a bill creating a statewide citizenship program.

S.F. 200, authored by Sen. Linda Scheid (DFL-Brooklyn Park), gives Brooklyn Park the authority to seek liens against owners of certain townhome and condominium units when those owners are delinquent in paying association assessment installments. The units are in buildings upgraded with funds borrowed from the city. The assessments are then certified to the county auditor for collection under the bill. The bill was advanced to the Local and Metropolitan Government Committee.

Sen. Ellen Anderson (DFL-St. Paul) presented S.F. 331, a bill creating a statewide citizenship promotion program. "The program would assist and encourage legal immigrants to become citizens," said Anderson. Jim Anderson, representing Ramsey County Human Services, spoke in support of the bill, and said, "When a legal immigrant does not apply for citizenship, it is usually for one of three reasons--awareness, language, and the belief that the process is far more difficult than it really is. The Citizenship Awareness Program would address these concerns."

Dr. Ahmed Samatar, Dean of International Studies at Macalester College, said, "If you want good citizens, you have to invest in them." Sen. Randy Kelly (DFL-St. Paul) said, "We need to see whether our state departments are doing enough to help people in situations like this. Maybe we should redesign some of these departments to get the job done." Testimony on the bill will continue.

## Judiciary

### Abuse bill heard

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), heard, Mon., Feb. 17, a bill clarifying the statute of limitations concerning actions for damages involving sexual abuse.

S.F. 344, sponsored by Sen. Ember Junge (DFL-New Hope), attempts to clarify 1989 language allowing an alleged sexual abuse victim to seek legal redress within six years of the time the alleged victim knew, or had reason to know, of the existence of injuries caused by sexual abuse. The bill also adds a definition of "injury." The clarification and added definition result from a 1996 Supreme Court ruling that declared the concepts of sexual abuse and injury as one and the same, and not separable.

According to Junge, the 1989 Legislature passed the law to allow sexual abuse victims, especially children, needed time to become aware of their injuries. Junge said that children can't bring a legal action until they are able to understand what happened to them.

Sen. Thomas Neuville (R-Northfield) made reference to recent studies that have cast doubt on the human memory's ability to differentiate between fact and illusion

with the passage of time. He expressed concern that people may be forced to defend themselves many years after an alleged act. Neuville also pointed out that such cases sometimes involve the defendant's current or former employers who were not involved in the situation.

Sen. Allen Spear (DFL-Mpls.), said that he saw proving "causation" as a problem. He said that plaintiffs may have difficulty proving sexual abuse as the cause of their emotional injury and any subsequent problems. He said that a person's problems may result from many circumstances.

The committee heard testimony from a sexual abuse victim who claimed that the 1996 Supreme Court ruling had prevented her pursuit of justice under the 1989 law. The bill was laid over pending further committee discussion.

A second bill, sponsored by Junge provides civil liability immunity for persons who preside at alternative dispute resolution (ADA) proceedings. S.F. 368 protects the actions of mediators, arbitrators and others presiding at ADA proceedings from civil liability except when their actions are caused by malice, bad faith, or reckless conduct. Following brief discussion the bill was approved and sent to the Senate floor for further action

## Local and Metropolitan Government

### Indian gaming issues discussed

The Local and Metropolitan Government Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), heard a presentation by Indian tribal leaders on gaming and related issues Fri., Feb. 14. The committee also advanced S.F. 160, a bill authorizing the city of Kenyon to recertify a tax levy. The bill, sponsored by Sen. Dick Day (R-Owatonna), was advanced to the Committee on Taxes after a short discussion.

Stanley Crooks, of the Shakopee Mdewakanton Sioux Community, opened the presentation on behalf of the tribal leaders, and said, "While each tribe has funding from the federal government, it's never enough to provide for the needs of our people. We've used gaming revenue to help with our housing needs, good water, and other infrastructure needs." Bobby Whitefeather, representing the Red Lake Band of Chippewa, discussed the concept of sovereignty.

Speaking on behalf of the Prairie Island Dakota Community, Michael J. Childs reiterated the goal of reducing reliance on the federal government. He said, "We're trying to promote self-sufficiency. Because of gaming, we have new homes, a community center, paved roads, and other improvements. While we are coming out of 200 years of poverty in a relatively short period of time, we need more time to diversify our economy." Marge Anderson, from the Mille Lacs Lake Band of Ojibwa, said, "We are diversifying. Our tribe owns

the Woodland National Bank, a Conoco station, and a neighborhood bakery. We're also entering into a partnership to produce pizza."

### Tax, wellness bills advance

The Local and Metropolitan Government Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), advanced three bills Mon., Feb. 17.

S.F. 52, sponsored by Sen. Sandy Pappas (DFL-St. Paul), eliminates a December 31, 1997 termination date applying to provisions requiring St. Paul, Ramsey County, and Independent School District 625 to conduct joint truth-in-taxation hearings. Pappas said, "The joint hearings have been a very positive experience and enables the districts to gain a better understanding of the others' mission. This ensures support from all quarters when one authority wants to pass a referendum." The bill was advanced to the Committee on Taxes.

Sen. Charles Wiger (DFL-North St. Paul) presented S.F. 197, a bill authorizing the Metropolitan Council to operate preventive health and employee recognition programs. The bill was advanced to the Senate floor.

S.F. 5, authored by Sen. Dean Johnson (R-Willmar), generated the most discussion. The bill authorizes the city of Willmar to impose a general sales tax of up to one-half of one percent and a motor vehicle excise tax of up to \$20 per motor vehicle. The revenue raised from the taxes would be used to pay for a new library. "The old library was built to serve 11,700 patrons and house 30,000 volumes. The library now has almost 20,000 patrons and 60,000 volumes, and lacks computer services and other things that it needs to serve the needs of West Central Minnesota," said Johnson. "This tax was supported by the people of Willmar in a November referendum by a 52 percent to 48 percent vote," he said.

The bill was advanced to the Committee on Taxes.

### Bills advanced

The Local and Metropolitan Government Committee, chaired by Sen. Jim Vickerman (DFL-Tracy), advanced four bills Weds., Feb. 19.

S.F. 36, authored by Sen. Dallas Sams (DFL-Staples), authorizes hospital districts to expend money for the care and treatment of persons with mental retardation or related conditions. Sams said, "We've extended this authority to counties and cities, but there are 14 hospital districts that don't have this ability. Hospital districts now have the authority to operate hospitals and nursing homes. Under this bill, they can operate extended care facilities as well." The bill was advanced to the Health Care Committee.

S.F. 424 was presented by Sen. Charles Wiger (DFL-North St. Paul). It contains technical changes regarding certification of

# Committee update

eligibles for appointment to county positions relating to Ramsey County. The bill was moved to the Senate floor.

Wiger also presented H.F. 282, a bill that provides for the appointment, discharge, and discipline of metropolitan transit police officers. Testifying in support of the measure, Richard Carlquist, director of public safety for the MCTO, said, "This bill gives the chief of the transit police the authority to make personnel decisions. It also requires part-time transit police officers to maintain an active license with a primary law enforcement employer. This requirement will ensure training for our part-time officers that we wouldn't have to provide." Speaking in opposition to the bill was John Oberreuter, police officer from New Hope. He said, "I oppose the primary employment requirement for part-time officers. There are many qualified officers—some who have retired from full-time work, others who leave full-time work for a lot of good reason—who wouldn't be able to work for MCTO under this bill." After an amendment deleting the requirement was adopted, the bill was advanced to the Senate floor.

S.F. 415, authored by Sen. Dean Johnson (R-Willmar), authorizes an appropriation of \$70,000 to the city of Granite Falls for the restoration of the Minnesota River banks located within city limits. The bill was advanced to the Environment and Natural Resources Committee.

## Property Taxes and Local Government Budget Division

### Three bills advance

A bill providing that a sheriff is no longer required to serve notice of the redemption expiration of tax forfeited property was approved, Tues., Feb. 19, by the Property Taxes and Local Budget Division. S.F. 362, sponsored by Sen. Steve Murphy (DFL-Red Wing) provides that such notices may be served by either a sheriff or by any person who is at least 18 years of age. Murphy explained that the bill saves county sheriff's departments time and mileage. Members approved and forwarded the bill to the Committee on Local and Metropolitan Government.

A technical bill, S.F. 216, sponsored by Sen. William Belanger (R-Bloomington), makes technical and administrative changes and corrections to the tax laws. The division approved the bill and sent it to the Committee on Local and Metropolitan Government.

The division, chaired by Sen. Sandra Pappas (DFL-St. Paul), also approved S.F. 456. The bill, sponsored by Belanger, relates to taxation and makes changes to property tax laws. The bill was re-referred to the Committee on Local and Metropolitan Government.

Sections of a governor's proposal, S.F.

455, also sponsored by Belanger, and relating to taxation, were reviewed by the committee. Sections reviewed relate to the elimination of certain local government aid, and the repeal of existing law that provides for property tax refunds to appear on property tax statements.

## Committee on Taxes

### Two bills advance

The Subcommittee on Income and Sales Tax, chaired by Sen. Steve Murphy (DFL-Red Wing) heard two bills, Thurs., Feb. 13, relating to cigarettes and liquor.

S.F. 472 sponsored by Sen. William Belanger (R-Bloomington), does not change how cigarette and tobacco products are currently taxed, but recodifies and clarifies procedures necessary to pay the cigarette and tobacco products tax, Department of Revenue attorney Patrick Finnegan told the committee.

S.F. 378, sponsored by Murphy, does not change how distilled spirits, wine and fermented malt beverages are currently taxed, but recodifies and simplifies Minnesota's liquor tax law, Finnegan said.

Both bills advanced to the full Committee on Taxes.

### Three bills advance

The Committee on Taxes, chaired by Sen. Douglas Johnson (DFL-Tower), advanced a bill to the Senate floor, Tues., Feb. 18, that allows the city of Kenyon to recertify and increase its property tax levy by \$68,720 for taxes payable in 1997 only. S.F. 160, sponsored by Sen. Richard Day (R-Owatonna), may rescue the city from debt caused by a miscalculation of its property tax certification, Kenyon Mayor Tom Thunhorst explained to members. The bill was approved and recommended for the Senate Consent Calendar.

The committee also approved two bills relating to cigarettes and liquor. S.F. 378, sponsored by Sen. Steve Murphy (DFL-Red Wing), does not change how distilled spirits, wine and fermented malt beverages are currently taxed, but recodifies and clarifies procedures necessary to pay the liquor tax, Minnesota Department of Revenue attorney Patrick Finnegan told the committee.

Finnegan pointed out several substantive changes in the bill: the clarification of the administration of the liquor tax on Indian lands; the extension of most distributor filing and assessment periods from three to three and one-half years; and the consolidation of penalties for liquor excise tax evasion. The bill also provides for seizure of untaxed liquor and vehicles involved in its transport, Finnegan said.

Members approved the measure and forwarded the bill to the Committee on Crime Prevention.

S.F. 472, sponsored by William Belanger

(R-Bloomington), clarifies and recodifies procedures for paying the cigarette and tobacco products tax. Finnegan said that substantive changes in the bill extend the time distributors and others must keep tobacco product records, allow the commissioner of revenue to physically inventory a distributor as often as deemed necessary; and provide for the forfeiture of untaxed tobacco products and transport vehicles.

Sen. Charles Berg (DFL-Chokio) offered an amendment concerning the taxation of cigarette and tobacco products sold on or near reservations. Berg's amendment requires that the amount of taxes estimated to have been paid on reservation sales be based on a reasonable estimate of per capita expenditures or consumption. He said that casino tobacco sales distort the per capita figure, and substantially increase the tobacco tax refund reservations receive. Berg said that in the most flagrant case, each member of one tribe receives approximately \$1,000 per month in excess refunds.

Under current law, state tax refunds to tribes are based on negotiated per capita amounts meant to approximate taxes paid by reservation members. Tribal refund claims are based on invoices and other proof of taxes paid that are provided to the state by distributors.

Mark Peterson, Dept. of Revenue, argued against the amendment because, he said, it complicates voluntary state and tribal tax agreements that currently provide a method for the orderly collection of tribal taxes. The amendment was defeated.

The bill was approved and forwarded to the Crime Prevention Committee.

## Transportation

### Correction facility bill approved

A bill amending the appropriation of state funding to construct a closed-custody correctional facility at Rush City was approved at a Tues., Feb. 18, meeting of the Transportation Committee, chaired by Sen. Carol Flynn (DFL-Mpls.).

Approval of S.F. 179, sponsored by Sen. Randy Kelly (DFL-St. Paul), followed discussion concerning the appropriateness of legislation providing for road construction activities that are normally approved and undertaken by the CSAH screening board process. Recapping the bill, Kelly explained that the improvements are needed to provide construction access to the facility.

The bill provides for the Department of Corrections to pay for an access road from state trunk Highway 361 to the correctional facility, and for MN/DOT to make intersection improvements at the juncture of Highway 361 and the access road. The bill also provides that the facility's access road shall become a County State Aid Highway (CSAH) on the day following its completion.

Pat Murphy, MN/DOT state aid engineer, explained that the proposed access road meets the department's criteria for CSAHs. Later, MN/DOT engineer Robert Brown said that MN/DOT does not need legislation to begin road improvements, or to temporarily adopt, as a CSAH, the facility's access road. Brown said that, in the interest of safety during the construction period, MN/DOT would probably have done these things. He also said that MNDOT would turn responsibility for the access road back to Chisago County sometime after the correctional facility's completion.

Members adopted an amendment, offered by Flynn, requiring that any other additions to the county state aid highway system go through the normal CASH screening board process. The bill was approved and re-referred to the Human Services Finance Committee.

## Transportation Budget Division

### Public safety budget overview

Thurs., Feb. 13, Chair Janet Johnson (DFL-North Branch) and the Transportation Budget Division heard from Public Safety Department representatives regarding budget requests.

When Frank Ahrens, financial director of the Dept. of Public Safety and Public Safety Director Katherine Burke Moore requested salary increases for state troopers based on an internal Hay study, Sen. Carol Flynn (DFL-Mpls.) asked why the department is "using this avenue to address salary issues normally handled in the collective bargaining process." In response to the suggestion that the study was part of an attempt to correct discrepancies, Flynn responded, "I just don't know that it needs to be corrected here."

Chief Mike Chabries of the State Patrol asked the committee to consider funding for computer-aided dispatch and automated recordkeeping. Sen. Jane Ranum (DFL-Mpls.) asked if the system will be compatible with that of the BCA. "They can talk to each other," he replied.

Chabries also requested an additional 75 troopers. Captain Brian Erickson of the State Patrol testified that in twenty years on the job, the unit has shouldered increased responsibility, but that there are fewer people working the road than in 1975. "After midnight, on most days, there's no trooper till 6:00 am." The new troopers, he said would be split evenly between rural and urban regions to give Greater Minnesota 24 hour coverage. In addition, a special response teams would be structured to handle large emergencies which now, when they arise, deplete the ranks.

Johnson asked how many applications come in for open trooper spots. Erickson said for the last class, the State Patrol received 868 applications for 21 jobs. It takes about a year, he said, to complete a

hiring cycle, which includes announcement, testing, interviews, a 16 week school and 12 weeks of ride-along. When Flynn questioned why the patrol is asking for 75 more members when it is currently 26 employees short of its full 535 employee complement. Erickson told her a school is currently in progress. Ranum asked about the demographics of the class and Erickson revealed that due to attrition, the new class is down to 12 from 21, with one woman and no non-whites.

Erickson said that of the present 535 employees, a quarter of the road troopers are assigned to the Metro Area, extending north and south from Rock Creek to Canon Falls and east and west from Wisconsin to Buffalo. Ranum asked for more metro troopers. Erickson agreed that calls in the Metro Area far exceed those in Greater Minnesota, but said that due to distances, rural troopers at this point are only able to answer calls, not give full coverage. Sen. Thomas Neville (R-Northfield) voiced his support for the extra troopers.

Captain Patrick Chase, director of Public Safety, Capitol Security Division testified that he needs six additional blue-shirted personnel to properly secure the 37 buildings under his purview, which includes all state buildings in the Capitol Complex plus others designated for protection by executive order.

The last request was made by Frank Ahrens, who returned to ask for deficiency fund replacement for monies spent when the department assisted the city of Minneapolis during the summer of 1996.

### MN/DOT budget overview heard

MN/DOT Deputy Commissioner and Chief Financial Officer, Ed Cohoon, told the Transportation Budget Division, Tues., Feb. 19, that more than three-fourths of all MN/DOT employees are divided among eight transportation districts throughout the state. Cohoon told the division, chaired by Sen. Janet Johnson (DFL-North Branch), that MN/DOT employees now number approximately 5,000, a decline of 2,000 from 1970. He also explained state and federal transit funding, and the department's initiatives for safety, service and investment preservation, employee training, and development and technology.

MN/DOT Transit Director Donna Allen described MN/DOT's goal to provide cost effective and efficient public transit service throughout the Metro Area and Greater Minnesota. She said MN/DOT will attempt to improve and maintain transportation to and within thirty-nine regional commercial centers throughout the state. Regional centers provide healthcare and other vital services to rural residents, she told members. Allen said that 65 transit systems, consisting of vans and of small and large buses, currently serve Greater Minnesota. She said that Dial-a-Ride and volunteers also help people to reach their

destinations. In 1996, she said, there were 8.3 million transit passengers in Greater Minnesota, and 64 million in the Metro Area.

Allen said that trends and issues affecting transit include a decline in federal operating funding; an aging rural population requiring more transit services; the necessity of service coordination between towns, cities and counties; and welfare reform readiness to move people to and from employment centers.

### Hearing interpreters services

The Legislative Coordinating Commission has contracted with the Minnesota Foundation for Better Hearing and Speech to provide sign language interpretive services for deaf and hard of hearing people during this legislative session. The foundation's coordinator for this project will maintain an office in Room 90 of the State Office Building.

Requests for ASL interpretive services should be directed to the coordinator at 282-2231 v/tty. Interpretive services are available committee hearings, and to interpret for meetings between members and constituents.

### Listserv available

Both the Senate and House have established "listservs" to automatically send daily committee schedules to subscribers with Internet e-mail access. The service is designed to make it easier for the public to get up to the minute information about Senate and House committee schedules. A "listserv" is a mailing list program designed to copy and distribute electronic mail to everyone subscribed to a particular mailing list. It is necessary to subscribe to each list separately.

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In the message body type the following text:

subscribe sen-schedules

To subscribe to the House listserv send e-mail to:

listserv@hsched.house.leg.state.mn.us

In the message body type the following text:

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A welcome message with information about how to unsubscribe from the listservs will then be sent to the new subscriber. Subscribers may leave the e-mail mailing list at any time by following the simple instructions.

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, February 24

#### Ad Hoc Committee on Information Technology

Chair: Sen. Steve Kelley  
9 a.m. Room 112 Capitol

**Agenda:** Overview of the governor's information technology proposal and budget.

#### Rules and Administration Subcommittee on Permanent and Joint Rules

Chair: Sen. Ember Junge  
9 a.m. Room 125 Capitol

**Agenda:** Amendments to Permanent and Joint Rules

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

#### Election Laws Committee

Chair: Sen. John Marty  
12 noon Room 112 Capitol

**Agenda:** S.F. 185 - Marty: Lobbyist disclosure

#### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard  
12 noon Room 107 Capitol

**Agenda:** S.F. 127-Stevens: Environmental advisory councils. S.F. 301-Frederickson: BWSR federal grants administration authority. S.F. 354-Belanger: Changing membership of EQB. S.F. 413-Frederickson: Authorizing state general permit for water appropriation.

#### Judiciary Committee

Chair: Sen. Jane Ranum  
12 noon Room 15 Capitol

**Agenda:** S.F. 500-Foley: Uniform interstate family support act. S.F. 203-Berglin: Putative father registry; adoption notice and consent provisions. S.F. 12-Betzold: Revisors bill. S.F. 646-Junge: Professional businesses regulations. Tentatively scheduled: S.F. 298-Ten Eyck: Uniform Partnership Act of 1994.

#### Crime Prevention Committee

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

**Agenda:** S.F. 218-Kelly: Statewide criminal gang strike force (continued). S.F. 114-Vickerman: Snow emergency funding. S.F. 158-Robertson: Per se DWI at 0.01 BAC for school bus drivers.

#### Local and Metropolitan Government Committee

Chair: Sen. Jim Vickerman  
2 p.m. Room 107 Capitol

**Agenda:** S.F. 216-Belanger: Department technical bill. S.F. 362-Murphy: Real estate tax redemption notice. S.F. 431-Higgins: Clarifying Minneapolis utility charge assessments. S.F. 456-Belanger: Policy changes to property taxes.

### Tuesday, February 25

#### Environment and Agriculture Budget Division

Chair: Sen. Steven Morse  
8:00am Room 123 Capitol

**Agenda:** PCA budget overview

#### Family and Early Childhood Education Budget Division

Chair: Sen. Pat Piper  
8 a.m. Room 15 Capitol

**Agenda:** Early Childhood Speakers/Dr. Mary McEvoy, Dr. Scott McConnell, Center for Early Education and Development, U of M.

#### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf  
8 a.m. Room 107 Capitol

**Agenda:** Informal talk with U of M President-elect Dr. Mark Yudof. Budget presentation by UofM.

#### Health and Family Security Committee

Chair: Sen. John Hottinger  
10 a.m. Room 15 Capitol

**Agenda:** To be announced

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak  
10 a.m. Room 123 Capitol

**Agenda:** S.F. 417-Moe: Becker County; economic development authority. S.F. 546-Novak: Excavation notification - requiring notice.

#### Joint Senate Governmental Operations and Veterans Affairs Committee, Governmental Operation Budget Division, House State Government Finance Division and House Capital Investment Committee

Co-chairs: Sen. Len Price and Rep. Tom Rukavina

12 noon Room 123 Capitol

**Agenda:** The SGS Group/Architectural Alliance report on the Dept. of Revenue building.

#### Transportation Committee

Chair: Sen. Carol Flynn  
12 noon Room 112 Capitol

**Agenda:** S.F. 61-Johnson, JB: Drug and

alcohol testing for snowplow drivers. S.F. 129-Robertson: Under-21 Minnesota identification cards. S.F. 166-Kelly: Impounded vehicle sales. S.F. 435-Foley: Motor vehicles registration.

#### Agriculture and Rural Development Committee

Chair: Sen. Dallas Sams  
2 p.m. Room 107 Capitol

**Agenda:** Northern Great Plains Rural Development Commission Report.

#### Commerce Committee

Chair: Sen. Sam Solon  
2 p.m. Room 112 Capitol

**Agenda:** S.F. 302-Berglin: Health care services on prepaid basis. S.F. 533-Kelley, S.P.: Unclaimed Property Act of 1995. S.F. 173-Kelley, S.P.: Using electronic signatures and messages in commerce.

#### Rules and Administration Information Systems Subcommittee

Chair: Sen. Leonard Price  
2 p.m. Room 318 Capitol

**Agenda:** Review 1997-1999 Information Systems Proposed Projects - Draft. Review: World Wide Web home page development policy and dial-in telecommuting policy. discussions of laptop computer use in the Senate and chamber automation study.

#### Health Care and Family Security Budget Division

Chair: Sen. Don Samuelson  
4 p.m. Room 112 Capitol

**Agenda:** Continuation of budget overview - Dept. of Human Services.

### Wednesday, February 26

#### Family and Early Childhood Education Budget Division

Chair: Sen. Pat Piper

8 a.m. Room 15 Capitol

**Agenda:** Child care budget overview, Dept. of Children, Families and Learning

#### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf

8 a.m. Room 107 Capitol

**Agenda:** Continuation of UofM budget presentation. S.F. 519-Johnson, D.J.: NRRI; S.F. 499-Terwilliger: State council on vocational-technical education.

#### K-12 Education Budget Division

Chair: Sen. Lawrence Pogemiller

8 a.m. Room 112 Capitol

**Agenda:** To be announced

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**Governmental Operations and Veterans Committee**

Chair: Sen. James Metzger  
10 a.m. Room 15 Capitol

**Agenda:** S.F. 463-Anderson: MN Humanities Commission; S.F. 91-Cohen: Retirement and police state aid allocation; S.F. 99-Betzold: Changing certain military requirements and procedures; S.F. 445-Metzger: Persian Gulf War Bonus bill; S.F. 96-Betzold: Rules pertaining to the Dept. of Public Safety

**Transportation Budget Division**

Chair: Sen. Janet Johnson  
10 a.m. Room 112 Capitol  
**Agenda:** MNDOT budget overview.

**Election Laws Committee**

Chair: Sen. John Marty  
12 noon Room 112 Capitol  
**Agenda:** S.F. 708-Marty: Campaign finance modifications

**Environment and Natural Resources Committee**

Chair: Sen. Bob Lessard  
12 noon Room 107 Capitol  
**Agenda:** Confirmation of Peder A. Larson, Commissioner, Pollution Control Agency. S.F. 433-Sams: Levy for Sauk River watershed district. S.F. 474-Sams: Watershed districts ad valorem levy. S.F. 389-Price: Individual sewage treatment systems.

**Judiciary Committee**

Chair: Sen. Jane Ranum  
12 noon Room 15 Capitol  
**Agenda:** S.F. 53-Betzold: Supreme Court Task Force on Civil Commitments recommendations. S.F. 57-Betzold: Clarifying the civil commitment act. S.F. 135-Scheid: Hazing civil cause of action. Foster care and adoption bills to be announced.

**Crime Prevention Committee**

Chair: Sen. Allan Spear  
2 p.m. Room 15 Capitol  
**Agenda:** S.F. 409-Spear: Nonfelony Enforcement Advisory Committee (NEAC) bill. Presentation of NEAC report and bill by NEAC members.

**Governmental Operations Budget Division**

Chair: Sen. Leonard Price  
2 p.m. Room 125 Capitol  
**Agenda:** Department of Employee Relations budget overview. State Board of Investment budget overview.

**Local and Metropolitan Government Committee**

Chair: Sen. Jim Vickerman  
2 p.m. Room 107 Capitol  
**Agenda:** To be announced.

**Education Finance Committee**

Chair: Sen. Keith Langseth  
4 p.m. Room 123 Capitol  
**Agenda:** Technology and K-12.

**Health Care and Family Security Budget Division**

Chair: Sen. Don Samuelson  
4 p.m. Room 112 Capitol  
**Agenda:** Continuation of Budget Overview - MN Dept. of Human Services

**Taxes Subcommittee on Income and Sales Tax**

Chair: Sen. Steve Murphy  
4 p.m. Room 15 Capitol  
**Agenda:** S.F. 497-Scheid: Policy changes to income and withholding taxes, sales and use taxes, Minnesota Care taxes, and tax collections.

**Thursday, February 27****Rules and Administration Committee**

Chair: Sen. Roger D. Moe  
8:30 a.m. Room 107 Capitol  
**Agenda:** Personnel issues, SF 90-Cohen: Legislative committees and commissions, other.

**Health and Family Security Committee**

Chair: Sen. John Hottinger  
10 a.m. Room 15 Capitol  
**Agenda:** To be announced

**Jobs, Energy and Community Development Committee**

Chair: Sen. Steven Novak  
10 a.m. Room 123 Capitol  
**Agenda:** S.F. 120-Murphy: Housing. S.F. 118-Samuelson: Employment leaves of absence.

**The Senate will meet in joint session with the House of Representatives at 11:45 am.****Agriculture and Rural Development Committee**

Chair: Sen. Dallas Sams  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 556-Beckman: Farm America grants. S.F. 643-Moe: Hybrid tree management. S.F. 526-Pariseau: Food handler certification.

**Commerce Committee**

Chair: Sen. Sam Solon  
2 p.m. Room 112 Capitol  
**Agenda:** S.F. 495-Novak: Diabetes self-management coverage requirement; S.F. 501-Solon: Omnibus Department of Commerce bill.

**Crime Prevention and Judiciary Budget Division**

Chair: Sen. Randy Kelly  
4 p.m. Room 15 Capitol

**Agenda:** S.F. 278-Kiscaden: Local governments filing fee exemption in DWI forfeiture action. Review budget of the Department of Human Rights.

**Economic Development Budget Division**

Chair: Sen. Tracy Beckman  
4 p.m. Room 123 Capitol  
**Agenda:** To be announced.

**Environment and Agriculture Budget Division**

Chair: Sen. Steven Morse  
4 p.m. Room 107 Capitol  
**Agenda:** PCA budget overview.

**Transportation Budget Division**

Chair: Sen. Janet Johnson  
6 p.m. Room 112 Capitol  
**Agenda:** Budget overviews.

**Friday, February 28****Family and Early Childhood Education Budget Division**

Chair: Sen. Pat Piper  
8 a.m. Room 15 Capitol  
**Agenda:** Prevention programs budget overview - community education, hearing impaired, adults with disabilities, extended day - Department of Children, Families and Learning

**K-12 Education Budget Division**

Chair: Sen. Lawrence Pogemiller  
8 a.m. Room 112 Capitol  
**Agenda:** To be announced

**Health and Family Security Committee**

Chair: Sen. John Hottinger  
10 a.m. Room 15 Capitol  
**Agenda:** To be announced

**Environment and Agriculture Budget Division**

Chair: Sen. Steven Morse  
12 noon Room 107 Capitol  
**Agenda:** PCA budget overview

**Crime Prevention and Judiciary Budget Division**

Chair: Sen. Randy Kelly  
2 p.m. Room 15 Capitol  
**Agenda:** Review Budget of Dept. of Human Rights, Dolores Fridge, commissioner Dept. of Human Rights, Ken Nickolai, deputy commissioner, Carl Anderson, fiscal manager. Review budget of POST Board, John Laux, director, Dan Boytim, assistant fiscal officer, Dept. of Public Safety.

**Property Taxes and Local Government Budget Division**

Chair: Sen. Sandra Pappas  
2 p.m. Room 15 Capitol  
**Agenda:** Bills referred to division from Local & Metropolitan Government Committee.

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Party	Phone	Name	Room	District	Party	Phone	Name	Room	District
DFL	296-5537	Anderson, Ellen R.	G-24 Cap.	66	DFL	296-5645	Marty, John	325 Cap.	54
DFL	6-5713	Beckman, Tracy L.	124B Cap.	26	DFL	6-4370	Metzen, James P.	303 Cap.	39
R	6-5975	Belanger, William V.	113 SOB	41	DFL	6-2577	Moe, Roger D.	208 Cap.	2
IND	6-5094	Berg, Charles A.	G-95 SOB	13	DFL	6-5649	Morse, Steven	G-24 Cap.	32
DFL	6-4261	Berglin, Linda	309 Cap.	61	DFL	6-4264	Murphy, Steve	301 Cap.	29
DFL	6-2556	Betzold, Don	306 Cap.	48	R	6-1279	Neuville, Thomas M.	123 SOB	25
DFL	6-5931	Cohen, Richard J.	317 Cap.	64	DFL	6-4334	Novak, Steven G.	322 Cap.	52
R	6-9457	Day, Dick	117 SOB	28	R	6-4837	Oliver, Edward C.	121 SOB	43
R	6-4131	Dille, Steve	103 SOB	20	R	6-1282	Olson, Gen	119 SOB	34
R	6-2084	Fischbach, Michelle L.	151 SOB	14	R	6-5981	Ourada, Mark	145 SOB	19
DFL	6-4274	Flynn, Carol	120 Cap.	62	DFL	6-1802	Pappas, Sandra L.	120 Cap.	65
DFL	6-4154	Foley, Leo T.	G-9 Cap.	49	R	6-5252	Pariseau, Pat	109 SOB	37
R	6-8138	Frederickson, Dennis R.	139 SOB	23	DFL	6-9248	Piper, Pat	G-9 Cap.	27
DFL	6-3219	Hanson, Paula E.	328 Cap.	50	DFL	6-7809	Pogemiller, Lawrence J.	235 Cap.	59
DFL	6-9246	Higgins, Linda I.	227 Cap.	58	DFL	7-8060	Price, Leonard R.	235 Cap.	57
DFL	6-6153	Hottinger, John C.	120 Cap.	24	DFL	7-8061	Ranum, Jane B.	306 Cap.	63
DFL	6-8017	Janezich, Jerry R.	328 Cap.	5	R	6-4314	Robertson, Martha R.	125 SOB	45
DFL	6-9261	Johnson, Dave	111 Cap.	40	R	6-4123	Robling, Claire A.	132D SOB	35
R	6-3826	Johnson, Dean E.	147 SOB	15	R	6-1253	Runbeck, Linda	107 SOB	53
DFL	6-8881	Johnson, Douglas J.	205 Cap.	6	DFL	7-8063	Sams, Dallas C.	328 Cap.	11
DFL	6-5419	Johnson, Janet B.	G-9 Cap.	18	DFL	6-4875	Samuelson, Don	124 Cap.	12
DFL	6-2889	Junge, Ember Reichgott	205 Cap.	46	R	6-3903	Scheevel, Kenric J.	129 SOB	31
DFL	7-8065	Kelley, Steve	321 Cap.	44	DFL	6-8869	Scheid, Linda	317 Cap.	47
DFL	6-5285	Kelly, Randy C.	323 Cap.	67	DFL	6-4188	Solon, Sam G.	303 Cap.	7
R	6-4848	Kiscaden, Sheila M.	135 SOB	30	DFL	6-4191	Spear, Allan H.	120 Cap.	60
R	6-6455	Kleis, Dave	143 SOB	16	R	6-8075	Stevens, Dan	105 SOB	17
R	6-4120	Knutson, David L.	133 SOB	36	DFL	6-8660	Stumpf, LeRoy A.	G-24 Cap.	1
DFL	6-7061	Krentz, Jane	235 Cap.	51	DFL	6-4913	Ten Eyck, David J.	G-24F Cap.	4
R	6-4351	Laidig, Gary W.	141 SOB	56	R	6-6238	Terwilliger, Roy	115 SOB	42
DFL	6-3205	Langseth, Keith	122 Cap.	9	DFL	6-5650	Vickerman, Jim	226 Cap.	22
R	6-5655	Larson, Cal	153 SOB	10	DFL	7-8073	Wiener, Deanna L.	303 Cap.	38
R	6-4125	Lesewski, Arlene J.	131 SOB	21	DFL	6-6820	Wiger, Charles W.	325 Cap.	55
DFL	6-4136	Lessard, Bob	111 Cap.	3	<b>Capitol address: 75 Constitution Ave</b>				
R	6-2159	Limmer, Warren	127 SOB	33	<b>State Office Building address: 100 Constitution Ave</b>				
DFL	6-0293	Lourey, Becky	G-9 Cap.	8	<b>St. Paul, MN 55155</b>				

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# Briefly

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*The Minnesota Senate Week in Review*

*February 28, 1997*

## **Stalking bill passed**

A bill clarifying the definitions for the crime of harassment and stalking provided the focal point for debate at the Mon., Feb. 24, floor session. H.F. 5, authored by Sen. Ember Junge (DFL-New Hope), is a response to a recent Supreme Court decision that said current law lacked the element of proving intent on the part of the perpetrator.

Junge said the bill shifts to the perspective of the perpetrator and broadens the type of reactions on the part of the victim that could be used to define the crime. Junge said, "Stalking is a unique crime—it is obsessive, irrational behavior. We need a law to stop the cycle of harassment before it escalates to a cycle of violence."

Under the bill, the definition is changed to provide that harassment means engaging in intentional conduct that would cause a reasonable person to feel frightened, threatened, oppressed, persecuted or intimidated. The bill also specifies that the state does not have to prove that the perpetrator intended to cause the victim to feel frightened or threatened. Junge also said that the bill includes language toughening the penalties for using weapons when committing a stalking crime and for violations of orders for protections.

Debate centered on an amendment, offered by Sen. Thomas Neuville (R-Northfield), to delete the section of the bill specifying that the state does not have to prove specific intent. Neuville argued that the section creates confusion and it contradicts the portion dealing with the perpetrator's intentional behavior. Junge countered, "the bill spells out exactly what the court asked for, that specific intent is not required." Sen. David Knutson (R-Burnsville), also argued against the amendment and said, "We need to be very clear for the Court and the language helps make the Legislature's point." The amendment was defeated. The bill was granted final passage as a Special Order on a vote of 63-0.

In other action, the Senate also gave final passage to an additional bill on Special Orders. S.F. 274, authored by Sen. Martha Robertson (R-Minnetonka), raises the cap for reimbursement of adoption expenses for the adoption of children with special needs. Senators also gave final passage to two bills on the Senate Calendar. S.F. 38, carried by Sen. Dallas Sams

(DFL-Staples), modifies provisions relating to record keeping by persons regulated by the Board of Medical Practice. S.F. 95, sponsored by Sen. Becky Lourey (DFL-Kerrick), is a housekeeping bill for the Dept. of Health.

## **Regents elected**

The Senate met in joint session with the House of Representatives Thurs., Feb. 27, to elect regents to serve on the Board of Regents at the University of Minnesota. Those elected were: H. Bryan Neel III, 1st District; David Metzen, 4th District; Michael O'Keefe, 5th District; Maureen Reed, 6th District; Robert Bergland, 7th District.

## **Deer feeding bill advanced**

A bill appropriating funds for emergency deer feeding was advanced by the State Government Finance Committee, Thurs., Feb. 20. The controversial bill was one of four bills advanced by the committee, chaired by Sen. Richard Cohen, (DFL-St. Paul).

S.F. 195, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), places a surcharge of \$1.50 on deer licenses for the 1997 deer season to provide funds for emergency deer feeding. The bill also establishes a program that rewards special \$5 contributions to deer feeding with the issuance of a special decorative certificate of appreciation.

Stumpf said, "The latest winter severity index, which measures winter in terms of temperature and snow depth, rated 1989 and 1996, both tough winters, at 120. This winter, with still the snowiest month of the year yet to come, is already at 124. With conditions like that, you can see the challenges the deer have getting to their food source." Stumpf offered an amendment limiting the scope of the bill to the parts of the state most affected, covering all but the Metro Area and extreme southeastern Minnesota. The amendment was adopted.

Sen. Gary Laidig (R-Stillwater) offered an amendment increasing the license surcharge to \$2 per license. He said, "This will reconcile the short-term goal of feeding the deer with the long-term challenge to the DNR. The additional funds can be used to provide the department with the staff to supplement the volunteer effort and carry out the program." Joe Wood representing the Minnesota Deer Hunters Association stated support of the amend-

ment on behalf of the MDHA. Roger Holmes, director of the Fish and Wildlife Division of the DNR supported it as well. The amendment was approved, and the bill was advanced to the Senate floor.

Three other bills were advanced with little discussion. S.F. 508, authored by Sen. Steve Kelley (DFL-Hopkins), changes the terms governing the appropriation of grant money to the city of Hopkins for a new performing arts center. The bill was recommended for the Consent Calendar. S.F. 436, presented by Sen. Steven Morse (DFL-Dakota), modifies the requirements for a program for environmental learning centers, and changes the source of some of the funding for those centers. The bill was advanced to the floor. S.F. 447, a housekeeping bill relating to the state finance department and authored by Sen. Dennis Frederickson (R-New Ulm) was re-referred to the Government Operations Committee.

## **Rules discussed**

After meeting in joint session with the House of Representatives Thurs., Feb. 27, the Senate held a brief floor session. Members began discussion of a resolution, S.R. 25, containing the Permanent Rules of the Senate, granted final passage to one bill on the Consent Calendar and considered 2 bills on General Orders.

Sen. Ember Junge (DFL-New Hope), explained the changes to the Senate permanent rules. According to Junge, the changes this year were relatively non-controversial and were mainly of a technical nature. Senators delayed action on the resolution in order to allow members time to draft amendments.

H.F. 631, authored by Sen. Steve Kelley (DFL-Hopkins), clarifies the terms and conditions of a state appropriation for the construction of a performing arts center in the city of Hopkins. Kelley said that the bill is needed because the city raised more funds than required by the match in the original legislation. The bill was granted final passage on the Consent Calendar on a 51-0 roll call vote.

S.F. 458, authored by Sen. Linda Higgins (DFL-Mpls.), relating to insurance clarifies the right to escrow for certain losses in specific cases. S.F. 94, authored by Sen. Roger D. Moe (DFL-Erskine), deals with the sale and management of state lands by the Dept. of Natural Resources. Both measures were given preliminary passage on General Orders.

# Committee update

## Ad Hoc Committee on Information Technology

### IT initiatives presented

The Ad Hoc Committee on Informational Technology had its first meeting Mon., Feb. 24. Chaired by Sen. Steve Kelley (DFL-Hopkins), the committee heard an overview of the governor's information technology budget proposal.

Mark Manning of the Dept. of Children, Family, and Learning, and John Gunyou, executive director of the Office of Technology, presented the summary of the IT initiatives, which call for expenditures of \$216 million for the next biennium. According to the governor's summary, 50 percent of the new programs will be devoted to education and lifelong learning.

Gunyou described MnLink, the Minnesota Library Information Network, and said, "MnLink will connect higher education libraries with community libraries, giving patrons of both systems global access. We would also integrate K-12 facilities." Job related internet services are also part of the proposals. "ISEE, Internet Search Employment and Education, would be a comprehensive link to job banks, part of the one-stop shopping approach tying jobs, educational facilities, and community services together," said Gunyoun.

The budget calls for \$25 million for the Year 2000 project, adapting computer systems to the numerical transition from 1999 to 2000. "Without this conversion, which is a worldwide concern, 90 percent of all business applications will fail," said Gunyoun. He also described the MnCard, a project using smart card technology to provide one card to replace driver's licenses, hunting and fishing licenses, state park passes, auto registration, library cards, unemployment compensation information, and voter registration. Sen. Jane Ranum (DFL-Minneapolis), said, "I do have some concerns about privacy. We must be vigilant and sensitive as we go forward with this technology that privacy rights be protected."

## Agriculture and Rural Development

### Potato blight discussed

The Agriculture and Rural Development Committee heard testimony Thurs., Feb. 20, from the Central Lakes Agricultural Center regarding potato blight. The committee, chaired by Sen. Dallas Sams (DFL-Staples), also advanced two bills.

S.F. 347, authored by Sen. Becky Lourey (DFL-Kerrick), makes technical changes and sets expiration dates for certain committees relevant to the Feedlot and Manure Management Advisory Committee. After the bill was amended to add a representative from the Agricultural Utilization Research Institute to the Food Safety Advisory Committee, the bill was advanced to the

Government Operations Committee.

Sen. Steve Dille (R-Dassel) presented S.F. 543, a bill that changes grain bank license requirements and repeals the Interstate Grain Compact. The bill was advanced to the Senate floor.

Dr. Roger Jones, professor of Plant Pathology at the University of Minnesota and Norm Krause, director of the Central Lakes Agricultural Center, summarized the findings of a report on potato late blight. The report was based on controlled studies examining the effects of the disease on commercial potatoes. Jones said, "Now I understand how the Irish felt--this is a scary disease. It moves incredibly fast--six days. This has become the most important and destructive potato disease worldwide." Krause said, "We were unable to find much resistance to the disease in the potatoes grown extensively in Minnesota." Said Jones, "The fungicide used to protect the crop from the blight is expensive. We have seen fungicide costs go from \$47 per acre to as much as \$180 per acre." The study is continuing to find a commercially viable variety that is resistant to the disease.

### Rural report presented

A national commission established by Congress to examine rural development issues presented its report Tues., Feb. 25 to the Agriculture and Rural Development Committee. Jerry Nagel, executive director of the Northern Great Plains Rural Development Commission testified before the committee, chaired by Sen. Dallas Sams (DFL-Staples).

"The commission was established in August of 1994 by an act of Congress to come up with a strategy for rural development centered around the northern plains," said Nagel, "Five states--Minnesota, North and South Dakota, Nebraska, and Iowa--each have two members on the commission. We've looked at development from a variety of perspectives, conducting hearings, interviews and surveys, and have a number of recommendations which we'll be presenting to Congress in March."

Nagel said, "Some large changes are taking place in agriculture. The cost of farming is rising faster than farm income, and there is an increasing consolidation of farm and ranch land. There is also a significant shift in the makeup of global food trade away from a market for bulk commodities to a market for value-added food products. These changes have a number of profound implications. For example, previous rural development strategies focusing on direct farm employment have failed. The trend towards larger farms will continue, and it will be in the value-added sector where jobs will be created." Noting that "young people today find their identities in a very different way than did their parents," Nagel said, "Their sense of place is no longer tied to land, it's in a shared environment with other young people

throughout the world. There will be a rural outmigration as this generation goes to where the jobs are, places offering jobs with competitive wages in the skills these young people have developed, such as technological skills." Finally, Nagel emphasized that Native American communities are vital to the region's future, and that the states and tribal nations must put their differences aside if the region is to meet the challenges ahead.

## Commerce

### Healthcare bills moved

The Commerce Committee moved two bills, Thurs., Feb. 20, concerning health care choices. The committee, chaired by Sen. Sam Solon (DFL-Duluth), approved S.F. 398, a bill sponsored by Sen. Deanna Wiener (DFL-Eagan), allowing female health plan enrollees direct access, without a referral, to obstetricians and gynecologists for certain services.

The division approved the bill and sent it to the Senate floor.

S.F. 465, also sponsored by Wiener may allow Minnesotans the opportunity to purchase federally qualified long-term health care (LTHC) insurance policies.

Sen. Allan Spear (DFL-Mpls.) said that possible passage of the bill would result in the sale of "nursing home only" (NHO) insurance policies. He said that the availability of NHO insurance contradicts the direction of Legislative long-term health care initiatives that encourage home and community-based care, with nursing home care used as a last resort.

Weiner said that, while NHO policies would be available, they would not necessarily comprise the majority of LTHC care options available and sold. She said that premiums paid for qualified LTHC policies and nonreimbursed LTHC expenses are deductible under the Internal Revenue Code. Wiener said that employers may include LTHC coverage among employee benefits and deduct their LTHC premium expenses just as they do for other health care coverage offered. She also said that LTHC availability is necessary to be consistent with other states that allow their residents this protection.

Several Senators expressed concern that the bill was more an attempt to increase insurance sales than to help Minnesotans protect their assets from health care expenses. Sen. John Marty (DFL-Roseville) offered an amendment changing insurance companies' loss ratio from 60 percent, provided by state law, to 65 percent. A 65 percent loss ratio means that the insurer is required to pay the health care provider 65 cents on the dollar, and that it may retain 35 cents for its operating expenses, said Bev Turner, representing the Insurance Federation of Minnesota. The amendment was defeated. The committee approved the bill and rereferred the bill to the Committee on Health and Family Security.

## Two bills advance

The Commerce Committee, chaired by Sen. Sam. Solon (DFL-Duluth), approved a bill, Tues., Feb. 25., that provides for the use of electronic signatures and messages to be generated and transmitted for the purpose of conducting commerce.

S.F. 173, sponsored by Sen. Steve Kelley (DFL-Hopkins) provides for the use of legally binding electronic signatures generated by computer software that encrypts, authenticates and decrypts electronic messages or documents. According to Kelley, digital signature technology makes the telecommunication system a practical method of sending legal documents and information of value within and outside the state. He said that a digital signature provides assurance to a recipient that the message or document is indeed from the sender and has not been altered. Kelley said that 14 states have adopted some form of digital signature technology, and that others have pending legislation. The committee approved the bill and re-referred it to the Judiciary Committee.

S.F. 302, sponsored by Sen. Linda Berglin (DFL-Mpls.), permits community health clinics, that have been designated essential community providers, to offer low-income individuals or families the option of purchasing basic health care services on a prepaid basis without having to meet insurance law requirements. An author's amendment to the bill also allows hospital services to an individual or family who is enrolled in the prepaid option. The committee approved the bill, as amended, and sent it to the Senate floor.

## Crime Prevention

### Boston gun project presentation

"It don't take really nothin to get a gun," said one of the juveniles who testified Fri., Feb. 21 before a joint meeting of the Senate Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls) and the House Judiciary Committee, chaired by Rep. Wes Skoglund (DFL-Mpls).

David Kennedy, of Harvard's Kennedy School of Public Policy, presented the group with his findings and some promising results from the Boston Gun Project, a program of intervention which has correlated to a substantial drop in that city's gun activity. The project, said Kennedy, began in 1995 with an effort to coordinate the initiatives of state, local and federal law enforcement regarding gun trafficking and violence in the Boston area. "This is not," he emphasized, "a root causes type approach for the next generation. This is what can we do to quickly decrease the killing right now."

Asking the panel to put aside preconceptions, Kennedy offered a profile of gun traffic. "Kids want guns new in the box," he said, "not only because these guns are shinier or more high tech but also because they don't have a body on them." Kids want guns, he said, because they're scared. Crack

cocaine may have been driving the trend in the beginning, he said, but now, its fear.

Contrary to widely held beliefs that guns were coming up to Boston from the south, Kennedy said his team found that "the fast guns, almost all semis with obliterated serial numbers, were being sold by local traffickers." Boston law enforcement response, said Kennedy, was to simply enforce laws already on the books, to start pressuring teens to divulge sources of seized weaponry, to watch gun shops and investigate suspicious want ads. "Boston police are tripping over traffickers now. It's a turkey shoot," Kennedy said.

On the demand side, said Kennedy, Boston police began to target their street efforts on those who used guns violently. According to Kennedy, police advertised that gun assaults would be a priority, and came down hard on offenders. "Police know the people in their territory," he said, "Cops passed out warning fliers, partnered up with probation officers at night to enforce curfews, arrested and fully prosecuted violent gun offenders," he said. In many cases, he said, enforcing curfews can be more of a threat than a looming spectre of prison. The city, he said, has not lost a legal juvenile since the summer of 1995, arrests are down, and police are complaining that they don't have enough work to do.

Chief Bob Olson of the Minneapolis Police Dept. said the urban Minnesota's problems are similar. Boston gangs however, he observed, are more localized, whereas Minneapolis has seen a major influx of out-of-town gangs setting up shop. "But as for the illegal traffic, the obliterated serial numbers and the straw purchases, they're all here," he said.

Kennedy reiterated, "Police can make a difference with this kind targeted enforcement. A blanket approach allows an honorable exit from violence for kids who didn't want to participate. A common enemy is a wonderful thing."

### Gang strike force bill approved

On Mon., Feb. 24, the Crime Prevention Committee made quick work of its first two agenda items. The committee voted to re-refer S.F. 158 a school bus safety bill offered by Sen. Martha Robertson (R-Minnetonka) to the Committee of Children Families and Learning after hearing that penalty language had been removed. S.F. 114, a snow removal cost reimbursement bill authored by Sen. Jim Vickerman (DFL-Tracy) requesting a \$20 million appropriation for disaster area emergency funding was approved and re-referred to the Human Resource Finance Division. Chair Allan Spear (DFL-Mpls.) and the committee then continued to discuss the gang strike force bill authored by Sen. Randy Kelly (DFL-St. Paul).

The bill's "strike force," a criminal gang oversight council, will develop a statewide plan to identify, investigate and prosecute criminal gang offenses. It includes the commissioner of public safety, the superin-

tendent of the BCA, the attorney general, the Hennepin, Ramsey, St. Louis and Olmstead county attorneys, the chief law enforcement officers for Minneapolis, St. Paul and Duluth, and the Hennepin, Ramsey, St. Louis and Olmstead county sheriffs.

Kelly, flanked by Anoka County Attorney Bob Johnson and Assistant Ramsey County Attorney Tom Frost, explained that the bill splits the strike force into law enforcement and prosecutorial work groups. In deference to prosecutorial community wishes, he said, he also supported limiting the oversight authority of the law enforcement group to that of review rather than approval of prosecution policy decisions. Beyond this, however, Johnson asked that the panel strike language empowering strike force attorneys to conduct county level prosecutions. "Prosecutors are here to get justice, not convictions, and there can be dangers," he said, "in bringing prosecutors and police into this relationship." Frost said giving strike force attorneys local jurisdiction compromises the accountability of elected county prosecutors.

Sen. Dave Johnson (DFL-Bloomington) offered an amendment to add the Brainerd police chief as well as the St. Cloud police chief and Kandiyohi County Attorney. The amendment was defeated after Sen. Thomas Neville (R-Northfield) spoke against it. "Let's focus the task force where it's needed most," he said. Kelly also criticized the amendment, saying it would open the door to other counties desiring inclusion. Similar statewide concerns fueled Sen. Dave Kleis's (R-St. Cloud) amendment to include the head of the Minnesota Chiefs of Police Association and the head of the Minnesota Sheriff's Association. The Kleis amendment was approved. The panel also approved an amendment, offered by Sen. Jane Ranum (DFL-Mpls.), requiring the strike force to work closely with the community services division of the Minnesota Dept. of Corrections.

Prosecutorial authority was addressed by Sen. David Knutson (R-Burnsville), who offered an amendment to restrict strike force prosecutorial powers to that of an assistant attorney general. The amendment failed 6-7. The bill was approved as amended and re-referred to the Governmental Operations and Veterans Affairs Committee.

### NEAC report heard

The report of the Nonfelony Enforcement Advisory Committee provided the focus for discussion at the Weds., Feb. 25, meeting of the Crime Prevention Committee. According to Spear, the NEAC was created four years ago in response to concerns about the effectiveness of enforcement of misdemeanor crimes. Spear said that there are literally hundreds of misdemeanor crimes scattered throughout the statutes. Some, said Spear, are serious offenses while others are relatively trivial and are rarely enforced. He said, the goal of the NEAC was to study the

# Committee update

statutes to determine the proportionality, prosecution and enforcement of nonfelony offenses and then make recommendations to the Legislature for appropriate changes throughout the criminal statutes.

Spear said that the Task Force found that examining all of the misdemeanor crimes in the statutes was a massive task. Originally, it had been intended that the results of the NEAC would be ready for the 1995 session however, that proved impossible and the life of the NEAC was extended for two years. Spear said the resulting bill, S.F. 409, a massive 663 page measure, contains the recommendations for a new approach to the classification of non-traffic misdemeanors.

Sue Dosal, state court administrator and NEAC chair, explained the work of the committee and introduced NEAC subcommittee chairs Roger Battreall and Bob Johnson. Prof. Kenneth Kirwin, reporter for the NEAC also spoke and detailed some of the committee's recommendations.

According to the report, the committee recommends a complete recodification of the state's criminal and vehicle provisions, including reformatting, renumbering and reorganizing both felony and nonfelony crimes. The NEAC also recommends establishing two additional penalty levels for nonfelony offenses, resulting in a five tiered penalty structure. The lowest level, infractions, takes the place of petty misdemeanors and are treated as "civil" violations, according to the report. In addition the NEAC recommended changes in the penalties for a wide range of offenses to achieve greater proportionality. The NEAC made additional recommendations for traffic offenses and to improve criminal justice system effectiveness as a whole.

Spear said that Sen. Ellen Anderson (DFL-St. Paul) will chair an ad hoc subcommittee to study the bill over the course of the next interim.

## Education Finance

### K-12 technology overview

"Computers are going to radically change how we work. They're already changing how we play. And they're going to change the way we learn," said Hamline Interim Dean Joe Graba in his presentation to the Education Finance Committee on Wed., Feb. 26. Graba shared his "big picture" futurism with Chair Keith Langseth (DFL-Glyndon) and the panel in a prelude to the Dept. of Children Families and Learning's overview on techno-pedagogy.

Graba's insights included the admonition that the coming sea change is "as big as the industrial revolution" and "not voluntary." He said high school students need to learn to use computers and be comfortable in an evolving high tech environment. Graba brought along a cache of new jargon to describe the world just ahead. "Learning," said he, "will be distributed, asynchronous, disintermediated, self-paced and disaggregated." Instead of the "sage on the stage,"

Graba proposed, a teacher will be the "guide on the side."

"Why technology?" asked Manning. According to his material, "Minnesota envisions effective use of new and emerging technologies as having a key facilitating role in effecting the changes needed to help students meet the new standards." Students, he said, will become engaged learners, teachers collaborators. "Classrooms will be connected, schools will be partnerships rather than monopolies, and geographic communities will become learning communities," Manning said.

CFL's Mike Damyonovich echoed Manning, elaborating on "authentic" application. According to Damyonovich, it is time to move beyond video game mentality and start truly incorporating technology, such as word processing, into students' everyday writing and editing process. Science classes, he said, should be using probeware to encourage simulations and probability experiments previously too unwieldy to consider in a classic lab setting. Technology, he said, should focus on performance, support sustained, challenging tasks, promote efficiency and allow teachers to adjust instructional time to suit student needs.

"Schools need," said Manning "a technology plan, infrastructure, connectivity, technical support and substantive support to integrate these elements and make them effective." He urged the panel to think in terms of local vs. state funding, the definition and terms of access, and issues concerning haves and have-nots. Though he acknowledged there may be disparities between districts that have made the extra financial commitment to technology and those who have been able to do so, Manning advised those holding the purse strings not to "punish the pioneers."

## Election Laws

### Lobbyist disclosure bill fails

"The whole purpose of S.F. 185," said Chair John Marty (DFL-Roseville) to the Election Laws Committee Mon., Feb 24., "is to serve the public right to know." Marty's bill requires that full disclosure of total lobbying costs be provided by principals as well as an itemized list of lobbied issues and legislation. It also requires disclosure by these organizations of all contributions, not only those above the current \$100 reporting minimum.

Sen. Mark Ourada (R-Buffalo) spoke out against the bill, "It's meddlesome recordkeeping, this tracking of bill numbers." He asked, "Every lobbyist is going to say they worked on bill numbers one to one-thousand." When Marty informed him that current law requires lobbyists to predict ahead of time which issues they will be working on, Ourada replied, "If that is the case, it should be deleted." Ourada's amendment to strike the required reporting of bill numbers was approved.

David Schultz from Common Causes spoke in support of the bill. "It fits in," he said, "with the overall philosophy that disclosure is important." He pointed out that the current bill does not change any of the actual spending rules. "It's important for citizens to be able to trace lines of influence," he said, "and it will result in restoration of voter confidence."

Sen. Roger Moe (DFL-Erskine) engaged Schultz, "26 years ago there was no open meetings law, no recorded vote requirement, and no lobbyist disclosure. Do you think voter confidence has increased since then?" Schultz replied that the impact of such legislation has been to make the institutions cleaner. He conceded, however, that voter cynicism has increased. When Ourada told Schultz this contradicted the earlier claim, Marty interjected, "Increased reporting requirements have exposed some bad things, but it's the bad things that make people cynical, not the reporting."

Sen. Linda Sheid (DFL-Brooklyn Park) said she questioned whether requested information wasn't indeed already available. Marty said that currently, reporting is tied in with campaigns rather than ongoing lobbying activity. The bill also, he said, requires aggregate disclosure at the funding source, rather than having data exist only on the candidate end.

In opposition, Robert Hentges of the Minneapolis law firm Faegre and Benson testified that S.F. 185 would, "needlessly increase the complexity and administrative burden" on lobbyists and the state. He said the public can already find out who is lobbying, who represents principals, what they are working on and how much they've spent. "I don't," he said, "hear any outcry that the public doesn't know enough about lobbyists."

S.F. 185 was defeated on a voice vote.

## Campaign finance bill discussed

At a hearing of the Election Laws Committee Wed., Feb 26., Chair John Marty (DFL-Roseville) related the history of S.F. 708, his campaign finance reform bill, versions of which have existed since 1993. In 1995, he said, it passed the Senate and died in a House committee. Portions, said Marty, were incorporated into the 1996 election reform bill, S.F. 315, authored by Sen. Dallas Sams (DFL-Staples) and vetoed by the governor.

A large portion of the lengthy bill is devoted to the elimination of criminal penalties for late campaign reports and filings by candidates, parties and lobbyists. In their place, Marty's bill institutes stiffer fines. Some sections, said Marty, merely tidy up current law by, for example, extending the ban on in-session fund raisers for the governor and lieutenant governor to cover the time period when the governor is deciding whether to sign or veto bills after adjournment sine die. Clean-up provisions also include coordinating areas of current state law with federal law. One such

instance exempts candidates for federal office from current law's prohibition of campaign solicitation during a legislative session. The bill also clarifies some accountabilities, such as stating that contributors are accountable to write required registration numbers on contribution checks.

Some new additions to the legislation provide: that campaign volunteers' personal time and private property or resources not be counted as contributions; that political committees' may not deposit contributions exceeding \$100 without recording the required personal and employment information of the donor; and that a candidate's principal campaign committee cannot make independent expenditures in support of, or in opposition to, another candidate.

When Marty explained language specifying that contributions of married couples using one check written for an amount in excess of the individual contribution limit may be divided as two amounts if the contributors express this wish, Sen. Linda Scheid (DFL-Brooklyn Park) brought up the case of joint checking. An author's amendment was approved to extend the terms to all joint checking arrangements.

Contention arose when Sen. Ember Junge (DFL-New Hope) questioned the severe penalty awaiting any candidates spending over the campaign limit. The bill states that such an offender can be required to return all state subsidy money. Junge proffered a scenario in which a candidate might exceed the limit by a small amount and be forced to repay thousands. Members approved Marty's subsequent amendment to strike the troublesome section.

The largest stir came in response to Marty's amendment requiring that party expenditures on multicandidate efforts such as sample ballots or combined field work for three or more candidates be broken out in the party's expenditure report, with expenditures itemized by candidate. "I'm all for disclosure," said Scheid, "but I'm not so sure we need parties to apportion these expenses. We can assume parties are spending money on their endorsed candidates." Sen. Carol Flynn (DFL-Mpls.) agreed and suggested Marty talk to the political parties before moving the amendment.

S.F. 708 was laid over for further debate.

## **Environment and Agriculture Budget Division**

### **PCA budget discussion begins**

The first of a series of discussions on the biennial budget for the Pollution Control Agency (PCA) began at the Tues., Feb. 25, meeting of the Environment and Agriculture Budget Division.

PCA deputy commissioner Lisa Thorvig began the presentation by highlighting a proposal to combine two funds administered by the agency. Thorvig said the PCA wants to combine the air quality revolving fund and the hazardous waste revolving fund into the small business assistance fund. She said the combined fund would have a larger

amount of money available for loans and "can be applied more broadly" than either of the two predecessor funds. Division Chair Steven Morse (DFL-Dakota) said he liked the proposal.

PCA Water Quality Division director Rod Massey said the agency plans to shift from a point source pollution control strategy to a whole watershed district management strategy. In so doing, Massey highlighted three projects needing legislative approval to receive Legislative Commission on Minnesota Resources funding. The projects are a Red River watershed management and planning project, a study of how chemicals in surface water affect fish health, and a study of on-site sewage treatment system alternatives. Sen. Charles Berg (IND-Chokio) commented that "the problem with the Red River is that it flows north," and that each spring the headwaters melt before the mouth does. The result is flooding caused by ice dams in the lower part of the river, Berg said. Massey said the Red River project is to plan for and manage that annual flooding.

Massey also alerted panel members to a projected budget shortfall in the agency's point-source water quality program. He said the program will be restructured to be more efficient, but water quality permit fees will have to be increased during the transition period. Massey said that once the restructuring is complete, the program can accommodate budget reductions.

Other projects highlighted at the hearing included an environmental assessment of the state's lakes and rivers, a study of deformed frogs and the watershed assistance program.

## **Environment and Natural Resources**

### **Four bills advanced**

Four bills received favorable recommendations by the Environment and Natural Resources Committee at a brief Mon., Feb. 24, meeting.

Sen. Dennis Frederickson (R-New Ulm) sponsored two of the bills, including one granting authority to the Board of Water and Soil Resources (BWSR) to receive and disperse federal grant money and other types of grants and gifts. The bill, S.F. 301, is necessary because that authority is not found anywhere in statute, according to BWSR Executive Director Ron Harnack. The bill was recommended to pass and re-referred to the Governmental Operations Committee.

Frederickson's other bill, S.F. 413, authorizes the commissioner of the Dept. of Natural Resources (DNR) to issue general permits for use of state water, according to Frederickson. Kent Lokkesmoe of the DNR said the bill simplifies the permitting process by allowing the issuance of general permits for temporary use of state water where there is minimal environmental impact. Vice Chair Ellen Anderson (DFL-St. Paul), who presided at the meeting, was concerned that the term "temporary" did not appear in the language of the bill and said it was unclear if

the permits or the environmental impacts were to be temporary. Frederickson offered an oral amendment to clarify that the permits were to be temporary, and the amendment was adopted. Lokkesmoe said the environmental impact would be considered by the DNR in the permitting process. The committee approved the bill and sent it to the Senate floor.

The committee also heard S.F. 354, carried by Sen. William Belanger (R-Bloomington). Belanger explained that the bill adds the commissioner of the Dept. of Trade and Economic Development (DTED) to the Environmental Quality Board (EQB). The DTED commissioner formerly was a member of the EQB, but was removed because DTED commissioners found they had little input at EQB meetings, said Belanger. He said now that the EQB has undertaken an agenda of sustainable development, it is important for the DTED commissioner to be back on the EQB. The bill was approved and re-referred to the Governmental Operations and Veterans Committee.

The other bill heard, S.F. 127, sponsored by Sen. Dan Stevens (R-Mora), reorganizes two environmental advisory councils into one. Tom Osteba of the Office of Environmental Assistance explained that under the bill, the functions of the Hazardous Waste Management Planning Council and the Market Development Coordinating Council will be combined into the new Prevention, Reduction, and Recycling Advisory Council. The bill was approved and re-referred to the Committee on Governmental Operations and Veterans.

### **PCA commissioner confirmed**

Pollution Control Agency (PCA) acting commissioner Pedar A. Larson appeared Wed., Feb. 26, before the Environment and Natural Resources Committee for confirmation of his appointment. In addition, the committee acted on two bills affecting watershed district levy authority.

Larson told panel members of his plan as commissioner to implement a collection of new operational strategies called "G.O.A.L. 21." Larson said that the new strategies emphasize a cooperative effort between the agency and customers, and focusing on environmental outcomes rather than following the rules. Larson also said the agency planned to be involved at the national level with the federal Environmental Protection Agency (EPA) and the environmental regulatory agencies of other states, but the EPA has pulled out of that agreement.

Sen. Linda Higgins (DFL-Mpls.) asked why the PCA was reviewing the permit application for a metal shredding facility in her district known as the "konderator" when the matter is being litigated in court. Larson responded that the PCA is obligated to act on a permit application within one year of submission, and that the year is near expiration.

Leslie Davies, founder of the Earth

# Committee update

Protector environmental group, asked the panel to delay Larson's confirmation because he thought Larson was not qualified for the position. Davies said that Larson's résumé did not list any experience or skills needed to protect the state's environment.

The committee, chaired by Bob Lessard (DFL-Int'l. Falls), approved Larson's appointment.

Later, Sen. Dallas Sams (DFL-Staples) presented two bills. One bill, S.F. 474, gives watershed districts the ability to secure loans under the state's Clean Water Partnership (CWP) program to control non-point source pollution, according to Gaylen Reetz of the PCA. Reetz said that previously watershed districts would have counties within the watershed district secure the loans, but many watershed districts span more than one county. He said that multi-county sponsorship of loans required a lot of time, expense and paperwork. The other bill, S.F. 433, allows the Sauk River watershed district to increase its tax levy from \$125,000 to \$150,000 for one year. Both bills were approved and sent to the Tax Committee.

## Family and Early Childhood Education Budget Division

### Early childhood development

"Tests show that increase in the number, not necessarily the type, of risk factors in a child's life correlates with lower I.Q. scores," said Dr. Scott McConnell, director of the University of Minnesota's Institute on Community Integration. McConnell and Dr. Mary McEvoy of the University's Center for Early Education and Development presented results of their child development research to Sen. Pat Piper (DFL-Austin) and the Family and Early Childhood Education Budget Division Mon., Feb. 25.

"Children develop as a function of their interactions with their parents and their environment," said McEvoy, "and context factors like poverty, nutrition and parental education accelerate or decelerate good development." Sen. Claire Robling (R-Prior Lake) questioned the duo about the extent they feel parental drug abuse is a determinant in child development. "Minnesota is, McConnell reminded the panel, one of only 8 states which retain the right to remove a child from drug abusing parents. "We have seen parents with substance abuse in their history who have been able to marshal the resources that make for healthy child development," said McConnell.

McEvoy said that in Minnesota, which does prioritize family stabilization, she and McConnell have encountered a great number of formal and informal relative custody situations. "This is why it may be important when studying daycare," said McConnell, "to look at the many environments where children are actually spending their days, rather than focusing only on licensed providers." Poverty, he reiterated, does not mean poor development. In tracking 220 families for their study, McEvoy

said they have found that most parents, regardless of hardship, really do care about their children's development.

### Child care needs heard

Child and Adult Care Food Program (CACFP) supervisor Carolyn Brown told Family and Early Childhood Education Budget Division members, Weds., Feb. 26, that many people from CACFP have been working to find a means of applying diminished funding to areas of greatest need. The CACFP, funded by the Dept. of Agriculture, provides reimbursement to participating care centers for nutritious meals for children and adults, Brown said. She said that welfare reform will cut total CACFP reimbursement to Minnesota by \$23 million, and that the program has found no way to adequately replace the funding. She added that the sudden absence of CACFP reimbursements will also decrease the incentive for family child care providers to become licensed at a time when welfare reform will require more licensed providers.

David Allen, Resources for Child Caring, told division members that there are insufficient child care resources to handle welfare reform, and that services provided by families, churches, and other organizations, although important, will not meet the demand. He said that projections assume that 46 percent of new welfare reform demand will use friends and relatives as child care providers; however, he added, the pool of unlicensed friend and relative providers is growing smaller. He said that Minnesota's strong work ethic means that friends and neighbors will be less available for child care than in other parts of the country. He said that studies indicate that non-working welfare families will decrease from 75 percent of total welfare recipients in 1997 to 50 percent of that total in 2002. Allen said that low-income families who have the availability of subsidized sliding fee child care, choose licensed care more often than those on child care waiting lists, who have few choices. Allen said that Legislators should remain aware of the risks of placing children in unlicensed facilities.

## Governmental Operations Budget Division

### Atty. Gen. budget discussed

Chief Deputy Attorney General Lee Sheehy presented Chair Leonard Price (DFL-Woodbury) and the Governmental Operations Budget Division with an overview of the office's budget request for the next biennium Thurs., Feb. 20.

Sheehy detailed the Attorney General's Office day-to-day legal service to more than 100 executive branch agencies, boards and commissions, as well as its overarchiving duties of representation in adversarial proceedings including lawsuits, rulemaking hearings, contested case hearings, state and federal litigation and collection activities of the state. "The diverse knowledge required of the Attorney General's Office and its staff

are evident in its formulation of goals for the next biennium, which include, he said, "increasing efficiency through expanded use of technology, increasing protection for Minnesota consumers and businesses, fighting violent crime, spreading the risk of unexpected legal costs through formation of external partnerships, defining state relationships with tribal governments and reducing legal costs through statutory reforms.

Pilot partnership experiments, he said, have been successful and therefore the office is asking for a continuation of the eight current partner agreements and the addition of five. The office is also, he said, determined to increase billing rates to reflect the actual costs of providing legal and investigatory services to state agencies. Their recommendation is that the rates be adjusted upward to reflect the 2.5 percent inflation assumption included in the governor's budget instructions.

The office receives federal funding for DARE, health care and Medicaid fraud investigation, narcotics prosecution and environmental technology information distribution. From the state, the office is requesting a combined biennial amount of \$48 million.

### Budget reviews presented

Howard Bicker, executive director of the State Board of Investment, presented review of the duties and budget requests for the board at the Weds., Feb. 26, Governmental Operations Budget Division meeting. Bicker said the board manages a \$31.4 billion portfolio with an investment return that has exceeded inflation by 7.4 percent over a ten year period. The board is requesting approximately \$4.4 million for the biennium.

Chair Leonard Price (DFL-Woodbury) then invited Karen Carpenter, acting commissioner for the Dept. of Employee Relations, to present the department's overview. Carpenter explained that the department has a total budget of \$632.2 million for the biennium, but only \$15.2 million of that amount comes from the general fund. The remaining revenue is generated through the insurance and workers' compensation programs the department administers. Staff proceeded with reviews for several budget initiatives totaling over \$2 million for the biennium.

## Governmental Operations and Veterans Affairs

### Revenue building presentation

Jim Steinmann, executive vice president to strategic facility programming and planning for government, presented the SGS Group/Architectural Alliance report on the Dept. of Revenue building. The Tues., Feb. 25, joint committee meeting consisted of members from the Senate Governmental Operations and Veterans Affairs Committee, chaired by Sen. James

Metzen (DFL-South St. Paul); the Senate Governmental Operations Budget Division, chaired by Sen. Leonard Price (DFL-Woodbury); the House State Government Finance Division, chaired by Rep. Tom Rukavina (DFL-Virginia); and the House Capital Investment Committee, chaired by Rep. Henry Kalis (DFL-Walters).

### **Persian gulf bonus bill discussed**

"We have five important bills to consider this morning," said Chair James Metzen (DFL-South St. Paul) at the Weds., Feb. 26, Governmental Operations and Veterans Affairs Committee meeting.

Metzen offered S.F. 445, the Persian Gulf War bonus bill, for consideration. Under the bill, \$17.5 million is appropriated to pay bonuses to veterans active during the conflict. Metzen said the voters had approved the bonus last year in a statewide vote and, consequently, the governor included the appropriation as part of his budget. Metzen said 13,200 Minnesotans served in the Persian Gulf theater of operations between the dates of eligibility--August 2, 1990 and July 31, 1991. Military personnel are eligible to receive a \$600 bonus. In addition, the 30,500 veterans active between the dates of eligibility, but who did not serve in the Southwest Asia service area, are eligible for a \$300 bonus. Furthermore, there are nine Minnesotans who were killed in action and their survivors are eligible for a \$2000 survivors award.

Metzen offered two amendments. The first amendment reduces the penalty for those who knowingly submit a false claim from a gross misdemeanor to a misdemeanor. The second amendment limits eligibility to those military personnel who were activated for duty and served outside the state. "Those people who were called up but did not have to leave their homes and whose daily lives were not disrupted will not receive the bonus," Metzen said. Both amendments were adopted.

There was concern among some members about whether to pay active personnel who did not serve in the Persian Gulf. "Should full-time, professional military people, who would have been on active duty whether there was a war or not, receive a bonus?" asked Betzold. It was decided to hold the bill over for further discussion.

In other business, S.F. 463, allows the Minnesota Humanities Commission to rent its education and training center to private parties when it is not needed for its primary purpose. The bill's author, Sen. Ellen Anderson (DFL-St. Paul), said the intent is to allow the commission to generate extra revenue to help cover operating expenses. After a motion by Sen. Deanna Weiner (DFL-Eagan) to amend the effective date to the day following final enactment was adopted, the bill was sent to the floor and recommended for the Consent Calendar.

According to Sen. Don Betzold (DFL-Fridley), a section of S.F. 96 is covered by other legislation, so he moved to delete the section. Specifically, the deleted section

adds certain public safety rules to the list of exempt rules. After the bill was amended, Betzold said the remaining language requires the Dept. of Public Safety to adopt permanent rules for laws relating to driving under the influence of alcohol or other controlled substances. The measure was approved and advanced to the floor.

Betzold also authored S.F. 99, the Dept. of Military Affairs technical clean-up bill. The measure was re-referred to the Governmental Operations Budget Division.

To correct a mistake made last session, S.F. 91 appropriates additional state aid to police aid recipients who received less money last year than was intended, said Sen. Richard Cohen (DFL-St. Paul). Cohen explained, "This is not any new policy or money. It just amends an error made in past legislation that resulted in several police retirement funds receiving less money than they should have." The bill was approved and re-referred to the Governmental Operations and Budget Division.

### **Health and Family Security**

#### **Mortuary science bill approved**

A variety of bills was brought before the Health and Family Security Committee at the Thurs., Feb. 20, meeting.

Sen. Linda Berglin (DFL-Mpls.), author of S.F. 101, said the Dept. of Human Services bill makes several technical changes to statute. Berglin successfully offered an amendment that specifies that when awards for attorney fees and costs are given to health care providers in contested cases, the awards do not count against a provider's cost limits. The bill was approved and re-referred to the Judiciary Committee.

According to S.F. 190 author Sen. David Ten Eyck (DFL-East Gull Lake), the bill exempts six Dept. of Human Services advisory councils from sunset dates--the medical assistance drug formulary, home care, traumatic brain injury, preadmission screening, alternative care and home community-based services, and American Indian child welfare advisory councils. In addition, the bill extends the sunset dates for the American Indian Advisory Council and the Citizens Advisory Council from 1997 to 2001. Then Ten Eyck offered an amendment to include the Minnesota Commission serving deaf and hard-of-hearing people on the list of councils exempted from sunset. His motion prevailed.

Sen. Don Samuelson (DFL-Brainerd) offered an amendment that extends the sunset date for two additional advisory councils--the Maternal and Child Health Advisory Task Force and the State Community Health Advisory Council--that are under the supervision of the Dept. of Health. The Samuelson amendment was also adopted.

Sen. Sheila Kiscaden (R-Rochester), said she was concerned that advisory councils were being granted indefinite lives without regard to their usefulness. Sen. Dan Stevens (R-Mora) agreed with Kiscaden and offered an amendment clarifying that the Children's

Mental Health Subcommittee of the Mental Health Advisory Council, and no other subcommittee, was receiving the sunset exemption. After the Stevens amendment was approved, the bill was re-referred to the Government Operations and Veterans Affairs Committee.

Sen. Leo Foley (DFL-Anoka) presented S.F. 198, a bill that modifies school immunization and health record provisions. Under the bill, school districts and private schools are given flexibility for when they can require a new transfer student to provide an immunization history. The bill also requires the school or child care facility to maintain immunization records for at least five years after the person reaches the age of 18. In addition, the bill makes several immunization exemptions. The measure was approved and re-referred to the Children, Families, and Learning Committee.

Finally, Chair John Hottinger (DFL-Mankato) invited Foley to present S.F. 199. According to Foley, the measure is the Dept. of Health's mortuary science housekeeping bill and makes extensive changes to the existing statutes regulating funeral homes and burial activities. After he explained the contents of the legislation, Foley offered four amendments, all of which were adopted. One amendment, however, proved to be controversial. It re-instated the current law for the amount allowable for the supplemental security income asset exclusion used for determining eligibility for public assistance. Current law allows people to set aside up to \$2,000 in an irrevocable funeral account so that in the event a person goes onto Medical Assistance, the account does not count against their eligibility for assistance. An amendment offered by Samuelson and supported by the Minnesota Funeral Directors Association, would have raised the amount allowable in such an account to \$8,000. The Samuelson amendment failed and the measure was re-referred to the Judiciary Committee.

#### **Birth defect system approved**

The Health and Family Security Committee ended the week with a small agenda at the Fri., Feb. 21, meeting. Members listened to a presentation from the directors of the Minnesota Health Care Commission (MHCC) before they considered S.F. 430.

Nan Schroeder, executive director of the MHCC, distributed a packet containing the work of the commission for the past year. She first highlighted a report touting the success of the Minnesota Care program. "Minnesota Care is a comprehensive set of health care reform laws, programs, and strategies designed to make quality, affordable care accessible to all Minnesotans," she said. Schroeder then launched into the specifics of the commission, which is funded by the Health Care Access Fund (HCAF). The commission is comprised of 28 volunteer members who represent consumers, employers, labor unions, health care providers, health plan companies, and state agencies.

# Committee update

Assistant Director David Haugen contributed to the overview with a presentation on the health care financing infrastructure in Minnesota. "While we don't have universal insurance coverage in the state, we do have a rough and ready form of universal access," Haugen said. He offered a report to members, he said, "To outline what the health care delivery system looks like in Minnesota."

Schroeder also presented the commission's public health initiatives report. The commission recommends measures to both reduce tobacco consumption and heighten the awareness of violence prevention.

S.F. 430, authored by Sen. Linda Berglin (DFL-Mpls.), establishes a statewide birth defects registry with a data classification and monitoring system. The bill also creates a 16 member birth defects registry advisory council that sunsets in 2001 and is comprised of representatives from a variety of stakeholders. Berglin said, "The bill is a follow-up to legislation passed last session that provided a one-time appropriation for planning the data registry. The birth defects registry is not included in the Dept. of Health's budget request this year, but I think it is important that this registry be established." Therefore, she said, the bill appropriates money to the department to administer the birth defects information system.

Chair John Hottinger (DFL-Mankato) said, "The relatively small contribution of money that we put up front will benefit the entire state in the long run. We can really get a good return on our investment and it is clear that we should be doing this." The measure was approved and advanced to the Judiciary Committee.

## Certification repealer okayed

Sen. Linda Berglin (DFL-Mpls.) and Sen. Becky Lourey (DFL-Kerrick) both presented bills at the Health and Family Security Committee meeting Tues., Feb. 25.

Berglin started the meeting off with S.F. 169, a measure that allows a county agency to negotiate a supplementary service rate for certain state licensed group housing facilities. Berglin explained that the bill addresses a narrow scope of housing agencies and tries to give the facilities with the lowest level of state reimbursement a cost-of-living adjustment. "These facilities are taking care of a large number of people, individuals with chronic chemical dependency or mental illness, who would otherwise be in our regional treatment centers or going without care. Many of these facilities will go out of business without an adjustment," she said. Representatives from the Association for Supportive Livings said reimbursement rates have been frozen since 1985, and that adjustments are needed for wage increases and for repairs and capital improvements to the facilities. The bill was approved and referred to the Health and Family Security Budget Division.

"S.F. 473 is a very simple bill," said Berglin, "The bill repeals the Medicare maximization program that was enacted last

session." Berglin explained that the program enacted last year creates problems for medical assistance home care services providers by requiring them to become Medicare certified. For those service providers with less than 50 clients, it is cost prohibitive to seek Medicare certification and, as a result, many providers may be forced out of business. "I really believe that many essential providers will no longer be able to provide care," she said.

Sen. Sheila Kiscaden (R-Rochester) asked Berglin if she had considered delaying the implementation of the Medicare maximization program instead of repealing it. Berglin responded, "I have come to the conclusion that a large number of agencies will never be able to become certified, and therefore, delaying the implementation date will not solve the problem." Kiscaden also asked Marge Brchan, from the Dept. of Human Services, what the consequences of repealing the certification program would be. Brchan said that the department is concerned about the health and safety of the clients of the care providers in question. "Medicare certification ensures a minimum level of care," she said. The measure was approved and re-referred to the Health and Family Security Budget Division.

Chair John Hottinger (DFL-Mankato) invited Lourey to present S.F. 597. The measure establishes an alternative grant application process for a pilot social service program in Pine County. According to Bob Walz, director of the Dept. of Human Services' office in Pine County, the bill allows a "letter of intent" in lieu of a grant application for social service and employment service funding. The measure also requires the commissioners of human services, children, families, and learning, and economic security to distribute funding to Pine County. The departments are allowed to withhold funds if the county does not meet the alternative funding process requirements. Lourey added that program oversight by the Dept. of Human Services sunsets this year and that the state needs to have departmental oversight as the project continues. She successfully moved to change the date the department must report to the Legislature from 1997 to 1999. Because of concerns expressed by several members, the measure was laid over for further discussion.

## Health and Family Security Budget Division

### Human Services budget overview

Assistant Commissioner Deborah Huskins, Dept. of Human Services, presented the Health and Family Security Budget Division with an initial budget overview at the Tues., Feb. 25 meeting. Huskins outlined the scope of the Economic Support Grants Program which is expected to have a total budget of \$560 million in FY 98. The support grants include such programs as Aid to Families with Dependent

Children (AFDC), the Minnesota Family Investment Program (MFIP), child support enforcement, General Assistance (GA), and Minnesota Supplemental Assistance (MSA).

George Hoffman, also from the department, said changes in the federal welfare assistance programs will alter the number of people on state programs. Chair Don Samuelson (DFL-Brainerd) asked how many people would be affected. Hoffman said as people lose their SSI benefits due to federal changes, it is estimated 5,000 to 6,000 people will move onto state General Assistance.

Steve Nelson assisted Huskins with an overview of the department's effort to expand the MFIP program statewide. They said the department plans to expand the new welfare-to-work program at the beginning of 1998, and during the interim six months, the Assistance to Families Program would be in place. The program is similar to, but more restrictive than, the current AFDC law.

## Human services overview continues

Representatives from the Dept. of Human Services continued their presentation of their respective budgets at the Health and Family Security Budget Division meeting, Weds., Feb. 26.

Assistant Commissioner Deborah Huskins completed an overview of the department's Economic Support Grants Program with dispatch. She highlighted the Aid to Families with Dependent Children's (AFDC) higher budget forecast increases, explaining that they are a result of three federal changes. The first change is a requirement that states begin to remit the federal share of the first \$50 of child support collected on public assistance cases. The second change is the denial of federal financial participation for legal non-citizens in the AFDC program, and the third change is in the eligibility requirements for the federal Supplementary Security Income (SSI) Program that shifts a number of children and legal immigrants to AFDC. Huskins also provided a survey of the Child Support Enforcement, General Assistance, Minnesota Family Investment, Minnesota Supplemental Assistance, Refugee Services, and Policy Administration Programs.

Sen. Linda Berglin (DFL-Mpls.) asked if the Minnesota Family Investment Program (MFIP) counts as work when determining food stamp eligibility. Huskins explained that MFIP has been re-designed as an employment program so that it could be counted as work. "So only those people who elect not to participate in MFIP will lose their food stamps," said Berglin.

Chair Don Samuelson (DFL-Brainerd) asked the department to provide a breakdown for the number of staff added with the requested budget.

Dennis Erickson outlined the budget initiatives for the three divisions in the department's Agency Management Program—Financial, Legal and Regulatory, and Management Operations.

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## Higher Education Budget Division

### Yudof introduced

University of Minnesota President-elect Dr. Mark Yudof was introduced to the Higher Education Budget Division Tues., Feb. 25. The committee, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), also heard a continuation of the university's budget presentation.

Outgoing President Nils Hasselmo introduced Yudof as "a scholar who was at home both with state government and higher education." Yudof outlined his management philosophy, and said, "I'm not a micromanager. It's my job to coordinate the central administration of the university so the teachers can teach. That's where all the great advances, all the breakthroughs happen." Sen. Sam Solon (DFL-Duluth) asked, "Where do you see both the beacons and the challenges at the University?" Yudof said, "I've seen many impressive things--the academic health center, a strong social sciences discipline, and one of the best applied mathematics programs in the country. In terms of challenges, I think we should work on upgrading our classrooms; we need to make more progress in the humanities and with our core liberal arts values. And we must do something about faculty salaries." Yudof reinforced the importance of technology to higher education and said, "I'm proposing a technology summit this summer, getting together government, business, and university representatives to develop a 25 year strategy to make the state a leader in technology."

The university's budget presentation was continued by Marvin Marshak, Senior Vice President of Academic Affairs and Richard Pfutzenreuter, Associate Vice President for Budget and Finance. Pfutzenreuter described financial reporting via the web, leading to paperless, online access to the budget for department heads. In response to a question from Sen. Cal Larson (R-Fergus Falls), Marshak outlined the university's endowment process and said, "People endow chairs and scholarships because they have an emotional commitment to the University of Minnesota."

### UBudget review continued

The Higher Education Budget Division continued its review of the University of Minnesota's budget request Weds., Feb. 26. The division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), was also presented with two bills for consideration.

Marvin Marshak, Senior Vice President of Academic Affairs, and Richard Pfutzenreuter, associate vice president of budget and finance, continued their presentation of the University's budget request. Marshak said, "We're proposing a four year financial framework to enhance long-term financial planning. This would be a partnership funded by the state, the University, and the students." Marshak then went on to describe the university's

greatest investment needs. He said, "We have challenges in compensation for the faculty, technology, programmatic investment, university-based financial aid, facilities upgrade, price level increases, and declining revenue sources." Marshak noted that the University is striving to be among the top five research universities in the U.S.

Marshak said, "We are concerned about a current brain drain in the state of Minnesota. Some of our best high school seniors are leaving the state. We have to raise the amount of financial aid we can provide so we can keep our star scholars in the state." Sen. Cal Larson (R-Fergus Falls) stated his concerns for rural health care and asked, "What do you see the role between the main campus in the Twin Cities and the University branch in Duluth?" Marshak said, "The UMD medical school is currently ranked among the top 10 in the U.S. in terms of rural family health care." Marshak's testimony will continue at the next meeting of the division.

Two bills were presented to the committee. S.F. 519, authored by Sen. Douglas Johnson (DFL-Tower), appropriates a portion of the proceeds of the occupation tax charged on taconite concentrates to the Natural Resources Research Institute at the University of Minnesota. Johnson said, "This money would be used to fund mineral research. The health of the minerals industry is vital to the economy in Northeastern Minnesota, which is just bouncing back from the taconite dislocation of the early eighties." The bill was held for further consideration.

S.F. 499, presented by Sen. Roy Terwilliger (R-Edina), is a bill that modifies laws governing the state council on vocational technical education and appropriates \$360,000 from the general fund for operating costs. Terwilliger said, "This directs the council to serve as an advocate for quality education and workforce development. As we go through welfare reform, it's important that we recognize the importance of vocational technical education." As testimony on the bill had not been completed, the bill was laid over for further consideration.

## Human Resources Finance

### Rush city prison bill okayed

On Thurs., Feb. 20, Sen. Randy Kelly (DFL-St. Paul) presented two bills at the Human Resources Finance Committee meeting. The first measure, S.F. 85, proved to be non-controversial and was quickly advanced to the floor. Kelly explained, "This legislation is the annual claims bill, and most of it deals in the area of corrections."

However, the second bill Kelly presented spawned lengthy discussion. Kelly explained that S.F. 179 addresses the redesign of the \$89 million Rush City prison. "Last year's bonding bill gave very prescriptive language as to what kind of bids could be submitted to the Dept. of Corrections. After the plan was

looked at, we realized \$89 million would not build a six pod facility," Kelly said. In order to come within budget, the prison had to be re-designed as a four pod facility that would provide 952 beds. "And in order to do that, we have to strike the prescriptive bond language," Kelly said.

The measure also authorizes the department to re-allocate \$750,000 from other funds to construct a .6 mile road in order to accommodate the necessary construction vehicles. Furthermore, the new road would be made part of the trunk highway system and therefore be eligible for state aid for maintenance. Additionally, the bill authorizes the Dept. of Transportation to use \$700,000 out of the trunk highway fund to build turn lanes off of Hwy. 361 to improve safety for vehicles turning onto the prison access road.

Chair Linda Berglin (DFL-Mpls.) asked how the Dept. of Corrections would pay for the new road. Kelly explained that the bill authorizes the department to transfer funds from the new Moose Lake correctional facility to build the access road. "This means the department will delay the hiring of personnel at Moose Lake for a year," he said. Deputy Commissioner Dennis Benson said that projections for Minnesota's incarceration rate are down from original estimates, and therefore the state can delay the operation of the Moose Lake facility for another year. He added that the funds taken from Moose Lake to build the access road would most likely have been transferred to other operations if they were not used for the Rush City site.

Peggy Stark, a resident of the Rush City area, said the additional costs of the prison go far beyond the transfer of funds for highway improvements. She said these additional costs include added highway maintenance as traffic levels increase, expensive water infrastructure upgrades, and degradation of the surrounding land and environment. The measure was approved and advanced to the floor.

## Jobs, Energy, and Community Development

### Citizenship bill advanced

A bill creating a statewide citizenship program was advanced Fri., Feb. 21, by the Jobs, Energy and Community Development Committee. The committee is chaired by Sen. Steve Novak (DFL-New Brighton).

S. F. 331, authored by Sen. Ellen Anderson, creates a program to promote citizenship for legal immigrants in Minnesota. The bill appropriates \$2.7 million for the biennium. The program, as described in the bill, provides information, application workshops, English classes, and video instruction. In addition, under the bill a statewide coordinator ensures access to the program throughout Minnesota. "There are pockets of immigrant communities in Greater Minnesota as well as the Metro Area, so it's important that we have a statewide perspective on this issue," said

# Committee update

Sen. Randy Kelly (DFL-St. Paul).

Margarita Zalamea, representing the Chicano-Latino Affairs Council, testified in support of the bill, and said, "Immigrants in rural Minnesota, many of whom work in the meat processing industry or the canning industry, are isolated from both information and assistance. Language problems, travel distances, and scheduling difficulties have prevented these people from getting the help they need." Felicia Bartow, immigration attorney, outlined the basic requirements for U.S. citizenship. She said, "A person applying for citizenship must have been a permanent, legal resident of the U.S. for five years, and in the state of Minnesota for at least three months. He or she must be at least 18 years of age and have good moral character, and must pass a written exam given in English."

After discussion regarding the proper departmental funding and jurisdiction for the program, the bill was advanced to the Economic Development Budget Division.

## Utility, development bills moved

A bill relating to economic development in Becker County and a bill concerning excavation notification were presented to the Jobs, Energy and Community Development Committee, Tues., Feb. 25. Both bills were advanced by the committee, chaired by Sen. Steven Novak (DFL-New Brighton).

Majority Leader Roger Moe (DFL-Erskine) authored S.F. 417. The bill authorizes the establishment of an economic development authority by Becker County. Marge Johnson, county commissioner, said "This authority will help us increase our tax base and expand employment opportunities in the county. Due to the high level of poverty in Becker County, we have made job creation and economic development our top priority." The bill was advanced to the Senate floor.

Novak presented S.F. 546, a bill expanding the responsibility for excavation notification. He cited safety concerns and said, "The bill mandates state and municipal governments to provide information on underground facilities within proposed excavation areas." Jeff Hanson, executive director of the Minnesota Utility's Contractors Association, said "This bill will eliminate potential safety hazards both for the public and for workers, and will also make the process faster and more efficient." The bill was advanced to the Senate floor.

## Judiciary

### Six bills heard

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), heard six bills, Mon., Feb. 24.

S.F. 500, sponsored by Sen. Leo Foley (DFL-Anoka), incorporates 1996 amendments to the Uniform Family Support Act (UIFSA). The federal welfare reform act requires states to adopt UIFSA amendments into their family support statutes. The

committee approved the bill and re-referred S.F. 500 to the Health and Family Security Committee.

S.F. 203, sponsored by Linda Berglin (DFL-Mpls.), creates a fathers' birth registry to notify fathers, who have not established paternity, of pending adoption. Berglin said the bill results from a Supreme Court decision that states that a child's father must be notified in the event the child is subject to adoption. The bill also establishes a 30 day time limitation, following notification, that a father may initiate paternity action. The committee approved the bill and referred it to the Subcommittee on Data Privacy and Information Policy.

S.F. 324, sponsored by Sen. David Knutson (R-Burnsville), relating to human rights, reclassifies investigative data maintained by the Human Rights Department. The bill provides that the name and address of a charging party and respondent, factual basis of the allegations, and the statute under which the action is brought will remain private in open files. Current law limits this classification until seven working days after a copy of the charge is mailed to the respondent, at which time it would become public.

Department of Human Rights Acting Commissioner Delores Fridge told members that the department supports the bill because it protects the identities of those charged with violations until the department has reached a decision. She said that the media may publish filed charges, but later, may fail to publish subsequent department findings clearing the accused of the charge. The committee approved S.F. 324 and sent the bill to the Senate floor.

S.F. 324, sponsored by Sen. Ember Junge (DFL-New Hope) relates to professional firms and modernizes and standardizes the law regulating professional business organizations as they affect physicians, attorneys, certified public accountants, dentists, chiropractors, optometrists, veterinarians and other professionals. The committee approved the bill, as amended, and sent it to the Senate floor.

H.F. 35, a revisors bill, sponsored by Sen. Don Betzold (DFL-Fridley) corrects erroneous, ambiguous and omitted text, obsolete references, eliminates redundant, conflicting and superseded provisions and makes miscellaneous technical corrections to statutes and other laws. The committee approved H.F. 35 and recommended the bill for the Senate Consent Calendar.

S.F. 211, sponsored by Knutson, requires certain notices regarding real property and debt transfers during a marriage dissolution. The bill was laid over pending further language clarification involving debt responsibility among dissolution parties.

### Three bills okayed

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), acted on three bills, Weds., Feb. 26.

S.F. 211, sponsored by Sen. David

Knutson (R-Burnsville), amends current laws restricting child custody or visitation in cases where an individual has been convicted of murder, assault, kidnapping, deprivation of parental or custodial rights, criminal sexual conduct and other crimes, and requires the court to appoint a guardian ad litem in these cases; adds notice requirements in dissolution cases where a judgment or decree involves a transfer of real property or the assumption of debt; and amends the current statute dealing with the debt liability of a husband and wife for one another's debts.

According to Bruce Kennedy, family law section, MN State Bar Assn., the bill basically provides that a spouse is not liable for debts incurred solely in the name of the other spouse, except in the case of household utilities supplied when spouses are living together. Kennedy said that creditors may still pursue either spouse, but he added that the bill's language may offer some relief. He pointed out that the bill does not prevent the court from apportioning debt among spouses.

The bill was approved and sent to the Senate floor.

The committee merged two bills dealing with civil commitment. S.F. 57, sponsored by Betzold, clarifies and reorganizes portions of the civil commitment act, requires medical documentation of a patient's refusal to be examined, allows determination of need for treatment based on other information, limits the use of pre-petition screening reports from other unrelated proceedings and increases the time for return to the facility following a provisional discharge. An amendment, offered by Betzold, provides that a patient is to be discharged if no written report concerning the patient's discharge is filed within the required time, and that a patient's provisional discharge status may be revoked if the patient is not returned to that status within 60 days. The amendment was approved.

S.F. 53, also sponsored by Betzold, incorporates recommendations of the Supreme Court Advisory Task Force on the Civil Commitment System. The bill allows a designated agency to consent to voluntary treatment for willing incompetent people, creates a new standard for court-ordered early intervention, modifies the standards and procedures for the administration of neuroleptic medications and strengthens provisional discharge procedures.

Betzold offered an amendment to S.F. 53 disallowing the introduction of new information to an appeal panel that is rehearing a petition to reverse a previous civil commitment. Members then approved his motion to move the contents of S.F. 57, as amended, into S.F. 53, and to re-refer S.F. 53, as amended, to the Committee on Health Care and Family Security.

Members approved a bill authored by Sen. Linda Scheid (DFL-Brooklyn Park), authorizing civil actions against student organizations for damages relating to hazing.

S.F. 135 requires school boards to adopt written policies governing student hazing occurring both on and off school property, and to include in the policy disciplinary action of sufficient severity to deter such behavior.

Sen. Allen Spear (DFL-Mpls.), offered an amendment eliminating language making a person involved in hazing guilty of a misdemeanor. Spear said that the language would be difficult to enforce and could add to the burgeoning numbers of misdemeanor laws. Spear said that adequate school disciplinary action will address the problem. Members agreed and adopted the amendment.

Members approved S.F. 135, as amended, and re-referred it to the Committee on Children, Families and Learning.

The committee also briefly reviewed a number of bills related to foster care, adoption and child protection. Among them was S.F. 747, sponsored by Knutson. Included in the Knutson bill are recommendations of the Minnesota Supreme Court Foster Care and Adoption Task Force. The committee will continue review of S.F. 747 and related bills at a later time.

## **K-12 Education Budget Division**

### **Socio-economic factors discussed**

"There's no 'Minnesota nice' segue into discussion of desegregation," the Urban Coalition's Nancy Smith told the K-12 Education Budget Division Fri., Feb. 21, "and Minneapolis is one of the most segregated cities in the U.S." At a meeting chaired by Vice Chair Charles Wiger (DFL-North St. Paul), Smith suggested rising transportation costs are forcing school systems to define desegregation in terms of equitable dollars for the latest technology and new facilities.

Demographics presented to the division by education advocate Debra Leigh showed that Greater Minnesota as well as the Metro Area is experiencing explosive increase in numbers of minority students. She said St. Paul test results indicate that on a ten point scale, white students average five or higher while students of color average five or less. University of Minnesota Institute on Race and Poverty's John Powell told the committee that with 80 percent of whites living in areas with an African American population of less than one percent, policymakers "need to tie middle and low income housing to new school construction." Community schools can be very successful," he said, "but research shows that they don't work in overwhelmingly poor minority areas.

Roger Hale of Tennant Corporation presented the United Way's The Face of the Twin Cities: Another Look. He said the area's strong economy and low unemployment rates belie the reality of uneven prosperity. A white worker makes an average salary of \$17,000 per year, while an African American makes \$8,000. And growth, he said, in the white population is at 11 percent

per year while all other groups are growing at a rate of 92 percent.

Vicki Phillips, an architect of Kentucky's statewide education reform and now superintendent of Philadelphia schools, told the division that Minnesota's most difficult task will be convincing its residents that change is necessary. Sharing models from the other two reform efforts, she promoted standards tests that "raise the bar for all students," but urged policy makers to encourage the parental involvement, early childhood programs, staff development, technology and access to supports essential to enable students to achieve at high levels. In Kentucky, she said, all at-risk four-year-olds are sent to school. In schools where over 20 percent enrolled qualify for free lunches, Phillips said, the state is building family resource centers with daycare services, extended hour programs, adolescent resources.

According to Phillips, Philadelphia is decentralizing its school bureaucracy into 22 clusters, increasing professional development, instituting full-day kindergarten and forming many oversight groups in communities to hold the system accountable.

### **Testing socio-economics discussed**

The Dept. of Children, Families and Learning's Michael Tillman reviewed Minnesota's graduation standards with K-12 Education Budget Division Legislators as they devise a structure for uniform statewide testing. "Under current law," he told Vice Chair Charles Wiger (DFL-North St. Paul) and the panel Wed., Feb. 26, "the state provides optional tests for both reading and mathematics. Schools can choose alternate tests." Last year was the first large scale implementation and results will be in this March, Tillman said. The tests can be given anytime between 8th and 10th grade and have not, he said, been given in all schools.

State tests, he said, hover at a 6th grade proficiency level, the bare minimum of what a high school graduate is expected to know. "This is only a part of the learning profile required to graduate," he said. Student who have not passed by 10th grade, he said receive remediation.

Early results from tests given in 1996 show a statewide passage rate of 76 percent in mathematics and 63 percent in reading. The passage threshold in 1996 was set at 70 percent, but will phase to 75 percent for 1997 and be raised to 80 percent for 1998. Urban metro schools had a 41 percent passage in reading and 47 percent in math.

Tillman cautioned against premature correlating of indicators like percentage of students receiving free and reduced price lunches with the failure rates on tests. "This is only relevant," he said, "if we are sure that these are the students who failed." At this point, he said, they do not have enough data to judge. Also, he said, anecdotal reports indicate that students did not take the tests very seriously the first time. As for teachers having to "teach to the tests," he said, "the only way to teach to this reading test is to

teach students how to read."

Criticisms of the test, said Tillman, include the fact that a student could pass while failing entire strands or subject areas. Required passage of all sections is worth looking into, he said, but would make scoring more difficult and demand more detailed communication strategies.

Bill Brown of the Minneapolis School District said that in the city, three times as many whites as African-American students passed. By looking at second grade reading scores of those who took the test last year, he said his staff could predict which students would pass. The district is now, he said, re-examining its literature-based whole language curriculum. "It seems to work well for children in higher-income families," he said "but not as well for kids at-risk."

Moundsview's Barbara Leary spoke of high test scores and high turnout for remedial prep among those who did not pass, while Brent Gish testified that Mahnomens' students, the majority of whom live on the White Earth Reservation, did not fare so well. Gish and Leary shared enthusiasm for testing, however, which they said helped focus their efforts.

Committee staff presented maps plotting factors such as income (highest in the Metro), AFDC (highest in Metro and Indian reservations), high-school completion (highest in Metro), college completion (most parents of school age children do not have degrees, Edina has highest number of degreed parents). Staff pointed out that test scores do not break out regionally to indicate that these demographic factors correlate clearly with specific test outcomes.

## **Local and Metropolitan Government**

### **Utility, technical bills advanced**

The Local and Metropolitan Government Committee considered four technical bills Mon., Feb. 24. The committee, chaired by Sen. Jim Vickerman (DFL-Tracy), advanced the four bills.

S.F. 362, authored by Vickerman, allows any person at least 18 years of age to serve real estate tax redemption expiration notices. Current law requires those notices to be delivered by sheriffs. The bill was advanced to the Committee on Taxes.

Sen. William Belanger (R-Bloomington) authored two technical bills. S.F. 216 is a technical bill concerning the Dept. of Revenue. S.F. 456 makes technical policy changes to property taxes. Both bills were advanced to the Committee on Taxes.

S.F. 431 was presented by Sen. Linda Higgins (DFL-Minneapolis). The bill clarifies utility charge assessments in the city of Minneapolis. Al Santo, manager of Minneapolis Utilities Billing, said, "Delinquent payments cost the city of Minneapolis about \$300,000 per year. This change makes the assessment effective the date the utility bill is delivered and makes it possible for us to collect in the event of bankruptcy." The bill was advanced to the Judiciary Committee.

# Committee update

## Transit, bankruptcy bills gain

A metropolitan transit finance bill and a bill regarding municipal bankruptcy were among pieces of legislation considered Weds., Feb. 26 by the Local and Metropolitan Government Committee. The committee, chaired by Sen. Jim Vickerman (DFL-Tracy) advanced five bills at the meeting.

S.F. 562, a bill providing financing for Metropolitan Area transit, generated the most discussion. Authored by Sen. Janet Johnson (DFL-North Branch), the bill authorizes the Metropolitan Council to issue \$46 million in bonds to finance capital expenditures, removes language requiring employers to provide payroll deduction plans for discount transit passes, and establishes a performance-based paratransit demonstration program. Jim Solem, regional administrator for the Council, said, "In addition to the funding that will help us replace aging buses and improve our facilities, this bill will help us continue to find ways of making ridership more attractive. The bonding will have a minimal impact on taxpayers, just \$5.81, for example, on a \$100,000 home. The bill was advanced to the Transportation Committee.

A bill enabling a municipality to file a petition and seek relief under Chapter 9 of the U.S. Bankruptcy Code, S.F. 388, was authored by Sen. John Hottinger (DFL-Mankato). James Rubinstein, an attorney from the Bankruptcy Section of the Minnesota Bar Association, said, "This is in response to change in federal bankruptcy law. Such relief would give a municipality time to reorganize without immediate debt pressure." The bill was advanced to the Senate floor. S.F. 124, authored by Vickerman, authorizes the charging and collecting of emergency services charges provided by a town. The bill was advanced to the Senate floor.

S.F. 504, a bill authorizing the city of Nashwauk to own and operate a gas utility, was sponsored by Sen. Bob Lessard (DFL-Int'l. Falls). The bill was approved and sent to the Senate floor. Sen. Cal Larson (R-Fergus Falls) authored S.F. 700, a bill providing that the offices of mayor and fire chief may be held by the same person in some circumstances. Larson said, "This is the situation in Parker's Prairie where somebody is holding both jobs, but there currently is no law enabling both statutory offices to be held simultaneously." The bill was approved and advanced to the Senate floor.

## Rules and Administration

### Permanent rules okayed

The Rules and Administration Committee met Thurs., Feb. 27, to consider a number of subcommittee reports dealing with operations of the Senate.

Members adopted the report of the Subcommittee on Permanent and Joint Rules, that sets forth changes in the permanent rules of the Senate. The recommendations, presented by Sen. Ember

Junge (DFL-New Hope), include requiring House amendments to be printed and placed on members' desks before the a motion to concur with the amendments is made, allowing Special Orders to be designated by a designee of the chair of the Rules and Administration Committee, allowing informational references to the House and the governor during floor debate, allowing title amendments whenever a bill is amended, eliminating the option to print a description of a floor amendment, clarifying the rotation of committee chairs, adding references to budget divisions, clarifying the committee reference for the Senate budget and authorizing assistance for the Subcommittee on Ethical Conduct.

In other action, the committee, chaired by Sen. Roger D. Moe (DFL-Erskine), also considered the report of the Special Subcommittee on Rules. The subcommittee, chaired by Minority Leader Dean Johnson (R-Willmar), sets forth Senate policy regarding campaign activity. The policy sets forth definitions of what constitutes campaign activity and what does not. Further, the policy clarifies that an employee of the Senate may not participate in campaign activity during hours the employee records as hours worked for the Senate, specifies that an employee may not solicit campaign contributions from or within the Capitol Complex and provides that an employee may receive unsolicited campaign contributions but must promptly forward them to the treasurer of a Senator's principal campaign committee. The policy also prohibits the use of Senate equipment or supplies for campaign activities. The report of the subcommittee was adopted.

Members also heard a report of the Ad Hoc Subcommittee on Senate Information Systems and dealt with personnel matters. Finally, the members began discussion of S.F. 90. The measure, sponsored by Sen. Richard Cohen, updates references throughout the statutes to the Senate's committee structure. In addition, the measure alters some commission appointment procedures. The bill was laid over for further discussion.

## Committee on Taxes

### Tax proposals discussed

Two tax bills were discussed at the meeting of the Taxes Subcommittee on Income and Sales Tax Wed., Feb. 26. Sen. William Belanger (R-Bloomington) sponsor of the governor's tax proposal, S.F. 445, presented it to the committee along with John Haugen and Commissioner Jim Girard of the Revenue Department.

Belanger first offered an amendment removing a repeal of the Minnesota Unfair Cigarette Sales Tax. Belanger said that previously the repeal was part of the governor's proposal to fund a new outdoor baseball stadium, but that plan has been discarded. The amendment was adopted. Haugen gave a section by section description of the bill. Among the new programs

included in the bill, according to Haugen, is an educational investment fund into which people can make state income tax deductible contributions, a tax deduction for K-12 educational tuition and the purchase of computer hardware and software for educational purposes, and a tax credit for the same expenses for households with incomes below \$39,000. Sen. Linda Scheid (DFL-Brooklyn Park) said she was concerned that computers purchased for the credit might be used by other members of a family for non-educational purposes and said she "would rather see the money spent to update computers in schools." Sen. Gen Olson (R-Minnetrista) said the deduction would only result in the tax rate being applied to computer purchase price, so a \$1,000 computer would only result in an \$80 tax deduction. Cheryl Furer of the Minnesota Education Association spoke against the education deductions and credits and called them "vouchers in disguise."

Sen. Douglas Johnson (DFL-Tower) said he was concerned about the deduction complicating the tax form and asked if the tax return form would still fit on a single piece of paper. Haugen said it would still fit.

Other features of the bill include an \$8,000 credit for businesses that hire jobs training program graduates, and a \$6,000 credit for retaining that employee, and a dedication of sales taxes applied to University of Minnesota athletic event tickets, said Haugen. The bill was laid over for further consideration.

The committee also heard S.F. 497, carried by Scheid. She said her bill proposes policy changes to several state tax programs.

Haugen said that the first article of the bill conforms the state's tax laws to changes in federal tax law. Much discussion centered around the impact on state revenues of federal law allowing small financial institutions to become subchapter S corporations. Paul Lindholm, a Fergus Falls banker, presented the results of a survey of small Minnesota banks regarding their intent to convert to subchapter S corporations. Lindholm said that 208 Minnesota banks plan to make that conversion by the year 2000, which will result in approximately \$8 million less in tax revenues in 1997, and greater reductions in subsequent years. Scheid's bill was also laid over for further testimony and discussion.

## Transportation

### Regional transit overview heard

Metropolitan Council Regional Administrator James Solem told the Transportation Committee, chaired by Carol Flynn (DFL-Mpls.), Thurs., Feb. 20, that the Metropolitan Council Transit Operations (MTCO), serving the Mpls. and St. Paul metropolitan area, consists of 109 routes, and provided 61.9 million rides in 1996. Solem said that the Twin Cities ranks 13 among 59 urbanized areas in the numbers of cars per household. He said that overcoming Metro

Area automobile usage presents one of several transit system challenges.

Transit Operations Finance Director Bob Thompson said that the largest number of transit riders are age 35 to 44, and that more than one-half are women. He said that 84 percent of riders surveyed use the system to commute to and from work, and that more than one-third cite "convenience" as their reason for using the transit system. Based on 25 rides a month, bus transportation will cost each rider between \$830 and \$1,010 per year, depending upon whether tickets, passes or cash is used, Thompson said. Property taxes pay 40 percent of transit operating expenses, he said, while passenger fares account for 34 percent, state general funds for 16.9 percent, and federal and other revenue sources account for the balance. Transit system employees' salaries and benefits comprise nearly 80 percent of operating expenses, Thompson told the committee.

In reply to Senators' questions, Office of Transportation and Transit Development Manager Nacho Diaz, said that the MTCO hoped to make needed capital improvements to the system, but that the governor's biennial MTCO appropriation is \$13 million less than what the MTCO had requested. He said the MTCO planned to begin replacement of nearly 100 older buses, to add 90 smaller buses needed to diversify the system, and to build four new transit hubs and park and ride facilities to make system use easier. Diaz told members that the proposed improvements will never happen under the proposed appropriation. He said that \$93 million of the governor's FY 98 and FY 99 proposed \$98.7 million appropriation will be used to maintain the current system, leaving only \$5.7 million for other needs.

Sen. Randy Kelly (DFL-St. Paul), said that it is important that the committee convey to the governor that a hole has been left in the MTCO budget, and that an additional \$13 million is needed to fill it.

Sen. Jane Ranum (DFL-Mpls.) suggested that—should an increased appropriation allow their construction—the proposed transit hubs contain licensed childcare centers. She said the facilities are necessary, in addition to overall transit service improvement, to meet the impending demands of welfare reform. Nacho told members that childcare facilities have been given serious consideration.

## Two bills forwarded

The Transportation Committee heard two bills, Tues., Feb. 25., dealing with under age identification, and the sale of impounded vehicles.

S.F. 129, sponsored by Sen. Martha Robertson (R-Minnetonka), provides for a Minnesota identification card, of distinguishing color, for persons under age 21. Jack Uldrick, Minnesota Grocers' Assn., told the committee, chaired by Sen. Carol Flynn (DFL-Mpls.), that the color-coded cards would simplify age verification for the sale of alcohol and tobacco products. At this time, he said, some clerks rely on appearance alone.

The committee approved the bill and sent it to the Senate floor.

S.F. 166, sponsored by Sen. Randy Kelly (DFL-St. Paul) allows the city of St. Paul and Minneapolis to sell an impounded vehicle 15 days following notification of the owner by certified mail unless the vehicle is claimed. The existing statute provides a 45 day waiting period, following owner notification, before an impounded auto may be sold.

Deputy Chief Ted Brown, St. Paul Police Dept., said that fewer waiting days are needed before autos can be sold to create more space at the impound lot. Brown said the lot receives approximately 40 vehicles each day. He said that nearly 70 percent are retrieved by their owners within 15 days, but that the remaining number creates a shortage of storage space.

Sen. Claire Robling (R-Prior Lake), proposed an amendment that would increase, from 15 to 30 days, the time limit before an unclaimed auto could be sold. Robling said that the 15 day limit may affect people who are away, or cause persons who have just sold their cars to receive and ignore impound notices that should have been sent to a new owner. After more discussion, Robling amended her amendment to provide 25 days instead of 30 days. The committee approved the amendment.

Sen. Jane Ranum (DFL-Mpls.), said that low-income or impoverished people often do not have money immediately available to pay impound fees, and that they may need more time to redeem their cars. She offered an amendment allowing those persons with impounded cars to submit to the impound lot a written statement of intent. The written statement of intent would forestall the vehicle's sale for 45 days. The amendment was approved.

The committee also approved an amendment by Sen. Dave Johnson (DFL-Bloomington), that includes the city of Bloomington within the bill's impound language. The committee approved the bill as amended and sent it to the Senate floor.

S.F. 435 sponsored by Sen. Leo Foley (DFL-Anoka) relating to motor vehicles, clarifies that a pick-up truck mounted with a slip-in camper cannot be registered as a recreational vehicle, narrows the reference for who may receive telephone information concerning vehicle registrations, changes the time that a motor vehicle dealer must submit receipts to the Department of Public Safety, allows the commissioner of public safety or the county board to appoint an individual to serve as an agent that accepts drivers license and other license applications, and requires that individuals who are serving as licensing agents before January 1, 1999, apply for appointment. Sen. Dallas Sams (DFL-Staples) offered an amendment to grandfather in existing licensing agents.

Kelly said that the bill was, in part, intended to hold accountable registrars who are currently unregulated. He said that they should only be grandfathered in if they have demonstrated a good performance record. The bill was laid over pending further discussion.

## Transportation Budget Division

### MN/DOT budget reviewed

The Transportation Budget Division, chaired by Sen. Janet Johnson (DFL-North Branch), listened to a MN/DOT Budget Overview, Weds., Feb. 26. Assistant Division Director Randall K. Halvorson, MN/DOT Transportation and Investment Research, said the state's road program is comprised of seven budget activities: state road construction, highway debt service, research and investment, central engineering services, design and construction engineering, state road operations and electronic communications. He said that the governor's proposal offers a FY 98 and FY 99 increase of \$32.5 million for state road construction activities and that an additional \$25 million is recommended to be added the FY 97 appropriation for highway construction.

Halvorson said that among MN/DOT goals are the undisrupted movement of goods and people, improved safety, maintenance, public information and education, efficient delivery of high quality transportation products and services, and excellent travel information. Halvorson told members that rising employment levels, multiple job holders and rising income all contribute to increases in the number of system users. He said that between 1980 and 1990 the state's population grew by more than 7 percent, while vehicle numbers increased by 54 percent. In addition, he said that growing freight movement is increasing road system demands, and diminishing the life of existing roads and bridges.

MN/DOT State Bridge Engineer Don Flemming told members that there are 19,775 deficient bridges in the state. Among that number, 541 are on the trunk highway systems and 2,918 are on local road systems. He said that bridges generally have a useful life of 60 to 70 years before deterioration requires repair or replacement. Bridges may be found deficient because they are unable to support a legal truck load, are too narrow, offer too little clearance beneath the bridge, or are suffering overall structural deterioration, he said. Fleming said that bridges built after 1950 will begin to need replacement within 20 years. He said that replacement expense will be compounded because bridges built after 1950 average about four times the size of their predecessors, and will cost more to repair or replace. Flemming said that MN/DOT, using a nationally recognized bridge management system, estimates that an annual investment of \$68 million will be needed for routine bridge repair work. He said that MN/DOT has scheduled an average of \$41 million over the next three years for trunk highway bridge repair and replacement, leaving a funding shortfall of \$30 million per year. Flemming added that MN/DOT carefully considers repair options before it will replace a bridge.

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, March 3

#### Ad Hoc Committee on Information Technology

*Chair: Sen. Steve Kelley*

9 a.m. Room 112 Capitol

**Agenda:** Discussion of other states' initiatives for information infrastructure, education technology, and telecommunications deregulation.

#### Health and Family Security Budget Division

*Chair: Sen. Don Samuelson*

9 a.m. Room 123 Capitol

**Agenda:** Continuation of MN Dept. of Human Services budget overview.

#### The Senate will meet at 10 a.m.

#### Election Laws Committee

*Chair: Sen. John Marty*

12 noon Room 112 Capitol

**Agenda:** Continuation of S.F. 708-Marty: Campaign finance modifications. S.F. 573-Scheid: Special elections by mail. S.F. 703-Scheid: Mail balloting in small communities.

#### Environment and Natural Resources Committee

*Chair: Sen. Bob Lessard*

12 Noon Room 107 Capitol

**Agenda:** S.F. 308-Laidig: Electronic licensing system. S.F. 796-Laidig: Including ex officio agency members as voting members of BOWSR.

#### Judiciary Committee

*Chair: Sen. Jane Ranum*

12 noon Room 15 Capitol

**Agenda:** Testimony on opening CHIPS hearings, and on private petitions. Both are provisions that are part of S.F. 747. S.F. 747-Knutson: Uniform process for children in need of protection or service petitions. S.F. 813-Ranum: Relating to relative care and open adoption agreements; etc. S.F. 136-Kiscaden: Modifying child welfare programs and children's mental health collaboratives; providing for privatization of adoption services; etc. S.F. 210-Knutson: Changing provisions for placement of children. S.F. 101-Berglin: Changing procedure for permanent placement of a child.

#### Crime Prevention Committee

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 305-Krentz: Inmate lawsuits. S.F. 355-Limmer: Crime victim

reparations. S.F. 472-Belanger: Tobacco sales tax recodification. S.F. 542-Frederickson: Lower Sioux Indian Community law enforcement authority. S.F. 671-Knutson: Victim notification of stolen vehicle recovery. S.F. 378-Murphy: Liquor tax recodification.

#### Local and Metropolitan Government Committee

*Chair: Sen. Jim Vickerman*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 62-Vickerman: Making the state responsible for a share of certain fence costs. S.F. 227-Vickerman: Providing for the distribution of certain federal payments. S.F. 691-Knutson: Changing procedures for certain state demographer population estimates. S.F. 735-Robling: Modifying Metropolitan Council cost allocation system. Any bills passed by the Property Taxes and Local Government Budget Division.

### Tuesday, March 4

#### Environment and Agriculture Budget Division

*Chair: Sen. Steven Morse*

8 a.m. Room 123 Capitol

**Agenda:** To be announced.

#### Family and Early Childhood Education Budget Division

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** Prevention programs/budget overview: Food, housing, energy and weatherization programs.

#### Higher Education Budget Division

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** Completion of budget presentation, University of Minnesota. S.F. 486-Morse: Constitutional amendment to dedicate lottery money to education. S.F. 613-Langseth: College savings bonds.

#### K-12 Budget Division

*Chair: Sen. Lawrence Pogemiller*

8 a.m. Room 112 Capitol

**Agenda:** To be announced.

#### Health and Family Security Committee

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** Overview: S.F. 1-Samuelson: Welfare. S.F. 146-Stevens: Welfare. S.F. 289-Berglin: Welfare. (No public testimony taken at this time.)

#### Governmental Operations and Veterans Committee

*Chair: Sen. James Metzen*

12 noon Room 15 Capitol

**Agenda:** S.F. 215-Spear: Clarifying grant matching requirements for the Jungle Theater. S.F. 221-Sams: Changing appointment authority for the executive director of the Board of Private Detective and Protective Agents. S.F. 218-Kelly: Creating an anti-gang strike force. S.F. 420-Wiger: Dept. of Administration housekeeping bill.

#### Transportation Committee

*Chair: Sen. Carol Flynn*

12 noon Room 112 Capitol

**Agenda:** S.F. 435-Foley: Motor vehicle registration. S.F. 61-Johnson, J.B.: Drug and alcohol testing for snowplow drivers. S.F. 170-Dille: Failure to use seat belt as a primary offense. S.F. 406-Sams: Registration of trucks hauling chemicals and fertilizer.

#### Agriculture and Rural Development Committee

*Chair: Sen. Dallas Sams*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 766-Dille: Providing an appropriation for farm safety outreach. S.F. 720-Dille: Providing an appropriation for livestock odor research. S.F. 108-Stumpf: Appropriating money for seed potato inspection.

#### Commerce Committee

*Chair: Sen. Sam Solon*

2 p.m. Room 112 Capitol

**Agenda:** H.F. 117 (S.F. 6)-Junge: License retail sale of tobacco.

#### Rules and Administration Information Systems Subcommittee

*Chair: Sen. Leonard Price*

2 p.m. 125 Capitol

**Agenda:** To be announced.

#### Health and Family Security Budget Division

*Chair: Sen. Don Samuelson*

4 p.m. Room 112 Capitol

**Agenda:** Continuation of MN Dept. of Human Services budget overview.

### Wednesday, March 5

#### Family and Early Childhood Education Budget Division

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** S.F. 352-Ranum: Establishing a

pilot program for adolescent parenting and prevention support, appropriating money. S.F. 603-Ranum: Creating an early childhood technology education grant program. S.F. 716-Pappas: Changing revenue formulas for adult basic education, appropriating money. S.F. 797-Lourey: Relating to community collaboratives, appropriating money.

#### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** MnSCU budget presentation. S.F. 795-Moe: Undergraduate college trust fund.

#### **K-12 Budget Division**

*Chair: Sen. Lawrence Pogemiller*

8 a.m. Room 112 Capitol

**Agenda:** S.F. 26-Vickerman: Creating a high school entrepreneurship pilot program. Other agenda items to be announced.

#### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzzen*

10 a.m. Room 15 Capitol

**Agenda:** S.F. 523-Berglin: Licensing for naturopathic physicians.

#### **Transportation Budget Division**

*Chair: Sen. Janet Johnson*

10 a.m. Room 112 Capitol

**Agenda:** Met Council budget overview.

#### **Election Laws Committee**

*Chair: Sen. John Marty*

12 noon Room 112 Capitol

**Agenda:** Continuation of Monday's agenda.

#### **Judiciary Committee**

*Chair: Sen. Jane Ranum*

12 noon Room 15 Capitol

**Agenda:** S.F. 747-Knutson: Relating to children; child protection; providing uniform process for children in need of protection or service petitions. S.F. 813-Ranum: Relating to relative care and open adoption agreements; etc. S.F. 136-Kiscaden: Modifying child welfare programs and children's mental health collaboratives; providing for privatization of adoption services; etc. S.F. 210-Knutson: Changing provisions for placement of children.

#### **Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

12 noon Room 107 Capitol

**Agenda:** To be announced.

#### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 294-Junge: Criminal background checks of law enforcement applicants. Other bills to be announced.

#### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

2 p.m. 125 Capital

**Agenda:** Budget presentations for: Veterans of Foreign Wars of the U.S.; Disabled American Veterans; Minnesota Department of Military Order of the Purple Heart; Department of Military Affairs.

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

*Chair: Sen. Jim Vickerman*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 738-Morse (for discussion purposes only): Community-based land use planning. S.F. 820-Hottinger (for discussion purposes only): Land use planning.

#### **Education Finance Committee**

*Chair: Sen. Keith Langseth*

4 p.m. Room 123 Capitol

**Agenda:** Testimony from the private, for profit, higher education institutions.

#### **Human Resources Finance Committee**

*Chair: Sen. Linda Berglin*

4 p.m. Room 112 Capitol

**Agenda:** Dept. of Human Services budget overview.

#### **Joint Senate and House Committee on Taxes**

*Chairs: Sen. Douglas Johnson and Rep. Dee Long*

4 p.m. Room 15 Capitol

**Agenda:** Public Forum on 1997 Property Tax Reform--public testimony will be taken.

#### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*

7 p.m. Room 15 Capitol

**Agenda:** Further action on welfare reform.

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

7:30 p.m. Room 5, State Office Building

**Agenda:** 1997-1998 commission rules of operation. Consideration of reports with February 15, 1997 due dates: Mandated Study-Review of draft report formulated on behalf of the Special Task Force on Investment Performance Attribution Reporting; Mandated Study- Review of draft report on the comparison of defined contribution pension plans and defined benefit pension plans. Consideration of reports with March 15, 1997 due dates: Mandated Study-Review of draft report on the study of providing pension plan coverage for educational breaks in service for regional treatment center and related Department of human services employees; Mandated Study: Report on the use of police state aid to fund PERA-P&F pension coverage for salaried firefighters.

## **Thursday, March 6**

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

#### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** Further action on welfare reform.

#### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzzen*

12 noon Room 15 Capitol

**Agenda:** S.F. 428-Kelley: Establishing North Star on line. S.F. 240-Kelley: Electronic business of state agencies. S.F. 405-Metzen: Mighty Ducks bill. S.F. 457-Betzold: Modifying provisions to the board of social workers.

#### **Transportation Committee**

*Chair: Sen. Carol Flynn*

12 noon Room 112 Capitol

**Agenda:** S.F. 505-Lessard: MIA license plates. S.F. 496-Frederickson: Registration transfer license fees. S.F. 539-Frederickson-Augie Mueller highway. S.F. 475-Vickerman: Farm worker license exemptions. S.F. 392-Scheevel: Extension of Laura Ingalls Wilder highway.

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

*Chair: Sen. Dallas Sams*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 719-Langseth: Increasing the size of agricultural homestead property that qualifies for a reduced class rate. S.F. 648-Vickerman: Exempting farmers from paying tax on gasoline and special fuel received in on-farm bulk storage tanks, when used for tax-exempt purposes.

#### **Commerce and Consumer Protection Subcommittee on Insurance**

*Chair: Sen. John Hottinger*

2 p.m. Room 112 Capitol

**Agenda:** S.F. 320-Wiener: Creating a statewide health care consumer assistance office. S.F. 819-Morse: Creating a statewide health care consumer assistance program. S.F. 960-Berglin: Patient protection act of 1997.

#### **Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

4 p.m. Room 107 Capitol

**Agenda:** To be announced

#### **Human Resources Finance Committee**

*Chair: Sen. Linda Berglin*

4 p.m. Room 112 Capitol

**Agenda:** Dept. of Economic Security budget overview and Dept. of Health budget overview.

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### Crime Prevention and Judiciary Budget Division

*Chair: Sen. Randy Kelly*  
6 p.m. Room 107 Capitol  
**Agenda:** Dept. of Public Safety budget.

### Transportation Budget Division

*Chair: Sen. Janet Johnson*  
6 pm Room 112 Capitol  
**Agenda:** MNDOT transportation planning.

### Health and Family Security Budget Division

*Chair: Sen. Don Samuelson*  
6:30 p.m. Room 123 Capitol  
**Agenda:** Continuation of Budget Overview: Dept. of Human Services

### Joint Senate Judiciary Committee and House Civil Division Hearing

*Chair: Sen. Jane Ranum, Rep. Andy Dawkins*  
7 p.m. Room 15 Capitol  
**Agenda:** Tort Law Hearing: Heidi Green, research and evaluation manager, MN Supreme Court- A statistical overview of tort litigation; Prof. Dan Farber, U of M Law School- Historical overview of tort law; Prof. Peter Thompson, Hamline Law School- Public policy development of joint and several liability and punitive damages; Proponent and Opponent of changes in Minnesota tort law: Rich Thomas, Berk and Thomas - Proponent (8-10 min.); Mike Ciresi, Robins, Kaplan, Miller and Ciresi law firm- Opponent (8-10 min); Rebuttal period for proponent and opponent (3 mins. each); Question and answer period between each segment of the agenda.

## Friday, March 7

### Children, Families and Learning Committee

*Chairs: Sen. Pat Piper, Sen. Lawrence Pogemiller and Sen. LeRoy Stumpf*  
8 a.m. Room 15 Capitol  
**Agenda:** To be announced.

### Economic Development Budget Division

*Chair: Sen. Tracy Beckman*  
10 a.m. Room 123 Capitol  
**Agenda:** Division review of Minnesota Technology Institute, and pass through grants.

### Health and Family Security Committee

*Chair: Sen. John Hottinger*  
10 a.m. Room 15 Capitol  
**Agenda:** Further action on welfare reform.

### Environment and Agriculture Budget Division

*Chair: Sen. Steven Morse*  
12 noon Room 107 Capitol  
**Agenda:** To be announced.

### Crime Prevention and Judiciary Budget Division

*Chair: Sen. Randy Kelly*  
2 p.m. Room 15 Capitol  
**Agenda:** Continuation of review of Dept. of Public Safety budget.

### Property Taxes and Local Government Budget Division

*Chair: Sen. Sandra Pappas*  
2 p.m. Room 107 Capitol  
**Agenda:** To be announced.

### Judiciary Subcommittee on Family Law

*Chair: Sen. Leo Foley*  
4 p.m. Room 125 Capitol  
**Agenda:** S.F. 122- Robertson: Requiring notification of placement or adoption of a child to other birth parent. S.F. 432- Hanson: Modifying execution of consent requirement for designated parent agreements.

## Frequently called numbers

<b>Secretary of the Senate</b>	
231 Capitol	296-2344
Voice mail/order bills	296-2343
<b>Chief Clerk of the House</b>	
211 Capitol	296-2314
<b>Index, Senate</b>	
110 Capitol	296-2887
<b>Index, House</b>	
211 Capitol	296-6646
<b>Information, Senate</b>	
231 Capitol	296-0504
Toll free	1-888-234-1112
<b>Information, House</b>	
175 State Office Building	296-2146
Toll free	1-800-657-3550
<b>Committee Hotline, Senate</b>	
<b>Committee Hotline, House</b>	
<b>Sergeant at Arms, Senate</b>	
G-1 Capitol/Chamber	296-9283
<b>Sergeant at Arms, House</b>	
45 State Office Building	296-1119/296-7159
<b>Counsel &amp; Research, Senate</b>	
G-17 Capitol	296-4860
<b>Research, House</b>	
600 State Office Building	296-4791
<b>Legislative Reference Library</b>	
645 State Office Building	296-6753
<b>Revisor of Statutes</b>	
700 State Office Building	296-3398
<b>Capitol Information Desk</b>	
1st Floor Capitol	296-2868
<b>Capitol Security</b>	
B-4 Capitol	296-3962, 296-2739, 297-1503
<b>Emergency</b>	
TTY, Senate	296-6741
Toll free	296-2100
<b>TTY, House</b>	296-0250
Toll free	1-888-234-1216
<b>TTY, House</b>	296-9896
Toll free	1-800-657-3550

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# Briefly

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*The Minnesota Senate Week in Review*

*March 7, 1997*

## **Snow removal aid okayed**

A bill providing some financial aid to cities and towns hard hit by this winter's blizzards gained final passage at the Mon., Mar. 3, floor session. H.F. 100, carried by Sen. Jim Vickerman (DFL-Tracy), provides \$20 million for emergency snow removal assistance. Under the bill, \$13 million is for reimbursing local units of government for snow removal costs, \$5 million is for matching federal disaster funds earmarked for the western portions of the state and \$2 million is to be used to match federal disaster assistance associated with anticipated spring flooding. In addition, the measure also provides additional funding for state road operations and for State Patrol overtime associated with the severe weather. The bill was granted final passage on a 60-0 roll call vote.

In other action, Senators also adopted Permanent Rules for the biennium. S.R. 25, carried by Sen. Ember Junge (DFL-New Hope), was briefly discussed at the Thurs., Feb. 27, floor session and then set aside to allow members time to draft amendments. There was only one amendment considered at the Mon., Mar. 4, session. Sen. Sheila Kiscaden (R-Rochester) offered an amendment to allow complaints about ethical conduct to be made at any time. Currently, the Rules specify that the Special Subcommittee on Ethical Conduct may receive complaints during the Legislative Session. Junge successfully argued that the Rules limited the time for complaints to guard against misuse of the complaint procedure during the campaign season. The amendment was defeated.

Members also granted final passage to two measures on the Consent Calendar and two measures on the Calendar. H.F. 125, carried by Sen. Dick Day (R-Owatonna), authorizes the city of Kenyon to recertify its final levy for taxes levied in 1996. H.F. 35, sponsored by Sen. Don Betzold (DFL-Fridley), is a revisor's bill that corrects erroneous, ambiguous, and omitted text and obsolete references in the statutes. S.F. 94, authored by Sen. Roger D. Moe (DFL-Erskine), modifies provisions for the maintenance, transfer and sale of state lands. S.F. 458, sponsored by Sen. Linda Higgins (DFL-Mpls.), clarifies the right to escrow for certain losses in certain cases.

Four bills were granted preliminary passage on General Orders. S.F. 145, authored by Sen. Linda Runbeck (R-Circle

Pines), makes technical and administrative changes relating to reemployment insurance. S.F. 299, sponsored by Sen. Steve Kelley (DFL-Hopkins), enacts the revised article 5 of the Uniform Commercial Code. S.F. 128, carried by Sen. Dan Stevens (R-Mora), modifies provisions prohibiting hunter, trapper and angler harassment. S.F. 424, authored by Sen. Charles Wiger (DFL-North St. Paul), provides for certification of eligibility for a position under county rules in Ramsey County.

## **Several bills approved**

The Senate met for an hour long floor session Thurs., Mar. 6, to process bills and grant preliminary approval to six bills on General Orders.

The bills considered on General Orders were S.F. 78, sponsored by Sen. John Marty (DFL-Roseville), changing absentee ballot provisions; S.F. 85, sponsored by Sen. Randy Kelly (DFL-St. Paul), paying claims against the state; S.F. 302, sponsored by Sen. Linda Berglin (DFL-Mpls.), allowing prepaid health care services at community clinics; S.F. 129, sponsored by Sen. Martha Robertson (R-Minnetonka), providing for Minnesota identification cards for those under age 21; S.F. 96, sponsored by Sen. Don Betzold (DFL-Fridley), simplifying the Dept. of Public Safety's rulemaking authority; and S.F. 700, sponsored by Sen. Cal Larson (R-Fergus Falls), allowing a statutory city mayor to be fire chief in certain cases. All bills were approved and will appear on the Senate Calendar at the next floor session.

Senate conferees were also named for H.F. 100, authored by Sen. Jim Vickerman (DFL-Tracy), the emergency snow removal aid bill.

## **Welfare bill debate begins**

"Today we will hear the amended version of S.F. 1," said Chair John Hottinger (DFL-Mankato), "We have had many hours of public testimony from people who have provided us with both tragic and encouraging stories, innovative ideas, and solid information. I congratulate every member for their participation in the hearing process. Starting today is where we do the real work. The process until now has been only the beginning." The Health and Family Security Committee met on Tues., Mar. 3, to commence the policy committee's discussion on the welfare reform proposal.

Hottinger invited Sen. Don Samuelson

(DFL-Brainerd) to discuss the welfare reform bill, S.F. 1. Samuelson explained, "About two months ago, the governor asked people to participate in a task force comprised of representatives from the Depts. of Education, Economic Security, Health, and Human Services along with several Senators and staff. The main purpose was to try to understand the new federal law and the impact it will have on Minnesota. The task force's intent was to have a plan in place well ahead of the July 1, 1997, federal deadline in order to draw down additional money that would be made available. Minnesota is not cutting any programs, and in fact, is spending \$30 million to provide an additional safety net. If one includes the governor's child care proposal, the state will spend well over \$100 million. I would hope we can feel good supporting the bill that leaves this room." According to Samuelson, the bill incorporates many of the recommendations derived from the task force meetings. Assisted by Deborah Huskins, assistant commissioner for the Dept. of Human Services, Samuelson proceeded with an overview of the bill.

Under the bill, the Minnesota Family Investment Program (MFIP) is expanded statewide beginning July 1, 1997. MFIP is not considered an entitlement but, however, the commissioner of human services must report annually on Jan. 15 on the status of MFIP funding. The bill extends benefits to everyone residing legally in the U.S. except persons defined as nonimmigrants. All grants are paid with federal Temporary Assistance to Needy Families (TANF) dollars where permitted, or with state funds. There is also a 60-month lifetime limit on assistance, as required by federal law. Furthermore, a 30-day residency requirement is established with exceptions only for unusual hardship. Following the first 30 days, the new residents are paid the grant from either the previous state or Minnesota, whichever is lower. The bill specifies that drug felons are ineligible for assistance until two years after serving their sentence. Counties must implement an education and training program by July 1, 1997, and the work activity that is required in order to be eligible for MFIP is defined broadly to include anything in an approved plan that is tied to an employment goal. Under an employment plan, post-secondary education assistance is generally limited to 12 months, but up to 24 months is permitted in special cases.

# Committee update

## Agriculture and Rural Development

### Poplar bill advanced

A bill appropriating money for hybrid poplar management was advanced Thurs., Feb. 27 by the Agriculture and Rural Development Committee. Chaired by Sen. Dallas Sams (DFL-Staples), the committee also considered two other bills.

S.F. 643, authored by Senate Majority Leader Roger Moe (DFL-Erskine), appropriates \$400,000 for the biennium to the Agricultural Utilization Research Institute (AURI) for hybrid poplar management research. Ed Wene, from AURI, testified in support of the bill and said, "Hybrid poplars can be an attractive crop in the right conditions. They can be harvested in ten to twelve years, as opposed to traditional poplars, which can take as long as fifty years. We see this as a way to diversify the rural economy, provide jobs, and protect the environment against wind and water erosion." The bill was advanced to the Environment and Agriculture Budget Division.

Sen. Tracy Beckman (DFL-Bricelyn) presented S.F. 556, a bill that appropriates \$400,000 for the biennium to the Dept. of Agriculture for operating grants for Farmerica, an agricultural interpretive center in Waseca. "The mission of the center is to tell the story of agriculture--past, present, and future," said Ed Frederick, chair of the Farmerica Board. He said, "We're just barely maintaining the operations with a minimal budget and lots of volunteer work. With the proper funding, we could handle even more visitors." The bill was advanced to the Environmental and Agriculture Budget Division.

S.F. 526 provides for food handler certification. Authored by Sen. Pat Pariseau (R-Farmington), the bill allows the commissioner of agriculture to require certification of retail food handlers not covered by existing statute, such as personnel at delis included in supermarkets. Concern was expressed by members of the committee over the costs and burdens associated with certification, especially for smaller businesses. Sen. Becky Lourey (DFL-Kerrick), said, "I'm in favor of any measure that protects health and safety, especially where food is concerned. But I can't support this bill until I see what impact it would have on the people in my district that would be affected." The bill was laid over for further consideration.

### Farmsafety bill okayed

The Agriculture and Rural Development Committee okayed a farmsafety bill Tues., Mar. 4. The committee, chaired by Sen. Dallas Sams (DFL-Staples), also considered a bill regarding livestock odor research.

S.F. 766, authored by Sen. Steve Dille (R-Dassel), appropriates funds to the commissioner of agriculture for a grant to the University of Minnesota for a farmsafety outreach program. Dr. John Schutzke, a farmsafety specialist at the University, said, "In the 1990's, farming has become the most dangerous profession as measured by the number of job-related accidents and fatalities each year. Thirty-seven people lost their lives in the state last year in farming-related accidents; that is part of a trend of increasing fatalities since the eighties when we were down to 23 fatalities per year. Reviving the Minnesota Farm Safety and Health Leadership Team will bring together agricultural leaders who will participate in training activities and educational programs to promote farm safety and awareness." The bill was advanced to the Environment and Agriculture Budget Division.

Dille also presented S.F. 720, a bill appropriating \$400,000 to the University of Minnesota for livestock odor research. "The funds would be used to develop an odor rating system, to recommend setback requirements for livestock production facilities, and to research the best management practices to control livestock odor," said Dille. Members of the Livestock Odor Task Force testified in support of the bill. The bill was approved and moves to the Environmental and Agriculture Budget Division.

## Commerce

### Two bills advance

The Commerce Committee, chaired by Sen. Sam Solon (DFL-Duluth), approved a bill relating to diabetes education, Thurs., Feb. 27.

S.F. 495, authored by Sen. Steven Novak (DFL-New Brighton), requires that a health plan must provide coverage for diabetes out-patient self-management training and education, including medical nutrition therapy. The bill requires that training be provided by a certified, registered, or licensed health care professional working in accordance with the national standards of diabetes self-management education as established by the American Diabetes Association.

Janet Pearson, R.N., director of patient education, International Diabetes Center, said that teaching people diabetes management skills is essential to proper care because 90 percent of the care is the patient's responsibility. She said that early education and proper care can greatly reduce later medical complications and costs caused by diabetes.

The committee approved the bill and sent it to the Senate floor.

S.F. 501, authored by Sen. Sam Solon (DFL-Duluth), an omnibus commerce bill, authorizes the commissioner of commerce

to issue temporary licenses under each of the licensing programs administered by the department except for those activities involving currency exchanges, collection agencies, investment advisors and others; allows the commissioner to waive all or part of the requirements of prelicense education, continuing education and examination; deletes employee benefit plans from those plans requiring investment advisor licensure; provides that owners who construct or improve their own property for speculation are presumed to be building or improving for speculation if they construct or improve more than one property in 24 months; clarifies that collection agencies and collectors must be licensed; and allows collectors to use one alias that is registered to the commissioner.

The committee adopted seven substantive and technical amendments to S.F. 501. Amendments clarify special skills under the builders licensing law to eliminate language duplication; remove the sunset provision for the Builders' Advisory Council; require that all real estate appraisers receive at least four hours of training each license period in courses involving laws or regulations on standards of professional appraisal; allow the commissioner to disapprove outside-classroom continuing education courses, and to establish pilot programs to explore delivery of accredited courses through the use of new technology; and allow real estate agents to discuss with owners terms upon which a listing contract or contract for nonagency services may be entered into after the expiration of any existing exclusive contract.

The bill, as amended, was sent to the Senate floor.

### Cigarette sales to minors limited

A bill designed to "reduce youth access to tobacco" according to chief author Sen. Ember Junge (DFL-New Hope) was approved at a lengthy hearing of the Commerce Committee Tues., Mar. 4.

Junge said that current law applies penalties to store clerks and minors involved in illegal cigarette sales, but there is no penalty on the store. She added that the bill, H.F. 117, is supported by health professionals, the attorney general, law enforcement officials and local government officials.

Sen. Ed Oliver (R-Deephaven), the bill's co-author who presented the bill with Junge, said the bill authorizes local governments to license cigarette retailers, charge license fees for enforcement purposes, assess penalties for violations and conduct compliance checks twice per year. Oliver said other features of the bill include a ban on self-service cigarette displays, authorization for local governments to enact more stringent regulations and a prohibition against tobacco suppliers paying "slotting fees" to retailers.

Jack Curtis, a Duluth retail store owner, told panel members that tobacco suppliers

pay slotting fees to retailers for putting cigarette displays in easily accessible and highly visible areas. Sen. James Metzen (DFL-South St. Paul) asked, "why does it take a law to prohibit such payments? Why can't you do it on your own?" Curtis responded that he does voluntarily forego the slotting fees and keeps cigarettes in his stores where only the clerk can get them. He said that other retailers would like to do the same but cited an "insidious addiction to money" that stops them from giving up the slotting fees. He added that the payments outweigh the losses due to shoplifting from the displays.

Judy Cook, representing the Minnesota Retail Merchants Association, told the committee she supported most of the bill, but opposed the bans on self-service displays and slotting fees. She said her organization also seeks a 30 day advance notice period before local governments hold hearings to enact licensing ordinances.

Metzen offered an amendment removing the slotting fee ban and allowing self-service displays, but only if the displays are located within the line of sight of the store clerk. The amendment also requires local governments to notify tobacco retailers 30 days before enacting licensing ordinances. Junge opposed the amendment, saying that clerks cannot always monitor tobacco displays because they are busy with other duties. She stated that the self-service displays are banned under federal Food and Drug Administration regulations scheduled to go into effect in August, and added that the tobacco companies have filed a lawsuit against the regulations. The amendment was adopted on a 9-7 roll call vote, but only after the 30 day notification period provision was removed. Oliver then offered an amendment prohibiting single packs from self-serve displays.

Sen. John Hottinger (DFL-Mankato) offered two amendments, one requiring tobacco suppliers to report the amount of slotting fees they pay to retailers, and the other prohibiting future licensing of tobacco retailers within 1,000 feet of a school. The first amendment was adopted, but the second was described as "overkill" by Committee Chair Sam Solon (DFL-Duluth). Hottinger said he didn't mind legislative overkill because 750 people die each day from tobacco related causes. The amendment was defeated.

Another amendment, offered by Sen. Cal Larson (R-Fergus Falls), suspends a driver's license if the license is used to buy cigarettes illegally. The amendment was adopted.

Sen. Dick Day (R-Owatonna) offered an amendment removing the compliance check provision, saying "it's Big Brother dictating to towns." He said that sting operations should be conducted in schools where teens store their cigarettes. Day's amendment was defeated. The bill was approved as amended and sent to the Senate floor.

## Crime Prevention

### Six bills approved by committee

Terrorism, liquor and tobacco tax, auto theft, inmate lawsuits and Sioux self-governance were the subjects of six bills approved by the Crime Prevention Committee Mon., Mar. 3.

Sen. Warren Limmer (R-Maple Grove) said that his S.F. 542 authorizes the Lower Sioux Indian Community to exercise law enforcement authority. According to the bill, in exchange for this right, the community will be subject to the liabilities and torts of its officers, employees and agents acting within the scope of their duties arising out of the law enforcement agency powers conferred. The community must file its officers with the Peace Officers Standards and Training Board and cooperate with the Redwood County sheriff in provision of services. Limmer produced a letter of support from Sheriff Jerry Luttmann. The bill was approved and sent to the floor.

Sen. William Belanger (R-Bloomington) authored two bills recodifying standards relating to taxation of liquor and tobacco. S.F. 378 does not change how distilled spirits, wine and fermented malt beverages are currently taxed, but rather clarifies the procedures necessary to pay the tax, extends filing and assessment periods and streamlines criminal penalties to make them more consistent with similar violations in the other tax types. After Belanger successfully offered an amendment to strike language limiting some liquor transport penalties to those over twenty-one, the bill was approved and sent to the floor. S.F. 472, another Belanger bill, recodifies statutes in order to simplify Minnesota's cigarette and tobacco products taxation, consolidate procedures and make penalties more intelligible to the taxpayer. The bill was approved and sent to the Senate floor with recommendation to pass.

Sen. Jane Krentz (DFL-May Township) offered S.F. 305. The bill empowers the commissioner of corrections to sanction prisoners who have been found to have submitted frivolous or malicious claims, testified falsely to a court or submitted false evidence. The bill also requires that a court dismissing an action brought by an inmate provide a copy of the dismissal to the commissioner of corrections. The bill was approved and sent to the floor.

S.F. 355, authored by Limmer, expands Minnesota's Crime Victims Reparations Act to comply with federal anti-terrorist legislation passed in the wake of the Oklahoma City bombing. The bill ensures that if a terrorist act occurs in Minnesota, the state can access federal emergency funds. In addition, the bill adds provisions that expand the scope of current state reparation funds to cover families whose children are victims of terrorism. An author's amendment expands the law's

definition of crime to include those acts of terrorism committed outside the U.S. against a resident of Minnesota. Regarding general crime victim reparations, the bill also contains a provision that juvenile records be released to the Crime Victims Reparations Board if pertinent to resolution of a claim. S.F. 355 was approved as amended and re-referred to the Judiciary Committee for data privacy consideration.

The panel also approved a bill authored by Sen. Dave Knutson (R-Burnsville). S.F. 671 states that in the event of auto theft, the law enforcement agency which handles the original theft, rather than the agency recovering the vehicle, is required to notify the victim of the vehicle's recovery. The bill also requires that the recovering agency report the recovery to the original agency. The bill was approved and sent to the floor.

### 911, background check bills gain

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.) approved four bills Wed., Mar. 5.

S.F. 280, authored by Sen. Jane Ranum (DFL-Mpls.), is an attempt, she said, to close a gap in domestic violence law. The bill makes it a gross misdemeanor to obstruct a person's access to 911. Plymouth Police Officer Mike Buske testified on the bill, relating the story of an abuser who threw the home phone in a closet to prevent his wife from calling police. Buske said the wife retrieved the phone, dialed 911, but was cut off when her husband sliced the cord. The station was able to get a trace on the call and officers were dispatched to the scene, but there was no way to charge the man for this particular offense, said Buske. The bill was approved and sent to the floor.

S.F. 294, authored by Sen. Ember Junge (DFL-New Hope), deals with police officer background checks. "Previous employers can be difficult, fearing liability and even lawsuits if they give information on past employees," she said. The bill applies only to sworn officers and provides that employers who give information in conjunction with law enforcement background investigation are immune from civil liability. The bill also authorizes the POST Board to collect data on background checks for use by agencies statewide. The bill was approved and re-referred to the Judiciary Committee. Junge also presented S.F. 1006, a bill requiring background checks for firefighters. The bill also exempts previous employers from liabilities with regard to any information solicited in the course of a criminal background check. This bill also was approved and sent to the Judiciary Committee.

S.F. 444, authored by Sen. Dave Johnson (DFL-Bloomington), provides the Department of Corrections the authority to detain juveniles awaiting further order. It also allows the department to extend holdover periods for juveniles if planned transporta-

# Committee update

tion is obstructed or weather does not permit travel. The section in the bill which aims to repeal the law's language regarding institutional religious instruction was deleted by Johnson after some members suggested a future fine tuning of language dealing with the practice of religion behind bars. The bill was approved as amended and re-referred to the Committee on Governmental Operations and Veterans Affairs.

S.F. 609, a bill presented by Junge regarding out-of-state orders for protection, was held over for clarification and discussion.

## CCA pitches private prison

In front of a capacity crowd, Correction Corporation of America (CCA) made its pitch to contract with Minnesota on the new prison project slated for location in Rush City. As noted by Chair Allan Spear (DFL-Mpls.), the company's request came in at the eleventh hour, as project expenditures are imminent and construction about to begin according to the original Department of Corrections plan. Spear, Sen. Thomas Neuville (R-Northfield) and Sen. Randy Kelly (DFL-St. Paul) had been to Nashville the week before to meet with the company's CEO and to tour two CCA facilities. What initially caught their attention, recounted Spear, was the company's proposal to run the facility at a \$55 per diem rate, as opposed to the MDOC estimate of \$88. Additionally, the CCA figure factors in debt service on capital expenditure, which the state estimate excludes.

"The numbers are real," said CCA Chairman Emeritus Thomas Beasley. He said CCA, founded in 1983, has 44,000 beds under contract in 17 states. With a \$2.5 billion market value, he said, the appropriation absorbs its own liability costs, indemnifying contracting organizations and guaranteeing American Corrections Association accreditation within two years of operation.

As far as prison programming is concerned, Beasley said money spent in this area is money saved on maintenance. While praising Minnesota for "doing something more than warehousing humans," he said private companies can be more innovative. "When we were looking for a drug treatment program," he said, "we found the best one in the country and we bought it." He said CCA hired away an Alabama corrections director to implement his successful program in the company's facilities. Such flexibility, said Beasley, also applies to construction. "We can build a facility in a year, without seeking appropriations and changes through the governmental process."

Beasley did not shrink from Sen. Tracy Beckman's (DFL-Bricelyn) question about friction. "At this point, we don't have a problem in any state. When we started, we had problems in all of 'em." Spear asked

about union labor, and while Beasley conceded that most of the company's facilities are located in the sun belt where government workers aren't unionized, he said they have no problem with unions and have negotiated union agreements.

Addressing Neuville's probe of a CCA incident involving the escape of six prisoners from its close security prison in Arizona, Beasley said it was found to be the result of human error, a guard not taking security system warnings seriously.

Sen. Dave Johnson (DFL-Bloomington), "The terms of this debate have become, do we stop progress on Rush City and look into privatization?" When he asked for a detailed account of programming, Beasley said itemization would include proprietary information which could be provided in a formalized RFP situation. The CCA executive repeatedly emphasized that programming, construction, unionization and administration are all elements that can be customized to meet state specifications. "We work for you," said Beasley

Commissioner of Corrections Gothriel LaFleur responded briefly to the presentation. "I'm not going to couch this in a dialogue of us against them," he said, adding that the MDOC is not necessarily adversarial. He urged the panel however, to do thorough research and to consider the CCA proposal in the context of the entire Minnesota state correction system. "It's important," he said, "not only to see what people want us to see, but to see what is there."

## Education Finance

### For-profit higher ed discussed

Representatives from the for-profit post-secondary education community testified before Chair Keith Langseth (DFL-Glyndon) and the Education Finance Committee Wed., Mar. 5. What was intended to be a discussion on technology became more a general information overview of the for-profit concept and its niche in higher education.

Medical Institute of Minnesota President Phil Miller detailed for the panel his Bloomington school's concentrated efforts to educate technical professionals at the associate degree level for employment in the health care industry. Costing \$12,000 to \$16,000 for degree completion, the school feeds graduates into some of the thousands of open health tech jobs nationwide, said Miller. According to Miller, one third of the students qualify for state grants, some are on federal Pell grants and the remaining majority receive student loan assistance. MIM has contracted with an outside provider to avail its students of on-site daycare services. MIM alumna April Cooper, a single mother with four children, testified that she is transitioning off of AFDC into a histology tech job paying \$37,000.

Walden University President Dave Palmer explained Walden's service to the professional community, providing distributed learning opportunities to those already in possession of master degrees and having full-time employment commitments. Classes are taken via correspondence or Internet, with some on-site intensive study required to complete degrees. The average age of student in the program is 44, said Palmer, and all enrollees are required to have three years experience in the field of study.

Graduate School of America representatives, President Bruce Francis and Vice President Maxine Rossman call themselves the "new kids on the block" when it comes to private graduate programs. Trustee Chair Steve Shank outlined the concept. The school, he said, attempts to strike a cost-effective balance between technology and education. "When it comes to technology," he said, "why should kids have all the fun?" A Ph.D. through the school, said Shank, costs around \$36,000.

Minnesota School of Professional Psychology Dean Jack O'Reagan said his clinical psychology school is a necessary component in a field dominated by research-oriented programs. O'Reagan said the program is the only one in the state besides the University of Minnesota accredited by the American Psychology Association. He spoke of the shortage of practicing psychologists in rural areas and said 91.5 percent of the school's graduates are employed within six months of graduation.

## Election Laws

### Finance discussed, mail ballots approved

Chair John Marty (DFL-Roseville) continued his presentation of S.F. 708, a campaign finance reform bill, Mon., Mar. 3.

After seeking input from political party leaders, Marty said, he decided to delete bill language requiring parties to itemize by candidate all campaign expenditures benefiting three or more candidates.

Marty went on to successfully offer an amendment clarifying that in areas where it is illegal for candidates to accept contributions, it is also illegal for contributors to make them.

Members discussed at length a subsequent author's amendment specifying that personal money spent on polling or other preparation for possible candidacy be counted against spending limits should the person eventually decide to run for election. Sen. Carol Flynn (DFL-Mpls.) expressed some concern that this measure "goes too far," and interferes with personal liberty. Sen. Mark Ourada (R-Buffalo) concurred, saying people should be free to explore options without drawing attention to themselves before declaring candidacy. Also voicing skepticism, Sen. Roger Moe

(DFL-Erksine) outlined the predicament of lesser-known candidates attempting to unseat incumbents. "The incumbent just doing his job isn't counted as expenditure, but someone who wants to do a little research before getting into the fray is penalized?" he asked. Ourada and Sen. Ember Junge (DFL-New Hope) said the bill's definition of preliminary campaign expenditures was possibly too broad. Moe followed with a question as to the timeframe covered by the provision and Flynn questioned its retroactivity if passed. Marty insisted that current law provides a loophole for a wealthy individuals to spend large amounts of personal money prior to officially declaring candidacy or forming a committee. After agreeing to delete retroactivity language, Marty progressed the bill.

S.F. 703, a bill authored by Sen. Linda Sheid (DFL-Brooklyn Park) provides that precincts with fewer than 75 voters be permitted to vote by mail. The bill was approved and sent to the floor. Sheid then presented S.F. 573, a bill allowing special elections to be held by mail. She said that voting is a right, and that especially in cases where the public "has no reason to think there is an election on a certain day," the state should do all it can to encourage voter participation. She spoke of a St. Cloud special election in which only eight of 2,000 eligible citizens voted, then contrasted it with the case of a Robbinsdale mail balloted referendum which pulled a 62 percent response. "It's something of a romantic notion that citizens should be forced out into the snow to show their support for the process," said Flynn. After Sheid related secretary of state figures estimating per voter cost of mail balloting at \$1.30 (as opposed to the \$2.33 cost for polling place voting) the bill was approved with recommendation to pass and sent to the floor.

## **Environment and Agriculture Budget Division**

### **Lottery tax repeal okayed**

The Environment and Agriculture Budget Division continued its series of hearings on the Pollution Control Agency (PCA) budget, but took time to act on a bill at the Fri., Feb. 28, meeting. The bill, S.F. 441, sponsored by Sen. Steven Novak (DFL-New Brighton), repeals the 6.5 percent "in lieu of sales tax" charge imposed on lottery tickets.

Novak said that when it was created, the Environmental Trust Fund (ETF) was slated to receive 40 percent of net proceeds from lottery ticket sales. In 1989, the legislature applied a 6.5 percent "in lieu of sales tax" charge to lottery tickets, but built the tax into the price of the ticket, he said. The result, according to Novak, is a lottery ticket base price of 93.5 cents on which the net proceeds are calculated. Novak said his bill repeals the tax so that \$1 is the base for

the calculations. Division Chair Steven Morse (DFL-Dakota) said that only the ETF was adversely affected because both the tax and the other 60 percent of the net proceeds go to the state's general fund.

Nancy Gibson, of the Environmental Trust Fund Coalition, said that without the tax, nearly \$52 million would have been available since 1990 to protect wildlife, fight off exotic species and educate children. She said that the bill makes the state comply with the 1989 ETF/lottery ballot question that "not less than 40 percent of proceeds" go to the ETF and asked panel members to "honor the deal." The bill was approved and sent to the Environment and Natural Resources Committee.

### **Parks, budgets discussed**

Department of Natural Resources (DNR) Parks Director Bill Morrissey appeared before the Environment and Agriculture Budget Division Weds., Mar. 5, to explain a funding proposal for two state parks. The proposal is found in S.F. 616, carried by Sen. Don Samuelson (DFL-Brainerd). The two parks are Glendalough State Park and Cayuna Country State Recreation Area. Morrissey said Glendalough was a gift valued at \$2.4 million from The Nature Conservancy and Cowles Media. He said the \$300,000 appropriation is to develop camping sites and pay for park staff. The \$300,000 Cayuna Country area appropriation is to manage the consolidation of tax-forfeited land within the park boundary. The bill was laid over for further consideration.

The panel also heard from Board of Animal Health Executive Secretary Thomas Hagerty about the board's budget. Hagerty said the board plans to increase the kennel license fee from \$15 to \$150 to cover inspection costs. Kathryn Roberts and Jeff Higgins of the Minnesota Zoological Garden also appeared before the division. Higgins said the zoo is requesting \$600,000 to upgrade the zoo's electrical distribution system and air conditioning system. Roberts also told members about the planned Spring opening of the Discovery Bay exhibit at the zoo.

## **Environment and Natural Resources**

### **Electronic licensing discussed**

Minnesota could issue game and fish licenses electronically under a bill heard Mon., Mar. 3, in the Environment and Natural Resources Committee.

Tom Keith of the Dept. of Natural Resources (DNR) said that the proposed system improves efficiency and gives DNR resource managers more accurate data. He added that the proposed system operates in both a point-of-sale format, and via telephone. Sen. Gary Laidig (R-Stillwater), chief sponsor of S.F. 308, said hunters are asking why Minnesota doesn't have an electronic licensing system like

Michigan. Sen. Jane Krentz (DFL-May Township) asked if data collected on license applicants would be available for resale. Laidig answered that the data would not be sold, but that the DNR could deny licenses to applicants who are behind on child support payments.

Julie Bleyhl, AFSCME, said she was concerned that the system could cause DNR staff cutbacks, but DNR Deputy Commissioner Ron Nargang said the department will fund any necessary staff retraining resulting from implementing the system. He said the system "is about customer service, not layoffs." Sen. Steven Morse (DFL-Dakota) said he didn't see any language in the bill appropriating money for retraining, so the bill was laid over to draft an amendment to address the issue.

Earlier the committee heard S.F. 796, also sponsored by Laidig. Ron Harnack of the Board of Water and Soil Resources (BWSR) said the bill makes the commissioners of agriculture, health, natural resources, the pollution control agency and the director of the University of Minnesota Extension Service voting members of BWSR instead of non-voting ex-officio members. Sen. Jim Vickerman (DFL-Tracy), said he was concerned that other board members would be intimidated by state commissioners having voting rights. Harnack answered that the other members of the board are "very assertive and aren't afraid to speak their piece. They won't be intimidated." Harnack added that with voting commissioners on the board, "it will take out the parochialness and make government more efficient." The bill was approved and sent to the Senate floor.

## **Family and Early Childhood Education Budget Division**

### **Community reviewed**

Early Childhood Education Budget Division members listened to collaborative program progress reports, Tues., Mar. 4. Bob Wagner, Beltrami County Family Services Collaborative, told the division, chaired by Sen. Pat Piper (DFL-Austin), that 26 percent of families within Beltrami County live below the poverty level, experience double the state average of teen pregnancies, and are exposed to one of the state's highest crime rates. Wagner said that the county is locked into intergenerational poverty, violence and chemical abuse. He stated the importance of collaborative programs needed to serve as many individuals as possible, especially over so large an area. Wagner said that since the inception of collaborative programs, the county has seen unbelievable progress in family learning. He said that family learning efforts have led to 25 families attending weekly classes, and that adults and children have shown increased competence and comfort in class. He said that 80 percent of program participants are Native Americans.

# Committee update

Sally Warring, Roseville Area Family Services Collaborative, said that linking and pooling financial program resources allows determination of family needs and provides the means to meet those needs with appropriate programs. Warring mentioned transportation among her remarks concerning obstacles to program delivery. She said that a Roseville transportation problem was solved, in part, when the collaborative was able to establish connections with a private foundation that provided funding for a van. She said that the vehicle now delivers adults and children directly to their programs. She also spoke on the importance of securing funding for summer school programs.

Jim Clark, Leech Lake Children's Initiative, Cass Lake, said the Leech Lake collaborative is one of the oldest in existence. It is important, he said, that collaboratives look at methods to link their services with schools, and especially with children in lower grades. Clark said that because state funding will not meet the needs of five collaborative centers, the collaborative has worked to supplement grant money through reducing expenditures, such as the number of costly out-of-home placements. Clark said the collaborative petitioned for, and received, funding from the county board to subsidize some of its out-of-home placement expenditures. In addition, he pointed out the importance of early intervention measures needed to prevent out-of-home placement. Other methods include home visits by individuals who can discuss and recommend a variety of applicable programs, instead a separate visit from each program representative; consolidation of public health and school screening programs; and the use of outreach programs to overcome attendance barriers.

## Parenting bill heard

Early Childhood Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin), heard a bill, Weds., Mar. 5., authored by Sen. Jane Ranum (DFL-Mpls.), relating to parenting.

S.F. 532 establishes a pilot program providing school-based, community-linked programs to ensure teen parents self-sufficiency and offering school readiness-development for their children. The bill requires the commissioner of children, families, and learning to award up to seven pilot grants to eligible school districts in three Metropolitan Areas and four in Greater Minnesota.

Among the bill's other goals are to assist pregnant and parenting adolescents in school attendance; prevent child abuse and neglect; improve outcomes for teen parents and their children in the areas of health, intellectual and emotional development and immunization rates. The bill also requires that program components include quality educational programs, collaboration

with other governmental agencies and community-based organizations to provide support services, individualized learning plans for each student, compliance with federal discrimination laws, and accountability measures for student performance. The bill appropriates \$12 million for the biennium to the Dept. of Children, Families and Learning.

Ranum offered an amendment to her bill appropriating and additional \$100,000 in FY 98 and \$40,000 in FY 99 for administrative costs. The amendment was approved.

The division heard testimony from several teen mothers who described the value of programs providing incentives and means to help them remain in school and to ensure a better life for their children. The division also heard program descriptions and viewpoints from program providers.

Nancy Nelson, co-director, Minnesota Organization on Adolescent Pregnancy, Prevention and Parenting said that 10,000 Minnesota women under age 19 are attempting the task of raising children while trying to grow up themselves. She said that 48 percent of Minnesota's children on AFDC live in families that began with a teen birth. The bill was laid over, as amended, pending further discussion.

The division also began discussion of S.F. 797, authored by Sen. Becky Lourey (DFL-Kerrick), appropriating funds to the Department of Children, Families and Learning, to provide for a community collaborative project for children and youth to be developed by a regional organization to address specific community needs of children and youth. The bill appropriates \$300,000 for the biennium. Further discussion of the bill will occur at a later meeting.

## Governmental Operations and Veterans Affairs

### Anti-gang strike force discussed

"The anti-gang strike force legislation is the centerpiece of our anti-crime proposal for this session," said Sen. Randy Kelly (DFL-St. Paul), as he presented S.F. 218. The Governmental Operations and Veterans Affairs Committee, chaired by Sen. James Metzen (DFL-South St. Paul), considered the crime bill along with two other measures at the Tues., Mar. 4, meeting.

"It is very apparent that the growing gang problem is no longer a metropolitan issue," said Kelly, "The problem is growing in our suburbs and into the regional centers around the state. We need to act now before the gang elements gain a foothold in these communities." Kelly explained that the bill creates law enforcement and prosecutorial units who are directed to work together to apprehend and prosecute gang members statewide. Additionally, the bill creates a Criminal Gang Oversight Council, specifies its membership, states that the attorney general and the commis-

sioner of public safety will co-chair, and outlines the powers and responsibilities of the council.

Sen. Deanna Weiner (DFL-Eagan) asked Kelly if a sunset date for the council had been considered and whether the council will be required to report on the efficacy of the new strike force. Kelly said, "In regards to a sunset date, we can't kid ourselves and we have to realize that, unfortunately, we are in this for the long haul. As for an evaluation, the council will be required to report to the respective legislative committees on a regular basis under the bill."

After a request from Sen. Lawrence Pogemiller (DFL-Mpls.) to re-draft several pages of the bill for ease of reading, Kelly moved to lay the bill aside for further discussion.

According to Sen. Allan Spear, S.F. 215 is a measure that clarifies language in last year's bonding bill. Specifically, the measure amends the bonding bill with explicit language detailing how public and private funds are to be distributed for the Jungle Theater construction projects in Minneapolis. The measure was approved and re-referred to the State Government Finance Committee.

Sen. Dallas Sams (DFL-Staples) sponsored a bill that changes the appointment authority for the executive director for the Board of Private Detectives and Protective Agents. The bill, S.F. 221, transfers the authority to make the appointment from board members to the commissioner of public safety. Members approved the bill and advanced it to the floor.

## Naturopathic licensure discussed

A bill establishing a licensing program for naturopathic physicians was discussed at the Weds., Mar. 5, Governmental Operations and Veterans Affairs Committee meeting. Chair James Metzen (DFL-South St. Paul) and members listened as Sen. Linda Berglin (DFL-Mpls.) presented S.F. 523. Berglin explained that the measure is structured similarly to prior licensing bills, but before members began a substantive discussion on the bill, Berglin successfully suggested three amendments. The first amendment changes the references in the bill from naturopathic "physicians" to "doctors." The second amendment allows the Board of Medical Practices to set licensing fees for naturopathic doctors, and the third motion clarifies the types of office surgeries that can be performed by the naturopathic practitioners. In addition to establishing a licensure program, the bill establishes a Naturopathic Physicians Advisory Council that is charged with studying the prescriptive authority for the field of naturopathic medicine. Sen.

Linda Runbeck (R-Circle Pines) said state licensure of new medical practices constitutes, in effect, official recognition and gives these practices our stamp of approval.

Sen. Martha Robertson (R-Minnetonka)

offered an amendment to sunset the advisory council June 30, 2001. The amendment was adopted.

Because the bill has not been reviewed by the Health and Family Security Committee, several members said they were uncomfortable making a final recommendation on the measure until the scope of practice for naturopathic physicians has been defined. Therefore, Sen. Steven Morse (DFL-Dakota) moved to re-refer the bill to the Health and Family Security Committee without recommendation. On the motion, he said, "We are all now familiar with the bill, and we'll have to act on it before it goes to the floor. It may change considerably before it comes back to us, so we will be better able to act on it then." The Morse motion prevailed.

Sen. Dan Stevens (R-Mora) presented S.F. 127, a bill modifying requirements for certain environmental advisory councils. Stevens explained that the measure streamlines the advisory process for several councils, under the management of the Office of Environmental Assistance, by collapsing the number of councils from four down to two. After Stevens and Sen. Don Betzold (DFL-Fridley) offered two clarification amendments, the bill was approved and sent to the floor.

Finally, Morse sponsored a measure that deals with the Minnesota Conservation Corps. S.F. 137 exempts the Youth Conservation Corps Advisory Committee from expiration and allows the Dept. of Natural Resources to contract with nonprofit agencies to help carry out conservation corps programs. Sen. Lawrence Pogemiller (DFL-Mpls.) offered an amendment that removes the sunset exemption language and sets the advisory committee's expiration date for June 30, 2001. The amendment was approved and the bill was advanced to the floor.

## **Governmental Operations and Veterans Affairs Budget Division**

### **Military affairs budget overview**

Assistant Adjutant General Gary LeBlanc reviewed the Dept. of Military Affairs budget at the Weds., Mar. 4, Governmental Operations and Veterans Affairs Budget Division meeting. LeBlanc first described the responsibilities of the department, explaining that the office oversees the Army and Air National Guard units for Minnesota. As for the budget, LeBlanc said the governor has requested approximately \$23.4 million for the biennium. One of the budget initiatives, \$3.9 million to operate the local armories after business hours for community crime prevention activities, sparked interest among members. LeBlanc explained that the initiative is part of the governor's overall crime prevention legislative package.

In addition, representatives from the Dept. of the Military Order of the Purple

Heart, the Disabled American Veterans, and the Veterans of Foreign Wars each presented brief budget overviews.

## **Health and Family Security Alternative grant process okayed**

A bill establishing an alternative grant application process for categorical social services in Pine County was approved at the Thurs., Feb. 27, Health and Family Security Committee meeting chaired by Sen. John Hottinger (DFL-Mankato). After lengthy discussion and an amendment, the measure was re-referred to the Children, Families, and Learning Committee. The discussion on S.F. 597 had been carried over from the previous committee meeting. At the outset of the day's discussion, author Sen. Becky Lourey (DFL-Kerrick) offered an amendment that is based on an agreement between the Dept. of Human Services and Pine County. Bob Walz, director of the human services office in Pine County, explained that the amendment extends the alternative grant application process to four additional counties with populations less than 30,000. The measure also requires the State Planning Agency to provide a report on the feasibility of the funding process. Walz said large counties have the staff for planning departments that are able to develop grant proposals, but small counties with limited staff are at a disadvantage. The bill ameliorates the planning process for the small counties, he said.

Sen. Martha Robertson (R-Minnetonka) offered a verbal amendment that moves the due date for the planning agency feasibility report from 2001 to 1999. Robertson then asked, "Why limit the program to only five counties? I would think that the department would be interested in expanding a program that is reducing work load." A representative from the department, Donald Allen, explained that the alternative application pilot project gives the counties broad discretion to satisfy their planning requirements. "But to have documents arrive in whatever format best suits a county increases the work load for the department substantially," he said.

In other business, Lourey also submitted S.F. 510 for review. "This is the first bill proposed by the Emergency Medical Services Regulatory Board," she said. Specifically, the measure moves all statutory language dealing with emergency medical services (EMS) into one comprehensive chapter. "The bill also streamlines the process, cutting down on necessary hearing time for new services significantly," Lourey explained.

Two amendments were offered. A Lourey amendment clarifies the EMS licensing process. Sen. Sheila Kiscaden's (R-Rochester) amendment creates a regulatory registration process for first responders. After both amendments were approved, the bill was re-referred to the Judiciary Committee.

Kiscaden sponsored a bill that requires the commissioners of human services and children, family, and learning to establish a task force to study the treatment of autism. The measure, S.F. 652, requires the task force to submit a final report Jan. 15, 1999, with recommendations to improve the treatment options available to families. The bill was approved and re-referred to the Governmental Operations Committee.

Sen. Leo Foley (DFL-Anoka) offered S.F. 235 for consideration. Members approved the bill that allows the commissioner of health to sell health promotion and education materials at market value, and re-referred the bill to the Health and Family Security Budget Division.

Members also provided a favorable recommendation to S.F. 641, a measure authored by Linda Berglin (DFL-Mpls.). Under the bill, a peer of a treating mental health or substance abuse provider is required to reexamine a utilization review organization's determination not to certify a service. David Cook, the account director for United Behavioral Health, said the bill allows peer to peer review of utilization services and provides flexibility. There are many cases, he said, when a psychiatrist needs a review of services and it is appropriate that another psychiatrist make the review. There are occasionally cases, however, when supervision is needed by a physician, he explained. The bill was approved and advanced to the floor.

## **Health occupations bill discussed**

Sen. Sheila Kiscaden (R-Rochester) presented S.F. 228 at the Fri., Feb. 28, Health and Family Security Committee meeting. She explained that the health occupations clean-up bill was prepared by the Dept. of Health and is generally non-controversial. Specifically, the bill makes changes to sections regulating speech-language pathologists and audiologists, the office of mental health practice, alcohol and drug counselors, and hearing instrument dispensers. Kiscaden also offered two amendments, both of which were adopted. The first amendment deletes the credit hours required for substance abuse counselors. For the second amendment, Kiscaden said, "The changes in health care necessitate an increase in the number of special fields, and each of these specialties are requesting separate licensure boards. Therefore, we need to look at the overall health licensure procedure." The amendment directs the commissioner of health to study the current credentialing system for health occupations and make recommendations on developing policies. The amendment also directs the Legislative Audit Commission to study the current regulatory boards to improve their efficiency and efficacy. Finally, the Kiscaden amendment establishes the Committee of Health-Related Boards with the duty to study the overlapping scopes of practice among regulated and unregulated health occupations.

# Committee update

Chair John Hottinger (DFL-Mankato) said he has also noticed the proliferation of licensure boards this session, and that he will hold hearings this summer to examine the process.

Members decided to lay the bill over for further discussion. However, before the committee moved on to other business, Sen. Becky Lourey (DFL-Kerrick) presented an amendment for members to consider. She said the amendment makes certain exemptions for audiologists. She made no motion on the amendment, but wanted members to consider it before the committee returned to the bill at a later meeting.

Sen. Pat Piper (DFL-Austin) presented two bills dealing with physician assistants. The first measure, S.F. 639, establishes a physician assistants advisory council. She explained that the advisory council already exists, but the authorizing statutory language got lost in last year's shuffle. Therefore, the bill re-establishes the seven-member council in statute and directs the council to sunset June 30, 2007. The bill was approved and re-referred to the Governmental Operations Committee.

The second bill Piper presented, S.F. 352, allows physician assistants to render emergency care in disaster situations without physician supervision. The bill also grants physician assistants immunity from civil liability when rendering emergency medical care. Piper offered an amendment that made several linguistic alterations and also specified that when a disaster occurs, the physician assistant is under the direction of the emergency medical director. The amendment was adopted, and the measure was re-referred to the Judiciary Committee.

According to Sen. Linda Berglin (DFL-Mpls.), S.F. 224 is a bill that removes the limitation on the number of nursing homes that can participate in the nursing home contract reimbursement project with the Dept. of Human Services. She moved to amend the bill with language that removes the limitations on providing therapy in care facilities located in counties participating in the prepaid medical assistance program. After the Berglin amendment was adopted, the bill was re-referred to the Health and Family Security Budget Division.

## Welfare bill debate begins

The Health and Family Security Committee met Tues., Mar. 3, to commence the policy committee's discussion on the welfare reform proposal.

Sen. Don Samuelson (DFL-Brainerd) described S.F. 1, the welfare reform package, (see page 1) and detailed the process used to develop the bill.

After the description of the bill was completed, Sen. Becky Lourey (DFL-Kerrick) asked Samuelson to explain the contingent benefit standards language.

Samuelson said that in order for Minnesota to be able to successfully administer a program with desirable benefits, strict residency requirements have to be in place. However, the state should expect at least one lawsuit due to the residency standards, he said. Huskins explained that there is concern that as the lawsuit winds through the court system, the state would be prevented from setting a residency standard different from other states. Therefore, in the event a lawsuit is served, the contingent benefit standards send a clear message to the presiding judge. "The contingent benefits are very easily implemented and they make drastic cuts in benefit levels," Huskins said. They are designed to make Minnesota's benefits unattractive to someone considering a move from another state. Sen. Martha Robertson (R-Minnetonka) added that a similar law has passed judicial review in Wisconsin.

A discussion ensued regarding the issue on whether the Minnesota Family Investment Program (MFIP) should be considered an entitlement. Sen. Linda Berglin (DFL-Mpls.) said the current language in the bill does not require the Dept. of Human Services to include a change in the number of recipients when computing the budget appropriation. Therefore, if the caseload of recipients increases over current levels, the department is not required to include this revised number in its budget request; grant levels will either have to be reduced or there will be families that go without aid, she said.

Berglin also said members need to consider a time limit exemption for chemically dependent or mentally ill people who are in treatment programs. Under the current bill, people are limited to 60-months of aid funded by the Temporary Assistance to Needy Families (TANF) program. Berglin said, "It is important that we all start off at the same starting line when looking for work. Therefore, if a person is enrolled in a treatment program, it should be counted as work and the time spent in the program should not be counted against their lifetime limit for assistance."

Hottinger asked how the welfare reform measure addresses legal immigrants.

Samuelson explained that as long as they are legally residing in Minnesota, they are eligible for statewide MFIP. In addition, the federal law excludes legal immigrants from the food stamp and supplemental security income programs, so to make up for this cut a provision was included to provide legal noncitizens with a supplemental General Assistance (GA) payment, provided they are making an effort to become citizens. Elderly immigrants, who are unable to complete a citizenship education or language class, may apply for a waiver and still receive the supplemental GA grant.

## Welfare bill amendments offered

"My intention tonight is to start dealing with amendments to the welfare reform bill," Chair John Hottinger (DFL-Mankato) indicated at the Weds., Mar. 5, Health and Family Security Committee meeting. Two meeting dates had been set aside for members to offer amendments to S.F. 1, the welfare reform bill sponsored by Sen. Don Samuelson (DFL-Brainerd), and the evening's agenda represented the first round of amendment activity.

Sen. Linda Berglin (DFL-Mpls.) sounded the charge with an amendment that deals with minor parents. Specifically, the amendment gives authorization to the Dept. of Human Services (DHS) to exempt minor parents from a head-of-household designation. Berglin explained that as long as a minor parent is living with an adult and is attending high school, the Minnesota Family Investment Program (MFIP) benefits received would not count against their 60-month lifetime limit. Berglin said it was her intention with the amendment to not give teenage parents an incentive to quit high school. Assistant Commissioner Deborah Huskins, DHS, said she did not know if federal Temporary Assistance to Needy Families (TANF) dollars or state money would be eligible. Berglin removed language from the amendment that made only "minor" parents eligible so that parents over 18, but still attending high school, would not be designated a head-of-household. The amendment was adopted.

Berglin offered an amendment that requires vendor payments to welfare recipients who are convicted of a drug offense after July 1, 1997. The vendor payments must be made until the recipient has completed a court-ordered sentence, completed a drug treatment program, or a county agency determines that the recipient can successfully manage their funds. The amendment was adopted.

Sen. Dallas Sams (DFL-Staples) successfully offered an amendment that deals with property limitations for welfare eligibility. The Sams amendment raises the value of a motor vehicle excluded from eligibility calculations from the current \$4,650 level to \$7,500. He explained that people in Greater Minnesota have a need for more reliable vehicles to handle severe weather and longer driving distances.

Sams also moved to amend the bill with language to establish an allocation formula for the diversionary assistance grants. The formula determines the amount of money available based on 1996 Aid to Families with Dependent Children (AFDC) emergency assistance expenditures. Huskins said there is no allocation method language in the bill at present and that any guidance would be welcome. Sen. Dan Stevens (R-Mora) said he was concerned that the amendment places a cap on the amount of money a county can receive in

times of emergency. Sams agreed and withdrew the amendment so that alternative funding formulas can be considered.

Samuelson and Berglin presented three amendments that provide Minnesota Indian Tribes flexibility in implementing MFIP requirements and require the counties to work alongside the Tribes. Bobby Whitefeather, chairman of the Red Lake Band of Chippewa, said, "We embrace the opportunity to work with the state. The amendments allow the Tribes the opportunity to sit at the table with the state and discuss ways to work together." All three amendments were approved.

Sen. Sheila Kiscaden (R-Rochester) submitted an amendment that deals with the entitlement issue raised in the prior meeting. She explained a scenario in which the welfare recipient caseload goes up but DHS would not be required to include the increased caseload in their budgetary projection. Her amendment requires the commissioner of human services to always have the total forecasted caseload before the Legislature so that an adequate appropriation is made. The amendment was adopted.

Kiscaden successfully offered two amendments dealing with domestic violence. The first motion amends the bill with a provision extending the citizenship waiver in order to be eligible for benefits to victims of domestic violence who are immigrants. "We have a situation where legal immigrants move to the U.S., marry U.S. citizens, and suffer domestic abuse. This amendment provides the same protections we give to citizens in similar hardship circumstances," she said. The second amendment provides an exemption for victims of domestic abuse from the TANF time limits as long as they are complying with an agency supervised safety plan.

Sen. Martha Robertson (R-Minnetonka) offered an amendment relating to employment and training. Specifically, the amendment requires each county or a group of counties working collaboratively to make available at least two employment and training service providers. The amendment also requires that background information on each provider be available to clients. Sen. Dan Stevens (R-Mora) said he had reservations about the amendment. "The amendment may work well for the metropolitan regions of the state, but it would be burdensome and unworkable for several counties in Greater Minnesota where there is sparse population and there may not be more than one service provider." Kiscaden countered and said, "We need to create expectations for the counties to provide these choices and have at least two choices for people on TANF as soon as possible." The amendment was adopted.

Lourey offered an amendment that requires county agencies to waive the 30-day residency requirement for general assistance (GA) aid in cases of unusual hardship. Members discussed the issue of

whether the amendment would dilute the intent of the strict residency requirements. However, they did approve the amendment.

## **Health and Family Security Budget Division**

### **Human services forecast presented**

At the request of Chair Don Samuelson (DFL-Brainerd), George Hoffman, from the Dept. of Human Services, presented a summary of the February 1997 forecast at the Mon., Mar. 3, Health and Family Security Budget Division meeting. Equipped with the latest economic data, Hoffman reviewed estimates for Minnesota administered Aid to Families with Dependent Children (AFDC), General Assistance (GA), and Medical Assistance (MA) programs.

While presenting information on AFDC, Hoffman explained that the estimates for the program do not include the proposed welfare changes and, therefore, the budgetary data may not be accurate. However, the AFDC forecast is useful to predict the number of people who will need assistance. As Minnesota's economy has remained strong over the past year, the prior estimates for the number of welfare recipients has decreased with the February forecast. Hoffman said that with a smaller number of recipients, more federal block grant money will be available for alternative welfare programs.

Hoffman also highlighted that the federal changes in welfare are expected to shift an additional 5,000 people onto state GA.

Sen. Linda Berglin (DFL-Mpls.) asked if the department had investigated the Illinois approach. In Illinois, she said, as long as a person is working they receive only state aid and no federal benefits, so their personal 60-month lifetime limit on federal assistance is not running out. Assistant Commissioner Deborah Huskins said the department is looking at ways to restructure the Minnesota Family Investment Program (MFIP) to work in a similar manner.

### **Children's initiative presented**

Chair Don Samuelson (DFL-Brainerd) invited Assistant Commissioner Judy Wong to review the Dept. of Human Services Children's Initiative program at the Tues., Mar. 4, Health and Family Security Budget Division meeting. She said the Initiative is a relatively new program as it was established in 1994. Within the division, there are two programs--the Children's Grants and the Children's Services Management Programs. Wong proceeded with an outline of the various budget initiatives for the biennium.

Due to the revised February state budget forecast, several additional initiatives had been added to the department's list of agency plan items.

## **Higher Education Budget Division**

### **U review concluded**

The Higher Education Budget Division concluded its review of the University of Minnesota's budget recommendation for the coming biennium. The committee, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), also heard a bill dedicating a portion of lottery funds to higher education.

"Our proposal to you is to share fifty-fifty the responsibility for funding our four-year framework proposal," said Dr. Marvin Marshak, senior vice president of academic affairs. He said, "The University and the state would each contribute \$115.5 million for each of the four years." Richard Pfitzenreuter, associate vice president of budget and finance, cited some operational efficiencies proposed by the University and said, "We'll reduce faculty by about 5 percent by replacing four out of five positions as they open up. The decommissioning of old buildings, approximately 650,000 square feet, will reduce operating and maintenance expenses. We also plan to increase enrollment and to be more aggressive in our fundraising. With these combined efforts, we can keep student tuition increases at 2.5 percent per year."

S.F. 486, authored by Sen. Steven Morse (DFL-Dakota), proposes an amendment to the Minnesota Constitution dedicating a percentage of lottery proceeds to Minnesota state colleges and universities. The funds are to provide financial support to students of low income families and establish a student opportunity grant program for postsecondary education. "Statistics show if we invest modest amounts of money in the first two years of higher education for students of low income families it makes a real difference in their ability to stay in school. These students also carry the heaviest burden in terms of higher ed expenses, so our goal is to reverse the trend of doing the least where there is the most acute need." The committee decided to forward the constitutional question to the full committee and to delete the appropriations provisions to be laid aside for further consideration.

### **Trust fund bill presented**

A bill establishing an undergraduate trust fund and a bill providing student loan interest deferral and income tax credits for tuition were presented to the Higher Education Budget Division, Weds., Mar. 5. Chaired by Sen. Leroy Stumpf (DFL-Thief River Falls), the committee also heard a budget presentation by the Higher Education Service Office.

Continued from a previous meeting, the HESO presentation centered around technology initiatives. MINITEX provides on-line access to over 2,000 science, medical, and technology journals,

# Committee update

and would receive \$1.5 million under the HESO proposal. MnLINK, the Minnesota Library Information System, is the proposed statewide on-line library information system. Leslie Mercer, chair of the HESO Library Planning Task Force, said, "MnLINK would improve the quality of education, research, and economic development in Minnesota by connecting people, libraries, and information." Due to time constraints, the presentation was continued to a future meeting.

Senate Majority Leader Roger Moe (DFL-Erskine), presented S.F. 795, a bill that establishes an undergraduate college and university scholarship trust fund. Before commenting on the bill, Moe said, "Something we should take into consideration is the enormous budget surplus. One of the things we could do would be to take \$1 billion of that surplus and to create what I would call the Minnesota Futures Fund. The interest from the fund alone, about \$50 million annually, could be used to support scholarships equivalent to the Fulbright Program." Returning to the trust fund bill at hand, Moe said, "We would start the fund with state money, but would challenge private sector sources to match or complement the state dollars." He added that it was his intent to present the bill for consideration as part of the overall committee discussion on higher education funding. The bill was laid over for further consideration.

S.F. 965, authored by Sen. Ember Junge (DFL-New Hope), provides assistance in financing higher education. The assistance takes the form of student loan interest deferral, income tax credits for tuition, and federal income tax deductions for some higher education expenses. Junge said, "This bill is based on federal legislation proposed by President Clinton to make higher education affordable. While it will benefit moderate and middle income students, it will help lower income students as well." Objecting to a part of the bill that denies credit for expenses if a student has been convicted of a drug offense, Sen. Sheila Kiscaden (R-Rochester) said, "We're getting to the point in Minnesota where if you've had a drug conviction, you can't get a job, you can't get a driver's license, you can't get into higher education. Where I come from, there is such a thing as contrition." The bill was held over for further consideration.

## Jobs, Energy, and Community Development

### Housing bill advanced

Two bills were presented to the Jobs, Energy, and Community Development Committee Thurs., Feb. 27. The committee, chaired by Sen. Steven Novak (DFL-New Brighton), approved both bills.

S.F. 118, a bill entitling Civil Air Patrol

members unpaid leaves of absence in cases of emergency, was presented by Sen. Don Samuelson (DFL-Brainerd). Colonel Chris Donaldson of the Patrol testified on the bill's behalf, and said, "The Civil Air Patrol assists local officials on everything from disaster relief to searching for lost kids and missing aircraft. Since the nature of our work is volunteer, we need legislation to prevent our members from losing their jobs when they're needed for an emergency." The bill advanced to the Senate floor.

Sen. Steve Murphy (DFL-Red Wing) authored S.F. 120, a bill changing language dealing with programs for rental housing and aid to homeless persons. Tonja Orr, from the Minnesota Housing Finance Agency, said, "This bill eases requirements for accessibility loans to families with members who are mentally or physically impaired. It also merges the Transitional Housing Program with the Housing Trust Program, resulting in efficiencies in service and delivery." The bill advanced to the Senate floor.

### Telecom bills presented

The Jobs, Energy and Community Development Subcommittee on Telecommunications and Technology met Fri., Feb. 28. Chaired by Sen. Steve Kelley (DFL-Hopkins), the subcommittee considered two bills related to telecommunications interests.

S.F. 555, authored by Kelley, authorizes the creation of telecommunications purchasing cooperatives. Kelley said, "The purpose of the bill is to permit residential customers and small businesses to aggregate their demand and purchase telecommunication services at better rates. This will ensure access of advanced services to customers who wouldn't get that access otherwise." Milda Hedblom, from the Humphrey Institute at the University of Minnesota, testified in support of the bill and said, "There are three things that are important to think about related to telecommunications--the state itself has aggregated demand with its own network, so this isn't a novel policy, and the state itself has demonstrated its effectiveness; this enables the local communities to pool their resources together to get what they can't afford individually; and this is a great way to get lower costs for users." The bill was advanced to the full committee for consideration.

Kelley also presented S.F. 739, a bill that provides policies to carry out the state's role in telecommunications deregulation and provides for a single local access and transport area (LATA) for the entire state. The latter provision generated the most discussion. Kelley said, "The current five LATAs do not coincide with area codes. This has increased customer costs due to these arbitrary boundaries. Our goal is to reduce costs for these customers as well as costs for the state." B.J. Justice-Kamp from

the Southwest Regional Telecommunications Task Force said, "Crossing each LATA adds cost, time, and distance to consumers' telephone bills. A single LATA would be more cost effective." Beth Halvorson testified on behalf of US West and said, "We support the bill. This has great benefits for the consumer in terms of savings and for the provider in terms of a simplified infrastructure." Discussion on the bill will continue at the next meeting of the subcommittee.

### Utility bill passed

A bill providing performance based regulation of gas utilities and a bill related to reemployment insurance were presented to the Jobs, Energy and Community Development Committee, Tues. Mar. 4. The committee, chaired by Sen. Steven Novak, (DFL-New Brighton), approved both bills.

S.F. 608, authored by Sen. Arlene Lesewski (R-Marshall), provides quarterly reporting of wage details related to reemployment insurance. Rich Kellegarian of the Dept. of Economic Security said, "Under this legislation, the weeks worked requirement will no longer be needed, and employers would go to a quarterly report structure. Employers would still be required to keep track of hours worked, and the enormously valuable research data generated by these reports would be retained." The bill was approved and moves to the Senate floor.

Novak presented S.F. 147, a bill providing performance-based regulation plans for gas utility services. Tracy Bridge, Director of Regulatory Services for Minnegasco, testified in support of the bill, and said, "Speaking for Minnegasco, NSP, and Utilicorp, I can tell you there are five good reasons to support performance-based regulation--it works, it will provide lower rates, it will improve quality, it guarantees continued oversight by the regulatory agencies, and it is the result of a cooperative effort between the Dept. of Public Service, the Public Utilities Commission, and the Attorney General's Office." Sen. Steve Murphy (DFL-Red Wing), cited efficiencies and enhanced performance as outcomes of the plan, and asked, "Are utility companies going to cut jobs to meet some of these efficiencies and objectives?" Bridge said, "We do not have plans to do that." In response to a question from Sen. Ellen Anderson (DFL-St. Paul) about rising gas prices, Bridge said, "Prices have gone up nationwide due to the severity of the winter. We pass on our costs dollar for dollar to the customer; we don't make money when prices go up." The bill was advanced to the Senate floor.

## Judiciary

### Open hearings discussed

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), heard

testimony, Mon., Mar. 3., on a bill amending the juvenile court process to open the hearings involving children in need of protection or services to the public.

S.F. 747, sponsored by David Knutson (R-Burnsville), incorporates the recommendations of the Minnesota Supreme Court Foster Care and Adoption Task force. The recommendations gave rise to language in the bill that provides that child abuse and neglect hearings previously closed to the public may become public. The controversial language drew opposing viewpoints from state judges, children and family service workers, guardian ad litem, social workers, and a media attorney.

According to the published task force study, the majority of task force members believe that juvenile protection is largely unaccountable because its a closed system and impervious to public scrutiny. The study states that although the closed system's purpose is to provide a protective, rehabilitative environment for parents and children by shielding them from scrutiny and stigmatization, it also allows abuses to continue. In addition, the study states that, because the juvenile protection system is closed, child abuse and neglect decisions are not truly based on a set of community standards.

Minnesota Supreme Court Justice Kathleen Blatz said, among other observations, that fear of social condemnation among judges, attorneys, guardian ad litem, social workers and other stakeholders involved in child protection hearings has contributed to the history of closed proceedings. She said that closing the doors on such proceedings relegates children to second class citizens and denies them beneficial input that would otherwise be posed by outside players, such as community members.

Guardian Ad Litem Program volunteer Mark Toogood, said that children's situations are worsening, and that those involved in child protection services should not be expected to figure it out behind closed doors, without the balance of public opinion.

Assistant Ramsey County Attorney Chris Reardon defended the closed system. She said that any benefits of opening hearings and court records to the public do not outweigh the risks of emotional harm and embarrassment to the children who are the subject of the proceedings. She said that the majority of children will continue to be part of their families and communities long after the case has closed, and that publicly disclosing family dysfunction may deter family reunification. She said that most children are already devastated when they realize that what they have said will be reported to others within the system.

### **Children's programs bill okayed**

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.) met Weds., Mar. 5, to consider the judiciary portions of

three bills relating to children and children's programs.

The first bill, S.F. 136, authored by Sen. Sheila Kiscaden (R-Rochester), makes a number of changes in statutes governing child welfare programs to make it easier to make positive changes to the programs. The measure requires the commissioner of human services to encourage local reforms in the delivery of services, makes changes in the laws governing local children's mental health collaboratives, provides for an agency "fair hearing process" to resolve disputes in child maltreatment determinations matters, and allows multidisciplinary child protection teams to include a number of community based agencies.

Discussion centered on a provision relating to child welfare reform pilot programs. Under the bill, the commissioner of human services is given authority to waive existing state rules and statutory requirements when approving local programs which focus on reforming the child protection and child welfare systems in Minnesota. Ranum said that the language was too broad and needed to be more specific. Other members agreed and an amendment was drafted to specify that the commissioner may authorize programs to use alternative methods of investigating and assessing reports of child maltreatment, provided that the programs comply with the provisions of the law dealing with the rights of individuals who are subjects of reports or investigations, including notice and appeal rights and data practices requirements. The amendment was adopted. The bill was approved and referred to the Health and Family Security Committee.

The second measure, S.F. 101, authored by Sen. Linda Berglin (DFL-Mpls.), is a departmental housekeeping bill. The bill was before the committee because of provisions altering the procedure for permanent placement of a child. Specifically the bill alters timelines for reviews at various stages. The bill was approved and sent to the Senate floor.

S.F. 813, authored by Ranum, provides for the transfer of custody of a child to a relative by a consent decree, authorizes communication or contact agreements between adoptive parents and birth parents, and provides for a relative conference and relative care agreement following a report of child abuse or neglect. Because of time limitations, no action was taken on the measure.

## **K-12 Education Budget Division**

### **Governor's budget reviewed**

Sen. Keith Langseth (DFL-Glyndon) said he was skeptical of the Department of Children, Families and Learning's emphasis on targeted funding. At an overview meeting Mon., Mar. 3, Langseth told Commissioner Robert Wedl, "For some

schools, the only way to fund salary increases is through foundation aid. If there's no increase, I just think we're placing these districts in a real bind." Wedl countered that the governor feels strongly about targeted initiatives like class-size reduction. Sen. Martha Robertson (R-Minnetonka) said that if foundation aid inflation increases were proven to result in better student performance, she would support it. Sen. Kenric Scheevel (R-Preston) echoed Robertson's sentiment, "At some level," he said, "you could argue that faculty themselves are making decisions to keep larger classes and increase salaries. Chair Lawrence Pogemiller (DFL-Mpls.) asked Wedl to provide the committee with a report on results of targeted class size revenue since 1992.

Wedl walked members through the first sections of the governor's policy proposal. Priority initiatives include expansion of school choice, parental empowerment, merit pay mechanisms, revenue portability, and access to technology. The state also plans to shift pupil weighting from older to younger students, said Wedl.

Charter school caps will be removed, according to Wedl, and the state will allow schools in which the majority of teachers favor shifting to charter status to do so. Currently the law requires 90 percent of faculty approval for such a shift. Under the proposal, school boards will also be able to designate charter schools. Start-up grants will be provided to charter schools commensurate with the amounts typically included in a new public school start-up, said Wedl. The budget includes new "lab school" funding of \$10 million.

The governor's parental support is delivered, said Wedl, in the form of a \$150 million tax relief package. The governor proposes giving all families with incomes below \$39,000 a tax credit of \$1,000 per child with a maximum of \$2,000 per family, for fees paid for tutoring and other enrichment programs. Homeschoolers will get \$1,000 per family. EdVest, educational investment accounts will shelter \$2,000 of individual contributions and \$4,000 for those married filing jointly.

Ensuing panel discussion focused on issues of open enrollment and desegregation. Sen. Sandra Pappas (DFL-St. Paul) mentioned a magnet high school in St. Paul which boasts an award-winning curriculum. She said she worries, however, because the school's student body, though 50 percent minority, draws many of its minority students from the suburbs. The panel considered the relative merits of racial desegregation versus socio-economic integration. At meeting's end, Pogemiller asked the commissioner to return to continue with the governor's proposal at the next meeting.

### **Entrepreneurship discussed**

"I personally have worked at our local gas station," said Westbrook-Walnut Grove

# Committee update

High School student Johnathan Steen, "and I learned way more in this business than stocking shelves and pumping gas."

Steen and other representatives from the school testified before Chair Lawrence Pogemiller and the K-12 Budget Division Wed, Mar. 5. The students spoke in support of S.F. 26, authored by Sen. Jim Vickerman (DFL-Tracy), which would grant the school \$87,000 to continue the barbecue sauce business it began a year ago. The money also funds pilot site workshops conducted by the school to assist in the development of similar programs statewide.

Sen. Gen Olson (R-Minnetrista) queried the student and his instructor, Lynn Arndt, as to why the program requires state subsidy if it is successful. Sen. Martha Robertson (R-Minnetonka) asked if the program would require an ongoing commitment by the state. Arndt explained that the extra state funding would be one-time only. She said the small school of 500 students has not been able to obtain a school-to-work grant because it is located in a community where the opportunity for school-to-work programming is scarce. The panel decided to broaden the issue, and consider giving higher budgetary priority to student entrepreneurial initiatives in general. The panel voted to consider such a provision in the omnibus legislation.

Four bills dealing with school district fund surpluses were then quickly considered by the panel. S.F. 29, authored by Sen. Tracy Beckman (DFL-Bricelyn) exempts the Medelia school district from general education aid reductions for fiscal year 1997 and allows it to make a positive levy adjustment equal to the year's general education levy reduction. He testified that due to enrollment shifts, the Madelia school district had realized a funding surplus. Sen. Thomas Neuville (R-Northfield) asked for some clarification as to why the caps exist, indicating some skepticism with regard to their purpose. Sen. Keith Langseth (DFL-Glyndon) said that prior to the advent of the caps, some districts would adopt a banking industry mentality, prioritizing the amassing of large savings instead of providing high quality services. Olson said that the taxpayers themselves should demand such accountability from districts. Sen. Thomas Wiger (DFL-North St. Paul) moved to consider lifting all caps for the 19 districts currently affected. The panel voted to include the consideration in the omnibus bill.

Similarly, S.F. 40, authored by Sen. Bob Lessard (DFL-Int'l. Falls), gives the Hill City School District permission to pay its debt service with surplus funds rather than refund it back to the state as is currently required. The panel slated the bill for inclusion in omnibus legislation.

S.F. 110, authored by Sen. Dick Day (R-Owatonna) authorizes Medford Schools to transfer up to \$200,000 from the operating capital account to the undesignated general

fund. The panel voted to include the bill in omnibus legislation.

S.F. 946, authored by Sen. Cal Larson (R-Fergus Falls) permits the Fergus Falls district to transfer up to \$202,000 from its debt redemption fund to its building construction fund without a levy reduction. The bill was approved for inclusion in omnibus legislation.

## Local and Metropolitan Government Committee

### Bills move forward

In a busy meeting Mon., Mar. 3, the Local and Metropolitan Government Committee was presented with five bills for consideration. The committee, chaired by Sen. Jim Vickerman (DFL-Tracy), approved all but one of the bills.

Sen. David Knutson (R-Burnsville) authored S.F. 691, a bill that changes procedures for state demographer population estimates. Tom Gillespie, the state demographer, said, "The bill clarifies and adds certain duties to the state demographer, mostly centered around population estimates." There were some concerns expressed by members of the committee over the language of the bill, however, and it was laid over for further consideration.

S.F. 735, a bill presented by Sen. Claire Robling (R-Prior Lake), modifies the Metropolitan Council cost allocation system. Robling said, "The primary purpose of the bill is to permit the Council to bill local communities for sewer and wastewater treatment facilities based on actual sewage flow rather than estimates. This would simplify the system, and reduce administrative time and expenses." Sen. Carol Flynn (DFL-Mpls) moved to amend the bill to allow community flexibility in cost allocations. The amendment was adopted, and the bill as amended was advanced to the Senate floor.

Vickerman presented two bills. S.F. 62 makes the state responsible for a share of certain partitioned fence costs. Vickerman said, "This legislation would require the DNR to maintain partition fences when the adjoining landowner wants the land fenced to restrain livestock." The bill was approved and moved to the Senate floor.

S.F. 227 was also authored by Vickerman. Current law provides that payment in lieu of taxes funds are transferred from a county to a city or town if the city or town is the principal provider of services affecting the land, such as road maintenance. S.F. 227 provides that the payments be made to the city or town even though the city or town is not currently providing the services. Payment in lieu of tax funds are funds from the federal government paid to a county to make up for a loss of property tax revenue on federal lands. After the bill was amended to provide payment in proportion to services rendered, the bill was advanced to the

Senate floor.

Sen. John Hottinger (DFL-Mankato) sponsored S.F. 745, a bill that allows cities and towns to transfer the duties and responsibilities of the local board of review to county boards. Hottinger said that the bill had the support of the state Dept. of Revenue. The bill was approved and moved to the Senate floor.

### Planning bills discussed

Two land use planning bills were presented to the Local and Metropolitan Government Committee Weds., Mar. 5. The committee, chaired by Sen. Jim Vickerman (DFL-Tracy), also heard testimony concerning planning from a number of interests.

S.F. 738, authored by Sen. Steven Morse (DFL-Dakota), establishes goals for community-based land use planning, requires technical assistance to be provided by the state to local governments to facilitate planning, and establishes an advisory council on community-based planning. Morse said, "This approach would be comprehensive, and would encompass citizen participation, economic development, conservation, housing, transportation, public education, and sustainable development. It would be a two-tiered approach, laying out goals for the first year and setting up incentives for the second. The Metro Area would also be included in this statewide approach."

Sen. John Hottinger (DFL-Mankato) presented S.F. 820, a bill that is also related to land use planning. "Although Sen. Morse and I share the same views, my approach as expressed in this bill is slightly different. I believe we can and should do this now; we should make decisions this year. This legislation does not include the Metro Area, but leaves metro planning to the Metropolitan Council. I'm more general in this bill than Sen. Morse is in his, leaving more of the decision making up to the local communities."

Vickerman invited public testimony discussing land use planning. Scott Elkins of the Land Stewardship Project said, "Each bill has its merits, but this process is a great first step. We would favor county mandates to develop plans with state funding and technical assistance. Ron Hauglie testified on behalf of the Farmers Union and said, "The three things we need to consider when we think about planning are local control with statewide guidelines, urban growth boundary lines, and a discussion about what property rights really mean." The bills were laid over for further discussion.

## Property Tax and Local Government Budget Division

### Two bills advance

The Property Tax and Local Government Budget Division, chaired by Sen.

Sandra Pappas (DFL-St. Paul), approved a bill, Fri., Feb. 28, authorizing the certification of unpaid charges for condominium repairs to the Hennepin County auditor.

S. F. 200, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), provides that if the Brooklyn Park Economic Development Authority loans money to a condominium association for exterior construction improvements to an association's property, the authority may later certify any assessment that is in default to the county auditor for collection as other taxes.

Sen. Steve Murphy (DFL-Red Wing), explained that town home associations do not own sufficient property that can be used for securing loans. For this reason, associations often receive, from city economic development authorities, loans necessary to refurbish deteriorating structures. Loan repayment is then assessed to each unit owner, who may, at some time, default on their share of the association's debt, Murphy said. He said that certifying a delinquent account with the county for collection as a real estate tax gives the county's tax claim priority over the first mortgage holder and makes collection easier.

The division approved an amendment offered by Sen. Leonard Price (DFL-Woodbury), limiting the source of funds that an economic development authority may lend an owners' association. Price also requested the elimination of language providing for the association to pay "any expense" related to the loan or assessments. He requested that the division give thought to exactly what expenses will be allowed.

The division approved the bill, as amended, and referred it to the Committee on Local and Metropolitan Government.

The division also approved S.F. 745, sponsored by Sen. John Hottinger (DFL-Mankato), authorizing the governing body of any city or town to transfer the duties of its local board of review to the county board, but only if the county handles assessments for those cities or towns. The bill provides that the transfer may be permanent or may be for a period of not less than three years.

The division adopted an amendment, by Sen. Pat Pariseau (R-Farmington), requiring that the board of equalization alternative review process begin in March.

The division approved the bill, as amended, and re-referred it to the Committee on Local and Metropolitan Government.

## Committee on Taxes

### Property tax forum

Members of the Senate and House Committees on Taxes met jointly Weds., Mar. 5, to discuss property tax reform issues. The committee, co-chaired by Sen. Douglas Johnson (DFL-Tower) and Rep. Dee Long (DFL-Mpls), heard public testimony regarding the state's property tax system.

Johnson said, "Let's not forget that many of us promised our constituents during our last campaigns that we'd work hard for property tax reform. The budget surplus gives us an opportunity to live up to those promise. If we don't do it now, with a bipartisan approach, we may never do it." He and Long then asked for testimony from the public.

Minnesotans representing a variety of different interests spoke, all in favor of some sort of property tax reform. Mark Willers, a farmer from Rock County, said, "While my property taxes have gone up 86 percent over the last ten years, my net income has dropped 18 percent. And when you compare our taxes with Iowa's, you'll see that our tax is \$35 per acre, but the same farm in Iowa would only pay \$18." Dan Salamone, of the Minnesota Taxpayers Association, spoke in favor of reforming the classification system and stressed the need for long-term planning.

Representing Minnesotans for an Energy Efficient Economy, Michael Noble testified from a sustainable development perspective and said, "When we look at taxes, we've been raising taxes on behaviors we should encourage, and lowering taxes on things we should discourage. It should be the other way around; instead of taxing jobs, businesses, assets, and productivity, we should be taxing inefficiency, waste, pollution, and use of finite resources." Testifying on behalf of the Minnesota Senior Federation, Marlow Hammerston cited the burden on senior citizens as a massive inequity in the system. He said, "The root of the problem is in the market value basis of the tax system. A house doesn't produce one nickel. It's value has no relationship to one's ability to pay taxes, and, as a result, the system is driving people, many of them elderly, from their homes. Some of our seniors in parts of the state are paying up to 51 percent of their income in property taxes. Something has to be done."

## Transportation

### Two bills forwarded

The Transportation Committee, chaired by Sen. Carol Flynn (DFL-Mpls.), moved two bills, Tues., Mar. 4, dealing with motor vehicles.

S.F. 435, sponsored by Sen. Leo Foley (DFL-Anoka), clarifies that a pick-up truck mounted with a slip-in camper cannot be registered as a recreational vehicle, narrows the reference for who may receive telephone information concerning vehicle registrations, changes the time that a motor vehicle dealer must submit receipts to the Department of Public Safety, provides for the appointment, duties, and discontinuance of the appointment of driver's license agents, and the automatic reappointment of existing licensing registrars.

In response to Senators' questions regarding the appropriateness of reappointing existing registrars, Foley explained that

the amended bill authorizes the commissioner to discontinue license registrar's appointments for cause and does not does not prevent or restrict further appointments.

Sen. Mark Ourada (R-Buffalo), offered an amendment clarifying language that changes a current requirement that motor vehicle dealers must submit, within 48 hours after a sale, a receipt to the Dept. of Public Safety, to a requirement that dealers may submit receipts within 21 days if the vehicle has not been resold.

Sen. Dallas Sams (DFL-Staples), offered an amendment allowing the commissioner or a county board to appoint an individual or a corporation as a deputy licensing registrar, but disallowing a corporation from appointing an individual as a registrar.

The committee approved the bill, and both amendments, and re-referred it to the Governmental Operations and Budget Division.

Sen. Steve Dille (R-Dassel) sponsored a bill that deletes existing law prohibiting a peace officer from issuing a citation for a seat belt violation unless the officer has first stopped the driver for another violation. Under the bill drivers may be stopped for a seat belt violation alone, the new language makes a seat belt violation a primary, instead of a secondary offense.

Dille said S.F. 170 would encourage seat belt use and further reduce injuries and deaths. He said the bill's provisions would translate into an additional 30 lives saved each year.

Sen. Jerry Janezich (DFL-Chisholm), offered an amendment that increases the funding for seat belt education. The amendment appropriates money received from traffic violations that exceeds 100 percent of FY 97 levels for seat belt education purposes. The amendment was accepted. Under current law, 90 percent of such revenue goes to emergency medical services and 10 percent to the State Patrol. The committee approved the bill, as amended, and sent it to the Senate floor.

S.F. 406, authored by Sams, allowing quarterly registration of trucks owned by retailers engaged in the intrastate transportation of fertilizers or agricultural chemicals was amended by Mark Ourada (R-Buffalo) to allow their use outside the state.

Alice Gonzalo, Dept. of Public Safety, said that the bill could apply to as many as 450 Minnesota companies and involve a revenue loss of approximately \$150,000 per year.

Senators Claire Robling (R-Prior Lake) and Jane Ranum (DFL-Mpls.) expressed concern for the potential revenue loss and requested more information on damage to roads caused by such vehicles. Robling said that if quarterly licensing were allowed for fertilizer and chemical companies, it might well be applied to companies using trucks for other seasonal purposes.

Pending further information, the bill was laid over.

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, March 10

#### Ad Hoc Committee on Information Technology

Chair: Sen. Steve Kelley

8 a.m. Room 112 Capitol

**Agenda:** Discussion of MNet, the statewide telecommunications service for state government, educational institutions, and other public entities. Comments from Minnesota Equal Access Network System (MEANS), a privately-owned consortium of local telephone companies, and other providers of telecommunications services.

#### Commerce and Consumer Protection Subcommittee on Insurance

Chair: Sen. John Hottinger

8:30 a.m. Room 107 Capitol

**Agenda:** S.F. 320-Wiener: Creating a statewide health care consumer assistance office. S.F. 819-Morse: Creating a statewide health care consumer assistance program. S.F. 960-Berglin: Patient protection act of 1997.

#### Conference Committee

Chairs: Rep. Steve Wenzel and Sen. Jim Vickerman

8:30 a.m. Room 118 Capitol

**Agenda:** H.F. 100-Emergency snow removal appropriation.

#### Health Care and Family Security Budget Division

Chair: Sen. Don Samuelson

9 a.m. Room 123 Capitol

**Agenda:** Dept. of Human Services budget overview.

#### The Senate will meet at 10 a.m.

#### Election Laws Committee

Chair: Sen. John Marty

12 noon Room 112 Capitol

**Agenda:** S.F. 708-Marty: Campaign finance modifications. S.F. 478-Junge: Miscellaneous campaign finance provisions.

#### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

12 noon Room 107 Capitol

**Agenda:** S.F. 389-Price: Modifying requirements related to individual sewage treatment systems.

#### Judiciary Committee

Chair: Sen. Jane Ranum

12 noon Room 15 Capitol

**Agenda:** S.F. 855-Knutson: Opening CHIPS proceedings to the public (no further public testimony). S.F. 747-

Knutson: Providing uniform process for children in need of protection or service petitions. S.F. 813-Ranum: Relative care and open adoption agreements; etc. S.F. 210-Knutson: Changing provisions for placement of children.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** S.F. 31-Spear: Legislative Auditor's non-funding probation recommendations. S.F. 234-Morse: Department of Human Services licensing bill (criminal background check and disqualification provisions). S.F. 330-Spear: Extending state tort limits to nonprofit corrections treatment facilities. S.F. 395-Robling: DNA samples from incarcerated sex offenders. S.F. 410-Spear: Criminal background checks for nursing home employees. S.F. 609-Junge: Enforcement of out-of-state orders for protection. S.F. 929-Anderson: Criminal background checks for transit providers. S.F. 950-Kelly, R.C.: Criminal background checks for school employees, volunteers, others entering school property.

#### Local and Metropolitan Government Committee

Chair: Sen. Jim Vickerman

2 p.m. Room 107 Capitol

**Agenda:** S.F. 738-Morse: Land use planning. S.F. 820-Hottinger: Land use planning. No action will be taken on these two land use planning bills, only a continuation of public testimony. S.F. 200-Scheid: Unpaid charges on certain townhomes and condos in Brooklyn Park. S.F. 612-Wiger: Permitting the appointment of the recorder and auditor/treasurer. S.F. 691-Knutson: Changing procedures for certain population and related estimates. S.F. 810-Stevens: Limiting a certain exclusion from net debt to certain transactions.

#### Judiciary Committee

Chair: Sen. Jane Ranum

6 p.m. Room 107 Capitol

**Agenda:** Any foster care/adoption bills not finished in the afternoon meeting.

#### Health Care and Family Security Budget Division

Chair: Sen. Don Samuelson

6 p.m. Room 123 Capitol

**Agenda:** To be announced.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

7 p.m. Room 15 Capitol

**Agenda:** Responses by Department of

Corrections, AFSCME and others to Corrections Corporation of America's proposal for private alternative to Rush City prison.

### Tuesday, March 11

#### Family and Early Childhood Education Budget Division

Chair: Sen. Pat Piper

8 a.m. Room 15 Capitol

**Agenda:** Transitional housing and food assistance budget review and governor's supplemental budget - Dept. of Children, Families and Learning

#### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf

8 a.m. Room 107 Capitol

**Agenda:** Continuation of budget presentations by HESO and MnSCU. S.F. 811-Johnson, D.E.: Changes to U of M regent selection process. S.F. 889-Ten Eyck: Changes to selection process; board of regents U of M, board of trustees MnSCU, and to candidate advisory boards. S.F. 905-Cohen: Changes to U of M regent selection, providing for associate regents. S.F. 935-Junge: Changes to U of M regent candidate advisory council.

#### K-12 Education Budget Division

Chair: Sen. Lawrence Fogemiller

8 a.m. Room 112 Capitol

**Agenda:** To be announced.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

10 a.m. Room 123 Capitol

**Agenda:** To be announced.

#### Governmental Operations and Veterans Committee

Chair: Sen. James Metzner

12 noon Room 15 Capitol

**Agenda:** To be announced.

#### Transportation Committee

Chair: Sen. Carol Flynn

12 noon Room 112 Capitol

**Agenda:** S.F. 61-Johnson, J.B.: Snowplow operator's exemption from drug and alcohol testing requirement; S.F. 484-Johnson, J.B.: MN Dept. of Transportation housekeeping bill.

#### Agriculture and Rural Development Committee

Chair: Sen. Dallas Sams

2 p.m. Room 107 Capitol

**Agenda:** Overview; Carver County Diagnostic Team; S.F. 429-Sams: Dairy

industry development grant program. S.F. 322-Dille: Establishing the dairy development program.

#### **Commerce Committee**

*Chair: Sen. Sam Solon*

2 p.m. Room 112 Capitol

**Agenda:** S.F. 762-Solon: Modifying and recodifying disability policies; S.F. 731-Langseth: Lump sum long term care insurance tax subtraction. S.F. 860-Oliver: Securities; small corporate offering agreement (SCORE); S.F. 865-Wiener: Regulating rental purchase agreements.

#### **Rules and Administration Subcommittee on Senate Information Systems**

*Chair: Sen. Leonard Price*

2 p.m. Room 125 Capitol

**Agenda:** Review 1997-1999 Information Systems proposed projects draft. Review Senate Information System user policy.

#### **Crime Prevention and Judiciary Budget Division**

*Chair: Sen. Randy Kelly*

4 p.m. Room 112 Capitol

**Agenda:** Review budget of Department of Corrections.

#### **Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

4 p.m. Room 107 Capitol

**Agenda:** DNR budget overview.

#### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

4 p.m. 125 Capitol

**Agenda:** Presentation of the Gambling Control Board, State Treasurer's Office and Dept. of Veterans Affairs budgets.

#### **Taxes Subcommittee on Income and Sales Tax**

*Chair: Sen. Steve Murphy*

4 p.m. Room 15 Capitol

**Agenda:** S.F. 216-Belanger: Dept. of Revenue technical bill. S.F. 237-Hottinger: Allowing an income tax credit for gifts by individuals to institutions of higher education. S.F. 497-Scheid: Dept. of Revenue policy bill. S.F. 541-Limmer: Requiring registration of third-party bulk filers.

#### **Health Care and Family Security Budget Division**

*Chair: Sen. Don Samuelson*

6 p.m. Room 123 Capitol

**Agenda:** To be announced.

## **Wednesday, March 12**

#### **Family and Early Childhood Education Budget Division**

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** S.F. 403-Anderson: Establishing

an emergency services grant program.

#### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** Continuation of MnSCU budget presentation. Any bills not completed on Tues., Mar. 3.

#### **K-12 Education Budget Division**

*Chair: Sen. Lawrence Pogemiller*

8 a.m. Room 112 Capitol

**Agenda:** To be announced.

#### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*

10 a.m. Room 15 Capitol

**Agenda:** To be announced.

#### **Election Laws Committee**

*Chair: Sen. John Marty*

12 noon Room 112 Capitol

**Agenda:** Continuation of Monday's agenda.

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

*Chair: Sen. Bob Lessard*

12 noon Room 107 Capitol

**Agenda:** S.F. 183-Stevens: Repealing toxics in products law. S.F. 184-Stevens: Modifying requirements for toxics in products law.

#### **Judiciary Committee**

*Chair: Sen. Jane Ranum*

12 noon Room 15 Capitol

**Agenda:** To be announced.

#### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 133-Kelly: Crime victim impact statement, notification, reparations, extension of victim and witness council. S.F. 172-Berglin: Youth community service grant program. S.F. 271-Kelly: Minnesota cities grant program. S.F. 364-Knutson: Crime victim notification, victim and witness council extension, juvenile data, burden of proof in child custody, visitation sought by offender. S.F. 933-Spear: High school graduation incentives program. S.F. 1020-Spear: Youth anti-violence theater grant program.

#### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

2 p.m. 125 Capitol

**Agenda:** Presentation of the Amateur Sports Commission, Humanities Commission and Office of Technology budgets.

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

*Chair: Sen. Steven Morse*

2 p.m. Room 112 Capitol

**Agenda:** To be announced.

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

*Chair: Sen. Jim Vickerman*

2 p.m. Room 107 Capitol

**Agenda:** Bills scheduled but not heard on Mon., Mar. 10. Bills passed by the Property Taxes and Local Government Budget Division Fri., Mar. 7. S.F. 525-Pappas: Modifying ownership restrictions for privatization of capital intensive public services. S.F. 869-Vickerman: Authorizing boundary commissions. S.F. 1071-Vickerman: Authorizing removal and reinterment of bodies in the city of Luverne.

#### **Economic Development Budget Division**

*Chair: Sen. Tracy Beckman*

4 p.m. Room 118 Capitol

**Agenda:** S.F. 331-Anderson: Statewide citizenship promotion program. Overview of the Dept. of Commerce budget, and MCHA funding.

#### **Education Finance Committee**

*Chair: Sen. Keith Langseth*

4 p.m. Room 123 Capitol

**Agenda:** School Funding Hearing: Schools for Equity in Education; Association of Metropolitan School Districts; Minnesota Rural Education Association; and schools in cities of the first class.

#### **Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

4 p.m. Room 107 Capitol

**Agenda:** Department of Natural Resources budget overview.

#### **Health Care and Family Security Budget Division**

*Chair: Sen. Don Samuelson*

4 p.m. Room 112 Capitol

**Agenda:** To be announced.

#### **Committee on Taxes**

*Chair: Sen. Douglas Johnson*

4 p.m. Room 15 Capitol

**Tenative Agenda:** S.F. 216-Belanger: Department of Revenue technical bill; S.F. 456-Belanger: Department of Revenue policy bill; S.F. 541-Limmer: Registration of third-party bulk filers.

#### **Judiciary Subcommittee on Family Law**

*Chair: Sen. Leo Foley*

6:30 p.m. Room 125 Capitol

**Agenda:** S.F. 365-Flynn: Grandparent visitation. S.F. 595-Lourey: Grandparent visitation.

#### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

7 p.m. Room 15 Capitol

**Agenda:** Responses by Department of Corrections, AFSCME and others to Corrections Corporation of America's proposal for private alternative to Rush City prison.

## **Senate Publications**

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## **Thursday, March 13**

**The Senate will meet at 8:30 a.m.**

### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*  
10 a.m. Room 15 Capitol  
**Agenda:** S.F. 223-Solon: Changing nursing home reimbursement formulas. S.F. 760-Kiscaden: DHS health care for elderly and disabled. S.F. 927-Berglin: Pilot project for assisted living services for seniors.

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

*Chair: Sen. Steven Novak*  
10 a.m. Room 123 Capitol  
**Agenda:** S.F. 156-Sams: Regulating interest payments on utility deposits. Other bills to be announced.

### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*  
12 noon Room 15 Capitol  
**Agenda:** To be announced.

### **Transportation Committee**

*Chair: Sen. Carol Flynn*  
12 noon Room 112 Capitol  
**Agenda:** S.F. 155-Belanger: Mississippi River Parkway Commission; S.F. 562-Johnson, J.B.: Financing of Metropolitan Area transit.

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

*Chair: Sen. Dallas Sams*  
2 p.m. Room 107 Capitol  
**Agenda:** Confirmation to the MN Rural Finance Authority, Christopher J. Skaalen, Patrick A. Thiry; S.F. 108-Stumpf: Seed potato inspection. S.F. 526-Pariseau: Food handler certification. S.F. 817-Dille: Grain buyers' license fees.

### **Commerce Committee**

*Chair: Sen. Sam Solon*  
2 p.m. Room 112 Capitol  
**Agenda:** Patient Protection Act/Health Care Consumer Assistance Program (taking Insurance Subcommittee's recommendations on S.F. 320-Wiener: Creating a statewide health care consumer assistance office; S.F. 819-Morse: Creating a statewide health care consumer assistance program; S.F. 960-Berglin: Patient protection act of 1997.

### **Judiciary Subcommittee on Data Privacy and Information Policy**

*Chair: Sen. Don Betzold*  
7 p.m., Room 15 Capitol  
**Agenda:** S.F. 203-Berglin: Authorizing the creation of an adoptive father registry. S.F. 126-Berglin: Authorizing the creation of community and statewide immunization registries. S.F. 727-Knutson: Providing for the release of birth information to adopted persons. S.F. 457-Betzold: Relating to professions, modifying provisions relating to the board of social work, providing civil penalties.

## **Friday, March 14**

### **Family and Early Childhood Education Budget Division**

*Chair: Sen. Pat Piper*  
8 a.m. Room 15 Capitol  
**Agenda:** S.F. 603-Ranum: Early childhood education technology grant program. S.F. 597-Lourey: Establishing an alternative grant application process for categorical social service programs in Pine County. S.F. 896-Janezich: Clarifying certain program accounts in the Head Start Program.

### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*  
8 a.m. Room 107 Capitol  
**Agenda:** S.F. 565-Morse: Creating

firefighting training videos. S.F. 1065-Cohen: Tax-exempt higher education savings plans. S.F. 711-Stumpf: Funding for higher education.

### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*  
10 a.m. Room 15 Capitol  
**Agenda:** S.F. 767-Dille: Appropriating money for children's mental health services.

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

*Chair: Sen. Steven Novak*  
10 a.m. Room 123 Capitol  
**Agenda:** To be announced.

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

*Chair: Sen. Bob Lessard*  
12 noon Room 107 Capitol  
**Agenda:** To be announced.

### **Crime Prevention and Judiciary Budget Division**

*Chair: Sen. Randy Kelly*  
2 p.m. Room 15 Capitol  
**Agenda:** Continuation: Review budget of Department of Corrections.

### **Judiciary Subcommittee on Family Law**

*Chair: Sen. Leo Foley*  
2 p.m. Room 125 Capitol  
**Agenda:** S.F. 432-Hanson: Modifying execution of consent requirement for designated parents agreements. S.F. 554-Knutson: Changes to child support enforcement.

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

*Chair: Sen. Steven Morse*  
2 p.m. Room 112 Capitol  
**Agenda:** To be announced.

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# Briefly

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*The Minnesota Senate Week in Review*

*March 14, 1997*

## **Brief floorsession held**

Senators gathered for a floor session Mon., Mar. 10, and cleared several items from the Senate Calendar, the Consent Calendar and General Orders. Members also granted concurrence and repassage to one bill.

S.F. 202, authored by Sen. David Ten Eyck (DFL-East Gull Lake), validates certain conveyances by religious corporations, requires published notice of dispositions of certain real property in a marriage dissolution action, regulates property held in revocable trusts upon the dissolution of marriages and regulates specific devises and distributions of property under the Uniform Probate Code. The bill was given concurrence and repassage on a 61-0 roll call vote.

Nine bills were granted final passage on the Senate Calendar. S.F. 145, authored by Sen. Linda Runbeck (R-Circle Pines), makes technical and administrative changes to laws relating to reemployment insurance and provides for civil and criminal penalties. S.F. 128, carried by Sen. Dan Stevens (R-Mora), modifies provisions that prohibit hunter, trapper and angler harassment. S.F. 424, sponsored by Sen. Charles Wiger (DFL-North St. Paul), provides for the certification of eligibility for a position under county rules. S.F. 78, authored by Sen. John Marty (DFL-Roseville), changes some provisions concerning absentee ballots. S.F. 85, carried by Sen. Randy Kelly (DFL-St. Paul), provides for payment of claims against the state. S.F. 302, sponsored by Sen. Linda Berglin (DFL-Mpls.), allows certain community health clinics to offer health care services on a prepaid basis. S.F. 129, authored by Sen. Martha Robertson (R-Minnetonka), provides for Under-21 Minnesota identification cards. S.F. 96, carried by Sen. Don Betzold (DFL-Fridley), changes certain rulemaking requirements relating to public safety. S.F. 700, authored by Sen. Cal Larson (R-Fergus Falls), provides that the offices of mayor of a statutory city and fire chief of an independent nonprofit firefighting corporation are not incompatible under specific circumstances.

One bill on the Consent Calendar also gained final passage. S.F. 463, carried by Sen. Ellen Anderson (DFL-St. Paul), allows the St. Paul Education Center and Teacher Training Institute to rent out portions of the building during evenings and weekends to offset the costs of operations.

Nine additional bills were given prelimi-

nary passage on General Orders. S.F. 368, carried by Sen. Ember Junge (DFL-New Hope), provides immunity from civil liability for persons who preside at alternative dispute resolution proceedings. S.F. 624, also sponsored by Junge, modernizing and standardizing the law regulating professional business organizations. S.F. 417, sponsored by Sen. Roger D. Moe (DFL-Erskine), authorizes and economic development authority in Becker County. S.F. 504, carried by Sen. Bob Lessard (DFL-Int'l. Falls), permits the city of Nashwauk to own and operate a gas utility. S.F. 124, carried by Sen. Jim Vickerman (DFL-Tracy), authorizes towns to charge and collect certain service charges. S.F. 641, sponsored by Sen. Linda Berglin (DFL-Mpls.), requires a peer of the treating mental health or substance abuse provider to review a utilization review organization's determination not to certify a mental health or substance abuse service. S.F. 745, authored by Sen. John Hottinger (DFL-Mankato), allows certain towns and cities to transfer their local board of review duties and responsibilities to the county. S.F. 221, carried by Sen. Dallas Sams (DFL-Staples), changes the appointment authority for the executive director of the Board of Private Detective and Protective Agents. S.F. 305, sponsored by Sen. Jane Krentz (DFL-May Township), modifies and clarifies provisions governing lawsuits by prison inmates.

## **Primary by mail rejected**

By a margin of 4 votes, the Senate rejected a proposal Thurs., Mar. 13, allowing presidential primary voting by mail.

Sen. Douglas Johnson (DFL-Tower), sponsor of S.F. 80, said the current caucus system is an "unfair and archaic way of electing" the President of the United States. He said it's time for Minnesota "to give up a system that allows parties to dictate who we elect." Johnson offered an amendment making a voter's primary party choice private information. Sen. Steve Kelley (DFL-Hopkins) opposed the amendment, saying "a party is made up of people who participate in party activities, not just people who vote on a single day." He added that voters "ought to be willing to own up to which party they belong to." Sen. Allan Spear (DFL-Mpls.) also opposed the amendment and commented on the exclusion of independent voters because of the party affiliation disclosure requirement. He said "independents should

be disenfranchised in a primary election. The point of a primary election is for a party to choose its nominee." Spear added that independents have the right to vote in a general election. The amendment was rejected on a voice vote.

Continuing with the bill, Johnson said it changes the presidential primary date to March 1 so that Minnesota voters can have more influence in deciding the nominee. Kelley spoke again in favor of retaining a caucus system, saying that voters need to talk to each other to decide the issues and that can't be done in the privacy of their homes. He said that in the Athenian democracy, people had to show up at the forum in order to vote and they couldn't "just send in their slate." He added that a primary election favors well-financed campaigns that can afford an advertising campaign and that the law should favor grassroots campaigns. Johnson countered that his bill doesn't eliminate caucuses to decide state and local office elections.

Sen. Ember Junge (DFL-New Hope) shifted the focus of the debate to the mail-in ballot aspect, saying that a mail-in election school district election in her district encountered numerous problems. Sen. Mark Ourada (R-Buffalo) concurred, saying democracy takes work and voting is a right, responsibility and a privilege. He urged Senators to reject the ease of mail-in balloting. Spear cautioned Senators about a danger of mail-in voting for a presidential primary. He said that with the two-week time period allowed under the bill for sending in ballots, a voter may vote for a candidate who drops out before the votes are counted. On a roll call vote, the Senate rejected the bill which was on General Orders 30-34.

In other action as the Committee of the Whole, the Senate recommended the passage of H.F. 473, carried by Sen. Charles Wiger (DFL-North St. Paul). Wiger said the bill allows the Metropolitan Council to implement a health and wellness program for its employees.

The Senate also granted final passage to all bills given preliminary passage on General Orders Mon., Mar. 10. Members also granted concurrence and repassage to S.F. 315. The bill, authored by Sen. David Knutson (R-Burnsville), conforms state laws to federal Treasury Dept. laws. Finally, members adopted Senate Concurrent Resolution 7, the "Price of Government" resolution.

# Committee update

## Agriculture and Rural Development

### Homestead bill okayed

A bill increasing the size of agricultural homestead property that qualifies for a reduced class rate was advanced by the Agriculture and Rural Development Committee Thurs., Mar. 6. Chaired by Sen. Dallas Sams (DFL-Staples), the committee also approved bills on gasoline tax and turfgrass research.

S.F. 719, authored by Sen. Keith Langseth (DFL-Glyndon), raises from 320 acres to 480 acres the size of agricultural homestead property eligible for lower tax rates. Langseth said, "Some farmers are saying that because of high taxes, it's getting to the point where you're renting your land from the government." Sen. Charles Berg (Ind-Chokio) made a motion to amend the bill to increase the eligible property size to 640 acres. He said, "I don't know many farmers who have less than 640 acres." The motion was defeated. The bill was approved and referred to the Committee on Taxes.

Sen. Jim Vickerman (DFL-Tracy) presented S.F. 648, a bill that exempts farmers from paying tax on gasoline received in on-farm bulk storage tanks when used for tax-exempt purposes. Chris Leifeld, director of legislative affairs for the Minnesota Farmers Union, testified in support of the bill, and said, "Cash flow is getting tighter and tighter in rural Minnesota. This would be another tool to help farmers." The bill was okayed and re-referred to the Committee on Taxes.

S.F. 836, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), provides continuing support for turfgrass research and development. Stumpf said, "Minnesota is the third leading state in turfgrass production, and this research helps to strengthen that position." The bill was referred to the Agriculture and Budget Division.

Stumpf also presented S.F. 108 for discussion only. The bill appropriates money for seed potato inspection. He said, "There is a need for additional facilities for seed potato inspection, and the potato industry is ready to step in and pay its share. The bill authorizes a one-time appropriation of \$250,000 for the state contribution." The bill was laid over for further consideration.

### Dairy diagnostic overview

The Carver County Diagnostic Team presented an overview of its work to the Agriculture and Rural Development Committee Tues., Mar. 11. The committee, chaired by Sen. Dallas Sams (DFL-Staples), also advanced two bills.

"We have a tragedy on our hands," said Sams, referring to the state of the dairy industry in Minnesota. "In December, 120 dairy farms were lost; in January, 90. We have got to take a bipartisan approach toward finding a solution to keep dairy

farming alive in Minnesota," he said. Sams introduced the Carver County Diagnostic Team as an example of a successful program focused on helping the dairy industry.

Vernon Oraskovich, an extension educator and part of the team, opened the presentation and said, "The dairy diagnostic process is a team approach to problem solving on the dairy farm. With this program, we have seen increases in profitability and production, improved efficiencies, and changes in attitude on farms. And for every \$1 generated on a farm, \$7 passes through the community." He said, "The ultimate goal of the program is to be self-sustaining—no public funding or grants."

Two bills regarding dairy development were presented to the committee. S.F. 429, authored by Sams, appropriates money to fund dairy diagnostic teams. Sen. Steve Dille (R-Dassel), presented S.F. 322, a bill that establishes a dairy development grant program and appropriates \$3.6 million for the program. After some discussion, Sams proposed a delete-all amendment for S.F. 429 embracing the language from Dille's bill. The amendment was adopted and the bill was advanced to the Senate floor. S.F. 322 was amended to include the appropriations from both bills, and was referred to the Environment and Agriculture Budget Division.

## Commerce

### Health care bills continued

The Commerce Subcommittee on Insurance, chaired by Sen. John Hottinger (DFL-Mankato), continued to hear, Mon., Mar. 10, two similar bills relating to health care consumer protection and assistance. The bills will be acted on at a later time.

S.F. 320, sponsored by Sen. Deanna Wiener (DFL-Eagan), and S.F. 819, sponsored by Sen. Steven Morse (DFL-Dakota), both create a statewide health care consumer assistance office and program. The bills also prohibit contracts that restrict communication between providers and their patients; require disclosure to patients of health care provider financial incentives; prohibit contracts or agreements that prevent a provider from communicating with a patient regarding their health, care, or treatment options if the provider is acting in good faith; and require health plan companies to provide continuity of care and access to specialty care for some enrollees. S.F. 320 specifically creates a tax offset for the MCHA assessment to reduce the premium tax burden on certain health insurance purchases; establishes a process for reviewing state-mandated health plan benefits; expands eligibility of Minnesota Care Programs; authorizes public information projects to inform uninsured persons about the availability of health coverage; and authorizes emergency medical services pilot projects.

Wiener offered two amendments to S.F. 320. The amendments include provisions

that do not require specific disclosure by a health care company of amounts paid to providers, require that the proposed State-wide Office of Consumer Assistance immediately refer consumers enrolled in a state employee health plan to the appropriate state agency contact-person for assistance, remove language establishing pilot projects seeking methods of reimbursing emergency medical providers; change the meaning of a health benefit proposal statutorily requiring a health plan to provide or increase the amount of coverage that must be delivered by a specific type of provider, and provide to the legislature a complete and timely analysis of all ramifications of any mandated health benefit proposal. The subcommittee adopted the amendments.

Wiener offered a third amendment to S.F. 320. The amendment clarifies the status of the comprehensive health care association under Medical Assistance and General Assistance Medical Care. The subcommittee adopted the amendment and laid the bill over pending further discussion.

Sen. Steven Morse (DFL-Dakota), author of S.F. 819, offered an amendment that clarifies the definition of patient; deletes the definition of financial risk that is inconsistent with federal regulations; changes language requiring disclosure of provider financial incentives; deletes additional requirements, such as survey findings, from billings and explanations sent to patients; and deletes the certificate of compliance requirements for organizations that have contracts with the state.

John Marty (DFL-Roseville), offered an amendment to S.F. 819 including language requiring health plan enrollees to be provided with the general nature of reimbursement methodologies used by the health plan to pay providers, requires health care providers to provide a summary of any complaint resolution process available to patients, requires health care providers to inform patients of any specialist referral procedures that will coordinate the patient's primary and specialty care, requires the health care consumer assistance program to conduct a voluntary survey of self-insured plans to determine their compliance with existing law, and prohibits the denial of non-emergency health coverage and provide for medical services that a reasonable person would believe to be necessary. The amendment failed.

Sen. Edward Oliver (R-Deephaven), offered an amendment that he said would restore the bills' original intent of creating consumer protection. The amendment establishes an informal complaint resolution process, addresses medically urgent complaints, requires a health plan company to make available to enrollees an internal appeals process to resolve consumer complaints, requires health plan companies to make available to enrollees an alternative dispute resolution process to appeal health plan company internal appeal decisions, and provides that an enrollee may appeal a

response to a complaint through the company's internal appeal process. The committee approved the amendment and laid the bill over for further consideration.

At a subsequent meeting Weds., Mar. 12, the panel approved both bills and forwarded them to the full Commerce Committee. Subcommittee action came after members adopted amendments clarifying that labor unions and self-insureds were exempt from the bills provisions. In addition, members adopted an amendment to S.F. 320 that deleted provisions that were contained in S.F. 819. Members also adopted an amendment to S.F. 320 that deleted provisions relating to Medical Assistance and MCHA eligibility.

Subcommittee members also endorsed S.F. 960, a third measure providing for patient protection. The bill, sponsored by Sen. Linda Berglin (DFL-Mpls.), in addition to other consumer protections also requires health plan companies to provide continuity of care and access to specialty care for certain enrollees. The measure was also advanced to the full committee.

#### **Four bills advance**

The Commerce Committee, chaired by Sen. Sam. Solon (DFL-Duluth), approved four bills, Tues., Mar. 11.

S.F. 762, authored by Solon, separates and moves language relating specifically to disability or income protection coverage out of the provisions covering medical insurance. Solon said that the original language, drafted in 1937, does not differentiate between health insurance, that addresses medical problems, and disability coverage that deals with income loss. He said that the bill makes no substantial change to current law. The committee approved the bill and sent it to the Senate floor.

S.F. 731, sponsored by Keith Langseth (DFL-Glyndon), provides a subtraction from taxable income for the purchase of long-term care insurance policies having a lump-sum, single-premium. Langseth said that a tax subtraction on such policies would encourage persons to purchase the coverage to protect their assets and to discourage the transfer of their assets prior to their becoming ill. The committee re-referred the bill to the Committee on Taxes.

S.F. 865, sponsored by Sen. Deanna Wiener (DFL-Eagan), establishes terms relating to the operation of rent-to-own businesses within the state. Wiener said that the bill allows those with poor or no credit ratings to purchase products that they might otherwise go without. Senators Allen Spear (DFL-Mpls.) and John Marty (DFL-Roseville) opposed the bill. Both Spear and Marty pointed out what they felt to be usurious and exploitative rates charged to those individuals who can least afford to pay. Wiener offered an amendment to the bill allowing rent-to-own customers to reduce costs through procuring cash or credit terms from sources other than the rent-to-own.

The committee adopted the amendment and sent the bill to the Senate floor.

S.F. 860, sponsored by Sen. Edward Oliver (R-Deephaven), authorizes the registration in Minnesota of small corporate security offerings of \$5 or more when the aggregate offering price of the securities does not exceed \$1 million. The committee approved the bill and sent it to the Senate floor.

## **Crime Prevention**

### **Background checks bills advance**

Sen. Randy Kelly (DFL-St. Paul) explained that S.F. 950, a bill to amend the school employee background check law, is the result of collaborative effort between the MEA, MFT, the Department of Children, Families and Learning and Legislators. The bill was heard at the Mon., Mar. 12, meeting of the Crime Prevention Committee. The bill allows school hiring authorities to share information from background checks if certain criteria are met. According to the bill, nonstate residents offered employment in a Minnesota school must be subject, at their own expense, to a background check through the BCA and the other state's equivalent. The bill was approved by the committee, chaired by Allan Spear (DFL-Mpls.), and was sent to the floor.

S.F. 395, authored by Sen. Claire Robling (R-Prior Lake) expands current law that requires persons convicted of certain crimes to provide a biological specimen for the purpose of DNA analysis prior to being released from prison. Robling's bill includes those convicted of committing first-degree murder while committing certain types of sexual conduct. The bill was recommended to pass and sent to the floor.

Spear presented S.F. 31, a bill concerning non-funded probation provisions, which passed the Senate last session but did not make it to the House floor. The bill formalizes the current practice of defaulting responsibility for adult felons in non-CCA counties to the Department of Corrections and mandates probation providers to compile a uniform database. It requires that the commissioner of corrections review provider procedures before issuing caseload reduction grants.

The bill increases county responsibility, requiring counties to provide adult misdemeanor and juvenile probation services. Joel Alter of the Legislative Auditor's office spoke about the complexity of Minnesota's probation system, which utilizes 42 different providers and multiple funding streams. Other states, he said, are less complex. The Spear bill was approved and sent to the floor.

S.F. 330, also authored by Spear, extends state tort limits to non-profit corrections treatment facilities. Spear said the continued existence of many supplementary non-profit programs will be in jeopardy if they don't get some relief in terms of liability. The bill was approved with recommendation to pass and re-referred to the Judiciary Committee.

Sen. Ember Junge (DFL-New Hope) presented S.F. 609. The bill provides that violators of orders for protection issued out of state can be convicted in Minnesota. The bill was approved and sent to the floor.

S.F. 234, a bill authored by Sen. Steven Morse (DFL-Dakota) stiffens requirements for background checks for nursing home and home health workers. Jerry Kerber of the Department of Human Services said the bill represents the suggestions of a task force comprised of home care professionals, the Department of Health, and county attorneys, among other participants. The bill lists the crimes that would be considered legitimate barriers to hire. Also, the bill specifies the length of the look-back periods, which are longer depending on the severity of the crime. Sen. Jane Ranum (DFL-Mpls.) mentioned that sometimes convictions are pled down and not indicative of the seriousness of the crime.

Sen. Linda Berglin (DFL-Mpls.) expressed some concern for past offenders who genuinely seek rehabilitation but are not given the chance to reintegrate. Her comments were echoed by Dan Cain, who heads a chemical rehab program. He told the committee that the bill codifies what is already a procedural problem. He detailed the pitfalls of the comprehensive approach, saying that some crimes are not related to the job for which an applicant is applying. "I would rather see a check-bouncer being a chemical dependency counselor than a wife-beater carrying a gun." Furthermore, he said, a rehabilitated offender can be an important role model in some types of programs.

The bill was laid over for further discussion.

### **Prison privatization debated**

"We're prison people," John Rees, vice president of new business development for Corrections Corporation of America, said when asked by Chair Allan Spear (DFL-Mpls.) if CCA would consider managing a state-built prison at Rush City. The Crime Prevention Committee held an evening meeting Mon., Mar. 10, to hear responses to an earlier presentation by the private firm proposing to build and run the state's new maximum security facility.

The Department of Administration made its case for staying the course of planned construction. "Every day past March 15th that state waits increases escalation of expenses," said Building Construction Director Bruce Taber. He reminded the panel that the state has already spent \$7.5 million on draining and creating wetlands at the site in preparation for the complex's east housing pad.

"We aren't going to attack CCA," Deputy Commissioner of Corrections Dennis Benson said, "We believe some privatization around the margins is fiscally responsible." He went on to add, however, that the department could not, after conferring with unions, analyzing treatment programs and other requirements, "responsibly run a close

# Committee update

custody prison at \$55 a day." Spear asked for clarification, "You couldn't do it at that price or no one could?" Benson responded that "the department does not support privatization at this custody level in Minnesota." What happens, said Benson, when prison populations level off? When for-profit companies don't see a profit?

David Crist of the DOC spoke on CCA programming, detailing their use of "quiet chairs" and "relationship chairs" and "companionship contracts." He said, "We had a program like that in Minnesota in the seventies, but we phased it out because it didn't work." When Sen. Thomas Neuville (R-Northfield) countered that CCA listed a recidivism rate for program participants much lower than Minnesota rates, Crist said that CCA wasn't counting rearrests, which Minnesota's auditors had included.

AFSCME representative Tom Beer took CCA to task for what he called blatantly anti-union policies. He said that in addition to contracting primarily in right-to-work states with little unionized labor, the company has and will continue to invoke the Plant Guard Rule to derail unionization. The NLRB rule, according to Beer, specifies that unless the hiring entity gives permission, private sector guards cannot belong to a union other than an exclusive guard union. This is why, he said, AFSCME is not able to represent guards at Appleton.

Rees reiterated the company's promise to run the prison at \$55 per day, including debt service. Rees was flanked by CCA's new labor expert, Mike Grodifen who assured the panel that CCA brass is indeed comfortable with union labor. In closing, Rees reminded the panel that CCA would build a prison for \$55 million, as opposed to the state's \$89 million estimate.

## Background checks okayed

The Crime Prevention Committee, chaired by Allan Spear (DFL-Mpls.), heard four bills Wed. Mar. 12.

S.F. 234, a Dept. of Human Services licensing bill dealing with background checks, authored by Sen. Steven Morse (DFL-Dakota) was the subject of debate in the wake of compelling testimony at the committee's Mon., Mar. 10 hearing. Emphasizing that the bill simply standardizes procedures already in the rules, Minnesota Health and Housing Association representative Nicole Otto pointed out the bill's improvements over current law. "Right now," she told the panel, "a housekeeper is not subject to background checks, but a nurse's aid is. The housekeeper has as much access to the vulnerable individual and items of value, and there is no reason that person should not have to clear a background check." She also pointed out that the bill gives hiring entities much more leeway in reconsideration of background check findings. "Now," she said, "there is disqualification of 15 years for all crimes. The bill classifies crimes by severity and assigns shorter look-backs for less serious convictions."

Sen. Ellen Andersen (DFL-St. Paul) expressed concern about bill provisions allowing for disqualification based on preponderance of evidence. Morse said the opportunity for subjectivity already exists in rule. When Sens. Warren Limmer and Anderson voiced reservations about voting for the bill without closer examination, Otto suggested that the body approve the bill and form a task force to revisit flawed sections. Sen. Linda Berglin (DFL-Mpls) concurred, saying that bill language requiring things like expeditious investigation of allegations against employees makes it worthy of passage. The bill was okayed and re-referred to the Governmental Operations Committee.

Fifteen-year old former gang member Jonathan Yamour testified in support of Berglin's bill, S.F. 172, requesting funding for youth service grants that would allow for non-monetary compensation for community service in depressed communities. Yamour said that after his best friend was killed, he began doing community service to get positive. Representatives from Commonweal, a barter-for-community service organization in the process of setting up a self-funding cycle of service for merchant discounts testified that support was strong in the community. State money, said Berglin would pay for adult supervision and program oversight. The bill was approved and re-referred to the Crime Prevention and Judiciary Budget Division.

S.F. 944, authored by Sen. Jane Krentz (DFL-May Township), requires that law enforcement agencies having knowledge of a juvenile using tobacco must report it to the child's school, which in turn must refer the matter to the drug counseling program within the school. Sen. Thomas Neuville (R-Northfield) questioned the seriousness of smoking. "It's against the law," said Krentz, "If you don't like the law, then we should change the law." Neuville then suggested citing the juveniles. Sen. Ember Junge (DFL-New Hope) responded, "It's already illegal for them to smoke, and they do get cited. This just makes sure schools have knowledge of the activity." The bill was approved and re-referred to the Children, Families and Learning Committee.

Sen. Randy Kelly (DFL-St. Paul) presented S.F. 271, requesting continued funding for cities grants, which fund crime prevention programs in class one cities. LaRue Fields of the Minneapolis Urban League said her curfew center educates juveniles that, "it's not okay to be hanging out on the street at two a.m." Fields said the program has saved lives. The bill was approved and re-referred to the Budget Division.

## Economic Development Budget Division

### Citizenship bill okayed

A bill establishing a statewide citizenship program was approved Weds. Mar. 12, by the Economic Development Budget Division. Chaired by Sen. Tracy Beckman (DFL-Brice lyn), the committee also

reviewed the Dept. of Commerce budget.

S.F. 331, authored by Sen. Ellen Anderson (DFL-St. Paul), is a bill that authorizes the establishment and funding of a statewide citizenship promotion program. Anderson proposed an amendment making the councils of color--the Councils of Asian-Pacific Minnesotans, Black Americans, and Chicano-Latino Affairs--the administrators of the program. The amendment was adopted. Jim Anderson from the Ramsey County Human Services Office spoke in support of the bill and said, "We need to establish a statewide approach to the issue of citizenship. Most of the programs now in place are too small to meet the demand and to operate on a statewide level. There is such a backlog of people waiting for citizenship that with an intensive effort for four years, we'll catch up." Lee Pao Xiong, Director of the Council on Asian-Pacific Americans, said, "This is not only about welfare reform and helping people who will be affected by it. There are people all over the state who are not in poverty and who want to be a part of the political process, to be Americans." An amendment, proposed by Sen. Linda Runbeck (R-Circle Pines), mandating all administrative jobs funded by the bill to be temporary positions was adopted. The bill as amended was okayed and advanced to the Jobs, Energy, and Community Development Committee.

Tammy McGlone of the Dept. of Commerce presented the department's budget initiatives. The agency budget plan includes license fee standardization, an increase in self-insurance fees, wage and expense increases of 2.5 percent, and an increase in funding for the Petroleum Tank Release Cleanup Fund Program.

## Education Finance

### School administrator testify

Chair Keith Langseth and the Education Finance Committee got an opportunity Wed., Mar. 12 to ask prominent school administrators what they and teachers on the front lines want in the way of state policy and resources.

Leading the stream of testimony, Superintendent of St. Paul Public Schools Curman Gaines began by profiling his district. We have, in St. Paul, attributes of older systems, but we've learned from them and are trying to avoid some pitfalls. "The student population of 43,700 is, he said, growing at a rate of 1,100 per year. Enrollment is 54 percent students of color vs. the St. Paul population, which is 20 percent persons of color. Levies, he said, have not passed in the city, and the reason is that residents can't afford more taxes. "I don't believe that's necessarily true," he said, "but when the taxpayers speak, we have to listen." When asked by Sen. Martha Robertson (R-Minnetonka) about the district's dropout rate, Gaines said that although it is officially tabulated at 40 percent, he finds the method of calculation misleading because of the mobility of the

inner-city population. "These kids are counted as dropouts if they leave the system mid-year, but we know that their reasons for leaving may have to do with other factors than whether they were succeeding in school," he said. Among other things, Gaines asked the panel for more flexibility in terms of charter schools and discretionary dollars for districts.

Peter Hutchinson of the Public Strategies Group joked that when he was first contracted to head the Minneapolis Public Schools, some referred to him as the "Sup du Jour." That kind of cynicism, he said, is the upshot of the sort of quick-change policymaking that has become all too familiar to school systems across the country. The Minneapolis schools have tremendous obstacles, he said, pointing out that the number of kids in special education in Minneapolis and the district's pool of non-English speaking students could qualify as the 27th and 28th largest districts in the state. Results of the past year's assessments, however, have shown the largest gains in the last six years in terms of decreasing the gap between students at lower and higher income levels.

Hutchinson describes PSC's efforts to empower sites in the district while maintaining the centralized kinds of purchasing and umbrella programs that benefit from a larger scale and make good economic sense. He called for continuation of state performance grants that have been used to successfully levy vast improvements in school performance.

District philosophy, he said, has been to achieve a structure in which employees are either teaching or directly supporting teaching. He said the greatest challenge is breaking with past procedure, as when the district implemented its block-scheduled days. "It was important to stand back and recognize that 45 minute class periods are not a hard and fast rule," he said. When asked what the Legislature could do to help, Hutchinson replied concisely, "Resource these schools."

## Election Laws

### Campaign finance reform bill fails

On Mon., Mar. 10, Chair John Marty continued presentation of his campaign finance reform bill, S.F. 708. After a successful author's amendment allowing for lobbying on a constitutional amendment to be governed by lobbying laws during session and by political action committee laws during a campaign, Marty offered an amendment specifying that a campaign committee cannot make independent expenditures to influence other campaigns. Sen. Ember Junge (DFL-New Hope) spoke in opposition to the language, saying that transfers of funds are already illegal.

Junge also opposed bill language which she said weakens the parties by encouraging the creation of affiliates that would not be subject to the same restrictions. Junge

suggested deleting independent expenditure language. She referenced Marty's previous attempts to regulate such spending across the board, but said that in the wake of court-determined unconstitutionality, remedies are now piecemeal and thus, discriminating.

The bill's main function is to substitute fines for criminal penalties in the case of late filings or violations of spending limits. Junge suggested that the default \$1,000 penalty amount proposed in the bill is too high, and posited that a minor accounting error could result in an extreme fine. She and Sen. Carol Flynn (DFL-Mpls.) asked that counsel draft language invoking some sort of reasonability standard with regard to the penalty the Ethical Practices Board would be empowered to exact. The language was fashioned but the bill was defeated on a voice vote.

Junge presented S.F. 478, another campaign finance reform bill, many provisions of which were included in last year's large reform package vetoed by the governor. The bill provides for penalty of payback of state campaign subsidy for violation of the Fair Campaign Practices Act. Junge, who does not support mail balloting, provides in the bill for voters to cast votes 30 days prior to an election at a polling place designated by the counties. The bill makes it illegal to publish material intending to influence the outcome of an election which is false or with reckless disregard for whether it is false.

Junge attempts with the bill to remedially address two situations arising in the legislature during the past year. In response to the recent findings that former Rep. Jeff Bertram had abused the campaign contribution reimbursement program by distributing refund vouchers to non-contributors, Junge's bill clearly defines such distribution as a gross misdemeanor.

Junge said the bill also attempts to respond to the circumstances of the John Derus election contest by authorizing the courts to process claims against third party action during elections. Sen. Mark Ourada (R-Buffalo) objected, saying that the power to govern legislative office elections rests with the Legislature itself. Junge indicated that the Legislature is exercising that power by putting policy into law. Flynn also expressed concern about bill language in this area, saying it may be too specific to the kind of third party activity evidenced in the Derus case. She mentioned other types of third party actions and suggested the committee might want to consider broader third party possibilities before approving bill language. The bill was laid over for further consideration.

## Environment and Natural Resources

### Septic systems discussed

"The Pollution Control Agency (PCA) held hearings about the problem, and this bill is the result," said Sen. Leonard Price (DFL-Woodbury) about his bill, S.F. 389,

establishing individual sewage treatment system (ISTS) standards. The bill was heard in the Environment and Natural Resources Committee, Mon., Mar. 10.

Price highlighted a section that he called a "giant provision" in the bill that allows local governments to adopt standards other than those developed by the PCA. He said the local standards can take into consideration such factors as soil classification, vegetation, system type and usage, local well placement and system density. Sen. Steve Dille (R-Dassel) said that the bill gives the PCA commissioner "review and comment" authority over the local standards, but asked if the commissioner did not have approval authority. PCA representative Gretchen Sabel said that is correct.

Roseau County Board member Jeff Pelowski testified about the local inspection provisions of the bill. He said he supports the bill, but considered the local inspection requirement to be an unfunded mandate. He said that Roseau County could not afford the estimated \$100,000 for two more inspectors. Sen. Steve Morse (DFL-Dakota) asked if the bill requires site visitation by inspectors. Sabel said that sites could be inspected by photographs and the inspectors aren't required to be on site.

Committee Chair Bob Lessard (DFL-Int'l Falls) laid the bill over for further consideration.

## Toxics compromise advances

A bill representing a compromise between environmental and business interests on Minnesota's Toxics in Products (TIP) law was approved by the Environment and Natural Resources Committee at the Weds., Mar. 12, meeting, but only after the committee rejected a repeal of the law. The bill, S.F. 184, carried by Sen. Dan Stevens (R-Mora), now goes to the Environment and Agriculture Budget Division for further consideration.

Stevens initially presented his alternative, S.F. 183, a bill repealing the toxics law. He said that under the law, manufacturers located outside the state can sell their banned products in the state, but Minnesota companies are prohibited from manufacturing those products. The repealer bill was laid aside to discuss the compromise bill.

Stevens said that the toxics regulated by the law are lead, mercury, cadmium and chromium, and that products containing those toxics will be banned after July 1, 1998. Cathy Berg Moeger of the Pollution Control Agency (PCA), said that S.F. 184 establishes a toxics advisory council to review products subject to the ban for which the manufacturer can find no alternative. The council will then recommend that the PCA commissioner either ban the product or grant an exemption.

Mike Robertson, representing the Minnesota Chamber of Commerce, said the chamber favors a repeal of TIP, but added that he "could live with the compromise agreement." Brett Smith of the Sierra Club

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said good faith efforts went into reaching the compromise and that he was "taken aback by the 'dual track' strategy" of moving both bills. Committee Chair Bob Lessard (DFL-Int'l. Falls) said that although TIP "doesn't make sense," he didn't like the idea of tying the compromise to the repeal. Stevens defended the strategy, saying last year he only proceeded with a compromise bill but "it got steamrolled in the other body." He said the repealer bill is his "ace in the hole." The committee rejected the dual track strategy and only approved the compromise bill.

The panel also heard S.F. 900, sponsored by Sen. Janet Johnson (DFL-North Branch). The bill deletes references to a defunct toxics information clearinghouse, and replaces them with other references. The bill was approved and sent to the Senate floor.

## Family and Early Childhood Education Budget Division

### Childcare bills heard

Early Childhood Education Budget Division members heard two bills relating to child care, Fri., Mar. 7.

S.F. 690, authored by Sen. Linda Higgins (DFL-Mpls.), gives first priority for child care assistance, under the sliding fee program, to parents receiving basic sliding fee assistance in the county of their residence, but who move to a different county. Under the bill, the county of former residence must continue to provide basic sliding fee assistance to the parents until funding is available in the new county. Other provisions of the bill give second priority to eligible non-AFDC families in need of further education to pursue employment, and a third priority designation is given to parents who have completed their AFDC transition year.

The bill was laid over pending the arrival of information about the bill's fiscal impact on counties.

Sen. Sandra Pappas (DFL-St. Paul), authored S.F. 870, a bill providing for the establishment of child care service integration demonstration projects serving children age 12 years and under. The bill provides that the three-year demonstration projects must integrate HeadStart, special needs programs, family child care centers, learning readiness, and early childhood education programs and expands access to the basic child care sliding fee program. In addition, the bill requires that child care integration plans must incorporate career development for child care providers, include measurable outcomes, and requires that between 70 and 80 percent of funds appropriated for the plans be used to increase the sliding fee scale to 125 percent of the state's medium income for use in project communities.

Pappas provided the division, chaired by Sen. Pat Piper (DFL-Austin), a demonstration of varied challenges confronting child care providers when she invited providers

and their pre-school and school-age children to participate in the meeting.

S.F. 870 was laid over for further discussion.

### Homeless persons bill okayed

Early Childhood Education Budget Division approved a bill relating to assistance for homeless people, Weds., Mar. 12. S.F. 403, authored by Sen. Ellen Anderson (DFL-St. Paul), establishes an emergency services grant program to provide homeless persons with essential services and emergency shelter; assists organizations to improve the quality of existing shelters; makes available other emergency housing; requires the commissioner of Children Families and Learning to make grants to ensure that emergency services are available state-wide; and requires grant recipients to make available to the commissioner information on the number of persons seeking emergency shelter and the reasons why. The bill also appropriates an as yet undetermined amount to the commissioner for the emergency services grant program, the transitional housing program, and for the housing development fund, to be used for homeless prevention and assistance.

Sue Watlov Phillips, legislative chair, Minnesota Coalition for the Homeless, told the division, chaired by Sen. Pat Piper (DFL-Austin), that she could not adequately emphasize the bill's historical importance in relation to welfare reform.

Watlov said that there are about 12,000 homeless people within the state at any given time. She said that Minnesotans spending more than 30 percent of their incomes on housing are at risk of becoming homeless, and that 59 percent of new jobs created between 1990 and 1993 pay wages far below what is needed to support a housing unit without a public subsidy. In addition, Watlov said that approximately 24 percent of school-age homeless children are reported to have learning problems.

Piper offered an amendment transferring administration of the bill's provisions from the commissioner of Economic Security to the commissioner of Children, Families and Learning. The amendment was adopted. The committee approved the bill, as amended, and recommended it for inclusion in the omnibus Family and Early Childhood Budget Division bill.

## Governmental Operations and Veterans Affairs

### Mighty Ducks bill flies

Thurs., Mar. 6, the Government Operations and Veterans Affairs Committee heard testimony on S.F. 405, the "Mighty Ducks" bill, authored by Chair James Metzen (DFL-South St. Paul). Members also approved S.F. 457, a recodification of Chapter 148B, sponsored by Sen. Dan Betzold (DFL-Fridley). The latter measure separates provisions related to the Social Work from

those related to the Board of Marriage and Family Therapy.

During his explanation of the "Mighty Ducks" bill, Metzen said the bill provides for a third year of financing to be used by communities as leverage to fund local hockey rinks. He said the amount appropriated last session, \$5 million, has been used to raise \$60 million. Members of a young hockey team testified that they must now practice at five in the morning or outside because their town doesn't have a rink. Under the bill, the new money will be used to build 16 new rinks and renovate 20 more. The bill was approved with a recommendation to pass and sent to the Government Operations Budget Division.

Sen. Steve Kelley presented S.F. 428, a bill to expand the state's web site, North Star Online. Some of the bill's provisions include increasing the site's utility by ensuring that government agencies use common tools and techniques for creation of homepages and employ the same search engines. "This isn't mindless conformity," said Kelley, "it's convenient similarity for sites." The bill also establishes a Minnesota Internet Center to provide technological outreach for communities and individuals needing advice and resource assistance while linking to the Internet. Kelley offered an amendment allowing the state to fund a study on the feasibility of providing every Minnesotan an e-mail address. Sen. Dan Stevens (R-Mora) suggested the study also rank the desirability of e-mail. The amendment was approved. The bill calls also for a pilot MNCARD project to allow integration of personal information onto a single, multi-functional employee card. Kelley said appropriations include \$1.3 million for North Star expansion, \$1 million for the Internet Center and \$250,000 for the MNCARD. The bill was laid over for consideration.

### Gang strike force okayed

A bill authorizing a criminal gang strike force and oversight council continued to be discussed at the Tues., Mar. 11, Governmental Operations and Veterans Affairs Committee meeting. The measure, S.F. 218, creates and appropriates money to the Criminal Gang Oversight Council, which in turn, is authorized to create a law enforcement and prosecutorial strike force. Sen. Randy Kelly (DFL-St. Paul) is the chief author of the measure.

Sen. Linda Runbeck (R-Circle Pines) asked Kelly how the council would be funded. He explained that approximately \$6 million to \$7 million will be drawn from the general fund, and he added that the bill was a high priority for the Legislature's and governor's crime prevention program.

Runbeck offered an amendment to sunset the council June 30, 2001, to ensure that the Senate can review the efficacy of the strike force. The amendment was adopted and the bill was re-referred to the Judiciary Committee.

In other business, Chair James Metzen (DFL-South St. Paul) invited Sen. Dean Johnson (R-Willmar) to present S.F. 4, a bill that clarifies the tuition reimbursement rate for the Minnesota National Guard. General Gary LeBlanc, Dept. of Military Affairs, explained that the state has been able to keep its military strength levels high when other states have experienced difficulty in attracting and retaining personnel. This is due, in part, to the incentives program the state funds to attract quality people. However, the Guard has had difficulty attracting medical students because the medical school tuition reimbursement rates were not enticing. Therefore, the bill allows the department to reimburse up to 50 percent of medical school tuition costs to attract more doctors for military service. LeBlanc assured members that the bill requires no new money and that the new reimbursement rates are taken out of the current incentives program funds. The measure was approved and advanced to the floor.

Sen. Charles Wiger (DFL-North St. Paul) presented the Dept. of Administration's housekeeping bill, S.F. 420, for consideration. Wiger offered two amendments—a technical clean-up amendment and language to authorize a new mail distribution system—and both were adopted.

Sen. Don Betzold (DFL-Fridley) suggested that the repealer language was not appropriate for a housekeeping bill, and he moved to delete the section. The Betzold amendment prevailed.

The measure was then approved and referred to the floor.

Finally, Sen. Roy Terwilliger (R-Edina) presented S.F. 412, a bill that modifies salary provisions for certain public officials and employees. After he explained the scope of the measure, Robertson offered an amendment to include legislators' salaries on the list affected by consumer price index calculations. The amendment was adopted, but does not take effect until the year 2001 because legislators cannot vote to give themselves salary increases. The bill was approved and re-referred to the Judiciary Committee.

## Northstar on-line bill okayed

Sen. Steve Kelley (DFL-Hopkins) presented two bills at the Weds., Mar. 12, Governmental Operations and Veterans Affairs Committee meeting, chaired by Sen. James Metzen (DFL-South St. Paul). First, Kelley presented S.F. 240. Specifically, the bill authorizes the use of digital signatures in transacting state business. The bill was approved with dispatch and referred to the floor.

Kelley then turned to S.F. 428. The bill had been held over from a previous meeting due to data privacy concerns from members. Under the bill, a North Star governmental on-line service is established. The bill also creates the MNCARD project, a demonstration program for a "smart card" that will allow state employees to transact business with the state.

Sen. Martha Robertson (R-Minnetonka) offered an amendment to delete a section that requires the expansion of the MNCARD project past the demonstration phase, along with language appropriating money to the Office of Technology to expand the program. The amendment was adopted, and the bill was then re-referred to the Judiciary Committee.

Runbeck then presented S.F. 100, a bill that officially establishes the Office of Technology. She was accompanied by a representative from the office, Executive Director John Gunyou, as she reviewed the scope of the bill. Gunyou explained that the bill ensures that the office is essentially the state's technology policy navigator. "The office has no direct implementation authority. We are strictly advisory," he said. He also said that under the bill, the Information Policy Office is moved to reside within the Office of Technology so that the state's advisory and policy functions are contained in the same place.

Representatives from three stakeholders—the Minnesota High Technology Council, the Minnesota Telephone Association, and the Northwest Technical College—spoke of their support for the creation of the office.

The bill was laid over for further discussion.

## Health and Family Security

### Welfare amendments offered

The chief author of S.F. 1, Sen. Don Samuelson (DFL-Brainerd), said, "I am ready to entertain amendments that members have," as discussion on the welfare reform bill continued at the Thurs., Mar. 6, Health and Family Security Committee meeting. The day's agenda was scheduled to allow members to continue offering amendments, and because of the volume of proposed amendments, the morning meeting recessed and resumed in the evening.

Under the welfare reform bill, the Minnesota Family Investment Program (MFIP) is expanded statewide beginning July 1, 1997. MFIP is not considered an entitlement however, the commissioner of human services must report annually on Jan. 15 on the status of MFIP funding. The bill extends benefits to everyone residing legally in the U.S. except persons defined as nonimmigrants. All grants are paid with federal Temporary Assistance to Needy Families (TANF) dollars where permitted, or with state funds. There is also a 60-month lifetime limit on assistance, as required by federal law. Furthermore, a 30-day residency requirement is established with exceptions only for unusual hardship. Following the first 30 days, the new residents are paid the grant from either the previous state or Minnesota, whichever is lower. The bill specifies that drug felons are ineligible for assistance until two years after serving their sentence. Counties must implement an education and training program by July 1, 1997, and the work activity that is required

in order to be eligible for MFIP is defined broadly to include anything in an approved plan that is tied to an employment goal. Under an employment plan, post-secondary education assistance is generally limited to 12 months, but up to 24 months is permitted in special cases.

Sen. Martha Robertson (R-Minnetonka) was the first to offer an amendment revising certain property limitations for MFIP recipients. Currently, an individual is limited to a maximum of \$2,000 in assets in order to still qualify for assistance. "So for those people who are ongoing recipients of aid, the incentive to save money is taken out," she said, "The incentive is to spend income instead of save it." The amendment allows on-going recipients to save up to \$5,000 and remain eligible to continue receiving aid. The Robertson motion prevailed.

"It is so important that people have enough to eat," said Sen. Becky Lourey (DFL-Kerrick) as she offered her Temporary Hunger Prevention and Community Development Initiative (THPCD). The amendment establishes a Minnesota administered food stamp program to assist people when they no longer are eligible for the federal food stamps. "The THPCD provides a nutritional safety net for residents who are without the resources to meet their basic nutritional needs," Lourey explained that in all cases, the amount of the assistance received will equal the amount of benefits lost by an individual or household because of changes in the federal food stamp program. The program will serve those up to 130 percent of the poverty line, and legal non-citizens are also eligible. In addition, Lourey said that at least 50 percent of the benefits must be used to purchase Minnesota produced products.

Sen. Steven Morse (DFL-Dakota) offered an amendment to the Lourey amendment that, he said, "Creates a win, win, win situation for the state." He explained that of the food benefit amount provided per eligible individual under the THPCD program, \$35 must be in coupons that only can be redeemed for products with the "Minnesota Grown" label. Morse said that with this amendment, we are ensuring that people are being fed, that they are eating nutritional food, and that a guaranteed portion of the state's funding will be spent on Minnesota produced products. The Morse motion was adopted on to the Lourey amendment. Sen. Linda Berglin (DFL-Mpls.) suggested to Lourey that she introduce the food stamp program as a separate bill because there is insufficient funds in the federal government's TANF block grant to support the program if it were to be included as part of S.F. 1. Berglin said the idea, though necessary, should compete for funding with other programs in the general fund. Staff predicted that the program would cost approximately \$30 million per biennium. Lourey said she preferred to attach the amendment to the welfare bill

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and would consider offering a separate piece of legislation. Members discussed the pros and cons of the THPCD program, and the Lourey amendment was adopted.

Berglin moved to amend the bill with language that clarifies which people are eligible for \$63 a month in supplemental assistance after they become ineligible for the federal food stamp program. Specifically, the amendment adds exemptions for legal immigrants who are on a waiting list for citizenship and language classes, and for immigrants who have applied for, but were not granted, a citizenship waiver. The amendment was approved.

Robertson offered an amendment that establishes an allocation method in the event federal sanctions are applied against the state for failure to meet set performance standards. The amendment also directs the Dept. of Human Services (DHS) to establish standards by Jan. 1, 1998, and to evaluate county performance. The motion prevailed.

Chair John Hottinger (DFL-Mankato) offered an amendment to exempt migrant workers from the 30-day residency requirement. He explained that as long as the worker can show documentation proving he or she had worked in the state within the last 24 months, the person would be eligible for benefits and General Assistance (GA) medical care. However, because he did not know what costs the amendment would incur, he withdrew it for later consideration.

Samuelson successfully offered an amendment that sets an Oct. 1, 1997 start date for statewide implementation of MFIP. It also allows counties to delay the implementation of the education and training services (E&T) component of MFIP beyond Oct. 1, 1997. Under the amendment, if a county presents reasons for the delay to DHS, the county may delay implementation until Jan. 1, 1998. Furthermore, exemptions are made for a single parent with a child under the age of 1. Two parent families are required to begin a county administered E&T program immediately, and single parents are allowed a three month delay before beginning an E&T program. The amendment also sets the earned income disregard at 37 percent. Additionally, the approximate exit point from the MFIP is set at 120 percent of federal poverty guidelines. Attached to the Samuelson amendment was a fiscal spreadsheet detailing both the federal and state expenditures for MFIP under S.F. 1. Samuelson explained that the fiscal information was provided so that members understand that there is little money for additional programs, and that the state was just barely meeting its federal match funding requirements. Any additional amendments that affect the funding formula may compromise the bill's fragile structure, he said.

Intense and emotional discussion ensued after Morse moved to delete the contingent welfare plan language from the bill. "I have a difficult time justifying a contingency plan that seems like a punitive measure," Morse said. Samuelson responded, "As much as I

don't like the language either, I oppose the Morse amendment. We need to have something in place so we are not a magnet for the whole country." According to Samuelson and Deborah Huskins, assistant commissioner for DHS, in order for Minnesota to be able to provide a welfare program deemed adequate for Minnesota citizens, strict residency requirements must be in place to discourage people from other states from moving to Minnesota and overloading that state's system. However, DHS expects at least one lawsuit to be filed soon after the bill is enacted that challenges the constitutionality of the residency requirements. In the event that a suit is filed, the presiding judge has the authority to enjoin the residency requirements until the case is settled. However, Samuelson and Huskins explained that the state would have to go ahead with implementing MFIP, and in that case, Minnesota's benefits would be significantly higher than many other states; Minnesota would become a magnet drawing recipients from around the country and the state could not afford the increased caseload. Therefore, the bill includes the contingent plan that specifies that if the residency requirements are enjoined, benefits under MFIP are drastically cut in order to serve as a disincentive for people considering migrating to Minnesota. "We need to have a measure in place that sends a message to the judge to keep the residency requirements in place, at least until the Supreme Court hears the case," Huskins said. Morse responded, "I support residency requirements, but I can't justify putting a \$100 million program on the line to save an estimated \$1.5 million if the requirements are enjoined. It's inappropriate to delegate our legislative decision making to a judge." The Morse motion to delete the contingent plan language failed.

## Welfare bill advanced

In the final day of action on S.F. 1, the welfare reform bill, members of the Health and Family Security Committee entertained many amendments, adopted several changes, listened to powerful testimony, and eventually approved the measure. Chair John Hottinger (DFL-Mankato) indicated at the outset of the Fri., Mar. 7, meeting that he intended to finish considering amendments offered by members and then to listen to a final round of public testimony before members voted.

The bill's chief author, Sen. Don Samuelson (DFL-Brainerd), first offered an amendment to provide two counties the option to continue or discontinue the Work First programs they are presently administering. The amendment also allows caretakers, who are participating in an education program, to postpone their job search with the approval of a job counselor. The amendment was adopted.

Sen. Martha Robertson (R-Minnetonka) offered an amendment that combined several initiatives into one package. Under the amendment, when a person applies for

welfare benefits with a county, they are required to state their previous address. Then, if the person has migrated from another state, the county agency is required to call the previous state to see if there are any sanctions marked on the applicant's record. The Robertson amendment also changes the current STRIDE program by opening the eligibility requirements to all welfare recipients, as long as there are funds available. Robertson said this is intended to serve as an interim vehicle to assist people with job training until the counties begin implementing their education and training (E&T) programs. The amendment prevailed.

Sen. Dallas Sams (DFL-Staples) successfully offered an amendment to an earlier Robertson amendment adopted at the Wed., Mar. 5, meeting, but not before lengthy discussion. The earlier Robertson amendment required counties to offer at least two E&T service provider options. Sams said this formula may work in the metropolitan counties, but the rural areas with low population density will have difficulty following the letter of the law. In some cases, a rural county will be fortunate to have one option to provide clients. Therefore, the Sams amendment makes an exception in the Robertson amendment to allow counties "utilizing workforce centers that use multiple employment providers and offer multiple service options" to skirt the two service provider requirement.

Sen. Sheila Kiscaden (R-Rochester) said she was concerned that the Sams amendment dilutes the original intent of the Robertson amendment and would limit the amount of choice the counties would be required to provide people when designing their E&T programs. "My concern is providing choice so clients have multiple options," she said. Therefore, she moved to add language to the Sams amendment that allows the counties to count the workforce centers as multiple providers as long as they can "document that participants have choice among employment and training services designed to meet their specialized needs." After the Kiscaden motion as adopted, the Sams amendment was approved.

Hottinger returned to an earlier amendment he had offered at the Thurs., Mar. 6, meeting. Here offered an amendment that exempts migrant workers from the 30-day residency requirement as long as they can document that they have worked in Minnesota within the last 24 months. The amendment had been withdrawn due to concerns over its fiscal impact, but after Deborah Huskins, assistant commissioner, Dept. of Human Services (DHS), explained that it will have little or no impact on General Assistance (GA) or on the Minnesota Family Investment Program (MFIP), the amendment was adopted.

"The public has embraced the Minnesota grown concept and food program, and my commitment to food is still alive," said Sen. Becky Lourey (DFL-Kerrick). Because she did not want to hurt the state's financial

commitment to MFTP, Lourey moved to delete the state administered food program that had been amended on to the bill at the Thurs., Mar. 6, meeting. As she thanked members and the public for their support, Lourey announced that she will introduce the concept as a separate piece of legislation.

After members were finished offering amendments, Hottinger invited several people from the public to provide brief statements about their concerns.

One of the people who testified, Mim Mueller, explained that she is a single mom and a welfare recipient. "I have been complaining for a long time that we don't hear the voices of the welfare recipients," she said. However, she said, her impressions of the welfare reform process have been surprisingly positive, and after observing members for the week, she said, "I didn't expect anyone to be on my side, but this week has restored my belief that politicians are looking out for my interests." As for her concerns, she said she was troubled that in the name of flexibility, the counties are given complete control and authority over how this program will be enacted. "It has not been my experience that counties have provided high quality client services."

Brian Rusche, representing the Joint Religious Legislative Coalition, spoke against the contingency plan language. "I find it morally unsupportable. I understand that you're trying to get the attention of a judge in the event that the residency requirements are enjoined. But it is beyond my comprehension how we can put the basic supports for families and children on the table as our chips. These kind of brutal, drastic cuts, that will come into play as an axe because your work does not pass constitutional muster, is not taking responsibility for your work. We must find some other way to get the judge's attention."

Hottinger had allotted additional time to allow members to discuss the bill following public testimony. When discussion was interrupted by people in the audience, he said, "If we have continued interruptions, I'm afraid we will not have additional debate to put this in perspective, and I don't think that will be in the audience's interests or ours." However, the interruptions continued, so when Hottinger called the vote on the motion to re-refer S.F. 1 to the Human Resources Finance Committee, the motion was approved.

## Health occupations bill okayed

On Tues., Mar. 11, Chair John Hottinger (DFL-Mankato) asked Sen. Sheila Kiscaden (R-Rochester) to continue her presentation on S.F. 228 at the Health and Family Security Committee meeting. Under the bill, several changes are made to sections regulating speech-language pathologists and audiologists, the office of mental health practice, alcohol and drug counselors, and hearing instrument dispensers. Discussion on the bill had been held over from a

previous meeting where two amendments had been adopted. Sen. Becky Lourey (DFL-Kerrick) then offered an amendment that exempts registered audiologists from the Hearing Instrument Dispenser Certification Program. Tom Keliher, from the Minnesota Audiology Association, explained that the association is concerned about the significant fee increases that are part of the program this year. He added that the registered audiologists already pay fees to the Dept. of Health for other programs. The amendment was approved and the bill was re-referred to the Governmental Operations Committee.

Sen. Roger Moe (DFL-Erskine) also presented a bill, S.F. 888, that establishes an American Indian Diabetes Prevention Advisory Task Force. Specifically, the task force is required to advise the commissioner of health on the design of grade school curricula in order to educate American Indian children on the risk factors associated with diabetes. The measure appropriates \$90,000 in FY 98 to the commissioner to fund the task force, and an additional \$90,000 is made available for FY 99 if the appropriation is matched dollar for dollar by nonstate money. The bill was approved and re-referred to the Health and Family Security Budget Division.

"H.F. 447 requires health plan companies to offer women direct access to OB/GYN services," said the bill's author, Sen. Deanna Weiner (DFL-Eagan). Kiscaden said she was concerned that the bill was a health mandate and that "consumers have the responsibility to go to their employers and their health plans and ask that these type of services be provided." She said that the overall trend is to have the Legislature make every kind of health care decision. The measure was approved and advanced to the floor.

Sen. Don Betzold (DFL-Fridley) offered S.F. 93 for consideration. The bill, he said, is a technical measure from the Dept. of Human Services and makes amendments to sections dealing with state liens for public assistance, medical assistance, and claims against the estate. Members approved the bill and sent it to the floor.

## Human Resources Finance

### Departmental budget overviews

Chair Linda Berglin (DFL-Mpls.) invited representatives from the Depts. of Economic Security and Health to provide brief budget overviews at the Thurs., Mar. 6, Human Resources Finance Committee meeting.

Heidi Stennes, director of Communications and Governmental Affairs at the Dept. of Economic Security, said the governor recommends a biennial appropriation of \$72.4 million. She also outlined the responsibilities of the various departmental branches--State Services for the Blind, Rehabilitation Services, Workforce Exchange, Workforce Preparation, Production, and Support.

Patrick Nelson, deputy commissioner of

commerce, had been asked to explain one of the Dept. of Economic Security's initiatives. He explained that the governor has recommended allocating \$8 million each year from the Dislocated Worker Fund to cover the deficits of the Minnesota Comprehensive Health Association (MCHA).

Commissioner Anne Barry, Dept. of Health, moved quickly to review the new budget initiatives for the department following the new February forecast. She said \$4 million has been requested for the biennium to establish a Fetal Alcohol Syndrome program to provide treatment for pregnant women. In addition, \$3 million has been requested to set up a community immunization registry. Two million dollars has been requested to establish Juvenile Assessment Centers to intervene in cases to reduce the number of adolescents in the juvenile justice system. A one time appropriation of \$650,000 has been requested to make up the federal cuts to the Women, Infants, and Children (WIC) Program. Finally, an additional \$2.2 million has been requested for the biennium to expand the Family Planning Special Project Grant Program.

## Higher Education Budget Division

### Regents reform discussed

The Higher Education Budget Division began its discussion Tues., Mar. 11, of four bills proposing changes to the selection process for the University of Minnesota Board of Regents. The committee, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), also heard the continuation of budget presentations from HESO and MnSCU.

Dr. Robert Poch, Director of HESO, concluded his budget review by emphasizing a continued need for additional staff resources to support information technology. Judith Eaton, Chancellor of MnSCU, continued her presentation and said, "The Electronic Academy is a cornerstone of our commitment to improving performance via technology, combining instructional technology, telecommunications learning, spending on infrastructure, new ventures, and technology grants." In response to a question from Sen. Sam Solon (DFL-Duluth), she reviewed progress on contract negotiations with faculty and staff and said, "Right now there are two unresolved major issues--compensation and workload." The MnSCU presentation was continued to the next meeting.

Two of four bills changing the regent selection process were presented to the committee. S.F. 889, authored by Sen. David Ten Eyck (DFL-East Gull Lake), reduces from 24 to 16 the membership of the Regent Candidate Advisory Council. The bill delegates five appointments each to the council from the Senate Majority leader and the Speaker of the House; four from the governor, and one member each appointed by the Senate and House minority leaders. Under Ten Eyck's proposal, geographic

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considerations in the regent selection would be limited to outstate, metro and at-large designations and not be influenced by congressional district. The bill was laid over for further discussion.

Sen. Dean Johnson (R-Willmar), presented S.F. 811. His bill calls for four council members each to be appointed by the Senate Rules Committee and Speaker of the House, eight members appointed by the governor, and eight appointed by combined boards of the University of Minnesota Alumni Association and the University of Minnesota Foundation. The council, under the legislation, would recommend candidates to the governor, who could approve the recommendations and forward them to the Legislature, or disapprove and request new recommendations. The bill was laid over for further consideration.

## Regents discussion continued

The Higher Education Budget Division continued to hear presentations of bills reforming the regent selection process, Weds., Mar. 12. The committee was presented with three proposals, bringing the total to five.

Sen. Ember Reichgott Junge (DFL-New Hope), presented S.F. 935, a bill that makes changes to the University of Minnesota's Regent Candidate Advisory Council. The bill specifies that one-third of the council members are selected by the Governor, one-third by the Senate and House leadership, and one-third by the University's Alumni Association and the U of M Foundation. It also eliminates all constituency-based considerations in the selection process. Junge said, "This proposal, based on a report from the U of M Alumni Association Citizens' Committee on Regent Selection, makes the screening process more thorough and objective. And it distinguishes between a governance role and a political representation role for the regents. We have to ask ourselves, Do we want the regents to govern, or do we want them to represent constituencies?"

S.F. 905, authored by Sen. Richard Cohen (DFL-St. Paul), also prohibits constituency-based considerations, including those regarding faculty and student seats. Cohen said, "Under this legislation, two ex-officio regents, one each representing the students and the faculty, will be appointed." He said, "I think each of the proposals regarding this process has some merit, and I hope we can make a change this year that incorporates the best parts of each of them." Mary McLeod, chair of the Regent Candidate Advisory Council, said, "The council has a major concern about the congressional caucuses for screening regent candidates, and we think they should be eliminated. We often heard from some excellent, potential candidates who said they were not 'politically well-connected enough' to get through the caucus."

Senate Majority Leader Roger Moe (DFL-Erskine) proposed a measure that amends

the Minnesota Constitution to give the governor the power to appoint candidates to the at-large positions on the Board of Regents. Moe stated that he would introduce the legislation in the Senate and said, "This legislation won't get away from district representation on the board, but we could get away from the congressional caucuses." The five regent reform bills were laid over for further consideration.

## Jobs, Energy, and Community Development

### Brownfield cleanup bill advanced

The Jobs, Energy, and Community Development Committee okayed a contamination cleanup bill Thurs., Mar. 6. Chaired by Sen. Steven Novak (DFL-New Brighton), the committee also advanced a bill relating to transmission lines.

S.F. 319, authored by Sen. Randy Kelly (DFL-St. Paul), modifies requirements of the contamination cleanup program and provides for redevelopment and job creation grants with a \$60 million appropriation from the lottery fund. Kelly said, "It's time we cleaned up lands that we've been polluting for the last 100 years. The sites in our inner cities that are near large pockets of the unemployed and the people most affected by welfare reform need to be cleaned up, developed, and get jobs found for the people who need them."

A number of people spoke in support of the bill, including the mayors of Minneapolis and St. Paul. Sharon Sayles Belton, mayor of Minneapolis, said, "The problem in Minneapolis is not a lack of demand—it's a lack of clean land. We don't have to recruit companies; we have companies here waiting for land to be cleaned up so they can expand." The mayor of St. Paul, Norm Coleman, said, "Our economic vitality is tied into reclaiming polluted lands." Lorrie Lauder, representing the St. Paul Port Authority, said, "The companies who move onto these lands provide good jobs at livable wages, anywhere from \$10 to \$23 per hour." The bill was approved and re-referred to the Economic Development Budget Division.

Earlier in the meeting, Sen. Janet Johnson (DFL-North Branch) presented S.F. 590, a bill that permits the addition of high voltage transmission lines across the state border. Johnson said, "This bill doesn't loosen our standards throughout the state; it is unique to cross-border projects which require transmission lines." The bill was advanced to the Senate floor.

### Assistance bill presented

A bill expanding telephone assistance programs was presented to the Jobs, Energy and Community Development Committee Tues., Mar. 11. Chaired by Sen. Steven Novak (DFL-New Brighton), the committee also heard testimony on a bill regarding the University of Minnesota's proposed steam plant.

S.F. 740, authored by Sen. Steve Kelley (DFL-Hopkins), expands the eligibility for the state telephone assistance program to a poverty-qualified household including persons under the age of 18. The bill also raises the maximum surcharge from 10 to 20 cents a month. Kelley introduced an amendment that adds the development and implementation of three pilot programs to provide voice mail services to individuals meeting poverty-level criteria. Geri Suddereth, representing Twin Cities Community Voice Mail, testified in support of the bill and said, "Homeless and other poverty challenged people need phone service for three principle reasons—to find housing, jobs, and, and to protect victims of domestic abuse." The amendment and the bill were laid over for further consideration.

Sen. Lawrence Pogemiller (DFL-Minneapolis) presented S.F. 483, which provides \$6 million to the University of Minnesota to relocate its proposed steam heating plant off the riverfront. Mayor Sharon Sayles-Belton, of Minneapolis, stated her support of the bill and said, "We would like to see the plant moved to another site to preserve the historic nature of St. Anthony Falls and the part of the river that flows through the central core of downtown Minneapolis." Pogemiller pointed out that the University and the city were at odds over the project and said, "This facility is not river dependent. It's an issue of cost and timing." JoAnne Jensen, a senior vice president at the University of Minnesota, said, "We cannot afford further delays. The \$6 million proposed by Minneapolis still falls \$40 million short of what we need to relocate the plant, not to mention the delays in site selection, bids, and the permit process." The bill was laid over for further consideration.

## Judiciary

### Open hearings discussed

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), continued to hear testimony during afternoon and evening hearings, Mon., Mar. 10., on a bill amending the juvenile court process. SF. 747, authored by Sen. David Knutson (R-Burnsville), provides a uniform process for children in need of protection or services, provides certain notice in voluntary placements, modifies the reasonable efforts requirement when a child has been placed outside the home, clarifies and modifies time requirements for permanency planning, provides relatives earlier notice of permanency planning for a child, modifies grounds for termination of parental rights, provides a putative father registry, provides individual placement decisions for each child, provides administrative review of child abuse determinations, provides access to certain data on children, and opens hearings and court records in child protection matters.

In addition to S.F. 747, S.F. 855, also sponsored by Knutson, provides specifically for open juvenile court hearings and records

in proceedings involving children in need of protection or services and incorporates the recommendations of the Minnesota Supreme Court Foster Care and Adoption Task Force. The task force recommendations gave rise to language contained in both bills providing that child abuse and neglect hearings that were previously closed, may become public. The controversial language drew opposing viewpoints from state judges, guardians ad litem and social workers.

According to the published task force study, the majority of task force members believe that juvenile protection is largely unaccountable because it's a closed system and impervious to public scrutiny. The study states that although the closed system's purpose is to provide a protective, rehabilitative environment for parents and children by shielding them from scrutiny and stigmatization, it also allows abuses to continue. In addition, the study states that, because the juvenile protection system is closed, child abuse and neglect decisions are not truly based on a set of community standards.

Sen. Deanna Wiener (DFL-Eagan), said that she has concerns about allowing such information to enter the public domain and the possible effect of the information on children's lives now and later in their lives.

Sen. Sheila Kiscaden (R-Rochester), said that open hearings and the potential for media coverage may discourage relatives, who are familiar with the domestic situation, from reporting information. She said that the system is woefully underfunded, and that more funding is what is needed to assure that the system can function as it is intended. Kiscaden added that the purpose of closed hearings is to allow a child a second chance, and that, in an age of electronic information, what befalls a child may affect aspects of their adult lives.

Knutson said that publicity will promote public awareness concerning the improper handling of various children's cases, and that it may facilitate needed funding. He offered an amendment requiring open juvenile hearings in the Fourth Judicial District until the year 2000. The amendment provides that the Supreme Court will evaluate the open hearing process following its completion, and allows other judicial districts to open juvenile hearings if the district determines them beneficial to the child.

Sen. Leo Foley (DFL-Anoka), amended Knutson's amendment to allow discretionary, instead of mandatory, open hearings in the Fourth Judicial District, and to disallow other judicial districts from participation in open hearings. The committee approved the amendment.

Kiscaden offered an amendment allowing only individuals that provide social services or who are otherwise involved in child's care or education to attend child protection hearings, provided that they agree not to disclose hearing information. Language providing for a contempt of court penalty for individuals violating the privacy agreement was also incorporated into the amendment.

The committee agreed and adopted the amendment.

Relating to adoption provisions contained within S.F. 747, the committee adopted amendments, offered by Knutson, requiring that relatives and adults with whom a child is currently residing shall be notified in preparation of permanent placement hearings and in termination of parental rights petitions; defining a birth relative to mean a parent, grandparent, brother, sister, uncle or aunt, or a relationship established by blood or marriage; providing that the court shall appoint counsel at public expense for parents and legal guardians if they are unable to afford counsel; appointing two adults who were in the foster or adoptive care system to a child protection funding task force; requiring the court to appoint counsel if the child is age 12 or older, or 10 or 11 years of age and determined by the court to be sufficiently mature to participate in the proceedings; requiring interested individuals filing child protection petitions with the court to state their relationship to the child and other parties; and allowing the court to reject petitions that appear to be motivated solely to modify custody between the parents.

Kiscaden offered further amendments to S.F. 747. One amendment provides for the court to determine a child's preferences for an attorney when the child is of suitable age to express a preference. Another amendment assures the notification of parents of permanent placement determination hearings. The committee adopted the amendments, and S.F. 747 and S.F. 855 were laid over pending further discussion.

In other action, the committee heard a bill that would amend Minnesota law to comply with federal requirements regarding adoptive and foster care placement. S.F. 210, authored by Knutson, specifies that no Minnesota law may deny any person the opportunity to become an adoptive or foster parent on the basis of race, color, or national origin of the person or child. The bill also prohibits delaying or denying placement of a child on the basis of race, color or natural origin of the adoptive parent or foster parent. Knutson offered an amendment that makes it clear that relatives and important friends must be considered in child placement. The committee approved the bill as amended and re-referred it to the Health and Family Security Committee.

S.F. 813, authored by Ranum, authorizes communication or consent agreements between adoptive parents and birth parents, provides transfer of custody of a child to a relative by a consent decree, modifies the definition of family, and provides for a relative conference and relative care agreement following a report of child abuse or neglect.

Ranum offered an amendment preventing civil action to end a contact agreement between adoptive parents and birth parents unless proof is presented that the parties have attempted to resolve their differences through mediation. A second amendment,

by Ranum, defines "birth relative" as meaning a minor child's parent, stepparent, grandparent, brother, sister, uncle or aunt, and states that the relationship may be by blood or marriage.

Ranum said that the second amendment is intended to fit with the committee's apparent acceptance of that birth relative definition, and to insert it into S.F. 747. The committee laid the bill over pending agreement on language.

## Children's bills gain

Members of the Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), met Weds., Mar. 12, to consider several bills dealing with children in need of protective services, out of home placements and adoption.

S.F. 747, authored by Sen. David Knutson (R-Burnsville), provides a uniform process for children in need of protection or service petitions. The bill also provides for notice in voluntary placements, clarifies and modifies time requirements for permanency planning, modifies grounds for termination of parental rights, provides for individualized placement decisions for each child and provides administrative review of child abuse determinations. Debate centered, primarily on an amendment placed on the bill at an earlier hearing regarding legal representation for children. The earlier amendment required the appointment of an attorney for children over the age of 12 and made the appointment optional for children aged 10 or 11. Sen. Allan Spear (DFL-Mpls.) offered an amendment to strike the language limiting the optional appointment of an attorney for 10 and 11 year olds. Spear said that some eight or nine year olds could be sufficiently mature to work with an attorney and that it was unnecessary to limit the bill. The amendment was adopted. Most debate on the bill had occurred at an earlier meeting. The measure was approved and re-referred to the Health and Family Security Committee.

Members also approved S.F. 855, a bill that originally opened CHIPS proceedings to the public. The bill, also authored by Knutson, was amended at a previous meeting to allow individuals who provide social services to the child or who are otherwise involved in the care or education of the child to attend the hearings, provided they agree not to disclose information from the hearing. The measure also was previously amended to require each district court administrator to conduct a survey of child protection services and provide a summary to each county board. An amendment, offered by Knutson, to open the proceedings to the public if it was determined to be in the best interest of the child failed to gain committee approval. The measure was approved and re-referred to the Crime Prevention and Judiciary Budget Division.

S.F. 813, authored by Ranum, was also approved and re-referred to the Health and Family Security Committee. The measure

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provides for the transfer of custody of a child to a relative by a consent decree, authorizes communication or contact agreements between adoptive parents and birth relatives and provides for a relative conference and relative care agreement following a report of child abuse or neglect.

A final bill relating to children was also endorsed by the panel. S.F. 122, sponsored by Sen. Martha Robertson (R-Minnetonka), requires notification of a child's placement or adoption to the other birth parent, requires background checks for adoption, defines the content of the postplacement assessment and report, permits court-ordered grandparent visitation with an adopted child, provides for recognition of adoption which occurs in a foreign country, and clarifies the definition of relative. The measure was re-referred to the Health and Family Security Committee.

Members also advanced two additional measures. S.F. 92, authored by Sen. Don Betzold (DFL-Fridley), is a technical bill providing for the disclosure and inspection of certain tax data. S.F. 278, authored by Sen. Sheila Kiscaden (R-Rochester), exempts local governments from paying a filing fee in forfeiture actions resulting from DWI-related offenses. S.F. 92 was approved and re-referred to the Crime Prevention Committee and S.F. 278 was approved and re-referred to the Human Resources Finance Committee.

## K-12 Education Budget Division

On Fri., Mar. 7, Chair Lawrence Pogemiller (DFL-Mpls.) and the K-12 Budget Division heard from Department of Children, Families and Learning Commissioner Robert Wedl on the governor's budget proposal.

The governors initiatives include: maintaining high-level learning standards through graduation standards and staff development, expanding access and school choices by removing charter school caps and restrictions, giving parents and teachers more power over education spending by offering tax credits and shelters, holding schools accountable for results through statewide testing, rewarding success through accountability measures, increasing the use of technology by equipping sites with cutting-edge computing capability, and achieving revenue redistribution through shifted formula weightings and portable funding.

The panel discussed the breakdown in funding that occurs when the Legislature tries to target money to certain areas. Sen. Gen Olson (R-Minnetrista) brought up the fact that even if the Legislature votes to shift formula weighting to provide a higher state funding of younger students, the districts will still receive the money in aggregate and are not bound to spend percentages as weighted. Wedl recognized the panel's frustrations but said changes are on the way. For example, he

said, the department now has the capability to ensure that compensatory revenue goes straight to the schools with the eligible students.

On the topic of non-English speakers, Pogemiller suggested that it might be beneficial to assess the impact of immigration waves over time in terms of supplemental funding for areas where a need may arise at first but then eventually plateau.

Discussion of pupil weighting resumed before adjournment, with Wedl discussing a possible hold harmless approach that would ensure that districts with fewer younger than older students were not unfairly hit by revenue readjustment.

Due to lack of time the bill was laid over for further discussion.

## Policy bill discussed

Sen. Linda Sheid presented S.F. 623, an administrative and policy bill generated by the Department of Children, Families and Learning to the K-12 Education Budget Division, Wed. Mar. 12.

Provisions of the bill approved for inclusion in the omnibus education bill include a nonresident transportation provision eliminating the requirement that parents must appeal to the state before their children can receive free transportation from a non-resident district for travel within their resident district; a hold harmless provision for consolidating schools; First Grade Preparedness eligibility terms; entitlement for four-year-olds to receive transport to preparedness programs; annualization of data for districts operating less than a full year during the base year; elimination of two special education revenue programs to simplify reporting burdens; repealers of the sunsets on the American Indian Education Committee and the Multicultural Education Committee; permission for direct Indian post-secondary preparedness granting instead of requiring public school sponsorship; and metro magnet school granting.

The committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), voted to hold over for further discussion sections providing for proposed bus purchase set asides and as well as the elimination of a repealer of the year 2000 sunset on current the education funding enacted in 1992.

S.F. 623 was laid over for further discussion due to lack of time.

## Purpose of testing discussed

Is statewide testing, asked Rep. Becky Kelso (DFL-Shakopee), a public statement or an individual progress indicator? The Subcommittee on Statewide Testing, chaired by Kelso and Sen. Lawrence Pogemiller (DFL-Mpls.) dealt with this question Thurs., Mar. 6, hearing testimony from stakeholders regarding upcoming state testing policy. Discussion also cleaved to suggestions and terminology from a commissioned report by Robert Bruininks of the University of Minnesota's College of

Education and Human Development. His study is a consideration of the feasibility and design of accountability measures that could be used to evaluate the performance of Minnesota schools. Testing is one component of his research.

"The MEA does support broad-based, multi-indicator tests, said Cheryl Furrer of the Minnesota Teachers Association. Vernae Hasbargen of the Minnesota Rural Education Association testified that the state's profile of learning element of the graduation rule will be the true reformer of the system. "Testing and grad standards are same old same old," she said. Hasbargen took the opportunity to also urge Legislators to be cautious in using test scores to promote competition between schools. "Sharing will be discouraged," she said, "if schools are aggressively competing."

Coalition for Children with Disabilities representative Bob Brick said the state must dictate that all students take the test, or explicitly provide for alternate methods of testing students with disabilities. Otherwise, he said, there is a very real danger of kids being routed into special education or even being held back by schools fearing lower overall class or school performance.

The business community was represented by the Minnesota Business Partnership's Duane Benson, who said that in a recent survey of its member employers, 42 percent indicated that high school graduates did not have adequate skills to begin working at the expected levels. David Swan, a business owner, echoed this observation, but said the state should not be spending money on assessment. "Testing will not accomplish the goal of employability," he said.

Bob Meeks of the School Boards Association spoke in support of testing, but gave the panel one caveat, "If we don't use this test to boost student performance, than let's not do it," he said. In presenting his findings, Robert Bruininks agreed. "the most difficult issue," he said, "is ensuring the connection between assessment and teaching and learning." Bruininks said presently schools do not use common sets of standards. The question of whether tests should be primarily diagnostic or public, he said, is in some ways up to the the Legislature. By way of affirmation, he said reported results of last year's pilot standards testing were not as discouraging as they might initially seem. "Last year," he said, "80 percent of students below the cut score were within ten points of it. These students are doing pretty well, as well as they ever have in history. We have to keep this in mind as we ask ourselves the serious questions of how we can raise the bar."

## Local and Metropolitan Government Committee

### Land used discussed

The Local and Metropolitan Government Committee continued its discussion of land use initiatives Mon., Mar. 10. Chaired by Sen. Jim Vickerman (DFL-Tracy), the

committee also advanced a number of bills.

S.F. 738, authored by Sen. Steven Morse (DFL-Dakota), and S.F. 820, presented by Sen. John Hottinger (DFL-Mankato), are both land use bills. David Weirens, policy analyst for the Association of Minnesota Counties, said, "While we have concerns with both bills, we are confident that S.F. 738, has the more community-based approach of the two." Jim Solem of the Metropolitan Council said, "We think the Hottinger bill is the more effective, mostly because of the timing as it calls for something to be done now." Glenn Dorfmann, speaking on behalf of the Minnesota Association of Realtors said, "We support both bills. There is a need for land use planning, but there are two things to consider--first, any sort of boundary line needs to be carefully considered, because once you draw a line, the price of land inside the line goes up; and secondly, local government should be involved in the planning process." The bills were laid over for further consideration.

S.F. 612, authored by Sen. Charles Wiger (DFL-North St. Paul), authorizes the Washington County Board to make the offices of recorder and auditor/treasurer appointive rather than elective. The bill was approved, however, and advanced to the Senate floor.

Disposition of other bills proceeded quickly. S.F. 691, presented by Sen. David Knutson (R-Burnsville), adds certain duties to the office of state demographer. The bill was advanced to the Senate floor. S.F. 200, authored by Sen. Linda Scheid (DFL-Brooklyn Park), provides for the collection, by the Brooklyn Park Economic Development Authority, of delinquent condominium assessments. The bill was re-referred to the Committee on Taxes. Sen. Dan Stevens (R-Mora) authored S.F. 810, a bill relating to net debt limits of local government. The bill was okayed and advanced to the Committee on Taxes.

### Four bills okayed

Four bills were presented to the Local and Metropolitan Government Committee Weds., Mar. 12. The committee, chaired by Sen. Jim Vickerman (DFL-Tracy) advanced the four bills.

S.F. 647, authored by Sen. Leonard Price (DFL-Woodbury), permits property owners in Washington County to have personal information, such as names and addresses, deleted from lists sold by the county to marketing and telemarketing firms. The possibility of extending the option statewide was discussed by the members, some of whom said they will raise the matter with their constituents. The bill was advanced in its original form to the Senate floor.

Vickerman authored two bills. S.F. 1071 authorizes the removal of remains buried in the old Maplewood Cemetery in Luverne for reburial in the new Maplewood Cemetery. The legislation is needed because Minnesota cemetery law is silent on the process for disinterment and reburial. The bill was okayed and advanced to the Senate floor.

S.F. 869 authorizes towns and counties to create boundary commissions. Boundary commissions are permitted only to cities under current law. After an oral amendment clarifying the language to prevent overlapping jurisdictions, the bill as amended was approved and advanced to the Senate floor.

Sen. Sandra Pappas (DFL-St. Paul) presented S.F. 525, a bill expanding evaluation criteria used by the Metropolitan Council in procuring wastewater treatment facilities. The bill also provides for internal competitive proposals to be classified as confidential data. The latter provision gives employees of a political subdivision an opportunity to bid on a proposal with the same assurances of confidentiality as other entities may expect to receive, a provision not covered under statute at this time.

## Committee on Taxes

### Two bills advance

The Subcommittee on Income and Sales Tax, chaired by Sen. Steve Murphy (DFL-Red Wing) moved three bills, Tues., Mar. 11.

H.F. 293, sponsored by Sen. William Belanger (R-Bloomington), makes primarily technical changes. The subcommittee approved the bill and referred it to the Committee on Taxes.

S.F. 541, sponsored by Sen. Warren Limmer (R-Maple Grove), imposes regulations on payroll service firms that collect withholding taxes for more than one employer for the purpose of filing and depositing returns for those employers with the commissioner of revenue. The committee approved the bill and sent it to the Committee on Taxes.

S.F. 237, sponsored by Sen. John Hottinger (DFL-Mankato), provides an income tax credit to individuals of up to 50 percent for contributions made to nonprofit institutions of higher learning that are located within the state, or to nonprofit organizations that are operated exclusively for the benefit of state institutions of higher education. The credit allowance prompted discussion among some Senators who said that the credit was reasonable, and among others who said that it was too high, and that other contribution incentives should be explored. The bill was laid over pending further information and discussion.

### Three bills advance

The Committee on Taxes, chaired by Sen. Douglas Johnson (DFL-Tower), moved three bills, Weds., Mar. 12.

S.F. 541, sponsored by Sen. Warren Limmer (R-Maple Grove), imposes regulations on payroll service firms that collect withholding taxes for more than one employer for the purpose of filing and depositing returns for those employers with the commissioner of revenue. The committee approved the bill and sent it to the Committee on Governmental Operations and Budget.

S.F. 456, sponsored by William Belanger (R-Bloomington), allows special taxing districts to make up amounts in their current-year levy certification; requires the taxpayer to bring action in county tax court for a disputed amount and allows the treasurer, instead of the county board, to refund erroneous payments; and provides that cities having a 1995 population of 500 or less are exempted from the local performance aid program. The committee approved the bill and sent it to the Senate floor.

H.F. 293, also sponsored by Belanger, makes primarily technical and administrative changes. The committee approved the bill and sent it to the Senate floor.

## Transportation Budget Division

### License bill advances

The Transportation Budget Division, chaired by Sen. Janet Johnson (DFL-North Branch), approved a bill Weds., Mar. 12, involving a new driver's licensing process.

S.F. 599, authored by Sen. Ember Junge (DFL-New Hope), establishes youth-oriented driver improvement clinics, requires drivers under age 18 to hold instruction permits for 12 violation-free months before receiving a two-wheeled vehicle endorsement, establishes a graduated licensing system with a provisional licensing phase, requires a two-phase driver's education program, restricts driving privileges for holders of instruction permits and provisional licenses, and requires a violation-free period before advancement to the next license stage.

The division approved an amendment to set the provisional license fee at \$9.50. The bill was approved and sent to the Transportation Committee.

S.F. 804, sponsored by Sen. Steve Murphy (DFL-Red Wing), exempts port development project plans from the statutory requirement that they be reviewed by the Legislature following their entry into an assistance agreement by the commissioner of transportation. The bill authorizes the commissioner to pay dredging costs necessary to open a new commercial navigation facility project, provides access to on-shore facilities from existing channels, and provides for fleeting operations.

The division approved the bill for incorporation into the Transportation Budget Division bill.

S.F. 496, authored by Sen. Dennis Frederickson (R-New Ulm) allows payment of a vehicle registration tax to be prorated from the time a used vehicle becomes subject to taxation upon transfer from a motor vehicle dealer, and permits a dealer to avoid paying registration tax when it would otherwise become due on a vehicle that is not used, but is held solely for sale. The bill further states that after the vehicle is sold, leased or rented, the new owner or lessee must pay the prorated tax for the remainder of the year. The committee laid the bill over pending further information.

# Preview

## The Minnesota Senate Week at a Glance

### Monday, March 17

#### Ad Hoc Committee on Information Technology

Chair: Sen. Steve Kelley

8:30 a.m. Room 112 Capitol

**Agenda:** Discussion on MNet; overview of Minnesota Year 2000 Project.

#### Rules and Administration Subcommittee on Committees

Chair: Sen. Roger D. Moe

8:45 a.m. Room 107 Capitol

**Agenda:** Appointments.

#### Rules and Administration Committee

Chair: Sen. Roger D. Moe

9 a.m. Room 107 Capitol

**Agenda:** S.F. 90-Cohen: Legislative committees and commissions. Personnel issues, appointments.

#### The Senate will meet at 10 a.m.

#### Commerce Subcommittee on Insurance

Chair: Sen. John Hottinger

12 noon Room 123 Capitol

**Agenda:** S.F. 1208-Berglin: Minnesota Care. S.F. 920-Morse: Regulating health plans, modifying growth limit regulations.

#### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

12 noon Room 107 Capitol

**Agenda:** Sale of tax forfeited lands: S.F. 307-Ten Eyck: Cass County. S.F. 778-Lourey: Aitkin County. S.F. 846-Sams: Becker County. S.F. 867-Hottinger: Conveyance of tax-forfeited land to city of Mankato. S.F. 187-Samuels: Crow Wing County. S.F. 309-Stevens: Mille Lacs County. S.F. 1128-Lessard: Private sale of state lands to wild rice lessees.

#### Judiciary Committee

Chair: Sen. Jane Ranum

12 noon Room 15 Capitol

**Agenda:** S.F. 97-Betzold: Tuberculosis isolation and detention. S.F. 199-Foley: Mortuary science. S.F. 877-Foley: Seat belts and child passenger restraint systems evidence admissibility. SF 627-Ranum: Expert review.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** S.F. 133-Kelly: Crime victim impact statement, notification, reparations, extension of victim and witness council. S.F. 364-Knutson: Crime victim notification, victim and witness council extension, juvenile data, burden of proof in child custody, visitation sought by offender. S.F. 772-Kelly, R.C.: Authority of Ombudsman for Corrections in local facilities. S.F. 933-Spear: HS graduation incentives program. S.F. 1020-Spear: Youth anti-violence theater grant program. S.F. 1175-Ranum: Juvenile court authority over school districts.

#### Local and Metropolitan Government Committee

Chair: Sen. Jim Vickerman

2 p.m. Room 107 Capitol

**Agenda:** H.F. 117/S.F. 6-Junge: Local government licensing of tobacco sales. S.F. 389-Price: Individual sewage treatment systems. S.F. 535-Wiger: Redesign and employee compensation for exceeding redesign plan goals. S.F. 723-Vickerman: Regional development commissions. S.F. 1116-Higgins: Wireless service providers.

#### Human Resources Finance Committee

Chair: Sen. Linda Berglin

4 p.m. Room 15 Capitol

**Agenda:** S.F. 1-Samuels: Welfare reform bill.

#### Environment and Agriculture Budget Division

Chair: Sen. Steven Morse

6:30pm Room 107 Capitol

**Agenda:** S.F. 63-Vickerman: Beaver damage control board. S.F. 453-Frederickson: Carry forward of SCORE block grants by OEA. S.F. 720-Dille: Livestock odor research. S.F. 287-Lessard: Snowmobile registration fees and gas tax revenues to snowmobiles. S.F. 377-Betzold: City of Fridley loan forgiveness. S.F. 184-Stevens: Toxics in products law modifications.

#### Judiciary Subcommittee on Family Law

Chair: Sen. Leo Foley

6:30 p.m. Room 112

**Agenda:** S.F. 554-Knutson: Changes to child support enforcements. S.F. 830-Cohen: Classifying data on certain obligors. S.F. 913-Cohen: Child support enforcement data disclosure. S.F. 912-Lourey: Providing for parent education and cooperation for the children program pilot projects.

#### Local and Metropolitan Government Committee

Chair: Sen. Jim Vickerman

6:30 p.m. Room 15 Capitol

**Agenda:** S.F. 1140-Janezich: Baseball stadium.

### Tuesday, March 18

#### Environment and Agriculture Budget Division

Chair: Sen. Steven Morse

8 a.m. Room 123 Capitol

**Agenda:** DNR budget overview

#### Family and Early Childhood Education Budget Division

Chair: Sen. Pat Piper

8 a.m. Room 15 Capitol

**Agenda:** S.F. 870-Pappas: Child care demonstration projects. S.F. 716-Pappas: Adult basic education. S.F. 797-Lourey: Community collaborative appropriation. S.F. 1193-Foley: Providing stipends to neighborhood organizations for the delivery of services to children and families. S.F. 981-Lourey: Child care development education loans; and child care provider training initiatives. S.F. 1088-Higgins: Early childhood family education programs. S.F. 690-Higgins: Basicsliding fee program; portability issues; establishing eligibility priority.

#### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf

8 a.m. Room 107 Capitol

**Agenda:** S.F. 289-Berglin: Welfare reform and

higher education. S.F. 1075-Murphy: HESO budget. S.F. 692-Hottinger: Tuition reduction. S.F. 713-Kelley, S.P.: Clarifying MnSCU mission. S.F. 1313-Stumpf: National Service Scholars. S.F. 1144-Larson: HESO, regulation of private business, trade and correspondence schools.

#### K-12 Education Budget Division

Chair: Sen. Lawrence Pogemiller

8 a.m. Room 112 Capitol

**Agenda:** To be announced.

#### Health and Family Security Committee

Chair: Sen. John Hottinger

10 a.m. Room 15 Capitol

**Agenda:** S.F. 760-Kiscaden: DHS health care for elderly and disabled. S.F. 1161-Berglin: Expanding MA eligibility for the elderly waiver program. Presentation on nursing home moratorium by Linda Sutherland, director of Facility and Provider Compliance Division, DHS.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

10 a.m. Room 123 Capitol

**Agenda:** S.F. 756-Johnson, D.H.: Prohibiting landlords from including lease provisions penalizing tenants for seeking police. S.F. 18-Kelly: Minimum wage.

#### Governmental Operations and Veterans Committee

Chair: Sen. James Metzger

12 noon Room 15 Capitol

**Agenda:** To be announced.

#### Transportation Budget Division

Chair: Sen. Janet Johnson

12 noon Room 112 Capitol

**Agenda:** MnDot Metro Division discussion on unmet needs in Metro Area. S.F. 861-Flynn: Changing CSAH formula; changing gasoline tax rates; allowing for Metro Area sales tax. S.F. 520-Kelley, S.: Motor vehicles sales dedication to transportation fund constitutional amendment. S.F. 1329-Johnson, D.E.: Motor fuel tax increase for transportation and transit purposes.

#### Agriculture and Rural Development Committee

Chair: Sen. Dallas Sams

2 p.m. Room 107 Capitol

**Agenda:** S.F. 1181-Moe, R.D.: Industrial hemp regulation and licensing. S.F. 904-Murphy: Mercury manometer replacement. S.F. 1102-Stumpf: Bakeries in retail food stores regulations. S.F. 1111-Fishbach: Changing well water testing requirements for milk producers.

#### Commerce Committee

Chair: Sen. Sam Solon

2 p.m. Room 112 Capitol

**Agenda:** SF 316-Junge: Prohibiting certain brand labels of liquor; prohibiting certain bottle sizes, regulating home delivery of alcoholic beverages.

#### Rules and Administration Subcommittee on Senate Information Systems

*Chair: Sen. Leonard Price*  
2 p.m. Room 125 Capitol  
**Agenda:** To be announced.

#### **Health and Family Security Budget Division**

*Chair: Sen. Don Samuelson*  
4 p.m. Room 112 Capitol  
**Agenda:** Public testimony on budget.

#### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*  
6 p.m. Room 123 Capitol  
**Agenda:** S.F. 36-Sams: Assisted living facilities. S.F. 313-Belle Plaine nursing home moratorium exception. S.F. 376-Samuelson: Modifying provisions for the nursing home medical assistance certification moratorium. S.F. 495-Novak: Diabetes outpatient self-management coverage. S.F. 1146-Solon: Miller-Dwan medical center asset transfer. S.F. 589-Fredrickson: Nursing facility payment rates. S.F. 799-Johnson, D.E.: Kandyohi nursing facility reimbursement rate change. S.F. 806-Klies: Hospital construction moratorium. S.F. 915-Berglin: Providing a nursing facility rate exception. S.F. 1174-Berglin: Nursing home moratorium exception.

#### **Judiciary Subcommittee on Data Privacy and Information Policy**

*Chair: Sen. Don Betzold*  
7:30 p.m. Room 123 Capitol  
**Agenda:** S.F. 982-Ranum: Recommendations of the Criminal Justice Information Policy work group. S.F. 428-Kelley: North Star on-line service. S.F. 100-Runbeck: Minnesota Office of Technology. S.F. 502-Betzold: Legislative task force to make recommendations on information policy.

### **Wednesday, March 19**

#### **Family and Early Childhood Education Budget Division**

*Chair: Sen. Pat Piper*  
8 a.m. Room 15 Capitol  
**Agenda:** S.F. 1042-Scheid: Child care facility improvement grants, and capacity building grants. S.F. 623-Scheid: Children, Families and learning Administrative bill, Articles 3 and 4. S.F. 289-Berglin: Child care assistance under TANF program.

#### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*  
8 a.m. Room 107 Capitol  
**Agenda:** Presentations on U of M Specials. S.F. 1035-Kleis: St. Cloud Hospital/Mayo family practice residency. S.F. 1054-Murphy: Technical education diplomas.

#### **K-12 Education Budget Division**

*Chair: Sen. Lawrence Pogemiller*  
8 a.m. Room 112 Capitol  
**Agenda:** To be announced.

#### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*  
10 a.m. Room 15 Capitol  
**Agenda:** To be announced.

#### **Transportation Budget Division**

*Chair: Sen. Janet Johnson*  
10 a.m. Room 112 Capitol  
**Agenda:** Continuation of Tuesday's agenda. S.F. 1097-Pappas: Revolving loan account.

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

*Chair: Sen. Bob Lessard*  
12 noon Room 107 Capitol  
**Agenda:** S.F. 574-Scheid: Angling assistance to disabled. S.F. 288-Lessard: Youth residents deer hunting. S.F. 1115-Novak: Repealing hazardous products labeling law.

#### **Judiciary Committee**

*Chair: Sen. Jane Ranum*  
12 noon Room 15  
**Agenda:** To be announced.

#### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*  
2 p.m. Room 15 Capitol  
**Agenda:** S.F. 375-Belanger: Fleeing a peace officer while driving a motorized recreational vehicle. S.F. 812-Kelly: Modifying sex offender community notification law. S.F. 881-Kelly: Extending sex offender community notification to federal offenders. S.F. 993-Piper: HIV prevention relating to correctional officers, crime victims, and intravenous drug users.

#### **Commerce Committee**

*Chair: Sen. Sam Solon*  
2 p.m. Room 123 Capitol  
**Agenda:** S.F. 339-Metzen: Omnibus banking bill (also includes S.F. 872 and S.F. 282). S.F. 868-Higgins: Minneapolis Building contractors. S.F. 1094-Scheid: Regulating compensation by licensee to tenants for referrals.

#### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*  
2 p.m. 125 Capitol  
**Agenda:** Budget presentations: Capitol Area Architectural & Planning Board, Ethical Practices Board and Arts Board.

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

*Chair: Sen. Steven Morse*  
2 p.m. Room 112 Capitol  
**Agenda:** S.F. 51-Janezich/H.F. 73-Rukavina: Eveleth Police and Fire. S.F. 798-Johnson, D.H./H.F. 907-Garcia: Richfield Fire. S.F. 1113-Solon: Duluth Fire. S.F. 1183-Kelly, R.C./H.F. 1267-Osthoff: St. Paul Police and Fire. H.F. 1273-Knoblach: Local Police and Fire legal expenses. S.F. 717-Metzen/H.F. 796-Delmont: Deferred compensation.

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

*Chair: Sen. Jim Vickerman*  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 738-Morse and S.F. 820-Hottinger: Land use planning bill.

#### **Crime Prevention and Judiciary Budget Division**

*Chair: Sen. Randy Kelly*  
4 p.m. Room 107 Capitol  
**Agenda:** To be announced.

#### **Economic Development Budget Division**

*Chair: Sen. Tracy Beckman*  
4 p.m. Room 118 Capitol  
**Agenda:** Dept. of Public Service budget.

#### **Education Finance Committee**

*Chair: Sen. Keith Langseth*  
4 p.m. Room 123 Capitol  
**Agenda:** Family involvement educational programs.

#### **Health and Family Security Budget Division**

*Chair: Sen. Don Samuelson*

4 p.m. Room 112 Capitol  
**Agenda:** Testimony on governor's budget.

#### **Property Taxes and Local Government Budget Division**

*Chair: Sen. Sandra Pappas*  
4 p.m. Room 15 Capitol  
**Agenda:** LGA and HACA proposals.

#### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*  
6 p.m. Room 123 Capitol  
**Agenda:** S.F. 1158-Kiscaden: Changing provisions for families and children health care. (Consumer protection health care bills if passed out of commerce committee.) S.F. 122-Robertson: DHS adoption bill. S.F. 210-Knutson: DHS foster care/heritage act. S.F. 813-Ranum: Relative care and open adoption agreements. S.F. 747-Knutson: Providing a uniform process for CHIPS children.

#### **Joint Senate Local and Metropolitan Government Committee and House Local Government and Metropolitan Affairs Committee**

*Chairs: Sen. Jim Vickerman and Rep. Ann Rest*  
7 p.m. Room 15 Capitol  
**Agenda:** Presentation on "State of the State" of Minnesota Indian Tribes.

#### **Judiciary Committee**

*Chair: Sen. Jane Ranum*  
7 p.m. Room - to be announced  
**Agenda:** To be announced.

### **Thursday, March 20**

#### **The Senate will meet at 8 a.m.**

#### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*  
10 a.m. Room 15 Capitol  
**Agenda:** S.F. 328-Lourey: DHS surcharge/provider tax bill. Testimony on provider tax.

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

*Chair: Sen. Steven Novak*  
10 a.m. Room 123 Capitol  
**Agenda:** S.F. XXXX: Convention center. Housing, economic development, job training initiatives.

#### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*  
12 noon Room 15 Capitol  
**Agenda:** To be announced.

#### **Transportation Budget Division**

*Chair: Sen. Janet Johnson*  
12 noon Room 112 Capitol  
**Agenda:** S.F. 1189-Flynn: Transit assistance. S.F. 984-Flynn: Delinquent traffic offense fines.

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

*Chair: Sen. Dallas Sams*  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 338-Sams: Agricultural land ownership limitation changes for corporations, LLCs, pension or investment funds, and limited partnerships. S.F. 560-Pariseau: Changing fertilizer fees and reporting requirements. S.F. 1292-Morse: Rural dispute resolution procedure. S.F. 1134-Sams: Feedlot permit rules.

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### Commerce Committee

*Chair: Sen. Sam Solon*  
2 p.m. Room 112 Capitol  
**Agenda:** Omnibus Liquor bill: S.F. 277-Solon: Importing malt liquor to a central distribution warehouse—also containing the following liquor bills: S.F. 149-Lourey: Modifying time of day for sale of liquor; S.F. 162-Langseth: 3 liquor licenses in Moorhead; S.F. 469-Lesewski: Modifying liability insurance for liquor retailers; S.F. 1221-Oliver: Sale of 3.2 malt liquor on Sundays 10 am; S.F. 1270-Janezich: Sale of liquor at community events by an on-sale license holder; S.F. 1326-Wiger: Allowing liquor to be sold at St. Paul Civic Center during professional sporting events.

### Environment and Agriculture Budget Division

*Chair: Sen. Steven Morse*  
4 p.m. Room 107 Capitol  
**Agenda:** DNR budget overview. S.F. 317-Ten Eyck: Wind damage mitigation. S.F. 538-Johnson, D.J.: White pine forests appropriation.

### Health and Family Security Committee

*Chair: Sen. John Hottinger*  
6 p.m. Room 123 Capitol  
**Agenda:** S.F. 991-Piper: HIV education and prevention. Bills from other committees.

### Local and Metropolitan Government Committee

*Chair: Sen. Jim Vickerman*  
6 p.m. Room 15 Capitol  
**Agenda:** S.F. 1140-Janezich: Baseball stadium.

### Crime Prevention Committee

*Chair: Sen. Allan Spear*  
7 p.m. Room 112 Capitol  
**Agenda:** S.F. 285-Marty: DWI license plate impoundment and forfeiture. S.F. 372-Junge: DWI felony. S.F. 579-Marty: DWI suspicionless stops. S.F. 587-Knutson: Two-year enhanced DWI gross misdemeanor. S.F. 614-Neuville: DWI revocation period, license reinstatement. S.F. 632-Knutson: DWI license plate impoundment expansion. S.F. 633-Knutson: Recreational vehicle, motorboat DWI implied consent; DWI priors and evidence. S.F. 942-Junge: DWI evidence; expansion of forfeiture priors; BAC on driving record. S.F. 947-Neuville: Double revocation, up to \$1,000 assessment penalties for over 0.20 BAC violators. S.F. 956-Knutson: Commercial

vehicle DWI violations. S.F. 959-Spear: Comprehensive enhanced penalties and requirements for over 0.20 BAC DWI violators. S.F. 962-Wiener: 0.06 per se BAC for criminal vehicular homicide or injury if driver has prior DWI's. S.F. 985-Foley: DWI procedures; health professional reporting of DWI injuries.

## Friday, March 21

### Family and Early Childhood Education Budget Division

*Chair: Sen. Pat Piper*  
8 a.m. Room 15 Capitol  
**Agenda:** S.F. XXXX-Piper: Family and early childhood education omnibus budget bill.

### Higher Education Budget Division

*Chair: Sen. LeRoy Stumpf*  
8 a.m. Room 107 Capitol  
**Agenda:** S.F. 521-Ten Eyck: Repayment of law school loans. S.F. 701-Pariseau: Changing residency requirement for Minnesotans after military duty. S.F. 326-Stumpf: Wheat scab research. S.F. 833-Larson: Audits of student associations; revoking some mandatory fees.

### K-12 Education Budget Division

*Chair: Sen. Lawrence Pogemiller*  
8 a.m. Room 112 Capitol  
**Agenda:** To be announced.

### Health and Family Security Committee

*Chair: Sen. John Hottinger*  
10 a.m. Room 15 Capitol  
**Agenda:** S.F. 391-Solon: ICF/MR reimbursement geographic designation change. S.F. 28-Samuels: ICF rate imposition. S.F. 552-Samuels: Nursing home reimbursement. S.F. 921-Morse: Establishing an alternative quality assurance pilot project in Southeastern MN. S.F. 754-Betzold: Separate annual audit exception for a county operated day training and habilitation program. S.F. 1034-Betzold: Two intermediate care facilities reconfiguration project. S.F. 1160-Lesewski: Lyon County ICF downsizing project.

### Jobs, Energy and Community Development Committee

*Chair: Sen. Steven Novak*  
10 a.m. Room 123 Capitol  
**Agenda:** Telecommunication issues.

### Environment and Natural Resources Committee

*Chair: Sen. Bob Lessard*  
12 noon Room 107 Capitol  
**Agenda:** S.F. 63-Vickerman: Beaver damage control board. S.F. 1346-Dille: State review of county feedlots. S.F. 892-Lessard: Shooting hours for migratory game birds. S.F. 448-Janezich: Expanding membership on Mineral Coordinating Committee. Other bills may be added.

### Crime Prevention and Judiciary Budget Division

*Chair: Sen. Randy Kelly*  
2 p.m. Room 15 Capitol  
**Agenda:** To be announced.

### Judiciary Subcommittee on Family Law

*Chair: Sen. Leo Foley*  
2 p.m. Room 123 Capitol  
**Agenda:** S.F. 930-Junge: Providing requirements for family visitation centers. S.F. 241-Kiscaden: Modifying the definition of domestic abuse.

### Legislative Commission on Pensions and Retirement

*Chair: Sen. Steven Morse*  
2 p.m. Room 112 Capitol  
**Agenda:** S.F. 995-Morse/H.F. 1129-Kahn: TRA, change in sabbatical leave contribution amounts. S.F. 997-Morse/H.F. 1128-Kahn: Higher education supplemental plan, modification in contribution rate. S.F. 922-Morse/H.F. 1127-Kahn: IRAP, various administrative changes. S.F. 996-Morse/H.F. 1130-Kahn: IRAP and higher education supplemental plan, various administrative changes. S.F. 1171-Morse/H.F. 1270-Kahn: TRA and IRAP, modification in reporting and remittance requirements.

### Property Taxes and Local Government Budget Division

*Chair: Sen. Sandra Pappas*  
2 p.m. Room 107 Capitol  
**Agenda:** FIF bills.

### Judiciary Subcommittee on Data Privacy and Information Policy

*Chair: Sen. Don Betzold*  
4:30 p.m. Room 125 Capitol  
**Agenda:** To be announced.

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# Briefly

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*The Minnesota Senate Week in Review*

*March 21, 1997*

## **Welfare reform bill okayed**

The Senate approved final passage for S.F. 1, the welfare reform bill, at the Thurs., Mar. 20, floor session. Before going over the major provisions in the bill, the measure's chief author, Sen. Don Samuelson (DFL-Brainerd), thanked the members of the policy and finance committees for the many hours they contributed as the welfare bill was developed. He also thanked Sen. John Hottinger (DFL-Mankato), chair of the Health and Family Security Committee, for the large amount of time he had provided to allow for informative and important public testimony. Under the bill, the new welfare program, called the Minnesota Family Investment Program (MFIP), will commence statewide Dec. 1, 1997. The bill extends benefits to everyone residing legally in the U.S. except persons defined as nonimmigrants. All grants are paid with federal Temporary Assistance to Needy Families (TANF) dollars where permitted, or with state funds. There is also a 60-month lifetime limit on assistance, as required by federal law. Furthermore, a 30-day residency requirement is established with exceptions only for unusual hardship. Following the first 30 days, the new residents are paid the grant from either the previous state or Minnesota, whichever is lower. However, if the residency requirements are enjoined, a contingent grant standard is implemented which is about one-third lower than the statewide MFIP standard. In addition, counties must implement an education and training program by Jan. 1, 1998.

Sen. Dennis Frederickson (R-New Ulm) offered an amendment to remove several provision that had been adopted in the Human Resources Finance Committee. He explained that the provisions his amendment deletes are policy provisions and do not strictly deal with finance issues, and it sets a dangerous precedent to have policy amendments made in a finance committee. Sen. Roger Moe (DFL-Erskine) agreed with Frederickson and said, "I intend to support the amendment and uphold a solid procedure that has been established by the former Finance Committee chair, Gene Merriam." The amendment was adopted.

S.F. 1 received its Third Reading and was given final passage on a 67-0 roll call vote.

A second bill was also considered during the floor session, H.F. 268. Sen. Randy Kelly (DFL-St. Paul) explained that the bill changes bonding language that was passed last year for a new close custody prison to be built at Rush City. The Dept. of Corrections discovered it was unable to build the

type of prison facility specified in the bonding bill and, therefore, the language necessitates a change to allow for the construction of a more affordable facility.

Kelly then offered an amendment that directs the commissioner of administration to work, in conjunction with a legislative working group, to develop a request for proposals to operate the new Rush City prison once construction is completed. Under the amendment, a final proposal for operation must be selected by Feb. 15, 1999. He explained that the amendment allows for contract proposals from private companies that may be able to operate the facility at a lower cost than the state, which in the long run will save the state a significant amount of money. The Dept. of Corrections will still be allowed to bid for the contract, however, he said.

Sen. Allan Spear (DFL-Mpls.) said, "I support the amendment because it does not necessarily privatize the prison, but it does open the process to allow for private and public competition. It is a very reasonable proposal to reduce the operating cost of this new prison." The amendment prevailed.

Sen. Thomas Neuville (R-Northfield) also offered an amendment that directs the commissioner of administration to develop a request for proposals to construct the new prison. He said, "I think it is possible to get a reasonable construction bid in time before the state commences with construction." Neuville said he would expect a bid from a private construction company to save the state tens of millions of dollars.

Spear spoke against the Neuville amendment, saying, "This is a big step to begin privatizing prisons, and to rush into it without careful consideration would be a mistake." The amendment failed, and members granted final passage to the bill.

## **Stadium bill debated**

A bill establishing funding for a new stadium for the Minnesota Twins was presented to the Local and Metropolitan Government Committee Mon., Mar. 17. The committee, chaired by Sen. Jim Vickerman (DFL-Tracy), heard testimony from officials from the Twins, the Metropolitan Sports Facilities Commission, the Minnesota Vikings, and labor organizations. The Mayor of Minneapolis, Sharon Sayles Belton, also testified.

The bill, S.F. 1140, is authored by Sen. Jerry Janezich (DFL-Chisholm). The bill allows for public ownership of up to 49 percent of the Twins, provides for the construction of a single-purpose outdoor

stadium, and establishes a 10 cents per pack cigarette tax, 9 cents of which would go toward the project and 1 cent toward a youth smoking prevention account. The cost of the stadium would be \$385 million, according to Janezich. John Pacheco of the Metropolitan Sports Facilities Commission described the events leading to the current discussion. He said, "In their lease with the Metrodome, the Twins have an escape clause they can invoke after the 1998 season if certain attendance and revenue criteria are not met. As they have lost money over the last few years, it is apparent those criteria will not be met, and they have informed us of their intention to invoke the escape clause." Pacheco cited a number of causes for the loss of revenue and said, "The Twins are a baseball team playing in what is essentially a football stadium. They receive no parking revenue and no suite revenue." He noted that while the Vikings lease runs to 2011, they, too have concerns. "Both the Vikings and the Gophers would like more revenue, lease improvements and some remodeling of the Metrodome," he said.

Twins officials reiterated their desire to keep the team in Minnesota. Jerry Bell, president of the team, said, "We realize this is a difficult public policy issue, but we believe the interests of the people in Minnesota are best served by a partnership that keeps the team here, gives the public an opportunity to own a percentage of the team, and provides revenue to the Pohlads." Mayor Belton called the team "an asset not only to Minneapolis but to the entire state." But Stew Widdes, director of marketing for the Vikings, said, "The Vikings have needs as well, and although our lease on the Metrodome runs to 2011, we hope those needs are part of your discussion." He cited a figure of \$159 million to cover renovations and enhancements of the Metrodome "to make it a first-class stadium for the Vikings and the Gophers."

Members of the committee voiced their opposition to the bill. Sen. Douglas Johnson (DFL-Tower) said, "This whole thing has been a comedy of errors. And the bill keeps going up; we start at \$385 million for the Twins. The Vikings want \$159 million. Somebody else wants \$50 million for improvements to the St. Paul Civic Center for NHL hockey." Sen. Edward Oliver (R-Deephaven) said, "What's missing is the private sector. Why aren't they stepping up to the plate? Some of our corporate CEOs could go to their shareholders. Their participation would make any deal more palatable."

# Committee update

## Agriculture and Rural Development

### Appointments confirmed

The Agriculture and Rural Development Committee recommended confirmation of two appointments to the Minnesota Rural Finance Authority Thurs., Mar. 13. The committee, chaired by Sen. Dallas Sams (DFL-Tracy), also advanced three bills for further consideration.

The two appointees to the MRFA are Christopher Skaalen and Patrick Thiry. Skaalen, who had planned to testify in person but was prevented from doing so by bad weather, faxed a letter that pointed to his past service with the MRFA and said, "My primary commitment is to young farmers to make farming a viable vocation." Thiry shared that perspective and said, "You don't see many young farmers any more. Combining my banking experience with my agricultural knowledge, I bring a strong understanding of agriculture, the needs of farm families, and the future of farming to the MRFA." Both appointments were confirmed by the committee and sent to the Senate floor.

Sen. LeRoy Stumpf presented S.F. 108, a bill appropriating \$250,000 to be credited to the seed potato inspection fund. The bill was okayed and advanced to the Environment and Agriculture Budget Division. S.F. 526, authored by Sen. Pat Pariseau (R-Farmington), provides for food handler certification. The bill was approved and advanced to the Senate floor. A bill changing grain buyers' license fees, S.F. 817, was presented by Sen. Steve Dille (R-Dassel). An amendment to the bill with further license fee changes was adopted, and the bill as amended was approved and sent to the Environment and Agriculture Budget Division.

### Hemp bill passed

A bill legalizing the production of industrial hemp was presented to the Agriculture and Rural Development Committee Tues., Mar. 18. Chaired by Sen. Dallas Sams (DFL-Staples), the committee also reviewed proposed legislation related to the environment and horse care.

Senate Majority Leader Roger Moe (DFL-Erskine) presented S.F. 1181, a bill that classifies industrial hemp as an agricultural product. The bill permits the production of industrial hemp only for commercial use, sets up a registration process for potential producers and refers to penalties for violations of controlled substance regulations. Moe said, "Let me be very clear. What I don't want to do with this bill is legalize marijuana or reduce enforcement on possession of marijuana. What I do want to do is encourage the state of Minnesota to explore the use of industrial hemp to serve the best interests of our agriculture and industry." Chris Leifeld of the Minnesota Farmers Union said, "We support the bill

because industrial hemp as a cash crop has many benefits—it can easily be integrated into current rotation, it is resistant to chemicals, and it has lots of different uses." Speaking in opposition to the bill, Janet McDougal, representing Drug Watch of Minnesota, said, "The cultivation of hemp as a commercial field crop would increase trafficking and use of the drug, adding enormously to the world's drug problem." After the bill was amended removing the legislative findings and purpose subdivision, the bill was approved and sent to the Senate floor.

S.F. 904, authored by Sen. Steve Murphy (DFL-Red Wing), requires the commissioner of agriculture to develop a program to replace all mercury manometers in use on dairy farms with nonmercury manometers. A manometer is used in dairy barns to gauge the vacuum in milking machines, and the use of mercury manometers poses a potential environmental hazard according to the state Pollution Control Agency. The nonmercury manometers as specified in the bill would be spring-loaded. The bill was okayed and advanced to the Environment and Agriculture Budget Division. Sen. Steve Dille (R-Dassel) presented S.F. 816, a bill relating to animal care. The bill permits only veterinarians to perform certain surgical procedures on horses, changes dog shelter entrance requirements and repeals statute requiring minimal standards of care for horses. The bill was laid over for further consideration.

## Commerce Committee

### Health care bills moved

The Commerce Committee, chaired by Sen. Sam Solon (DFL-Duluth), met Thurs., Mar. 13, and advanced three bills relating to health care consumer protection and assistance.

S.F. 819, sponsored by Sen. Steven Morse (DFL-Dakota), and S.F. 960, sponsored by Linda Berglin (DFL-Mpls.), both create a statewide health care consumer assistance office and program. The bills also prohibit contracts that restrict communication between providers and their patients; require disclosure to patients of health care provider financial incentives; prohibit contracts or agreements that prevent a provider from communicating with a patient regarding their health, care, or treatment options if the provider is acting in good faith; and require health plan companies to provide continuity of care and access to specialty care for some enrollees.

S.F. 320, sponsored by Sen. Deanna Wiener (DFL-Eagan), prohibits health care companies from denying coverage of a mastectomy performed on an inpatient hospital basis, clarifies the status of the comprehensive health association under Medical Assistance and General Assistance medical care, opens the process for selecting a writing carrier, permits contributing member to offset assessments against

premium taxes, eliminates the four-month waiting period under MinnesotaCare for association enrollees, establishes a reviewing process of proposed state-mandated health plan benefits, authorizes public information projects to inform uninsured persons about the availability of health coverage, encourages health plans to collaborate with public health agencies, provides alternative funding for local public health activities and county social services, strengthens and enforces the pass-through provision of the health care provider tax, and reduces duplicative inspections and regulatory compliance requirements for health plan companies.

Wiener offered an amendment to S.F. 320 allowing MA enrollees to remain eligible for MNCHA for a fiscal year if the commissioner of finance has determined by June 15 of the preceding fiscal year that the Legislature has appropriated sufficient funds to cover the individual's total claims costs, and clarifying that a "mandated benefit proposal" does not include benefit proposals changing the scope of practice of licensed health care professionals. The committee adopted the amendments and re-referred the bill to the Health and Family Security Committee.

Morse offered an amendment to S.F. 819 excluding from the definition of health plan company third party administrators of benefit plans, removing the requirement that the health care consumer assistance program conduct voluntary surveys of self-insured plans to verify compliance contracts are in place, and making it unnecessary for the commissioner of health to apply to the U.S. Dept. of Labor before investigating enrollee health coverage complaints. Sen. Linda Runbeck (R-Circle Pines) offered an amendment allowing the health care consumer assistance program to "inform" instead of "educate and train" consumers about their health care coverage plan. The committee adopted the amendments and re-referred the bill to the Governmental Operations Committee.

Berglin offered an amendment clarifying that self-insured employers or labor unions do not fall under the requirements of the bill's provisions. The amendments were adopted and the bill was re-referred to the Health and Family Security Committee.

### Teen alcohol access limited

A bill aimed at reducing teen access to alcohol was heard in the Commerce Committee Tues., Mar. 18. The bill, S.F. 316, authored by Sen. Ember Junge (DFL-New Hope), requires local governments to periodically check alcohol retail outlets for compliance with the under age 21 sales prohibition.

Dr. Alex Wagenaar, from the University of Minnesota School of Public Health, testified about the results of numerous studies on teenage alcohol consumption. Wagenaar said that one study found that 54 percent of bars and restaurants and 58 percent of liquor and grocery stores in Minnesota sell alcoholic beverages to

customers who appear underage. Wagenaar said "it's not just a few bad apples, it's over half the bushel." Another study cited by Wagenaar found that 40 percent of 9th graders, 53 percent of 12th graders and 91 percent of 18-20 year olds successfully attempted to purchase alcohol. A third study found that only 4 percent of bars and restaurants and 15 percent of liquor and grocery stores were issued citations for selling to underage customers.

Bob Pomplun, of Loss Control Services, said that the bill should address other problems related to underage alcohol consumption. He said that youth should be arrested at the point of sale when they try to purchase alcoholic beverages and that there is no civil liability on underage people whenever they exchange alcohol. He also said that parents who furnish alcohol to minors should come under the Dram Shop Act.

Claudia Brewington, representing the distilled spirits industry, spoke against other provisions of the bill designed to stop the marketing of alcoholic beverages to youth. She said that a provision raising the minimum bottle size available for sale will result in larger bottles being sold, which in turn could result in greater consumption. She said that the trend in marketing liquor products today is toward single serving convenience packages for adults. Sen. Allan Spear (DFL-Mpls.) said he was unconvinced that small bottles were marketed at youth and moved to delete the minimum bottle size increase. Junge opposed the amendment, saying that awareness of the bottle size issue was just starting, but the panel sided with Spear.

Another provision in the bill prohibits beverage brands that use cartoon characters and caricatures. Bill co-author Sen. William Belanger (R-Bloomington) removed the provision, saying there were too many constitutional problems with it.

The committee, chaired by Sen. Sam Solon (DFL-Duluth), approved the bill, and sent it to the Senate floor.

## Crime Prevention

### Graduation incentives okayed

A bill providing incentives for students to complete high school sparked discussion at the Mon., Mar. 17, meeting of the Crime Prevention Committee. "Are we now saying as a society that we don't have the values to do the right thing?" Sen. Dave Knutson (R-Burnsville) asked Chair Allan Spear (DFL-Mpls.), in reference to S.F. 933. Spear said that his bill is patterned on a Philadelphia prototype program called QOP, Quantum Opportunity Program. He said the east coast program was deemed by the RAND Corporation to have led to a 56 percent reduction in juvenile crime and that program participants were more 42 percent more likely to enroll in post-secondary school than non-participating students. The program, said Spear requires that a student put in 250 hours of community service, 250 hours of

education and 250 hours of cultural enrichment per year for four years in addition to attending high school. The student is paid a small stipend for this time, but more importantly, matching money is put into a scholarship account to be used for college upon graduation, Spears said. The requested appropriation is \$5 million.

In response to Knutson's doubts, Attorney General Skip Humphrey said, "It's counter-intuitive, I know. But people out there aren't doing the right thing, and in terms of crime and out-of-wedlock births, it's costing you an arm and a leg." Spear successfully offered an amendment extending the program year to include summer. On a voice vote, the bill was approved and re-referred to the Department of Children, Families and Learning.

Other bills heard included a funding proposal for Minneapolis' Illusion Theater's anti-violence outreach project. Authored by Spear, S.F. 1020 was approved and re-referred to the Committee of Children, Families and Learning.

S.F. 133, authored by Sen. Randy Kelly (DFL-St. Paul), allows for representatives of a community affected by a crime to submit an impact statement at the sentencing hearing. The panel debated a provision prohibiting defendants from rebutting victim impact statements at the time of sentencing. Although Sen. Thomas Neuville (R-Northfield) admitted that the bill protected victims and families from re-victimization, he also cited a case he had defended in which the victim exaggerated facts in an impact statement, and was rebutted by the defendant. Kelly accepted Neuville's suggestion and amended the bill to allow for rebuttal of factual nature relevant to the sentencing. The bill, which also expands the duties of the Crime Victim and Witness Advisory Council and increases emergency assistance money to clean up a crime scene, was approved and re-referred to the Governmental Operations and Veterans Affairs Committee.

Knutson then offered another victim notification bill, S.F. 364, which requires the prosecuting authority in a case to release investigative data to a crime victim unless the release interferes with the investigation or is motivated by a desire to engage in illegal activities. The bill was approved and re-referred to the Judiciary Committee.

### HIV protection bill advances

Legislation inspired by an incident in which a DNR officer was struck by a fleeing snowmobiler was approved Wed., Mar. 19, by the Crime Prevention Committee, chaired by Allan Spear (DFL-Mpls). SF. 325, which expands the illegality of fleeing from a peace officer on a recreational vehicle, adding motor vehicle license revocation as the penalty for this offense. The bill, authored by Sen. William Belanger (DFL-Bloomington) was sent to the Senate floor with a recommendation to pass.

SF. 993, a bill primarily concerned with protecting corrections employees from the HIV virus by designating them as high risk

was presented by Sen. Pat Piper (DFL-Austin). The bill amends the definition of "emergency medical services personnel" in the law relating to HIV and hepatitis viruses. It requires that an investigation to determine whether a significant exposure has occurred be completed within 72 hours of receipt of the exposure report. The investigation must be completed quickly to enable the patient to benefit from contemporary standards of care for reducing the risk of infection. The bill was further amended to expand the definition of emergency medical service personnel to include all correctional employees with inmate contact that could result in significant exposure to HIV.

The panel debated a section of the bill authorizing pharmacies to sell unused hypodermic needles over the counter in amounts of ten or fewer without a prescription. Discussion led to an amendment requiring that educational information on HIV and drug abuse and treatment be made available to needle purchasers. "We have this one opportunity to give this information," said Sen. David Knutson (R-Burnsville), "It would be a shame to waste it." The panel approved the amendment. Speaking in support of efforts to proactively deal with intravenous drug use, a representative from the state Department of Health informed the panel that of 18 infants born with HIV in the state, 12 received the virus from IV drug using parents. The bill was approved with a recommendation to pass and re-referred to the Committee on Children, Families and Learning.

Sen. Randy Kelly presented a bill clarifying the authority of the Ombudsman for Corrections. The bill, SF. 772, specifies that statutory authority of the official extends into privately operated contract prison facilities. Immunity from testifying is also extended to the ombudsman for corrections. The bill was recommended to pass and re-referred to the Judiciary Committee.

Calling SF. 1175 one of her favorites, Sen. Jane Ranum (DFL-Mpls.) explained its goal of "doing a better job up front when a child presents a problem." The bill provides for a closer working relationship between the Juvenile Court and the schools, and creates an assessment center for juveniles patterned on a successful model operating in Florida. Ranum explained that the center would work to diagnose mental health problems in youth and that the court would have the authority, based on information from the center, to order schools to plan and create a customized program for a particular child. The bill was approved and re-referred to the Committee on Children, Families and Learning.

## Environment and Natural Resources

### Landsale bill approved

The Environment and Natural Resources Committee assembled its annual landsale transfer bill at a Mon., Mar. 17, meeting.

# Committee update

The final bill, S.F. 309, sponsored by Sen. Dan Stevens (R-Mora), became the vehicle for five other bills heard by the committee.

Most of the discussion centered around S.F. 1128, sponsored by Committee Chair Bob Lessard (DFL-Int'l. Falls). The bill directs the private sale of Dept. of Natural Resources (DNR) land to lessees who use the land to produce wild rice. Beth Nelson of the Minnesota Wild Rice Growers Association, said the lessees have made improvements to the land parcels and want to buy those parcels. Stephanie Warne of the DNR said the department is agreeable to the sales.

Other bills considered permit the sale of tax-forfeited lands in various counties. The bills are S.F. 307, carried by Sen. David Ten Eyck (DFL-East Gull Lake) for Cass County; S.F. 778, carried by Sen. Becky Lourey (DFL-Kerrick) for Aitkin County; S.F. 846, carried by Sen. Dallas Sams (DFL-Staples) for Becker County; S.F. 187, carried by Sen. Don Samuelson (DFL-Brainered) for Crow Wing County and Stevens' bill for Mille Lacs County. All the foregoing bills were approved, inserted into S.F. 309 and advanced to the Senate floor.

One other bill heard by the panel, S.F. 867, sponsored by Sen. John Hottinger (DFL-Mankato), conveys state land to the city of Mankato for the completion of a trail system. The bill was approved separately and sent to the floor.

## Product labeling law repealed

The Environment and Natural Resources committee met Weds., Mar. 19, and voted to repeal a state law requiring the labeling of products defined as hazardous. The repeal is in S.F. 1115, sponsored by Sen. Steven Novak (DFL-New Brighton).

Novak said that when the state law was enacted in 1993, it included a pre-emption contingent on the federal government enacting a uniform product labeling law by the year 2000. He said that the federal government has not proceeded with that plan. He added that the state law definition of hazardous products includes many household cleaning products.

Mike Robertson, representing the Minnesota Chamber of Commerce Task Force on Toxics, said the law doesn't serve a reasonable purpose and can't be practically implemented. He said the law takes the federal definition of "waste" and applies it to products. Because of that, he said, many people might think they need to take empty product containers to household hazardous waste disposal sites. Additionally, he said, without the uniform federal regulations, Minnesota labeling regulations may not be the same as those adopted by other states. The effect, Robertson said, would be chaotic.

Sen. Steven Morse (DFL-Dakota) said the bill was "overreacting" and that it takes away the opportunity for the consumer to make an informed decision. He suggested that a point of purchase label could accompany the product on Minnesota store shelves to overcome the problem of differing

regulations in other states.

Novak said that Minnesota enacted the law in 1993 to begin a national trend. "Now," he said, "four years later, we're the only ones in the nation and we need to reflect on that."

Tom Osdoba, of the Office of Environmental Assistance (OEA), spoke in opposition to the bill. He said the state needs to take a "slow and deliberate look" at the entire Waste Management Act, of which the product labeling law is part, and make changes.

Sen. Janet Johnson (DFL-North Branch) offered an amendment to delay the effect of the current law to the year 2004. Novak opposed the amendment, saying the labeling requirement is a bad law and delaying its effect isn't a good idea. Morse said a delayed effective date could delay efforts at finding a workable solution to the labeling problem. Sen. Pat Pariseau (R-Farmington) said the real question is whether or not to make Minnesota an island, not when to do it. The amendment failed on divided vote.

Sen. Larry Pogemiller (DFL-Mpls.) offered an amendment removing the labeling law repeal and authorizing a study by the OEA on the labeling issue. The committee rejected the amendment on a 6-11 roll call vote, and then approved the bill 11-6.

Earlier, the committee approved S.F. 574, a bill stating that when a person with a disability is fishing, a personal assistant does not need a fishing license. Mark Jacobson, a constituent of the author, Sen. Linda Scheid (DFL-Brooklyn Park), testified that his mother has M.S. and likes to go fishing. Jacobson said that the Dept. of Natural Resources told him that each of his mother's home health assistants needs a fishing license if they help with fishing activities, even if the assistant doesn't do any fishing. The bill was approved and sent to the Senate floor.

## Environment and Agriculture Budget Division

### Snowmobile trail aid approved

The Environment and Agriculture Budget Division considered five bills at an evening meeting Mon., Mar. 17, including a proposal to increase funding for snowmobile trails.

The bill, S.F. 287, carried by Sen. Bob Lessard (DFL-Int'l. Falls), raises the three year snowmobile registration fee by \$15 and increases the amount of gasoline tax revenues attributable to snowmobile use. Lessard said the registration fee increase will result in an additional \$1 million for each of the next three years for the state's snowmobile trail system. He added that 80 percent of snowmobile accidents occur off trails because the existing trails are too crowded. Jeff Mausoff, of the Minnesota United Snowmobilers Association, said he estimated that 90 percent of the state's trails are unmaintained due to a lack of funding. He also said that much of the maintenance work now is being done by volunteers.

Dennis Asmussen, Dept. of Natural Resources Trails and Waterways Division director, said the maintenance funds are depleted and the original appropriation was \$2.5 million below the need. The panel approved the bill and re-referred it to the Environment and Natural Resources Committee.

The division also considered a bill forgiving a loan to the city of Fridley. Sen. Don Betzold (DFL-Fridley), author of S.F. 377, said the state made the loan to rebuild the Locke Lake Dam. He said that the actual cost of rebuilding the dam exceeded the initial estimates on which the loan amount was based. Fridley City Engineer Jim Florasaid that typically state grants are made for no more than the local contribution and that the city of Fridley has already contributed more than the current loan balance of \$120,000. Division Chair Steven Morse (DFL-Dakota) asked why it was necessary to rebuild the dam. Florasaid that the dam maintains an existing habitat, helps control Mississippi River flooding and maintains a canoe route. The bill was laid over for further consideration.

Other bills considered by the division include S.F. 453, authored by Sen. Dennis Frederickson (R-New Ulm), clarifying that SCORE block grants can be carried forward to the next year without commissioner of finance approval; S.F. 63, authored by Sen. Jim Vickerman (DFL-Tracy) establishing a statewide Beaver Damage Control Board; and S.F. 720, authored by Sen. Steve Dille (R-Dassel), appropriating \$400,000 for a livestock odor control research project. The first two bills were approved and re-referred to the Environment and Natural Resources Committee, while the last was laid over for further consideration.

## Family and Early Childhood Education Budget Division

### Child care needs heard

The Family and Early Childhood Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin), acted on two bills on Fri., Mar. 14.

S.F. 603, authored by Sen. Jane Ranum (DFL-Mpls.), provides that the commissioner of Children, Families, and Learning must establish a process to initiate a competitive grant program to encourage the use of computers and other state-of-the-art technology in early childhood education programs. Under the bill, grant priority must be given to early childhood family education, learning readiness, Head Start, or first grade preparedness programs housed in schools that will offer computer time to early childhood education programs. The bill also appropriates funds to the commissioner of Children, Families, and Learning for the technology grants. Ranum offered an amendment to the bill allowing the grants to be used for the purchase, repair and upgrade of computer hardware and software, and to train staff, students, and parents in the use of

the technology. The division adopted the amendment and laid the bill over for possible inclusion into the family and early childhood education omnibus bill. Ranum said that the bill, if enacted, will make Minnesota the first state in the country having a law providing for early childhood education technology.

S.F. 597, authored by Sen. Becky Lourey (DFL-Kerrick), authorizes Pine County to use a letter of intent instead of completing a grant application needed to obtain social service and employment service funding. The bill also requires the commissioner of human services to report annually to the Legislature on the effectiveness of the alternative funding process and its possible applicability to other small counties. Pine County Human Services Director Robert Walz, said the bill is intended to eventually allow small counties, which cannot afford to produce the professional grants that are submitted by large counties, to have an equal chance of receiving human services funds. The division approved the bill and sent it to the Senate floor.

S.F. 896, authored by Sen. Jerry Janezich (DFL-Chisholm), appropriates \$38.5 million for FY 1998 and \$38.5 million for FY 1999 to the commissioner for the Head Start program. The bill also clarifies that the Department of Children, Families, and Learning is the state agency responsible for administering the Head Start program. The division approved the bill and recommended that it be held over for possible inclusion into the family and early childhood education omnibus bill.

S.F. 972, authored by Sen. Claire Robling (R-Prior Lake), appropriates money for community and school services, and for children and family support, such as adult basic education aid, violence prevention education grants, after school enrichment grants, emergency food assistance, Head Start programs, and transitional housing programs. The division laid the bill over pending further information.

### **Omnibus child care bills heard**

The Family and Early Childhood Education Budget Division heard family and childhood education budget bills Tues., Mar. 18. The division, chaired by Sen. Pat Piper (DFL-Austin), laid over the bills for possible inclusion in the family and early childhood omnibus bill.

S.F. 981, authored by Sen. Becky Lourey (DFL-Kerrick), implements and expands statewide child development education and training programs for child care workers, promotes continuity of care for children in child care centers, and establishes eligibility requirements for child care educational loans not exceeding \$1,500 in each year. The bill also provides for a family childhood mentorship program and an apprentice mentor program to help child care providers and providers of color meet and exceed the child care education requirements of licensed child care providers.

S.F. 797, also authored by Lourey provides that the Department of Children Families and Learning may contract with school districts to provide programs that stress the dangers of drinking and driving, supports student programs to discourage driving after drinking alcohol, allows for chemical abuse prevention education and a community collaborative project for children and youth.

S.F. 870, authored by Sen. Sandra Pappas (DFL-St. Paul), provides for the establishment of integrated child care demonstration projects for children age 12 or under, requires that the projects must integrate HeadStart, learning readiness, early childhood education programs, special needs programs, and expand participant access to the sliding fee programs. The bill also requires the commissioner of children, families and learning to appoint a task force, including minorities, to develop criteria for awarding funding for three-year demonstration projects, requires that demonstration project applicants' plans include quality early childhood education, continuity of child caregiver relationships, parental involvement, family stability and cultural sensitivity. In addition, the bill requires demonstration project applicants to show how the project will combine funding streams to create a community-wide child care system based on the sliding fee program and how it will eliminate sliding fee waiting lists.

S.F. 716, also authored by Pappas, specifies that pupils enrolled for a certain number of hours in a learning program may be counted as more than one pupil in average daily membership, prohibits districts or private nonprofit organizations providing adult basic education (ABE) programs from receiving more than 100 percent of the program's actual cost from federal, state aid and tax levy, requires that any entity that receives English as a second language (ESL) or ABE revenue must collaborate with all community-based and nonprofit organizations that are able to deliver ELS or citizenship programs.

S.F. 1088, sponsored by Linda Higgins (DFL-Mpls.), raises the school district revenue for early childhood family education programs from \$101.25 to \$130 per child for FY 1998 and later fiscal years.

## **Governmental Operations and Veterans Affairs**

### **Bonus approved, cruelty debated**

Sen. Don Betzold (DFL-Fridley), an active Army reservist himself, said he finds fault with elements of S.F. 445, a bill authored by Chair James Metzen (DFL-South St. Paul) providing monetary bonuses to Minnesotans who served in the armed forces during the Persian Gulf War. Metzen presented the bill to the Governmental Operations Committee Thurs., Mar. 13. When Metzen compared the proposed compensation to that given to Viet Nam War veterans, Betzold pointed out that the volunteer status of Persian Gulfera

troops makes for skewed comparison. "The Viet Nam bonus was deliberately structured to compensate anyone serving during that time." He said his amendment would limit the Gulf War bonus to those who "actually incurred a sacrifice." Betzold offered a lengthy amendment that limits benefits to only those active duty service people who declared Minnesota residency during the time and who went to the combat theater. Under the amendment, reservists who were mobilized and temporarily transplanted would get the bonus even if they were not sent overseas. Betzold also called for an increase in the bonus amount from \$300 to \$600. After testimony by Jeff Olson, deputy commissioner of the Dept. of Veterans Affairs, who supported benefits for vets "of both the combat theater and outside the combat theater." Sen. Linda Runbeck (R-Circle Pines) asked if the money was at this point "promised," and said that if it is, next time distinctions along the lines of those proposed by Betzold should be considered earlier in the process. Metzen renewed his plea for passage, stating that the Betzold amendment would cut out 28,000 men and women. The amendment was defeated and the bill was approved and sent to the Governmental Operations Budget division.

"We need to put some teeth in Minnesota's animal cruelty law," said Sen. Charles Wiger (DFL-North St. Paul). The current state law is, he said, one of the country's weakest. His bill, S.F. 1203, comes in the wake of a Scott county incident in which a farmer left a barn full of cows starve to death. Currently, Wisconsin and other states have certain categories of animal cruelty which are considered felonies. S.F. 1203 aims to clarify cruelty sections and, he said, "recognizes the link between violence to animals and violence to humans." According to Wiger, "studies show that half of those convicted of rape and homicide have a history of animal abuse."

Attorney and animal activist Pam Finnamore said the bill clarifies terms like "torture" and "necessary food" using definitions from human assault statutes as well as those governing commercial breeding and veterinary practice. Though Finnamore asserted that the bill does not affect Minnesota's lawful hunting and fishing activities, Senators posed various scenarios in an attempt to determine the scope of the law. After acknowledging that the bill applies not only to domestic animals and livestock but "all living creatures," Finnamore fielded hypotheticals ranging from putting a sick pet to sleep to shooting grouse off season. The bill was laid over for further consideration.

### **Information policy discussed**

The need to organize Minnesota's data privacy laws was the subject of discussion at the Tues., Mar. 18, meeting of the Governmental Operations and Veterans Committee, chaired by Sen. James Metzen (DFL-South St. Paul). To address that issue, two

# Committee update

bills were put forth, each proposing a different means of achieving that goal.

The two bills, S.F. 502 sponsored by Sen. Don Betzold (DFL-Fridley), and S.F. 824 sponsored by Sen. David Knutson (R-Burnsville), both set up task forces to study the issue and make recommendations to the Legislature. Betzold's bill proposes that the task force be comprised of six Legislators while Knutson's would use state agency heads and other interested parties.

In highlighting the differences between the proposed task forces, Betzold said the task force created by S.F. 502 didn't have as many members. Betzold did, though emphasize the need for "a lot" of public input. He said he was concerned that the task force created by S.F. 824, with 25 members, would be too large to get anything accomplished. He also cautioned members that agency people may come to the discussion with an agenda of protecting their part of government, whereas Legislators would seek the best solution.

In response, Knutson said that interest groups "need a place at the table." He asked that if only Legislators are on the commission, "why don't we just have a committee meeting?" Knutson added that after the task force makes its recommendation, the Legislature is the final arbiter of policy questions.

Sen. Leonard Price (DFL-Woodbury) asked both sponsors about the costs of their studies. Betzold said a fiscal note with his bill estimated \$77,000, but added that some of the figures would have to be revised upward. Knutson said he didn't have a fiscal note, but said that the cost would be similar. Betzold countered that with more members, per diem and travel expenses for members from Greater Minnesota would make Knutson's commission cost more. Both bills were laid on the table so the authors could work out a compromise.

The committee then turned to S.F. 1203, sponsored by Sen. Charles Wiger (DFL-North St. Paul). Wiger's bill increases the penalty for acts of cruelty toward animals. Several opponents, who all opposed animal cruelty, spoke against the bill, with many saying the definitions found in the bill were too vague. Skip Abel of the Minnesota Boxer Club, said that many common veterinary surgeries would meet the definition of cruel acts found in the bill. Mike DonCarlos of the Dept. of Natural Resources said he was concerned that the bill would adversely impact the state's game and fish laws. The panel laid the bill over to address the opponents' concerns.

S.F. 100, sponsored by Sen. Linda Runbeck (R-Circle Pines), establishing the Minnesota Office of Technology was also heard. The committee approved the bill and re-referred it to the Judiciary Committee.

## Omnibus advisory bill created

On Weds., Mar. 19, the Governmental Operations and Veterans Affairs Committee met to hear a number of bills dealing with advisory committees and councils.

"We've put into statute all sorts of advisory boards, councils, and committees, and we are now trying to get our arms around what they all do," said Sen. Deanna Weiner (DFL-Eagan). According to Weiner, S.F. 1316 requires all advisory groups established before Jan. 1, 1997, to expire June 30, 1997, while advisory groups established this session will expire June 30, 2001. The bill also requires all advisory agencies to submit a one-page memorandum summarizing their activities. Those that do not comply will not receive state compensation for their expenditures. Chair James Metzen (DFL-South St. Paul) said that the number of advisory agencies has become so prolific that lawmakers are having an impossible time keeping track. Members approved the bill but decided to lay it aside in order to attach all legislation dealing with the expiration date for advisory groups to the bill in the coming days. Any advisory groups that are not part of S.F. 1316 will expire this year.

Sen. Dallas Sams (DFL-Staples) presented S.F. 37, a bill providing sunset date extensions for the Physical Therapy, Physicians Assistant, Respiratory Care Practitioners, and Acupuncture Advisory Councils to June 30, 2001.

S.F. 190, authored by Sen. David Ten Eyck (DFL-East Gull Lake), also provides date extensions to a number of advisory committees. Sen. Martha Robertson (R-Minnetonka) successfully offered an amendment that exempts the commissioner of human services from rules adopted to implement the welfare reform program until Feb. 28, 1999. The amendment, she said, is intended to give the commissioner added flexibility when implementing the new welfare program.

Sen. Becky Lourey (DFL-Kerrick) presented a bill, S.F. 347, that extends the life of four agricultural advisory committees. All three bills were approved and amended onto S.F. 1316.

Sen. Sheila Kiscaden (R-Rochester) offered two bills for consideration. The first bill, S.F. 652, authorizes the Depts. of Human Services and Children, Families, and Learning to create a task force to study the treatment of autism. The bill was amended to comply with S.F. 1316, was approved, and advanced to the floor.

The second bill authored by Kiscaden, S.F. 228, is the Dept. of Human Services' health occupations measure, modifying provisions dealing with licensure procedures. She reviewed the amendments made to bill in the Health and Family Security Committee and highlighted the section germane to the Governmental Operations Committee; the section creates an advisory task force to study the overlapping scope of practice among regulated and unregulated health occupations. The bill was amended to sunset the advisory committee on June 30, 2001. Weiner then offered an amendment to delete a section that exempts registered audiologists from increased license fees and some regulation. Since only one person

from the public was present to testify, Metzen elected to lay the bill over until a later meeting to allow for balanced public testimony on the controversial amendment.

S.F. 1168, said Sen. Sandra Pappas (DFL-St. Paul), directs Minneapolis, St. Paul, and the Metropolitan Council to establish a task force that is directed to study the feasibility of implementing a school transportation plan using public transit. The bill was amended to sunset the advisory task force on June 30, 2001, and the measure was then re-referred to the Transportation Committee.

Finally, Lourey presented S.F. 1272, a bill that establishes the Firefighters Training Study Committee. According to Lourey, \$49,500 is appropriated to the Dept. of Public Safety to create the committee. After Sen. Lawrence Pogemiller (DFL-Mpls.) successfully offered an amendment to remove language that requires Senate and House membership on the committee, the measure was approved and re-referred to the Crime Prevention and Judiciary Budget Division.

## Health and Family Security

### Rural health bill okayed

Sen. Dallas Sams (DFL-Staples) presented S.F. 438, a bill that attempts to prevent further decay in Greater Minnesota's health care infrastructure, at the Thurs., Mar. 13, Health and Family Security Committee meeting. He explained that there are approximately 110 hospitals in rural Minnesota that are providing essential health care to small communities throughout the state. However, Sams said, over 20 hospitals in Greater Minnesota have closed since the early 1980s and many more are on the brink of closing, threatening the integrity of the state's health care infrastructure. "This bill may provide limited relief to these hospitals and communities," he said. Under the bill, rural hospitals that have qualified for a sole community hospital financial assistance grant are to be classified as an essential provider. The bill also establishes the Rural Hospital Cooperation/Consolidation Demonstration Project. Furthermore, a variety of grant programs are created—the Rural Hospital Planning and Transition Grant, Rural Hospital Capital Improvement Grant and Loan, and the Sole Community Hospital Financial Assistance Grant Programs. In addition, the bill requires increased rural representation on the Minnesota Health Care Commission and repeals the \$400 annual physician license surcharge. The bill was approved and re-referred to the Health and Family Security Budget Division.

As the meeting progressed, Chair John Hottinger (DFL-Mankato) announced that the volume of bills on the day's agenda necessitated additional meeting time in the evening. Sen. Sam Solon (DFL-Duluth) presented a measure changing nursing home reimbursement formulas, S.F. 223. The bill maintains the current nursing home reimbursement rates that are set to expire

this year. Deputy Commissioner Tom Moss, Dept. of Human Services, said, "There are two things at stake with this bill. How much money is getting to nursing homes, and the way reimbursement is offered." He explained that with nursing facility reimbursements, a complex system has evolved that attempts to hold down the rate increases. Moss said the proposal reduces the limits on rate increases.

Loren Colman, Care Providers of Minnesota, said he urged members to support the bill because if it is not adopted, many homes will only have a nominal rate increase of 1 percent, while other nursing facilities may even face rate reductions. The bill was approved and re-referred to the Health and Family Security Budget Division.

Sen. Linda Berglin (DFL-Mpls.) also presented two bills at the meeting. S.F. 927 establishes a pilot project for assisted living services for seniors at the Cedar Riverside housing complex. The program is to be implemented through a contract with the Korean Service Center and provides assisted living care to elderly and disabled individuals to enable them to remain in their homes. Members approved the measure and re-referred it to the Health and Family Security Budget Division.

The second bill Berglin offered for consideration, S.F. 333, incorporates language from two other bills, S.F. 334, authored by Berglin, and S.F. 645, authored by Sen. Becky Lourey (DFL-Kerrick). Berglin explained that the consolidated bill authorizes Medical Assistance and Alternative Care reimbursement for home care services provided to clients living in housing for the elderly, modifies the regulation of the establishments, establishes licensure for a new category of housing for the elderly provider, and modifies the regulation of home care providers. The bill was approved and advanced to the floor.

"S.F. 500 incorporates the 1996 amendments to the Uniform Interstate Family Support Act (UIFSA)," said the bill's author, Sen. Leo Foley. He said the state needs the legislation to comply with the federal welfare reform act and is essentially a conformity bill. The measure advanced to the floor.

Sen. Don Betzold (DFL-Fridley) explained that S.F. 53 makes a number of changes to civil commitment law. He said the most substantive change allows court ordered early intervention for mentally ill people.

"The early intervention is needed to prevent people from hitting rock bottom before the state steps in," he said. Before offering an amendment, Betzold explained, "If the commitment of a patient ends and a person is in need of continued hospitalization, currently the counties are responsible for the costs accrued by the individual over a two to three week period while the re-commitment hearing commences. This amendment fixes that." He said the treatment centers will be responsible for the interim costs. The Betzold amendment prevailed and the measure was approved and sent to the floor.

## **Mental health initiative okayed**

At an emotional meeting of the Health and Family Security Committee Fri., Mar. 14, a bill appropriating an additional \$35 million over the biennium for children's mental health initiatives was discussed. According to the bill's author, Sen. Steve Dille (R-Dassel), the measure provides approximately \$18 million per year for a variety of programs, covering family community support, day treatment, case management, professional home-based family treatment, and therapeutic foster care support services. Dille said the legislation is a result of recommendations from the governor's Mental Health Advisory Task Force. Members applauded the intent of the bill, but forewarned that it is unlikely the measure can be fully funded as intended. The bill was approved and re-referred to the Health and Family Security Budget Division.

In other business, at the request of Chair John Hottinger (DFL-Mankato), Sen. Sheila Kiscaden (R-Rochester) presented S.F. 136, the Dept. of Human Services (DHS) children's initiative bill. She said the comprehensive measure contains a number of statutory changes to improve social services for children. Three substantive amendments were offered by Kiscaden. The first requires DHS to develop uniform standards specifying the level of contribution counties can require from relatives when out-of-home placement for a child occurs. The second amendment creates the Maltreatment of Minors Advisory Committee that is directed to examine the efficacy of the state's policy for protecting at risk children. The third amendment deletes several sections from the bill that would have necessitated the measure being re-referred to the Children, Families, and Learning Committee. All three amendments were adopted and the bill was re-referred to the Health and Family Security Budget Division.

S.F. 1091, explained Sen. Becky Lourey (DFL-Kerrick), amends the Ombudsman for Older Minnesotans Act. Sen. Don Samuelson (DFL-Brainerd) offered an amendment that deleted the general fund appropriation language from the bill so that the measure can avoid the budget division and proceed straight to the floor. The amendment prevailed and the bill was approved and advanced to the floor.

## **Elderly and disabled care discussed**

In a marathon meeting, the Health and Family Security Committee heard nine bills, Tues., Mar. 18.

Sen. Sheila Kiscaden (R-Rochester) presented S.F. 760, the Dept. of Human Services (DHS) elderly and disabled health care legislative proposal. "This is a long and complex bill that deals with an area of increasing responsibility for the state--care for the elderly and the disabled," she said. Inviting two representatives from DHS to testify, Deputy Commissioner Tom Moss and

Ass't. Commissioner Elaine Timmer, Kiscaden said it would be helpful for members to have a sense of the overall public policy implications they are facing.

Kiscaden explained the three main sections of the bill. Respectively, a section modifies a number of provisions that cover continuing care for elderly persons, another modifies provisions for continuing care for disabled persons, and the third establishes a demonstration project to provide managed care services to persons with disabilities. Members were aware of several controversial provisions within the bill, specifically language dealing with nursing homes. Under the bill, reductions are made to nursing home reimbursement rates and a demonstration project is established designed to remove 20 nursing homes from participation in the Medical Assistance (MA) contract program by June 30, 2002.

Kiscaden offered several amendments, all of which were adopted. The amendments include a number of compromises between DHS, advocacy groups, and the counties dealing with the demonstration project for the disabled.

Chair John Hottinger (DFL-Mankato) invited members from consumer advocacy, labor, and care provider groups, to testify. Testimony on the bill rolled into the evening meeting.

During the evening portion of the agenda, Sen. Linda Berglin (DFL-Mpls.) offered an amendment requiring that people being terminated, under the bill, from Minnesota Comprehensive Health Association (MCHA) insurance coverage be given written notice six months in advance. The amendment was adopted. Members approved the bill and re-referred it to the Health and Family Security Budget Division.

According to Berglin, S.F. 1161 expands the eligibility for the MA Elderly Waiver Program and phases out the Alternative Care Program. Changes to the Elderly Waiver Program include raising the income standard from \$420 to \$650 per month, and raising the asset standard from \$3,000 to \$7,000. Berglin offered an amendment that requires that a person in the Alternative Care Program, who is eligible for the Elderly Waiver Program, must not be enrolled in the Minnesota Senior Health Options Project. The amendment was adopted and the bill was re-referred to the Health and Family Security Budget Division.

Sen. Claire Robling (R-Prior Lake) presented S.F. 313, a bill that authorizes an exception to the nursing home moratorium for a nursing facility in Belle Plaine. The facility requested an exemption from the moratorium to begin a remodeling project to improve the quality of life and safety of its clients. Sen. Steven Morse (DFL-Dakota) asked why the project was not approved by the Dept. of Health. Linda Sutherland, from the department, explained that a competitive bidding process is used where nursing home facilities from around the state present their projects to a citizens advisory commit-

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tee. The committee in turn selects the top several projects based on determined need and the state then uses money out of a fund to increase the facilities reimbursement rates to help defray the costs of the improvement. Hottinger said that he appreciated what the Belle Plaine facility was requesting, but he was opposed to the bill because by approving the exemption, the door would be opened to all of the other projects from around the state that were not accepted by the department's selection process. "We have a process in place, we should not circumvent it. If we want to allow more programs like this to be approved, we should put more money into the process," he said. S.F. 313 was laid on the table.

Sen. Sam Solon (DFL-Duluth) presented S.F. 1146, a bill that authorizes the creation of a nonprofit corporation that will own and operate the Miller-Dawn Medical Center. He said such a move is critical for the survival and future of the hospital. The bill was approved and advanced to the floor.

According to Sen. Dean Johnson (R-Willmar), S.F. 799 is a measure that provides an exemption for a hospital-attached nursing facility in Kandiyohi County from nursing home provisions that are scheduled to take effect July 1, 1997. The provision will limit the amount of increased year-to-year spending allowed for Medical Assistance reimbursement. Johnson said that without the exemption, the nursing facility cannot make the transition from a free-standing facility to a hospital-attached one. After an initial motion to re-refer the bill to the Health and Family Security Budget Division with a recommendation to pass failed, members re-referred the measure without recommendation to the budget division.

S.F. 589, said Sen. Dennis Frederickson (R-New Ulm), provides a rate exemption for a nursing home that underwent a total replacement project that was completed in 1995. The rate exemption pays for operating costs that are associated with the new building that was allowed under the 1993 moratorium exemption process.

In addition, Berglin also presented two nursing home rate exemptions bills. S.F. 915 modifies a rate exception that was granted in 1995 to a nursing facility that completed a partial replacement project under a moratorium exception.

"This next bill addresses an unusual situation. This nursing home came through the moratorium process, the citizens advisory committee approved the project and recommended an exemption, but the commissioner of health did not fund the exemption due to an arbitrary decision that year not to fund projects in the Metropolitan Area," Berglin explained as she presented S.F. 1174. Some members expressed concern and said that the same guidelines that defeated Robling's moratorium exemption bill, S.F. 313, should be applied to Berglin's bill. Hottinger said the two bills present distinct policy situations. Under S.F. 1174, the nursing home went through

the process, was accepted, but did not get funded at the commissioner level. Under S.F. 313, the Belle Plaine facility's project went through the process but did not get approved. "Therefore, if we support this bill, we do not put a chink in the process," Hottinger said. All three bills were approved and re-referred to the Health and Family Security Budget Division.

Finally, Sen. Dallas Sams (DFL-Staples) presented S.F. 36, a bill that authorizes hospital districts to acquire and operate facilities that serve persons with mental retardation and facilities that provide supportive services to elderly persons not in need of nursing home care services. The bill was approved and advanced to the floor.

## Higher Education Budget Division

### Higher funding discussed

Two bills related to the financing of postsecondary education were presented to the Higher Education Budget Division Fri., Mar. 14. The committee, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), also heard testimony regarding the creation of firefighting training videos.

Stumpf presented S.F. 711, a bill reducing the assigned student responsibility to 40 percent for purposes of the state higher education grant program and appropriating \$89 million each year of the biennium to cover costs associated with the reduction. The bill also requires that all state grant recipients are offered opportunities to participate in work study programs. "We need to help the students in the state so they don't have to carry 40 hours of work and 40 hours of class," said Stumpf. The committee heard testimony from a number of witnesses. Lester Collins, representing the State Council of Black Minnesotans said, "Many students of color are leaving the state because they are being recruited by other schools who offer them better grant packages." The bill was laid aside for further discussion.

S.F. 565, authored by Sen. Steven Morse (DFL-Dakota), appropriates \$50,000 for the production and distribution of a training video to be made with the cooperation of the Minnesota Fire Relief Association Coalition and MnSCU's FIRE/EMS center. "The proceeds from the sales of the video would go towards the Coalition's pension fund. This would be something they would update every few years and sell again. This bill provides them with a one-time start-up fund to get it going," said Morse. The bill was laid aside for further consideration.

Sen. Richard Cohen (DFL-St. Paul) presented S.F. 1065, a bill establishing educational savings plan accounts and providing an exclusion for tax purposes of contributions to the accounts. According to the bill, the exclusion is for \$10,000 per year per account, with a lifetime cap of \$75,000 per account. Cohen said, "This plan encourages lower and middle income families to set up IRA type accounts so they

can realistically save for a student's postsecondary education." The bill was laid aside for further consideration.

## Welfare reformed bill heard

A bill providing educational assistance as part of welfare reform was heard by the Higher Education Budget Division Tues., Mar. 18. Chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), the committee considered legislation regarding MnSCU's mission, national service scholars, and HESO financial aid.

Sen. Linda Berglin presented S.F. 289, a bill reducing the student's share of the cost of attendance for recipients of public assistance. The bill appropriates money for additional state grant support, child care grants and work-study grants for those affected by welfare reform. Berglin said, "One of the programs ending as a result of welfare reform is the Stride Program. This bill will help those who would have been Stride recipients." The bill was laid over to be considered as part of the division's omnibus bill.

S.F. 1075, authored by Sen. Steve Murphy (DFL-Red Wing) reduces the student's share of the cost of attendance, upon which HESO grant stipends are based, from 50 percent to 48 percent in FY 98 and 45 percent in FY 99. The bill also authorizes that funds left over be carried forward to the next year. This bill was also laid over to be considered as part of the division's omnibus bill. Stumpf presented S.F. 1313, a bill that provides matching state grants for students who win \$500 scholarships from the Corporation for National Service. After the bill was amended to make eligibility for the matching grant conditional on attendance at a Minnesota postsecondary institution, the bill was approved and laid over to be considered as part of the division's omnibus bill.

A bill that clarifies the mission statement of MnSCU, S.F. 713, was presented by Sen. Steve Kelley (DFL-Hopkins). The bill was amended to require a common course numbering system throughout the MnSCU system to facilitate the transfer of credits for equivalent courses. A further amendment writes into statute a student's ability to transfer credits earned at one institution to another. The student could use the credits toward a baccalaureate degree program. The bill as amended will be considered as part of the division's omnibus bill.

## Human Resources Finance

### Welfare reform bill discussed

On Mon., Mar. 17, Sen. Don Samuelson (DFL-Brainerd) presented S.F. 1, the controversial welfare reform bill, to the Human Resources Finance Committee. Under the bill, the Minnesota Family Investment Program (MFIP) is expanded statewide beginning July 1, 1997. MFIP is not considered an entitlement but, however, the commissioner of human services must report annually on Jan. 15 on the status of MFIP funding. The bill extends benefits to

everyone residing legally in the U.S. except persons defined as nonimmigrants. All grants are paid with federal Temporary Assistance to Needy Families (TANF) dollars where permitted, or with state funds. There is also a 60-month lifetime limit on assistance, as required by federal law. Furthermore, a 30-day residency requirement is established with exceptions only for unusual hardship. Following the first 30 days, the new residents are paid the grant from either the previous state or Minnesota, whichever is lower. If the residency requirement is enjoined, a contingent grant standard is implemented which is about one-third lower than the statewide MFIP standard. As for asset limits, new applicants to the program are allowed up to \$2,000, while ongoing recipients are limited to \$5,000. Vehicles are excluded up to \$7,500 in equity value. The bill specifies that drug felons must receive MFIP benefits through vendor payments for rent and utility costs, with any balance paid to the family, until the court-ordered sentence is completed and, when applicable, the felon has successfully completed a drug treatment program. Counties must implement an education and training program by January 1, 1998, and the work activity that is required in order to be eligible for MFIP is defined broadly to include anything in an approved plan that is tied to an employment goal. Furthermore, victims of domestic violence are deferred for up to 12 months from development of an employment plan if their safety continues to be at risk. Under an employment plan, post-secondary education assistance is generally limited to 12 months, but up to 24 months is permitted in special cases.

The committee's legislative fiscal analyst detailed the funding issues in the measure.

Samuelson offered several technical amendments that were all adopted, but in one case, Sen. Sheila Kiscaden (R-Rochester) requested that Samuelson withhold specific language in an amendment that would have modified provisions dealing with battered women's shelters. She said she wanted better solutions to the shelters issue and would revisit it at the next meeting. Samuelson agreed and divided his amendment so as not to include the women's shelter modifications.

Sen. Becky Lourey (DFL-Kerrick) offered a number of amendments that made minor modifications to the education and training (E&T) components of the bill, and most were adopted.

Calling it the "working families amendment," Chair Linda Berglin (DFL-Mpls.) offered an amendment that excludes certain families from the 60-month TANF lifetime limit as long as they are complying with specific work requirements. Under the amendment, in two parent families, one parent must work at least 35 hours per week while the second parent must work a minimum of 20 hours. Single parents are required to work at least 30 hours a week, unless the single parent has a child under

the age of six, whereupon 20 hours of work are required to still qualify. Berglin explained that families working the required number of hours would be eligible to continue receiving aid and not have it count against their TANF lifetime limit. When Samuelson said he was nervous about starting an extensive, new state program, Berglin said her intention was to provide an incentive to someone who is working, and in an education program, to continue their education. Several members expressed concern that there were no time limits placed within the amendment. "Theoretically, a person could continue receiving aid for 120 months and not have it count against their lifetime limit," said Sen. Dan Stevens (R-Mora). Though Berglin amended her proposal with limitations on the number of months a welfare recipient would be allowed to avoid the TANF lifetime limit, members did not adopt the amendment.

The bill was laid over for continued discussion.

### **Welfare bill sent to the floor**

Members of the Human Resources Finance Committee returned to S.F. 1, the welfare reform bill, at the Tues., Mar. 18, meeting. Turning immediately to amendments, Chair Linda Berglin (DFL-Mpls.) offered an amendment that identifies which welfare recipients will be exempted from the federal work requirements and not count against the state's work participation rate. Under the federal welfare reform act, the state will have its Temporary Assistance to Needy Families (TANF) block grant reduced by the federal government if a specific percentage of the recipient caseload is not working in suitable employment by specific deadlines. However, the state has been given flexibility in how it defines "suitable work" and, in addition, is allowed to exempt up to 20 percent of its welfare caseload from the work requirements and not face federal sanction. Berglin explained that the amendment is necessary following an amendment made in the Health and Family Security Committee that left the definition of exempted recipients too broad. Therefore, her amendment narrows the list of exempted families so that it will comply with federal law. The amendment was adopted.

Before offering a second amendment, Berglin said that as the state has moved towards implementing the Minnesota Family Investment Program (MFIP) statewide, the government has averaged the value of food stamps in the bill. Therefore, some people who would not have qualified for food stamps under the old Aid to Dependent Families with Children (AFDC) program will now receive a cash supplement from the state, while other families that were receiving food stamps will now have their state cash supplemental aid for food reduced. "I do not want the state to be taking food away from families and children," Berglin said. She then offered an amendment that

raises the average value of the state supplemental cash grant. In order to raise the grant value, the amendment reduces the MFIP assistance grant by the amount of the supplemental food portion for caregivers who are not natural or adoptive parents and who are not required to participate in a welfare work plan. The amendment also delays the statewide MFIP implementation date from Oct. 1 to Dec. 1, 1997. The committee's legislative fiscal analyst explained that the state would save approximately \$26.5 million over the two years the amendment would be in effect, while increasing the MFIP grant for eligible recipients will cost approximately \$31 million.

Sen. Sheila Kiscaden (R-Rochester) asked Deborah Huskins, asst. commissioner, Dept. of Human Services (DHS), what policy implications were implicit in the amendment and if the amendment reduces the work incentive under MFIP. Huskins said the amendment does not change the work incentive for recipients, raises the family wage level slightly, and may alter the percentage of poverty level that causes people to exit MFIP.

Samuelson said he wanted to maintain the exit point from MFIP at the 120 percent of poverty level and, therefore, he offered an amendment to Berglin's amendment to reduce the income disregard level from 37 percent to 35 percent. This, he said, would maintain the 120 percent exit level. The Samuelson motion was adopted, and when members considered the Berglin amendment, it was approved and attached to the bill.

Next, in a controversial move, Berglin re-offered the "working families" amendment that was rejected at the Mon., Mar. 17, committee meeting. The amendment provides exemptions from the 60-month lifetime assistance limit for working families if they work the number of specified hours under the amendment. Working families would be exempted from the 60-month limit for up to 18 months under normal circumstances, but in cases where the person is working and is also enrolled in an approved education program, the parent would be exempted for up to 24 months. The amendment was adopted.

"I want to create more incentives for the small counties to collaborate with each other," said Sen. Sheila Kiscaden (R-Rochester) as she offered an amendment. Specifically, the amendment provides additional education and training (E&T) funds to counties, with populations less than 20,000, that contract with another county to cooperatively offer at least two E&T service providers. She said the program would cost, at the most, \$540,000 a year, and the money allocated would be equivalent to 25 percent of the county's previous year E&T expenditures for STRIDE and MFIP. The amendment was approved.

In another amendment offered by Kiscaden, the transfer of General Assistance funding for battered women's shelter to the

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Dept. of Corrections is delayed until the year 2000 to avoid impacting this year's budget. The amendment was adopted.

After several additional technical amendments were adopted, the committee approved the bill and sent it to the floor.

## Jobs, Energy and Community Development

### Telecommunications bill heard

The Jobs, Energy and Community Development Subcommittee on Telecommunications and Technology, chaired by Sen. Steve Kelley (DFL-Hopkins), heard testimony on a bill relating to telecommunications, Thurs., Mar. 13.

S.F. 155, sponsored by Kelley, provides policies to carry out the state's role in telecommunications regulation that encourage high-speed telecommunications services and a greater capacity for services through provision of a single statewide local access and transport area (LATA). According to Kelley, the Communications Act of 1996 allowed the creation of five LATA boundaries within the state to facilitate fair competition among telecommunications providers. Kelley said that elimination of intrastate LATA boundaries within the state will facilitate improved and more cost efficient consumer telecommunications services.

Sprint representative Victor Dobras, one of several lobbyists who testified before the subcommittee, denied that Minnesota had the right to eliminate LATA boundaries. He said that under the Telecommunications Act of 1996, only the FCC has the authority to change the boundaries. He said that LATA boundary elimination would do little to reduce costs.

AT&T representative Jack Vandernorth said that dismantling LATA boundaries, the result of federal anti-trust action against US WEST, will make it even more difficult for competing companies to obtain needed customer data bases and other concessions held by the telecommunication giant. He said that since federal anti-trust action, US WEST has continued to maintain an advantage over competitors because it already owns the switching stations and lines and enjoys broad name recognition. The bill was laid over pending further discussion.

### Minimum wage bill okayed

The Jobs, Energy and Community Development Committee okayed a bill Tues., Mar. 18, raising the state minimum wage. The committee, chaired by Sen. Steven Novak (DFL-New Brighton), also approved a bill relating to lease provisions and domestic abuse concerns.

S.F. 18, authored by Sen. Randy Kelly (DFL-St. Paul), makes a number of changes in Minnesota statutes related to minimum wage. Effective April 1, 1997, the bill raises the minimum wage from \$4.75 to \$5.15 an hour for large employers and from \$4 to

\$4.90 for small employers. The bill also changes the definition of large employers to those with annual retail sales of \$500,000. An amendment was proposed by Sen. Steve Kelley (DFL-Hopkins) allowing restaurants or food services to apply tips toward payment of the increased minimum wage provided that employers pay the cost of health care benefits. The amendment was adopted. Proponents of the bill, representing hospital-ity industry employees, testified about the need for an increase in the minimum wage. Opponents of the bill, representing the hospitality industry itself, cited a poll of restaurants in the Metro Area showing average hourly compensation for waitstaff at \$12 to \$26 an hour. The bill as amended was approved and advanced to the Senate floor.

Sen. Dave Johnson (DFL-Bloomington) presented S.F. 756, a bill that prevents landlords or their agents from penalizing tenants for making emergency phone calls to police. Cass Welsh from the Consumer Division of the Attorney General's Office, said, "We've received a number of complaints from victims of domestic abuse who are evicted from their apartments due to the number of 911 calls to the police. Some tenants even have prohibitions of emergency calls written into their leases." The bill was approved and sent to the Judiciary Committee.

## Judiciary

### Civil action and health bills heard

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), heard three bills relating to civil action and health issues on Mon., Mar. 17.

S.F. 877, sponsored by Sen. Leo Foley (DFL-Anoka), is in response to a recent Minnesota Supreme Court decision and modifies existing law relating to the admission into personal injury litigation of evidence concerning seat belts or child passenger restraint systems.

Under current law, proof of the failure to use seat belts or a child restraint system, or proof of faulty system installation, or a failure to use seat belts or a child restraint system is inadmissible as evidence in personal injury or property damage litigation resulting from the use of a motor vehicle.

Under S.F. 877, the law continues the inadmissibility of evidence regarding the use of seat belts, but allows a person to bring separate action for damages arising from an incident involving an improperly designed, manufactured or installed seat belt or child restraint system.

An amendment, offered by Sen. David Knutson (R-Burnsville), does not specifically define who may become a party to litigation. The Knutson amendment was adopted. The committee approved the amended bill and sent it to the Senate floor.

S.F. 199, also sponsored by Foley, provides comprehensive regulation of mortuary science. Among its provisions, the bill gives the commissioner of health access to certain

information and property to clarify compliance with the act, classifies as licensing data application information submitted to the commissioner by funeral establishments and crematories, offers liability immunity to persons who submit complaints to the commissioner or who report violations, contains special provisions dealing with anatomical gifts, establishes enforcement mechanisms and provides civil penalties. The committee approved the bill and sent it to the Senate floor.

S.F. 97, sponsored by Sen. Don Betzold (DFL-Fridley), addresses the increasing number of reported tuberculosis cases. The bill provides for the detention and isolation of persons diagnosed with active tuberculosis who pose a danger to public health, establishes standards and procedures for detention and isolation, and modifies tuberculosis screening requirements. The bill was approved and was re-referred to the Health and Family Security Committee.

## K-12 Education Budget Division

### CFL departmental bill discussed

On Fri., Mar. 14, Sen. Linda Sheid (DFL-Brooklyn Park) continued to present S.F. 623 to the K-12 Education Budget Division and Chair Lawrence Pogemiller (DFL-Mpls.). The bill contains housekeeping provisions drafted by the Department of Children, Families and Learning.

Provisions approved for inclusion in the omnibus bill include exempting collaborative facilities from restrictions on long-term agreements; adoption of building pre-design processes and standards patterned on those used by the Department of Administration; the transferring of charter school review authority from the State Board of Education to the Dept. of Children, Families and Learning; granting permission for charter schools to accept and use funds from grants and other outside sources; adding a non-truancy requirement to graduation incentives.

A section dealing with the administration and amendment of graduation rules led to lengthy discussion of the graduation rules. Debate centered on whether or not the rules compel and limit curricular options. After first moving to include a provision allowing the state Board of Education to amend graduation rules as part of its authority in the omnibus bill, Sen. Jane Krentz (DFL-May Township) withdrew the motion and the provision was tabled for further review.

The bill was laid over.

### Housekeeping continues

On Tues., Mar. 18, the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), continued to hear Sen. Linda Scheid's (DFL-Brooklyn Park) presentations of the CFL departmental housekeeping bill, S.F. 623.

Provisions approved for inclusion in the

omnibus bill include allowing summer sessions to be factored in when determining eligibility for post-secondary enrollment options when a student is in a learning-year or other year-round program; clarifying language limiting expulsions to one year at a time; revising the librarians of color grant and program requirements to permit applicants to be from colleges from outside Minnesota, and to allow students to fulfill work requirements in any Minnesota library. The bill also modifies language limiting those grants to library systems that decrease their funding support.

Another in a stream of bills requesting the ability for specific school districts to transfer excess funds to other applications was presented by Sen. Roger Moe (DFL-Erksine) on behalf of the Fosston district. S.F. 1231 allows the district to transfer funds from debt redemption to building construction. It was slated for inclusion in the omnibus bill. Sen. Charles Berg (IND-Chokio) offered S.F. 1444, a bill requesting restoration of revenue lost to the fund balance for Herman Norcross district. The bill is to be in omnibus legislation.

S.F. 2, authored by Sen. Keith Langseth proposes that the state use present surplus money in the budget to buy down the entirety of the revenue shift that resulted when the state withheld money from the districts in leaner times. Though the bill does have a noticeable affect on cash flow, the money does not significantly affect revenue received by districts, since they are presently borrowing the money to compensate for the shift. The only negative effect of the shift has been a difference in bond rating for some districts. Langseth argued that the state should prepare for that day in the future when the it may need to look again to districts for help. Langseth said, this buydown allows the state to clear the slate, and even though it will show up as increased expenditure, it will be worth it. The bill is slated for inclusion in the omnibus bill.

Sen. Charles Wiger (DFL-North St. Paul) continued his presentation of S.F. 916, revisions to the Student Fair Dismissal Act. Controversy regarding parental notification arose over language stating that the parent with physical custody would be notified by the school district of a student was expelled. Sen. Thomas Neuville (R-Northfield) argued that both parents should be notified if they share legal custody of the child. "Legal custody," he said, "contemplates being able to participate in educational issues." The bill was laid over for further consideration.

## School bus safety

Recommendations from the school bus safety advisory committee constitute S.F. 158, authored by Sen. Martha Robertson (R-Minnetonka). The bill, presented by Robertson to the K-12 Education Budget Division Wed., Mar. 19, frees districts from the requirement that reserve revenue bus

safety expenditures be reviewed by the advisory committee; extends the life of the school bus safety advisory committee; allows the school board to designate stops at which flashing lights should not be used and allows the commissioner of public safety to name a designee with power to waive cancellation requirements for school bus endorsements from certain violations. Robertson defended the advisory committee's role, pointing out that many sections of S.F. 158 are equipment specifications better dealt with in aggregate. "It is an excellent buffer," said Robertson, against piecemeal requests.

The only contested provision in the bill is a requirement to keep files on bus drivers. At this point, only private companies keep such records. Due to data privacy concerns, the section was laid over. The rest was included in the omnibus bill.

S.F. 734, a bill authored by Sen. Claire Robling (R-Prior Lake) requests a \$70,000 appropriation to enable the Minnesota River Valley Special Education Cooperative (MRVSEC) to purchase the software necessary to coordinate bus routing for special needs students in six districts. Sen. Sandra Pappas (DFL-St. Paul) expressed concern that the initiative would go the way of the botched Wide Area Transportation Service program, realizing cost overruns and spotty reliability. Kay Larson, of the MRVSEC assured the panel that the six districts have collaborated since 1975, and only need to automate their outmoded routing system. After hearing that the organization expected to realize a 40 percent savings in their \$1.2 million operating budget, Sen. Jane Krentz (DFL-May Township) suggested the appropriation be given as a loan. Pappas asked why affected districts couldn't "kick in \$10,000 each." Larson said four were too small, at 1,000 students or less, and could not afford it. The bill was slated for inclusion in omnibus legislation.

Pappas circulated two articles and survey results citing incompetence on the part of WATS management. She asked Jim Van Der Waal of Roseville why charter school students and private school students were bussed under the program when satisfactory service was not being provided to special needs students. Project representatives said that even after repeated admonition, contractors provided inconsistent bus service. Van Der Waal also said some drivers would opt not to follow computer route instructions and end up taking longer to deliver students. In response to a Pappas inquiry as to where last session's \$250,000 had gone, Van Der Waal said some schools had not yet paid for services.

Pappas informed the committee that her transportation bill, S.F. 1168, would be presented in the Transportation Committee. The bill aims to encourage student usage of the public bus system to get to school. School boards, by and large, do not support the idea, she said, because it is their "turf." When challenged by Robertson on the fact

that the present school bus system is cheaper than public transit, Pappas said an influx of 20,000 riders would reduce fare costs overall.

Sen. Charles Wiger (DFL-North St. Paul) continued presenting S.F. 916, revisions to the Pupil Fair Dismissal Act. Regarding the bill's call for recorded statistics on suspensions, Sen. Kenric Scheevel (R-Preston) said the numbers might give a false impression of discriminatory practice. Sen. Jane Krentz (DFL-May Township) replied, "It would just show us who is being suspended, I don't think we're ever hurt by knowledge." The bill was laid over for further consideration.

## Test score reporting discussed

Debate ensued at the Subcommittee on Statewide Testing, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Becky Kelso (DFL-Shakopee), when Department of Children Families and Learning Commissioner Robert Wedl recommended not raising the bar on basic skills tests to the originally planned eventual 80 percent mark. Results of the second annual test released this week show overall statewide improvement in reading and are consistent with last years passing percentages in math, but appear lower because the passing cutoff has been raised by five percent, from 70 to 75. This means that even though 68 percent of students scored 70 percent or better this year in reading, over 63 percent last year, the actual passage percentage with the raised bar is only 50 percent. Wedl's suggestion of keeping the bar at 75 percent was met with some confusion on the part of the panel. "The statistical rationale is," he said, "A higher score on this type of test do not show that a student knows more math. It just lessens the margin of error. The student gets more right more often." Rep. Lyndon Carlson (DFL-Crystal) remained unconvinced. "So where do you draw the line?" he asked, "How many questions would be too few to prove this knowledge?"

The bulk of panel discussion focused on test results and the way they will be used in an assessment process. A study on methods of measuring school accountability completed by Dr. Robert Bruiniks of the University of Minnesota has been the jumping off point for the subcommittee's efforts to this point. It forms the basis of the working bill authored by Sen. Jane Krentz (DFL-May Township). Bruiniks, in his study, suggests over forty demographic "indicators" that influence test outcomes be considered in the evaluation of the scores. The subcommittee debated whether or not a group of "core indicators" should be factored into test score reporting, rather than simply raw score data.

"We're doing a disservice to young people if we start massaging these scores," said Sen. Gen Olson (R-Minnetrista). Rep. Alice Seagren (R-Bloomington) said, "After all this manipulation, I worry that it will be, 'oh, we all got 60 percent.'" Wedl reminded the panel that a court case won by the Star

# Committee update

Tribune has bound the department to release raw data to the public before analysis.

Rep. Matt Entenza (DFL-St. Paul) gave members notice of his bill H.F. 543, which aims to evaluate programs with the same rigor as the state has chosen to evaluate students. Wed said this seemed appropriate as long as the evaluation uses student readiness as the main gauge of success. In response to a question by Pogemiller, Entenza said his bill uses Bruiniks' indicators to drive its evaluative mechanisms. Members agreed that simply requesting reports from programs routinely results in a glut of generalized overviews that cannot be compared against one another to determine efficacy. Olson mentioned the possibility of using test scores in combination with program auditing to make such determinations.

Rep. Mark Olson's (R-Big Lake) bill to shift control of statewide testing from the state to local districts was dismissed by Kelso, who said this session's statewide testing mandate makes uniformity a priority and needs to be handled at the state level.

## Local and Metropolitan Government

### Compliance checks advanced

A bill requiring unannounced compliance checks to monitor underage tobacco purchases was advanced by the Local and Metropolitan Government Committee, Mon. Mar. 17. The committee, chaired by Sen. Jim Vickerman (DFL-Tracy), advanced legislation relating to regional development, service redesign, individual sewage treatment systems and wireless communication services.

H.F. 117, the bill relating to tobacco sales, generated the most discussion. Co-sponsored by Sen. Ember Junge (DFL-New Hope), and Sen. Edward Oliver (R-Deephaven), the bill also requires counties to license and regulate tobacco sales should cities and towns fail to do so. In addition, the bill provides for additional fines and license suspensions to retail establishments for the sale of tobacco products to minors, and provides fines to individuals for underage sales. The bill also prohibits public access to tobacco products without intervention of a store employee and prohibits the sale of tobacco from vending machines except in facilities that cannot be entered by persons under 18.

Junge presented the bill and said, "Compliance checks have lowered smoking rates in cities with ordinances supporting them." Vickerman proposed an amendment requiring local governing bodies to issue a 30 day notice of its deliberations on the ordinance to licensees affected by the requirements of the ordinance. The amendment was adopted. Sen. Bob Lessard (DFL-Int'l Falls) offered an amendment striking the compliance check provision. The amendment was defeated. Sen. Douglas Johnson (DFL-Tower) proposed an amendment limiting the compliance checks to one

per year. That amendment, too, was defeated. The bill was approved and sent to the Senate floor.

Vickerman also authored S.F. 723, a bill that regulates regional development commissions. Under the legislation, counties may join another region for development purposes. In addition, the bill enlarges the powers of the regional development commissions, provides for tribal council representation on commissions, and removes obsolete language in existing law. The bill was okayed and advanced to the Committee on Taxes. Sen. Linda Higgins (DFL-Mpls.) presented S.F. 1116, a bill that authorizes Hennepin County to acquire public safety communications equipment and public communications sites. The bill was advanced to the Senate floor.

S.F. 389, authored by Sen. Leonard Price (DFL-Woodbury), relates to inspection and regulation of individual sewage treatment systems. The bill allows local units of government increased flexibility in developing standards meeting the Pollution Control Agency's requirements. The bill was approved and re-referred to the Government Operations Committee. Sen. Charles Wiger (DFL-North St. Paul) presented S.F. 389, a bill authorizing the Metropolitan Council to institute a service redesign program and to provide employee compensation in recognition of service redesign. The bill was advanced to the Senate floor.

### Planning discussion continued

A discussion of two land use bills continued at the Local and Metropolitan Government Committee Weds., Mar. 19. The committee, chaired by Sen. Jim Vickerman (DFL-Tracy), also advanced a bill related to wastewater infrastructure.

The two bills dealing with land use planning were S.F. 738, authored by Sen. Steven Morse (DFL-Dakota) and S.F. 820, authored by Sen. John Hottinger (DFL-Mankato). The bills were presented to the committee at an earlier hearing, with the understanding that the differences between the two measures would be resolved. While progress continued along those lines, a complete bill was not offered. Hottinger presented a proposal in the form of a delete-all amendment which incorporated parts of both bills. Hottinger said, "Sen. Morse and I have a strong commitment to put together a land-use bill, and while this amendment addresses some of our concerns, we aren't there yet. We do share the view that local governments are the best representatives of the people." Morse said, "In total, we're going in the right direction. We need more dialogue to iron out our differences."

According to Hottinger, Article 1 of his new proposal embodies much of S.F. 738 with the exception of sections related to planning review and notice given at the beginning of the planning progress. Article 2, noted Hottinger, was similar to S.F. 820 in that it provided for community-based planning pilot projects. Article 3 removes

the authority of the municipal board to conduct proceedings, make determinations, and issue orders related to municipal boundaries. Hottinger pointed to the dispute resolution process as set forth in Article 4 and said, "This article provides for binding arbitration by three arbitrators—one from each side and one chosen by the two arbitrators." Morse said, "The differences between our two approaches are not insurmountable."

In other business, Sen. Douglas Johnson (DFL-Tower), presented S.F. 16, a bill authorizing towns to exercise eminent domain for wastewater infrastructure. The bill was approved and advanced to the Senate floor.

## Indian affairs discussed

"Moments like this, occasions like this lead me to believe we have reached a new era in the relationship between the Indian nations and the state of Minnesota." With those words, Chairman Bobby Whitefeather of the Red Lake Nation opened the presentation of the "state of the state" of Minnesota Indian Tribes before a joint hearing of the Senate and House Local and Metropolitan Government Committees Weds., Mar. 19. The hearing, chaired by Sen. Jim Vickerman (DFL-Tracy) and Rep. Ann Rest (DFL-New Hope) was attended by representatives of eleven tribes.

Vickerman said, "I think a good relationship has developed between the Legislature and the tribes." Whitefeather said, "Minnesota should be very proud of the advances put forth in recognition of the rights of Indian tribes. Our brothers and sisters in other states, such as South Dakota and Arizona, are envious of our success." Dallas Ross, chairman of the Indian Affairs Council, said, "If you were to ask me to describe the state of the tribes in Minnesota, the three words I would use are fragile, misunderstood and hopeful." He cited inadequate housing and unmet social and economic needs and said, "The vast majority of tribes are just now crossing into the second half of the twentieth century." Ross said, "I am hopeful because of your willingness to sit down and talk with us and listen to us." He proposed that "the state of Minnesota in cooperation with the Indian Affairs Council and the tribes consider dedicating a year to learn more about each other and each other's needs." He called for "a year of dialogue and understanding to expand and improve relations between the Indian and non-Indian communities in Minnesota."

"The issue of sovereignty is one of the most important issues facing the Indian community today," said Norman DeShampe, president of the Minnesota Chippewa Tribe. He said, "Sovereignty is simply the internationally recognized right of a people to govern themselves. Tribal sovereignty should be viewed as something that should be respected, strengthened and protected just as you want the rights of your government and this committee respected and

protected." DeShampe added, "There have been many trying times in our relationship as individual governments. But there have also been times of great hope." Darelynn Lehto, Vice President of the Prairie Island Indian Community described respect for sovereignty as "a way for us to begin building bridges between governments," and distributed a paper outlining proper protocol between Indian, state and federal governments.

Whitefeather reported the council's position on welfare reform. "The federal Welfare Reform Act was expeditiously passed, without consideration to tribal issues." He stated that "the council encouraged and supported the concept of personal responsibility, but we have substantial challenges before us. As governments, we are still building basic infrastructures; these things take time. One third of our people are on AFDC. We have health care issues that are unique to our people; for example, up to 60 percent of our population may have diabetes. That means increased health care costs. And our unemployment is high. During the depression, the United States government described a 17 percent unemployment rate as 'catastrophic'. Some of our nations have 40, 50, even 60 percent unemployed; what word would you use to describe that?"

Loretta Gagnon, at-large member of the council, spoke on behalf of urban Indians. "There are approximately 24,000 Indians in the Metro Area, 53 percent of whom are living below poverty levels. Our people also suffer from lack of health care, poor nutrition, and high unemployment." Peter DeFoe, secretary-treasurer of the FonDuLac tribe, described education challenges for American Indians. "Our real future is in education. For a time after World War II, not one Indian graduated from high school. Twenty years later, one in ten Indians would graduate. Now the percentage is about 68 percent. But we still need to get more of our people into colleges."

Whitefeather offered some closing remarks. He said, "If we appear to be forceful at times, it's because of frustration over our slow progress. We have had to endure a lot. But let us not involve ourselves in just a cordial dialogue." He called for a joint session of the Senate and the House to pursue that dialogue and said, "Let's have an expanded, meaningful dialogue, government to government, state to state, a dialogue that includes the entire Legislature."

## Transportation Committee

### Two bills forwarded

The Transportation Committee chaired by Sen. Carol Flynn (DFL-Mpls.), approved two bills Thurs., Mar. 13, relating to parkways and metropolitan transit.

S.F. 155, sponsored by Sen. William Belanger (R-Bloomington), extends the life of the Mississippi River Parkway Commission until June 30, 2001. Belanger said the commission aids in the development and

maintenance of the scenic parkway known as the Great River Road. The commission is funded by the trunk highway fund. The committee approved the bill and sent it to the Senate floor.

S.F. 562, sponsored by Sen. Janet Johnson (DFL-North Branch), authorizes the Metropolitan Council to issue \$46 million in bonds or other obligations to be used for transit expenses and related costs. Under the bill, the obligations will be paid back using tax revenues levied by the council within the Metropolitan transit taxing district. The bill also removes language requiring employers receiving special discounts on transit passes to establish a payroll deduction plan as a means for its employees to purchase tickets, requires the Metropolitan Council to levy a transit tax upon all taxable property outside of the metropolitan transit taxing district and to use the tax revenues for paratransit services for persons within that taxed area, includes a four year demonstration program that will test paratransit instead of regular route service in certain communities, and specifies that during the demonstration period, cities and towns with greater than 100 hours of weekly paratransit services will not qualify for the transit tax feathering program.

Commenting on transportation issues involving Twin Cities suburban areas, Sen. Sandra Pappas (DFL-St. Paul), said that it is more sensible to revitalize the core city by enticing businesses and jobs, than it is to attempt to transport people to distant jobs. Belanger supported her remarks.

Sen. Jane Ranum (DFL-Mpls.), offered an amendment deleting a section of the bill authorizing the Metropolitan Council to issue \$46 million in bonds to be used for transit capital expenditures. The amendment was not adopted. The committee approved the bill and re-referred the measure to the Committee on Taxes.

## Transportation Budget Division

### Division hears four bills

The Transportation Budget Division, chaired by Sen. Janet Johnson (DFL-North Branch), heard four bills, Tues., Mar. 18, relating to transit and highway funding. Sen. Carol Flynn (DFL-Mpls.), said the bills would not be acted on, but would be heard to allow members an understanding of their content.

S.F. 1329, authored by Sen. Dean Johnson (R-Wilmar), increases the gasoline excise tax four cents per gallon to 24 cents, imposes a corresponding increase in special fuel tax rates, appropriates funds for state road construction, establishes a transportation revolving road fund to qualify for federal assistance and provide money for loans and a match for public or private transit projects, appropriates funds for bridge replacement or repair, appropriates funds for capital improvements to Greater Minnesota transit, and appropriates funds for the Metropolitan

Council for transit capital improvements.

S.F. 1243, also authored by Sen. Dean Johnson, requires the commissioner of finance to transfer funds from the general fund to the highway user tax distribution fund for transportation infrastructure repair and improvement.

S.F. 861, authored by Flynn, changes the county state-aid distribution formula to provide each county with a base allocation equal to its 1997 allocations, provides that any amount in excess of the 1997 apportionment be distributed on the basis of county population, the proportionate share of vehicle registrations, the proportionate share of CSAH lane-miles, and the proportionate share of monetary needs. The bill also reduces the percentage of motor vehicle base value used in calculating the registration tax in the second and in subsequent years, increases the gasoline excise tax rate from 20 to 25 cents per gallon, reduces the Metropolitan Council members from 17 to 16, provides for council members to be elected to four-year terms, provides for the council to redistrict following each decennial census, provides for the council chair to be elected by the members for a one year term, allows the Metropolitan Council to impose a sales tax in the Metropolitan Area at a rate not to exceed one-half of one percent on all sales taxable under chapter 297A, and limits the council's property tax levy authority in the metropolitan transit taxing district to an amount needed to repay bonds issued for temporary borrowing purposes or for transit capital to which the council has pledged property taxes.

S.F. 520, authored by Sen. Steven Kelley (DFL-Hopkins), creates the Minnesota Transportation Fund in the state treasury, specifies that the fund consists of money collected from motor vehicle registration tax and other money appropriated by law, allocates funds to counties and cities over 5,000 in population, requires that the motor vehicle registration tax be distributed to the town bridge account, the town road account, the county turnback account, and the municipal turnback account. The bill also requires that all revenues received from taxes collected under the motor vehicle registration tax be deposited in the Minnesota Transportation Fund, provides that counties receiving money under the bill may spend it only on county state-aid highways or on public transit operations, provides that cities receiving money may spend the money only on municipal state-aid streets or on public transit operations, increases the gasoline excise tax from 20 to 25 cents per gallon, increases the sales tax rates on special fuels, and after January 1, 2008, limits the Metropolitan Council's authority to levy a property tax for transit purposes to an amount needed to provide for payment of obligations issued by the council for transit capital.

# Preview

## The Minnesota Senate Week at a Glance

### Monday, March 24

#### Ad Hoc Committee on Information Technology

Chair: Sen. Steve Kelley

8:30 a.m. Room 112 Capitol

**Agenda:** Year 2000 Project overview.

Discussion of how technology can provide the "one-stop-shop": including a demonstration of the U of M's internet-based student services, and the MnCEPS (Minnesota Career Education Planning Services) program.

#### The Senate will meet at 10 a.m.

#### Election Laws Committee

Chair: Sen. John Marty

12 noon Room 112 Capitol

**Agenda:** S.F. 1356-Langseth: Modifying legislative district lines. H.F. 1093/S.F. 1104-Robling: Metro township election date change. H.F. 1088/S.F. 1030-Scheid: Township ballot candidate name rotation. S.F. 1170-Scheid: Minor participation in precinct caucuses.

#### Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

12 noon Room 107 Capitol

**Agenda:** S.F. 886-Moe: Extending wild rice watershed district levy. S.F. 1052-Langseth: Land transfer. S.F. 41-Lessard: Constitutional amendment to hunt and fish. S.F. 441-Novak: Lottery tickets sales tax exemption. S.F. 453-Frederickson: SCORE Block grants carry forward. S.F. 1118-Krentz: Tax-forfeited lands. S.F. 1354-Price: Tax-forfeited lands.

#### Judiciary Committee

Chair: Sen. Jane Ranum

12 noon Room 15 Capitol

**Agenda:** To be announced.

#### Commerce Committee

Chair: Sen. Sam Solon

2 p.m. Room 123 Capitol

**Agenda:** S.F. 239-Hottinger: Accountants licensing requirements. S.F. 437-Solon: Resolution requiring federally-chartered financial institutions to comply with state insurance regulations. S.F. 688-Cohen: Prohibiting practices by contractors for real property repairs. S.F. 759-Kelly, R.C.: Prohibiting a surcharge for auto accident when insured is passenger. S.F. 1258-Scheid: Regulating liability insurance on non-owned vehicles. S.F. 1415-Murphy: Insurance for water and steam damage. S.F. 1430-Oliver: Professional engineers regulations.

#### Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

**Agenda:** S.F. 295-Junge: Crime alert

network expansion. S.F. 812-Kelly, R.C.: Sex offender community notification changes. S.F. 881-Kelly, R.C.: Sex offenders community notification for federal offenders. S.F. 1027-Spear: Domestic abuse PSI changes. S.F. 1121-Krentz: Prosecutorial nondisclosure of addresses, phone numbers of victims and witnesses. S.F. 1207-Kleis: Correctional facility site selection process. S.F. 1247-Lourey: Crime victim ombudsman procedures. S.F. 1402-Berglin: Hate crimes. S.F. 1578-Novak: Arson prevention, enforcement.

#### Local and Metropolitan Government Committee

Chair: Sen. Jim Vickerman

2 p.m. Room 107 Capitol

**Agenda:** S.F. 265-Lesewski: Allowing gambling control board to cover costs of inspections. S.F. 337-Lesewski: Gambling control board authority to issue, renew or revoke a license. S.F. 379-Murphy: Purchase of land under threat of eminent domain. S.F. 615-Pariseau: Eliminating the requirement for a separate tax refund and credit account. H.F. 958/S.F. 748-Janezich: Town of White detachment and attachment. S.F. 1269-Vickerman: Reduction in combined receipts tax. S.F. 1324-Pappas: St. Paul program to disconnect rainleaders and repair sewer connections. S.F. 1327-Pappas: Authorizing municipal financing of computer software and training.

#### Crime Prevention and Judiciary Budget Division

Chair: Sen. Randy Kelly

Immediately following caucus Room 125 Capitol

**Agenda:** To be announced.

#### Environment and Agriculture Budget Division

Chair: Sen. Steven Morse

6 p.m. Room 316 Capitol

**Agenda:** S.F. 165-Morse: MERL. S.F. 360-Lesewski: Ag fees. S.F. 383-Lesewski: Ag grants and contracts. S.F. 649-Vickerman: Water supply systems. S.F. 666-Pappas: Mississippi River vegetation; testimony on plans for Gilbert OHV recreation area. S.F. 676-Hottinger: Water quality.

#### Governmental Operations and Veterans Committee

Chair: Sen. James Metzger

6 p.m. Room 115 Capitol

**Agenda:** S.F. 389-Price: Modifying requirements relating to individual sewage treatment systems. S.F. 63-Vickerman: Creating a beaver damage control board. S.F. 430-Berglin: Establishing a birth defects information system. S.F. 512-Runbeck: DOER housekeeping bill. S.F. 1464-Anderson: Waiving English-language and residency

requirements for American citizenship for Hmong and Laotian veterans. S.F. 1529-Hanson: adding two members to the board of electricity. S.F. 399-Lesewski: Providing for the administration of certain employment and training services. S.F. 639-Piper: Physician assistant advisory council bill. S.F. 1456-Junge: Authorizing board of government innovation and cooperation to award grants for cooperative crime prevention programs. S.F. 659-Kelly, R.C.: Civil service pilot project.

#### Health and Family Security Committee

Chair: Sen. John Hottinger

6 p.m. Room 107 Capitol

**Agenda:** S.F. 1208-Berglin: Minnesota Care. S.F. 920-Morse: Regulating Health Plans, modifying growth limit regulations. S.F. 630-Berglin: Minnesota Care technical tax bill.

#### Jobs, Energy and Community Development Committee

Chair: Sen. Steven Novak

6 p.m. Room 123 Capitol

**Agenda:** S.F. XXX-Murphy: Nuclear waste. S.F. 567-Hanson: Appropriating funds for City of Andover contaminated land. S.F. 483-Pogemiller: Funding for moving steam plant. S.F. 1363-Hottinger: Make recommendations on state subsidy programs and tax laws related to economic development. S.F. 1610-Novak: Appropriating money for the north metro I-35W corridor coalition. S.F. 1472-Novak: Appropriating money for home equity conversion counseling.

#### Local and Metropolitan Government Committee

Chair: Sen. Jim Vickerman

6 p.m. Room 318 Capitol

**Agenda:** Continuation of bills not heard at afternoon meeting. S.F. 270-Metzen: Permitting tournaments or contests involving certain card games. S.F. 422-Dille: Deregulation of charitable gambling organizations. S.F. 566-Vickerman: Changes to charitable gambling. S.F. 807-Janezich: Allowing card club at Canterbury Park. S.F. 941-Junge: Renewal of license for two merged fire relief associations. S.F. 971-Lourey: Raising gambling age to 21. S.F. 1185-Beckman: Veteran organizations to conduct certain card games.

#### Transportation Committee

Chair: Sen. Carol Flynn

6 p.m. Room 118 Capitol

**Agenda:** Gas tax and transit funding bills from Budget Division and S.F. 193-Murphy: Dept. of Public Safety bill. S.F. 236-Foley: Dept. of Public Safety bill. S.F. 592-Foley: Speed limits and Dimler amendment. S.F. 599-Junge: Graduated driver's license. S.F. 635-Hanson: Noise abatement standards. S.F. 705-Langseth: MnDOT bill. S.F. 724-

Johnson, J.B.: MnDOT bill. S.F. 781-  
Scheid: School bus requirements.

#### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

7 p.m. 125 Capitol

**Agenda:** To be announced.

#### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

8 p.m. Room 112 Capitol

**Agenda:** S.F. 1461-Berglin: (8 p.m. time certain) Repeat misdemeanor arrests, penalties, restorative justice sentences. S.F. 537-Junge: Court stays of adjudication (Krotzer). S.F. 832-Kelly, R.C.: Criminal trial final argument.

### **Tuesday, March 25**

#### **Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

8 a.m. Room 316 Capitol

**Agenda:** S.F. 231-Johnson, D.J.: State park visitors. DNR budget overview.

#### **Family and Early Childhood Education Budget Division**

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** S.F. XXXX-Piper: Family and early childhood education omnibus budget bill.

#### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** S.F. 1505-Wiener: Library information network, HESO. S.F. 1449-Johnson, D.J.: Limiting administrative costs of MnSCU. S.F. 1219-Johnson, J.B.: Requiring separate accounting of women's athletics. S.F. 1273-Stumpf: Minventia. S.F. 749-Ranum: Early intervention reading and writing grants, higher education sections. S.F. 1173-Ranum: Creation of a Higher Education Center on Violence and Abuse. S.F. 1437-Hottinger: MnSCU distinguished service professors, continued employment. S.F. 1541-Ten Eyck: Delaying campus student association vote. S.F. 1572-Stumpf: Secondary vocational educational aid guarantee. S.F. 1596-Metzen: Inver Hills Community College, appropriation for new entrance.

#### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** S.F. 819-Morse: Patient protection act of 1997. S.F. 960-Berglin: Patient protection act of 1997.

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

*Chair: Sen. Steven Novak*

10 a.m. Room 123 Capitol

**Agenda:** S.F. 460-Anderson: Allowing nonprofit organizations to participate directly in community rehab program. S.F. 1051-Langseth: Modifying show boiler and engine provisions. S.F. 786-Krentz:

Providing for changes in rights of parties to mobile home park rentals. S.F. 100-Runbeck: Establishing Minnesota Office of technology. S.F. XXXX-Novak: Expanding definition of extended employment program - welfare to work

#### **Rules and Administration Subcommittee on the Senate Budget**

*Chair: Sen. Roger D. Moe*

10 a.m. Room 237 Capitol

**Agenda:** Senate budget.

#### **The Senate will meet at 11:45 a.m.**

#### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*

12 noon Room 15 Capitol

**Agenda:** Continuation of Monday evening agenda. S.F. 1328-Johnson, D.E.: Establishment of a rural development financing authority and establishing the Minnesota alternative energy development authority. S.F. 448-Janezich: Expanding membership on the mineral coordinating committee. S.F. 1059-Stevens: Requiring legislative approval of proposed rules in certain circumstances. S.F. 157-Betzold: Rulemaking issues. S.F. 1377-Betzold: Extending the legal status of existing exempt rules. S.F. 961-Runbeck: Periodic repeal of administrative rules. S.F. 351-Hottinger: Legislative review of administrative rules to the LCC. S.F. 880-Morse: Permitting use of state time, property, or equipment for certain electronic communication. S.F. 1578-Novak: Providing for statewide arson training courses for law enforcement and fire service personnel and prosecutors. S.F. 1583-Hottinger: Setting state policy for regulatory rules and programs of agencies.

#### **Transportation Committee**

*Chair: Sen. Carol Flynn*

12 noon Room 112 Capitol

**Agenda:** S.F. 849-Kelly: Major transportation projects fund. S.F. 967-Lourey: Reduce speed approaching emergency vehicles. S.F. 1012-Pappas: Special transportation vehicles are buses. S.F. 1025-Junge: Impounded vehicles notice requirements. S.F. 1072-Kleis: Operating emergency vehicles. S.F. 1096-Sams: Audits of motor carrier records. S.F. 1178-Hanson: Passing school buses on the right. S.F. 1179-Hanson: Overwidth snowplows. S.F. 1217-Cohen: Counties selling highways bonds for maintenance bldgs. S.F. 1347-Robling: Suspension of juvenile driver's licenses. S.F. 1404-Robling: Notification of registrar of vehicle transfer.

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

*Chair: Sen. Dallas Sams*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 338-Sams: Changing limitations on ownership of agricultural land by corporations, limited liability companies, pension or investment funds, and limited partnerships. S.F. 1292-Morse: Creating a rural dispute resolution procedure; S.F. 1353-

Lourey: Creating a food coupon program using "Minnesota grown" products. S.F. 1591-Sams: Expanding the duties of the board of directors of the agricultural utilization research institute.

#### **Commerce Committee**

*Chair: Sen. Sam Solon*

2 p.m. Room 112 Capitol

**Agenda:** Continuation of Monday's hearing if necessary; remainder of agenda to be announced.

#### **Crime Prevention and Judiciary Budget Division**

*Chair: Sen. Randy Kelly*

2 p.m. Room 15 Capitol

**Agenda:** To be announced.

#### **Rules and Administration Subcommittee on Senate Information Systems**

*Chair: Sen. Leonard Price*

2 p.m. 125 Capitol

**Agenda:** Senate Information Systems user policy.

#### **Rules and Administration Committee**

*Chair: Sen. Roger D. Moe*

3 p.m. Room 123 Capitol

**Agenda:** Personnel issues, Report of the Subcommittee on Senate Budget, other.

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

*Chair: Sen. Bob Lessard*

4 p.m. Room 107 Capitol

**Agenda:** To be announced.

#### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

4 p.m. 125 Capitol

**Agenda:** Budget presentation for the Administrative Hearings Office. Budget presentation for the Intergovernmental Information Systems Advisory Council (IISAC).

#### **Legislative Coordinating Commission Revisor Subcommittee**

4 p.m. Room 500N State Office Building

**Agenda:** Review proposed budget for the Office of the Revisor.

#### **Taxes Subcommittee on Income and Sales Tax**

*Chair: Sen. Steve Murphy*

4 p.m. Room 15 Capitol

**Agenda:** SCORE task force presentation. S.F. 497-Scheid: Dept. of Revenue policy bill. S.F. 534-Murphy: Exempting replacement capital equipment from taxation.

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

*Chair: Sen. Dallas Sams*

6 p.m. Room 118 Capitol

**Agenda:** S.F. 1346-Dille: State review of county feedlots. S.F. 1102-Stumpf: Limiting application of certain food rules to bakeries in retail food stores. S.F. 1475-Stumpf: Appropriating money for spring wheat research. S.F. 1573-Stumpf: Establish a rural

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small business loan program. S.F. 1636-Stumpf: Agricultural straw and native prairie grasses in the production of wood pulp feasibility study grant. S.F. 1630-Fredrickson: agricultural marketing and bargaining; requiring mediation and binding arbitration between agricultural processors and accredited agricultural producer associations. S.F. 1134-Sams: Review of feedlot permit rules. S.F. 1635-Scheevel: Payments to producers of ethanol anhydrous alcohol, and wet alcohol.

### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*

6 p.m. Room 15 Capitol

**Agenda:** Continuation of afternoon agenda. Tentative: S.F. 637-Morse: Pension bill.

### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*

6 p.m. Room 107 Capitol

**Agenda:** To be announced.

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

*Chair: Sen. Steven Novak*

6:30 p.m. Room 123 Capitol

**Agenda:** To be announced.

### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

7 p.m. 125 Capitol

**Agenda:** To be announced.

### **Judiciary Committee**

*Chair: Sen. Jane Ranum*

7 p.m. Room 112 Capitol

**Agenda:** To be announced.

## **Wednesday, March 26**

### **Children, Families and Learning Committee**

*Chairs: Sen. Pat Piper, Sen. Lawrence*

*Pogemiller and Sen. LeRoy Stumpf*

8 a.m. Room 15 Capitol

**Agenda:** S.F. 400-Murphy: UofM center on grapes and wine. S.F. 486-Morse: Constitutional amendment dedicating lottery proceeds for financial assistance to students.

### **Family and Early Childhood Education Budget Division**

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** S.F. XXXX-Piper: Family and early childhood education omnibus bill.

### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*

10 a.m. Room 15 Capitol

**Agenda:** Continuation of previous meetings.

### **Transportation Committee**

*Chair: Sen. Carol Flynn*

10 a.m. Room 112 Capitol

**Agenda:** Bills not heard on March 25th meeting.

### **The Senate will meet at 12 noon**

### **Election Laws Committee**

*Chair: Sen. John Marty*

Following Session Room 112 Capitol

**Agenda:** Continuation of Monday's agenda.

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

*Chair: Sen. Bob Lessard*

Following Session Room 107 Capitol

**Agenda:** To be announced.

### **Judiciary Committee**

*Chair: Sen. Jane Ranum*

Following Session Room 15 Capitol

**Agenda:** To be announced.

### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 25-Neuville: Governor's crime prevention initiatives. S.F. 92-

Betzold: Tax evasion penalty. S.F. 575-Runbeck: Assaulting an OSHA investigator. S.F. 651-Knutson: Jail booking fees. S.F. 779-Piper: Restitution to government entities. S.F. 1149-Wiener: Repealing misdemeanor for sale of certain toxic substances to minors. S.F. 1216-Wiger: Enhanced probation-law enforcement pilot project. S.F. 1280-Knutson: School-based probation pilot program. S.F. 1302-Kelly, R.C.: POST Board regulations, excellence awards. S.F. 1431-Anderson: Female genital mutilation law exemption for midwives.

### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

2 p.m. 125 Capitol

**Agenda:** Budget presentation for the Office of the Governor. Budget presentation for the Office of the State Auditor.

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

*Chair: Sen. Jim Vickerman*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 1037-Belanger: Scott county appointment of auditor and treasurer. S.F. 1195-Anderson: Great Northern Corridor Community Development Act. S.F. 1218-Wiger: Metropolitan parks funding. S.F. 1278-Pappas: Appropriating money to fund Harriet Island redevelopment. S.F. 1306-Johnson, D.E.: Buffalo Lake to negotiate certain contracts without competitive bids. Other bills may be added.

### **Environment and Agriculture Budget Division**

*Chair: Sen. Steven Morse*

4 p.m. Room 107 Capitol

**Agenda:** S.F. 680-Johnson, J.B.: Snowmobiles. S.F. 1029-Krentz: State trails. DNR budget overview.

**No Senate meetings are scheduled for Thurs., Mar. 27, and Fri., Mar. 28.**

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# Briefly

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*The Minnesota Senate Week in Review*

*March 27, 1997*

## **Stadium bill heard**

Discussion continued Mon., Mar. 24 before the Local and Metropolitan Government Committee on a bill providing funding for a baseball-only stadium. It was the only item of business before the committee, chaired by Sen. Jim Vickerman (DFL-Tracy).

The bill, S.F. 1040, authored by Sen. Jerry Janezich (DFL-Chisholm), provides funding for an agreement for the state of Minnesota to buy 49 percent of the Minnesota Twins and to build a baseball-only stadium to house the team. Sen. Steve Kelley (DFL-Hopkins) was the first to introduce a series of amendments that changed the nature of the bill. The first amendment Kelley offered defines the state ownership as "the public authority" and gives that authority the right to approve all organizational changes. Kelley said, "This takes the wheels off the team, so to speak, by giving the public authority the right to approve, for example, the sale or relocation of the team." The amendment was adopted.

Vickerman also proposed a number of amendments. One amendment increases the size of a charitable gift to be given by the current owner to the public authority, from \$15 million to \$50 million. The amendment was adopted. He also successfully offered an amendment that opens the stadium site options to the entire state rather than limiting the location to Minneapolis as provided by the original bill.

Sen. Douglas Johnson (DFL-Tower) successfully offered an amendment that eliminated all funding mechanisms from the bill. Sen. Charles Wiger (DFL-North St. Paul) proposed an oral amendment stating that statewide taxes or other revenue from the general fund would not be used for a baseball facility. This amendment, too, was adopted. The bill was re-referred to the Committee on Taxes without recommendation.

## **Several bills passed, approved**

During a floor session Mon., Mar. 24, the Senate granted preliminary passage to several bills on General Orders, and final passage to eight bills on the Calendar.

The bills receiving approval on General Orders were: S.F. 227, sponsored by Sen. Jim Vickerman (DFL-Tracy), changing distribution requirements for federal payments to local governments; H.F. 453,

sponsored by Sen. Don Betzold (DFL-Fridley), a Dept. of Military Affairs technical bill; S.F. 472, sponsored by Sen. William Belanger (R-Bloomington), recodifying the cigarette and tobacco taxes; S.F. 671, sponsored by Sen. David Knutson (R-Burnsville), clarifying which law enforcement agency is to notify a victim when a stolen car is recovered; S.F. 542, sponsored by Sen. Dennis Frederickson (R-New Ulm), granting law enforcement authority to the Lower Sioux Indian community; S.F. 465, sponsored by Sen. Deanna Weiner (DFL-Eagan); allowing the sale of long term health care insurance policies in Minnesota; S.F. 378, sponsored by Sen. Steve Murphy (DFL-Red Wing), recodifying liquor taxes; S.F. 127, sponsored by Sen. Dan Stevens (R-Mora), combining two environmental advisory councils into one; S.F. 101, sponsored by Sen. Linda Berglin (DFL-Mpls.), a Dept. of Human Services technical bill; S.F. 280, sponsored by Sen. Jane Ranum (DFL-Mpls.), establishing a penalty for interfering with a 911 call; S.F. 392, sponsored by Sen. Kenric Scheevel (R-Preston), designating the Laura Ingalls Wilder highway; S.F. 475, sponsored by Vickerman, exempting farm work driver's license applicants from the six month permit possession requirement; S.F. 395, sponsored by Sen. Claire Robling (R-Prior Lake), requiring DNA samples from perpetrators when murder results from a sexual offense; S.F. 137, sponsored by Sen. Steven Morse (DFL-Dakota), modifying the youth conservation corps program; S.F. 31, sponsored by Sen. Allan Spear (DFL-Mpls.), authorizing studies on probation services; H.F. 281, sponsored by Sen. Steven Novak (DFL-New Brighton), providing performance based regulations for gas utility companies; H.F. 447, sponsored by Weiner, allowing female health plan enrollees direct access to obstetrical and gynecological services; S.F. 950, sponsored by Sen. Randy Kelly (DFL-St. Paul), regulating teacher background checks; and S.F. 93, sponsored by Betzold, changing regulations on state liens for the cost of care.

Bills granted final passage on the Calendar were: S.F. 413, sponsored by Frederickson, authorizes the Dept. of Natural Resources to issue general water permits; S.F. 543, sponsored by Sen. Steve Dille (R-Dassel), changes grain elevator licensing regulations and removes Minnesota from a defunct interstate grain marketing compact; S.F. 324 sponsored by Knut-

son, reclassifies Human Rights Dept. investigative data as private; H.F. 219, sponsored by Sen. Don Samuelson (DFL-Brainerd), allows unpaid leaves of absence to serve in the Civil Air Patrol; S.F. 120, sponsored by Murphy, changes housing loan provisions; S.F. 501, sponsored by Sen. Sam Solon (DFL-Duluth), the omnibus commerce bill; S.F. 703, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), allows municipalities with fewer than 800 registered voters to conduct elections by mail; and H.F. 266, sponsored by Sen. Gary Laidig (R-Stillwater), changes the composition of the Board of Soil and Water Resources.

## **Rule 40 move fails**

A move to recall S.F. 11, the "defense of marriage" bill, authored by Sen. Thomas Neuville (R-Northfield), failed in the Senate's floor session Weds., Mar. 26.

Neuville made the motion under Rule 40, a rule that enables the recall of a bill from any committee to be re-referred to another committee or placed on General Orders. This may be done by a majority vote in the Senate before the first deadline. A 60 percent vote is needed after the deadline. Neuville said, "Whether you're for the bill or against the bill isn't as important as the principle at stake here, which is to give the bill a fair hearing before the Senate. Despite the fact I requested a hearing in the Judiciary Committee at the beginning of the session, the bill has not been heard." Neuville also expressed concern that, due to the possibility of recognition by the Hawaiian Supreme Court of same sex marriages, inaction on the bill might lead toward recognition of those marriages in the state of Minnesota.

Sen. Jane Ranum (DFL-Mpls.) spoke against the motion. She said, "The Judiciary Committee has passed 61 bills so far this session and still has 81 bills pending. I believe we're dealing with issues Minnesotans are most concerned about." Complex bills regarding family law and data practices have dominated the panel's agenda this session, Ranum said. Majority Leader Roger Moe (DFL-Erskine) agreed and said, "We should not use this extraordinary procedure at this time." The motion failed on a roll-call vote.

The Senate also met briefly Tues., Mar. 25, to process committee reports at the front desk.

# Committee update

## Agriculture and Rural Development

### Mediation program extended

Members of the Agriculture and Rural Development Committee devoted the entire Tues., Mar. 25, afternoon hearing to discussion of two bills. The panel, chaired by Sen. Dallas Sams (DFL-Staples), approved both bills and sent them on to the full Senate.

S.F. 1292, authored by Sen. Steven Morse (DFL-Dakota) extends the farmer-lender mediation program for one year and changes the director of the program from the director of the agricultural extension service to the director of the University of Minnesota's Center for Conflict and Change. Originally, the bill contained language revamping the program entirely. However, Morse offered, and the committee adopted, an amendment that extends the program for one year beyond the July 1, 1997 sunset date and changes the director. Several Senators said they had concerns about extending the program for another year. Sen. Kenric Scheevel (R-Preston) said that while the program was useful in the mid-eighties, there isn't a great enough need to justify the expense of keeping the program alive. "It's time to put this program to bed," Scheevel said. However, the panel approved the bill on a divided voice vote.

In other action, members approved a recodification of the corporate farming laws. S.F. 338, authored by Sams, makes no substantive changes in current law. According to Sams, the measure makes the law relating to ownership of agricultural lands easier to understand and use.

### Bargaining bill okayed

The Agriculture and Rural Development Committee approved a bill Tues., Mar. 25 relating to agricultural marketing and bargaining. Chaired by Sen. Dallas Sams (DFL-Staples), the committee reviewed 10 pieces of legislation in a rare evening session in order to make legislative deadlines.

Authored by Sen. Dennis Frederickson (R-New Ulm), S.F. 1630 amends current statute to provide for mandatory mediation and, if necessary, binding arbitration between a food processor and an accredited growers' association in agricultural marketing disputes. Frederickson said, "Under current law, the producers have no enforceable recourse when they have a dispute with processors. In some cases, this has meant the producers have had no alternative but to accept terms laid down by processors in cases of disagreement." Sen. Charles Berg (IND-Chokio) said, "This bill is pretty far-reaching. It could include dairies and hog farms." Berg offered an amendment limiting the bill to producers of fruits and vegetables. The amendment was adopted and the bill as amended was approved and advanced to the Senate floor.

S.F. 1635, authored by Sen. Kenrick Scheevel (R-Preston), removes the \$30 million cap on total subsidy payments now paid to ethanol producers under current Minnesota law. Scheevel said, "We have a situation here in which three proposed ethanol producing operations, one each from Luverne, Preston, and Albert Lea, are all seeking to come on-line within the next year or so. Lenders won't provide funding if the subsidy is not there for the producers, and the combined capacity of the three operations will exceed the money available. In fact, there are 22 million gallons left in the subsidy at 20 cents per gallon, and the smallest plant can produce 12 million gallons." The bill was approved and sent to the Environment and Agriculture Budget Division.

Sen. Becky Lourey (DFL-Kerrick), authored S.F. 1353, a bill that creates a food coupon program using "Minnesota grown" products. A companion piece of legislation before another committee directs the program to be aimed at helping legal immigrants who will be ineligible for public assistance under new welfare reform guidelines. The bill was approved and sent to the Environment and Agriculture Budget Division.

Senate Minority Leader Dean Johnson (R-Willmar), presented S.F. 1663, a bill that limits entry into farm animal containment facilities. The legislation was prompted by incidents in which people who didn't follow proper sanitizing procedures brought disease onto poultry farms. The bill was okayed and sent to the Senate floor.

Sen. LeRoy Stumpf (DFL-Thief River Falls), presented a number of bills. S.F. 1102 exempts ovens or baking equipment in retail food stores from food rules limiting some aspects of bread production. The bill was approved and advanced to the Senate floor. S.F. 1636 provides a grant for research of wood pulp production. The bill funds a feasibility study on the use of agricultural straw and prairie grasses in pulp production. The bill was okayed and sent to the Higher Education Budget Division. S.F. 1475 appropriates funding for a grant of \$75,000 to the University of Minnesota for research on spring wheat. The bill was approved and moved to the Higher Education Budget Division.

Stumpf also presented S.F. 1573, a bill that establishes a rural small business loan program. The bill was approved and advanced to the Environment and Agriculture Budget Division.

Sams authored S.F. 1591, a bill that allows the Agricultural Utilization Research Institute to provide financial assistance to agricultural research concerns. The bill was okayed and sent to the Senate floor. Sams also presented S.F. 1134, a bill that requires new rules or amendments related to feedlot permits to be submitted to legislative policy committees with jurisdiction over agriculture and the environment. The bill was okayed and sent to the Senate floor.

## Commerce Committee

### Insurance bills okayed

The Commerce Committee, chaired by Sen. Sam Solon (DFL-Duluth), moved bills relating to professional licensing, contractor sales, rental auto insurance, and insurance sales and coverage, Mon., Mar. 24.

S.F. 1415, sponsored by Sen. Steve Murphy (DFL-Red Wing), requires homeowners insurers to make available, as an option, insurance coverage for loss or damage caused by the overflow of water or steam. The bill originally required insurance companies to provide the coverage, but subsequent testimony that the bill would attract homeowners who anticipate problems prompted a suggested amendment requiring the coverage be an option. The amendment was adopted. The committee approved the bill, as amended, and sent it to the Senate floor.

S.F. 437, sponsored by Sen. Sam Solon (DFL-Duluth), a resolution, urges Congress to immediately enact legislation to assure that all persons selling insurance within the state comply with state insurance licensing and educational requirements. The committee approved the resolution and referred it to the Committee on Rules and Administration.

S.F. 239, sponsored by Sen. John Hottinger (DFL-Mankato), requires that after January 1, 2001, the certified public accountant examination will only be administered to college graduates holding an accounting degree. In addition, the bill requires CPA examination candidates to have completed at least 150 additional hours in related coursework.

The committee re-referred the bill to the Higher Education Budget Division.

S.F. 688, sponsored by Sen. Richard Cohen (DFL-St. Paul), prohibits housing contractors from contacting clients between the hours of 8 p.m. and 8 a.m. The bill also prohibits contractors from misrepresenting facts concerning repairs, insurance issues, and from offering legal advice. The committee approved the bill and sent it to the Senate floor.

S.F. 1258, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), clarifies current law to assure that auto rental companies provide secondary liability coverage in the event of an accident, and that the renter's insurance company provides primary coverage. The panel laid the bill over for interim study.

### Insurance bills okayed

The Commerce Committee, chaired by Sen. Sam Solon (DFL-Duluth), approved bills relating to arson, insurance and health care companies, Tues., Mar. 25.

Sen. Deanna Wiener (DFL-Eagan), sponsored a bill modifying minimum loss ratios for health insurance companies. S.F. 1487, defines health care policies for small groups, rolls back the minimum loss ratios to 75 percent for groups of over ten employees,

and to 65 percent for individuals and groups of under ten employees. Wiener said the loss ratio roll back would help smaller insurance companies compete within the state. The committee approved the bill and sent it to the Health and Family Security Committee.

S.F. 1527, Sen. John Hottinger (DFL-Mankato) attempts to put the Minnesota Insurance Guaranty Assn. (MIGA) Act in substantive conformance with the Post Assessment Property and Liability Insurance Guaranty Assn. Model Act. The bill expands the list of excluded coverages by adding annuities, credit insurance and government guaranteed insurance, provides that former MIGA members are liable for member obligations and insolvencies occurring before the member's termination, and provides that MIGA is triggered only when a final liquidation order has been entered. The bill also clarifies the right of salvage and subrogation related to covered claims and requires MIGA to establish procedures for the disposition of money received from insolvent insurer's estates.

S.F. 1715, Sen. Edward Oliver (R-Deephaven), modifies coverage eligibility under the Minnesota Comprehensive Health Insurance Assn. The bill permits persons eligible for group to individual market portability under the Health Insurance Portability and Accountability Act (HIPAA) to enroll in MCHA without the six month pre-existing condition limitation and without having been rejected for coverage. Among other substantive provisions, the bill provides that the six month residency requirement does not apply to person eligible for portability under HIPAA, changes the definition of continuous coverage to permit a gap of 63 days instead of the current 30 days, changes the definition of preexisting condition to eliminate the "ordinarily prudent person" standard, and eliminates specific authority to treat pregnancy as a preexisting condition. The committee approved the bill and sent it to the Senate floor.

S.F. 1424, sponsored by Sen. Steven Novak (DFL-New Brighton), adopts insurance related recommendations related to arson. The committee approved the bill and sent it to the Senate floor.

## Crime Prevention

### Alert network, prison bills advance

On Mon., Mar. 24, the Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), approved a bill, presented by Sen. Ember Junge (DFL-New Hope), that expands the use of broadcast fax technology in crime prevention. The Minnesota Crime Alert Network, which was first used to locate missing children, is now looking to apply its resources to sex crimes and bad check-writing, Junge said. With a recommendation to pass, the bill was referred to Crime Prevention Judiciary Budget Division.

Sen. Randy Kelly (DFL-St. Paul) presented SF 812, which clarifies the community notification law dealing with sex offenders. The bill requires an offender's residential facility to convey notice of the offender's release to local law enforcement agencies within seven days. It also requires the Departments of Corrections or Human Services to provide law enforcement with all relevant information concerning the offender. In addition, according to the bill, victims who have requested information about the offender's release must be notified of any administrative review hearings requested by an offender. SF 812 was approved and sent to the floor.

The panel approved SF 1027, authored by Spear, clarifying domestic abuse report and investigation procedures. It changes terminology regarding domestic abuse assessments to classify these proceedings as "investigations." It also ensures that victim impact statements are confidential. The bill was sent to the floor.

In the wake of controversy surrounding the site selection process for the Rush City prison construction, Sen. Dave Kleis (R-St. Cloud) presented S.F. 1207. The bill establishes a committee made up of legislators, corrections officials and transportation officials to consider possible sites for future prisons. The bill also ensures that all costs be included in the price tag to avoid last minute additions like the \$1.4 million appropriated for road access to the Rush City site. The bill was approved and re-referred to the Government Operations Committee.

A bill addressing the problem of arson was presented by Sen. Steven Novak (DFL-New Brighton). S.F. 1578 provides for statewide arson training classes for law enforcement, creates an arson strike force, provides intervention measures for juvenile fire-setters and clarifies the District Court's authority to punish failure to testify or produce evidence in arson cases. The bill was recommended to pass and re-referred to the Government Operations Committee.

Sen. Becky Lourey (DFL-Kerrick) presented S.F. 1247, creating uniform laws governing the operation, scope, organization, power, investigative and other duties of ombudsman services. The bill alters current law to make the crime victim's ombudsman directly accountable to the governor rather than to the commissioner of public safety to avoid having the ombudsman report to an official who may be investigated. The bill was recommended to pass and re-referred to the Government Operations Committee.

### Criminal procedures spur debate

On Mon., Mar. 24, Chair Allan Spear (DFL-Mpls) and the Crime Prevention Committee heard testimony on S.F. 1121, a bill sponsored by Sen. Jane Krentz (DFL-May Township), that limits prosecutorial disclosure of names and addresses of crime victims and witnesses. Prosecutor Pat Diamond of the Hennepin County

Attorney's Office said the bill "brings some humanity and dignity into the process." However, the defense community represented at the hearing said otherwise. Though he said he can sympathize with the views expressed by the father of a rape victim, Hennepin County Chief Public Defender William McGee testified that the bill actually threatens the root of public defense, and attacks the notion of presumed innocence. McGee cited the statute that allows prosecutors to apply for a certificate from the court if victims or witnesses are truly put in harm's way by the disclosure. On a roll call vote, S.F. 1121 was defeated.

S.F. 1402, a bill authored by Sen. Linda Berglin (DFL-Mpls) dealing with the classification of hate crimes and enhancement of penalties associated with criminal activity motivated by bias. Camilla Nelson of the Attorney General's Office presented the legislation. When asked by Sen. David Knutson (R-Burnsville) if enhanced penalties are an effective deterrent, Nelson said that they are effective in the sense that the media traditionally jumps on the stories and the stiff penalties are thus made public. After being amended to include a mechanism to evaluate conviction data, the bill was approved and sent to the floor.

Another Berglin bill, S.F. 1461, calls for restorative justice grants to communities looking for alternate accountability measures for misdemeanor offenders. After deleting a section authorizing police officers to make custodial arrests, the panel approved the bill and re-referred it to the Crime Prevention and Judiciary Budget Division.

Debate ensued over S.F. 832, a bill offered by Sen. Randy Kelly (DFL-St. Paul), which calls for the reversal of a trademark Minnesota criminal trial procedure. Minnesota is, said Kelly, one of the few states in the country to require prosecution to precede the defense in the order of final argument. On a roll call, Kelly's bill was narrowly approved 8-9 and was sent to the floor.

## Crime Prevention and Judiciary Budget Division Genetics discussed

On Fri., Mar. 21, Sen. Randy Kelly (DFL-St. Paul) and the Crime Prevention and Judiciary Budget Division heard from John D. Offerman of Genovus Inc. who spoke on genetics and crime prevention. He told the committee that genetic research is "way ahead of schedule." By 2003, Offerman said, the industry will have concluded the genetic mapping project and will be considering ways criminal behavior might be controlled genetically. Offerman explained DNA fingerprinting methods and said that cheek-sampling, a simple method of DNA collection that could be used to catalogue inmates in Minnesota correctional facilities, would cost \$30 to \$50 per inmate. Sen. Jane Ranum (DFL-Mpls.) questioned the ethics and data privacy issues surrounding such

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activity. Offermans said the genetics community is actually quite conservative about such issues.

A representative of the Minnesota Bureau of Criminal Apprehensions forensics unit said the BCA is one year away from DNA fingerprinting. The bureau is switching DNA techniques, developing 12 new tests and increasing automation, he said.

The panel also heard testimony on S.F. 416, a bill appropriating money for the "Weed and Seed" program. Weed and Seed, which makes grants to local communities to assist in their efforts to eradicate violent crime, illegal drug activity and illegal gang activity, aims to revitalize targeted neighborhoods economically and physically. Kelly, the bill's author, said the appropriation is \$2.5 million per year over the next biennium.

Sheryl Kabat, the coordinator of Railroad Island Weed and Seed, testified that the grant money is used to pay for police overtime, landlord training, housing inspection and community education. In a neighborhood plagued by noise, drugs and prostitution, the Weed and Seed program has meant police response to calls, numerous arrests and the flight of troublemakers, said Rose Marie Bomersine, a longtime resident of Railroad Island. Sgt. Brian Coyle of St. Paul Police Dept.'s FORCE Unit said police got to know the neighborhood and were able to establish a zero-tolerance policy. Of 20 problem properties, there are now only two, and overall, complaints are down, Coyle said. "But," he said, "we couldn't have done it without the money." U.S. Attorney David Lillehaug praised the program for "weeding out crime and seeding opportunity" and urged members to expand funding. The bill was slated for inclusion in the omnibus crime bill.

## Notification reimbursement approved

On Mon., Mar. 24, The Crime Prevention and Judiciary Budget Division, chaired by Sen. Randy Kelly (DFL-St. Paul), heard an evaluation by Joel Alter of the Legislative Auditor's Office regarding the Dept. of Corrections 1996 biennial performance report. Alter said that while the department did an adequate job of tracking trends, the report was missing important information on prison crowding, recidivism, juvenile justice strategies, and standards and measures for community corrections. The department, he said, should also develop a more consistent way of measuring program participation. In response, Dennis Benson, deputy commissioner of corrections, said he agreed that performance measures on outcomes were necessary.

S.F. 1093, authored by Sen. Linda Berglin (DFL-Mpls.), provides an appropriation for support services for women leaving prostitution. The bill was amended to include Olmsted County and approved for inclusion in the omnibus crime bill.

Sen. Dave Johnson (DFL-Bloomington) presented a bill to index the maximum state

reimbursement to local law enforcement agencies for soft body armor to inflation. S.F. 852 was slated for inclusion in the omnibus crime bill.

S.F. 226, authored by Kelly, provides grants to local units of government to reimburse them for costs incurred implementing community notification for released sex offenders. Lt. Lisa McGinn of the St. Paul Police Dept. said that police lack resources such as translators and designers of multilingual material. She also reminded the panel that for class 2 and 3 offenders, re-notification is required if the offender moves from the original residence. The bill was approved and slated for inclusion in the omnibus crime bill.

## Election Laws

### Township election bills approved

On Mon., Mar. 24, the Election Laws Committee, chaired by Sen. John Marty (DFL-Roseville), heard from Sen. Claire Robling (R-Prior Lake) regarding H.F. 1093, a bill authorizing electors of a metropolitan town to move town elections from March to November. The bill was recommended to pass and sent to the floor to be placed on the consent calendar.

Sen. Linda Scheid (DFL-Brooklyn Park) presented H.F. 1088, which provides that towns can rotate the names of candidates on ballots. Many, she said, have felt that the top name on the ballot gets undue support from voters merely because of its placement. The bill was recommended to pass and sent to the floor to be placed on the consent calendar.

S.F. 1356, presented by Sen. Keith Langseth (DFL-Glyndon), clarifies legislative districting for portions of Moorhead Township annexed by the city of Dilworth after the 1990 federal census. The bill was recommended to pass and sent to the floor.

## Environment and Natural Resources

### Water quality bill heard

The Environment and Natural Resources Committee considered a proposal Fri., Mar. 21, to establish alternative water quality standards. The proposal, S.F. 1618, sponsored by Sen. John Hottinger (DFL-Mankato), allows a research entity other than the Pollution Control Agency (PCA) to establish standards for municipal wastewater treatment facilities.

Hottinger said that the PCA has estimated there is a need for an additional \$781 million in wastewater infrastructure development through the year 2002. He said that the bill sets up a process to determine if the PCA's water quality standards are scientifically valid, or to get a "second opinion." He said once the study is complete, the findings may be adopted as rules by the agency. Hottinger added that the cost of the research will be paid by the municipality.

Tim Flaherty, of the Coalition of Greater Minnesota Cities, said that cities consider the research costs to be a "prudent expenditure" because they may be able to avoid unnecessary features of an expensive wastewater treatment project.

Rod Massey of the PCA Water Quality Division said the bill can lead to redundant rulemaking, establish a confrontational set up instead of a cooperative one, allow subsequent challenges to rules adopted after the research and can limit city development while the municipality is waiting for a permit. Craig Johnson of the Minnesota Center for Environmental Advocacy also spoke against the bill, saying it only allows municipalities to object to rules. He added that the PCA is not guilty of mismanagement in that area. The bill was laid over for further consideration.

The panel also considered S.F. 287, sponsored by Committee Chair Bob Lessard (DFL-Int'l. Falls). Lessard said the bill raises \$3 million for the grant-in-aid snowmobile trail system by increasing the snowmobile registration fee and changing the off-highway fuel tax distribution formula. The committee endorsed the bill and forwarded it to the Transportation Committee.

The committee also heard another bill authored by Lessard. The bill, S.F. 892, removes a 4 p.m. closure on duck hunting. Todd Iberhardt of the Department of Natural Resources Bemidji office cited a study showing that the early closure provides a resting and feeding time for migrant ducks and is necessary to maintain the duck population. The committee approved the bill and sent it to the floor.

The panel also heard a bill sponsored by Sen. Jerry Janezich (DFL-Chisholm) that expands the membership of the mineral coordinating committee. The bill, S.F. 448, was approved and sent to the Governmental Operations and Veterans Committee.

## Hunting, fishing rights affirmed

The Environment and Natural Resources Committee Mon., Mar. 24, approved a bill to amend the state constitution guaranteeing the right to fish and hunt. The bill, S.F. 41, is sponsored by Committee Chair Bob Lessard (DFL-Int'l. Falls).

Dr. John Schneider, a biology professor at St. John's University, said that European countries have limited fishing and hunting rights because of effective lobbying by groups opposed to that activity. He said the bill is a "pro-active move" to prevent that from happening in the United States.

Howard Goldman, representing several environmental and animal rights groups, spoke against the bill, saying it makes restricting hunting activities on public lands difficult. Goldman said the bill would require those matters to be settled in the courts, and he would rather see those questions decided by all interested parties sitting at the table rather than by judicial interpretation.

Roger Holmes, from the Department of Natural Resources, supported the bill, saying there are serious threats to hunting and fishing rights in other states.

The panel approved the bill, and sent it to the Rules and Administration Committee.

In other action, the panel heard S.F. 441, sponsored by Sen. Steven Novak (DFL-New Brighton). The bill removes the 6.5 percent sales tax from lottery tickets. Lessard said the original lottery legislation didn't have that provision, but the tax was added in 1989 during a budget shortfall. The bill was approved and forwarded to the Local and Metropolitan Government Committee.

The committee also approved S.F. 886, carried by Sen. Roger Moe (DFL-Erskine). The bill extends the Wild Rice Watershed District levy through 2002. The bill now goes before the Committee on Taxes.

Two tax forfeited land sales bills were endorsed, combined into one, and sent to the floor. The two bills are S.F. 1354, sponsored by Sen. Leonard Price (DFL-Woodbury), which became the vehicle, and S.F. 1118, sponsored by Sen. Jane Krentz (DFL-May Township). A bill carried by Sen. Keith Langseth (DFL-Glyndon), S.F. 1052, conveying land from the Minnesota State Colleges and Universities Board to the city of Moorhead received approval and was recommended for the Consent Calendar. The committee also granted approval to S.F. 453, sponsored by Sen. Dennis Frederickson (R-New Ulm). The bill allows SCORE block grants to be rolled over to the next fiscal year by the Office of Environmental Assistance when county five year plans are not completed by the end of the previous fiscal year.

## **Governmental Operations and Veterans**

### **Healthcare reform advances**

On Thurs., Mar. 20, the Governmental Operations Committee and Veterans Committee, chaired by Sen. James Metzen (DFL-South St. Paul), heard from Sen. Dennis Frederickson (R-New Ulm) regarding S.F. 1297. The bill provides for bonding for renovations to the State Capitol Building. "The way it is now, we won't have money for design and construction," Frederickson said. The bill shifts \$1 million within a \$6 million budget approved in 1996 for designs and renovations of the Capitol's cafeteria and northwest terrace.

S.F. 819, authored by Sen. Steven Morse (DFL-Dakota), deals with consumer protection in the area of health care. It provides uniform disclosure requirements for health care provider organizations. Debate ensued over the bill's creation of a consumer advisory body. The bill was to limit exclusions to "those with a material interest" in the provision of health care. The bill was approved with recommendation to pass and re-referred to the Committee on Health and Family Security.

S.F. 1351 by Sen. Carol Flynn (DFL-Mpls.) both clarifies the terms by which the Legislature indicates approval of public employee collective bargaining agreements and ratifies the agreements between the state and the interfaculty organization and administrators of Minnesota State Colleges and Universities. The bill was approved and re-referred to the State Government Finance Committee.

S.F. 755, also carried by Flynn, provides that governmental bodies can meet by electronic means such as interactive television, was the subject of panel scrutiny before being approved with a recommendation to pass.

Sen. Richard Cohen (DFL-St. Paul) presented S.F. 1334. The bill follows the lead of Hennepin County and allows communities to declare additional classes of dependents eligible for inclusion in employee benefits arrangements. The bill was approved and sent to the floor.

### **Hmong resolution advances**

A resolution memorializing Congress to ease the path to American citizenship for Hmong and Laotian veterans was one of eleven measures approved at the Mon., Mar. 24, evening meeting of the Governmental Operations and Veterans Committee. The panel approved a resolution, S.F. 1464, that memorializes Congress to enact legislation waiving the English language and residency requirements for American citizenship for Hmong and other Laotian veterans of American recruited and trained special guerrilla units fighting in Laos from 1961 to 1975. Sen. Ellen Anderson (DFL-St. Paul), chief sponsor of the resolution, said the resolution is needed because age and lack of formal education has made it extremely difficult for some of the veterans and their spouses or widows to learn a second language in order to pass the citizenship test. The measure was approved and advanced to the Rules and Administration Committee.

The committee, chaired by Sen. James Metzen (DFL-South St. Paul), cleared their agenda of an additional ten bills. S.F. 389, carried by Sen. Leonard Price (DFL-Woodbury), makes changes to the requirements governing individual sewage treatment systems. The bill requires all counties—unless they have already done so—to adopt ordinances that comply with the Pollution Control Agency's rules concerning individual sewage treatment systems. The bill does, however, allow local units of government increased flexibility to develop local standards to meet the requirements based on local conditions. The bill also specifies inspection requirements, inspection criteria and compliance notice. In addition, the measure provides for an advisory committee and specifies the membership. An amendment, offered by Price, provides that until the effective date of new rules, the commissioner's actions under the bill have the force and effect of rules. The amend-

ment was adopted and the bill was advanced to the full Senate.

S.F. 512, authored by Sen. Linda Runbeck (R-Circle Pines), makes numerous technical and administrative changes in the laws relating to the Department of Employee Relations. The measure also makes changes in laws governing state employment. Sen. Don Betzold (DFL-Fridley) successfully offered an amendment incorporating language from S.F. 659 that requires a study of state hiring options to make recommendations on expanding opportunities for public assistance recipients to obtain work in state agencies. The bill was approved and sent to the Senate floor. S.F. 399, authored by Sen. Arlene Lesewski (R-Marshall), provides for the administration of certain federal and state employment and training services. The measure designates Workforce Centers and creates Workforce Councils to administer the programs. The bill was approved and advanced to the Senate floor. S.F. 1102, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), limits the applications of food rules to bakeries in retail food stores if the bakeries meet specific requirements. Under the bill, the oven or equipment must be designed and used for baking preproofed or par-baked bread at temperatures of less than 450 degrees in small batches for less than 30 minutes. The measure, at this point, allows one company to enter the market in Minnesota. The company uses hard spring wheat exclusively in its product. The bill was approved and sent to the Agriculture Committee.

S.F. 1074, carried by Sen. Randy Kelly (DFL-St. Paul), provides that public safety dispatchers are essential employees under the Public Employees Labor Relations Act. The bill was approved and sent to the full Senate. S.F. 1592, sponsored by Sen. Dallas Sams (DFL-Staples), establishes the Minnesota Agriculture Education Leadership Council and provides for a grant program. The measure was approved and re-referred to the Children, Families and Learning Committee. S.F. 430, authored by Sen. Linda Berglin (DFL-Mpls.), establishes a birth defects information system to collect, analyze and disseminate information regarding the risk and incidence of birth defects. The measure was approved and re-referred to the Health and Family Security Committee.

S.F. 639, authored by Sen. Pat Piper (DFL-Austin), establishes a Physician Assistant Advisory Council. An amendment, offered by Sen. Martha Robertson (R-Minnetonka), staggering the terms for the dietitians board, was adopted. The bill was approved but laid over for inclusion in the omnibus bill that the panel is developing relating to boards and councils.

One bill failed to gain approval. S.F. 1529, authored by Sen. Paula Hanson (DFL-Ham Lake), adds two members to the Board of Electricity. Opposition to the bill from the board led to the bill's failure on a tie vote.

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## Biomass energy plant discussed

On Tues., Mar. 25, Sen. Dean Johnson (R-Willmar) presented the biomass energy development project, S.F. 1328, to the Governmental Operations and Veterans Affairs Committee. Under the bill, the Minnesota Biomass Energy Development Authority is created to begin the development of a biomass energy plant project in Granite Falls. The plant will be designed to burn locally harvested alfalfa to generate electrical power. Johnson explained that the bill is the result of the 1994 biomass mandate that requires the state to implement a power plant that uses a renewable resource within the next few years. The measure, he said, sets up the authority to finance the project.

Sen. Steven Morse (DFL-Dakota) said he was concerned with creating a new state agency that will bear the financial risk for the project. Several other members also expressed concern with establishing the new state agency with financing powers in order to attract increased private investment.

Sen. Martha Robertson (R-Minnetonka) suggested amending the bill with language to require the new agency to return to the 1998 Legislature with the financing proposal before any state financial participation is required. The rest of the bill will not be effective until this report comes back to us, she said.

Chair James Metzen (DFL-South St. Paul) decided to lay the bill over until the evening meeting to allow time to consider Robertson's suggestion.

Sen. Steven Novak (DFL-New Brighton), author of S.F. 1578, said the bill establishes statewide arson training courses for fire service and law enforcement personnel. The bill also creates a multi-jurisdictional arson strike force to provide expert investigative and prosecutorial assistance to local agencies. Members then approved the bill and re-referred it to the Crime Prevention and Judiciary Budget Division.

According to Sen. Jerry Janezich (DFL-Chisholm), S.F. 448 expands the membership of the Mineral Coordinating Committee from five members to nine. The bill also establishes the Aggregate Resources Task Force that is directed to examine the state's projected need for aggregate resources. The bill was approved and advanced to the floor.

Sen. John Hottinger (DFL-Mankato) presented two bills for consideration. The first bill, S.F. 1583, sets a new state policy for regulatory rules. Accompanied by former Sen. Duane Benson, Hottinger said, "This legislation is a small step, but an important one, to review and revise the rulemaking process. It attempts to change the culture behind the rulemaking process to look more at outcomes."

Hottinger said the second bill, S.F. 1250, ensures that exclusive bargaining representatives are informed and allowed to participate in the development of mental health pilot projects. Both bills were approved and

advanced to the floor.

The final bill for the morning meeting, S.F. 418, is carried by Sen. Deanna Wiener (DFL-Eagan). According to Wiener, the measure allows the commissioner of administration to use a design-build method for project development for new facilities. This entails a construction delivery system where a single contractor is responsible for both the design and construction of the project. Wiener explained that the design-build method will save the state money by consolidating the process. Members advanced the bill to the floor.

## Pension, rules review bills advance

On Tues., Mar. 25, the Government Operations Committee, chaired by Sen. James Metzen (DFL-South St. Paul) heard from Sen. Linda Runbeck (R-Circle Pines) who, in an effort to deal proactively with the obsolescence of administrative rules, presented S.F. 961. The bill requires the Legislature to review administrative rules every 10 years. Sen. Martha Robertson (R-Minnetonka) spoke in support, saying that the K-12 Education Budget Division had successfully streamlined a targeted area of education rules in a one-year period. Price opposed the bill, calling it a "wholesale attack on the rulemaking process." He said, "I can't imagine Legislators having the time to do justice to examination of all these rules." Robertson successfully offered an amendment to lengthen the timeframe allotted for rule review. S.F. 961, as amended, was sent to the floor with recommendation to pass.

S.F. 1312, authored by Sen. Leo Foley (DFL-Anoka) requires the cellular telephone industry and law enforcement entities to upgrade to provide enhanced 911 tracking service for callers using cellular phones. The bill was sent to the floor with a recommendation to pass.

Sen. Dan Stevens (R-Mora), author of S.F. 1059, explained that his bill requires legislative approval of proposed rules in certain circumstances. Controversy arose when Sen. Leonard Price (DFL-Woodbury) posited that the bill might require the Legislature to convene in the fall and interim. The bill was laid over.

Sen. David Johnson (DFL-Bloomington) presented S.F. 444, which covers multiple issues related to corrections. The committee had purview over a provision extending the authority of the Sexual Assault Advisory Council and Crime Victims Advisory Council. It was approved and sent to the floor.

Sen. Dean Johnson (R-Willmar) presented S.F. 1328, establishing a rural development financing authority and the Minnesota Alternative Energy Development Authority. He said the bill, which would undertake projects involving electric energy and other alternative energies, including those that convert farm-grown biomass to fuel, is the result of six months of collaborative effort by affected parties. It was approved and sent to the floor.

Sen. Sheila Kiscaden (R-Rochester) presented S.F. 228, which modifies certification provisions for several health professions including speech language pathologists, audiologists, alcohol and drug counselors. S.F. 228 was approved and re-referred to the Health and Family Security Committee.

Sen. Steven Morse (DFL-Dakota) presented S.F. 921, establishing an alternative quality-assurance pilot project in southeastern Minnesota for persons with developmental disabilities. S.F. 921 was approved and sent to the floor.

Morse also presented S.F. 880, which gives state employees the freedom to use state equipment to communicate electronically, providing that the communication does not take place on state time and results in no significant costs to the state. The bill was approved and sent to the floor.

The omnibus pension bill, S.F. 995, also carried by Morse, was approved and sent to State Government Finance Committee.

Sen. Don Betzold (DFL-Fridley) authored S.F. 1377, a bill extending the legal status of existing exempt rules to prevent them from expiring until July 1, 1998. The bill gives the Legislature time to consider rule status. The bill was sent to the floor with a recommendation to pass.

## Health and Family Security

### Consumer protection bill okayed

Sen. Deanna Wiener (DFL-Eagan) presented two bills at the Thurs., Mar. 20, Health and Family Security Committee meeting, chaired by Sen. John Hottinger (DFL-Mankato). She first reviewed the major provisions of S.F. 737, a bill that clarifies the status of the Minnesota Comprehensive Health Association (MCHA). She said the bill expands the funding base for MCHA by sharing the costs for the insurance program across all health care entities in order to readjust the funding streams. The bill attempts to ameliorate MCHA's current \$43 million a year deficit, she said.

The second bill Wiener offered for consideration, S.F. 320, is a health care consumer protection bill. She explained the bill deals with improving the access and affordability of health coverage for Minnesotans. Sen. Sheila Kiscaden (R-Rochester) successfully offered an amendment that creates a citizens advisory task force that is directed to study mandated benefits. Sen. Don Betzold (DFL-Fridley) also offered an amendment to delete an article from the bill that requires the commissioner of health to treat accreditation of health maintenance organizations by a national accreditation organization to be satisfactory evidence of state regulatory requirements. In the deleted section's place, Betzold proposed language to have the Dept. of Health conduct a study of national accreditation organizations and report to the Legislature by Jan. 15, 1998. The Betzold amendment prevailed, and both

bills were approved and re-referred to the Committee on Taxes.

"The objective of this bill is to reduce the number of HIV infections in the state," said Sen. Pat Piper (DFL-Austin), as she presented S.F. 991, the HIV prevention, education, and testing bill. Under the bill, the commissioner of health is required to conduct a statewide campaign to educate pregnant women and health providers about the risk of perinatal HIV transmission. The bill also requires Medical Assistance to cover prenatal HIV risk assessment, education, counseling, and testing. Sen. Dan Stevens (R-Mora) asked how many new cases of AIDS were documented last year. Bob Tracy, Minnesota AIDS Project, said that on average, 30 new cases are reported to the health department each month. The bill advanced to the Health and Family Security Budget Division.

### **Health Dept. bills heard**

The Health and Family Security Committee considered several Dept. of Health bills at a Fri., Mar. 21, meeting. The panel received a lengthy presentation on S.F. 1153, sponsored by Sen. Ellen Anderson. Anderson said the bill expands an existing targeted program in which nurses visit the homes of high-risk infants. She said the bill expands the availability of that service to all families. She added that participation in the program is voluntary. The committee approved the bill and forwarded it to the Health and Family Security Budget Division.

Sen. Don Betzold (DFL-Fridley) presented S.F. 97, a bill providing for the isolation and detention of people with active tuberculosis. Betzold said that there are not many carriers of the disease in Minnesota, but that the Dept. of Health needs a procedure to deal with carriers who don't cooperate with treatment. Betzold said the procedure is "somewhat patterned after the civil commitment act." The bill was approved and sent to the Senate floor.

The panel also approved another bill carried by Betzold, S.F. 754. The bill allows county audits to meet the requirement for an annual audit at county operated day training and habilitation programs.

Betzold carried one other Dept. of Health bill, S.F. 98. One feature of the bill highlighted by Betzold is a provision allowing the health data institute access to roster data on patients of health care provider organizations. Jim Golden of the Dept. of Health said that the survey will help consumers compare the different provider organizations. Betzold said another provision in the bill is a response to the federal Kennedy-Kassebaum law. Betzold said the provision allows the Health Dept. to create an alternate unique identifier numbering system in the event that federal regulators choose the social security numbering system. The bill was approved and advanced to the Senate floor.

The committee also considered S.F. 1155,

a bill that extends the review period for individual community support plans. Sen. Charles Wiger (DFL-North St. Paul), sponsor of the bill, said the bill comes from the Board of Innovation. The bill was approved and sent to the Senate floor.

### **Naturopath licensure okayed**

At the Mon., Mar. 24, Health and Family Security Committee meeting, Sen. Linda Berglin (DFL-Mpls.) presented S.F. 523, a bill that establishes a licensing process for naturopathic doctors. She immediately offered several clarifying amendments, all of which were adopted.

Sen. Martha Robertson (R-Minnetonka) also successfully offered an amendment that requires the commissioner of health to conduct a study based on the scope of complementary medicine offered in Minnesota.

Members, chaired by Sen. John Hottinger (DFL-Mankato) approved the bill and re-referred it to the Governmental Operations Committee.

Several other bills were also heard at the meeting. Sen. Don Samuelson (DFL-Brainerd) presented a bill, S.F. 376, that raises the project threshold for the nursing home moratorium exceptions process from \$500,000 or 25 percent of a facility's appraised value to \$1 million. He explained that the smaller threshold created a problem for the small homes that wanted to make small renovations but were unable to under the current moratorium rules. Members approved the bill and re-referred it to the Human Resources Finance Committee.

Sen. Steve Kelley (DFL-Hopkins) explained that S.F. 741 establishes provisions to regulate respiratory care. He said the bill takes the regulatory process out of rules and places it in statute. Because the measure also establishes the Respiratory Care Therapists Advisory Council, the bill was sent to the Governmental Operations Committee.

Under S.F. 1189, explained Sen. Jane Ranum (DFL-Mpls.), a pilot program for juvenile assessment centers is established. The commissioner of children, family, and learning is directed to award grants to three judicial districts to develop and implement plans to create 24-hour juvenile assessment centers.

Samuelson offered an amendment to remove the appropriation language from the bill. He said that the funding for the measure will be accounted for in the Health and Family Security Budget Division. The Samuelson amendment was approved, and the bill was approved and sent to the floor.

### **Patient protection acts discussed**

At the final meeting before the first committee deadline, the Health and Family Security Committee tackled an imposing array of issues and bills. The Tues., Mar. 25, agenda was broken into two meeting times in order to process the heavy load of bills.

Sen. Steven Morse (DFL-Dakota) and Sen. Linda Berglin (DFL-Mpls.) each

presented bills establishing a patient protection act. Morse was the first to present his bill, S.F. 819. He explained that the legislation is the result of conversations with a variety of consumer groups, the Attorney general's Office, health care providers, and advocacy groups. Under the measure, health insurance plans are required to disclose the general nature of the reimbursement methodologies used to pay providers. For example, Morse explained, the plans are required to disclose what financial incentives they provide to doctors to reduce costs. The bill also establishes the Health Care Consumer Assistance Program to provide consumers aid with complaints and problems with their plans. This provision, Morse said, allows consumers to work within their health plans before they file a complaint externally. Thirdly, the bill modifies the dispute resolution process for health care complaints and, finally, the bill creates a 24-hour emergency care, toll-free number to answer questions about emergency services.

Morse then offered several amendments that modify the disclosure section in the bill. The amendments clarify what information must be made public and also make technical changes to make the bill more workable for the health plans, he explained. Another Morse amendment removes the mandate that the operation of the consumer assistance office be contracted out. All of the Morse amendments were approved.

When the committee returned to S.F. 819 during the evening meeting, Morse offered an amendment that removes the Health Care Consumer Assistance Program so that the bill did not need an appropriation; with all appropriations stripped from the bill, the measure can meet committee deadline, he said. The amendment assigns the citizen advisory board to advise the commissioners of health and commerce on how to implement the deleted program. Morse also offered an amendment that moves the effective date for the alternative dispute resolution plan from July 1997 to July 1998. Both amendments were adopted.

Next, Berglin presented S.F. 960, her version of a patient protection act. She explained that there is one provision in common with Morse's legislation, the health plan disclosure language. She then reviewed the remaining major provisions in the bill. The major provisions in the bill prohibit provider contracts that detrimentally affect consumer access to information, prohibit exclusive arrangements between plans and providers, provide for continuity of care in the event of contract termination, provide for access to specialty care, and consolidate the consumer assistance and advocacy offices.

Chair John Hottinger (DFL-Mankato) said, "I was under the impression that we'd end up with one consumer protection bill. Is there a good reason why we have two bills?" Berglin explained that she did not want to

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incorporate the sections in S.F. 819 requiring appropriations which would have necessitated the bill being sent to the budget division.

After consulting with the commissioner and Berglin, Morse offered an amendment to revise the duties of the advisory board, alleviating the concerns of the department. He also agreed to amend the remaining language into Berglin's bill. Therefore, Morse moved to amend S.F. 819 into S.F. 960, which was then approved and advanced to the floor.

In addition to the two consumer protection bills, the committee heard a variety of other bills, a number of which were approved and re-referred to the Health and Family Security Budget Division for inclusion into the omnibus health and human services bill. The following eight bills were re-referred to the budget division.

Sen. Sam Solon (DFL-Duluth) presented S.F. 1235, a bill that directs the Dept. of Health to work with health care community to create a voluntary plan for hospitals to screen all infants for hearing loss. He emphasized that the plan is designed to be voluntary and that he has worked hard to ensure that there are no mandates in the measure.

S.F. 894, carried by Sen. James Metzen (DFL-South St. Paul), provides for licensure exceptions for six bed service sites. He explained that the state is trying to close a 48-bed intermediate care facility for adults with mental disabilities in Dakota County. The bill allows eight residential homes to operate with six beds each to accept the patients as they are discharged from the closing facility. He said the exception is needed to avoid a rate increase.

According to Sen. Don Samuelson (DFL-Brainerd), S.F. 790 allows recipients of home care more flexibility to use personal care assistants.

Sen. Leo Foley (DFL-Anoka) presented a bill, S.F. 1432, that requires the income and resources of all noncitizens, whose sponsor has signed an affidavit of support, be deemed to include the sponsor's income when determining eligibility for the Minnesota Care, General Assistance (GA) Medical Assistance Care, and GA Programs.

"This bill ensures that people receive the adequate service they are seeking," said Sen. Becky Lourey (DFL-Kerrick) as she presented S.F. 1245. The measure ensures appropriate staffing for mentally ill persons at the state run regional treatment centers (RTCs).

Berglin also presented several bills that were re-referred to the budget division. S.F. 1009 directs the commissioner of human services to replace names with individual names at all grave sights located at state-run regional treatment centers. She successfully offered an amendment that appropriates \$400,000 for the program and requires appropriate memorial markers where individual grave markers are not feasible. Berglin explained that S.F. 1528 allows a one time appropriation to help start a short term crisis home for women recovering from

trauma due to abuse. Finally, S.F. 126, also carried by Berglin, creates community and statewide immunization registries.

In addition to those bills sent to the budget division, the committee approved several bills and sent them to the floor. The following four bills were all approved and advanced to the floor.

S.F. 495, carried by Sen. Steven Novak (DFL-New Brighton), requires health coverage for diabetes outpatient self-management training and education services. Novak explained that most insurance companies are already covering such services, but that a few are not or are not comprehensive enough in their coverage.

Sen. Edward Oliver (R-Deephaven) presented S.F. 1350, a bill that permits pharmacists licensed in any state in U.S. to dispense certain controlled substances in Minnesota. Currently, only pharmacists licensed in Minnesota or in bordering states are allowed to dispense these substances.

Originally, S.F. 1621 established a registry of fathers of children born to unmarried, adolescent mothers. However, the bills author, Lourey, offered an amendment that deletes the registry portion of the bill and replaces it with a study of criminal sexual victimization of adolescent females by adult males. The amendment was adopted, but then Berglin offered several amendments that delete sections mandating studies be performed by the attorney general's office and the Dept. of Health, including the recently adopted Lourey amendment; Berglin said she did not see a need to require the studies through statute. The Berglin amendments were adopted and the remaining portion of the bill, removing the family planning grants caps, was approved.

Sen. Dallas Sams (DFL-Staples) authored S.F. 1722, a measure that officially creates the pharmacy technician position. He also successfully offered an amendment that creates the duties of the Board of Pharmacy.

"This legislation is based on a court case in Minnesota last year where a birth father disrupted an adoption because he was not notified of the adoption. S.F. 203 sets up a notification mechanism," said Berglin. Specifically, the bill creates a fathers' adoption registry to determine the identity and location of a father interested in a child who is, or is expected to be, the subject of an adoption proceeding. The father has 30 days following the birth of the child to register with the Dept. of Health, and it is the father's responsibility to update his file with new information when needed. The bill also prohibits a father who fails to register within the time limit from bringing an action to assert any interest in the child during the adoption proceeding. Berglin offered an amendment that places a funding mechanism in the bill, requiring a \$75 adoption filing fee surcharge on each adoption petition to implement the registry. "The bill removes the dark cloud of an adoption, because the adoptive parents never know if the birth father will show up

and claim his parental rights," Berglin said. The amendment was adopted, and the bill was approved and re-referred to the Human Resources Finance Committee.

## Higher Education Budget Division

### Tuition bill presented

A tuition reduction bill was heard by the Higher Education Budget Division Weds., Mar. 19. The committee, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), received testimony on other bills and heard the governor's supplemental budget presentation for the University of Minnesota.

S.F. 629, authored by Sen. John Hottinger (DFL-Mankato), states the intent of the Legislature to reduce tuition in public post-secondary institutions and appropriates money for that purpose. The bill provides \$23.1 million from the general fund to be used toward tuition reduction in the MnSCU system and \$21.9 million from the general fund for tuition reduction at the University of Minnesota. The bill was laid aside for further consideration as part of the division omnibus bill.

Sen. Cal Larson (R-Fergus Falls) presented S.F. 1144, a bill related to the regulation of private business, trade and correspondence schools. In addition to technical changes and language clarification, the bill establishes student complaint procedures, surety bond requirements, performance indicators and incentives for satisfying those indicators. The bill was laid aside for further consideration as part of the omnibus bill. S.F. 1035, authored by Sen. Dave Kleis (R-St. Cloud), appropriates \$660,000 for the biennium to the Mayo Foundation for the St. Cloud Hospital/Mayo family practice residence program. Kleis said, "This program addresses the shortage of primary care physicians in rural Minnesota by providing rural residency opportunities." The bill was laid aside for further consideration as part of the omnibus bill.

The governor's supplemental budget recommendations were also presented to the committee. The recommendations include \$10 million to be used to reward faculty for extraordinary scholarly achievements, \$10 million for classroom renovations, \$6 million for health education and research, and \$500,000 for renovation of Eastcliff, the residence of the president of the University.

### Veterans' tuition break okayed

Armed services members who retire in Minnesota will receive the resident tuition rate at state colleges and universities under a bill sponsored by Sen. Pat Pariseau (R-Farmington). The bill, S.F. 701, requires veterans to show intent to permanently reside in Minnesota in order to receive the tuition break.

Coleen Corey appeared before the Higher Education Budget Division Fri., Mar. 21, and said that she and her husband moved to

Minnesota, bought a house and paid property taxes within a year of his retirement from the army. She said that when her husband registered for classes, he was ineligible for the resident tuition rate due to his residency outside the state during his military service.

Sen. Steve Kelley (DFL-Hopkins) said that the state should recognize a veteran's choice of Minnesota as the new state of residence, but said it raises the question as to when the person left the service. Sen. Sheila Kiscaden (R-Rochester) followed up on that point, and said the law should give the tuition break to veterans who retire to Minnesota, but it should "close the window" so that veterans who retire in other states don't later move to Minnesota in order to qualify for the resident tuition rate. The committee adopted a 1 year time limit from the date of discharge to qualify for the rate reduction. Kelley said that he wants to see Minnesota attract veterans because of the technical training they receive in the service. The panel approved the bill and decided to incorporate it into the omnibus higher education bill.

The division also heard S.F. 135, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park). The bill requires high schools and state colleges to adopt a policy on student hazing. Scheid said that the people hurt by hazing are often willing victims because of the desire to belong to a group. Scheid said that her bill requires that students be forewarned of the policy against hazing, and that the prescribed disciplinary action be sufficiently severe to deter hazing. Division Chair LeRoy Stumpf (DFL-Thief River Falls) said he was concerned that the hazing deterrence clause could make institutions liable if hazing occurs. The panel removed the deterrence clause, approved the bill as amended, and forwarded it to the Children, Families and Learning Committee.

In other action, the committee considered S.F. 833, authored by Sen. Cal Larson (R-Fergus Falls). Larson said that the bill requires annual audits of statewide and campus student organizations that receive revenues from student fees. The panel heard from University of Minnesota student Matt Curry who said he is a member of the committee that makes recommendations to the University Board of Regents on allocations of student fees to student organizations. Kelley said he was concerned about how to determine if a student group is ideological, a requirement of the bill.

Another provision of the bill requires annual audits of student groups. Sen. Deanna Weiner (DFL-Eagan) said that some smaller groups may not be able to afford the auditing. Kelley successfully offered an amendment replacing the audit requirement with an annual financial statement requirement. The division also removed provisions allowing for the refund of that part of a student's fees allocated to a particular political or ideological organization, and appealing the funding of any other group a

student finds objectionable. The panel approved the bill as amended, and laid it over for incorporation into the omnibus higher education bill.

Finally, the division heard S.F. 326, sponsored by Stumpf. The bill appropriates \$1.6 million dollars to the University of Minnesota for research on wheat and barley diseases. The measure was also laid over for the omnibus bill.

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

### **Convention center gains**

"The expansion of the convention center is the number one priority for the city of Minneapolis this session," said Mayor Sharon Sayles Belton Fri., Mar. 21, at a meeting of the Jobs, Energy and Community Development Committee. Sayles Belton spoke in support of a bill, S.F. 1369, that provides for an appropriation to begin preliminary work on the expansion of the Minneapolis Convention Center. The bill, authored by Sen. Allan Spear (DFL-Mpls.), also sets the stage for a bond allocation for additional funding. Sayles Belton said that the expansion is needed in order to attract national conventions that have outgrown the current convention center. She said that expansion of the convention center is one of the bread and butter issues for the city because of the full time permanent jobs that would result from the expansion effort. Spear said that a similar bill passed last year in the Legislature, only to be vetoed by the governor. Members approved the measure and referred it to the Economic Development Budget Division.

In other action, the committee, chaired by Sen. Steven Novak (DFL-New Brighton) approved three additional bills. S.F. 1328, authored by Sen. Dean Johnson (R-Willmar), authorizes the establishment of a state alternative energy development authority and an Upper Minnesota River Valley financing authority to assist with the development of a proposed biomass electric energy generating plant. The proposed plant, located in Granite Falls and fueled by alfalfa, fulfills one of the provisions of the Prairie Island bill enacted three years ago. The Prairie Island bill required the development of biomass energy production in Minnesota. Johnson said that S.F. 1328 sets up the financing mechanism for biomass production at the Granite Falls plant. The measure was approved and re-referred to the Governmental Operations and Veterans Committee.

Members also approved a bill providing funding for the Center for Victims of Torture. S.F. 1333, sponsored by Novak, appropriates \$500,000 for a grant to the center. The grant is for the design and development of training to educate health care and human service workers and to establish a network of care providers for torture survivors so as to enable their rapid integration into communities and labor

markets. The bill was approved and re-referred to the Economic Development Budget Division.

S.F. 1389, authored by Sen. Dave Johnson (DFL-Richfield), creates the Hire Education Loan program for job training. The program, within the Dept. of Trade and Economic Development, would make loans to Minnesota employers for training current and prospective employees for specific jobs. An amendment, offered by Sen. Randy Kelly (DFL-St. Paul), provides funding for additional customized job training for refugees. Sen. Dennis Frederickson (R-New Ulm) proposed an amendment to the amendment striking language that limited the additional programs to the city of St. Paul. Frederickson's amendment was adopted, as was the Kelly amendment. The bill was approved and referred to the Economic Development Budget Division.

### **Civic Center bill okayed**

A bill to fund expansion and renovation of the St. Paul Civic Center was approved Mon., Mar. 24, by the Jobs, Energy and Community Development Committee. Chaired by Sen. Steven Novak (DFL-New Brighton), the committee also reviewed proposals related to nuclear waste, affordable housing, and other measures.

S.F. 834, authored by Sen. Randy Kelly (DFL-St. Paul), appropriates \$51 million to the city of St. Paul to upgrade the Civic Center. Testifying in support of the bill, Mayor Norm Colemans said, "These renovations put St. Paul in play for a team in the National Hockey League, either through expansion or relocation. As NHL officials are coming to St. Paul April 2 to review our application, your approval will let them know we mean business and are prepared to join the league." The bill was okayed and sent to the Economic Development Budget Division. Sen. Steve Murphy (DFL-Red Wing) presented S.F. 1646, a bill that requires the commissioner of public service to collect and hold in escrow funds for the disposal of high-level radioactive waste. The bill was approved and moved to the Senate floor.

Sen. Linda Berglin (DFL-Mpls.) presented S.F. 1087, a bill that prohibits retaliation against an employee for reporting a public health risk. The bill was approved and re-referred to the Health and Family Security Committee. S.F. 1454, authored by Sen. Tracy Beckman (DFL-Bricelyn), provides matching funds for rural housing initiatives. The bill was passed and sent to the Economic Development Budget Division, as was S.F. 1455, a bill presented by Beckman, which provides funding for an affordable housing rental program.

Novak authored S.F. 1610, a bill that appropriates funds for the North Metro I-35W corridor coalition. The coalition, based in New Brighton, coordinates business retention, market expansion, and related planning efforts in the north Metro area of the Twin Cities. The bill was okayed and

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moved to the Economic Development Budget Division. Novak also presented S.F. 1472, a bill funding home equity conversion counseling. Under the proposal, the money would be used for a counseling service to provide advice on converting home equity. The bill was approved and advanced to the Economic Development Budget Division. S.F. 555, a bill authored by Sen. Randy Kelley (DFL-Hopkins), authorizes creation of telecommunication services purchasing cooperatives. The bill was approved and sent to the Senate floor.

Sen. Lawrence Pogemiller (DFL-Mpls.) presented S.F. 483, a bill providing funding for the relocation of a steam plant owned by the University of Minnesota. The current site is on the Mississippi riverfront, a site the city of Minneapolis seeks to maintain as part of the St. Anthony Falls development. The bill was okayed and rereferred to the Economic Development Budget Division. S.F. 1363, authored by Sen. John Hottinger (DFL-Mankato), creates a commission to examine state subsidy programs and tax laws related to economic development. The bill was approved and sent to the Government Operations Committee.

## Judiciary

### Fathers' adoption registry gains

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), heard a number of bills relating to a variety of issues during an evening meeting, Weds., Mar. 19.

S.F. 203, sponsored by Linda Berglin (DFL-Mpls.), creates a fathers' adoption registry. Under the bill, the registry is established to aid in determining the identity and location of a father interested in a minor child who is, or is expected to be, the subject of an adoption proceeding. The bill also provides for notification of fathers and sets forth consent provisions in adoption proceedings. The committee approved the bill and re-referred it to the Health and Family Security Committee.

Members also considered several additional bills. S.F. 431, sponsored by Sen. Linda Higgins (DFL-Mpls.) provides that utility charges become delinquent when they are set forth in a statement issued by the city and are not paid in full before the due date. The bill also specifies that a delinquent utility charge becomes a property lien from the date the utility charge becomes delinquent. Higgins offered an amendment requiring the utility to issue, upon request, a written statement of the total cumulative levied and pending charges. The amendment was adopted. The committee approved the bill as amended and sent it to the Senate floor.

S.F. 173, sponsored by Sen. Steve Kelley (DFL-Hopkins), provides for the use of legally binding electronic signatures generated by computer software that encrypts, authenticates and decrypts electronic messages or documents. According to Kelley, digital signature technology makes the telecommunication system a

practical method of sending legal documents and information of value within and outside the state. The committee approved the bill and sent it to the Senate floor.

S.F. 329, carried by Sen. Steve Dille (R-Dassel), modifies provisions governing liens for veterinary services. The committee approved the bill and sent it to the Senate floor.

S.F. 457, sponsored by Sen. Don Betzold (DFL-Fridley), relates to the board of social work. The bill proposes a data classification change concerning clients during a contested case hearing. The bill classifies as private a client's records, a licensee's health records and other data which might identify a client during contested case hearings, allows a one-time criminal background check for all licensees that did not complete a criminal background check, and proposes grounds for discipline similar to those of other licensing boards.

Betzold offered an amendment to the bill requiring the board to request a criminal history background check on all applicants for initial licensure. The amendment was adopted. The committee approved the bill, as amended, and re-referred it to the Health and Family Security Committee.

S.F. 517, sponsored by Ranum, modifies the provision enacted last session that gives family services collaboratives access to birth certificate data on some unwed mothers, authorizes the county social services or public health representative of a collaborative having access to the data to disclose the data to a collaborative representative who is assisting them in providing services to the mother. The committee approved the bill and sent it to the Senate floor.

S.F. 234, sponsored by Sen. Steven Morse (DFL-Dakota), deals with reconsideration of decisions regarding disqualification of individuals as part of licensing investigations by the commissioner of human services. Among its provisions, the bill allows an individual to request reconsideration on the basis of inaccurate or incorrect information, and shields the reconsideration determination from further review. The bill also contains provisions regulating facilities that provide services for individuals with mental retardation or other related conditions, allows consumers the right to have information kept private, to be advised of the license holder's policies and procedures regarding disclosure of information, and to be informed of the right of access to records and written information. The committee approved the bill and sent it to the Health and Family Security Committee.

S.F. 218, sponsored by Sen. Randy Kelly (DFL-St. Paul), establishes a juvenile gang strike force to investigate and prosecute crimes committed by criminal gangs throughout the state.

Kelly offered an amendment allowing the release of a number of juvenile records to requesting law enforcement agencies and prosecuting authorities for the purposes of investigation and prosecution of gang related

crimes. Sen. Thomas Neuville (R-Northfield), offered an amendment to the amendment excluding from access the records of probation officers. The amended amendment was adopted. Sen. Allan Spear (DFL-Mpls.), offered an amendment preventing the computer entry of data on an alleged gang member unless the individual has been convicted of a gross misdemeanor or a felony or has been adjudicated for crimes that would be construed as a gross misdemeanor or felony if the crimes had been committed by an adult. The amendment was adopted. The committee approved the bill, as amended, and re-referred it to the Crime Prevention and Judiciary Budget Division.

S.F. 1006, sponsored by Sen. Ember Junge (DFL-New Hope), authorizes background checks for firefighters and requires the disclosure of the information to potential employers. Neuville offered an amendment that requires the fire chief or administrative head to disclose to the applicant, upon request, any information obtained. The committee adopted the amendment. The committee approved the bill, as amended, and sent it to the Senate floor.

S.F. 344, also sponsored by Junge, extends the statute of limitations governing actions for damages due to sexual abuse. The bill was laid over pending further discussion.

### Immunization registry gains

With less than a week remaining before the first committee deadline, the Judiciary Committee tackled a full agenda at the hearing Fri., Mar. 21. The panel, chaired by Sen. Jane Ranum (DFL-Mpls.), advanced a total of five bills.

S.F. 126, authored by Sen. Linda Berglin (DFL-Mpls.), provides for the creation of community and statewide immunization registries. The registries are to exchange registry data to support age-appropriate immunizations. Debate on the bill centered on the question of whether to have the registries on an opt-in or opt-out basis. In other words, the question revolved around whether individuals would be automatically included in the registries unless they made a request not to be included or whether individuals would have to authorize their inclusion in the registries. The bill specifies that individuals are to be included in the registries unless they specifically request not to be included. Members, however, adopted an amendment, offered by Sen. David Knutson (R-Burnsville), requiring individuals to give informed consent to be included in the registries. The measure was advanced to the Health and Family Security Committee.

S.F. 510, authored by Sen. Becky Lourey (DFL-Kerrick), relating to licensing requirements for the provision of ambulance service was forwarded to the Governmental Operations and Veterans Committee. The bill had been amended extensively in the Data Privacy and Information Policy Subcommittee to remove provisions under the jurisdiction of the Judiciary Committee.

A bill establishing North Star as the state government's on-line service was also approved by the panel. S.F. 428, authored by Sen. Steve Kelley (DFL-Hopkins), specifies that the Minnesota Office of Technology provide oversight for the service, establishes the information and telecommunications technology community resource development initiative and implements MNcard projects to demonstrate the uses of "smart card" technology. The bill was re-referred to the Governmental Operations and Veterans Committee. S.F. 525, authored by Sen. Sandra Pappas (DFL-St. Paul), modifies ownership restrictions for privatization of capital intensive public services and provides for the nonpublic status of internal competitive proposals. Under the bill, internal competitive proposals are nonpublic or private data prior to the time specifies for the receipt of private sector proposals for the same service. The measure was approved and sent to the Senate floor.

S.F. 982, authored by Ranum, makes a number of changes in the statutes governing the access, dissemination and retention of juvenile criminal history records. The bill is the result of work done by the Criminal Justice Information Policy Work Group, Ranum said. The measure provides for peace office records on children to be forwarded to the Bureau of Criminal Apprehension, specifies retention periods for juvenile history records and provides for the release of juvenile history records to law enforcement agencies in other states. The measure was approved and advanced to the Crime Prevention and Judiciary Budget Division.

Members also approved S.F. 344. The bill, sponsored by Sen. Ember Junge (DFL-New Hope), clarifies the delayed discovery rule governing the statute of limitations for damages due to sexual abuse. The measure was forwarded to the full Senate.

### **Pay increase bill forwarded**

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), okayed four bills relating to a variety of issues Mon., Mar. 24.

A bill sponsored by Sen. Roy Terwilliger (R-Edina), modifies salary provisions for public employees. S.F. 412, groups and limits certain agency heads to receive no more than 85 percent of the amount of salary the governor receives, and provides for periodic salary percentage increases for constitutional officers, judges and legislators. The committee re-referred the bill to the State Government Finance Committee.

S.F. 789, authored by Carol Flynn (DFL-Mpls.), creates a judicial selection task force to study and make recommendations on methods for selection and retention of judges. The bill provides that the task force consist of 12 members. The committee approved the bill and sent it to the Senate floor.

S.F. 848, also authored by Flynn, allows a person to bring action in state district court against a respondent who has brought a

claim in federal court that was intended to inhibit the person's public participation or to interfere with the person's exercise of protected constitutional rights, or otherwise wrongfully injure the person. The committee approved the bill and sent it to the Senate floor.

S.F. 1299, authored by Sen. Allan Spear (DFL-Mpls.), authorizes the Board of Judicial Standards to award costs and attorney's fees to a judge if a formal hearing concludes that the judge did not use the office to advance personal or private goals, and was acting in official capacity to serve a public purpose. The bill also appropriates money to the Supreme Court for the Board of Judicial Standards, to award costs and attorney's fees. The committee re-referred the bill to the Crime Prevention and Judiciary Budget Committee.

## **K-12 Education Budget Division**

### **Wilder partnership approved**

St. Paul Schools Superintendent Curman Gaines said S.F. 1627 is part of "the most promising education reform plan yet," due to its support of private-public partnership and enhanced educational opportunities and its focus on keeping families together. The bill was presented on Fri., Mar. 21, by Sen. Sandra Pappas to Chair Lawrence Pogemiller (DFL-Mpls.) and the K-12 Education Budget Division.

The bill appropriates funds to support St. Paul's Wilder Foundation partnership in what the parties are calling the Achievement Plus project. The plan allows for the design, construction and operation of a community center and school as one lifelong learning facility. The bill was laid over pending receipt of more information on plans by the city and local non-profits to lighten the state funding burden after the initial capital outlay.

S.F. 1267, offered by Sen. Jim Vickerman (DFL-Tracy), that calls for money to fund a small school viability pilot project at Heron Lake-Okabena was included in omnibus legislation.

Doug Hennes of the University of St. Thomas reported to the committee on the school's alternative licensure program for teachers which he said has fielded and licensed 112 teachers of color for service in the community. In its seventh year of existence, the program is, he said continuing to provide positive role models for inner-city youth.

### **Debt service, technology bills heard**

On Sat., Mar 22, the K-12 Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) acted on a number of bills vying for inclusion in omnibus legislation.

S.F. 522, authored by Sen. Kenric Scheevel, allows small schools with under 66 students per class to be eligible for debt service relief from the state. The bill was

approved for inclusion in omnibus legislation over S.F. 697, a similar proposal carried by Sen. Becky Lourey (DFL-Kerrick). The Scheevel bill's scope, kindergarten through 8th grade, was seen as a more prudent experiment than Lourey's K-12 model. A third bill on the same matter, authored by Sen. Tracy Beckman (DFL-Bricelyn) would have altered the funding formula to benefit small schools, but was not slated for inclusion in the omnibus bill.

Sen. Jane Krentz (DFL-May Township) presented S.F. 1341, a bill increasing the level of equalization used in debt service, implementing full equalization up from the current 50 percent. The price tag of the bill, in the neighborhood of \$27 million, made some members anxious. Sen. Gen Olson (R-Minnetrista) called instead for reform of the "mess of a property tax system" that she said makes such measures necessary. Langseth cautioned that such a large increase in debt service could result in a situation where capital improvements are overly encouraged and it becomes, "stupid for a district not to build a swimming pool." Krentz said she was amenable to taking the increase at a slower rate than proposed, but reminded the panel that many districts need relief from overcrowding. The bill was placed on a low priority list for omnibus inclusion.

Krentz also carried S.F. 607, that allows districts which have been unsuccessful levying referenda to apply approved lease funds to the installment purchase of school facilities. Upon Krentz's agreement to work with the administration to tighten bill language and compromise with the governor's requests on the matter, the bill was included as a "B" list omnibus bill provision. Another Krentz bill, S.F. 1548, which provides funding for all day and year-long school pilot programs, was included in the omnibus bill.

S.F. 462, authored by Sen. Roger Moe (DFL-Erskine) grants sparsity consideration to a district that chose to locate centrally in a rural area and found it did not qualify for technical sparsity aid. The bill was included in the omnibus legislation.

Lourey's presentation of S.F. 973, requesting \$30,000 for an Esko community rehab center was slated for "B" list inclusion in omnibus legislation. Lourey also presented S.F. 1320, which appropriates \$325,000 over the biennium to train librarians in state-of-the-art technologies. On suggestion of the panel, she agreed to work with Sen. Martha Robertson (R-Minnetonka) and Sen. Steve Kelley (DFL-Hopkins) to craft a program that doesn't replicate those contained in other technology bills.

Indoor air quality is the subject of S.F. 1387, a bill sponsored by Sen. Charles Wiger (DFL-North St. Paul). The panel heard testimony from parents of school children affected by toxins and poor ventilation in school buildings. Clinicians also testified, saying that the drastic rise in chronic asthma, a 100 percent death rate increase since 1980, is mainly due to indoor, rather

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than outdoor air quality factors. The committee approved the bill, which sets up a task force and creates an ombudsman position to deal with complaints. It was re-referred to the Government Operation Committee.

Sen. David Knutson (R-Burnsville) was greeted with only opposition testimony on S.F. 585, his bill calling for the limiting of pornographic content available to school children through the Internet. Three librarians testified that blocking software is ineffective and provides a false sense of security to teachers and communities. "We appropriate the money for this technology," said Knutson, "and we have the obligation to control what we are putting in front of these kids, just as we do the materials in a school library." Knutson said he agreed with the librarians' emphasis on strong school-based Internet use policies, and is simply attempting to begin a larger dialogue on the topic. The bill was laid over.

## Local and Metropolitan Government

### Stadium testimony heard

"Sports are dessert, not the main course," said Rev. Ricky Rask, the founder of the grassroots organization Kids First. Rask suggested that the state use its resources to "take care of people" and "not be blackmailed into building this stadium."

Of those who testified Thurs., Mar. 20, before Chair Jim Vickerman (DFL-Tracy) and the Local and Metropolitan Government Committee in support of the Minnesota Twins, many stopped short of supporting the particular stadium proposal found in S.F. 1140, presented by Sen. Jerry Janezich (DFL-Chisholm). Representatives of various charities praised the Twins organization for its involvement in charity activities. Among other causes, witnesses said the team donated funds to a Lou Gehrig's disease charity, a wheelchair softball league, Camp Heartland for children with AIDS, Ronald McDonald House, Heartlink Children's Charity and Rookie League inner-city baseball club.

Twins fan Julian Empson said he objected to the way the Twins have handled the stadium project thus far and urged the committee to support a community model designed with input from citizens and containing affordable seating. Jon Commers, of the taxpayer advocacy group Fans, Inc., asked the panel to spare Minnesotans the long-term burden and risk of stadium construction. Commers added that other than securing a percentage of cost coverage by the team's owners, the Twins have made little or no effort to finance the stadium with private capital. Sen. Sandra Pappas (DFL-St. Paul) echoed the criticism. "The business community has been strangely silent. If this is so important for business, why aren't they stepping up?" Sen. Douglas Johnson (DFL-Tower) added, "Maybe the Minneapolis business community should come up with the money for the Twins."

Both Minneapolis Warehouse District Association President Dario Anselmo and Beverage Association lobbyist John Berglund testified that special taxation for the area surrounding the new structure would be unfair to existing businesses who may not benefit from an influx of patrons. "Even the bars and restaurants that do benefit would only do so 80 days a year and will compete with other new construction." Concerned citizen Paul Moberg spoke out against "government-mandated entertainment." "Why should government artificially stimulate leisure spending? Consumers are fully capable of keeping this sector vibrant without government help," he said.

Kathleen Lamb of the Metropolitan Sports Facilities Commission walked the committee through the bill. Calling attention to the fact that the bill does not mention any specific tax rates, Johnson said he is frustrated. "Why the rush this year? From what I can see, the city is not on board, the state is not on board, why not take the summer and fall and think this thing out?" asked Johnson. Metropolitan Sports Facilities Commission Chairman Henry Savelkoul said the team is losing money and has the right to give notice in 1997 to leave in 1998.

No action was taken on the bill.

### Gambling board bills okayed

Bills related to the gambling control board were among those presented to the Local and Metropolitan Government Committee Mon., Mar. 24. Chaired by Sen. Jim Vickerman (DFL-Tracy), the committee also considered legislation dealing with annexation, municipal financing of computer software and training, and tax receipts of lawful gambling organizations.

S.F. 265, presented by Sen. Arlene Lesewski (R-Marshall), allows gambling control boards to recover the costs of inspecting gambling product manufacturing facilities. Such costs are usually incurred in those inspections requiring overnight and/or long distance travel. The bill was approved and moved to the Government Operations Budget Division. Lesewski also authored S.F. 337, a bill that defines circumstances under which the gambling control board may issue, revoke or renew a gambling license. The bill was laid aside to be considered as part of the committee's omnibus bill.

Sen. Pat Pariseau (R-Farmington) presented S.F. 615, a bill that eliminates the requirement for separate tax refund and credit accounts to be created by lawful gambling organizations. Under the proposal, tax refunds may be deposited in the organization's gambling account. The bill was okayed and advanced to the Committee on Taxes. S.F. 1269, authored by Vickerman, reduces the combined receipts tax paid by lawful gambling organizations. The bill was approved and moved to the Committee on Taxes.

H.F. 958, presented by Sen. Jerry Janezich (DFL-Chisholm), allows the town of White

in St. Louis County to attach certain unorganized territory without a petition of residents. The bill was approved and advanced to the Senate floor. Sen. Sandra Pappas (DFL-St. Paul) authored S.F. 1324, a bill that authorizes the city of St. Paul to begin a program to disconnect rain leaders and repair defective sewer connections. The bill also allows St. Paul to charge the cost of the program to the homeowners requesting it and to collect the charges through installments over a period of 20 years. The bill was okayed and moved to the Committee on Taxes. Pappas also presented S.F. 1327, a bill that authorizes municipal financing of computer software, hardware and training projects for municipal use. The bill was approved and advanced to the Committee on Taxes.

### Gambling bills heard

A number of bills related to gambling were presented to the Local and Metropolitan Government Committee in its evening meeting Mon., Mar. 24. The committee, chaired by Sen. Jim Vickerman, will consider most of the proposals as part of an omnibus bill.

S.F. 971, presented by Sen. Becky Lourey (DFL-Kerrick), raises the legal gambling age from 18 to 21 for pari-mutuel racing, lawful gambling and the lottery. Lourey said, "I don't think most 18 to 20 year-olds have the decision-making skills necessary to gamble responsibly." In addition, the bill requires the governor to contact the chairs of the eleven tribal governments conducting casino gambling and request them to raise the legal age to 21 at casinos under their administration. The bill was laid aside for further consideration.

S.F. 941, authored by Sen. Ember Reichgott Junge (DFL-New Hope), allows a fire relief association that forms as the result of a merger of two relief associations to retain any previous gambling licenses. New associations, according to Junge, are not permitted to hold licenses for three years. The bill was laid aside for consideration as part of the committee's omnibus bill. Sen. James Metzen (DFL-South St. Paul) presented S.F. 270, a bill that permits tournaments or contests regarding card games as long as prizes awarded don't exceed \$100. The bill specifies the permitted card games as cribbage, euchre, pinochle, gin, 500, smear and whist. The bill was laid aside for further consideration.

Sen. Tracy Beckman (DFL-Bricelyn) authored S.F. 1185, a bill that allows veterans organizations to hold card games. The card games, as specified in the bill, are identical to those in S.F. 270 as mentioned above, and there is a \$100 ceiling on prizes. The bill was laid aside to be considered as part of the omnibus bill. S.F. 422, presented by Sen. Steve Dille (R-Dassel), authorizes lawful gambling organizations to conduct nonregulated lawful gambling. The bill was laid aside for further consideration as part of the omnibus bill.

Vickerman presented S.F. 566, a bill that makes some changes in charitable gambling. The bill provides regulation of paddle ticket gambling cards, and increases the amount of gross profit from bingo and other forms of lawful gambling that may be used for allowable expenses. The bill also prevents the state gambling board from revoking an establishment's license for illegal gambling on its premises when the illegal activity takes place without the knowledge and consent of the establishment. The bill was laid aside for further consideration as part of the omnibus bill. Sen. Jerry Janezich presented S.F. 807, a bill that allows a card club at Canterbury Park. The bill defines a card club as a facility where card playing for wager is permitted. The bill was approved and sent to the Senate floor.

## Property Tax and Local Government Budget Division

### TIF bills heard

The Property Tax and Local Budget Division heard a number of bills, Fri., Mar. 21, relating to Tax Increment Financing projects. Division chair Sen. Sandra Pappas (DFL-St. Paul), told the bill's sponsors that too liberal legislative policies toward the granting of extensions, exemptions and exceptions to existing TIF districts has resulted in the erosion of TIF's intent, and has diverted millions of dollars from school districts and other taxing entities that would otherwise benefit from diverted TIF dollars. Pappas asked individuals requesting new TIF districts or modifications to existing TIF districts to confine their remarks to reasons justifying the need for their requests. She said that the bills would be laid over for possible inclusion in the omnibus tax bill.

S.F. 601, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), allows the creation of a second type of TIF subdistrict called a "Heritage and Historic" subdistrict, provides that the districts may include parcels listed on the national register of historic places or located in local districts designated by local governments or historic preservation commissions. The bill also requires proof that the subdistrict redevelopment would not reasonably occur through private investment or other resources, and that the subdistrict is not larger or its time extended longer than is necessary to provide for the additional costs.

S.F. 704, sponsored by Sen. Linda Schied (DFL-Brooklyn Park), authorizes the commissioner of trade and economic development to make a \$2 million grant to the city of Brooklyn Center for the purpose of redeveloping the Brookdale Regional Center and requires that the city must use the grant to build storm water retention ponds and to facilitate economic development of the center and surrounding area.

S.F. 809, sponsored by Sen. Mark Ourada (R-Buffalo), authorizes the city of Buffalo to extend its TIF district for an indefinite

period, and provides that revenues received after April 1, 2001, may be used only to pay the city's share of costs for a bridge to be constructed over Hwy. 55.

S.F. 842, sponsored by Sen. Leonard Price (DFL-Woodbury), eliminates the option in current law for the application of the fiscal disparities law, under which fiscal disparities contributions for TIF district properties are made by the municipality and not by the TIF district properties. Instead, the bill provides that TIF district properties are to be treated the same as properties outside the TIF district for purposes of fiscal disparities applications.

S.F. 926, sponsored by Sen. Steve Kelley (DFL-Hopkins), allows the Minnetonka Economic Development Authority to deposit the balance of revenues from an existing TIF housing district in the authority's housing development account. The bill specifies that the money may be spent for housing activities in accordance with the TIF plan, and provides that permitted housing activities may include acquisition, rehabilitation, and new or existing single and multifamily housing financing. In addition the bill provides that the activities may occur outside the TIF district and specifies that they meet income, rent, and sales price limitations under the Livable Communities Act.

S.F. 1141, sponsored by Sen. Dennis Frederickson (R-New Ulm), authorizes the city of Gaylord to extend the duration of a TIF district until the year 2018. The bill also allows the city to expand the TIF district providing it does not exceed 25 percent of the acreage of the original district.

S.F. 1390, sponsored by Sen. Jerry Janezich (DFL-Chisholm), extends the East Range Economic Authority TIF districts through 2017, expands or combines the boundaries of two existing districts, exempts the new or expanded districts from LGA and HACA offsets, and exempts the districts from the duration limits that allow TIF revenue to be received by the authority until the end of 2017 or to the date when all the authority's project reimbursement obligations and costs have been terminated.

S.F. 482, sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls), authorizes the city of East Grand Forks to extend the duration of a TIF district by up to twelve years, and requires that the district must terminate by the year 2012.

S.F. 1465, sponsored by Sen. Tracy Beckman (DFL-Bricelyn), exempts small cities having a population of 5,000 or less located ten miles or more from a city that has a population of 10,000 or more from the LGA and HACA offsets, amends the use of TIF redevelopment districts to provide that the costs are not limited to those in current law, and expands the allowable uses to include structural rehabilitation and hazardous substance removal.

S.F. 1467, sponsored by Sen. Linda Higgins (DFL-Mpls.), authorizes the city of

Minneapolis to establish a housing transition district, provides that parcels within the district need not be contiguous, and removes new TIF certified parcels from a pre-existing TIF district and includes them in the housing transition district. The bill also provides that tax increments may be used to purchase property within the district, relocate owners or tenants, demolish structures, do site preparations, and rehabilitate or construct housing structures or make other improvements and to make development loans to public or private entities within the district.

S.F. 1489, sponsored by Sen. Steven Novak (DFL-New Brighton), authorizes the city of New Brighton to establish two TIF projects, and exempts the districts from LGA and HACA offsets and from redevelopment district TIF use limitations. The bill also provides that TIF district revenues within the project areas may be spent on project activities or to pay debt service on bonds issued for finance project area activities.

S.F. 1498, sponsored by Sen. Edward Oliver (R-Deephaven), authorizes the Chanhassen Housing and Redevelopment Authority to establish a TIF district within the city to comply with the affordable housing goals established by the Livable Communities Act.

S.F. 1628, sponsored by Pogemiller, authorizes the cities of St. Paul and Minneapolis to establish a project within the Southeast Minneapolis and Southwest St. Paul industrial area.

## Transportation

### Committee approves bills

The Transportation Committee, chaired by Sen. Carol Flynn, okayed a number of transportation bills, Mon., Mar. 24. Three of the bills propose increasing the gasoline tax to fund highway, infrastructure, and transit projects.

S.F. 861, authored by Flynn, increases the gasoline excise tax rate from 20 to 25 cents per gallon, indexes the gasoline and special fuels tax rates according to the inflation rate and reduces the percentage of motor vehicle base value used in calculating the registration tax in the second and in subsequent years. The bill allows the Metropolitan Council to impose a sales tax in the Metropolitan Area at one-half of one percent, and directs the council to use the proceeds to improve transit services. The committee okayed the bill and referred it to the State Government Finance Committee.

S.F. 1329, authored by Sen. Dean Johnson (R-Wilmar), increases the gasoline excise tax from 20 cents to 24 cents per gallon, increases special fuel tax rates, appropriates funds for state road construction, establishes a transportation revolving road fund to qualify for federal assistance and to provide money for transit projects. The bill also appropriates funds for bridge replacement and repair, Greater Minnesota transit, and Metro transit. The committee okayed the

# Committee update

bill and referred it to the State Government Finance Committee.

S.F. 261, sponsored by Sen. Janet Johnson (DFL-North Branch), increases the gasoline excise tax from 20 cents per gallon to 25 cents per gallon, divides motor vehicle excise tax receipts between the transit assistance fund (25 percent) and the general fund (75 percent), includes funding for public transit, light rail, commuter vans, car pooling and park and ride facilities. The bill also proposes a Minnesota constitutional amendment requiring the legislature to appropriate in each fiscal year approximately 25 percent of the motor vehicle excise tax for transit, and requires that the proposed constitutional amendment be approved at the 1998 general election. All three bills were approved and re-referred to the State Government Finance Committee.

S.F. 599, authored by Sen. Ember Junge (New Hope), establishes youth-oriented driver improvement clinics, and a two-phase provisional driver's education program. The bill also restricts driving privileges for holders of instruction permits and provisional licenses. Members adopted an amendment allowing persons age 15 to receive a restricted farm work license without having to complete the provisional licensure requirement. The committee adopted the amendment. The bill was approved and referred to the Governmental Operations and Veterans Committee.

S.F. 592, sponsored by Sen. Leo Foley (DFL-Anoka), changes the speed limits from 65 mph to 70 mph on freeways and expressways outside urban areas, from 55 mph to 60 mph on freeways and expressways within urban areas, and maintains other areas at 55 mph. Senators expressed concern that increased speed limits would result in increased numbers of injuries and deaths. The bill failed to gain approval.

S.F. 236, also sponsored by Foley, allows police officers to use a copy of an accident report, in addition to other reports, when the reports may be useful to prosecute charges arising from a motor vehicle accident. The committee approved the bill and re-referred it to the Judiciary Committee.

S.F. 781, sponsored by Linda Scheid (DFL-Brooklyn Park), allows a school district to employ school bus monitors, and requires the school district to conduct a criminal records check before hiring a bus monitor. The committee approved the bill and sent it to the Senate floor.

S.F. 635, sponsored by Paula Hanson (DFL-Ham Lake), exempts town roads, city streets, and county highways from noise abatement standards. Hanson offered two amendments that excepted controlled access roads from noise abatement exemptions and deleted language within the bill requiring that the transportation commissioner implement noise abatement studies near state trunk highways, freeways and expressways. The committee adopted the amendments. The bill was sent to the Senate floor.

S.F. 193, sponsored by Sen. Steve Murphy (DFL-Red Wing), clarifies current law that a person who drives a vehicle with knowledge that the owner does not have insurance is guilty of a misdemeanor or a gross misdemeanor. The committee approved the bill and sent it to the Senate floor.

S.F. 1404, sponsored by Sen. Claire Robling (R-Prior Lake), requires motor vehicle buyers to notify the registrar within ten days of a motor vehicles transfer. The committee approved the bill and sent it to the Senate floor.

S.F. 705, sponsored by Sen. Keith Langseth (DFL-Glyndon), allows the commissioner of transportation to substitute a Metropolitan Council transportation plan for another project in the state transportation improvement program that has been designated as a toll facility. In addition, the bill provides for a municipal review and dispute resolution process for state highway projects occurring within municipalities. The committee approved the bill and sent it to the Senate floor.

S.F. 1097, authored by Sen. Sandra Pappas (DFL-St. Paul), responds to federal incentives to create a state infrastructure bank (SIB). The bill creates a transportation revolving loan fund that contains a highway account and a transit account necessary to receive federal funding under the National Highway System Designation Act. In response to an inquiry by Sen. Jane Ranum (DFL-Mpls.), Pappas offered an oral amendment, made at an earlier meeting, that no revolving loan funds would be used to install a toll facility on Interstate 35E So. The amendment was adopted. The committee approved the bill, as amended, and referred it to the Government Operations Budget Division.

S.F. 1168, also sponsored by Pappas, directs the Metropolitan Council, the Minneapolis District No. 1 school board and the St. Paul School District No. 625 school board to develop a school transportation plan, using the Metropolitan Council's transit system, to be made available at no cost to students. Pappas offered an amendment requiring consideration of extending the plan in subsequent years to children in grades seven and eight. The committee adopted the amendment, approved the bill, and re-referred it to the Transportation Budget Division.

## Transportation Budget Division

### Division approves three bills

The Transportation Budget Division, chaired by Sen. Janet Johnson (DFL-North Branch), heard five bills, Fri., Mar. 21.

S.F. 984, sponsored by Sen. Carol Flynn (DFL-Mpls.), requires the Dept. of Public Safety to install a statewide computerized system for recording delinquent fines for parking and traffic violations. The bill provides that license renewal notices will contain information regarding unpaid fines

and prohibits vehicle registrations and new plate issuances until the fines have been paid. The division approved the bill and referred it to the Transportation Committee.

S.F. 1227, sponsored by Sen. Steve Murphy (DFL-Red Wing), is similar to Flynn's bill in that it also establishes a system for recording and collecting delinquent traffic and parking violations. However, the bill's main feature requires the issuance, every five years, of redesigned license plates for passenger automobiles. Murphy said that requiring vehicle owners to relicense their vehicles with redesigned plates every five years would compel them to pay delinquent fines on record with the Dept. of Public Safety and make autos belonging to drivers who failed to relicense their vehicles more conspicuous. Both Flynn's and Murphy's bills attempt to reduce the large number of arrests for minor traffic violations and resulting court and jail expenses. Murphy offered an amendment requiring the issuance of new plates every four years instead of five years. The committee approved the amendment. The bill was laid over pending further discussion of a fiscal appropriation contained within its language.

S.F. 1097, sponsored by Sen. Sandra Pappas (DFL-St. Paul), responds to federal incentives to create a state infrastructure bank (SIB). S.F. 1097 creates a transportation revolving loan fund that contains a highway account and a transit account.

Pappas offered an amendment clarifying additional enhancement items for which revolving loan money may be used, such as lighting, bicycle paths and landscaping. The division adopted the amendment. The bill was approved, as amended, and referred to the Transportation Committee.

S.F. 1172, sponsored by Sen. Linda Runbeck (R-Circle Pines), provides for a special revenue account for alternative fuel vehicle development and establishes a revolving fund to provide loans, grants, or rebates to those who purchase alternative fuel vehicles or related fueling facilities. The bill also provides that any remaining funds may be used to promote alternative motor fuels through consumer education activities and data collection. The bill was laid over pending further discussion.

S.F. 261, sponsored by Sen. Janet Johnson (DFL-North Branch), increases the gasoline excise tax from 20 cents per gallon to 25 cents per gallon, divides motor vehicle excise tax receipts between the transit assistance fund (25 percent) and the general fund (75 percent), and proposes a Minnesota constitutional amendment appropriating transit assistance in each fiscal year of at least 25 percent of the net revenues from sales and excise tax collected on the purchase price of new and used vehicles. The bill also requires that the proposed constitutional amendment be approved at the 1998 general election. The division approved the bill and sent it to the Transportation Committee.

# Preview

## The Minnesota Senate Week at a Glance

### Monday, March 31

No meetings scheduled

### Tuesday, April 1

#### Legislative Commission on Minnesota Resources Executive Committee

10 a.m. Room 229 Capitol

**Agenda:** Administrative budget for 1997-1999.

#### Human Resources Finance Committee

*Chair: Sen. Linda Berglin*

11 a.m. Room 112 Capitol

**Agenda:** S.F. 1645-Moe, R.D.: Appropriating money for costs relating to the 1837 treaty.

#### The Senate will meet at 11:45 a.m.

#### Legislative Coordinating Commission Subcommittee on Salary and Budget

*Chair: Sen. Roger Moe*

12:30 p.m. Room 300N SOB

**Agenda:** Proposed 1998-99 budget for commissions and joint agencies. Proposed policy for MIS positions.

#### Legislative Coordinating Commission

*Chair: Rep. Phil Carruthers*

1:30 p.m. Room 300N SOB

**Agenda:** Salary and Budget Subc. report.

#### Agriculture and Rural Development Committee

*Chair: Sen. Dallas Sams*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 1371/H.S. 265-Fischbach: Farm crisis assistance personnel. S.F. 1626-Beckman: Livestock and dairy processing and marketing ventures. S.F. 1293-Morse: Biodiesel in state highway maintenance vehicles. S.F. 1283-Sams: Federal milk marketing order system resolution.

#### Commerce Committee

*Chair: Sen. Sam Solon*

2 p.m. Room 112 Capitol

**Agenda:** S.F. 533-Kelley, S.P.: Uniform unclaimed property act. H.F. 645 (S.F. 622)-Scheid: Medically necessary care for mental patients. S.F. 759-Kelly, R.C.: Prohibiting surcharge on auto insurance policy after accident on bus, taxi or other transportation.

#### Crime Prevention and Judiciary Budget Division

*Chair: Sen. Randy Kelly*

4 p.m. Room 118 Capitol

**Agenda:** S.F. 1456-Junge: Board of Innovation & Cooperation crime prevention grants. S.F. 1274-Ranum: Use of breath analyzer to monitor DWI; domestic abuse funding to reimburse courts for indigent offenders. S.F. 1299-Spear: Board of Judicial Standards to pay costs and attorney fees. S.F. 1633-Robertson: Sexual violence and prevention education fields programs. S.F. 1061-Scheid: Intergovernmental information system advisory council law enforcement agency grant funding. S.F. 1236-Johnson, D.H.: DARE Program Funding. Other bills referred to the division.

#### Economic Development Budget Division

*Chair: Sen. Tracy Beckman*

4 p.m. Room 316 Capitol

**Agenda:** To be announced.

#### Environment and Agriculture Budget Division

*Chair: Sen. Steven Morse*

4 p.m. Room 123 Capitol

**Agenda:** S.F. 643-Moe: Hybrid tree management research. S.F. 931-Stumpf: Thief Lake Interpretive display; AURI budget overview; Science Museum budget overview.

#### Governmental Operations Budget Division

*Chair: Sen. Leonard Price*

4 p.m. 125 Capitol

**Agenda:** Minnesota Senate budget.

#### Health Care and Family Security Budget Division

*Chair: Sen. Don Samuelson*

4 p.m. Room 112 Capitol

**Agenda:** Bills not previously heard in policy committee. Discussion only.

#### Property Taxes and Local Government Budget Division

*Chair: Sen. Sandra Pappas*

4 p.m. Room 15 Capitol

**Agenda:** Property tax reform proposals.

#### Family and Early Childhood Education Budget Division

*Chair: Sen. Pat Piper*

6 p.m. Room 15 Capitol

**Agenda:** S.F. XX-Piper: Omnibus budget bill.

#### K-12 Education Budget Division

*Chair: Sen. Lawrence Pogemiller*

6 p.m. Room 112 Capitol

**Agenda:** To be announced.

#### Transportation Budget Division

*Chair: Sen. Janet Johnson*

6 p.m. Room 107 Capitol

**Agenda:** Omnibus bill discussion: S.F. 1012-Pappas: Special transportation vehicles. S.F. 1168-Pappas: MCTO providing public school transportation. S.F. 1040-Johnson, J.B.: Bridge bonding. Metro Mobility issues.

#### Environment and Agriculture Budget Division

*Chair: Sen. Steven Morse*

7 p.m. Room 123 Capitol

**Agenda:** S.F. 527-Sams: Annual allocations to soil and water conservation districts. BOWSR budget overview.

#### Higher Education Budget Division

*Chair: Sen. LeRoy Stumpf*

7 p.m. Room 125 Capitol

**Agenda:** Appropriation bills: S.F. 1505-Wiener: Library information network, HESO. S.F. 1273-Stumpf: Minventia. S.F. 1173-Ranum: Higher Education Center on Violence and Abuse. S.F. 1429-Kleis: Non-AFDC grants; for-profit providers. S.F. 1750-Lesewski: Center for agricultural studies, Southwest State College. Bills referred from other committees. S.F. 1658-Pappas: Interpreting and translating pilot program.

### Wednesday, April 2

#### Environment and Agriculture Budget Division

*Chair: Sen. Steven Morse*

8 a.m. Room 123 Capitol

**Agenda:** LCMR recommendations. S.F. 815-Ten

Eyck: Heartland Trail upgrade. S.F. 817-Dille: Changing grain buyers' license fees.

#### Family and Early Childhood Education Budget Division

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** S.F. XX-Piper: Omnibus budget bill.

#### Higher Education Budget Division

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** Allocations, higher ed budget bill.

#### K-12 Education Budget Division

*Chair: Sen. Lawrence Pogemiller*

8 a.m. Room 112 Capitol

**Agenda:** To be announced.

#### Crime Prevention and Judiciary Budget Division

*Chair: Sen. Randy Kelly*

10 a.m. Room 107 Capitol

**Agenda:** To be announced.

#### Transportation Budget Division

*Chair: Sen. Janet Johnson*

10 a.m. Room 112 Capitol

**Agenda:** Omnibus bill discussion.

#### Environment and Natural Resources Committee

*Chair: Sen. Bob Lessard*

12 noon Room 107 Capitol

**Agenda:** To be announced.

#### Judiciary Committee

*Chair: Sen. Jane Ranum*

12 noon Room 15 Capitol

**Agenda:** S.F. 513-Anderson: Nuisance acts expansion. S.F. 536-Berglin: Nuisance acts expansion. S.F. 891/H.F. 1075-Johnson, D.H.: Regulating professional health services under the professional corporation act. S.F. 298-TenEyck: Uniform Partnership Act of 1994. S.F. 269/H.F. 156-TenEyck: Filing fees and procedures for the secretary of state.

#### Crime Prevention Committee

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** H.F. 282-Wiger: Metro transit police regulations. S.F. 370-Kelly: Mandatory minimum sentence for assaulting a peace officer with deadly force. S.F. 878-Johnson, DH: Equalizing the penalty-level amounts of heroin and cocaine. S.F. 1409-Neuville: Disallowing certain guidelines modifications scheduled to be implemented in August 1997. Other bills to be announced.

#### Economic Development Budget Division

*Chair: Sen. Tracy Beckman*

2 p.m. Room 123 Capitol

**Agenda:** To be announced.

#### Governmental Operations Budget Division

*Chair: Sen. Leonard Price*

2 p.m. Room 125 Capitol

**Agenda:** Budget presentation for the Legislative Coordinating Commission.

#### Local and Metropolitan Government Committee

*Chair: Sen. Jim Vickerman*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 1397-Vickerman: Capital improve-

## Senate Publications

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ment bonds sunset elimination. H.F. 356/S.F. 284-Marty: Official newspaper selection criteria. S.F. 951-Stumpf: County auditor and treasurer duties assignment. S.F. 1669-Stevens: Benton County auditor and treasurer office combination.

### Environment and Agriculture Budget Division

*Chair: Sen. Steven Morse*  
4 p.m. Room 125 Capitol  
**Agenda:** S.F. 566-Beckman: Operating grants to FarmAmerica. S.F. 108-Stumpf: Seed potato inspection. S.F. 322-Dille: Dairy development program. S.F. 425-Morse: Drycleaner Environmental Response and Reimbursement law.

### Health and Family Security Budget Division

*Chair: Sen. Don Samuelson*  
4 p.m. Room 112 Capitol  
**Agenda:** Bills not previously heard in policy committee. Discussion only.

### Property Taxes and Local Government Budget Division

*Chair: Sen. Sandra Pappas*  
4 p.m. Room 15 Capitol  
**Agenda:** Property tax reform proposals.

### Economic Development Budget Division

*Chair: Sen. Tracy Beckman*  
6 p.m. Room 118 Capitol  
**Agenda:** To be announced.

### Health and Family Security Committee

*Chair: Sen. John Hottinger*  
6 p.m. Room 15 Capitol  
**Agenda:** Prescription drug bills.

## Thursday, April 3

### The Senate will meet at 8 a.m.

### Crime Prevention and Judiciary Budget Division

*Chair: Sen. Randy Kelly*  
10 a.m. Room 107 Capitol  
**Agenda:** To be announced.

### Health and Family Security Committee

*Chair: Sen. John Hottinger*  
10 a.m. Room 15 Capitol  
**Agenda:** To be announced.

### Transportation Committee

*Chair: Sen. Carol Flynn*  
12 noon Room 112 Capitol  
**Agenda:** To be announced.

### Agriculture and Rural Development Committee

*Chair: Sen. Dallas Sams*  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 1562-Berg: Agricultural cooperatives investment tax credit. S.F. 1345-Dille: Minnesota Commercial Feed Law changes.

### Commerce Committee

*Chair: Sen. Sam Solon*  
2 p.m. Room 112 Capitol  
**Agenda:** S.F. 349-Hottinger: Omnibus insurance bill. Other bills may be added.

### Property Taxes and Local Government Budget Division

*Chair: Sen. Sandra Pappas*  
4 p.m. Room 15 Capitol  
**Agenda:** Property Tax Reform Proposals.

### Crime Prevention and Judiciary Budget Division

*Chair: Sen. Randy Kelly*  
6 p.m. Room 107 Capitol  
**Agenda:** To be announced.

### Environment and Agriculture Budget Division

*Chair: Sen. Steven Morse*  
6 p.m. Room 123 Capitol  
**Agenda:** Dept. of Agriculture budget overview.

### K-12 Education Budget Division

*Chair: Sen. Lawrence Pogemiller*  
6 p.m. Room 112 Capitol  
**Agenda:** To be announced.

### Governmental Operations Budget Division

*Chair: Sen. Leonard Price*  
7 p.m. Room 118 Capitol  
**Agenda:** To be announced.

## Friday, April 4

### Family and Early Childhood Education Budget Division

*Chair: Sen. Pat Piper*  
8 a.m. Room 15 Capitol  
**Agenda:** S.F. XX-Piper: Omnibus budget bill.

### Higher Education Budget Division

*Chair: Sen. LeRoy Stumpf*  
8 a.m. Room 107 Capitol  
**Agenda:** Completion of allocations for higher education budget bill.

### Health and Family Security Committee

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol  
**Agenda:** To be announced.

### Crime Prevention and Judiciary Budget Division

*Chair: Sen. Randy Kelly*  
12 noon Room 15 Capitol  
**Agenda:** To be announced.

### Environment and Natural Resources Committee

*Chair: Sen. Bob Lessard*  
12 noon Room 107 Capitol  
**Agenda:** To be announced.

### Judiciary Committee

*Chair: Sen. Jane Ranum*  
12 noon Room 123 Capitol  
**Agenda:** To be announced.

### Judiciary Subcommittee on Data Privacy and Information Policy

*Chair: Sen. Don Betzold*  
12 noon Room 123 Capitol  
**Agenda:** S.F. 100-Runbeck: Minnesota Office of Technology. Other items to be announced.

### Environment and Agriculture Budget Division

*Chair: Sen. Steven Morse*  
2 p.m. Room 123 Capitol  
**Agenda:** S.F. 968-Price: U of M raptor center. S.F. 1303-Kelly, R.C.: Purchase and transfer of certain development rights. S.F. 1304-Kelly, R.C.: Southeast Asian conservation officer recruitment and training program. S.F. 638-Morse: Petro tank upgrade assistance program. S.F. 415-Johnson, D.E.: Minnesota River bank restoration. S.F. 184-Stevens: Toxins in products.

### Judiciary Subcommittee on Family Law

*Chair: Sen. Leo Foley*  
2 p.m. Room 112 Capitol  
**Agenda:** S.F. 930-Junge: Family visitation centers. S.F. 241-Kiscaden: Domestic abuse definition.

## Saturday, April 5

### Crime Prevention and Judiciary Budget Division

*Chair: Sen. Randy Kelly*  
9 a.m. Room 107 Capitol  
**Agenda:** To be announced.

### K-12 Education Budget Division

*Chair: Sen. Lawrence Pogemiller*  
9 a.m. Room 112 Capitol  
**Agenda:** To be announced.



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# Briefly

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*The Minnesota Senate Week in Review*

*April 4, 1997*

## **Omnibus bill gains**

The Family and Early Childhood Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin), completed work on the family and early childhood education omnibus budget bill, Tues., Apr. 1. The final figures reflected the division's primary concerns of adequately funding food shelves, transitional housing, child care and programs needed to assist legal immigrants in achieving citizenship and employment. Piper said that the committee has received \$800 million in requests, while the budget offers only \$393 million for FECE programs in the FY 98 and FY 99 biennium.

In keeping with its goals of prioritization and equitable distribution, the division earmarked more than \$202 million for child care programs for the FY 1998-99 biennium. Within the appropriation, child care assistance received \$195.5 million, and child care development received \$6.7 million.

Early childhood programs received appropriations of \$93.5 million. Among the appropriations are \$40 million for Head Start programs, \$28 million for Early Childhood and Family Education Programs, and \$20 million for Learning Readiness Programs.

Self-sufficiency programs received \$25.2 million for the biennium. The appropriations include more than \$4 million for transitional housing, \$18 million for Minnesota economic opportunity grants, \$3 million for food banks and shelves, and nearly \$200,000 for emergency food assistance.

Community and prevention programs received \$72.5 million in appropriations. Within the prevention appropriations are \$24 million for adult basic education, \$10 million for after school enrichment programs, \$15 million for family service collaboratives, \$6.8 million for violence prevention programs, and \$4.5 million for adult graduation aid.

Senators offered many amendments to the bill. Piper offered amendments establishing programs needed to assist legal immigrants preparing for their U.S. citizenship application, increasing Minnesota Economic Opportunity Grants by \$2 million for the biennium, designating \$500,000 for the biennium for the children's cabinet for mentoring at-risk youth, excluding from income funds used to pay family members' health insurance premiums and requiring development grant awards for "start-up"

child care services, and for resource and referral programs. The division adopted the amendments.

Sen. Roy Terwilliger (R-Edina), offered an amendment appropriating \$150,000 for FY 1998 to be used to help and protect children at risk of sexual abuse. Sen. Leo Foley (DFL-Anoka), offered an amendment designating funding for programs attempting to prevent and ameliorate the effects of teenage prostitution. Sen. Jerry Janezich (DFL-Chisholm), offered an amendment establishing a grant program to assure adolescent family self-sufficiency through assisting adolescents parents in a number of ways. Sen. Linda Higgins (DFL-Mpls.), requires the appropriation of funds to allow the basic child care sliding fee program to provide uninterrupted child care assistance to families moving between Minnesota counties. The division adopted all the amendments and sent the bill, as amended, to the full Children, Families and Learning Committee.

## **SCORE tax bill approved**

The state's SCORE tax and solid waste generator assessment fee are repealed under a bill heard at a Weds., Mar. 26, meeting of the Environment and Natural Resources Committee. The bill, S.F. 1637, sponsored by Sen. Gen Olson (R-Minnetrissa), replaces the two fees with a single funding mechanism for waste management activities.

Olson said the new mechanism imposes a flat fee on households and a "percent of billed price" assessment on commercial waste generators. She said that the new fee addresses the administrative problems between the two existing fees. Tricia Conroy, from the Office of Environmental Assistance, said that the amount people pay under the new fee system will be roughly equal to what they paid under the existing system. Sen. Dan Stevens (R-Mora) said that the flat household fee "hits people unequally, and reduces incentives for recycling." Conroy responded that the household flat fee is the smallest component of the total assessment. Olson added that the task force spent considerable time grappling with the issue, but decided that the flat fee was the best resolution. The bill was approved and re-referred to the Committee on Taxes.

The committee also heard three land conveyance bills. S.F. 1705, sponsored by Sen. James Metzen (DFL-South St. Paul),

transfers land from Inver Hills Community College to the city of Inver Grove Heights for the construction of a new Dakota County library. The bill was approved and placed on the Consent Calendar. S.F. 1066, sponsored by Sen. Douglas Johnson (DFL-Tower), authorizes the private sale of tax forfeited land in Cook County and S.F. 1139, sponsored by Sen. Becky Lourey (DFL-Kerrick), does the same for Carlton County. Both bills were recommended to pass and sent to the Senate floor.

Committee Chair Bob Lessard (DFL-Int'l. Falls) presented S.F. 1504. Lessard said the bill "extends timber permits to the beginning of next year because of the tough winter." Bruce Zumbahlen of the Dept. of Natural Resources (DNR) Forestry Division, said that many loggers were allowed by the department to salvage blowdown timber resulting from the windstorms in the summer of 1995. He said the loggers were encouraged in the salvage operations with the understanding that their logging permits would be extended to the end of that year. He said that the following two winters were severe, preventing many loggers from using their permits. The bill was endorsed and advanced to the Senate floor.

Sen. Leonard Price (DFL-Woodbury), sponsor of S.F. 1165, said the bill is a compromise between the Nursery Division of the DNR and the Minnesota Nursery Landscaping Association (MNLA). Price said a previous agreement between the DNR and the MNLA would in essence get the DNR out of the nursery business, but the attorney general said that the agreement bordered on violating the anti-trust law. Lessard said that the new agreement "doesn't put anybody out of business." He added, "the state is not here to compete with greenhouses." The bill was approved and sent to the Senate floor.

The final bill considered by the committee, S.F. 1045, authored by Sen. Steven Morse (DFL-Dakota), changes the state's used motor oil and filter collection and recycling system. Morse began his presentation by offering a delete everything amendment. Lessard said the amendment "is a major change" from the agreement on which the original bill was based. Morse said that the agreement was "dysfunctional" and his amendment internalizes the processing costs of the used oil and filters into the purchase price of the products. Stevens successfully moved to lay the bill on the table.

# Committee update

## Agriculture and Rural Development Committee

### Grant bill endorsed

The Agriculture and Rural Development Committee Tues., Apr. 1 approved a bill that establishes a grant program for livestock and dairy processing marketing ventures. The committee, chaired by Sen. Dallas Sams (DFL-Staples), also heard proposals regarding employment status, soy-based biodiesel projects and commercial feed law changes.

Sen. Tracy Beckman (DFL-Bricelyn) presented S.F. 1626, the grant appropriation bill. The bill requires the Rural Finance Authority to establish the program to help farmers finance and operate new livestock and dairy processing facilities and related marketing activities. Under the terms of the legislation, only co-ops would be eligible for the grant program. Beckman said, "We've seen instances where some large companies have come into Minnesota, have made a profit, and then have pulled out, leaving a big void. Co-ops mean stability." The bill was approved and re-referred to the Environment and Agriculture Budget Division.

S.F. 1371, authored by Sen. Michelle Fischbach (R-Paynesville), delineates the employment status of farm crisis assistance personnel. The bill was advanced to the Consent Calendar. Sen. Steven Morse (DFL-Dakota), presented S.F. 1293, a bill that appropriates funds for a pilot project to test soy-based biofuels in Dept. of Transportation highway maintenance vehicles that currently use diesel fuel. The bill was okayed and moved to the Environment and Agriculture Budget Division.

Sen. Steve Dille (R-Dassel) authored S.F. 1345, a bill that makes changes in the Minnesota Commercial Feed Law. The bill revises the definition of commercial feed to mean materials distributed for use as feed or mixing in feed unless materials are specifically exempted. The bill also revises the definition of customer formula feed to mean feed mixtures manufactured according to a formula developed and provided by, or exclusively formulated for, a purchaser of the feed. The proposal also limits the manufacturer's liability for the nutritional suitability of customer formula feed and allows the manufacturer to label the feed with a disclaimer attesting to the limited liability. Dille proposed an amendment regarding animal lot permits and feedlot zoning ordinances. After the feedlot zoning subdivision was deleted, the amendment giving counties the authority to process animal lot permit applications was adopted. The bill as amended was approved and advanced to the Senate floor.

## Children, Families and Learning

### Small counties' grant break okayed

On Wed., Mar. 26, The Children, Families and Learning Committee, Chaired by Sens.

Lawrence Pogemiller (DFL-Mpls.), Leroy Stumpf (DFL-Thief River Falls), and Pat Piper (DFL-Austin) heard testimony on S.F. 597, authored by Sen. Becky Lourey (DFL-Kerrick). The bill allows Pine County and four additional counties selected by the Children's Cabinet and having populations of less than 30,000 to submit letters of intent in lieu of applications for social service and employment service grants. "If a county does not live up to the service they are supposed to deliver, there is a mechanism for the commissioner to pull some or all of the funding," said Lourey. The bill was approved with recommendation to pass and sent to the floor.

S.F. 486, as explained by Sen. Steven Morse (DFL-Dakota), "proposes a constitutional amendment to put the question to voters in 1998 as to whether 20 percent of the net proceeds of the lottery should be used for education funding for Minnesota students in Minnesota institutions of higher education. The amount to be gained by education is \$12.5 million, Morse said. Sens. Ember Junge (DFL-New Hope) and Linda Sheid (DFL-Brooklyn Park) voiced concern that the plan did not provide relief to middle income families. Morse said he supported broadness and flexibility with regard to the scope. Sen. Martha Robertson (R-Minnetonka) said she doubts that lottery money should be dedicated so specifically. "I would argue," she said, "that the state's responsibility to make higher education affordable is a responsibility that needs to be taken care of as part of the general fund. It's not an extra. The money for it ought to come out of the general fund." Morse said he agrees, but does not see that general fund money going this purpose. Pogemiller proposed offering an amendment to stipulate that the money go to early childhood and kindergarten programs. He called the proposal premature and eventually moved to lay the Morse bill on the table. Sen. Sheila Kiscaden (R-Rochester) reiterated the fact that while K-12 spending has continually increased and early childhood education is currently receiving a lot of legislative attention, higher ed has been held to the same levels. Lourey reminded the panel that Stride programs, which have educated many students, are not going to be around anymore, "we are, in a way supporting those kids, because we are helping the parents to become educated so they can earn a living wage." The bill was laid over.

Sen. Jane Ranum (DFL-Mpls.) authored S.F. 421, which clarifies the intent to encourage collaboration and co-location by allowing programs to exceed the maximum on grant amounts when there is more than one program occupying the same location. The bill was approved and sent to the floor with recommendation to pass.

Sen. Steve Kelley's (DFL-Hopkins) S.F. 1150 provides funding for high speed communications system for Minnesota's four-year universities. The lines would carry information at one billion bits per second as opposed to the 56,000 bits per second on the

fastest phone line. The bill was approved with recommendation to pass and sent to the floor.

## Commerce

### Three bills approved

The Commerce Committee, chaired by Sen. Sam Solon (DFL-Duluth), approved three bills, Tues., Apr. 1, relating to insurance surcharges, mental health coverage and unclaimed property.

S.F. 533, sponsored by Sen. Steve Kelley (DFL-Hopkins), relates to unclaimed property, defines an "apparent owner," establishes time limits for presumption of abandonment for various types of assets, provides that tangible property held in safe deposit boxes may be presumed abandoned if it remains unclaimed for more than three years after the safety deposit box rental period has expired, and sets forth rules for taking custody of property that is presumed abandoned in this or another state.

Kelley offered an amendment redefining a public utility and diminishing from five to three years the time duration required to elapse before a property is deemed unclaimed. Sen. Deanna Wiener (DFL-Eagan), offered an amendment allowing gift certificates bearing an expiration date an exemption from unclaimed property status. Sen. John Hottinger (DFL-Mankato) offered an amendment exempting from the term "property" assets of ERISA-covered employee benefit plans. The committee adopted all the amendments, approved the bill, as amended, and sent it to the Senate floor.

S.F. 759, sponsored by Sen. Randy Kelly (DFL-St. Paul), prohibits a surcharge for an automobile accident when the insured is a passenger in a bus, taxi or a commuter van that is involved in an accident. S.F. 622, sponsored by Linda Scheid (DFL-Brooklyn Park), prohibits the sale of health plans within the state that restrict the definition of "medically necessary care." The bill specifies that medically necessary care must include health care services appropriate to the enrollee's diagnosis in terms of type, frequency, duration, and diagnostic and preventive testing. The bill also specifies that medically necessary care must be consistent with generally accepted practices used by providers in the same field. The committee approved both bills and sent them to the Senate floor.

## Crime Prevention

### Genital mutilation clarified

On Wed., Mar. 26, the Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), approved and sent to the floor a bill authored by Sen. Ellen Anderson (DFL-St. Paul) exempting certified nurse-midwives from the law prohibiting female genital mutilation. She explained that medical doctors are exempted because they are sometimes required to perform procedures during a birth which may technically

fall under the scope of the ban, especially if the woman has already previously undergone some form of genital mutilation. A nurse-midwife gave testimony that the growing number of Africans emigrating to Minnesota has meant those in the profession are faced with such situation more often. The bill was amended to make the exemption effective upon passage.

The committee approved S.F. 1178, a bill authored by Sen. Paula Hanson (DFL-Ham Lake), that increases penalties for passing a school bus on the shoulder. The bill was sent to the floor. Another bill approved by the committee, S.F. 779, allows government entities to pursue restitution in felony, gross misdemeanor and misdemeanor sentencing. The bill will allow government entities to claim victim status.

S.F. 985, repealing restrictions on the sale of legal toxic substances to minors, was presented by author Deanna Wiener (DFL-Eagan). Especially in rural areas, according to Wiener, legitimate reasons for a minor to purchase products containing toxic substances outweigh the risk of potential substance abuse. The bill was approved and sent to the floor.

Sen. Don Betzold (DFL-Fridley) said S.F. 92 closes a loophole in current tax law, upgrading penalties for knowingly and willfully evading mortgage registry tax or deed tax. Currently a misdemeanor, such violation is made a felony under the bill. The bill was approved and re-referred to the Committee on Taxes.

Sen. Arlene Lesewski (R-Marshall) quickly described the benefits of S.F. 1614, a bill allowing a juvenile detention center in Rock County to exceed the state's current 100 bed limit. S.F. 1641 was approved and sent to the floor.

Assaulting an OSHA inspector, says Sen. Linda Runbeck (DFL-Circle Pines), should be considered a gross misdemeanor. A bill to this effect, S.F. 575, was approved and sent to the floor after an amendment stripped it of its "private right of action" section.

S.F. 651, allowing jails to charge booking fees was approved and sent to the floor. Author Sen. David Knutson (R-Burnsville) accepted a suggestion that the bill clarify the charge would not be assessed in a "book and release" situation. The bill provides for fee reimbursement to those not convicted.

S.F. 985, the omnibus DWI bill, carried by Sen. Leo Foley, (DFL-Anoka) was approved and sent to the floor.

Sen. Randy Kelly (DFL-St. Paul), author of S.F. 1302, explained that the bill requires that part-time peace officers be United States citizens and possess a valid Minnesota driver's license. The bill also requires that the POST Board establish awards for excellence in the area of training. S.F. 1302 was approved and sent to the floor.

## **Governor's crime bill advances**

Weds., Apr. 2, the Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.) advanced the governor's crime

prevention initiatives along with six other bills to the budget division.

Policy provisions in S.F. 25, the governor's crime bill, carried by Sen. Thomas Neuville (R-Northfield), include the establishment of teen courts and the expansion of probationary and after-care programs for released prisoners. S.F. 25 appropriates \$15.6 million trunk highway dollars as well as \$43.8 million from the general fund over the next biennium.

The bill also establishes funding for the development and implementation of a coordinated statewide public safety, criminal and juvenile justice information system, as well as providing funding to the Department of Children, Families and Learning for the maintenance of after school enrichment programs.

S.F. 1216, presented by Sen. Charles Wiger (DFL-North St. Paul) provides that \$250,000 per year be spent to fund a St. Paul pilot project modeled after the Boston Gun Project. The Boston Gun Project dramatically decreased gun violence in that city. Wiger said major components of Boston's success, like close collaboration between probation officers and law enforcement will be emphasized in the bill.

A one-time appropriation of \$966,912 is requested by Sen. David Knutson (R-Burnsville) for a pilot project contained in S.F. 1280. The project is also designed to encourage more effective probation in the juvenile justice system. The pilot allocates funding to Hennepin, Ramsey and Dakota Counties for the purposes of stationing probation officers in selected schools. Knutson said he envisions the replacement of current "assembly line probations" in favor of a new model that hinges upon probation officers becoming accessible community figures.

If Sen. Dave Johnson (DFL-Bloomington) guides S.F. 878 to passage, penalties for possession and sale of heroin will be raised to the severity level of those currently in place regarding cocaine. Law enforcement representatives testified that heroin use is rising and that the drug is in many ways more addictive than cocaine. Some members expressed concern that Minnesota's drug crime penalties are possibly already more severe than national averages, but Sen. Linda Berglin (DFL-Mpls.) cautioned that any lowering of penalties send the wrong message.

Assault on peace officers with deadly force will incur a maximum sentence of ten years, according to S.F. 370, a bill sponsored by Sen. Randy Kelly (DFL-St. Paul). The current penalty is five years.

A scheduled modification of sentencing guidelines, provided by the 1996 Legislature, will not go into effect this August if Neuville's S.F. 1409 is passed into law. The modifications increase criminal sentence duration at uniform intervals across criminal history. Neuville said the bed impact would be high if modifications are allowed to occur.

## **Crime Prevention and Judiciary Budget Division**

### **Restorative justice discussed**

Tues., Apr. 1, Chair Randy Kelly (DFL-St. Paul) and the Crime Prevention and Judiciary Budget Division heard presentations of bills to be considered for inclusion in omnibus legislation.

Sen. Linda Berglin (DFL-Mpls.) explained that S.F. 1461 authorizes sentences to restorative justice, an option allowing offenders to interface with and make restitution to communities for lower level misdemeanors. An amendment, successfully offered by Sen. David Knutson (R-Burnsville), provides that offenders may be sentenced to a combination of traditional incarceration and restorative justice programs. Kelly successfully offered and amendment giving the bill pilot status and limit its scope to Hennepin County.

S.F. 1061, authored by Sen. Linda Sheid (DFL-Brooklyn Park), funds a Metro Area law enforcement information-sharing initiative. She argued that the current collaborations between the BCA and the FBI and local law enforcement do not go into enough depth. "A loud noise violation," she said, "can be very important in the investigation of a much larger crime." Kelly expressed concern that the bill duplicates efforts already underway to coordinate technology for information swaps. The bill was laid over.

Sen. Ellen Anderson (DFL-St. Paul) presented S.F. 1569, a bill to provide funding to increase law enforcement response to victims of domestic violence. When Kelly reminded the division that Minnesota spends five times as much as some other states on victim's services, Sen. Ember Junge (DFL-New Hope) countered that spending the money to prosecute saves money in repeated, ineffectual home visits and saves community health care dollars spent after the fact. Sen. Allan Spear also expressed reservations. "What bothers me," he said, "is that we keep spending money and the statistics don't seem to bear out that it is doing any good."

Spear presented S.F. 1299, providing for reimbursement of legal costs to Judge Lajune Lange, who was exonerated after a high profile investigation by the Judicial Review Board. The bill does not mention Lange by name but is drawn narrowly to apply only to her case. Kelly laid the bill over in order to research any precedents situations that might provide guidance as to how the division should proceed.

Sen. Steven Novak (DFL-New Brighton) brought his arson task force legislation, S.F. 1578 before the panel. The division may not fund the measures fully, said Kelly, but he said he agrees that the problem should be dealt with proactively.

S.F. 1633, authored by Sen. Martha Robertson (R-Minnetonka), provides \$250,000 in biennial funding for the

# Committee update

Institute for Child and Adolescent Sexual Health to continue treatment programs designed to intervene in cases of children who exhibit sexually aggressive behavior. The president of the Institute, Dale Wiebusch, explained that low numbers of program participants were due to barriers that need to be studied. "Teachers anecdotally report these children," he said, "though we still aren't seeing them in treatment." In opposition to the bill, Department of Health representatives said the money originally given to the institute was not well spent.

The high-profile .08 blood alcohol threshold for DWI was presented by Sen. John Marty in the form of S.F. 77. The committee discussed at length the complicated funding for such a change. Funds, said counsel, would come from four different pools and the recaptured revenues would have to conform to present targeted allocation destinations in the overall budget. In essence, the division would not reap full benefit of revenue generated by the legislation to offset costs because those revenues are already dedicated to flow elsewhere. Kelly said the bill may not be funded at the requested \$587,000 amount but will be included in omnibus legislation.

Junge also presented a bill relating to a minority recruitment and training option for law enforcement entities. Participants said the program, which provides subsidies for uniforms and materials, school tuition and stipends, enabled minority men and women to overcome serious barriers and graduate to serve on police forces area-wide. S.F. 293, authored by Junge, continues funding for the program.

Junge also presented 1586, a bill to continue funding for the Minnesota Sexual Assault Coalition and the Coalition for Battered Women. Representatives from the groups dispelled some members' misunderstandings about overlap. "These are two very separate issues," said a victim of both crimes, "and must be dealt with separately."

The controversial in-school drug awareness program DARE was the subject of much discussion by the panel. S.F. 1236, authored by Sen. Dave Johnson (DFL-Bloomington), expands the program to its full implementation goal. At present, Minnesota has only implemented DARE at the grade school level. Johnson's bill gives DARE a chance to reiterate its message to high schoolers. One eighth grader testified that DARE had taught her it was okay to say no to drugs "even though my aunts and uncles smoke weed at family parties." Spear once again voiced his frustration at programs asking for more funding when, "studies all over the country show that DARE doesn't work." Kelly cautioned the panel not to overlook DARE's ancillary benefits like improving relationship between children and police.

S.F. 1447, authored by Sen. Ellen Anderson (DFL-St. Paul), appropriates \$400,000 to fund joint-use police, with dollars to flow through municipal budgets. Ranum presented S.F. 1274, a bill providing

funding for expansion of electronic monitoring technology for probation in domestic abuse cases as well as the more common DWI probation. S.F. 271, authored by Kelly, provides increased funding for truancy and curfew enforcement. He cited statistics indicating dramatic decreases in daytime crime correlative to truancy policing initiatives.

Junge's S.F. 1456 creates a special unit of the state's Board of Innovation and Cooperation that deals specifically with crime prevention initiatives. Kelly expressed frustration with the way the Department of Children, Families and Learning's grant process has evolved and said he is loath to create more hoops for neighborhoods to jump through. Junge's bill divides funds into \$50,000-\$100,000 grants to be awarded to community groups that combine efforts on innovative projects.

## Detainee housing bill discussed

Continuing with bill explanation before markup of omnibus legislation, Chair Randy Kelly (DFL-St. Paul) and the Crime Prevention and Judiciary Budget Division discussed the following five bills Wed., Apr. 2.

S.F. 939, sponsored by Sen. Sheila Kiscaden (R-Rochester), requests a \$250,000 appropriation to bolster day treatment programs for older adolescents who have nowhere to go upon release from juvenile detention. A adult transition program called Productive Day, said Kiscaden, costs the state \$4,592 per year, as opposed to residential placement, which costs the state \$49,275 or a year at Red Wing, which costs \$62,050. Under the bill, the program is expanded to include juveniles.

Sen. Jane Ranum (DFL-Mpls.) presented S.F. 1685, which provides transport and funding to house Minneapolis offenders in outlying suburban jails. The lack of jail space in Minneapolis, she said, means that catch-and-release situations are common, resulting in neighborhood frustration.

After trips through many committees, Sen. Ember Junge's (DFL-New Hope) Crime Alert Network expansion proposal was considered for omnibus inclusion. S.F. 935 appropriates \$125,000 per year over the biennium to diversify the applications of the broadcast fax network originally designed to trace missing children. The expansion, said Junge, means using the network in cases of bad-check writing, sex-offender release and FBI terrorism investigations.

Sen. Becky Lourey (DFL-Kerrick) explained S.F. 1272, a bill providing funds for uniform firefighter training. Creation of a firefighter training study committee is necessary, she said, because at this point, "no one is in charge." Training currently can be either administered in-house or farmed out to local vo-tech colleges, she said.

Sen. Thomas Neuville (R-Northfield), sponsor of S.F. 557, walked the committee through two sections of the governor's crime bill relating to appropriations for the auto theft prevention program and the Private Detectives Board.

S.F. 658, presented by Sen. Tracy Beckman (DFL-Bricelyn), requires the state to pay counties per diem charges per inmate when inmates are detained in county facilities before trial. The current practice allows a 15 day maximum stay in county jail before prosecution. There is presently no incentive, said Beckman, for the state to shorten these stays. Department of Corrections representative Dennis Benson said the 15 day stays will be cut down by the growing use of teleconferencing to streamline hearing procedures.

## Election Laws

### Contributions bill clarified

A bill to change the Minneapolis School Board elections to coincide with state elections was presented by Sen. Allan Spear (DFL-Mpls.) on Wed., Mar 26, to the Election Laws Committee, chaired by Sen. John Marty (DFL-Roseville). After hearing testimony that stand alone elections cost the district nearly \$100,000, the panel approved S.F. 1684, and sent it to the floor to be placed on the Consent Calendar.

Sen. William Belanger (R-Bloomington), in his presentation of S.F. 1255, told members that due to imprecise campaign finance law language, a Bloomington candidate was able to accept contributions well in excess of the law's intended limits. Current language, which limits contributions to a candidate's campaign committee, does not clearly state that contributions above the limit cannot be given directly to the candidate. This is clearly, said Belanger, not the intent of the law. He said the county attorney allowed the excessive contributions to stand because of the ambiguity. The bill was approved and recommended for placement on the Consent Calendar.

Marty said he wanted the committee to reconsider S.F. 708, the large campaign finance reform bill which had failed to gain committee approval at an earlier hearing. He pointed out that many of the bill's provisions had received favorable response, but Sen. Mark Ourada (R-Buffalo) said the committee should not be asked to resurrect a bill when other bills have not received a first hearing. Sen. Linda Sheid (DFL-Brooklyn Park) said she had some concerns about the way the bill would affect the relationship between candidates and their political parties. The meeting was adjourned after Marty failed to gather enough support for reconsideration.

## Environment and Agriculture Budget Division

### Hybrid tree production discussed

A bill providing funding for hybrid poplar tree research and production was discussed at a Tues., Apr. 1, meeting of the Environment and Agriculture Budget Division. The bill, S.F. 643, sponsored by Majority Leader Roger D. Moe (DFL-Erskine), appropriates

\$200,000 for each of the next two years to the Agricultural Utilization Research Institute (AURI) to develop and implement a plan for plantation production of the trees.

Moe said that the hybrid trees grow 6-10 times faster than native species trees and that he expects paper companies to buy land to grow the trees. Division Chair Steven Morse (DFL-Dakota) asked if the trees were usable as a biofuel source. AURI researcher Ed Wene said that fuel was a possible future use of the trees, but for now they would be used as a fiber source for paper production. Moe cautioned that it takes 10 years before a crop of the trees can be harvested and that it is not feasible for a farmer on the verge of bankruptcy to grow the trees. Moe added that despite predictions of a "paperless society," he expects paper consumption to increase.

The panel also considered a request for funds found in S.F. 931. Chief author LeRoy Stumpf (DFL-Thief River Falls) said the request is for a sign at the Thief Lake Wildlife Management Area. Stumpf said that the sign provides historical information about the area. He said that a previous appropriation for the sign expired before the historical research was complete for the sign. He added that the sign is constructed of fiberglass with embedded color, making it maintenance free.

The division also gave consideration to S.F. 527, authored by Sen. Dallas Sams (DFL-Staples). The bill establishes an annual operational funding allocation to each of the state's 91 Soil and Water Conservation Districts (SWCD) of \$30,000 to \$100,000 according to Sams. All three bills were laid over for inclusion in the division's omnibus bill.

Later, the division heard a budget overview for the Board of Soil and Water Resources from Director Ron Harnack.

### **Feedlot ordinances discussed**

An amendment granting counties the authority to pass ordinances regulating feedlots for planning and zoning purposes was adopted by the Environment and Agriculture Budget Division at a Weds., Apr. 2, meeting. The amendment is part of the dairy development program bill, S.F. 322, sponsored by Sen. Steve Dille (R-Dassel).

The panel spent considerable time discussing a section of the amendment giving the Dept. of Agriculture and the Pollution Control Agency (PCA) authority to review and suggest improvements to proposed ordinances. Sen. Leonard Price (DFL-Woodbury) said that he was concerned about defining "social justification" -- one basis for an agency improvement recommendation. Division Chair Steven Morse (DFL-Dakota) said that a rural church in his district moved because of the smell of a feedlot built nearby, and cited that as an example covered by the provision. Sen. Charles Berg (IND-Chokio) moved to strike the provision, but Tom Cochrane of the Minnesota Agri-Growth Council and Chris Radatz of

the Farm Bureau both recommended keeping the provision. Berg later withdrew his motion.

In his initial presentation, Dille said the bill includes a program for dairy diagnostic teams. Dille said the teams evaluate a dairy operation and make recommendations for improvements based upon the dairy farmer's goals. The bill was laid over for inclusion in the omnibus bill.

Dille also presented S.F. 817, a bill that increases grain buyer's licensing fees based on the volume they purchase. Dille said that the federal government previously appropriated \$100,000 annually for the program, but that the appropriation was discontinued. Dille said that under the bill, the program is funded with the license fee increase. The bill was also held over for inclusion in the omnibus bill.

Earlier the panel heard a \$30,000 request found in S.F. 815 from Sen. David Ten Eyck (DFL-East Gull Lake). Ten Eyck said the money is to improve the horse riding section of the Heartland Trail so that snowmobiles equipped with metal studs can use it in the winter. The panel also discussed S.F. 556, carried by Sen. Tracy Beckman (DFL-Bricelyn). Beckman said the bill requests \$400,000 in operational money for Farm America. In addition, the panel received the funding recommendations of the Legislative Commission on Minnesota Resources from Executive Director John Velin. All items were held over for possible inclusion in the omnibus bill.

## **Governmental Operations and Veterans Affairs**

### **Naturopath bill discussed**

Because the Governmental Operations and Veterans Affairs Committee had reviewed S.F. 523 earlier in the session, members acted quickly on the bill at the Weds., Mar. 26, meeting. The measure's author, Sen. Linda Berglin (DFL-Mpls.), briefly explained the intent of the legislation -- to establish licensure procedures for naturopathic doctors. She said the only major policy amendment made in a prior committee requires a study of complementary medicine by the commissioner of health. The types of medicinal practice contained under the definition of complementary medicine include: acupuncture, homeopathy, manual healing, macrobiotics, naturopathy, biofeedback, mind/body control therapies, traditional and ethnomedicine therapies, structural manipulations and energetic therapies, bioelectromagnetic therapies, and herbal medicine. As part of the study, recommendations are to be provided on whether the state should credential or regulate any of the complementary medicine providers.

Sen. Steven Morse (DFL-Dakota) asked, "What would happen if we don't act on it this year?" Berglin responded and said that people practicing naturopathic medicine are

subject to being sanctioned for practicing medicine without a license. Morse countered, "So in order for these people to continue practicing, they need clear legislative authority. Not licensure, just legal authority."

Sen. Linda Runbeck (R-Circle Pines) offered an amendment and said, "I recognize that there is a good rationale behind this bill, but I have several concerns, particularly with the scope of practice defined under the bill." She explained that the amendment allows the study of complementary medicine to go forward but deletes the remainder of the bill, removing the licensure and scope of practice language. "Licensure is the path to go down, but I am concerned about the number of people the legislation protects versus the number of people who will be fenced out of practice if licensure occurs. There are only six people who will be licensed if this bill passes," she said. The Runbeck amendment prevailed after a division vote was tallied. After the amendment was adopted, the bill was approved and sent to the floor.

In other business, the committee approved several bills and advanced them to the floor. The following seven bills were re-referred to the floor.

Sen. John Hottinger (DFL-Mankato), chief author for S.F. 1363, said the bill establishes a task force to examine corporate welfare. The nineteen member committee will examine tax laws and subsidies for businesses to determine which are wise and which are not, he said. Runbeck successfully offered an amendment that precludes lobbyists from membership on the advisory task force.

According to Sen. Dave Kleis (R-St. Cloud), S.F. 1207 establishes a site selection committee, a task force given the authority to choose the sites for future state correctional facilities. He explained that the legislation is a result of the Rush City prison site selection process. "This bill will ensure that we don't have a site selection process like we did this year. All of the costs will be identified before a site is chosen," he said. The committee amended the bill so that the task force expires June 30, 2001.

"S.F. 741 creates the Respiratory Care Therapists Advisory Council and requires the registration and regulation of respiratory care practitioners," said Sen. Steve Kelley (DFL-Hopkins).

Sen. Deanna Wiener (DFL-Eagan) said S.F. 1316 requires all advisory groups established before Jan. 1, 1997, to expire June 30, 1997, while advisory groups established this session expire June 30, 2001. The bill also requires all advisory agencies to submit a one-page memorandum summarizing their activities. Those that do not comply will not receive state compensation for their expenditures. Members had approved the bill at a prior meeting, but decided to lay it aside in order to attach all legislation dealing with the expiration date for advisory groups to the bill. The bill now

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includes the additional language. Any advisory groups that are not part of S.F. 1316 will expire this year, Wiener said.

Sen. Sandra Pappas (DFL-St. Paul) presented a bill, S.F. 1097, that creates transportation revolving loan accounts. She said any federal aid highway project is eligible to receive the funds.

S.F. 354, carried by Sen. William Belanger (R-Bloomington), adds the commissioner of trade and economic development to the Environmental Quality Board.

Finally, Sen. Ember Junge (DFL-New Hope) presented S.F. 599, a measure that establishes youth-oriented driver improvement clinics.

One bill was re-referred to the Judiciary Committee. S.F. 1247, carried by Sen. Becky Lourey (DFL-Kerrick), establishes regulations for the state's ombudsmen services. Sen. Don Betzold (DFL-Fridley) said he was concerned about several data privacy issues inherent in the legislation. Therefore, since the bill had not been reviewed by the Judiciary Committee, it was re-referred there without recommendation.

## Learning network bill discussed

Sen. Steve Kelley (DFL-Hopkins) explained that S.F. 1150 eliminates the requirement that the Telecommunications Council require government agencies use the Minnesota Network (MnNet). The bill was presented at the Weds., Apr. 2, Governmental Operations and Veterans Affairs Committee meeting. The legislation improves the state's electronic learning network by providing funds to purchase high-capacity, secure, fiber-optic connections between the four year public universities around the state. The goal is to extend the high-capacity links into regions of the state where the local telephone companies have not yet invested in the technology, thereby spurring high-technology telecommunication expansion. The end result will be to connect the state's fiber-optic network to the local private networks in rural communities and provide businesses access to a secure electronic trading environment, Kelley said. Kelley then offered an amendment that clarifies the duties for providing access to the new network for the commissioner of administration. The amendment was adopted and the bill was re-referred to the Governmental Operations Budget Division.

In other business, Sen. Roger Moe (DFL-Erskine), brought forward a bill that designates the Zion Lutheran Church in Norman County an historic place. He said the church was built by Norwegian immigrants in 1883. The bill was approved, sent to the floor, and recommended to be placed on the Consent Calendar.

S.F. 180, carried by Sen. LeRoy Stumpf (DFL-Thief River Falls), provides funding for a memorial to Coya Knutson on the Capitol grounds. He said, "This memorial will honor a very special woman who dedicated her life to public service. She lived a very distinguished life and was a

person Minnesota should honor in a place of distinction." Knutson was the first and only woman from the five state region to be elected to U.S. Congress, Stumpf explained. Members re-referred the measure to the Governmental Operations Budget Division.

Finally, Sen. John Marty (DFL-Roseville) presented S.F. 742, a bill that repeals the requirement that state employees pay parking fees when they work in a leased office. Sen. Lawrence Pogemiller (DFL-Mpls.) asked if the bill had been discussed with the commissioner of administration. Marty said it had not. After members expressed concern and said that they would be more comfortable if the details have been worked out with the commissioner, Chair James Metzner (DFL-South St. Paul) laid the bill over for further consideration.

## Governmental Operations Budget Division

### Northstar online bill discussed

Sen. Steve Kelley (DFL-Hopkins) brought S.F. 428 before the Governmental Operations Budget Division at the Tues., Apr. 1, meeting. The measure does four principal things, Kelley said. First, the Office of Technology is directed to develop and operate a comprehensive Minnesota state government world wide web site on the Internet called Northstar. The bill sets up a Minnesota Internet Center, an information and telecommunications initiative that provides planning and technical assistance to communities. Third, the legislation establishes a MNCARD pilot project that uses smart card technology to allow citizens to access state services more cost effectively and efficiently. Finally, the bill calls for a study to examine the feasibility of creating universal e-mail accounts for all Minnesotans. The division launched into a thorough discussion that examined the minutiae of the bill. Chair Leonard Price (DFL-Woodbury) said no action would be taken on the measure, but that it would be considered for inclusion in the division's omnibus bill.

### Senate budget heard

The Governmental Operations Budget Division, chaired by Sen. Leonard Price (DFL-Woodbury), devoted most of the late afternoon Tues., Apr. 1, hearing to a discussion of the Senate portion of the Legislature's budget. Secretary of the Senate Patrick Flahaven explained that the bulk of the budget was devoted to fixed personnel costs. In addition, Flahaven said that a substantial portion of the budget is devoted to getting information to the public through printed documents, publications, video and answering inquiries by phone. A separate budget request to upgrade telecommunications systems and provide for Senate Chamber automation is also being considered by the division.

Members also concluded their discussion of S.F. 428. The measure, sponsored by Sen. Steve Kelley (DFL-Hopkins), establishes

NorthStar as the state's government on-line service and information initiative. The measure also provides for implementing a "MNCARD" pilot project. The project is aimed at integrating information and communications technology into a single "smart card" that can be used for a combination of state employee identification, building access, telephone calling card, insurance carrier information and debit card features. The measure will be considered for inclusion in the omnibus bill being developed by the division.

The governor's proposal for funding state government agencies was also discussed. The bill, S.F. 450, carried by Sen. Dennis Frederickson (R-New Ulm), contains the governor's budget proposal and language altering the timing of various portions of the governor's biennial budget request. The provisions regarding timing are also contained in the Dept. of Finance housekeeping bill, Frederickson said. The panel also discussed the various provisions included in the governor's bill but took no formal action on the measure.

## Mighty ducks bill considered

Sen. James Metzner (DFL-South St. Paul) presented S.F. 405, the Mighty Ducks ice arena bill, at the Weds., Apr. 2, Governmental Operations Budget Division. Chair Leonard Price (DFL-Woodbury) said no action would be taken on the bill, but that it would be considered in the omnibus bill budgeting process. Under the bill, \$5 million is appropriated from the bond proceeds fund to the Amateur Sports Commission for grants of up to \$250,000 each to construct and renovate ice arenas throughout the state. He said the need for the measure is pressing because next year there will be over 100 girls hockey teams around the state competing for ice time with other sporting events.

S.F. 265, carried by Sen. Arlene Lesewski (R-Marshall), allows the Gambling Control Board to charge pull tab manufacturers costs for conducting inspections of their facilities. She explained that the manufacturers welcome the inspections to ensure they are in compliance with state laws and have agreed to the fees. The bill was approved and advanced to the Governmental Operations Committee.

## Health and Family Security

### Prescription drug bills heard

Two controversial prescription drug bills were considered at the Weds., Apr. 2, Health and Family Security Committee meeting, chaired by Sen. John Hottinger (DFL-Mankato). Sen. Becky Lourey (DFL-Kerrick) first presented S.F. 1619 and said, "I told people that I would do everything I could to expand prescription drug coverage for seniors. I'm hoping this bill will give us a solution. It is unconscionable that seniors are being forced to choose between food and prescription drugs." Under the bill, the

definition of an eligible person under the MinnesotaCare (MNCare) program is expanded to include senior citizens beginning Jan. 1, 1998. In order to be eligible, the person must be age 65 or older, have an annual income less than 200 percent of federal poverty guidelines, not have coverage for prescription drugs under a health plan or under a Medicare supplement plan, and be a permanent resident of Minnesota. The expanded coverage is paid for through the health care access fund (HCAF) and targets the people most in need by supplementing their prescription drug payments, Lourey said.

Sen. Martha Robertson (R-Minnetonka) asked how many people are impacted by the bill. Lourey explained that using the 200 percent of poverty guideline, it is estimated that over 124,000 seniors will become eligible.

Sen. Don Samuelson (DFL-Brainerd) said he always understood that MNCare was intended to be an insurance program for the working poor. He asked Lourey what her reaction was to broadening the scope of MNCare by expanding the program to cover seniors, because doing so will open the door to other groups needing coverage that were not intended under the original program. Lourey responded, "Because Medicare does not provide medical drug coverage, it could be argued that they are uninsured. I believe that with the addition of this measure, MNCare is still narrow in scope." The bill was approved and re-referred to the Health and Family Security Budget Division.

The second prescription drug bill, S.F. 1008, sparked a lengthy, contentious discussion. The measure's author, Sen. John Marty (DFL-Roseville), said the bill's principal intent is to ensure that people in Minnesota pay fair prices for their prescription drugs. He said that prices for medical drugs in neighboring Canada are on average 40 percent less than prices paid in the United States. The lower prescription drug costs are true for most western, industrialized nations, he added. Specifically, the bill requires the commissioner of administration to establish a nongovernmental pharmaceutical contracting alliance to negotiate prices for prescription drugs with the manufacturers. The contracting alliance is to be comprised of voluntary pharmaceutical purchasers, such as independent pharmacies, and will follow the procedures established by the Minnesota-led multistate governmental contracting alliance that already negotiates pharmaceutical contracts for over 20 states and their respective agencies. Marty said that he did not expect the department to be able to leverage a 40 percent discount, but that a 10 percent or even a 5 percent discount would be a good start and would save Minnesotans a substantial amount of money. The measure then requires that the purchasers in the alliance are to pass on at least 75 percent of the discount savings to the consumers. In addition, the bill also allows the attorney general to investigate instances of unfair prescription drug price discrimination.

Several people testified for and against the bill. One of the first to speak, Merle Mattson, an independent pharmacist from New Prague, said, "The people representing the drug manufacturers will whisper in your ear that this bill enacts price controls. What this bill allows is a competitive bidding process, the essence of a free market. This bill is not the second coming of the Bolsheviks."

Ass't. Commissioner Kent Allin, Dept. of Administration, said the department has remained neutral on the bill this session, but he has grave reservations about the department's ability to perform as hoped by the bill's author. "We have struggled internally on whether we can make this work, but there are three fatal flaws," he said. First, the level of discount that we can successfully negotiate is suspect. The department may not be able to attract a sufficient number of voluntary purchasers to be able to leverage a desirable discount. Second, the department is unsure about its ability to calculate what the savings are and ensure that they get passed along to the consumers. Third, private sector purchasing pools are an emerging phenomenon that allow pharmacies to join nationwide groups that can negotiate discounts without state involvement. Allin said he did not see how the state can be competitive with private sector purchasing pools.

Robertson asked Allin to provide examples of other areas where the department sets price controls. Allin said that the proposed measure is unique in that there are no other programs where the department actively negotiates prices for the private sector.

Keith Pearson, Minnesota Pharmacists Ass'n., said that bill does not do the job. He explained that in its own drug negotiations, the state is only able to get a 7 percent discount. To pass along 75 percent of these savings on to consumers is insignificant and will not improve their quality of life. The issue, he said, is getting people medical coverage for their prescription drugs, and a program like the MNCare program can do this.

Marty then offered an amendment that requires health plans to submit the contract price paid for prescription drugs listed on its drug formulary and specifies that the contract prices must include any discounts or rebates. Essentially, he said, the amendment is a prescription drug disclosure amendment.

Tom Lehman, Blue Cross/Shield, said the amendment is not consumer-friendly and will increase the costs for customers. If the health plans are forced to disclose their contracts with the drug manufacturers, the contracts will be void and the plans will lose their discounts; Minnesota will be an island in the nation, he said. The Marty amendment failed.

Robertson then offered an amendment that deletes language dealing with the distribution of generic drugs by physicians and pharmacies. The amendment prevailed.

Sen. Don Betzold (DFL-Fridley) successfully offered an amendment that deletes all references to the University of Minnesota's College of Pharmacy.

Citing a letter from the attorney general stating that the attorney general's office already has the necessary authority to investigate unfair drug prices, Sen. Sheila Kiscaden (R-Rochester) offered an amendment to delete the attorney general investigative provisions. The amendment was adopted. Members then re-referred the bill to the Commerce Committee without recommendation.

## Health and Family Security Budget Division

### Bills considered for omnibus bill

At the Tues., Apr. 1, Health and Family Security Budget Division, Chair Don Samuelson (DFL-Brainerd) announced that several bills were to be heard in order to be considered for the health and human services omnibus bill, and that no action would be taken on the legislation.

Sen. Jane Krentz (DFL-May Township) first presented S.F. 642, a bill that appropriates money for Down Syndrome information packets. The packets are to be provided to pregnant patients whose fetus has tested positive for Down Syndrome with the hope of providing support to individuals and their families at a crucial time.

S.F. 750, carried by Sen. Steve Murphy (DFL-Red Wing), initiates a pilot project to downsize two intermediate care facilities for mentally retarded (ICF/MR) persons in Wabasha County.

A second bill authored by Murphy, S.F. 1246, restores a portion of the chemical dependency consolidated treatment fund. He said state funding for the fund was removed during a budget crunch in the 1980s, but that there is a great need to fund the detoxification centers. Murphy suggested that the issue behind the bill is a property tax one. "Do we fund programs that the state starts, or do we let the counties and taxpayers pay for it?" he asked.

In another ICF/MR bill, S.F. 1034, Sen. Don Betzold (DFL-Fridley) explained that the bill allows two facilities to reconfigure and readjust their rate setting formula.

Sen. Arlene Lesewski (R-Marshall) brought forward her own ICF/MR measure, S.F. 1160. The bill allows two facilities to downsize and authorizes home and community-based waived services for each person discharged as a result of the downsizing.

According to Sen. Sam Solon (DFL-Duluth), S.F. 1525 appropriates money to the Board on Aging to enable the board to make grants to area agencies on aging. The 14 area agencies provide assistance to seniors in obtaining public and private health care benefits, he explained.

Sen. Dallas Sams (DFL-Staples) presented two bills. The first bill, S.F. 341, funds a rural physician and nurse emergency medical services (EMS) education program. The program is to be administered in rural regional centers and trains medical providers in necessary EMS skills. "If we don't take the program out to them, they won't get the

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education they need," he said. Sams said the \$206,000 appropriated under the bill would serve up to 20 communities.

The second bill authored by Sams, S.F. 1565, funds the Greater Staples Hospital Infant Hearing Screening Program. He explained that the one time grant would implement an educational program to inform other hospitals statewide about how to initiate their own infant screening program.

Sen. Linda Berglin (DFL-Mpls.) also brought two bills before the division. S.F. 636 appropriates money to the Indian Child Welfare Defense Corporation in order to promote statewide compliance with the Indian Child Welfare Act.

Berglin explained that S.F. 258 funds New Chance, a program of comprehensive services that are provided by a nonprofit agency to young parents in Hennepin County who have dropped out of school and are receiving public assistance. New Chance provides parents with skills development, education, job training and job placement, Berglin said.

## Bill consideration continues

Chair Don Samuelson (DFL-Brainerd) said he intended to continue hearing advisory presentations on bills for consideration for inclusion in this year's health and human services omnibus bill at the Weds., Apr. 2, Health and Family Security Budget Division meeting.

S.F. 979, carried by Sen. Becky Lourey (DFL-Kerrick), appropriates funding to provide services to deaf-blind persons. She explained that the services are needed so that the people can maintain their independence and participate in their communities. Under the bill, money is appropriated for a grant to a nonprofit agency to provide intervenor services to deaf-blind people. The specially trained intervenors can communicate with the deaf-blind and can assist them with activities that would be otherwise difficult to do independently.

Lourey also presented S.F. 1617, a bill that provides people to access to wheelchairs in long-term care facilities. The bill also requires Medical Assistance to cover augmentative and alternative communication systems for people with severe expressive communication limitations. No action was taken on either bill.

Samuelson then distributed a list of all legislative issues the committee has to deal with this session. If all of the bills are to be included in the omnibus bill, he said, the division will be approximately \$250 million over its target. Therefore, not all of the programs can be funded and he asked members to look over the list and "judge for yourself what we have on the table."

## Higher Education Budget Division

### Library funds reviewed

A bill appropriating funds for libraries at higher education institutions was reviewed

by the Higher Education Budget Division Weds., Mar. 26. The committee, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls) also discussed proposals related to women's athletics and an American Indian history museum.

S.F. 1318, authored by Sen. Steve Kelley (DFL-Hopkins), appropriates \$5 million for the biennium for libraries at the University of Minnesota and the Minnesota state colleges and universities. The bill was laid aside for further consideration as part of the division's omnibus bill.

Sen. Janet Johnson (DFL-North Branch) presented S.F. 1219, a bill that provides that all revenues and expenditures related to women's athletics at the University of Minnesota be documented separately from other athletic activities. Sen. Sam Solon (DFL-Duluth) said, "I'm afraid what this bill does is force us to micromanage the athletic budget at the U, and I'm not sure we should be doing that." The bill was laid aside for further consideration.

S.F. 1080, presented by Sen. David Ten Eyck (DFL-East Gull Lake), appropriates funds for a museum and center for American Indian history and culture. Under the terms of the legislation, the Minnesota Historical Society would have the responsibility for supervising the plan, design, and construction of the facility. The bill was laid aside for further consideration as part of the omnibus bill.

## MnLINK approved

In its last meeting before reviewing the division omnibus bill, the Higher Education Budget Division held an evening meeting Tues., Apr. 1, to consider a number of bills. The committee, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), approved proposals related to child care grants, the MnLINK library initiative, domestic abuse education, an interpreting and translating pilot program and invention development.

Sen. Dave Kleis (R-St. Cloud) presented S.F. 1429, a bill that expands the number of institutions eligible to participate in the Child Care Grant program. The proposal extends eligibility to private, for-profit schools. The bill was approved and will be considered as part of the division's omnibus bill. S.F. 1505, authored by Sen. Deanna Wiener (DFL-Eagan), establishes MnLINK, a library information network that joins public, academic, school and government libraries into an integrated system. Speaking in support of the program, Sen. Steve Kelley (DFL-Hopkins), said, "MnLINK will get us on-line in a way no other state has tried." The bill appropriates \$12 million for the program. The bill was recommended to pass and will be considered as part of the omnibus bill.

S.F. 1173, presented by Sen. Jane Ranum (DFL-Mpls.), establishes a challenge grant program to be administered by the Higher Education Center on Violence and Abuse. Under the terms of the proposal, the program will improve access to education

and training for professionals who practice in the area of recognition and prevention of domestic violence and abuse. Ranum said, "Higher education needs to catch up with the concerns of the community in the area of domestic violence. If we invest some money now in prevention, we'll spend much less in the future on remediation." The bill was approved and will be considered as part of the omnibus bill.

Sen. Sandra Pappas (DFL-St. Paul), authored S.F. 1658, a bill that establishes a pilot interpreting and translating program at Minnesota state colleges and universities. Pappas said, "Due to a sharp increase in the number of immigrants throughout Minnesota and keeping in mind the implications that welfare reform has for many of those immigrants, the need for professional interpreters and translators has never been greater." Kelley expressed concern about mandates in the bill that dictated specific course content to the participants in the project and proposed an amendment deleting the mandates. The amendment was adopted, and the bill was recommended to pass and will be considered as part of the omnibus bill. S.F. 1273, presented by Stumpf, appropriates \$600,000 to the University of Minnesota to provide a grant to the Institute for Invention and Innovation. According to the proposal, the grant is for developing an international technology acquisition and transfer system. The system would promote Minnesota-based inventions and innovations to the international market. The bill was okayed and will be considered as part of the omnibus bill.

## Omnibus bill considered

The Higher Education Budget Division began deliberations Weds., Apr. 2, on its omnibus appropriations bill. Sen. LeRoy Stumpf (DFL-Thief River Falls), the committee chair, noted the challenge before the committee and said, "We have approximately \$1 billion in new proposals before us with only about \$292 million to spend."

Stumpf identified three objectives the committee is pursuing as it considers its final proposal. He said, "Our first priority is to assist students in financing higher education. The use of technology in higher education has caught on like prairie fire and the bill reflects that. And we're putting resources in the area of education to work, getting people the training and skills they need to get into the job market." The committee voted on the language in the bill one subdivision at a time. The actual appropriations with dollar amounts attached are to be considered at a later meeting.

An appropriation to reimburse campuses located in snow disaster areas for costs of snow removal was adopted for inclusion in the bill. The campuses affected will be reimbursed for costs in excess of 150 percent of the fiscal year 1996 expenditure. Language approving the transfer of unencumbered balances from interstate tuition reciprocity, child care, and state work study

appropriations from one year to the next by the Higher Education Services Office (HESO) was adopted for inclusion. The committee okayed a proposed roundtable on vocational technical education in the state, originally contained in S.F. 499, a bill authored by Stumpf.

The assigned student's share of tuition considered in grant allocations for postsecondary education was reduced from 50 percent to 48 percent as proposed by Sen. Linda Berglin (DFL-Mpls.) in S.F. 289. A law school loan assistance repayment program, from S.F. 521 authored by Sen. David Ten Eyck (DFL-East Gull Lake), was adopted for inclusion. A proposal from HESO to allow an institution to use up to 30 percent of its work study allocation to provide student internships with private employers was approved. Language from S.F. 965, a bill that allows subtractions from federal taxable income for payments to educational plans savings accounts and interest income from those accounts, was adopted for inclusion. Other proposals adopted include a national service scholars program (S.F. 1313), a mission statement for MnSCU (S.F. 713), and a requirement for the University of Minnesota and MnSCU colleges to institute and maintain a common course numbering system to facilitate credit transfers between institutions.

Sen. Steve Kelley (DFL-Hopkins) proposed an amendment that establishes a performance incentive account linking achievement of performance measures to additional appropriations. The amendment establishes an appropriation of \$12 million for the account and allows for \$4 million appropriations for every 4 performance measures attained. The amendment was laid aside for further consideration. The meeting was recessed until evening.

## Human Resources Finance

### 1837 treaty costs discussed

"This is a different kind of proposal that I'm presenting today. I'm hoping it is passed but never used, though I suspect a portion will be," said Sen. Roger Moe (DFL-Erskine). At the Tues., Apr. 1, Human Resources Finance Committee meeting, Moe brought forward S.F. 1645 for consideration, a bill that appropriates funds to cover costs that are accrued as a result of state compliance with the 1837 treaty with the Mille Lacs Band of Chippewa. The treaty allows the Mille Lacs Band to use net and spear fishing on Mille Lacs Lake and several other regional lakes. Specifically, \$6.5 million is appropriated to the commissioner of public safety, and is available until June of this year, to reimburse various state agencies that incur costs performing public education and law enforcement duties associated with complying with the treaty.

Jim Franklin, director of the Emergency Management Division, Dept. of Public Safety, said the department only expects to incur costs during the first 30 to 60 days of

treaty takes effect. He explained that any unexpended funds revert back to the general fund. He added that the local sheriffs have performed a good job with an information outreach campaign in order to diffuse a potentially hostile situation.

Sen. Dan Stevens (R-Mora) offered an amendment that requires any unexpended funds, with a maximum of \$2.5 million, to be used to alleviate the possible economic hardship people in the regional resort industry suffer. Moesaid, "I adamantly oppose the amendment, because when we start adding amendments that disrupt the positive working relationship between the Tribe and the resort community, it does not help the situation." The Stevens amendment failed, and the bill was approved and advanced to the floor.

## Jobs, Energy and Community Development

### Program re-alignment okayed

At an evening, Tues., Mar. 25, the Jobs, Energy and Community Development Committee voted to keep several anti-poverty programs in the Dept. of Economic Security. The programs are slated for transfer to the Dept. of Children, Families and Learning (CFL) on July 1 of this year.

The transfer repeal is found in S.F. 1471, sponsored by Committee Chair Steven Novak (DFL-New Brighton). Novak said that when the Dept. of Children, Families and Learning was created, it "usurped many programs that don't deal with children. This bill puts some programs back where they can better serve their constituencies." Novak added, "now is the time to do it."

Novak said that when CFL took the HeadStart program, it also took all the other related anti-poverty programs. Rebecca Fink, of Rise, Inc., said the transfer to CFL happened without consulting people who provide emergency services to the poor. She supported the bill, saying that the word "poverty" is not in the mission statement of the CFL.

Dept. of Economic Security (DES) Commissioner Jane Brown spoke against the bill. She said that some of the affected DES staff are concerned about the scheduled transfer to CFL, but, she said, she wants those staff people to be willing to take risks. CFL Deputy Commissioner John Husted also spoke against the bill, saying that the affected programs serve both children and families, and therefore belonged under the CFL. Bill Davis, president of the Mpls. Action Agency, said that putting the programs under the CFL "is the right idea." He said, "the programs are interlocked and work well side-by-side." Nevertheless, the panel voted to repeal the transfer to CFL on a 12-4 roll call vote. The bill now advances to the Economic Development Budget Division for further consideration.

One other bill sponsored by Novak, S.F. 1675, received the committee's endorsement. The measure is a resolution asking

the strawberry industry to recognize and respect the rights of strawberry fieldworkers. The bill now goes to the Rules and Administration Committee.

The panel also endorsed S.F. 1748, authored by Sen. Tracy Beckman (DFL-Bricelyn). The bill establishes a rural policy and development center at Mankato State University and appropriates \$20 million for an endowment fund to operate the center. Beckman said, "we don't have a good handle on what's going on in rural Minnesota." He said that there is not a single center that focuses on the social, economic and environmental issues of rural areas. Beckman added that the center would involve academia to quantify the results of the rural studies. The bill was approved and sent to the Economic Development Budget Division.

Sen. Sheila Kiscaden (R-Rochester) presented two bills for the committee's consideration. The first, S.F. 1519, raises the limit on wages earned by an employee from \$500 to \$3000 before an employer is liable for re-employment insurance premiums if the employee is terminated. Kiscaden was accompanied by Cynthia Dauby, a bakery owner from Rochester. Dauby said that the Rochester job market is tight, and that she takes risks by hiring people with few job skills. She said the limit increase gives employers an incentive to hire unskilled workers and employ them long enough to decide if they are developing good job skills. Sen. Jerry Janezich (DFL-Chisholm) said he was concerned that an employer might use the limit increase to exploit workers. Lee Nelson, from the Dept. of Trade and Economic Development (DTED), said the bill contains a \$500 penalty for engaging in employer misconduct. Nelson added that DTED can investigate employers and subpoena records. Sen. Kenric Scheevel (R-Preston) supported the bill, saying the welfare to work programs will rely heavily on small employers providing jobs. The bill was endorsed and sent to the Senate floor.

Kiscaden's other bill, S.F. 1204, appropriates \$1.5 million on a matching grant basis to the Minnesota Futures Fund. The grant money is to help non-profit organizations reorganize to meet the demands of welfare reform. Kiscaden said that the not for profit community will have to change, but it has limited resources. The bill was approved and forwarded to the Economic Development Budget Division.

A bill sponsored by Sen. Ellen Anderson (DFL-St. Paul), S.F. 1206, also advanced to the Economic Development Budget Division with the committee's approval, but only after significant portions were deleted. Anderson said the bill establishes a comprehensive plan for community development in the Great Northern Corridor of St. Paul. Sen. Steve Kelley successfully removed provisions requiring linkage of the neighborhood to a commuter rail system and an affordable housing development in the area. Anderson said that she was more concerned that the planning process consider those

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possibilities rather than require their construction.

Two housing related bills, S.F. 598, sponsored by Sen. Randy Kelly (DFL-St. Paul), and S.F. 948, sponsored by Sen. Charles Wiger (DFL-North St. Paul) received the committee's approval. S.F. 598 appropriates \$2 million to improve the availability of multi-unit housing in St. Paul. S.F. 948 establishes a pilot project in the Mt. Airy homes to help residents prepare for sustained employment opportunities. The former was sent to the budget division while the latter was sent to the Senate floor.

Other bills were considered by the committee at the meeting. S.F. 1136, sponsored by Sen. Sam Solon (DFL-Duluth), appropriating a \$1.4 million grant to the Duluth Economic Development Authority for a family practice residency program clinic building, was approved and sent to the Senate floor. S.F. 1574, sponsored by Sen. Janet Johnson (DFL-North Branch), establishing a pilot loan program for constructing wind energy conversion facilities, was approved and forwarded to the Agriculture and Rural Development Committee. S.F. 100, sponsored by Sen. Linda Runbeck (R-Circle Pines), establishing the Minnesota Office of Technology, was laid over for further consideration.

## Judiciary

### Tenant 911 bill okayed

A bill prohibiting landlords from penalizing tenants for calling 911 was one of the highlights of the Tues., Mar. 25, evening meeting of the Judiciary Committee. S.F. 756, authored by Sen. Dave Johnson (DFL-Bloomington), prohibits landlords from including lease provisions that penalize tenants for seeking police or emergency assistance for domestic abuse. The bill is a response to a number of calls the attorney general has received from tenants who have had problems with landlords after having made calls to the police. Johnson said the bill also preempts any local ordinance or rule that requires an eviction after a specified number of calls by a tenant for police or emergency assistance or provides that calls by a tenant for assistance may be used to penalize a landlord. The bill also provides that a tenant may bring a civil action and recover \$250 or actual damages, whichever is greater. The bill was approved and sent to the full Senate.

Members, chaired by Sen. Jane Ranum (DFL-Mpls.), also heard six additional bills. All six measures were approved and advanced to the Senate floor.

S.F. 1114, authored by Sen. Randy Kelly (DFL-St. Paul), raises the limits on the tort liability of the state from \$200,000 to \$300,000 per claim and from \$600,000 to \$750,000 for any number of claims arising out of a single occurrence. The increases are effective for claims arising on or after Jan. 1, 1998 and before Jan. 1, 2000. After Jan. 1,

2000, the tort liability limit for any number of claims from a single incidence is increased to \$1 million. S.F. 117, authored by Sen. Don Betzold (DFL-Fridley), excludes a loss incurred by a user of property owned, leased, or controlled by the Minnesota National Guard or the Dept. of Military Affairs from liability for tort claims against the state. The measure does provide that the state is still liable for conduct that would entitle a trespasser to damages against a private person. S.F. 627, carried by Ranum, requires certification of expert review in malpractice actions against licensed attorneys, licensed architects, certified public accountants, engineers, land surveyors and landscape architects.

According to Ranum, S.F. 1401 addresses the emerging problem of domestic abuse perpetrated by a minor. In many respects, Ranum said, the bill mirrors the domestic abuse laws for adults. The bill sets up a procedure for obtaining an order for protection and then takes a three pronged approach to dealing with juveniles. The first deals with abuse in a dating relationship and does not result in exclusion from the parents' home. The second situation deals with the parent-child relationship in which the child is excluded from the parents' home but the parent has designated an alternative safe living arrangement. In the second situation a guardian ad litem must be appointed. In the third situation, which also deals with the parent-child relationship, the child is excluded from the parents' home and because the parent is either unwilling or unable to arrange an alternative safe living arrangement, the court may initiate a CHIPS proceeding.

S.F. 1014, authored by Sen. John Hottinger (DFL-Mankato), establishes program integrity initiatives for the client and provider fraud prevention and investigation programs operated by the Dept. of Human Services. S.F. 1513, also sponsored by Hottinger, modifies and expands provisions for sanctions in civil actions. S.F. 432, authored by Sen. Paula Hanson (DFL-Ham Lake), clarifies requirements for designated parent agreements.

### Adoption bill heard

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), heard testimony, Weds, Mar. 26, on a bill that makes available information about their birth parents to adopted persons. S.F. 727, sponsored by Sen. David Knutson (R-Burnsville), eliminates provisions under current law requiring the commissioner of human services to conduct a search and obtain parental consent before releasing birth information. The proposed law allows release of the original birth certificate to an adopted 19-year-old person unless a birth parent has filed an affidavit objecting to the release of the information. The bill provides a notification period, until August 1, 2000, to notify parents who placed their children for adoption of their right to file affidavits

prohibiting disclosure of their identities. The bill also provides that when releasing information, the commissioner must summarize issues that may affect reunification. Knutson said the bill allows children to pursue and learn their true identity.

Sen. Allan Spear (DFL-Mpls.) opposed provisions of the bill allowing adopted children to directly contact their parents. He said that current law provides for an intermediary to first contact parents, allowing them time to consider reunification. Spear said that while some parents may welcome a call from a child placed for adoption, others may find the experience devastating. He said that many parents who placed a child for adoption were assured that their identities would not be released. The proposed law would violate this agreement, he said.

Sen. Sheila Kiscaden (DFL-Rochester), offered an amendment retaining current law, including the intermediary, and providing children in search of their birth parents a subsidy to help them to defray search related costs. The amendment was defeated. The committee re-referred the bill to the Health Care and Family Security Committee.

Minnesota First Lady Susan Carlson testified in behalf of S.F. 1457 sponsored by Sen. Roy Terwilliger (R-Edina), that amends the current law's definition of "chemically dependent person" to include pregnant women engaging in alcohol abuse that may harm a fetus. Carlson told members that she sees children daily who have been affected by prenatal alcohol consumption. She said that children suffering the consequences of a mother's alcohol use, known as fetal alcohol syndrome (FAS), may suffer attention deficit, impulsive behavior and failure to understand the consequences of their actions. Carlson said that FAS damage is pervasive and permanent, and that Minnesota must do something to address the problem. At this time, the bill defines alcohol abuse, and requires a local welfare agency that has received a report of such alcohol abuse to assess the situation and offer appropriate services. The committee laid the bill over for continued study.

S.F. 912, sponsored by Sen. Becky Lourey (DFL-Kerrick), incorporates recommendations from the Supreme Court Task Force on Visitation and Child Support. The bill addresses child support and visitation disputes and provides for the implementation of mandatory divorce impact education programs for parents. Senators found some language within the bill controversial, including language allowing appointment of a "visitation expeditor" to resolve visitation disputes and to "enforce" circumstances not specifically addressed by an existing court order. Sen. Deanna Wiener (DFL-Eagan), offered an amendment removing language within the bill including dispute resolution and enforcement by visitation expeditors, while allowing the remainder of the bill to advance and possibly afford relief to children

caught in support and visitation disputes. The committee adopted the amendment. The bill was approved, as amended, and sent to the Senate floor.

S.F. 813, authored by Sen. Jane Ranum (DFL-Mpls.), provides for the transfer of child custody to a relative by use of a consent decree, authorizes communication or contact between adoptive parents and birth relatives, and provides for a relative conference and care agreement following a report of child abuse or neglect. The committee approved the bill and sent it to the Senate floor.

S.F. 747, sponsored by Knutson, provides a uniform process for children in need of protective services. The bill provides for notice in voluntary placements, clarifies permanency planning time requirements, modifies the grounds for termination of parental rights, and provides for individualized placement decisions for each child. The committee approved the bill and sent it to the Senate floor.

### Three bills okayed

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), acted on bills relating to nuisances, health services and the Uniform Partnership Act of 1994, Weds., Apr. 2.

S.F. 513, sponsored by Sen. Ellen Anderson (DFL-St. Paul), amends the definition of incidents that constitute a public nuisance. Under the bill, a public nuisance exists upon proof of two or more separate behavioral incidents occurring within a building and within a 12 month period. Among behavioral incidents included in the bill are prostitution, gambling, the unlawful sale of controlled substances, or maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals or comfort of the public. Under the bill, the court may issue an injunction closing the building or a portion of it for a period of one year following proof of two or more separate behavioral incidents.

Sen. Allan Spear (DFL-Mpls.) offered an amendment removing language relating to use or possession of a firearm or "other dangerous weapon" or explosive. Spear said the language did not adequately define "dangerous weapon," and that the term needed further definition. The committee adopted the amendment. The bill was laid over pending further revision.

S.F. 298, sponsored by Sen. David Ten Eyck (DFL-East Gull Lake), enacts the Revised Uniform Partnership Act of 1994, including 1996 amendments relating to limited liability partnerships. According to Ten Eyck, the 1994 act establishes a partnership as a separate legal entity, and not merely an aggregate of partners. Ten Eyck said the act recognizes the primacy of the partnership agreement over statutory rules. He said the 1994 act specifically addresses the fiduciary responsibilities of partners, provides for express obligations of loyalty, due care, and good faith. Ten Eyck

offered an amendment essentially allowing a partnership to continue following the loss of a partner. The amendment was adopted. The committee re-referred the bill, as amended, to the Government and Operations Committee.

H.F. 156, also sponsored by Ten Eyck, is a housekeeping bill from the Office of the Secretary of State. Ten Eyck offered an amendment removing a requirement that finance statements contain a legal description of agricultural property when crops are used to secure a loan. The amendment was adopted. The committee approved the bill, as amended, and referred it to the Senate floor.

H.F. 1075, sponsored by Sen. Dave Johnson (DFL-Bloomington), amends the Professional Corporation Act to authorize various health care professionals, such as chiropractors, registered nurses, optometrists, podiatrists, pharmacists, dentists and psychologists, to practice together as a professional health service if the individuals are organized under the Professional Corporation Act. The committee approved the bill and sent it to the Senate floor.

## K-12 Education Budget Division

### New tenure concept proposed

On Wed., Mar 26, the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) heard testimony on S.F. 699, carried by Sen. Deanna Wiener (DFL-Eagan). Wiener calls the bill a "new and gentle approach to teacher tenure."

Called "Tenure II," the alternative track proposed in the bill allows teachers to opt into this track where salary would stay the same, but which would contain some incentives for both districts and teachers. The incentive for the district, said Wiener, is that participating teachers would agree to come before an annual review by a local tenure review panel. This would allow for binding decisions to be made with regard to the teacher's performance. The process gives districts the ability to dismiss employees whose performance is deemed unsatisfactory. The incentive to the teacher is the receipt of post-secondary tuition waivers for themselves and two of their children to go on to higher education.

Wiener explained that the benefits of Tenure II only extend to teachers during time of employment. Tuition waivers do not accrue and are not available to the teacher or the teacher's family after dismissal. The choice to participate in the alternative track does not allow the teacher to switch back to standard tenure.

Rose Hermanson of the Minnesota Federation of Teachers explained that "tenure" laws, applying only to cities of the first class, allow districts to release teachers for reasons such as enrollment decline, but that grounds for dismissal are also spelled out in "continuing contract" law governing districts in the rest of the state. Both laws

have three-year probationary periods during which infractions such as "inefficiency" and "neglect of duty" can result in dismissal. Once the teacher is awarded tenure or a continuing contract, however, said Hermanson, the teacher has the right to a due process hearing before a neutral arbitrator. Wiener's bill empowers districts to create criteria, renewed every five years, with which teachers would agree to comply. Wiener said management and labor are collaborating on bill provisions cautiously but openly. Pogemiller said the panel looks forward to working with Wiener and other stakeholders to craft a workable proposal.

Division staff presented members with a compiled list of definitions of powers and duties of school districts and employees as they exist in current law and policy. This is done in an effort, said Pogemiller, to encourage members to "take a close look at what people think they should be doing and compare these definitions to what we think they should be doing." He said that synthesizing definitions of these duties will streamline planned reforms.

### Hazing bill approved

Wed., Apr. 2, the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) considered bills for omnibus inclusion.

Sen. Linda Sheid's (DFL-Brooklyn Park) S.F. 135, which defines hazing and makes it a crime, was approved by the committee after hearing testimony from Nikki Consentino, a high school student and hazing victim. Consentino described the high school's traditional "sophomore kidnap" which, she said, has grown over the years from a lighthearted show of comradery into a violent expression of rank by older students. The bill was slated for inclusion in omnibus legislation.

Sen. Janet Johnson (DFL-North Branch) authored S.F. 20, a bill that allows combined school districts to combine building debt amounts and spread the debt service levy across all of the property in the school district. The bill was approved and slated on the omnibus bill B-list.

S.F. 909, sponsored by Sen. Dan Stevens (R-Mora), appropriates \$1.5 million for a school-community center complex. Pogemiller said because the project is not a pilot, funding it would simply open the door to other requests. The bill was not included in omnibus legislation.

S.F. 1175, authored by Sen. Jane Ranum (DFL-Mpls.) aims to help juvenile courts interact more effectively with a child's school and school district, especially in cases involving mental health assessment. The bill specifies that a school district of a child who is subject to court jurisdiction will also be considered under court jurisdiction. Minnesota School Board Association representatives insisted that early intervention and referrals can be accomplished under current law. Sen. Martha Robertson (R-Minnetonka) asked, "Why do we need a

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system to say you have to do what's already in state law?" Sen. Thomas Neuville (R-Northfield) expressed concern that schools would become party to criminal justice proceedings. After MSBA's Bob Meeks suggested that parents already have the right to request evaluations and assessments of children, Ranum replied, "I'm here in the real world, and there are lots of children who don't have parents to speak for them." Before being laid over, the bill was amended to strike appropriations sought through the Department of Health.

Neuville presented S.F. 1512, a bill providing private school students the opportunity to enroll in the state's post-secondary enrollment options program. "The money," he said, "will not be going to private schools, but will simply prevent private school students from having to register in public schools to attend college classes though the program.

## Local and Metropolitan Government

### Omnibus bill okayed

An omnibus bill carrying gambling related legislation was approved Weds., Mar. 26, by the Local and Metropolitan Government Committee. Chaired by Sen. Jim Vickerman (DFL-Tracy), the committee had a full agenda as the first committee deadline approached.

The gambling omnibus bill, S.F. 566, was presented by Vickerman. The bill contains a number of proposals from previous hearings, including provisions regulating the packaging of paddle tickets and changing expenditure restrictions related to bingo and lawful gambling. The bill also prohibits the gambling board from issuing premise permit sanctions when illegal gambling occurs on a premise without the permit holder's knowledge. In addition, the omnibus package allows for gambling license renewal for merged fire relief associations, allows for an increase in the cap on bingo prizes and permits card game tournaments and contests in which limited cash prizes are awarded. A provision to raise the legal gambling age from 18 to 21 years of age was laid on the table. The bill was approved and sent to the Senate floor.

Sen. Steven Novak (DFL-New Brighton) authored S.F. 441, a bill eliminating the sales tax on lottery tickets. The 6 1/2 percent tax is currently taken by the state from each dollar in ticket sales, and its elimination would increase the amount of revenue going into the general fund and the environmental trust fund. The bill was okayed and sent to the Committee on Taxes. S.F. 1037, presented by Sen. William Belanger (R-Bloomington), authorizes the Scott County Board to fill the offices of auditor, recorder and treasurer by appointment rather than direct election unless 10 percent of the county's registered voters request a referendum on the question. Sen. Claire Robling (R-Prior Lake),

proposed an amendment lowering the percentage to 5 percent, but the amendment failed. The bill was approved and advanced to the Senate floor. Sen. Ellen Anderson (DFL-St. Paul) authored S.F. 1195, a bill that appropriates funding for development in the North End area of St. Paul. The bill was okayed and sent to the Jobs, Energy and Community Development Committee.

S.F. 1720, presented by Sen. Roy Terwilliger (R-Edina), authorizes the cities of Bloomington, Chanhassen, Eden Prairie, Edina and Richfield to issue bonds to construct a joint public safety training facility. The bill was approved and sent to the Senate floor. Senate Minority Leader Dean Johnson (R-Willmar) authored S.F. 1306, a bill that authorizes the city of Buffalo Lake to negotiate contracts for a wastewater facility without complying with a competitive bidding process. Johnson said, "Due to the uniqueness of the Buffalo Lake project, only one firm is qualified to design and construct the facility, making the costly bidding process unnecessary." The bill was okayed and sent to the Senate floor. S.F. 1459, presented by Sen. Becky Lourey (DFL-Kerrick), limits the rates a municipality can charge to another municipality for the sale of water. The legislation was prompted by a dispute between the city of Proctor and the city of Duluth over the price of water charged by Duluth to Proctor. Members of the committee expressed reluctance to intervene in a dispute between cities, and the bill was laid aside for further consideration.

Sen. Sandra Pappas (DFL-St. Paul), authored S.F. 1278, a bill that appropriates funding to the city of St. Paul to carry out the Harriet Island Redevelopment project if the city can find a match for the funds. The bill was okayed and re-referred to the Environment and Natural Resources Committee. S.F. 1218, presented by Sen. Charles Wiger (DFL-North St. Paul), appropriates funds to the Metropolitan Council for operation of the metropolitan regional park system. The bill was approved and sent to the Environment and Natural Resources Committee.

### Appointments approved

The Local and Metropolitan Government Committee approved two appointments to the Gambling Control Board, Weds., Apr. 2. Chaired by Sen. Jim Vickerman (DFL-Tracy), the committee also considered a number of pieces of legislation.

The Gambling Board members approved were Mary McLeod and James W. Richter for terms expiring in the year 2000. The appointments were sent to the Senate floor for final confirmation.

The bill that generated the most discussion was S.F. 284, presented by Sen. John Marty (DFL-Roseville). The bill allows local governments to use cost as a factor in selecting an official newspaper in which to publish official business. Current law restricts governments to newspapers based within the local unit of government for that

purpose. According to Marty, the legislation was prompted by a situation in Roseville. Marty said, "There are two newspapers that serve Roseville, but the one located in Roseville charges higher rates than the other, published outside the city. Under the current statute, the city has no choice; it's forced to pay more." Mark Atkinson, representing the Minnesota Newspaper Association, said, "The Association believes this is a local problem that merits a local solution. We would have no objection to amending the law to allow Roseville some latitude, but we think to open it up to the whole state will have repercussions that haven't been considered." Vickerman proposed an amendment that exempts Roseville from current law regarding official newspapers. The amendment was adopted, and the bill as amended was approved and sent to the Senate floor.

Sen. Dan Stevens (R-Mora), presented S.F. 1669, a bill that allows Benton County to combine the county offices of auditor and treasurer and to fill the office, along with those of county recorder and county coroner to be filled by appointment. After the bill was amended to include language permitting a reverse referendum, the bill was approved and sent to the Senate floor. Sen. LeRoy Stumpf (DFL-Thief River Falls), presented S.F. 951, a bill that authorizes the county board to assign to the county treasurer some duties normally performed by the county auditor. The bill was approved and advanced to the Senate floor. S.F. 1397, authored by Vickerman, extends the sunset for county capital improvement bonds from July 1, 1998 to July 1, 2003. The bill was okayed and sent to the Senate floor.

## Property Tax and Local Government Budget Division

### Reform proposals heard

Tues., April 2., the Property Tax and Local Budget Division, chaired by Sen. Sandra Pappas, continued hearing property tax reform proposals Weds., April 3. The bills are among many presented in the pursuit of a more equitable and simplified system.

S.F. 763, sponsored by Sen. Dallas Sams (DFL-Staples), provides a new class for residential nonhomestead property having fewer than four units, reduces the homestead agricultural class rate on property with more than 320 acres and valued over \$115,000, provides a separate definition for farm homesteads, reduces the class rate on nonhomestead property from 1.5 percent to 1.25 percent, changes the class rate to 2.0 percent on the first \$100,000 of commercial property market values, and to 4.6 percent of the value for property valued over that amount, changes industrial property class rates from 2.0 percent on the first \$100,000, and 3.3 percent of the market value for property valued over that amount.

S.F. 1364, sponsored by Sen. John Hottinger (DFL-Mankato), provides that for

fiscal year 1999 and later years general education aid is provided in state aid, provides that the general education levy will be a statewide property tax for FY 1999 and later years, and requires that property tax statements reflect the general education statewide property tax with a separate levy for school districts. The bill also requires the same property class rate used for homesteads to be applied to noncommercial seasonal recreational property and residential homestead property with fewer than four units, requires that commercial property will have a class rate of 2.0 percent for the first \$100,000 of market value, and 4.6 percent of the value over that amount, changes industrial property class rates from 2.0 percent on the first \$100,000, and 3.3 percent of the market value for property valued over that amount.

S.F. 1100, sponsored by Sen. Steven Novak (DFL-New Brighton), offers a one-rate property tax system, provides \$750 million in new money for K-12 and \$125 million for higher education, reforms farm rental housing and business taxes, bases taxes on ability to pay, reduces property tax by 40 percent, creates two local level property classes, cuts taxes on business, rental housing and farming, retains a circuit breaker, imposes a flat 3.0 percent on business real property, requires local property taxes to continue to pay for referendum levies and reduces sales tax from 6.5 percent to 6 percent as of Jan. 1, 1998.

S.F. 1510, sponsored by Dean Johnson (R-Willmar), reduces from 75 to 85 percent of their former levels property class rates for rental housing, seasonal recreational properties, and commercial and industrial properties, retains the current 1 percent class rate on residential homesteads under \$72,000, and establishes a new general education homestead credit equal to 50 percent of the general education property tax levy on each homestead. The bill also increases state education aid for FY 2000 and 2001 to reduce general education levies, establishes levy limitations for cities, counties and metropolitan special taxing districts, phases out the current LGA by 5 percent per year and transfers the LGA reductions to fund general education aid increases. In addition, the bill appropriates money to fund local government grants to offset reduced TIF levies occurring under the plan, and repeals the "target class rate" provision and transit zone class rate reduction for commercial and industrial property.

S.F. 1057, sponsored by Sen. William Belanger (R-Bloomington), reduces the state general education levy by \$200 million, provides that increases in the state general education levy and levies for new school debt are levied against market values, defines school district categorical program levies as the sum of all school district levies, provides that the general education levy will be separately identified, requires statewide negotiation of teachers' salaries, allows HACA payments only to counties and

school districts, and provides that counties will receive an amount equal to 20.5 percent of the sum of their HACA and disparity reduction credit for 1998. The bill also distributes LGA under a new formula equal to 90 percent of its previous year LGA payment, and provides for payment of a one-time property tax rebate equal to 10 percent of net property taxes payable for 1998.

S.F. 1644, sponsored by Sen. Douglas Johnson (DFL-Tower), establishes a single 1.5 percent class for low income rental housing, requires that low income rental units must be occupied by persons whose income is no more than 60 percent of the median area gross income, requires that low income rental units must be subject to five-year rent restriction agreements with the Minnesota Housing Finance Agency to qualify for the 1.5 percent rate, and requires that low income rents must remain below 30 percent of 60 percent of the area's median income. The bill also adds all residential real estate containing one unit (other than cabins) to the homestead class, increases the first tier threshold from \$72,000 to \$74,000, reduces the lower tier commercial industrial property class rate from 3.0 percent to 2.5 percent, increases the size of the lower tier from \$100,000 to \$200,000 of market value, and eliminates the special class for commercial and industrial property located in transit zones.

S.F. 1723, Sen. Steve Kelley (DFL-Hopkins), increases direct payments to individuals under the property tax refund program based on the level of property taxes relative to income, increases state funding for K-12 and county provided social services and health services that are provided by local governments, provides for a four-class tax classification system, and increases the homeowner and renter property tax refund program.

## Transportation

### Committee approves bills

The Transportation Committee, chaired by Sen. Carol Flynn (DFL-Mpls.), okayed transportation bills relating to emergency vehicles, motor carriers, school buses, snowplows, and special transportation vehicles, Tues., Mar. 25.

S.F. 849, sponsored by Sen. Randy Kelly (DFL-St. Paul), creates a state transportation project fund for costs related to the construction of major transportation projects. The bill makes funds available for highway projects that are part of a national highway system or are bridge or transit projects.

S.F. 967, sponsored by Sen. Becky Lourey (DFL-Kerrick), requires drivers to reduce speed when approaching or passing a stopped emergency vehicle with its emergency lights flashing. The bill imposes a doubled speeding fine.

S.F. 1072, sponsored by Sen. Dave Kleis (R-St. Cloud), exempts a driver of an authorized emergency vehicle responding to an emergency from speed limits provided

that the vehicle sounds a siren and displays at least one red light.

S.F. 1096, sponsored by Sen. Dallas Sams (DFL-Staples), relates to motor carriers and allows transportation and public safety personnel to conduct joint motor carrier records audits. The bill requires the commissioner of public safety to provide the commissioner of transportation information on traffic accidents involving commercial motor vehicles, authorizes the commissioner to accept electronic signatures for electronically transmitted motor carrier documents, and conforms state statutes to federal motor carrier safety regulations.

S.F. 1025, sponsored by Sen. Ember Junge (DFL-New Hope), reduces from ten days to three days the maximum period to notify the owner of an impounded vehicle.

S.F. 1179, sponsored by Sen. Paula Hanson (DFL-Ham Lake), provides for oversize snowplows on motor vehicles.

All six measures were approved and advanced to the Senate floor.

S.F. 1178, sponsored by Hanson, prohibits passing a bus on the right-hand side while the bus is displaying flashing amber prewarning stop signals. Hanson offered an amendment providing that a peace officer may arrest a driver within four hours of the incident when probable cause is present. The committee adopted the amendment. The bill was re-referred to the Crime Prevention Committee.

S.F. 1012, sponsored by Sen. Sandra Pappas (DFL-St. Paul), changes the definition of "bus" to include motor vehicles certified by the Dept. of Transportation as special transportation provider vehicles. The bill qualifies the vehicles to receive reimbursement under state medical assistance programs. The committee re-referred the bill to the Transportation Budget Committee.

S.F. 1217, sponsored by Richard Cohen (DFL-St. Paul), allows counties to construct buildings and other facilities for maintaining state-aid highways by using bond proceeds from the county's state-aid highway allocation. Currently, counties cannot use state-aid highway allocations for such purposes. The committee approved the bill and sent it to the Senate floor.

### DWI bill okayed

The Transportation Committee, chaired by Sen. Carol Flynn, okayed a bill relating to stricter regulations relating to license plate impoundment for DWI offenders, Tues., Mar. 25.

S.F. 285, sponsored by Sen. John Marty (DFL-Roseville), broadens the criteria for license plate impoundment to include persons with fewer DWI violations. The bill requires that persons receiving a second DWI offense within five years must have their license plates impounded for one year, allows for the issuance of special plates to individuals who share a vehicle with a second time offender, allowing them to continue driving that vehicle. The Trans-

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portation Committee adopted the recommendations of the Transportation Budget Division, approved the bill, and re-referred it to the State Government Finance Committee.

## Transportation Budget Division

### Division okays omnibus bill

The Transportation Budget Division, chaired by Sen. Janet Johnson (DFL-North Branch), okayed the omnibus transportation bill, Weds., Apr., 2.

Included in the proposal are appropriations of more than \$35 million in the FY 98 and FY 99 biennium for airport development and assistance, aviation support, air transportation services and for the refurbishment of a federal surplus jet for state use. The bill appropriates nearly \$29 million during the biennium for Greater Minnesota Transit improvements, \$2.8 million for railroad and waterway projects, and nearly \$3 million for motor carrier regulation.

Under the bill, state road construction projects receive \$225 million for the biennium from federal highway aid and approximately \$442 million for the same period from the trunk highway fund. The bill also appropriates nearly \$4.8 million for the biennium for state road operations, \$3.6 million for safety initiatives, \$23.3 million for road equipment and appropriates \$6.8 million in FY 98 for ongoing operational building needs in Greater Minnesota.

The bill also provides \$98.7 million for the biennium for Metropolitan Council Transit, and \$116 million for the biennium for the State Patrol.

Minneapolis Mayor Sharon Sayles-Belton addressed the division concerning the importance of adequate transit throughout Minneapolis and its suburbs. Sayles-Belton said that transit is essential to the success of all facets of welfare reform. She said that people now required to work cannot hold jobs they cannot reach. She asked the division to immediately appropriate funding to improve the transit system.

Sen. Dean Johnson (R-Willmar), suggested amending S.F. 1329 to the omnibus bill. S.F. 1329 provides \$14 million in FY 1998 and FY 1999 to the Metropolitan Council for capital transit improvements. The committee did not act on the amendment after Senators questioned how capital appropriations could be applied to operations. The bill was laid over pending further discussion.

## Floor action

### Treaty costs bill okayed

A bill appropriating \$6.5 million for costs associated with state compliance with the 1837 treaty with the Mille Lacs Band of Chippewa gained final passage at the Thurs., Apr. 3, floor session. Chief author, Sen.

Roger D. Moe (DFL-Erskine), said the measure, S.F. 1645, earmarks the funds for public education and to pay the overtime costs of law enforcement officials, should they be incurred, when the Mille Lacs Band exercise their treaty rights. Under the treaty, the Mille Lacs Band may begin net and spear fishing of Lake Mille Lacs and several additional lakes this year.

Sen. Charles Berg (IND-Chokio) attempted to amend the bill to add language requesting that the Mille Lacs Band pay a portion of the costs. Moe and Sen. Steve Murphy (DFL-Red Wing) opposed the amendment. The amendment failed on a 13-49 roll call vote. The bill was granted final passage on a vote of 61-4.

In other action, members granted final passage to bills on the Calendar and the Consent Calendar. S.F. 227, authored by Sen. Jim Vickerman (DFL-Tracy), provides for the distribution of certain federal payments. H.F. 453, carried by Sen. Don Betzold (DFL-Fridley), changes specific military requirements, procedures and duties. S.F. 472, sponsored by Sen. William Belanger (R-Bloomington), recodifies provisions relating to the sales tax on cigarettes and tobacco products. S.F. 378, carried by Sen. Steve Murphy (DFL-Red Wing), recodifies provisions relating to liquor taxes. S.F. 671, authored by Sen. David Knutson (R-Burnsville), changes the designation of the agency responsible for notifying victims of auto thefts.

S.F. 542, sponsored by Sen. Dennis Frederickson (R-New Ulm), authorizes the Lower Sioux Indian community to exercise law enforcement authority. H.F. 281, carried by Sen. Steven Novak (DFL-New Brighton), provides performance regulation plans for gas utility services. S.F. 465, sponsored by Sen. Deanna Wiener (DFL-Egan), regulates the sale of certain qualified long-term care insurance policies. S.F. 137, carried by Sen. Steven Morse (DFL-Dakota), modifies the provisions relating to the Youth Corps Advisory Committee and makes the Conservation Corps crew services available for natural resources projects. S.F. 127, authored by Sen. Dan Stevens (R-Mora), modifies requirements relating to certain environmental advisory councils.

S.F. 101, authored by Sen. Linda Berglin (DFL-Mpls.), adds an exclusion to elderly housing with services establishment, downsizes the number of IMD beds and modifies the appeal process for nursing facilities. S.F. 280, sponsored by Sen. Jane Ranum (DFL-Mpls.), prohibits the interruption of a 911 call and provides penalties. S.F. 392, carried by Sen. Kenric Scheevel (R-Preston), lengthens the Laura Ingalls Wilder Historic Highway. S.F. 475, sponsored by Vickerman, exempts applicants for farm work drivers' licenses from the minimum six-month permit possession requirement. S.F. 395, authored by Sen. Claire Robling (R-Prior Lake), requires persons convicted of causing the death of

someone while committing criminal sexual conduct to give biological specimens for DNA analysis.

S.F. 31, authored by Sen. Allan Spear (DFL-Mpls.), clarifies the jurisdiction of probation service providers and requires probation service providers to collect and maintain certain information. S.F. 950, sponsored by Sen. Randy Kelly (DFL-St. Paul), adopts the working group recommendations for conducting teacher background checks. S.F. 93, carried by Betzold, changes provisions for state liens for human services cost of care. H.F. 447, sponsored by Wiener, requires health plan companies to provide direct access to obstetric and gynecologic services. S.F. 1705, authored by Sen. James Metzen (DFL-South St. Paul), provides for the sale of lands belonging to the trustees of MnSCU to Inver Grove Heights.

Members also granted preliminary approval to a number of bills on General Orders. S.F. 539, authored by Frederickson, designates the Augie Mueller Memorial Highway. S.F. 762, sponsored by Sen. Sam Solon (DFL-Duluth), recodifies certain required provisions relating to disability insurance policies. S.F. 4, carried by Sen. Dean Johnson (R-Willmar), changes the military's tuition and textbook reimbursement grant program. S.F. 420, authored by Sen. Charles Wiger (DFL-North St. Paul), modifies Dept. of Administration authority for elevator regulation, the building code, leases and other administrative matters and modifies licensure provisions for manufactured home installers. S.F. 1071, carried by Vickerman, authorizes the removal and reinterment of bodies in the city of Luverne. H.F. 538, authored by Sen. Arlene Lesewski (R-Marshall), memorializes Congress to support legislative initiatives to mitigate the economic competition among the states that has resulted from the adoption of targeted business incentives. S.F. 291, carried by Belanger, modifies requirements relating to expenditure of tourism money.

H.F. 293, also authored by Belanger, makes technical and administrative changes and corrections to various provisions relating to taxes. S.F. 526, sponsored by Sen. Pat Pariseau, provides for food handler certifications. S.F. 333, carried by Sen. Linda Berglin (DFL-Mpls.), makes a number of changes to provisions relating to home care. S.F. 877, authored by Sen. Leo Foley (DFL-Anoka), clarifies the admissibility of evidence regarding seat belts and child passenger restraint systems in certain actions. S.F. 535, sponsored by Wiger, provides for Metropolitan Council service redesign and employee compensation for exceeding redesign plan goals. S.F. 1116, authored by Sen. Linda Higgins (DFL-Mpls.), allows use of county facilities for commercial wireless service providers and allows the lease of sites for public safety communication equipment. S.F. 199, authored by Foley, provides for comprehensive regulation of mortuary science.

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# Preview

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## The Minnesota Senate Week at a Glance

### Monday, April 7

#### Environment and Agriculture Budget Division

*Chair: Sen. Steven Morse*  
8 a.m. Room 123 Capitol  
**Agenda:** DNR Budget overview.

#### The Senate will meet at 10 a.m.

#### Election Laws Committee

*Chair: Sen. John Marty*  
12 noon Room 112 Capitol  
**Agenda:** S.F. 1825 - Marty: Revolving door legislation. S.F. 1806 - Kiscaden: Recall and removal in home rule charters. S.F. 1170 - Scheid: Minors as caucus delegates.

#### Environment and Natural Resources Committee

*Chair: Sen. Bob Lessard*  
12 noon Room 107 Capitol  
**Agenda:** S.F. 780 - Johnson, J.B.: Incinerator mercury emission testing. H.F. 949/S.F. 885 - Johnson, J.B.: Electric relay and devices waste disposal. S.F. 1124 - Solon: Erosion prevention and old growth forest protection. S.F. 184 - Stevens: Toxics in products.

#### Commerce Committee

*Chair: Sen. Sam Solon*  
2 p.m. Room 123 Capitol  
**Agenda:** S.F. 1008 - Marty: Prescription drugs.

#### Crime Prevention Committee

*Chair: Sen. Allan Spear*  
2 p.m. Room 15 Capitol  
**Agenda:** H.F. 282 - Wiger: Metro transit police regulations. S.F. 1716 - Johnson, D.H.: RICO communications crimes.

#### Local and Metropolitan Government Committee

*Chair: Sen. Jim Vickerman*  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 175 - Flynn: Elected Metropolitan Council. S.F. 442 - Novak: Public rights-of-way controlled by cities. S.F. 693 - Novak: Manufactured home parks as a permitted use. S.F. 884 - Wiger: St. Paul and Ramsey County Health Dept. classified service. of. S.F. 1122 - Flynn: Local government roles and responsibilities advisory council. S.F. 1266 - Vickerman: Town roads snow removal.

#### Children, Families and Learning Committee

*Chairs: Sen. Pat Piper, Sen. Lawrence Pogemiller and Sen. LeRoy Stumpf*  
4 p.m. Room 15 Capitol  
**Agenda:** Higher education omnibus bill.

#### Environment and Agriculture Budget Division

*Chair: Sen. Steven Morse*  
4 p.m. Room 318 Capitol  
**Agenda:** S.F. 766 - Dille: Farms safety. S.F.

108 - Stumpf: Seed potato inspections. S.F. 1631 - Janezich: Taconite processing technical grant program. S.F. 308 - Laidig: Electronic licensing. S.F. 1635 - Scheevel: Ethanol producer payments. S.F. 1353 - Lourey: Minnesota Grown coupons. S.F. 1752 - Lessard: Voyageur Center grant. S.F. 1673 - Langseth: Pelican Rapids and Maplewood State Park trails. S.F. 1574 - Johnson, J.B.: Wind energy. S.F. 1126 - Lessard: Rydell Nat'l. Wildlife Refuge grant. S.F. 1626 - Beckman: Agricultural processing and marketing ventures grant program. S.F. 1293 - Morse: Soy-based biodiesel. Other bills may be added.

#### Governmental Operations Budget Division

*Chair: Sen. Leonard Price*  
4 p.m. Room 125 Capitol  
**Agenda:** Information Policy Council.

#### Economic Development Budget Division

*Chair: Sen. Tracy Beckman*  
5 p.m. Room 316 Capitol  
**Agenda:** To be announced.

#### Crime Prevention and Judiciary Budget Division

*Chair: Sen. Randy Kelly*  
6 p.m. Room 123 Capitol  
**Agenda:** To be announced.

#### Governmental Operations and Veterans Committee

*Chair: Sen. James Metzen*  
6 p.m. Room 15 Capitol  
**Agenda:** Bills from previous meetings. S.F. 637 - Morse: Uniform pension bill. Other bills.

#### Health and Family Security Committee

*Chair: Sen. John Hottinger*  
6 p.m. Room 112 Capitol  
**Agenda:** S.F. 727 - Knutson: Opening adoption birth records. S.F. 1468 - Berglin: Mental illness case management services. S.F. 1250 - Hottinger: Exclusive bargaining representatives participation in mental health projects. S.F. 1208 - Berglin: Minnesota Care bill.

#### K-12 Education Budget Division

*Chair: Sen. Lawrence Pogemiller*  
6 p.m. Room 112 Capitol  
**Agenda:** To be announced.

### Tuesday, April 8

#### K-12 Education Budget Division

*Chair: Sen. Lawrence Pogemiller*  
8 a.m. Room 112 Capitol  
**Agenda:** To be announced.

#### Crime Prevention and Judiciary Budget Division

*Chair: Sen. Randy Kelly*  
10 a.m. Room 107 Capitol  
**Agenda:** To be announced.

#### The Senate will meet at 12 p.m.

#### Governmental Operations and Veterans Committee

*Chair: Sen. James Metzen*  
12 noon Room 15 Capitol  
**Agenda:** S.F. 233 - Kelly, R.C.: Peace officers killed or injured in the line of duty health insurance coverage. S.F. 273 - Lesewski: Veterans home improvements. S.F. 844 - Betzold: State agencies reorganization orders codification. S.F. 363 - Johnson, D.H.: State employment provisions modifications. S.F. 133 - Kelly, R.C.: Victim's impact statement may not be rebutted by a defendant.

#### Transportation Committee

*Chair: Sen. Carol Flynn*  
12 noon Room 112 Capitol  
**Agenda:** H.F. 243 - Belanger: Wheel flaps on truck tractors requirement. H.F. 454 - Flynn: Single license plate for collector vehicles. S.F. 1023 - Murphy: Imposition of fees on motor vehicle rentals. S.F. 1281 - Langseth: Motorcycle helmet use in litigation. Additional bills may be added.

#### Agriculture and Rural Development Committee

*Chair: Sen. Dallas Sams*  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 1562 - Berg: Agricultural cooperatives investment tax credit. S.F. 1283 - Sams: Equitable federal milk marketing order system design and implementation resolution. S.F. 1834 - Lourey: Providing for competition and economic fairness in the marketing of dairy products. Senate Confirmation, Appointment to the Board of Animal Health: Joni M. Scheffel.

#### Commerce Committee

*Chair: Sen. Sam Solon*  
2 p.m. Room 112 Capitol  
**Agenda:** S.F. 890 - Scheid: New motor vehicle dealers: Requiring license to engage in certain business practices.

#### Governmental Operations Budget Division

*Chair: Sen. Leonard Price*  
4 p.m. Room 125 Capitol  
**Agenda:** To be announced.

#### Conference Committee

*Chairs: Rep. Mary Jo McGuire and Sen. Ember R. Junge*  
6 p.m. Room 300 South SOB  
**Agenda:** H.F. 5: Anti-stalking bill.

#### Economic Development Budget Division

*Chair: Sen. Tracy Beckman*  
6 p.m. Room 123 Capitol  
**Agenda:** Historical Society budget overview.

## **Senate Publications**

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

*Chair: Sen. Steven Novak*  
6 p.m. Room 107 Capitol  
**Agenda:** To be announced

### **Judiciary Committee**

*Chair: Sen. Jane Ranum*  
6 p.m. Room 125 Capitol  
**Agenda:** To be announced.

### **K-12 Education Budget Division**

*Chair: Sen. Lawrence Pogemiller*  
6 p.m. Room 112 Capitol  
**Agenda:** To be announced.

## **Wednesday, April 9**

### **K-12 Education Budget Division**

*Chair: Sen. Lawrence Pogemiller*  
8 a.m. Room 112 Capitol  
**Agenda:** To be announced.

### **Health and Family Security Committee**

*Chair: Sen. John Hottinger*  
10 a.m. Room 107 Capitol  
**Agenda:** S.F. 830-Cohen: Child Support. Bills passed from Division.

### **Transportation Committee**

*Chair: Sen. Carol Flynn*  
10 a.m. Room 112 Capitol  
**Agenda:** S.F. 670-Pappas: Recreational vehicle on trunk highway right-of-way. S.F. 578-Neuville: City of Faribault easements. Additional bills may be added.

**The Senate will meet at 11:45 a.m.**

### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*  
2 p.m. Room 125 Capitol  
**Agenda:** To be announced.

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

*Chair: Sen. Jim Vickerman*  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 634-Morse: State mandates on local governments. S.F. 1391-Janezich: Creating the Virginia area ambulance district. S.F. 1423-Janezich: Adding court bailiffs to the unclassified service. H.F. 1755/S.F. 1584-Junge: Procedures between county and city housing and redevelopment authorities. Other bills may be added.

### **Crime Prevention and Judiciary Budget Division**

*Chair: Sen. Randy Kelly*  
4 p.m. Room 125 Capitol  
**Agenda:** To be announced.

### **Economic Development Budget Division**

*Chair: Sen. Tracy Beckman*  
6 p.m. Room 118 Capitol  
**Agenda:** To be announced.

### **K-12 Education Budget Division**

*Chair: Sen. Lawrence Pogemiller*  
6 p.m. Room 112 Capitol  
**Agenda:** To be announced.

## **Thursday, April 10**

**The Senate will meet at 8 a.m.**

### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*  
12 p.m. Room 15 Capitol  
**Agenda:** To be announced.

### **Transportation Budget Division**

*Chair: Sen. Janet Johnson*  
12 noon Room 112 Capitol  
**Agenda:** Discussion of S.F. XXXX-Johnson J.B.: Omnibus bill.

### **Crime Prevention and Judiciary Budget Division**

*Chair: Sen. Randy Kelly*  
6 p.m. Room 15 Capitol  
**Agenda:** To be announced.

### **K-12 Education Budget Division**

*Chair: Sen. Lawrence Pogemiller*  
6 p.m. Room 112 Capitol  
**Agenda:** To be announced.

### **Transportation Budget Division**

*Chair: Sen. Janet Johnson*  
6 p.m. Room 107 Capitol  
**Agenda:** Discussion of S.F. XXXX-Johnson J.B.: Omnibus bill.

## **Friday, April 11**

**The Senate will meet at 8 a.m.**

### **Crime Prevention and Judiciary Budget Division**

*Chair: Sen. Randy Kelly*  
6 p.m. Room 15 Capitol  
**Agenda:** To be announced.

## **Saturday, April 12**

### **K-12 Education Budget Division**

*Chair: Sen. Lawrence Pogemiller*  
9 a.m. Room 112 Capitol  
**Agenda:** To be announced.

### **Second deadline nears**

With the approach of the second deadline Weds., Apr. 9, committee agendas are highly fluid as bills are referred from one panel to another. For the latest information, check the Senate's world wide web site at <http://www.senate.leg.state.mn.us> Meetings schedules and agendas are updated throughout the day.

# Briefly

*The Minnesota Senate Week in Review*

*April 11, 1997*

## **Tobaccosalerestrictionsdebated**

Senators devoted most of the Mon., Apr. 7, floor session to debating a bill toughening the restrictions against the sale of tobacco to young people. H.F. 117, sponsored by Sen. Ember Junge (DFL-New Hope) sparked heated debate between members, who all agreed that teen access to tobacco products should be sharply limited, but disagreed on the methods to limit that access.

In her opening remarks, Junge said, "Studies have shown that if access to tobacco products is cut, usage by young people goes down. And, one out of every three teens who smoke will die of tobacco related diseases." Oliver gave a section by section summary of the highlights of the bill. The measure provides for the suspension of teenagers' drivers' licenses for the illegal purchase of tobacco products, authorizes local units of government to license retailers and sets fees, provides for penalties and fines for retailers, provides for compliance checks twice a year, requires the reporting of "slotting fees," and restricts self-service displays of tobacco products.

Debate on the measure began with discussion of an amendment, offered by Oliver, to change the self-service display prohibition of the bill. Under the bill, self-service displays of single packs of cigarettes are prohibited. The amendment called for banning self-service displays of cartons as well as single packs. Opponents of the amendment successfully argued that the provision was a compromise agreed upon in committee and should not be overturned.

An amendment, offered by Sen. John Hottinger, to ban "slotting fees" touched off heated discussion. Slotting fees are payments made to retailers for displaying the manufacturer's products. Sen. Pat Pariseau (R-Farmington) argued that slotting fees are a common practice in the retail industry for all types of products ranging from cereals to soft drinks and that tobacco products should not be singled out. Sen. Allan Spear (DFL-Mpls.) countered that "We are moving to the idea that tobacco, like alcohol, though legal, needs to be regulated more than other products because of its detrimental effects on health." Sen. Kenric Scheevel (R-Preston) responded, "What we are trying to do is economically force the product out of the retailer's establishment." Sen. Gary Laidig (R-Stillwater) successfully amended the amendment to prohibit slotting fees for products not in a location accessible to the public. The Hottinger amendment was then adopted.

Sen. Jim Vickerman (DFL-Tracy) offered an amendment to delete the provision pro-

hibiting self-service displays. Vickerman said that the decision should be left up to the local units of government. The amendment was adopted on a close 33-32 roll call vote. However, Sen. Linda Higgins (DFL-Mpls.), moved to reconsider the amendment. Higgins' motion was successful and the Vickerman amendment failed on the subsequent vote 34-31. Sen. Bob Lessard (DFL-Int'l. Falls), offered an amendment to providing that retailers be given a warning citation on a first offense. The amendment was defeated on a 16-49 roll call vote.

An amendment providing for a mandatory minimum fine of \$100 for teens using tobacco was offered by Sen. Dave Johnson (DFL-Bloomington). Johnson said that teens must be responsible for their own behavior and that having a \$100 fine provided a real consequence for breaking the law. The amount of the fine was lowered to \$75 before the amendment was adopted on a 54-10 roll call vote. An amendment, offered by Sen. Cal Larson (R-Fergus Falls), specifying that if young people are caught smoking on school property they will lose their driver's licenses for ninety days was adopted. However, an amendment, offered by Sen. Sheila Kiscaden (R-Rochester) deleting the requirement for twice yearly compliance checks failed to gain approval. After some three hours of debate the measure was given final passage on a 55-6 roll call vote.

In other action, the Senate also granted final passage to three bills on the Consent Calendar. S.F. 1255, authored by Sen. William Belanger (R-Bloomington), clarifies limits on contributions to candidates for local elected office. S.F. 1684, sponsored by Spear, authorizes Minneapolis School Board elections to coincide with state elections. H.F. 265, carried by Sen. Michelle Fischbach (R-Paynesville), clarifies the employment status of farm crisis assistance personnel.

## **Treaty costs bill repassed**

The Senate met for a brief floor session Tues., Apr. 8, to process committee reports. In addition, members granted concurrence and repassage to S.F. 1645. The bill, sponsored by Majority Leader Roger Moe (DFL-Erskine), provides a \$6.5 million appropriation for costs associated with state compliance with the 1837 treaty with the Mille Lacs Band of Chippewa. The measure provides funding for public education and overtime costs of law enforcement personnel. Moe said that the only significant change the other body made related to the source of the funding. The bill was repassed on a 51-2 roll call vote.

## **Harold Stassen honored**

There were two highlights to an otherwise routine floor session Weds., Apr. 9. For the second time this session, the chaplain who opened the session made history. Rev. Emory K. Dively delivered the opening prayer in American Sign Language.

Senators also adopted a resolution commemorating the life and work of former governor Harold Stassen. The resolution is to be presented to Stassen at an event marking his 90th birthday. President Allan Spear (DFL-Mpls.) spoke on the varied roles Stassen has played in state, national and international affairs during a lifetime of public service.

The balance of the session was devoted to processing committee reports to facilitate the movement of bills between committees.

## **Health and human services bill**

Over the course of two days, the Health and Family Security Budget Division pieced together the health and human services omnibus bill. At the Weds., Apr. 9, meeting, the contents and funding for the bill were approved and sent to the floor.

Under the bill, approximately \$5.3 billion is appropriated over the biennium to fund programs administered by the departments of health and human services and by the various state agencies and boards. Chair Don Samuelson (DFL-Brainerd) highlighted the three big budget items in the bill--nursing homes, cost-of-living adjustments (COLAs), and not moving funding for general assistance medical care (GAMC) over to the Minnesota Care program. Though the governor recommends \$6 million in cuts to nursing home reimbursement rates, the bill makes no cuts and no nursing facility will receive less than last year. In addition, \$37 million have been allotted to help cover inflationary costs for the nursing homes. As for COLAs, the bill proposes a 5 percent cost-of-living increase for a variety of health service providers. The governor has proposed moving funding for the GAMC program, \$365 million for the current biennium, over to the Minnesota-Care program in order to be funded by the health care access fund (HCAF). However, the budget division did not move GAMC and, instead, funds the program at \$352 million for the next biennium. In other major budget decisions, the division proposes appropriating over \$100 million for several mental health initiatives and \$77.5 million to the Dept. of Human Services' Children's Grants Program.

# Committee update

## Editor's note

Because of the sheer number of committee hearings this week, this issue of Briefly contains committee reports from Thurs., Apr. 3 through Tues., Apr. 4. Committee actions occurring Weds., Apr. 9 and after will be included in next week's edition.

## Agriculture and Rural Development

### Dairy bill approved

A bill repealing milk over-order premiums was approved by the Agriculture and Rural Development Committee Tues., Apr. 8. Chaired by Sen. Dallas Sams (DFL-Staples), the committee reviewed two other bills and confirmed an appointment to the Board of Animal Health before adjourning for the session.

Sen. Becky Lourey (DFL-Kerrick), presented S.F. 1834, a bill that repeals the Minnesota Dairy Trade Practices Law. As written, the bill repeals the law in order to allow the price of milk to decrease, thereby stimulating demand, lowering prices for consumers and increasing the incomes of dairy farmers. The law currently prohibits the selling of milk below cost. Lourey said, "Minnesota farmers currently receive the lowest milk prices in the nation while the state's consumers are paying the highest prices for dairy products. By enabling retailers to sell milk at a lower price, consumption will increase and farmers will profit. This bill is a bill for consumers and for small farmers." Lourey proposed an amendment limiting the repeal to a period of one year. Sen. Kerri Schaevel (R-Preston), said, "I've seen evidence that indicates the supply-demand relationship is much less direct in dairy, so I'm not convinced the theory on which this bill is based will work." Sen. Steve Dille (R-Dassel) proposed an amendment repealing only the milk over-order premiums part of the Dairy Trade Practices Law. The proposal essentially keeps the Dairy Trade Practices Law intact. The amendment passed, making the original Lourey amendment moot. Lourey offered another amendment restoring Dairy Month, a proposal that suspends the law for June each year, making it possible for milk to be sold below cost for that period. The amendment was adopted, and the bill was approved and sent to the Senate floor.

Sen. Charles Berg (IND-Chokio) authored S.F. 1562, a bill that provides tax credits to newly formed agricultural cooperatives. The bill allows a 30 percent tax credit to an individual for investment in a cooperative and limits to ten the number of cooperatives that can be formed under the proposal. The bill was approved and re-referred to the Committee on Taxes. S.F. 1283, presented by Sams, memorializes the President of the United States, Congress and the secretary of agriculture to design and implement adjustments to the federal Milk Marketing Order System, providing a more equitable pricing system for Minnesota's dairy farmers. The bill was amended to resolve that Congress grant states in the upper Midwest the privilege of organizing a dairy compact should the Northeast Dairy Compact stay in existence. The amendment was adopted and the bill was

approved. The bill was advanced to the Senate floor.

The committee also recommended Dr. Joni Scheffel for confirmation to the Board of Animal Health. The recommendation was sent to the Senate floor.

## Children Families and Learning

### Early childhooded bill okayed

The Children, Families and Learning Committee, co-chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), Sen. Pat Piper (DFL-Austin) and Sen. Leroy Stumpf (DFL-Thief River Falls) met Thurs., Apr. 3, to approve the omnibus family and early childhood education bill.

In conjunction with the consolidation of education and family services into the Department of Children, Families and Learning, the bill deals with education policy for young children and integrates the initiatives with related social services previously dealt with by other committees and administered by various state agencies. The division matched the governor's recommendation at \$393.6 million for spending in FY 98-99, but allocated funds with slightly different emphasis. For example, the division provided higher amounts for Head Start than the governor recommended.

To compensate for federal welfare cuts, the Family and Early Childhood Education Division bill provides funding for food shelves, transitional housing, child care and immigrant services. The division's designated \$202 million in targeted funds for child care is designed to make it easier for former AFDC recipients and the working poor to afford child care as they are increasingly expected to be working outside the home. Head Start has been increased by \$27 million, ECFE formulas have increased, adult basic education has been increased by almost \$7 million, food shelf money increases from \$1.4 to \$3 million, and transitional housing increases from \$1.9 to \$4.1 million. Adolescent parenting grants and citizenship promotion grants are also included.

The bill was approved and sent to the Education Finance Committee.

### Higher education bill advances

The Children, Families and Learning Committee met Tues., Apr. 8, to approve the omnibus bill for higher education. Sen. Leroy Stumpf (DFL-Thief River Falls), chair of the Higher Education Budget Division, presented the bill to the panel and his co-chairs Lawrence Pogemiller (DFL-Mpls.), Pat Piper (DFL-Austin).

By way of historical perspective, Stumpf said, "The '90s unlike the '80s have been very tight in terms of funding for higher ed. We have seen substantial tuition increases." He told the panel that the governor has looked at some proposals to encourage parents and relatives to start saving for one of life's most expensive endeavors. While the budget, he said, is an 8.3 percent increase over the current year amount, he emphasized that higher education funding remains a fraction of the K-12 budget amount.

When Stumpf offered an amendment to shift funds from MnSCU to the University of

Minnesota, changing MnSCU appropriation to bonding ability, Sen. Sheila Kiscaden (R-Rochester) objected to this use of funds. She pointed out that community and technical college co-op experiences can be considered work for those transitioning off welfare. She said 20 percent of MnSCU students are on AFDC and work-study options must be available as registration grows. The Stumpf motion prevailed and raised the University of Minnesota performance items budget from \$34 million to \$46.5 million.

Student financial aid was expanded to four quarters, with the basic cost to students moving from 50 percent to 48 percent. The bill increases the amount allotted for student living expenses to offset inflation costs. The measure also funds the online library info system. The bill changes Minnesota a full time student designation from 15 to 13 credits and provides for a scholarship matching program for one student per high school for community service. The governor's "Edvest" program shows up in modified form in a program allowing parents and grandparents who make less than \$50,000 (\$100,000 filing jointly) to save up to \$75,000 tax free. The bill also allows families with savings to not have the first \$10,000 count against financial aid eligibility.

Sen. Claire Robling (R-Prior Lake) had some objection to the bill's support of law school loan repayments for Native American Tribal governments, and moved to strike the provision, citing the organizations' litigation against the state. Langseth countered that the organization gives legal service to poor people in reservation areas. Robling's amendment was not adopted.

MnSCU is provided with electronic academy funding at \$29 million to encourage the delivery of more programs over the Internet, one-stop-shop registration and student services. Schools in areas receiving a disaster declaration are allocated \$343,000 for snow removal cost reimbursement.

Stumpf successfully offered an amendment to move \$250,000 per year from the agriculture and extension service to the areas of enhancement of recruitment and collaboration efforts at the University of Minnesota College of Agriculture. Piper offered, but then withdrew, an amendment to appropriate \$11 million to be used specifically for women's athletics.

Sen. Deanna Wiener (DFL-Eagan) offered an amendment establishing performance measures for determining progress from the board of trustees and the board of regents. The amendment creates a \$10 million incentive to be distributed upon submission of the report. The bill was approved as amended and sent to the Education Finance Committee.

## Commerce Committee

### Shopping carts safety bill okayed

The Commerce Committee, chaired by Sen. Sam Solon (DFL-Duluth), approved two bills, Thurs., April 3, relating to shopping carts and insurance issues.

H.F. 410, sponsored by Sen. Sam Solon (DFL-Duluth), requires that sellers equip shopping carts with straps or other equipment designed to prevent a child from falling from a

shopping cart. Sen. Allan Spear (DFL-Mpls.), said that, under the bill, sellers not providing safety devices would be guilty of a misdemeanor. He said that he did not want to see continued the proliferation of misdemeanors, and offered an amendment to make noncompliance noncriminal. The amendment was adopted. The committee approved the bill, as amended, and sent it to the Senate floor.

Sen. John Hottinger (DFL-Mankato), sponsored the committee's omnibus insurance bill. Among its provisions, S.F. 349 allows the commissioner of commerce to order an insurer to cancel policies if the order is in the public interest, requires assumption of insurance contracts by another insurer before an insurer can withdraw from the state, and allows the commissioner to impose policy and solvency form requirements in addition to capitol or surplus requirements. The bill also adopts NAIC Model Rehabilitation and Liquidation Act language to make it easier for liquidators to recover amounts owed by reinsurers, amends education requirements for licensure to include three hours of state law study, and requires a nonresident agent to meet the same standards of insurance law knowledge as a resident agent.

The bill includes amendments offered by Hottinger, increasing trust fund requirements for some single assuming insurers, allowing for coverage of at least 50 percent of prescription drug expenses from Medicare supplemental insurance carriers, requiring health plans to provide coverage through the end of the month during which coverage is terminated, allowing a pilot program to explore delivery of accredited courses using new delivery technology, and limiting lifetime benefits of qualified number one and number two comprehensive health insurance plans to \$2 million. Sen. Deanna Wiener (DFL-Eagan) offered an amendment extending to 75 miles the distance an insured may travel for a medical examination that is requested by a reparation obligor. The committee adopted all the amendments, approved the bill, as amended, and sent it to the Senate floor.

## Two bills forwarded

The Commerce Committee, chaired by Sen. Sam Solon (DFL-Duluth), approved two bills Tues., Apr. 8, relating to auto brokers and payments to contractors.

S.F. 890, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), licenses auto brokers as dealers. The bill adds "motor vehicle brokers" to the definition of "dealer," prohibits motor vehicle brokers from delivering new motor vehicles without being licensed and requires motor vehicle dealers to have an established place of business where books, records and files are kept. The committee approved the bill and sent it to the Senate floor.

S.F. 256, sponsored by Sen. James Metzen (DFL-South St. Paul), requires a primary contractor to pay any subcontractor within ten days after the prime contractor has received payment. The bill also prohibits contracts requiring a subcontractor to waive the right to place a mechanic's lien before the subcontractor is paid, voids contractual provisions that make contracts subject to another state's laws, and confines provisions of the bill to work performed on commercial properties. Follow-

ing residential builders' testimony that they did not have enough money "up-front" to immediately pay subcontractors, Sen. John Hottinger (DFL-Mankato) offered an amendment excluding from the bill immediate payments for the construction of, and improvements to, residential real-estate and townhomes. The amendment was adopted, and the committee sent the bill, as amended, to the Senate floor.

## Crime Prevention and Judiciary Budget

### Bills considered for omnibus bill

Chair Randy Kelly (DFL-St. Paul) and the Crime Prevention and Judiciary Budget Division voted Thurs., Apr. 3, to include four bills in omnibus legislation.

S.F. 25, the governors crime initiatives carried by Sen. Thomas Neuville (R-Northfield); S.F. 878, authored by Sen. Dave Johnson (DFL-Bloomington) equalizing the penalty levels for the sale and possession of heroin with penalties for sale and possession of cocaine; S.F. 1020, authored by Sen. Allan Spear (DFL-Mpls.) providing funding for anti-violence plays and workshops through Minneapolis' Illusion Theater; and S.F. 1216 authorizing funding for a Ramsey County pilot version of the Boston Gun Project were all approved for consideration in omnibus legislation.

### Boot camp proposal heard

Members of the Crime Prevention and Judiciary Budget Division met for an evening hearing Thurs., Apr. 3, to hear bills slated for possible inclusion in the division's omnibus budget bill. One of the measures creates a pilot project at Camp Ripley for a work program for non-violent felony offenders between the ages of 18 and 25 who receive stayed sentences. S.F. 1692, authored by Sen. Dave Johnson (DFL-Bloomington), sets up a four year pilot project for young men under the age of 25. The bill specifies that the offenders must perform physical labor for at least eight hours a day and requires that the camp provide a basic educational program in the evening. The measure also specifies that the offenders remain under the sentencing courts' jurisdiction rather than the commissioner of corrections but that the commissioner of corrections is responsible for costs associated with the program. Members approved the measure for inclusion in the omnibus bill.

S.F. 370, authored by Division Chair Randy Kelly (DFL-St. Paul), provides for a mandatory minimum sentence of ten years for any person who assaults a peace officer by using or attempting to use deadly force against the officer while the officer is engaged in official duties. S.F. 1280, authored by Sen. David Knutson (R-Burnsville), requires the commissioner of corrections to establish school based probation pilot projects in Hennepin, Ramsey and Dakota Counties. The measure requires each school based probation program to have a probation officer located at the school to help the school address behavioral incidents by probationers. S.F. 1301, sponsored by Kelly, provides an appropriation to the Metropolitan State University to develop a law library at the

university's center for criminal justice and law enforcement. S.F. 1828, authored by Sen. Dave Kleis (R-St. Cloud), appropriates money to provide programs for crime victims in unserved counties and to provide assistance to underserved communities. All the measures were approved for the omnibus bill.

Much of the debate at the hearing revolved around a bill providing for the privatization of the correctional facility at Sauk Centre. S.F. 1418, authored by Kelly, makes a statement that it is the state's policy that delinquent juveniles be supervised and programmed for within the state and requests the court to place juveniles within the state. In addition, the bill ends the state's operation of the facility at Sauk Centre after June 30, 1998, and requires the commissioner of administration to issue a request for proposals and select a vendor to operate the facility after that time. The bill also requires the commissioner of corrections to begin operating a juvenile sex offender program at Red Wing and requires the commissioner of corrections to charge Community Corrections Act counties the actual costs of confinement of juveniles at Red Wing or Sauk Centre. Kelly said, "It is my conviction that our juvenile system is broken; the bill is designed to help fix the system." Members approved the measure for consideration in the omnibus bill.

One measure failed to gain the panel's support. S.F. 1409, authored by Sen. Thomas Neuville (R-Northfield), disallows the modifications to the sentencing guidelines grid scheduled to take effect in August of this year. profitability and changing the corporate structure to increase efficiency and flexibility.

## Crime Prevention and Judiciary Budget Division

### Omnibus bill approved

"Staff has worked all weekend trying to get the money and the bill together," Chair Randy Kelly (DFL-St. Paul) said before the Crime Prevention and Judiciary Budget Division began discussion of this session's omnibus crime bill Mon., Apr. 7. While the division was generally amenable to the bill's contents, minority members voiced concern over the absence of some of the governor's recommended programs.

The bill provides that peace officer skills tests be offered as a statewide component of officer training. It adds \$25,000 to develop new screening tests for peace officers and new reciprocity tests. The bill initially did not fund payment of back dues for the Uniform Laws Commission, because, Kelly said, the commission was supposed to pay dues with money received last session. Sen. Allan Spear (DFL-Mpls.) defended the commission and successfully offered an amendment to fund the dues. "These are not paid positions," he reminded the committee, and emphasized the importance of uniform laws like the UCC. Sen. Ellen Andersen's (DFL-St. Paul) amendment directing the Dept. of Human Rights to study discrimination in rental housing and providing \$50,000 for the study, was also incorporated. Regarding blood alcohol level legislation, Spear successfully offered an amendment to strike the .04 level for underage drinkers.

# Committee update

Kelly adopted some policy bills not acted upon by the House as amendments into the omnibus package. These included Sen. Jane Ranum's (DFL-Mpls.) request for \$75,000 for Family Violence Coordinating Centers, Sen. Deanna Wiener's (DFL-Eagan) bill repealing the illegality of selling toxic substances to minors for agricultural purposes, and Sen. Arlene Lesewski's (R-Marshall) bill to lift the 100 bed limit for a Rock County Juvenile Detention Center.

Sen. David Knutson (R-Burnsville) successfully moved to increase funding for a Dakota County school-based probation pilot. Kelly successfully offered an amendment to provide \$65,000 each year of the biennium to provide support service to St. Paul families suffering the homicide or suicide of a family member. Sen. Thomas Neuville (R-Northfield) offered an amendment increasing minimum sentences for dangerous violent offenders to eight years, along with requiring the court to sentence lifetime probation in these cases. "The reason to do this," he said "is to keep these people out of circulation, pure and simple." After bed impact statements were reviewed, Neuville withdrew his amendment. Neuville successfully offered an amendment to fund a study on fetal alcohol syndrome.

Spear offered an amendment increasing funding for Legal Aid. Spear successfully moved to cut DARE money in half and cut the provision to hire an additional attorney to represent the gang strike force in the attorney general's office -- and transferred the money into legal services.

The bill did not include funding for a young adult offender boot camp at Camp Ripley. To save the governor's initiatives for officer overtime pay and Camp Ripley programs, Neuville offered an amendment to reallocate \$6.2 million from the weed and seed program, adult non-violent offender programs, cooperative criminal justice grants, and Minnesota cities grants. "This method keeps all these initiatives alive," he said, "and still keeps us in the ball game with the governors most important proposals." When, upon dividing the amendment, the panel voted down Neuville's first request, funding officer overtime, he scaled back the plan, proposing reducing the weed and seed program by just \$1 million. When this was not approved, Spear successfully amended Neuville's amendment to apply \$600,000 to Camp Ripley juvenile weekend camp and \$700,000 to drug courts. The division approved the compromise.

Spear took issue with a new provision deleting language requiring that prisons not release inmates whose health costs would not be covered by medical assistance, and moved to reinstate stricken language. The panel concurred. Sen. David Ten Eyck (DFL-East Gull Lake) offered an amendment to allow for contracts for geriatric inmates to be placed in nursing homes.

The bill was approved and re-referred to the Human Resources Finance Committee.

## Economic Development Budget Division

### Film job bill okayed

The Economic Development Budget Division okayed Mon., Apr. 7, a bill that

provides incentives to film production companies who hire Minnesotans to work on films produced in Minnesota. The division, chaired by Sen. Tracy Beckman (DFL-Bricelyn), reviewed a number of other proposals for consideration as part of the division's omnibus bill.

S.F. 828, authored by Sen. Richard Cohen (DFL-St. Paul), allows incentives of up to \$100,000 per film to be paid to film companies who employ Minnesotans when films are produced in the state. Randy Adamcek of the Film Board said, "At present, Minnesota is competing with Toronto to be the site of a TV show based on the movie *Fargo*. This bill may provide the incentive we need to win the bid." The bill was recommended to pass and will be considered as part of the omnibus bill. Sen. Paula Hanson (DFL-Ham Lake), presented S.F. 567, a bill that appropriates \$500,000 for the cleanup of contaminated land in Andover. The bill was okayed and will be considered as part of the omnibus bill.

Sen. Steven Novak (DFL-New Brighton), presented S.F. 1472, a bill that appropriates \$50,000 for home equity conversion counseling. Tanya Orr of the Minnesota Housing Finance Authority said, "The funds would provide counseling to low income homeowners who are house rich and cash poor and need help with basic living expenses. The equity could be used to secure a reverse mortgage that provides the home owner with some relief." The bill was recommended for consideration as part of the omnibus bill. S.F. 528, authored by Sen. Sam Solon (DFL-Duluth), provides funding for the Natural Resources Research Institute. Referring to the Institute, Solon said, "It is the prime research institution in the state in terms of natural resources, but it has a backlog of research to do. The appropriation would enable the Institute to hire two additional researchers and move forward with its work." The bill will be considered as part of the omnibus bill.

S.F. 998, presented by Sen. Randy Kelly (DFL-St. Paul), allows the use of state money to fund the Minnesota Board of Invention. The Board promotes research and encourages inventors by providing funds for research and patent searches. The bill was okayed and will be considered as part of the omnibus bill. Sen. Ellen Anderson authored S.F. 1687, a bill that appropriates \$100,000 for the Neighborhood Land Trust program, a program that enables neighborhood nonprofit organizations to buy land and homes for development and rehabilitation. The bill was recommended to pass and will be considered as part of the division omnibus bill.

## Education Finance

### Early childhooded bill okayed

Fri, Apr. 4., the Education Finance Committee, chaired by Sen. Keith Langseth (DFL-Glyndon) approved the family and early childhood omnibus bill produced by the Family and Early Childhood Education Budget Division.

Committee discussion focused on the transitional housing population. Sen. Pat Piper (DFL-Austin) said that the percentage of children in transitional housing increased from 28 to 49 percent. Piper said that testimony indi-

cated that transient individuals were mostly from divorce situations. Sen. Martha Robertson (R-Minnetonka) also asked about the bill's creation of an informational clearinghouse to deal with ESL programs. "Why," she said "are we creating a public entity to process this rather than using one we have now?"

Piper explained the bill's funding concerns are focused in the areas of Head Start, food shelves, transitional housing and child care. The division matched the governor's recommendation at \$393.6 million for spending in FY 98-99, but allocates funds with different emphasis, spending more for Head Start than the governor recommended. ECFE formulas have increased, adult basic education has been increased by almost \$7 million, food shelf funding increases from \$1.4 to \$3 million, and transitional housing increases from \$1.9 to \$4.1 million. Adolescent parenting grants and citizenship promotion grants are also included at \$1 million.

The bill was approved and sent to the floor.

## Environment and Natural Resources

### Game and fish bill approved

An amendment prohibiting personal watercraft (PWC) in wildlife management areas (WMA) was added to the omnibus game and fish bill at the Fri., Apr. 4, meeting of the Environment and Natural Resources Committee. The bill, S.F. 254, carried by Sen. Dennis Frederickson (R-New Ulm), changes various provisions in Minnesota's game and fish laws.

Sen. Linda Higgins (DFL-Mpls.) offered the amendment to a provision prohibiting airboats in the areas. Frederickson said that Higgins' amendment only prohibits the watercraft in WMAs, but that lakes in the protected areas tend to be shallow and aren't that attractive for PWC use. Higgins said that with the expected high water and flooding, WMA lakes may be more attractive for PWC use this year. Ed Boggess, speaking for the Dept. of Natural Resources (DNR), said the DNR seeks the airboat prohibition because the motors and propellers are quite noisy. Frederickson added that the airboat prohibition is to protect waterfowl. The amendment was adopted on a voice vote.

Sen. Jane Krentz (DFL-May Township) offered an amendment previously approved in bill form by the committee. The provision allows an under age 16 hunter or an accompanying adult to hunt waterfowl beyond the 4 p.m. closure. The committee added the provision to the bill.

One other provision of the bill highlighted by Frederickson reduces the waiting period from five days to two before a hunter may use a license purchased after the season opener. The bill also removes the waiting period for recently discharged military personnel. The committee approved the bill and sent it to the Senate floor.

### Five bills advance

The Environment and Natural Resources Committee held a brief hearing Mon., Apr. 7, to consider five bills.

The committee granted approval to S.F. 1124, sponsored by Sen. Sam Solon (DFL-Duluth). The bill authorizes the Dept. of

Natural Resources to negotiate an agreement between various local, state and federal authorities to allow Duluth to extend an airport runway on Minnesota Point without damaging a nearby old growth forest. The bill now goes to the Senate floor for further action.

Sen. Janet Johnson (DFL-North Branch) presented three bills to the committee. The first, S.F. 1169, is a compromise agreement regulating personal watercraft. The committee removed a provision setting noise limits. The next, S.F. 780, changes the frequency and method of testing incinerator emissions for mercury. Johnson said the changes help incinerator operators with superior records save money.

Johnson's last bill, H.F. 949, establishes a system to collect electric relays that contain mercury. Ned Brooks of the Pollution Control Agency Hazardous Waste Division, said the relays are primarily used in industrial applications. He said the bill spells out the manufacturers' responsibility in the system. All bills were approved and sent to the Senate floor.

The committee also adopted the budget division report on the toxics in products bill, S.F. 184, sponsored by Sen. Dan Stevens (R-Mora). The bill now goes to the Governmental Operations and Veterans Committee for further consideration.

## **Environment and Agriculture Budget Division Budget requests heard**

The Dept. of Natural Resources (DNR) will recruit members of the Southeast Asian community to act as conservation officers under a bill presented by Sen. Randy Kelly at a Fri., Apr. 4, meeting of the Environment and Agriculture Budget Division.

Under the bill, S.F. 1304, the DNR is seeking \$427,000 to recruit members of the Southeast Asian community to enforce game and fish laws. Kelly said that there are 70,000 residents in Minnesota of Cambodian, Vietnamese, Hmong and Loatian descent, and many of those residents hunt and fish. Kelly said there are significant differences between the hunting and fishing practices in Southeast Asia, and the laws of Minnesota. Josie Chung, the Southeast Asian outreach program manager for the DNR, said candidates will be selected on the basis of interest, experience and community support. She said the candidates receive 2 years of community college education and then spend six months working with conservation officers to complete their training. DNR enforcement administrator Mike Grupa said that through the program, members of the Southeast Asian community will see their inclusion in the regulatory process. The bill was laid over for inclusion in the omnibus bill.

The panel, chaired by Sen. Steven Morse (DFL-Dakota) also examined the fiscal impacts of S.F. 184, the toxics in products bill, sponsored by Sen. Dan Stevens (R-Mora). The bill removes a ban on products containing certain toxics and establishes a council to review manufacturers' plans to find substitutions for the products. The division set the fee to be paid by manufacturers at \$275 for every year that a product is under review. Morse noted that although the life of the council is set at eight years, it will show a \$200,000 debt

four years into the program. Stevens said the program's budget is projected to balance when it ends. Sen. LeRoy Stumpf (DFL-Thief River Falls) suggested that the cash flow problem could be addressed by having manufacturers pay a higher fee early in the program to receive a higher priority for product certification. Minnesota Chamber of Commerce representative Mike Robertson spoke against the suggestion, saying a uniform annual fee was agreed to by all involved parties. The panel approved the bill and returned it to the Environment and Natural Resources Committee.

Minority Leader Dean Johnson (R-Willmar) presented S.F. 415, a bill requesting \$70,000 for riverbank stabilization work in Granite Falls. Johnson said the appropriation is not related to the flooding currently happening in the city, but is to repair damage resulting from long term erosion of the river bank. The panel also heard a bill authored by Stumpf, S.F. 1656, appropriating \$500,000 to dredge Red Lake and the Thief River. The appropriation requires a match from local sources. Both bills were laid over for the omnibus bill.

A bill, sponsored by Morse, S.F. 638, was considered by the division. Morse said the bill appropriates \$6.2 million, or one month's contribution to the petroleum tank cleanup fund, for a grant program to assist small gas station operators in upgrading their petroleum tanks. Sen. Steve Dille (R-Dassel) raised the limit for program eligibility from 100,000 gallons of gasoline sold per year to 500,000. The bill was sent back to the Environment and Natural Resources Committee for further action.

The division heard one other bill sponsored by Kelly, S.F. 1303. The bill authorizes local governments to purchase agricultural land development rights in an effort to limit urban sprawl. The bill appropriates \$100,000 to local governments for a pilot project designed to identify and inventory land for the program. The committee removed the appropriation for inclusion in the omnibus bill, and sent the rest of the bill to the Environment and Natural Resources Committee for additional consideration.

## **Budget requests heard**

Sen. Steven Morse (DFL-Dakota) chaired a Mon., Apr. 7, evening meeting of the Environment and Agriculture Budget Division to consider several bills for budgeting purposes.

Sen. Steve Dille (R-Dassel) presented his bill, S.F. 766, requesting \$72,000 for each of the next two years for a farm safety outreach program. John Schutske, a University of Minnesota Extension agriculture safety specialist, appeared with Dille, and said that agricultural production is the most dangerous occupation in Minnesota. The bill was laid over for incorporation into the budget bill.

Considerable time was spent on S.F. 1635, sponsored by Morse. The bill changes the payment schedule for ethanol producers. Morse said the bill is necessary to keep the payment fund solvent for producers scheduled to come on line in the near future. A chemical engineer, Russell Kirby, testified against the program, saying ethanol doesn't improve automobile emissions. In addition, he said the production of ethanol consumes more energy than it produces. The bill was also laid over.

Sen. Bob Lessard (DFL-Int'l. Falls) spon-

sored two bills before the committee. S.F. 1752 seeks \$350,000 to plan and design the Voyageur Center in Int'l. Falls, and S.F. 1126, appropriates \$228,500 to make the Rydell Nat'l. Wildlife Refuge accessible to people with disabilities. No action was taken on either bill.

The panel considered S.F. 1626, carried by Sen. Tracy Beckman (DFL-Bricelyn). The bill establishes a grant program for agricultural product processing and marketing ventures. Jim Malone, from the Dept. of Agriculture, said the program is designed to develop niche markets such as locally grown and additive free products. The bill was also laid over.

The division heard testimony from floodbound Sen. LeRoy Stumpf via telephone on his bill, S.F. 108. The measure makes a one time appropriation of \$250,000 to cover a budget shortfall in the seed potato inspection program resulting from the construction of an inspection facility.

Several other bills were laid over for inclusion in the omnibus bill. Those bills include S.F. 1673, authored by Sen. Keith Langseth (DFL-Glyndon), appropriating \$300,000 for a proposed trail between Pelican Rapids and Maplewood State Park; S.F. 308, carried by Sen. Gary Laidig (R-Stillwater) appropriating \$300,000 to fund an electronic licensing system pilot project for the Dept. of Natural Resources; and S.F. 1631, presented by Sen. Jerry Janezich (DFL-Chisholm), appropriating \$1 million for a taconite technical research grant program.

Other bills heard and laid over include S.F. 1353, carried by Sen. Becky Lourey (DFL-Kerrick), establishing a program to issue coupons for food produced in Minnesota to people qualifying for temporary hunger prevention assistance, and S.F. 1293, sponsored by Morse, creating a pilot project to test soy-based diesel fuel in state owned vehicles.

The division discussed S.F. 1574, sponsored by Sen. Janet Johnson (DFL-North Branch). The bill appropriates \$3 million for a farm wind energy conversion loan program. The appropriation section was removed so it could be included in the budget bill, and the balance of the bill was referred back to the Environment and Natural Resources committee. One other bill sponsored by Johnson, S.F. 1399, appropriates \$200,000 for the litigation costs associated with abandoning an agricultural ditch in Washington and Chisago counties and was similarly acted on by the committee.

## **Governmental Operations and Veterans Affairs**

### **Public safety bill okayed**

Sen. Leo Foley (DFL-Anoka) brought forward S.F. 435 at the Thurs., Apr. 3, Governmental Operations Committee meeting. Foley said that the measure represents the Dept. of Public Safety's housekeeping bill and makes a number of modifications to the department's regulatory duties. Chair James Metzen (DFL-South St. Paul) offered an amendment to allow a deputy motor vehicle registrar in Inver Grove to acquire a camera, at the registrar's own expense, to be able to provide a one-stop-shop for drivers' licenses. The amendment was adopted and the bill was sent to the floor.

Several other bills were considered, and the

# Committee update

Following four bills were approved and sent to the floor. According to Sen. Bob Lessard (DFL-Int'l. Falls), H.F. 566 allows Itasca County to continue a managed care pilot project. The project is trying to determine whether a managed care system is more efficient than a fee-for-services system for financing chemical dependency treatment services, he said. Under the bill, the project may continue until June 30, 1999. The bill was recommended to be placed on the Consent Calendar.

S.F. 683, carried by Sen. Jerry Janezich (DFL-Chisholm), requires public notice in the event of dissolution of certain self-insured employee benefit plans. Janezich explained that the bill is targeted at the single employer plans, not the joint employer pools.

Another bill authored by Janezich, H.F. 108, addresses "a unique situation." Specifically, Janezich said, three individuals at the Range Technical College fell through the cracks when they filed a retirement notice. The bill allows persons, who filed a retirement notice prior to July 1, 1995, to collect health insurance benefits provided in the applicable Range Technical College collective bargaining agreement.

Sen. Linda Higgins (DFL-Mpls.) presented S.F. 854, a bill that provides rights and procedures for public employees of local government who are displaced as a result of a transfer of services from one local government to another. "For reasons of efficiency, cities and counties often consider combining services. This bill specifies what happens to those employees," she said.

In other business, S.F. 351, carried by Sen. John Hottinger (DFL-Mankato), was approved and re-referred to the Governmental Operations Budget Division. He explained that following the elimination of the Legislative Commission to Review Administrative Rules (LCRAR), his measure makes the necessary changes in statute so that the former LCRAR's functions are transferred to the Legislative Coordinating Commission.

Finally, S.F. 1639, carried by Sen. Tracy Beckman (DFL-Bricelyn), requires a study of past and present state economic policy initiatives. Under the bill, money is appropriated to the Office of Strategic and Long-Range Planning to look at ways for developing a cohesive, ongoing state economic policy. In addition, an interim economic strategy group is organized to establish guidelines for the formation of a permanent economic policy council. The measure was also re-referred to the Governmental Operations Budget Division.

## Rulemaking bill okayed

A massive bill, S.F. 157, enacting, eliminating, continuing or modifying specific exemptions from the rulemaking requirements of the Administrative Procedure Act was approved at the Mon., Apr. 7, meeting of the Governmental Operations and Veterans Committee.

The bill, sponsored by Sen. Don Betzold (DFL-Fridley), is relatively technical. However, a provision dealing with the State High School League had generated some controversy. Betzold offered an amendment requiring the league to adopt procedures to ensure public notice of all eligibility rules and policies. The league is also required to adopt

policies that will afford the opportunity for public hearings on proposed eligibility rules. Further, the amendment specifies that if requested by 100 or more parents, the public hearing must be conducted by an administrative law judge from the office of administrative hearings, a person hired by the office of administrative hearings or by an independent hearing officer appointed by the commissioner of children, families and learning. Another amendment, offered by Betzold, specifies that upon written request of two or members of the Legislative Coordinating Commission or five or more members of the Legislature, the Legislative Coordinating Commission must review a state agency rule. The amendments, along with several technical amendments, were adopted and the bill was forwarded on to the full Senate.

Members, chaired by Sen. James Metzen (DFL-South St. Paul), also approved several bills and referred them to the Governmental Operations Budget Division. S.F. 1577, authored by Sen. David Ten Eyck (DFL-East Gull Lake), provides an appropriation for a matching grant for construction of a veterans memorial in Park Rapids. S.F. 1436, authored by Sen. Richard Cohen (DFL-St. Paul), mandates the inclusion, in each agency budget plan, of a separate line listing the total number of professional and technical contracts and the total cost of those contracts for the prior biennium and the project number of contracts and their costs for the upcoming biennium. S.F. 742, authored by Sen. John Marty (DFL-Roseville), modifies provisions relating to parking fees paid by state employees working at leased facilities.

S.F. 1823, authored by Sen. Ellen Anderson (DFL-St. Paul), requires arbitration upon request of either the employer or the representative of employees or labor organization under certain circumstances. The bill was approved and re-referred to the Jobs, Energy and Economic Development Committee.

S.F. 1310, authored by Cohen, authorizes the commissioner of administration, with the approval of the commissioner of finance, to enter into lease-purchase agreements. The bill provides for the Dept. of Revenue building lease purchase options. The measure was approved and re-referred to the State Government Finance Committee.

S.F. 1486, authored by Sen. Steven Morse (DFL-Dakota), is the omnibus pension bill. The measure contains a number of bills that were reviewed by the Legislative Commission on Pensions and Retirement. The bill provides for pension plan modifications on both general statewide and local applications. In addition, the measure contains a provision modifying investment reporting provisions. The measure also modifies the correctional retirement plan and contains miscellaneous provisions. The bill was approved and referred to the Governmental Operations Budget Division. S.F. 1634, also sponsored by Morse, defines the terms "design" and "pre-design" for capital improvements review purposes. The measure was approved and sent to the Senate floor.

## Changing the fiscal year discussed

Whether or not to maintain the current fiscal year practice was the topic of discussion

at the Tues., Apr. 8, Governmental Operations and Veterans Affairs Committee meeting. "In one sense, this bill is simple, but in another sense, it's an entirely unique proposition. How do we do a better job of putting our budget together?" said Sen. Don Samuelson (DFL-Brainerd) as he presented S.F. 610. The measure proposes changing the fiscal year from the current practice of odd number years to even number years. Samuelson explained that the change allows the governor to continue presenting the budget books in the odd number years, but legislative action is not taken until the following year, thereby allowing significantly more time for budgetary consideration.

"The concept is correct, but what will happen in actual practice is a different matter. If we give legislators another year to think of new legislation, the budget divisions will be considering double the proposals they face now," said Sen. Dan Stevens (R-Mora).

After considering the committee's discussion, Samuelson suggested, "Maybe we need a little more in-depth look at this proposal during the interim." No action was taken and the bill was laid on the table.

In other business, Sen. Arlene Lesewski (R-Marshall) sponsored a bill, S.F. 287, authorizing limited capital improvements at veterans homes in Hastings, Luverne, and Silver Bay using donated funds. The measure was sent to the floor with a recommendation to be placed on the Consent Calendar.

Sen. Randy Kelly (DFL-St. Paul) presented two bills. The first measure, S.F. 233, specifies that when a peace officer suffers a career ending injury or is killed in the line of duty, the public employer must continue to provide health coverage for the officer and his or her family. Kelly said that fortunately the bill affects a small number of peace officers each year and is overwhelmingly supported by the public.

Chair James Metzen (DFL-South St. Paul) offered an amendment that includes full-time firefighters under the extended health coverage requirement. After the amendment was adopted, the bill was sent to the floor.

Kelly's second bill, S.F. 133, clarifies that a victim's impact statement may not be rebutted by a defendant. Under the purview of the committee, the bill continues the Crime Victim and Witness Advisory Council. The council has the authority to make grants to prosecutors and victim assistance programs and is set to expire June 30, 2001. The measure advanced to the floor.

Finally, S.F. 363, carried by Sen. Dave Johnson (DFL-Bloomington), contains the Dept. of Employee Relations housekeeping language. The bill was sent to the floor with dispatch.

## Governmental Operations Budget Division

### Learning network bill discussed

At the Thurs., Apr. 3, Governmental Operation Budget Division meeting, members considered S.F. 1150. Sen. Steve Kelley (DFL-Hopkins) explained that the bill is principally an appropriations measure for three related projects. The first project is a gigabyte point-of-presence (Gigapop), an extremely

high-speed fiber-optic connection at the University of Minnesota Minneapolis campus for telecommunications. The second project connects four-year public universities statewide to the Gigapop in order to expand the state's Learning Network and create a high-speed connection that will allow video communications. Finally, the third project installs computer servers at the public universities to allow for secure communications on the network. The servers, Kelley said, allow for secure information transfers between the academic institutions, as well as for electronic commerce transactions in the local communities. The MinnesotaNet (MnNet) will be linked to the United Nations operated, international electronic commerce network, thereby allowing businesses in Greater Minnesota access to markets world-wide, Kelley explained. The major policy issue in the bill, he said, is whether to allow private interests access to MnNet. Current law prohibits private access to the state operated telecommunications network, and Kelley's measure circumvents this prohibition by removing the requirement that the Telecommunications Council require the use of MnNet by the state's education institutions. If the universities are allowed to contract with providers outside of MnNet, private users will be able to have access to the new, high-speed connection, he said.

The costs to state government, Kelley said, may occur if the universities elect to purchase high-technology communications services through providers other than MnNet. Commissioner Elaine Hansen, Dept. of Administration, said the department expects the statutory change to cost the state between \$1 million and \$2 million annually. She explained that the state contracts with local service providers for a certain volume of telecommunications traffic, and if the public universities leave MnNet, the volume will decrease, thereby increasing costs for all state agencies. Because there was disagreement between Kelley and the commissioner on what the change will cost state agencies, Chair Leonard Price (DFL-Woodbury) said, "Since it is not clear what the costs are to the Dept. of Administration, and the fiscal note needs additional work, it would be irresponsible to send this bill along until we have a better idea what the costs are." The bill was set aside until a later meeting.

Turning to the remaining bills before the division, Sen. John Hottinger (DFL-Mankato) presented S.F. 351, a bill that transfers the authority from the expired Legislative Commission to Review Administrative Rules (LCRAR) to the Legislative Coordinating Commission (LCC). In order to support the additional responsibilities, the measure calls for an additional staff director, a half-time clerical position, and office equipment. The measure was approved and re-referred to the Governmental Operations Committee, while the appropriations in the bill will be taken into consideration for the state government omnibus bill.

S.F. 180, carried by Sen. LeRoy Stumpf (DFL-Thief River Falls), appropriates money for the design of a memorial commemorating the life and public service of former Congresswoman Coya Knutson.

Sen. David Ten Eyck (DFL-East Gull Lake),

author of S.F. 298, said his bill amends the Uniform Partnership Act of 1994, specifically adding language to include limited liability partnerships. He explained that state funding is needed for computer programming and operation costs in order to accommodate the new information filing and storage. No action was taken on either bill, but both will be considered for the omnibus bill.

### **Learningnet discussion continues**

The discussion on Sen. Steve Kelley's (DFL-Hopkins) Minnesota learning network expansion bill, S.F. 1150, continued at the Mon., Apr. 7, Governmental Operations Budget Division meeting. The measure broadens the state's higher education telecommunications network by investing in high-technology equipment, expanding network coverage, and eliminating the requirement that the higher education institutions use the Dept. of Administration's MinnesotaNet (MnNet) services.

Chair Leonard Price (DFL-Woodbury) said that the division still had not heard more specific information on what the bill would cost state government, the fiscal note needed additional work, and that the division could not send the bill along until he had a more accurate funding estimate. Kelley said he understood and that the higher education funding portion of the bill had already been taken care of in the Higher Education Budget Division. There was no longer any urgency to send the bill forward, he explained, and he requested that the measure stay in the division to see if the funding details could be worked out. Members elected to lay the bill aside.

Kelley also presented S.F. 173 to the division. Under the bill, the Secretary of State's Office is given the authority to license electronic signature certification authorities, and these newly licensed agencies will be able to use the electronic signatures in place of the traditional, legally binding handwritten ones. The goal, he said, is to allow for the electronic transmission of state and private legal documents.

S.F. 1638, carried by Sen. Tracy Beckman (DFL-Bricelyn), allocates a one-time appropriation to produce a survey of possible state economic policy initiatives. No action was taken on either bill and both were held for consideration in the state government omnibus bill.

### **All veterans' memorial discussed**

A request for \$100,000 to construct an All Veterans' Memorial in Park Rapids was discussed at the Tues., Apr. 8, meeting of the Governmental Operations Budget Division. The request, found in S.F. 1577, was presented by Sen. David Ten Eyck (DFL-East Gull Lake). Ten Eyck said the memorial is intended to serve as a rest stop and a "living museum." Ten Eyck was accompanied by Ron Abresch and Joe Edstrom. The pair head the fundraising effort for the memorial. Abresch said the memorial will include an educational building, a museum and a theater to educate people about the sacrifices made in times of war and the cost of freedom. Edstrom said that the Dept. of Transportation considered putting an informational rest stop in Park Rapids because of the volume of visitors going to Lake

Itasca State Park. "This works with that plan," added Edstrom.

The panel also considered S.F. 1135, sponsored by Sen. Ember Junge (DFL-New Hope). The bill establishes a uniform business identifier (UBI) system for use with a one-stop business licensing system. According to Junge, plans call for the system to be implemented in three phases -- development of the UBI system, development of a licensing requirement database and, lastly, development of a computerized license application system.

Most of the discussion focused on the cost of implementing the system, a projected \$4.6 million for the next fiscal biennium. Ken Neemy, an Information Officer with the Dept. of Economic Security, said that the affected agencies won't need to use much outside consulting because they have the expertise within the department. He said most of the fiscal impact will result from hiring temporary staff while permanent staff are involved in the system planning process. Neemy added that the business community wants the system implemented because of the time and cost savings. Division Chair Leonard Price (DFL-Woodbury) asked if the business community would be willing to pay a fee to pay for the system because of its convenience. Junge urged support for the bill, saying the UBI system "will make Minnesota a better place to do business."

Finally, the division considered the omnibus pension bill, S.F. 1486, presented by Sen. Steven Morse (DFL-Dakota). Morse said that under the bill, Dept. of Revenue seasonal employees are now eligible to participate in the classified service pension plan. He said the bill also shifts the pension administrative costs from the Minnesota State Colleges and Universities (MnSCU) board to the employees. Mary Stanton, of MnSCU, said the new system will be similar to other state pension plans. Morse said another provision in the bill allows some consolidated pension plans to again qualify for state aid if proposed changes in actuarial assumptions project an unfunded liability.

The division took no formal action on any of the bills.

## **Health and Family Security**

### **Pre-paid assistance debate begins**

Sen. Don Samuelson (DFL-Brainerd) began presenting the prepaid medical assistance plan (PMAP) bill, S.F. 1230, at the Thurs., Apr. 3, Health and Family Security Committee meeting. Assisted by Tom Moss, Dept. of Health, Samuelson explained the intent of the bill -- to ensure that Minnesotans have adequate access to quality health care by allowing counties to purchase prepaid care.

Sen. Linda Berglin (DFL-Mpls.) asked why the MinnesotaCare (MnCare) program is not included in the bill. Moss said that the counties would favor having MnCare as part of the bill, but in the negotiation process with the department, a compromise could not be worked out. He added that discussions on how to include MnCare in the county-based PMAP program will continue.

Chair John Hottinger (DFL-Mankato) asked that the bill be set aside in the interest of time to allow for action on other pending

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legislation. S.F. 1230, he said, would be taken up at the next meeting.

Sen. Steven Morse (DFL-Dakota) brought S.F. 234, the Dept. of Human Service's licensing bill, before the committee. He said that the measure makes a number of changes to the department's licensure procedures and he highlighted the changes that add flexibility to the criminal background check procedures. Morse then offered an amendment that alters the basis by which the department can disqualify a license to an individual after the background check is performed. The Morse amendment also creates a task force to study the department's disqualification authority.

A second amendment, offered by Morse, removes language that creates a fiscal impact, a move that eliminates the need for the bill to go to the Health and Family Security Budget Division. Both Morse amendments were adopted and the measure was re-referred to the Governmental Operations Committee.

Morse also presented S.F. 920, a bill that takes off the expenditure limits for health insurance plans and providers and replaces the limits with health care cost containment goals. The measure was advanced to the floor.

S.F. 244, carried by Sen. Sheila Kiscaden (R-Rochester), allows physicians to prescribe controlled substances in cases of intractable pain. She explained that the bill assures doctors that they may prescribe levels of medication to control extreme pain without fear of investigation or censure by the Board of Medical Practices. The list of controlled substances does not include marijuana, she said. The bill was approved and sent to the floor.

## PMAP consideration continues

Members of the Health and Family Security Committee continued to consider Sen. Don Samuelson's (DFL-Brainerd) pre-paid medical assistance plan (PMAP) bill at the Fri., Apr. 4, meeting. As explained at the prior meeting, S.F. 1230 permits counties to purchase health care services for persons eligible for medical assistance (MA) and general assistance medical care (GAMC). The measure specifies that the services are to be provided in prepaid programs. The Dept. of Health is to pay the participating counties a per capita payment for all enrolled recipients, Samuelson explained.

Tom Moss, Dept. of Health, said that there is a large degree of concern about the level of health care choice county assistance recipients have and in many counties, there is only a single care provider. In an answer to a question posed at the earlier meeting, Moss agreed that integrating MinnesotaCare (MnCare) into PMAP will provide more choice for county recipients. However, the department is not able to support integrating the two programs because it creates too much risk for the state.

After two technical author's amendments were adopted, Chair John Hottinger (DFL-Mankato) again requested that Samuelson progress the bill until the next meeting in order to allow time for other measures to be considered.

Two bills were then heard and referred to the Health and Family Security Budget Division to be considered for the omnibus bill. S.F. 1539, carried by Samuelson, establishes a grant program for deaf and deaf-blind children that is designed to promote psychological and

social assessments, family assessments, and family consultation and training.

The second bill sent to division, S.F. 921, sets up a new method of licensing facilities that service developmentally disabled persons. The chief author, Sen. Steve Morse (DFL-Dakota), said the measure establishes a three year pilot project to implement a local licensing program that is based on outcomes. "I hope the project shows us how regulatory costs can be reduced at the state level and responsibility can be effectively moved to the local level," Morse said.

Morse then successfully offered an amendment that re-instates language deleted from his consumer protection bill. He explained that the language had originally been removed because of fiscal impact concerns, but after examination, there are no associated costs.

## PMAP, MinnesotaCare discussed

On Mon., Apr. 7, the Health and Family Security Committee continued the discussion on S.F. 1230, the prepaid medical assistance plan (PMAP) bill, carried by Sen. Don Samuelson (DFL-Brainerd). The bill allows counties to purchase medical services on prepaid plans. As the bill had been discussed at two prior meetings, members immediately launched into amendments. Sen. Sheila Kiscaden (R-Rochester) offered an amendment that allows small businesses to act together to create health care purchasing alliances. After Assistant Commissioner Barbara Colombo, Dept. of Health, said the department was concerned about the lack of consumer protections in the amendment, Kiscaden withdrew.

Samuelson successfully offered an amendment that directs the commissioner of health to develop a plan to integrate the MinnesotaCare program with the expanded county-based purchasing plan. The bill was then approved and re-referred to the Health and Family Security Budget Division.

The committee then turned to S.F. 1208, the MinnesotaCare bill sponsored by Sen. Linda Berglin (DFL-Mpls.). She explained that the intent of the legislation is to expand coverage under the MinnesotaCare program. Under the bill, health services covered by MinnesotaCare are expanded to include single adults and households without children with an annual income below 175 percent of federal poverty guidelines. The measure also eliminates the 1 percent premium tax for HMOs, CISNs, and nonprofit health services plans and reduces the provider tax from 2 percent to 1.75 percent.

Several amendments were considered. Berglin offered an amendment that establishes a senior citizen prescription drug program. The senior drug program is slated to begin Jan. 1, 1998 and in order to qualify, a person must: be age 65 or older; not own assets that exceed twice the limit used to determine eligibility for the supplemental security income (SSI) program; have a household income under 120 percent of poverty guidelines; not have coverage for prescription drugs and not be eligible for coverage under Medicare; and be a permanent resident of Minnesota. Berglin said that coverage for prescription drugs is limited to those covered under the Medical Assistance (MA) program. The amendment requires a

\$10 monthly premium, a \$10 copay charge for drugs, and a \$200 annual deductible for program participants. Berglin said the program is expected to cost \$9 million annually. The amendment was adopted.

Berglin also offered an amendment that eliminates the provider tax on medical patients who are not residents of Minnesota. She explained that the amendment is another way to reduce the amount of provider tax health care providers must pay and is expected to help the border communities. Sen. Sheila Kiscaden (R-Rochester) said she opposed the amendment because she would rather see an increased provider tax reduction, and after the addition of the expensive senior drug program onto the bill, the choice would be between this amendment or a tax reduction. The Berglin amendment failed.

"As controversial as the provider tax has been over the years, adopting it was the right thing to do. However, not all of the money that is being collected is being used for what we had originally intended," said Sen. Sam Solon (DFL-Duluth). He then offered an amendment that reduces the provider tax to 1.5 percent. Berglin announced that she opposed the Solon amendment and said the bill will not move out of the committee if it was adopted. "I cannot take amendments onto this bill that put the program into a structural deficit," Solon said he would compromise and amended his amendment so that the provider tax would be reduced to 1.5 percent for two years and then would revert back to 2 percent after the biennium. The Solon amendment was adopted on a 9 to 7 division vote. Berglin then progressed the bill.

In other business, Sen. David Knutson (R-Burnsville) presented S.F. 727, a measure that opens adoption birth records. Specifically, the bill allows persons age 19 or older to request a copy of their birth certificate from the commissioner of health. Currently, the birth records of people born between 1941 and 1977 are closed to the public. Persons born between these dates must use an intermediary and pay an expensive fee to search out their birth parents, Knutson said. After testimony was taken from several witnesses, the measure was approved and referred to the Health and Family Security Budget Division.

## MinnesotaCare bill okayed

At the Tues., Apr. 8, Health and Family Security Committee meeting, members moved to reconsider the vote on a controversial amendment made the night before to the MinnesotaCare bill. The amendment, offered by Sen. Sam Solon (DFL-Duluth), reduced the 2 percent provider tax to 1.5 percent. The bill's chief author, Sen. Linda Berglin (DFL-Mpls.) explained at the prior meeting that she opposed the provider tax reduction because the bill already reduced the tax to 1.75 percent and that any further tax reductions would throw the MinnesotaCare program into a structural deficit. Because the amendment was adopted, Berglin tabled the bill. However, Sen. Don Betzold (DFL-Fridley) moved to reconsider his vote on the amendment as he had voted on the prevailing side.

A lengthy discussion ensued on the implications of a higher or lower provider tax. The Solon amendment to reduce the tax to

1.5 percent failed on a 10-5 roll call vote. The bill was then approved and re-referred to the Committee on Taxes.

Four other bills were also approved at the meeting. S.F. 1000, carried by Sen. Steve Kelley (DFL-Hopkins), is a housekeeping bill for the Board of Psychology, while S.F. 662, sponsored by Sen. Dallas Sams (DFL-Staples) amends several Board of Psychology provisions. Both S.F. 1000 and S.F. 662 were sent to the floor.

Berglin presented S.F. 1468, a bill that provides reimbursement to counties for case management services for adults with mental illness at the same rate as case management for persons with developmental disabilities. The bill was approved and re-referred to the Health and Family Security Budget Division.

Finally, Betzold also brought a measure before the committee, S.F. 457, the Social Work Practice Act. Betzold explained that the bill expands the definition of social work practice and establishes threshold requirements for licensure. The bill was approved and re-referred to the Human Resources Finance Committee.

## Higher Education Budget Division

### Omnibus bill advanced

The Higher Education Budget Division approved the division omnibus bill Fri., Apr. 4. The division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), considered a number of amendments.

The committee appropriated \$2.364 billion in total higher education funding for the biennium, in contrast with the governor's request of \$2.309 billion. The bill allocates \$306.7 million to the Higher Education Services Office, \$1.005 billion to the MnSCU system, \$1.049 billion to the University of Minnesota and \$2.4 million to Mayo. The governor's recommendations were for \$248 million, \$988 million, \$1.070 billion and \$1.6 million respectively.

Stumpf presented an amendment allowing technical and consolidated colleges to consult advisory committees when programs are changed, modified or eliminated. Under the terms of the amendment, the committees consist of employers, students and instructors. The amendment was adopted. Sen. Steve Kelley (DFL-Hopkins), proposed an amendment that appropriates up to \$1.5 million to establish a gigabit capacity point at the University of Minnesota. The appropriation is contingent on a match by the University or private sources. Kelley said, "The additional gigabit capacity would put the University of Minnesota on the main channel of the global information network." The amendment was adopted.

Kelley renewed previous amendments that establish performance indicators for the University of Minnesota and the MnSCU system and tie incentives to achievement of the indicators. Under the proposal, the University receives up to \$15 million in additional appropriations if it achieves six out of seven of the performance indicators. As listed in the amendment, the indicators are in the areas of enrollment levels, graduation benchmarks, research and development,

voluntary support, reduction in administration expenditures and information technology. Sen. Sheila Kiscaden (R-Rochester) offered an amendment making performance indicators more general. Kiscaden said, "This proposal encourages quality without micromanaging." Kelley said, "Our job is to represent our constituents in making clear their expectations of results, and that's what I'm trying to do with my approach." The second part of Kelley's amendment offered the University a \$20 million appropriation for the development and implementation of a common course numbering system and the integration of technical college coursework in its degree programs. On the suggestion of Sen. Sam Solon (DFL-Duluth), Kelley divided the amendment and offered the performance indicators portion first. On a roll call vote, the proposal failed and Kelley withdrew the second half of the amendment.

Kelley presented an amendment deleting deadlines for the implementation of a common numbering system. The amendment was adopted. Kelley also moved to add \$500,000 to the Virtual University programs at the University of Minnesota and the MnSCU system. The Virtual University is a computer-based interactive distance learning initiative. The amendment was adopted. The committee then approved the omnibus bill and advanced it to the Children, Families and Learning Committee.

## Human Resources Finance

### Crime prevention and judiciary omnibus bill okayed

"This bill will strengthen the state's crime prevention infrastructure and develops a greater capacity to deal with expanding crime problems," said Sen. Randy Kelly (DFL-St. Paul) as he brought S.F. 1880, the crime prevention and judiciary omnibus bill, before the Human Resources Finance Committee at the Tues., Apr. 8, meeting. He explained that approximately \$973 million is appropriated for the biennium to fund the various crime prevention and judiciary activities. Among the major budget decisions, the bill allocates approximately \$84.4 million to the Dept. of Public Safety and \$603.7 million to the Dept. of Corrections.

After Kelly outlined the various initiatives in the bill, members began to offer several amendments. Sen. Allan Spear (DFL-Mpls.) offered an amendment that restores language he said was inadvertently left out of the bill. He explained the amendment attaches the policy language that requires the employers of peace officers to adopt a postexposure to infectious disease notification protocol for emergency services personnel.

Sen. Becky Lourey (DFL-Kerrick) offered an amendment that moves \$30,000 from a health initiative in order to fund a firefighter training study committee. Both amendments were adopted.

Sen. Thomas Neville (R-Northfield) offered a controversial amendment that allows judges to use their discretion about when an adolescent's driver's license may be returned to the juvenile. Current law requires that a juvenile's license be revoked until age 17 if they are caught with a firearm on school

property. Kelly said he agreed with the intent of the amendment, but said he was concerned about the amendment serving as a bridge to allow more controversial amendments to be attached; namely, the right-to-carry a concealed handgun law, he said. After the Neville amendment failed, the bill was approved and sent to the floor.

## Jobs, Energy and Community Development

### Rights-of-way bill advanced

A bill authorizing cities to control use of public rights-of-way was okayed by the Jobs, Energy and Community Development Committee Thurs., Apr. 3. Chaired by Sen. Steven Novak (DFL-New Brighton), the committee also approved bills related to an office of international affairs, tourism, and telecommunications within combined school districts.

Novak presented S.F. 442, a bill that gives local units of government the authority to manage and regulate telecommunications rights-of-way. The Public Utilities Commission currently has jurisdiction over rights-of-way issues. A public right-of-way is defined in the bill as "the area on, below, or above public roadways and sidewalks." Novak said, "The bill in its present form represents a consensus achieved by the various parties concerned with this issue, but there are a few items yet to be settled." The unresolved issues include indemnity and insurance issues, technical concerns and utility considerations regarding railroad rights-of-way. The bill was approved and re-referred to the Local and Metropolitan Government Committee.

Novak also authored S.F. 1290, a bill that establishes a state office of international affairs. Under the terms of the bill, the office coordinates cultural exchanges, international education opportunities and promotes international understanding, cooperation and awareness. The bill was okayed and advanced to the Senate floor.

H.F. 50, presented by Sen. Tracy Beckman (DFL-Bricelyn), allows trade and economic development officers to be placed in nonmetropolitan state offices. The legislation places three economic development officials in Greater Minnesota in order to facilitate local development. The bill was approved and sent to the Economic Development Budget Division.

H.F. 211, presented by Sen. Dick Day (R-Owatonna), authorizes extended area telecommunications service within combined school districts. The bill allows customers to petition the Public Utilities Commission to permit extended area service and facilitates communication between parents, teachers, administrators and students from combined school districts. The bill was okayed and moved to the Senate floor.

### Railroad leave bill discussed

The Jobs, Energy and Community Development Committee reviewed a bill Fri., Apr. 4, that provides counseling services and mandatory leave for railroad employees. The committee, chaired by Sen. Steven Novak (DFL-New Brighton), also approved bills related to mobile home rentals, uniform business identifi-

# Committee update

cation, employee representation and wages.

S.F. 1291, authored by Sen. Becky Lourey (DFL-Kerrick), requires railroad companies to provide counseling services and mandatory leave to railroad crew members involved in serious accidents. The bill requires counseling services within 48 hours of an accident and allows for at least three days of paid mandatory leave following an accident. The committee laid the bill aside for further consideration.

Sen. Jane Krentz (DFL-May Township), presented H.F. 889, a bill that clarifies the rights of parties to mobile home park rentals. The bill provides that applications of prospective renters be judged in a nondiscriminatory way and requires that notices of eviction specify the lease violations that trigger the eviction. The bill was okayed and was sent to the Senate floor. S.F. 911, authored by Sen. Dave Johnson (DFL-Bloomington), includes the state of Minnesota in the statutory definition of an employer and clarifies the time period required by law for an employer to pay wages following an employee's resignation. The bill was approved and sent to the Senate floor.

S.F. 1135, authored by Sen. Ember Junge (DFL-New Hope), creates a universal business identifier to facilitate electronic filing and information retrieval pertaining to business licenses. Junge said, "This legislation enables businesses to file license applications on-line on one form for all licenses and allows for on-line public access for licensing information." The bill was okayed and re-referred to the Governmental Operations and Veterans Committee. Sen. John Hottinger (DFL-Mankato) presented S.F. 1693, a bill that requires employers to recognize an organization representing at least 60 percent of the employees in the appropriate unit. The bill was approved and advanced to the Governmental Operations and Veterans Committee.

Novak presented S.F. 1820, the committee omnibus energy bill for consideration. The bill was laid over for further discussion.

## Railroad leave bill okayed

A bill related to providing leave to railroad employees was approved by the Jobs, Energy and Community Development Committee Tues., Apr. 8. The committee, chaired by Sen. Steven Novak (DFL-New Brighton), reviewed other legislation and began consideration of an omnibus energy bill.

Sen. Becky Lourey (DFL-Kerrick), presented S.F. 1291, a bill that provides counseling and mandatory leave to railroad employees involved in serious accidents. An amendment made some changes in the bill to address industry concerns. The amendment leaves to the employee's discretion the option of working after an accident if the employee can perform the job safely. The amendment was approved. There was still opposition to the bill expressed by representatives of the railroad industry, mostly around the issue of state-ordered mandates. The bill as amended, however, was approved and re-referred to the Health Care and Family Security Committee.

S.F. 839, authored by Sen. William Belanger (R-Bloomington), modifies bond requirements for executive search firms. Current law requires search firms to obtain a \$10,000 bond each year. The bill limits the

bond requirement to the first five years of a search firm's registration. The bill was okayed and sent to the Senate floor. Sen. Dave Johnson (DFL-Bloomington), presented H.F. 704, a bill that exempts utilities from obtaining a certificate of need when the utility is awarded a contract as a result of participating in a bidding process. Utilities argue that, as public scrutiny is present throughout the bidding process, the certificate requirement represents duplication of effort and burdensome regulation. The bill was approved and advanced to the Senate floor.

Sen. Ellen Anderson (DFL-St. Paul), presented S.F. 1112, a bill that establishes an advisory task force on lead hazard reduction. The bill was approved and re-referred to the Government Operations and Veterans Committee. Sen. Steven Novak (DFL-New Brighton), authored S.F. 1820, the omnibus energy bill. The bill reorganizes and renames the Legislative Electric Energy Task Force as the Legislative Commission on Utility Competition, establishes a review of electric energy restructuring and makes technical changes in utility statutes. The bill was laid aside for further consideration.

## Energy bill advanced

In a busy evening meeting Tues., Apr. 8, the Jobs, Energy and Community Development Committee approved a number of bills. Generating the most discussion among members of the committee, chaired by Sen. Steven Novak (DFL-New Brighton), were proposals related to telecommunications and utilities.

Novak renewed his presentation of S.F. 1820, the omnibus energy bill. The bill provides the conditions under which the Public Utilities Commission can approve a filing of discretionary rates and renews the mandate of the Legislative Electric Energy Task Force. Sen. Jerry Janezich (DFL-Chisholm), proposed an amendment deleting a section calling for a review of the Conservation Improvements Program. Janezich said, "The program has been working pretty well. I don't think we should change it." The motion was approved and the section deleted. Novak offered an amendment that requires utility companies to provide an annual report on mercury emissions. The amendment was adopted. Sen. Kenric Scheevel (R-Preston) moved to add language calling for the task force to solicit information from all parties affected by electric industry restructuring. The amendment was approved, and the bill as amended was okayed and advanced to the Senate floor.

Sen. Randy Kelley (DFL-Hopkins), presented S.F. 739, a bill related to telecommunications deregulation. The bill outlines the state goals with regard to telecommunications services, prohibits rate changes without a revenue requirement determination, regulates rate changes and prohibits wholesale rate deaveraging without attendant retail rate deaveraging. Under current law, telecommunications rates are geographically averaged to provide balanced rate charges to rural customers whose rates would otherwise be higher. A provision for a single statewide local access and traffic area (LATA) was removed by an amendment proposed by Kelley. The amendment was adopted. An amendment,

offered by Sen. Linda Runbeck (R-Circle Pines), called for penalties to be imposed on phone companies engaging in anticompetitive behavior. The motion failed. The bill was approved and sent to the Senate floor.

Senate Minority Leader Dean Johnson (R-Willmar) authored S.F. 1419, a bill that authorizes municipal and cooperative utilities to form joint ventures for the provision of utility services. The bill was okayed and advanced to the Senate floor. S.F. 1823, presented by Sen. Ellen Anderson (DFL-St. Paul) requires binding arbitration on collective bargaining agreements between employers and newly-elected representatives of employees in cases of employer/employee disputes. The bill was approved and sent to the Senate floor. Sen. David Ten Eyck (DFL-East Gull Lake), authored S.F. 1383, a bill that allows filing of safety/health notices to employees by mail. The bill was okayed and advanced to the Senate floor.

S.F. 1038, authored by Sen. Roy Terwilliger (R-Edina), requires the commissioner of finance to report on bonding issues to legislative committee chairs by February 1 in odd-numbered years. The bill was approved and sent to the State Government Finance Committee. Runbeck presented S.F. 1807, a bill that changes workers compensation deadlines for reports of the rate oversight commission. The bill was okayed and advanced to the Senate floor. Sen. Janet Johnson (DFL-North Branch), authored S.F. 1156, a bill that prohibits slamming by telecommunications companies. Slamming occurs when telecommunications services or providers are changed without customer's awareness or consent. The bill was amended to add additional prohibited practices to statute and to provide for revocation or suspension of a carrier's certificate of authority in cases of violation. The amendment was adopted and the bill as amended was sent to the Senate floor.

S.F. 1751, authored by Sen. Bob Lessard (DFL-Int'l Falls), designates Koochiching County as an enterprise zone. The bill was agreed to and re-referred to the Committee on Taxes.

Novak presented S.F. 1268, a bill authorizing electric utilities to identify utility property taxes on customers' bills and provides for the Legislative Electric Energy Task Force to study issues related to the imposition of personal property taxes on electric and gas utilities in the state. Sen. Janet Johnson (DFL-North Branch) proposed an amendment deleting the tax identification provision. The motion was adopted and the section deleted. The task force language remained, and the amended bill was approved and sent to the Senate floor. Sen. Tracy Beckman (DFL-Bricelyn) authored S.F. 1031, a bill that establishes the 1997 Minnesota Employment and Economic Development program. The bill updates the existing MEED program and facilitates the transition from public assistance to work in light of pending welfare reform. The bill was okayed and advanced to the Senate floor. S.F. 1470, presented by Sen. Linda Berglin (DFL-Mpls.), expands the scope of neighborhood revitalization programs to include housing-related issues. The bill was approved and sent to the Senate floor.

## Judiciary

### Child support bill gains

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), acted on bills relating to child support, business nuisances, and human rights violations, Mon., Apr. 7.

S.F. 1717, sponsored by Sen. Ellen Anderson requires the Department of Human Rights to develop and implement a program for testing compliance with the Human Rights Act. Under the bill, the program must include tests to determine the frequency of racial discrimination in housing rental. The committee approved the bill and sent it to the Crime Prevention Committee.

S.F. 830, sponsored by Sen. Richard Cohen (DFL-St. Paul), is an omnibus child support bill that includes changes contained in the Federal Welfare Reform Act, Department of Human Services Agency proposals and other miscellaneous changes. The bill assigns to the state child support collections from individuals who are collecting public assistance, requires individual blood and genetic tests, and other forms of individual cooperation needed to establish paternity, requires a paternity judgement to contain the parents' social security numbers, prohibits a public authority from making known to one party the other's location in cases involving domestic abuse and requires in marriage dissolutions the inclusion of a social security number when child support or spousal maintenance is an issue. The bill also expands the occupational license suspension statute to include licenses issued by a county or municipality, allows the dissemination of the names of delinquent child support obligors through a variety of methods in addition to newspaper publication.

Cohen offered an amendment clarifying that the department can seek reimbursement for foster care from a child's parents, including due process protections applicable to in driver's license suspension cases, and streamlining the due process provisions applicable to the seizure of an obligor's bank account funds. The committee adopted the amendment.

Sen. Thomas Neuville (R-Northfield) offered the "Defense of Marriage" amendment which prohibits marriages between persons of the same gender. The amendment failed on a three to seven vote. The bill was approved, as amended, and referred to the Health Care and Family Security Committee.

S.F. 536, sponsored by Sen. Linda Berglin (DFL-Mpls.), amends public nuisance laws to include violations of local or state zoning or business licensing regulations, ordinances, or statutes. Under the bill, a public nuisance exists upon proof of two or more separate behavioral incidents occurring within a building and within a 12 month period. Among behavioral incidents included in the bill are those relating to prostitution, gambling, and the unlawful sale of controlled substances. The bill was laid over pending clarification of language allowing zoning or business license violations not related to nuisances.

### Data privacy bill gains

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), continued the count down to the second committee deadline

with an evening hearing Tues., Apr. 7. One of the key bills heard was the omnibus data practices bill for this session. S.F. 1277, authored by Sen. Don Betzold (DFL-Fridley), contains several changes to the laws governing the various classifications of data. However, most of the debate centered on a series of amendments by committee members.

Betzold began the discussion by offering an amendment to allow the Office of the Attorney General to have the same nonpublic data classification as the governor's office has for preliminary drafts of legislative proposals and internal communications. The amendment was opposed by Mark Anfinson, representing the Minnesota Newspaper Association, on the grounds that the amendment cuts off public discussion on issues of importance. Sen. Sheila Kiscaden (R-Rochester) moved to table the amendment. However, the motion failed. Sen. David Knutson (R-Burnsville) also argued against the amendment. Knutson said there is a distinction between the governor's office preparing budgetary and legislative proposals for all of state government and the single office of the attorney general. However, the amendment was adopted on a divided voice vote.

Ranum offered two amendments. The first allows the disclosure of education data such as a student's full name, address, phone number, school schedule and attendance record and parents' names and addresses to the juvenile justice system. The second authorizes county attorneys, in counties where the county attorney refers children who are in need of protection or services to community programs, to provide the programs data on children who are being considered for participation. Both amendments were adopted.

An amendment, offered by Knutson, classifies data collected in a proposed school based probation pilot project as private data but allows dissemination of the data to probation officers working with the pilot project.

The last amendment also sparked considerable discussion. The amendment, offered by Sen. Sheila Kiscaden (R-Rochester), allows the release of health records that do not identify the patient to an external researcher for medical or scientific research if the health care provider has obtained the patient's written consent or used reasonable efforts to obtain the patient's written consent. Debate centered on the definition of reasonable efforts. Sen. Thomas Neuville (R-Northfield) offered an amendment to the amendment specifying that the provider must advise the patient that unless the patient objects the records may be released for research. The amendment to the amendment was adopted. Members also adopted language to define reasonable effort and to require the health care provider to tell the patient of the patient's right to object. The Kiscaden amendment was adopted. The bill was then advanced to the Senate floor.

In other action, members approved seven additional bills. S.F. 100, authored by Sen. Linda Runbeck (R-Circle Pines), establishes the Minnesota Office of Technology. The measure was approved and re-referred to the Governmental Operations and Veterans Committee. S.F. 855, authored by Knutson, allows an interested person to attend proceedings

involving a child in need of protection or services, unless the court determines that the person's presence would not be in the best interest of the child. The bill also defines interested person and specifies that the person must agree not to disclose information from the proceedings. The measure was advanced to the Senate floor. S.F. 364, also sponsored by Knutson, allows law enforcement agencies or prosecuting attorneys to issue a report to a crime victim verifying that the victim reported a crime perpetrated by a juvenile and that the law enforcement agency is investigating the alleged crime. The bill was also advanced to the floor.

S.F. 1070, authored by Neuville, allows the disclosure to a victim of the name of a juvenile who is the subject of a delinquency petition. Neuville successfully amended the bill to allow the victim to attend hearings in the delinquency or certification proceeding or extended jurisdiction juvenile prosecution unless the judge determines the person's presence would adversely affect the best interest of the child. The bill was advanced to the full Senate.

S.F. 536, authored by Sen. Linda Berglin (DFL-Mpls.), adds to the definition of nuisance and the list of acts constituting a public nuisance. S.F. 241, authored by Kiscaden, alters the definition of domestic abuse for purposes of evaluating the best interests of a child in a custody determination. Both measures were sent to the Senate floor.

S.F. 930, sponsored by Sen. Ember Junge (DFL-New Hope), requires the court to consider orders for protection when supervised visitation is requested and requires the court to consider a finding regarding domestic abuse in a subsequent custody proceeding. The bill also provides requirements for family visitation centers, includes domestic abuse issues in judicial education requirements and requires dissolution petitions to include information on orders for protection. The bill was also advanced to the full Senate.

## K-12 Education Budget Division

### Common schools proposal heard

"We are probably going to accommodate 80 percent of the governor's proposals, said Chair Lawrence Pogemiller (DFL-Mpls.), but we need to present alternatives to tax credits." His attempt to do so comes in the form of the Minnesota Common Schools Excellence Act. He explained the proposal to members of the K-12 Budget Division Fri., Apr. 4. A "common school of excellence" designation, which incorporates elements of chartering and even voucher-like certificates, extends a new option to schools with at least 25 percent of the student body on free or reduced lunch. Common schools may, under the proposal, require uniforms and parental involvement and may advertise for students. Interested families will receive a certificate for at least \$6,000 to enroll students. Compensatory aid will follow the children on free and reduced lunch. Schools must be covered by covered by PELRA, but all issues, said Pogemiller, will be on bargaining table.

Sen. Roger Moe (DFL-Erskine) authored S.F. 79, permitting school boards to start before labor day in school years 98-99.

# Committee update

Pogemiller said the committee will probably adopt Moe's bill. Other bills were offered to similar effect: S.F. 113 authored by Sen. Martha Robertson (R-Minnetonka) on behalf of Wayzata, S.F. 206 authored by Sen. Thomas Neuville (R-Northfield) on behalf of New Prague schools, Sen. Dan Stevens (R-Mora) on behalf of Isle, Sen. Keith Langseth (DFL-Glyndon) on behalf of Lake Park and Audubon. The above bills were slated for inclusion in the omnibus bill. S.F. 220, S.F. 570, bills repealing Labor Day start statewide by Sens. Steve Murphy (DFL-Red Wing) and Kenric Scheevel (R-Preston) were voted to be left off the omnibus legislation. Sen. David Knutson (R-Burnsville) said that as a parent he is frustrated by all the days off in school calendars and expressed a desire for schools to consolidate training, possibly holding staff development days before Labor Day. Bob Meeksof the Minnesota School Board Association said that trends and graduation standards initiatives would probably mean school year staff training would be even more prevalent in the future.

Sen. Allan Spear (DFL-Mpls.) presented S.F. 933, a graduation incentives proposal dubbed "Learn and Earn." The program provides students with in-hand stipends and college accounts and was reported to have the same efficacy in crime prevention as three-strikes policies, at one fifth the cost. Under this bill, the program would be available to communities with high juvenile crime rates or a high increase in juvenile crime, and is limited to families living below the poverty level. The program must provide 250 hours of education, 250 hours of community service and 250 hours of cultural enrichment activity.

S.F. 672, authored by Sen. Charles Wiger (DFL-North St. Paul) ties driving privileges to school attendance. Bill coauthors Sens. Sandra Pappas (DFL-St. Paul) and Martha Robertson (R-Minnetonka) both expressed doubts in the bill's potential after hearing student testimony. The motion to approve the bill and re-refer the measure to the Transportation Committee was not approved.

Sen. Tracy Beckman (DFL-Bricelyn) presented S.F. 1760, a school-to-work bill, focuses on aiding the transition from training to the workforce. A specific youth works initiative project, S.F. 1400, was presented by Krentz. Sen. S.F. 1779, authored by Sen. Gen Olson (R-Minnetrista) expands the Minnesota School-to-Work to apply to non-public school children. Sen. Don Samuelson (DFL-Brainerd) presented S.F. 1494, appropriating \$150,000 for each year of the biennium to support job shadowing program and internships at Camp Ripley. He said the proposal broaden the scope of the camp's vocational training from environmental issues into other areas. S.F. 1629, authored by Sen. Leroy Stumpf (DFL-Thief River Falls) appropriates \$350,000 over the next biennium to integrate knowledge of Minnesota's food and fiber production system into the graduation standards.

## Bills considered for omnibus

Sat. Apr. 5, the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller, considered bills for inclusion in omnibus legislation.

Sen. Linda Scheid (DFL-Brooklyn Park)

presented, S.F. 551 and S.F. 550, two of many bills dealing with suburban low income compensatory aid. She said some people are forced to move because of eviction, and that some students must register five times a year. Testimony was heard indicating that children living in affluent environments receive seven times the affirmations and have three times the vocabulary words of those living in poverty. Discussion focused on the compounded social problems affecting education. "Affordable housing is as much a factor as anything we do" said Sen. Jane Krentz (DFL-May Township). Scheid defended granting to school buildings, allotting money per student in buildings with high concentrations of poverty, 20 percent free and reduced lunch and 20 percent minority. Sen. Martha Robertson (R-Minnetonka) suggested that money be targeted according to the actual number of students who are eligible. Sen. Jane Krentz (DFL-May Township) said some large districts don't qualify for aid but certain buildings within them should. In response to panel queries, Tom Melcher, of the Department of Finance, said that free and reduced lunch numbers are self-reported, but said the department is pursuing a cross-check system with the U.S. census.

Sen. David Knutson (R-Bloomington) authored S.F. 1068, a bill modifying crime-related costs levy. Knutson said that because school districts overlap, the bill allows districts to utilize available peace officers from different communities. Sen. Linda Higgins (DFL-Mpls.) presented S.F. 1479, a bill changing compensatory aid percentage from .67 times the weighted average daily membership allowance per child on AFDC to 1 times the allowance per child on free and reduced lunch. Staff indicated that the cost of the bill would be \$500 million. Pogemiller said the division would consider large changes but that there has to be a trade off.

Sen. Jane Ranum (DFL-Mpls.) authored S.F. 532. The bill provides funding for school-based, comprehensive, community linked programs for encouraging long-term self-sufficiency of adolescent families and the development and school readiness for their children. Testimony was heard from two teen mothers. Ranum explained that division funding would fulfill a challenge from Sen. Pat Piper's committee to match the one million in funding provided by that division.

S.F. 749, authored by Ranum, provides money for training in early intervention reading programs. University of Minnesota Professor Barbara Taylor said "with this approach, we can get every child reading." Taylor explained the benefits of the program, that it works with children in small groups, and instruction is provided by the classroom teacher. She said, "Kids who would have been in special ed. have been diverted into the program. Kids started in October and are now testing above the district median." The division voted to deem the bill as moving in an opposite direction from its intentions. Sen. Martha Robertson (R-Minnetonka) said "we are trying to get away from categorical and mandates."

S.F. 1214, presented by Sen. Sandra Pappas (DFL-St. Paul), increases the funding for limited English proficiency programs and lowers the student instructor ratio.

Claudia Dengler of the Wilder Foundation

testified on behalf of S.F. 1627, also authored by Pappas. The bill funds the Achievement Plus partnership between the St. Paul public schools and the Wilder Foundation. Robertson suggested that if the division decided to let compensatory aid follow children, the program would be able to access the funds. S.F. 1566 authored by Scheid, relates to the funding of a Minneapolis downtown magnet school.

S.F. 1608, authored by Sen. Claire Robling (R-Prior Lake), provides grants to schools that have "already taken the initiative to implement all-day kindergarten," while S.F. 757, presented by Pappas, appropriates \$60 million for each year of the next biennium for statewide full day kindergarten. Members also heard testimony regarding school nutrition bills by Janezich and Scheid.

## Technology bills heard

The K-12 Budget Division held a marathon six hour evening meeting Mon., Apr. 7, to consider 20 technology or library related bills. The division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), has devised a list of categories into which they slot bills brought before the panel. The bill categories consist of an A list of bills ready for inclusion in the omnibus bill, a B list of bills ready for inclusion but containing language that must be altered, a C list of bills ready for inclusion but with funding levels undecided, a D list of bills that will be included in the omnibus bill if additional funding is available, an E list of bills that contain an interesting concept but need more work, an F list of bills that are not within the direction the division is heading and a G list of bills that contain one time spending items. Most of the technology bills were slotted for either the D list or the G list categories. The panel has also developed a list of objectives designed to meet the goal statement set forth by the division earlier in the year.

S.F. 1503, authored by Sen. Bob Lessard (DFL-Int'l. Falls), permits a public library to operate jointly with a school library in Nashwauk. S.F. 1412, also sponsored by Lessard, provides an appropriation for the North Central Minnesota Technology Consortium's "Gateway to the World" grant. S.F. 219, sponsored by Sen. Keith Langseth (DFL-Glyndon), provides for a learning academy to provide training opportunities for educators, administrators and librarians in the use of technology and its integration into learning activities, provides for a learning resources network, provides for school district technology plans and provides for site-based technology learning grants. S.F. 1013, also authored by Langseth, changes the distribution formula for library grants for regional public library systems.

S.F. 196, carried by Sen. Jim Vickerman (DFL-Tracy), allows Independent School District 638, Sanborn, to enter into an interdistrict cooperation agreement. S.F. 1777, also sponsored by Vickerman, provides for an appropriation for a high school remote access program in Independent School District 178, Storden-Jeffers; 633, Lambertson; and 638, Sanborn. S.F. 1563, carried by Sen. LeRoy Stumpf (DFL-Thief River Falls), provides for telecommunications access grants. S.F. 1019, sponsored by Sen. Janet Johnson (DFL-North Branch), establishes an open-enrollment

technology project. S.F. 1322, carried by Sen. Linda Scheid (DFL-Brooklyn Park), establishes a data access program for public libraries and school media centers. S.F. 1321, also sponsored by Scheid, provides media center revenue for eligible school districts.

S.F. 123, carried by Langseth, provides for school technology revenue. S.F. 1108, authored by Sen. Steve Kelley (DFL-Hopkins), provides for an appropriation for the Bell Museum of Natural History to deliver science curriculum to students in grades K-12 through distance learning methods. S.F. 1010, also sponsored by Kelley, appropriates money for multi county, multi type library systems. S.F. 1794, sponsored by Sen. Sandra Pappas (DFL-St. Paul), appropriates money for a collaborative urban educator program. S.F. 1003, carried by Pogemiller, appropriates money to fund the Minnesota International Center's international classroom connection. S.F. 1370, sponsored by Pogemiller, allows certification through the National Board for Professional Teaching Standards to satisfy license renewal requirements.

S.F. 585, authored by Sen. David Knutson (R-Burnsville), requires the Dept. of Children, Families and Learning to develop and distribute a model policy for school districts concerning the appropriate usage of the Internet and to research and recommend software products to block the use of school computers for pornographic materials. The bill originally contained a requirement that each school district must utilize protective software within one year. However, members said that the decisions about the use of protective software were best left with individual districts. The requirement for use of protective software was deleted and the bill was okayed for the A list category.

S.F. 988, authored by Sen. Thomas Neuville (R-Northfield), appropriates money for technology improvements at the Minnesota State Academies. S.F. 1512, also carried by Neuville, extends the Post-secondary Enrollment Options Act to include nonpublic school students. S.F. 603, carried by Sen. Jane Ranum (DFL-Mpls.), creates an early childhood technology grant program. S.F. 121, authored by Sen. Charles Wiger (DFL-North St. Paul), provides for school site decision making agreements.

## Governor's bill heard

On Tues, Apr. 8, the K-12 Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) met to discuss the governor's K-12 initiatives, as introduced by Sen. Gen Olson (R-Minnetrista) in S.F. 619.

As Department of Children, Families and Learning Commissioner Robert Wedl walked the committee through the bill, the panel voted after each subdivision whether or not to include the language in omnibus legislation. All matters concerning changes to training and experience formulas were put on hold by the division, as were proposed changes in pupil unit weighting. Members questioned whether the department is moving in the direction of spending much more on younger children. Wedl said historically pupil weighting has been higher for older kids because high schoolers need more expensive materials.

The division considered the governor's

plans for dealing with AFDC concentration calculations for compensatory aid. The bill operates on the current "district level" approach, but Pogemiller said the division is considering a "site model" for calculation, as well as using other determinants like free and reduced lunch. Sen. Martha Robertson (R-Minnetonka) asked about using MFIP rolls, but expressed concern that the five year MFIP limit might not provide a stable mechanism over time. Wedl said that other characteristics might be better to determine need. Related sections were put on hold.

Included in omnibus legislation were sections related to learning year programs providing for expansions of the school year, continuing transportation roll-ins and deletion of obsolete transportation related language. Wedl said the governor suggests rolling special education and integration transportation into program funding pools for each area, with non-public transportation remaining as a separate item.

Under the bill, districts can make equipment upgrade purchases by borrowing against capital funds, instead of generating one-day bonds from debt service surplus without affecting the general fund. Pogemiller successfully offered an amendment allowing districts to purchase computer software without regard to its rate of obsolescence. Currently, capital notes may only be used if the purchases have an expected life longer than the note itself. The committee voted to hold language relating to rolling limited English proficiency funding into basic skills revenue.

The bill provides that all loan payback language be made consistent with the payback terms of capital loans. Language clarifying when districts can build with lease money was put in the omnibus bill as a counterpart to a bill already presented by Sen. Jane Krentz (DFL-May Township). Districts will handle unemployment levies as reimbursement rather than on projection basis, eliminating the temptation to keep a fund balance for this purpose. Under the bill, school districts are permitted to pay off loans with operating funds if they choose.

Items concerning debt service were put on hold because of small school debt service equalization bills pending. Also on hold is a measure providing that referendum revenue follows students to charter schools and open enrollment. Bob Meeks of the MSBA testified against the measure. Krentz says it makes sense for compensatory aid to follow a student, but not referendum revenue. Pappas brought up the point that non-parents in a community are not voting to provide money to specific children, but to enhance the community. The section was put on hold.

The panel took testimony on lifework development. The bill provides funding at \$4 million per year for entrepreneurship and youth employer grants. The bill provides \$1 million of the \$2 million needed to develop MnCEP, a seamless super Web page system of career education and employment information. University of Minnesota, MnSCU, the Department of Economic Security and the Department of Children, Families and Learning are collaborating to pull together data and resources for the project.

## Omnibus construction continues

On Tues. Apr. 8, the K-12 Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), heard bills for consideration in omnibus legislation.

S.F. 992, a bill authored by Sen. Pat Piper (DFL-Austin) appropriates \$600,000 to establish a demonstration project to provide grants to school districts to promote the awareness of and prevent the risk of AIDS. A representative from the Minnesota AIDS project said that the bill needs to go beyond abstinence issues to include substance abuse issues. The effort would target Greater Minnesota. The department testified that many options for curricula are already available, and said money would go toward training.

Included in omnibus legislation were the following bills. A bill authored by Sen. Leo Foley (DFL-Anoka), S.F. 198, modifies immunization policy, exempting crisis nursery patients from the immediate provision of medical records. S.F. 346, authored by Sen. Becky Lourey (DFL-Kerrick), extends ombudsman services to fully serve children in coordinating common goals between social service and education systems. Also authored by Lourey, S.F. 1701 provides one-time levy permission for McGregor School District. Sen. Charles Wiger (DFL-North St. Paul) presented S.F. 568, a bill awarding a grant for Achievement Plus community center and school collaborative. Sen. Jane Krentz (DFL-May Township) authored S.F. 944, requiring school officials to report tobacco use by students.

S.F. 1103, presented by Sen. Don Betzold (DFL-Fridley) makes the State High School League subject to the commissioner of finance's rules and requires the body to submit a budget for approval by the legislature. Sen. Dave Johnson (DFL-Bloomington) presented S.F. 1710, establishing the partners for quality school improvement pilot training program to train school employees in shared decisions and site-based management skills. The bill appropriates \$4 million. The committee moved to group the initiative with others being considered relating to staff development and site-based initiatives.

S.F. 1762, presented by Wiger, authorizes a lease levy for the renovation the west wing of North High School in St. Paul. The existing lease levy is limited to instructional space. Two bills by Sen. Steve Kelley (DFL-Hopkins) include S.F. 1774, a bill funding family connection aid and S.F. 1073, funding a South Aquila Community project. S.F. 50, a bill by Wiger, appropriates \$500,000 to continue to examine the viability of year-round schools.

Sen. Leonard Price (DFL-Woodbury) authored S.F. 1746, eliminating the \$100 referendum subtraction requirement and authorizing a discretionary levy for districts with low revenue. The bill, said Price is offered in response to a crisis faced by the south Washington County Schools, which do not have arts programs, magnet programs, gifted and talented program teachers and orchestra programs.

Pogemiller authored S.F. 1853, appropriating \$60,000 each year to hire a full time psychologist through the Center for Victims of Torture to accommodate the needs of students who have endured torture or are children of families that have been exposed to torture in

# Committee update

their countries of origin.

Sen. Steve Dille (R-Dassel) explained that S.F. 1857 appropriates \$1 million per year to compensate for federal cuts in Title One. A Dept. Of Children Families and Learning representatives testified that new census updates will shift funding inequitably. The division voted to not include the bill in omnibus legislation but thanked Dille for bringing up the issue.

## Local and Metropolitan Government Committee

### Planning bill advanced

A bill combining features from a variety of land-use planning proposals was approved by the Local and Metropolitan Government Committee Mon., Apr. 7. Chaired by Sen. Jim Vickerman (DFL-Tracy), the committee also considered bills related to rights-of-way, manufactured home parks, the Metropolitan Council, and local government issues.

S.F. 738, presented by Sen. Steven Morse (DFL-Dakota), includes parts of S.F. 820, authored by Sen. John Hottinger (DFL-Mankato). Hottinger said, "This bill represents a consensus of a number of parties to this process, including the townships, cities and counties. It's goal is a community-based planning process." The bill also defines urban growth areas and requires municipal coordination and negotiation of annexation issues. In addition, the bill establishes an advisory council on community-based planning, sunsets the Municipal Board, and calls for a dispute resolution process with mediation and arbitration as its focus. The bill was approved and re-referred to the Government Operations Committee.

Sen. Steven Novak (DFL-New Brighton) authored S.F. 693, a bill that redefines a manufactured home park as a permitted use, expanding the authority of local governments to allow for manufactured home parks within their jurisdictions. The bill was approved and re-referred to the Jobs, Energy and Community Development Committee. Novak also presented S.F. 442, a bill that gives local units of government the authority to manage and regulate telecommunications rights-of-way. A public right-of-way is defined in the bill as "the area on, below, or above public roadways and sidewalks". The Public Utilities Commission currently has jurisdiction over issues related to rights-of-way. Novak said, "A coalition of citizens, telecommunications companies, and representatives of municipal organizations got together for the common good of the citizens of Minnesota to come up with a statewide standard on this issue. There are, however, a few small areas of disagreement, but as the bill moves to the Senate floor, we'll keep working on those. When we started, we had perhaps 35 percent agreement among the parties involved; now I think we're at about 92 to 95 percent." The bill was okayed and sent to the Senate floor.

S.F. 175, authored by Sen. Carol Flynn (DFL-Mpls.), authorizes an elected Metropolitan Council. The members of the Council have been appointed by the governor up until the present. Don Fraser, former mayor of Minneapolis, testified in support of the bill and said, "The objectivity of the Council is

compromised by the governor's authority to appoint its members, making it another state agency rather than representative of the people in the Metropolitan Area." The bill was approved and sent to the Elections Committee. Flynn also presented S.F. 1122, a bill that establishes an advisory council on local government roles and responsibilities. Under the terms of the bill, the council membership consists of representatives of cities, towns, counties, school districts, the State Legislature, the Metropolitan Council and members of the public. The bill was approved and re-referred to the Government Operations Committee. Sen. Charles Wiger (DFL-North St. Paul) authored S.F. 884, a bill that requires employees of a merged St. Paul-Ramsey County public health department be considered classified service employees for purposes of eligibility for competitive promotional exams. The measure was okayed and sent to the Senate floor.

## Property Tax and Local Government Budget Division

### Reform proposals heard

The Property Tax and Local Budget Division, chaired by Sen. Sandra Pappas (DFL-St. Paul), continued hearing property tax reform proposals Thurs., Apr. 3. The bills are among many presented in the pursuit of a more equitable and simplified system.

S.F. 1837, sponsored by Pappas provides that the state take over most K-12 expenses, establishes a statewide K-12 property tax for the purpose of funding K-12 education, sets in law the state K-12 property tax rate, reduces the non-homestead residential class rate from 2.3 percent to 2.0 percent, reduces the apartment class rate from 3.4 percent to 2.5 percent, reduces the non-preferential commercial and industrial class rate from 4.6 percent to 4.5 percent, and indexes the \$72,000 homestead tier to the inflation rate. The bill also converts city and county HACA into need-based distribution formulas, eliminates the year lag in fiscal disparity calculations through the use of current year data, exempts from sales tax new businesses in first class cities, increases the circuit breaker by \$25 million to provide property tax relief to low and moderate income individuals, imposes a residential development fee to fund new schools, and allows an incentive-based business property tax refunds for businesses that own or rent property.

S.F. 1817, sponsored by Sen. Edward Oliver (R-Deephaven), provides that increases in school levies are levied against market values, defines categorical program levies for school districts as a sum of all school district levies, authorizes school boards to convert net tax capacity referendum authority to be levied against the market value, reduces the state general education levy by \$200 million for taxes payable in 1998 and subsequent years. The bill also provides that the portion of any county, city, town or special taxing district levy that exceeds its levy for taxes payable in 1997 will be levied against market value, amends the targeting provision to make it available if property taxes increase by more than 10 percent over the previous year's

property tax, changes definitions in the local government aid formula, eliminates the current grandfathered portion of city LGA so that all city LGA is distributed under the new formula, and repeals the limited market value.

### Property tax bills heard

The Property Tax and Local Budget Division heard, Fri., Apr. 4, a number of bills relating to tax refunds, market value exclusions, golf courses, tax increment financing (TIF) restrictions and enterprise zones.

S.F. 669, sponsored by Sen. Sandra Pappas (DFL-St. Paul), amends the "this old house" provision, provides that the age of the residence is the original year of its construction rather than the number of years that the residence has existed at its present site, provides that only home improvements for which building permits were issued after the residence was relocated and those improvements undertaken during or after the year when the residence was initially occupied by the homeowner are eligible for this old house treatment.

S.F. 1758, sponsored by Sen. William Belanger (R-Bloomington), allows cities having populations of 10,000 or more to conduct joint truth in taxation hearings concerning the budget and levy, and allows the inclusion in the hearings of state Senators, Representatives, county board and school district members.

S.F. 1668, sponsored by Sen. Linda Runbeck (R-Circle Pines), establishes a new 3d property class rate of 2.0 percent for golf courses open to the public and without membership requirements that are located within a county in which a competing municipal or county golf course is located.

S.F. 1133, sponsored by Sen. Edward Oliver (R-Deephaven), provides an additional property tax refund if the property tax on a home owned by someone age 65 or older exceeds 6.0 percent of the owner's household income.

S.F. 1188, sponsored by Sen. Robert Lessard (DFL-Int'l Falls), provides that a privately-owned seasonal golf course operation will receive a lower 4c property classification of 2.3 percent instead of a commercial property class rate of 3.0 percent on the first \$100,000, and 4.6 percent on the remainder. The bill requires the golf course to be open to the public, but allows it to charge dues.

S.F. 1379, also sponsored by Lessard, authorizes the Floodwood Joint Recreation Board to levy a tax of up to \$25,000 on property within the territory of Independent School District 698, requires that the revenues be used for the development of recreational facilities, and requires that the increase be approved by the governing bodies within the area.

S.F. 1735, sponsored by Sen. Leonard Price (DFL-Woodbury), allows Washington County to levy \$2 million for taxes payable in 1998 and forward the proceeds to the Washington County HRA to be used to financially assist the city of Landfall.

S.F. 1157, sponsored by Sen. Tracy Beckman (DFL-Bricelyn), provides a valuation exclusion for the value of improvements to a commercial and industrial property that is or may be converted to rental property. The bill provides that the property must be at least 25 years old, is located in a city or town that has a

population of 10,000 or less, is located outside the seven-county metropolitan area, has a total estimated market value for land and buildings of \$100,000 or less before improvement, and has an estimated property market value no greater than the property's estimated market value in each of the two previous years.

S.F. 1755, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), allows any tax increment financing district to elect to make a qualifying contribution rather than the LGA/HACA contribution, if it files a request with the county auditor by the end of 1997.

S.F. 1763, sponsored by Sen. Linda Higgins (DFL-Mpls.), allows the Hennepin County Board to grant reductions or abatements on applications relating to taxes payable in the current year and for the last six years for the old chamber of commerce building.

S.F. 1797, sponsored by Sen. Janet Johnson (DFL-North Branch), allows the city of Cambridge to amend a TIF district plan to allow increments generated in that district to be spent in another district for infrastructure and other public improvements related to the construction of the Cambridge Community College.

S.F. 1721, sponsored by Sen. Dean Johnson (R-Willmar), provides that a Buffalo Lake TIF district is exempt from the local government aid (LGA) and homestead agricultural credit aid (HACA) offset if the ethanol facility, to be constructed within the district, is certified by the commissioner of agriculture to qualify for state payments for ethanol development by Dec. 31, 1998.

## State Government Finance

### Transportation bill approved

The State Government Finance Committee approved the Transportation and Public Transport Division's omnibus bill Tues., Apr. 8. The committee, chaired by Sen. Richard Cohen (DFL-St. Paul), made a few minor amendments to the bill.

Transportation and Public Transport Division chair Sen. Janet Johnson (DFL-North Branch) reviewed the bill with the committee. Johnson said, "This is a bare-bones bill. With a few exceptions, we followed the governor's recommendations for the most part." The total biennial appropriation under the bill is \$2.931 billion, approximately \$10 million under the governor's recommendation of \$2.942 billion. Of this, \$2.629 billion is appropriated to the Dept. of Transportation and \$212.8 million to the Dept. of Public Safety.

Johnson reviewed each article of the bill, pointing out the highlights. The Access to Jobs and Training program, a proposal that facilitates the transition between public assistance and employment by subsidizing public transit for recipients of public assistance with a \$2 million appropriation, was approved. The program was not among the governor's recommendations. A total of \$3.6 million was provided to the Highway Helper program. The Orion Intelligent Transportation System, a system that provides travel information via telecommunications sources, was approved and will receive \$1.6 million for the biennium. A demonstration congestion-pricing program on I-394 was okayed. A school transportation

plan making the public transit system available at no charge to public school students in Minneapolis and St. Paul is also part of the omnibus bill.

Regarding public safety appropriations, Johnson said the committee that responsibility for public safety appropriations is divided evenly between the Transportation Committee and the Crime Prevention Committee. A number of items in the public safety appropriations were highlighted. Proposals for a public awareness campaign on DWI vehicle forfeiture and plate impoundments, for the implementation of the impoundments and for the costs of adding alcohol blood concentration information to driving records are contingent on the passage of S.F. 285, a bill that puts those proposals in statute. The bill is currently under consideration by the Crime Prevention Committee as part of its omnibus DWI bill. The language of the parts of the bill related to S.F. 285 was later amended to cancel the relative provisions unless a relevant law is enacted. A proposal to appropriate \$401,000 for additional Capitol Security personnel was approved, as was a study to be conducted to determine the feasibility of commuter rail service in the Metropolitan Area.

The committee made a few additional amendments. A determination that one percent of all gasoline received in and produced or bought in the state is being used for the operation of snowmobiles in the state and that one percent of the revenue derived from fuel taxes is the amount of tax on fuel used in snowmobiles in the state was expanded to include both fiscal years 1998 and 1999. An amendment that allows the commissioner of transportation to transfer funds from the county state-aid highway fund to county turnback accounts when turnback accounts have insufficient funds for a project was adopted. Discussion on a subdivision related to local bridge replacement was initiated by Sen. Steve Kelley (DFL-Hopkins). Kelley expressed concern that the subdivision may be related to bonding concerns, calling the bill into question for the current session. Johnson agreed to seek advice on the subdivision, and the bill was approved and sent to the Senate floor.

## Transportation Committee

### Four bills forwarded

The Transportation Committee, chaired by Sen. Carol Flynn (DFL-Mpls.), approved two bills Thurs., Apr. 3, relating to farm vehicle registration and driver's health care directives.

S.F. 569, sponsored by Sen. Kenric Scheevel (R-Preston), broadens the definition of "implement of animal husbandry" to include any specifically designed towed or self-propelled motor vehicle used in livestock raising operations, exempts the vehicle from the title certificate requirement, restricts the vehicle to under 30 miles per hour, and requires the vehicle to display slow-moving vehicle emblems. The amendment was adopted. The committee approved the bill and sent it to the Senate floor.

H.F. 179, requires driver's license application forms to contain a notification to the applicant that a declaration of the existence of a living will or health care directive may

appear on drivers licenses. Ranum said that the license designation allows another person power of attorney to make health care decisions in the event the license holder should be unable to do so. The committee approved the bill and sent it to the Senate floor.

### Several bills forwarded

The Transportation Committee chaired by Sen. Carol Flynn (DFL-Mpls.), forwarded several bills Tues., Apr. 8, relating to public safety, collector cars, motorcycle helmets and rental car fees.

H.F. 454, sponsored by Flynn, allows the issuance of single license plates, each having a single number, for collectors' "Pioneer" vehicles manufactured before 1936, classic cars manufactured between 1925 and 1948, collectors' vehicles that are of a defunct make or that are at least 20 model years old and manufactured after 1935, and for any modernized street rod manufactured before 1949, or resembling that vintage. The committee approved the bill and sent it to the Senate floor.

S.F. 243, sponsored by Sen. William Belanger (R-Bloomington), changes current law disallowing the highway operation of vehicles with pneumatic tires when the gross weight on any axle-group is more than the permitted weight with all of the interior axles disregarded. Belanger offered an amendment to the bill deleting mud flap requirements for truck tractors and other vehicles and reducing from 12,000 to 10,000 pounds the weighing requirement for vehicles over that amount. The committee approved the bill, as amended, and sent it to the Senate floor.

S.F. 1281, sponsored by Sen. Keith Langseth (DFL-Glyndon), declares inadmissible in personal injury or property damage litigation proof of the use or nonuse of a motorcycle helmet. The bill also allows a person to maintain a lawsuit concerning a defectively designed or manufactured helmet, and repeals law that permits admission of evidence of use or nonuse of protective headgear by a motorcycle operator or passenger in a negligence action concerning head injuries. The committee approved the bill and sent it to the Judiciary Committee.

S.F. 1023, sponsored by Sen. Steve Murphy, (DFL-Red Wing), imposes a fee equal to 3 percent of the time and mileage charges paid on car rentals and leases, provides that no sales tax is charged on the 3 percent fee, exempts licensed taxis from the fee, and entitles lessors to a rebate of fees collected and paid to the commissioner of revenue. Murphy said the bill would help Minnesota lessors and rental companies compete with states having lower auto registration fees. The committee referred the bill to the Committee on Taxes.

During a Weds., Apr. 9, continuation of the meeting, Senators approved H.F. 591, sponsored by Sen. Neuville (R-Northfield), requiring the commissioner of transportation to transfer to the city of Faribault all highway easements within the city that were acquired by the commissioner for the relocation of trunk highway 218 within the city, but that are no longer needed for that purpose.

Sen. Paula Hanson (DFL-Ham Lake), offered an amendment allowing the commissioner to convey the property described within the bill to a purchaser who is not the original owner.

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The amendment was adopted. The committee approved the bill, as amended, and recommended the bill for the Consent Calendar.

## Transportation Budget Division

### Omnibus bill approved

The Transportation Budget Division, chaired by Sen. Janet Johnson (DFL-North Branch), approved the division's omnibus bill Mon., Apr. 7.

The total biennial appropriations under the bill are \$2.931 billion, approximately \$10 million under the governor's recommendation of \$2.942 billion. Of this, \$2.629 billion is appropriated to the Department of Transportation and \$212.8 million to the Department of Public Safety.

The appropriations for the Dept. of Transportation are \$36 million for aeronautics, \$30 million for Greater Minnesota transit, \$3 million for railroad and waterways, \$5 million for motor carrier regulation, \$841 million for local roads, \$1.6 billion for state roads and \$78 million for general support. Under the terms of the bill, the Metropolitan Council is appropriated \$100 million for transit. For the Dept. of Public Safety, \$23 million is for administration and related services, \$110 million for the State Patrol and \$72 million for driver and vehicle services, traffic safety and pipelines safety.

A total of \$3.6 million was provided to the Highway Helper program. The Access to Jobs Training program received \$2 million. The Orion Intelligent Transportation System, a system that provides travel information via telecommunications sources, was approved and will receive \$1.6 million for the biennium. A demonstration congestion-pricing program on I-394 was okayed. A school transportation plan making the public transit system available at no charge to public school students in Minneapolis and St. Paul is also part of the omnibus bill.

Immediately following the meeting, the full Transportation Committee met to take action on the bill. The panel, chaired by Sen. Carol Flynn (DFL-Mpls.), approved the measure and re-referred it to the State Government Finance Committee.

# Preview

*The Minnesota Senate Week at a Glance*

## Monday, April 14

### Rules and Administration Committee

*Chair: Sen. Roger D. Moe*  
9 a.m. Room 107 Capitol

**Agenda:** S.F. 292-Junge: Providing sign language interpreters. Late bills (Joint Rule 2.03); other.

**The Senate will meet at 10 a.m.**

### Human Resources Finance Committee

*Chair: Sen. Linda Berglin*  
4 p.m. Room 112 Capitol

**Agenda:** To be announced.

## Tuesday, April 15

**The Senate will meet at 8 a.m.**

### Taxes Subcommittee on Income and Sales Tax

*Chair: Sen. Steve Murphy*  
3 p.m. Room 15 Capitol

**Agenda:** Income/Sales Tax Article of Omnibus Tax Bill.

### Legislative Commission on Pensions and Retirement

6 p.m. Room 107 Capitol  
*Chair: Sen. Steven Morse*

**Agenda:** S.F. 637-Morse/H.F. 647-Jefferson: Various plans; major benefit increase. Other items as added by the commission chair.

## Wednesday, April 16

**The Senate will meet at 8 a.m.**

### Committee on Taxes

*Chair: Sen. Douglas Johnson*  
3 p.m. Room 15 Capitol

**Agenda:** Omnibus tax bill.

## Thursday, April 17

**The Senate will meet at 8 a.m.**

## Friday, April 18

**The Senate will meet at 8 a.m.**

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# Briefly

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*The Minnesota Senate Week in Review*

*April 17, 1997*

## **Gastaxokayed**

A bill that raises the state gasoline excise tax rate was okayed by the State Government Finance Committee Weds., Apr. 16. The committee, chaired by Sen. Richard Cohen (DFL-St. Paul), reviewed bills related to the Capitol renovation project, the Jungle Theater, police state aid and transportation issues.

Senate Minority Leader Dean Johnson (R-Willmar), presented H.F. 243, the gas tax bill. In support of the Johnson bill, Sen. Carol Flynn (DFL-Mpls.), withdrew S.F. 861, and Sen. Janet Johnson (DFL-North Branch) withdrew S.F. 261. Both bills were proposals related to gas taxes and transportation. A portion of the Flynn proposal related to mass transit is included in the Dean Johnson bill. Johnson said, "This proposal is a bipartisan effort to help the state's infrastructure. Many of Minnesota's roads and bridges need repair and upgrading, and these increases will fund over \$100 million worth of highway projects." The bill raises the gasoline excise tax rate from 22 to 24 cents per gallon from July 1, 1997 to June 30, 1998 and from 22 to 24 cents after June 30, 1998. Alternative and liquefied fuel taxes are increased proportionally at the same amount. According to staff research, the tax raises \$49 million the first year and \$112 million the second year. The bill also reduces the vehicle weight requirement from 12,000 to 10,000 for truck drivers to submit the vehicle to weighing and inspection.

The bill also allows the Metropolitan Council to impose a one-quarter of one percent sales tax in the Metropolitan Area effective December 1, 1999. Revenue generated by the sales tax replaces the council's property tax levy for general transit operating purposes. The bill repeals the Metropolitan Council's authority to levy a transit operating property tax. Flynn said, "The sales tax reduces property taxes for homeowners by an average of \$52 to \$54. It increases funding for transit and allows for greater local control over transit and tax concerns." The bill was approved and referred to the Committee on Taxes.

Sen. Allan Spear (DFL-Mpls.), presented S.F. 215, a bill that makes technical changes to a bonding bill passed last year that provides funding for the Jungle Theater to construct a new performing arts center. Due to technical procedural problems, two additional bills were amended on to the Spear bill. S.F. 1297, authored by Sen. Dennis Frederickson (R-New Ulm), rearranges funding approved last year for renovation of the Capitol building. The bill was laid aside for consideration. Sen. Janet Johnson (DFL-North Branch), offered an amendment incorporating a portion of a bill that moves \$2.5 million from an appro-

priation for the Bloomington Ferry Bridge to an appropriation for local bridge replacement and rehabilitation. The amendment was adopted and the Frederickson bill was approved. The bill was then amended to the Spear bill. The Spear bill was okayed and sent to the Senate floor. Cohen presented S.F. 91, a bill that rectifies drafting deficiencies in law passed last year by appropriating additional police state aid to governmental entities underfunded by the legislation. The bill was approved and sent to the Senate floor.

## **K-12 omnibus bill advances**

The omnibus K-12 education budget draft as approved by the K-12 Education Budget Division Thurs., Apr. 17.

The proposal changes the calculation formula for compensatory aid from AFDC rolls to free and reduced lunch eligibility. The change increases the number of pupil units generating aid but cuts revenue to districts with high concentrations of welfare recipients such as Minneapolis and St. Paul. The base formula is increased at \$35 per pupil unit, and referendum allowances are upped by \$50 million.

The division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) debated the fate of districts with low property valuation that are not, despite the new calculation, eligible for compensatory aid. Pogemiller said that unless the division approved the governor's recommended tax credits, simply increasing the base formula for inflation would almost guarantee a veto. Pogemiller successfully offered an amendment to put \$20 million into graduation rule compliance, weighting amounts in favor of districts without referenda.

Changes since the last draft of the bill include adding money to magnet programs, LEP, assurance of mastery programs and flood assistance. Year round extended day funding is earmarked for White Bear Lake and a remote learning project. Professional teaching certification money increased for more early reading readiness. Other changes include funding a homework helpline and adding food service technology funding. The division cut the Department of Children Families and Learning's budget by \$5 million.

Sen. Thomas Neville (R-Northfield) successfully offered an amendment to allow charter schools to be sponsored by private colleges. Sen. Charles Wiger (DFL-North St. Paul) offered amendment to reduce school dependence on property tax by increasing the state's funding portion to 70 percent from 60 percent. The amendment was not approved, but Wiger said he would possibly re-offer it on the floor.

The bill was approved and sent to the Committee on Children, Families and Learning.

## **Natural resources budget passed**

The environment and agriculture budget bill, S.F. 1907, was passed by the Senate Weds., Apr. 16, after lengthy debate. The measure allocates \$631.6 million in direct appropriations for environmental assistance, the Minnesota Zoo, the Animal Health Board, the Minnesota/Wisconsin Boundary Commission, the Voyageurs National Park Commission, the Science Museum, and the Agricultural Utilization Resource Institute. The bill received final passage on a 61-4 roll call.

Sen. Douglas Johnson (DFL-Tower) sparked lively debate by moving to delete increases in fishing license fees. Johnson said the additional money raised by the fee increase won't be used to fund fisheries and stocking programs. Sen. Bob Lessard (DFL-Int'l. Falls) sided with Johnson, and claimed that less than 50 percent of the current fees are applied to improve fish habitats.

Sen. Steven Morse (DFL-Dakota), sponsor of the bill, argued against the amendment saying that a citizen's advisory committee recommended increasing the amount of fees going toward habitat work, and the fee increase accomplishes that. He added that the amendment will create an \$8 million hole in the budget. Nevertheless, the amendment was adopted on a 39-24 roll call vote.

Sen. Jim Vickerman (DFL-Tracy) offered an amendment removing a provision allowing the Pollution Control Agency to comment on proposed county ordinances regarding livestock feedlots. Sen. Steve Dille (R-Dassel) previously added the provision in committee said he was "adamantly opposed to the amendment." Dille added that the provision helps control urban sprawl. The amendment was defeated on a 27-32 roll call.

Extensive debates surrounded appropriations for the ethanol producer program. Sen. Charles Berg (IND-Chokio) attempted to remove a \$4 million increase in the annual payment cap. Morse argued against the amendment, saying that the increase was only needed for another three years when the state's production capacity would reach 220,000 million gallons. He said that many Minnesota families have invested in the production plants and the cap increase is needed to fulfill the state's commitment to the investors. The amendment failed on a 22-43 roll call.

Earlier, Dille offered an amendment allowing the investors in production plants not yet on line to opt out of the program. The amendment authorizes a reimbursement for the planning expenses incurred by the investors. The amendment was adopted on a voice vote.

# Committee update

## Economic Development Budget Division

### Omnibus bill reviewed

The Economic Development Budget Division, chaired by Sen. Tracy Beckman (DFL-Bricelyn), approved the division omnibus bill Fri., Apr. 11.

The committee met its spending target of \$351.8 million, \$20 million over the governor's request. Dept. of Trade and Economic initiatives are funded at \$72.5 million for the biennium, compared to the governor's recommendation of \$92.8 million. The World Trade Center appropriation is \$78,000 as opposed to the governor's request of \$217,000. The Dept. of Economic Security receives \$72.5 million under the Senate proposal; the governor requested \$62.3 million. The division funded most agency requests, however, at the level recommended by the governor. New proposals not among the Governor's requests include a rural policy endowment fund of \$15.1 million, \$100,000 to military affairs for coordination of training programs, and \$600,000 to the University of Minnesota for the Trade Point initiative.

The omnibus bill provides funding for a number of new initiatives in the area of business and community development. The Board of Invention receives \$25,000 under the bill. A total of \$100,000 is appropriated to promote international trade zones, as well as to fund international business/student grants. A proposed museum dedicated to the life of Hubert Humphrey and the restoration of the Bemidji Train Depot are each funded at \$50,000 for the biennium. The Upper Minnesota Interpretive Center receives \$45,000. The division is appropriating \$1 million, half the governor's recommendation, to the Minnesota Investment Fund. The Advantage Minnesota program receives \$50,000, compared to the governor's request of \$250,000. The division is also proposing to fund the Wastewater Infrastructure Funding program through the bonding process next year.

Under the Job Skills Partnership initiatives, the division provides no appropriations for the PATHWAYS proposal and the Hire Education Loan Program, but it appropriates \$15.8 million directly to the Job Skills Partnership program, more than twice the governor's request of \$7.5 million. A proposal for funding strategic trade initiatives with China through the World Trade Center was not adopted.

New economic security initiatives funded in the omnibus bill include \$500,000 each to the Center for Victims of Torture, employment support services for the MACRO programs, the Empowerment Groups Demo Projects, and Learn to Earn and Youth build youth training programs. The Summer Youth Employment program, not among the

governor's recommendations, is appropriated \$6 million. The Youth Violence Prevention program is funded at \$600,000, a total of \$110,000 more than requested by the governor. The division followed the governor's recommendation providing \$3 million to the Workforce Center System. The Center for the Deaf/Hard of Hearing receives \$100,000 under the terms of the bill. Services for the Blind is appropriated \$7.5 million as per the governor's request, but language in the bill prohibits the agency commissioner from requiring employees to participate in intensive blindness sensitivity training unless the employee is a manager or a counselor. This prohibition addresses a controversial program brought before the division in an earlier hearing.

The division follows most of the governor's recommendations for the Housing Finance Agency. Three new proposals are funded. A home equity counseling program is appropriated \$50,000. The Neighborhood Land Trust receives \$200,000 in new funding. A total of \$1 million is released to the agency for the rehabilitation of multiple-unit housing that will increase the tax base and income mix of the communities using the funds. Senate recommendations concurred with the governor's for the Dept. of Commerce, Labor and Industry, Public Utilities, Public Service, the Minnesota Historical Society and the Municipal Board. The councils of color--the Council on Black Minnesotans, the Chicano Latino Affairs Council and the Council on Asian-Pacific Minnesotans--are funded at slightly higher levels under the Senate recommendations than at the levels requested by the governor, as is the Indian Affairs Council.

A number of amendments were proposed. Sen. Ellen Anderson (DFL-St. Paul) made a motion to move a subdivision that funds a curfew enforcement program in the city of Champlin to the economic security section of the bill. The motion was adopted. Sen. Linda Runbeck (R-Circle Pines) cited a subdivision appropriating funds to the Minnesota Organization for Global Professional Assignments providing a three-to-one match be made with nonstate funds. She said, "This organization was looking for seed money, not a matching grant." Sen. Linda Higgins (DFL-Mpls.), proposed an amendment making the appropriation a loan to be repaid by the year 2000. The amendment was adopted. Sen. Randy Kelly (DFL-St. Paul), offered a proposal that creates a contaminated site redevelopment and job creation account in the general fund. The motion was approved. The omnibus bill was laid over for consideration by the division.

The Economic Development Budget Division held a short meeting Mon., Apr. 14. The division, chaired by Sen. Tracy Beckman (DFL-Bricelyn), approved the division omnibus bill in its completed form and advanced the bill to the Senate floor.

## Education Finance Committee

### Higher Ed omnibus bill approved

The Education Finance Committee reviewed the Higher Education Budget Division's omnibus bill Weds., Apr. 9. The committee, chaired by Sen. Keith Langseth (DFL-Glyndon), approved the bill with few changes.

The chair of the Higher Education Budget Division, Sen. LeRoy Stumpf (DFL-Thief River Falls), presented the bill. Stumpf said, "On review of the omnibus bill, a couple of things stand out. Clearly, the division took note of the high cost of tuition and tried to focus its effort on helping students with those costs through financial aid. And, more than ever before, informational technology is becoming part of the classroom and the education process, and a number of our initiatives reflect that." Stumpf singled out the MnLINK program, an on-line library information system, as an example of an initiative that keeps Minnesota on the cutting edge of technology.

The general appropriations in the bill as approved by the Committee on Taxes remain unchanged. A total of \$302.7 million is appropriated to the Higher Education Services Office (HESO). An amendment making HESO the administrative office for the Edvest program was proposed by Langseth and adopted by the division. The MnSCU system receives \$1 billion for the biennium. The University of Minnesota is appropriated \$1.06 billion. The bill also provides \$781,000 to the Mayo system. The total appropriations for the higher education bill are \$2.364 billion.

Stumpf proposed an amendment adding \$500,000 to noninstructional expenditures for the purpose of reimbursing campuses located in snow disaster areas for snow removal expenses in excess of 150 percent the amount budgeted. The amendment was approved.

Sen. Kenric Scheevel (R-Preston) expressed concern over the section of the bill describing the Loan Repayment Assistance Program. The program assists law school graduates who take jobs with nonprofit, public interest organizations with the repayment of law school loans. The assistance enables law school graduates to work for these organizations when they may not otherwise afford to do so. Scheevel cited a provision in the bill that qualifies Native American tribal governments, court systems and public interest organizations as participating organizations in the program and said, "How can we apply this program to one sovereign nation and not others, especially one in litigation against the state of Minnesota?" He proposed an amendment deleting the provision, and the motion was adopted. The bill as amended was approved and sent to the Senate floor.

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## Election Laws

### Elected Met Council gains

A bill providing for an elected Metropolitan Council cleared its last committee hurdle at a meeting of the Election Laws Committee Weds., Apr. 9.

The bill, S.F. 175, authored by Sen. Carol Flynn (DFL-Mpls.), was heard by the panel in order to review the campaign finance provisions of the bill. According to Flynn, the campaign finance provisions closely mirror the provisions for state elections. The major difference is the source of the matching public funds. Under the bill, property taxes levied by the Met Council provide the source for the funds.

The policy question of whether or not to have an elected, rather than an appointed, Met Council had been decided earlier in the Metropolitan and Local Affairs Committee. However, members did discuss the issue. Sen. Ember Junge (DFL-New Hope) said, "I am opposed to this bill because there is a need to represent the entire Metropolitan Area and I think having elected members will fractionalize the council." Sen. Linda Scheid (DFL-Brooklyn Park), countered and said, "The issue is accountability and having the members elected is the best form of accountability." The bill was advanced to the Senate floor on a divided voice vote.

In other action, the committee, chaired by Sen. John Marty (DFL-Roseville), also approved a bill allowing minors to be elected as delegates or officers at precinct caucuses. S.F. 1170, authored by Scheid, was advanced to the full Senate.

Members failed to approve two bills. S.F. 1825, authored by Marty, prohibits former Legislators, constitutional officers, commissioners and some deputy and assistant commissioners from lobbying the Legislature or administrative agencies for one year after leaving office. S.F. 1806, sponsored by Sen. Sheila Kiscaden (R-Rochester), authorizes home rule charter cities to provide for the recall and removal of officers. Both bills failed to gain the committee's approval.

The committee also approved the governor's appointment of Charles Slocum to the Ethical Practices Board. The appointment goes on to the full Senate for confirmation.

## Environment and Natural Resources

### Tank replacement grants okayed

A bill establishing a grant program to pay for improvements to underground petroleum storage tanks was approved in a Weds., Apr. 9, meeting of the Environment and Natural Resources. Sen. Steven Morse (DFL-Dakota), author of S.F. 638, said the bill appropriates \$6.2 million, from the petroleum tank release fund for tank replacement

grants to low volume retailers. He said the amount is the equivalent of one month's surcharges deposited in the fund. Morse explained that the program is geared toward "small stations that serve as community hubs and don't sell a large enough volume of gasoline to pay for federally required tank upgrades." Morse said the program pays 95 percent of the cost to remove the old tank, install the new one and restore the premises.

Morse moved to reduce the upper limit on annual sales volume to qualify for the program from 500,000 to 250,000 gallons of gasoline, but Sen. Steve Dille (R-Dassel) persuaded the committee to set the limit at 300,000 gallons. Minnesota Petroleum Marketers Council representative Bob Krogman supported the limit reduction, saying it reduces the impact on the fund. Later, Dille offered an amendment establishing a tank replacement cost low-interest loan program for larger volume retailers. The Dille amendment was adopted and the bill was sent to the State Government Finance Committee.

Sen. Randy Kelly (DFL-St. Paul) presented a bill to slow urban sprawl, S.F. 1303. Kelly said the bill implements a new concept in Minnesota, allowing local governments to enact zoning ordinances establishing development rights on agricultural land. Kelly said the development rights may be sold or transferred. The panel endorsed the bill and advanced it to the Senate floor.

The panel also considered S.F. 1399, sponsored by Sen. Janet Johnson (DFL-North Branch). The bill grants property tax levy authority to Washington and Chisago counties to pay the administrative costs associated with abandoning an agricultural drainage ditch. Sen. Dennis Frederickson (R-New Ulm) said that the bill originally sought an appropriation for the ditch abandonment, but the budget division decided against giving state money to a local government for that purpose. The bill now goes to the Committee on Taxes for further consideration.

## Governmental Operations and Veterans

### Panel wraps up work

The Governmental Operations and Veterans Committee met twice Weds., Apr. 9, in order to complete work for the session before the second committee deadline. The panel approved a variety of bills and advanced them to the next step in the legislative process.

S.F. 510, sponsored by Sen. Becky Lourey (DFL-Kerrick), establishes licensing requirements for the provision of ambulance service and relocating provisions related to emergency medical services into one chapter of state law. S.F. 724, authored by Sen. Janet Johnson (DFL-North Branch), makes

several changes to provisions relating to the Dept. of Transportation and directs the transfer of ownership of licenses for public safety radio system frequencies in the Metro Area. S.F. 1383, authored by Sen. William Belanger (R-Bloomington), increases the membership of the Legislative Audit Commission from three to five members from the Senate and from three to five members from the House of Representatives. S.F. 173, carried by Sen. Steve Kelley (DFL-Hopkins), provides for the use, validity and security of electronic signatures and messages transmitted in commerce. S.F. 1693, authored by Sen. John Hottinger (DFL-Mankato), requires employers to recognize certain employee organizations.

S.F. 1122, authored by Sen. Carol Flynn (DFL-Mpls.), establishes an advisory council on local government roles and responsibilities. S.F. 184, carried by Sen. Dan Stevens (R-Mora), modifies requirements relating to toxins in products. S.F. 234, carried by Sen. Steven Morse (DFL-Dakota), makes modifications in human services licensing act provisions. S.F. 1486, also sponsored by Morse, is the omnibus pension bill and makes numerous changes to provisions relating to public employee pensions. All of the bills were approved and advanced to the Senate floor.

S.F. 738, carried by Sen. Jim Vickerman (DFL-Tracy), establishes goals for community based planning. The measure is a combination of bills formerly carried by Hottinger and Morse and combines elements of both bills. The bills was approved and referred to the Governmental Operations Budget Division.

## Governmental Operations Budget Division

### Office of technology discussed

Sen. Linda Runbeck (R-Circle Pines), accompanied by Executive Director John Gunyou, Office of Technology, reviewed S.F. 100 at the Weds., Apr. 9, Governmental Operations Budget Division meeting. According to Runbeck, the measure will give technology a more prominent role in state government operations by creating the Office of Technology. Gunyou assured members that the new office is purely an advisory body that will assist the government in technology planning.

After listening to the brief overview, Chair Leonard Price (DFL-Woodbury) said, "In listening to all of the things that have happened with technology, it occurred to me that maybe we want to merge the operating and planning functions." Price then offered a delete all amendment for members to consider that creates the Dept. of Information Technology (DoIT). The proposed amendment consolidates the various technology planning and operating agencies

# Committee update

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into one state agency, Price explained. The new departmental duties include those listed under the Office of Technology, Information Policy Office, Intertech Group, Government Information Access Council, and the Intergovernmental Information Systems Advisory Council.

Gunyou said the original language contained in S.F. 100 is the correct approach and is the direction the governor's administration envisions heading. He explained that the measure makes the clear distinction between policy analysis on one side and operations on the other. "Having two distinct agencies makes sense from an oversight and management perspective. If both functions are folded into one department, the state does not have the necessary checks and balances. Furthermore, the office of technology should not be burdened with the day to day burdens of state business and should instead be flexible and responsive to new ideas," Gunyou said.

Sen. Don Betzold (DFL-Fridley) agreed with Gunyou and said that if the state wants efficiency, then combining all functions into one department will provide that, "but I don't know if efficiency is something you always want in government. Checks and balances in government protect the privacy of citizens."

He also said he was concerned that amending the bill with such a far-reaching policy decision is beyond the purview of the budget division, and amending the Price proposal onto the bill would necessitate sending the measure back to the Judiciary Committee. The bill was laid over for further discussion.

## Planning bill advances

A comprehensive state wide community based planning bill was heard at the Weds., Apr. 9 evening meeting of the Governmental Operations Budget Division. S.F. 738, carried by Sen. Jim Vickerman (DFL-Tracy) contains elements of two bills originally sponsored by Sen. Steven Morse (DFL-Dakota) and Sen. John Hottinger (DFL-Mankato). Vickerman said the bill had had extensive negotiations by interested parties. The measure establishes goals for community-based planning, permits counties and municipalities to prepare community-based plans, establishes an advisory council to develop the framework for implementing community-based planning and appropriates money. The measure was laid over for consideration in the division's omnibus budget bill.

In other action, the division, chaired by Sen. Leonard Price (DFL-Woodbury), heard a bill modifying provisions relating to parking fees paid by state employees working at leased facilities. Members adopted an amendment that repeals a particular section of law, thereby accomplishing the same end

as the bill was attempting to accomplish. The concept, though, will be considered in the omnibus bill. The measure, S.F. 742, is sponsored by Sen. John Marty (DFL-Roseville).

A bill dealing with prescription drug prices, S.F. 1008, sponsored by Marty, was set aside after members determined the fiscal note was inaccurate and that they did not have a current version of the bill.

## Omnibus bill approved

In a culmination of several months of bill presentations, public testimony, and policy and fiscal debates, members of the Governmental Operations Budget Division approved the 1997 state government omnibus budget measure at the Thurs., Apr. 10, meeting. Assisted by staff, chief author and division chair Sen. Leonard Price (DFL-Woodbury) reviewed S.F. 1905 in detail. Under the bill, approximately \$665 million is appropriated over the biennium to fund the various legislative and administrative expenses of state government. Direct appropriation decision items include \$54 million to the Attorney General's Office, \$93.6 million to the Dept. of Administration, \$43.6 million to the Dept. of Finance, \$19.5 million to the Dept. of Military Affairs, and \$4.2 million for the controversial new Office of Technology.

Price then invited members to present amendments. Sen. Richard Cohen (DFL-St. Paul) offered the first of several amendments. One amendment directs the State Arts Board to look at the capital needs of the numerous nonprofit organizations in the arts community in order to assess their future needs. A second amendment clarifies that the \$750,000 appropriation given to the Minnesota Amateur Sports Commission is intended to cover all of the costs associated with holding amateur sports events at the Target Center in downtown Minneapolis. According to Cohen, there is apparently some disagreement about how the funds should be used by the commission. Both amendments were adopted.

Sen. Linda Runbeck (R-Circle Pines) successfully offered an amendment that adds the director of the Office of Technology to the Information Technology Task Force.

Price then moved to amend S.F. 100, the measure that officially establishes the Office of Technology, onto the omnibus bill. After S.F. 100 had been attached to the omnibus bill, Runbeck offered an amendment to re-instate the funding levels that had been requested by the governor. However, the committee was unwilling to take funds from other initiatives to provide the office with the requested funding, so the amendment failed. The omnibus bill was then referred to the floor in order for it to be officially introduced before being sent to the State Government Finance Committee.

## Health and Family Security

### Child support bill okayed

At the final meeting for the session, Weds., Apr. 9, the Health and Family Security Committee processed four bills. The first measure, S.F. 830, was sponsored by Sen. Richard Cohen (DFL-St. Paul). He explained that the legislation is the omnibus child support bill and has three major objectives: to make Minnesota law comply with federal requirements, simplify the child support process, and expedite child support collections. Sen. Becky Lourey (DFL-Kerrick) offered an amendment that awards performance bonuses to counties that process child-support orders on-time. The Lourey amendment was adopted and the bill was sent to the floor.

The committee then turned to S.F. 228, the controversial health occupations bill, carried by Sen. Sheila Kiscaden (R-Rochester). She said that all language dealing with fees, including the increased fees as a result of certain exemptions for audiologists, was deleted from the measure and was amended into the health and human services omnibus bill. In addition, a section requiring a health occupations study was also removed for inclusion in the omnibus measure. The division report was approved and the bill advanced to the floor.

Sen. Linda Berglin (DFL-Mpls.) presented S.F. 473, a measure that repeals the Medicare certification requirement in the Medicare Maximization Program for certain providers. Members adopted the division report after Berglin explained an amendment that had been adopted in a prior committee. The new language allows the Dept. of Health to develop licensure rules for personal care assistants. The bill was referred to the floor.

Finally, Sen. Deanna Wiener (DFL-Eagan) explained that S.F. 1487 modifies minimum loss ratios for health insurance plans by modifying the components that are used in calculating a loss ratio. Furthermore, Wiener said that the rate at which health plans must put revenue into benefits for policy holders versus what the plans are allowed to spend for operating expenses is among the highest in the nation. This high rate is forcing some plans to move from the state or preventing other companies from expanding services into the state, and therefore, the bill also proposes rolling back the rate to make Minnesota more competitive. Chair John Hottinger (DFL-Mankato) said he was concerned because the bill was being sold as helping the small plans, but it looked like the measure benefits the large providers the most. Berglin then offered an amendment that limits the rate rollback to the small health insurance plans. The amendment was adopted and the bill was sent to the floor.

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## Human Resources Finance

### Omnibus bills approved

The Human Resources Finance Committee held two consecutive meetings, Mon., Apr. 14, and Tues., Apr. 15, to discuss both the health and human services and the economic development omnibus bills. At the Monday meeting, Sen. Don Samuelson (DFL-Brainerd) provided a brief overview of S.F. 1908, the health and human services omnibus legislation. He explained that the bill appropriates approximately \$5.4 billion over the biennium to the Depts. of Health and Human Services, the health-related licensing boards, and to a number of small state agencies. David Giel, Senate Counsel and Research, then provided an overview of the various departmental rider language that had been placed in the bill, highlighting the riders with large policy and fiscal implications.

Members quickly turned to amendments. Samuelson was the first to offer an amendment that modifies the welfare reform package by changing the time frame single parents receiving cash assistance are required to participate in the Minnesota Family Investment Program (MFIP) from three months to six months. He said the time extension is needed to plug a \$13 million hole in the budget. The amendment was adopted.

Sen. Sheila Kiscaden (R-Rochester) successfully offered an amendment that reduces the fees hearing instrument dispensers will be required to pay. She explained that following an amendment made in the policy committee, audiologists are exempted from paying a large licensure fee increase. The result, she said, was to significantly increase fees for the remaining hearing instrument dispensers to over \$1,100 a year. The fees are necessary, Kiscaden said, in order to recover expenses incurred developing a hearing instrument dispenser licensure program. By forgiving a portion of the debt and spreading the statutory recovery period for expenses over ten years, the necessary fees are reduced to a more tolerable level, she said. The amendment prevailed.

Several amendments were offered at the Monday meeting that had significant fiscal implications for the bill. Over the objections of Samuelson, who said he did not want to send a bill to the floor that was not in balance, several were adopted. However, upon subsequent examination, the two amendments—offered by Kiscaden and Sen. Dallas Sams (DFL-Staples)—were later reconsidered and withdrawn at the Tuesday meeting. Kiscaden's amendment deals with the costs of uncompensated care for the state's hospitals. The amendment allows general assistance medical care (GAMC) aid to be paid for services rendered to non-Minnesota residents who receive emergency services for traumatic injuries. She later

withdrew the amendment because she said it is a concept that needs further work and would have had a \$1.5 million cost.

The Sams amendment affects the nursing facility rate adjustment policy. He explained that in his amendment the rates will be adjusted according to the February 1997 forecast in order to provide the facilities a more generous reimbursement rate. Even though it had been adopted, he later withdrew it because it creates a \$6-10 million hole in the budget and starts a new precedent that converts the forecast into an expenditure floor.

After the amendments were withdrawn at the Tuesday meeting, the committee approved the omnibus bill and sent it to the floor.

Chair Linda Berglin (DFL-Mpls.) asked Sen. Tracy Beckman (DFL-Bricelyn) to present S.F. 1909, the economic development omnibus bill. Beckman said, "This bill is a good balance between the metropolitan and rural interests. It also has a good focus on jobs by concentrating on the non-profits agencies who have shown they are good job creating groups." Beckman reviewed the major provision in the bill that has a total appropriation of \$404 million for the biennium.

The committee spent significant time discussing a controversial funding initiative that appropriates \$15 million to create the Center for Rural Policy and Development at Mankato State University. Beckman said the provision establishes an academic policy analysis center that will be able to assist Legislators with rural development issues. Members said they were concerned with appropriating such a large amount of money up front without any performance guarantees. Others also said they were concerned that there was no public/private partnership and questioned why there were no private funding to match the public money.

Sen. Dan Stevens (R-Mora) also raised concerns over a funding decision in the bill when he asked why the wastewater infrastructure funding program had received no appropriation. He explained that the city of Cambridge had been targeted to receive \$2.6 million to help improve its wastewater infrastructure after the Rum River, which runs through the city, was designated a wild and scenic river. This new designation specifies stricter water quality standards which in turn necessitates improvements to the city's waste treatment facilities. "The people of Cambridge did not choose to designate the Rum River a scenic river. That decision was made by the Legislature, so if we're going to make those kind of mandates, we need to pay for them," Stevens said.

Beckman responded that funding the Cambridge project would put the state in the difficult position of having to fund projects in several other cities in similar situations with a total cost of \$14 million. However,

he offered an amendment that addressed Stevens' concerns. The amendment moves \$2 million from the Center for Rural Policy's appropriation and provides \$1.5 million for a loan to Cambridge while the remaining \$500,000 is to be used for municipal wastewater infrastructure projects. The Beckman amendment was adopted and the bill advanced to the floor.

### Four bills processed

At the Weds., Apr. 16, Human Resources Finance Committee meeting, members approved of and advanced four bills to the Senate floor. Sen. Dennis Frederickson (R-New Ulm) started the meeting by presenting S.F. 148, a measure that increases the revenue bond authority of the Public Facilities Authority (PFA). He explained that by removing the cap on the amount of revenue bonds the PFA can issue, more money can be made available to continue funding current wastewater and future drinking water projects.

Sen. Don Betzold (DFL-Fridley), the author of two bills, first explained S.F. 53. The bill, he said, is the result of a Supreme Court task force and clarifies portions of the Civil Commitment Act. The second bill carried by Betzold, S.F. 97, is the Tuberculosis Health Threat Act and authorizes health professionals to isolate and detain non-compliant carriers of tuberculosis (TB). The bill also sets aside \$45,000 for the biennium to pay for the hospitalization of patients who pose a public health threat because they will not comply with a TB treatment plan.

Finally, Chair Linda Berglin (DFL-Mpls.) said S.F. 203 establishes the fathers' adoption registry, a voluntary registry where fathers can officially establish paternity in order to ameliorate future legal entanglements in the event of an adoption. She successfully offered an amendment that appropriates \$286,000 from the state government special revenue fund to initiate the registry.

## Judiciary

### Nuisance bill forwarded

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), acted on bills relating to nuisances, snow removal, and motorcycle helmets, Weds., Apr. 9.

S.F. 513, sponsored by Sen. Ellen Anderson (DFL-St. Paul), amends the definition of incidents that constitute a public nuisance. Under the bill, a public nuisance exists upon proof of two or more separate behavioral incidents occurring within a building and within a 12 month period. Behavioral incidents include prostitution, gambling, the unlawful sale of controlled substances and alcohol, or maintaining or permitting a condition which unreasonably annoys, injures or

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endangers the safety, health, morals or comfort of the public. Under the bill, the court may issue a permanent injunction closing the building or a portion of it for a period of one year following proof of two or more separate behavioral incidents.

Sen. Linda Berglin, (DFL-Mpls.), offered an amendment allowing the recipient of a notice of nuisance to abate the nuisance or enter into an abatement plan within 30 days of having received the notice. The amendment also allows a temporary injunction if the property owner has not complied with either abatement or an abatement plan. The committee approved the bill, as amended, and sent it to the Senate floor.

S.F. 1281, sponsored by Sen. Keith Langseth (DFL-Glyndon), declares inadmissible in personal injury or property damage litigation proof of the use or nonuse of a motorcycle helmet. The bill also allows a person to maintain a lawsuit concerning a defectively designed or manufactured helmet, and repeals law that permits admission of evidence of use or nonuse of protective headgear by a motorcycle operator or passenger in a negligence action concerning head injuries. Following considerable discussion, the bill was laid over.

S.F. 1833, sponsored by Sen. David Ten Eyck (DFL-East Gull Lake), provides that a county issuing a permit for certain races and other competitions is not liable for any injuries occurring at these events. The committee approved the bill and sent it to the Senate Consent Calendar.

S.F. 768, sponsored by Sen. Jim Vickerman (DFL-Tracy), allows cities, counties, and towns to use private citizens and their equipment for purposes of emergency snow removal, provides that counties and towns are not liable for damages arising from their assistance to the extent that the city, county, or town is liable if the damages had been caused by its' own equipment or employees. The committee laid the bill over pending further clarification of language defining liability responsibility.

## K-12 Education Budget Division

### Bills considered for omnibus

Wed. Apr. 9, the K-12 Budget Division, chaired by Lawrence Pogemiller (DFL-Mpls.), heard major funding bills for consideration in omnibus legislation.

S.F. 1808, authored by Sen. John Hottinger (DFL-Mankato) provides for an adjustment of \$4.4 million in teacher training and experience formulas. S.F. 1190, presented by Sen. Jane Krentz (DFL-May Township), provides for inflationary increases in school base funding. Krentz said, "It's fine to have programs like staff development and class size reduction, but I don't feel comfortable supporting spending on all these

programs when we have capped inflationary increases for schools as a whole." The bill limits class size reduction limitation to younger grades, making targeted funding available to all grades.

A White Bear Lake parent spoke on S.F. 1427, a bill carried by Sen. Paula Hanson (DFL-Ham Lake), that addresses the issue of raising the formula allowance. The parent said salary freezes and program cuts are imminent though the community has approved a levy to simply keep up with inflation.

The panel discussed changing the compensatory formula, increasing basic skills funding to include transportation, increasing integration transportation funding to keep pace with inflation, increasing LEP funding and increasing special education formula allowance.

S.F. 1732, presented by Pogemiller, contains, he said, recommendations of the education community. Inflationary increases of 3 percent were recommended by the school boards, as well as increases in technology funding. According to the bill, special education funding is increased by 3 percent per year. An MEA representative spoke in favor of the bill's provision to create an Office of Educational Accountability.

S.F. 1004, authored by Sen. Gary Laidig (R-Stillwater) discontinues referendum allowance reduction. He said the bill will level the playing field for areas not having a referendum, such as South Washington County.

### Tax credits discussed

Thurs., Apr. 10, the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), heard testimony regarding the governor's education tax credit proposal.

Under the proposal, tax credit would be given to families for expenditures related to education. These would include the purchase of computers, supplementary educational materials or instruction and private school tuition.

Testimony in support of the credits began with comments by Tim Sullivan from the governor's office, who said that of those benefiting from the tax credits, two-thirds would be families with children in public schools, one fourth would be families with children in private schools and 12 percent would be home school families. The initiative focuses on lower income families, offering full tax relief to those earning under \$39,000. Sen. Gen Olson (R-Minnetrista) pointed out that with the credits, the state will be leveraging only around eight percent of actual expenditure, encouraging people to spend their discretionary dollars on education.

Speaking in opposition to the credits, education activist and former Minneapolis Schools superintendent John Davis said, "There is not a strong component of accountability here." Davis said it is the

state's responsibility to ensure high quality education.

Members disagreed as to whether tax code changes would encourage behavior changes or simply reward those already spending on education. "We give deductions to business to encourage it," said Scheevel, "why shouldn't we be doing that for education." When James countered that business deductions are directly related to the earning of income, Neuville posited that education actually is a proven investment in eventual earnings.

Pogemiller said, "I believe when you really get down it, this is the kind of thing that keeps people apart rather than bringing them together."

The division discussed drafts of Articles Three and Nine of the omnibus bill. Article Three concerns Lifeworks programs. The article reinstates authorization of the Minnesota Career Information System to operate and collect fees for services, delineates process for selection of an executive director for the Minnesota Commission of National and Community Service and outlines structure and operation of Model Lifework Learning Sites.

Regarding Article Nine, Technology, Sen. Martha Robertson (R-Minnetonka) said that although 89 percent of schools are currently accessing the Internet, there is a wide disparity of usage ability. The article contains mainly the proposals that focused on training staff to optimize use of available equipment. Major issues addressed are the creation of a system wide reference material database, development of learning academies for teacher training, development of Internet obscenity policies, provision of site-based technology learning grants, entrepreneurship grants and library technology site grants, funding of staff development for librarians, and provision of access to the University of Minnesota's Gopher biology shareware multimedia instructional software.

### Common schools approved

Fri., Apr. 11, The K-12 Education Budget Division met to hear testimony on Chair Lawrence Pogemiller's (DFL-Mpls.) "common schools of excellence" proposal. The proposal allows interested schools having a student population with at least 25 percent eligible for free and reduced lunch the opportunity to set up admission standards and advertise for students. A student desiring to attend the school receives a state certificate valued at \$6,000 or higher if the state would be paying more for that student to attend public school. Compensatory aid follows the student who generates it, which could add value to certificate of up to \$18,000.

Minnesota Federation of Teachers spokesperson Rose Hermodson said the union supports Pogemiller's objective to avail low income students of better educa-

tional opportunities. However, the union does not support the use of tuition certificates allowing students to attend private schools. Bob Meeks of the School Board Association echoed her skepticism.

The issue of local control and a level playing field was debated. Sen. Gen Olson questioned local school board approval of "common school" applications. She indicated that with no way to override a local board, private schools might have a hard time gaining approval. "This is the check," said Pogemiller, "It puts local boards in control."

Representatives of the Minnesota PTA, Minneapolis Public Schools, Schools for Equity in Education, and the State Board of Education said they support elements of the concept but had reservations about public funding for private schools.

Sen. Ember Junge (DFL-New Hope) brought up the constitutionality issue. Pogemiller said, "If this becomes law, there will probably be a lawsuit." Sen. Kerrie Schaevel (R-Preston) reminded the committee that public schools are presently allowed to contract with sectarian schools for provision of alternative education services.

Department of Children, Families and Learning Commissioner Robert Wedl said the governor likes the bill's emphasis on parental involvement, but is unsure about the regulation of private schools. Minnesota Association of Secondary School Principals spokesman Roger Arneson also couched his opposition in terms of protecting the rights of private schools.

Rural Education Association representative Vernae Hasbargen spoke in full support of the proposal. "In rural Minnesota," she said, "we already have common schools, and with 85 percent of our rural schools eligible for designation, schools would be foolish not to take advantage of this opportunity."

Voicing strong opposition, Sen. Keith Langseth called the bill "totally unworkable." He continued, "the concepts are good, but I can't see having \$18,000 go to a student in private school while a public school student gets \$5,000."

On a voice vote, the panel included the proposal in omnibus legislation.

The panel then voted on the governor's tax credit proposal. Before the vote, Sen. David Knutson (R-Burnsville) said, "of all the proposals we've heard, this one is the one that most clearly identifies the customer and is most respectful of local choice." Sen. Gen Olson (R-Minnetrista) added that the state would be getting more bang for the \$150 million, because the state funds would simply leverage a much larger actual education expenditure. On a voice vote, the tax credit proposal was defeated.

### **Omnibus draft discussed**

Sen. Dean Johnson (R-Willmar) and the superintendent of Willmar's schools came before the division Mon., Apr. 14, request-

ing \$200,000 to meet settlement costs for a lawsuit filed by the Willmar Latino community. The settlement, Johnson told K-12 Education Budget Division, involves funding a project manager and communications coordinator to advocate for the Latino community. Before adding the proposal to the omnibus mix, the panel broadened language to encompass all minority groups.

In the wake of a fatal school bus accident in Buffalo, Sen. Linda Scheid (DFL-Brooklyn Park) carried S.F. 781, a school bus safety bill, providing funding for monitors, safety lighting and seatbelts or other restraints. The bill also deals with discipline on buses. Sen. Jane Krentz (DFL-May Township) said she worries that seat belt language would mean funds would be spent on new buses with new seat belts instead of on adult monitors. After discussion, Scheid amended her seat belt language to require approval by the commissioner of public safety.

S.F. 1892, authored by Scheid is designed to assist school districts in complying with laws prohibiting discrimination. It provides technical support for departmental equal opportunity initiatives addressing gender equity in faculty distribution, athletics, science and math.

Upon distributing drafts of the K-12 omnibus bill, Pogemiller outlined the three major funding initiatives for the session as shifting compensatory aid calculation from the AFDC rolls to students eligible for free and reduced lunch, increasing equity for schools without referenda, and increasing base funding.

Pogemiller said it would be "too much at once" for the division to adopt the governor's recommendation to change pupil weighting. New in the draft is a proposal allowing districts to hold a referendum for the purposes of levying an income tax surtax. Money for staff development is not included in the draft though Pogemiller said it will be funded. The bill also includes a proposal brought to the division by Sen. David Knutson (DFL-Burnsville) that lifts the cap on superintendent salaries.

The draft Article Two, Special Programs, contains levy adjustments for early childhood programs; funding for changes in concentration requirements for Limited English Proficiency programs; roll-ins of special ed transport into special ed instruction budgets and Minneapolis magnet school funding. Other provisions fund American Sign Language expansion, homeless student programs, First Grade Preparedness, aid for torture victims and the "Learn and Earn" program.

Article Four, Education Organization and Cooperation, concerns facilities programs. The measure calls for indoor air quality policies, lease purchase permission, small school eligibility for debt service aid as well as flood relief funding. Article Five, Education Excellence, delineates school site based

decision making policy, reiterates graduation rule expectations, funds St. Paul's community-based school Wilder Foundation partnership and bolsters advanced placement and international baccalaureate programs. Article Six, Nutrition and other Education Programs, contains the superintendent salary cap repealer, a child immunization program and an HIV education proposal, changed from a demonstration project to a training program. The article also includes school breakfast programs. Article 8, Libraries, contains a grant initiative to encourage the recruitment and education of people of color in the field of library science.

Pogemiller reiterated that Article Nine, Technology, focuses on training. The section includes appropriations for libraries, learning academies, teacher training, electronic curriculum resources development and biology shareware expansion and the development of Internet obscenity policies which can include the use protective software.

The departmental budget, Article Ten, does not provide all requested graduation rule funding. "We're not just going to continue to fund the department to do the grad rule," said Pogemiller. Commissioner of the Department of Children, Families and Learning Robert Wedl testified that the department is requesting \$24.3 million in FY 98, and \$23.9 million in FY 99, a reduction, he said, from the 1997 base of \$26.8 million. The panel systematically deleted many line items from the article, in an attempt to reduce legislative micro-management.

### **Charters schools discussed**

Ember Junge (DFL-New Hope) and Sen. Gen Olson (R-Minnetrista) presented an amended version of Junge's charter school bill S.F. 598 to the K-12 Education Budget Division Tues., Apr. 15. The major change to current policy aside from uncapping the limit on charter schools is a provision allowing the State Board of Education to sponsor a charter school if organizers have been unable to find either a post-secondary institution or a local school board sponsor. The Department of Children, Families and Learning's Susan Heegaard said that since the advent of charter schools legislation, 12 possible charters have been turned down by local boards.

The bill clarifies that all charter school employees under the bill will be considered public employees. It allows charter schools the same authority as public schools to make use of non-licensed community experts as teachers. The bill provides lease and rental aid, as well as start-up loan funding, and the ability to apply for planning grants.

A matching grant proposal for charter school technical assistance, proposed by Junge was opposed by Division Chair Lawrence Pogemiller (DFL-Mpls.), who said

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the division has been trying to get away from giving line item prescriptions to the department.

Provisions laid over from S.F. 619, the governor's initiatives, carried by Olson, were then taken up by the panel. A provision giving the CFL commissioner blanket authority to waive statutory requirements in order to expedite requests for districts was considered. School Board Association representative Bob Meeks spoke in support, saying the measure reduces housekeeping activity now needlessly routed through the Legislature. He cited the example of districts needing waivers of Labor Day start dates for purposes of construction. Members deemed the provision too broad and did not incorporate it into the omnibus bill. Another local control provision, allowing school boards to hire nonlicensed community experts without appealing to the State Board of Teaching was also defeated. The panel voted down a provision allowing outside contracting for instruction while a district reduced staff size. A provision allowing school boards to reorganize as non-profits was defeated. The panel did approve giving schools the ability to contract with private entities for at-risk student services.

A measure regarding PELRA providing the option of binding arbitration if there is not a labor agreement before Aug. 15 did not advance. Under the provision, either side can request binding arbitration, but if a school board requested it and teachers did not agree, they would give up right to strike. Sen. Kenric Scheevel (R-Preston) moved to eliminate the current Jan. 15 contract deadline. "The \$25 per pupil unit penalties paid by districts not in compliance just takes money away from kids," he said. Meeks agreed, saying the deadline puts more pressure on boards and favors teachers. MEA's Hank Stankiewicz replied that the deadline is "doing what it's supposed to do." Pogemiller said the Legislature "has a different interest than the local players," and said that without the deadline, the Legislature would be pressured to subsidize individual school districts during session. Scheevel's repealer was not adopted.

A provision for a \$10 million lab school initiative sponsored by Sen. Martha Robertson (R-Minnetonka) was removed from omnibus consideration. Sen. Jane Krentz (DFL-May Township) suggested that labs schools could be charters. Junge successfully offered an amendment to fund a homework hotline. Pogemiller distributed a draft initiative for a student bill of rights and responsibilities. Pogemiller also successfully offered an amendment to include in omnibus legislation an appropriation for the one-room schoolhouse on Angle Inlet.

Major funding provisions are included in Article One of the omnibus bill. Free and reduced lunch eligibility is proposed for

compensatory aid calculation rather than AFDC. Pogemiller said the measure "makes the pie bigger for the number of kids eligible for aid, and gives Minneapolis and St. Paul less percentage of the money than they now receive". Members discussed the designation of "eligibility." Sen. Keith Langseth (DFL-Glyndon) said "we have assumed in the past that only people on AFDC are poor, but there are families out there who don't even have health insurance, who are therefore not even as well off as someone on welfare." Robertson said she is concerned, however, that under the new system, concentration of poverty would not be addressed. Sen. Sandra Pappas (DFL-St. Paul) agreed, "a couple of poor kids in a rich school doesn't constitute poverty."

A new addition to the omnibus mix is a section allowing districts to hold referenda levy an income tax surtax as opposed to property tax. The bill also includes Pogemiller's \$150 million Common Schools of Excellence proposal. A new amendment provides that districts like St. Paul may not sue the state over administrative funding structure.

## Local and Metropolitan Government

### State mandates bill approved

Sen. Steve Morse (DFL-Dakota) presented S.F. 634, a bill regulating state mandates on local governments, at the Weds., Apr. 9, meeting of the Local and Metropolitan Government Committee.

Morse said the bill defines the term state mandate, requires fiscal note preparation for state mandates and requires a "policy goal" statement in each mandate to encourage finding a better way to accomplish the goal. Joe Harris, a Dakota County commissioner and member of the Metropolitan Inter-County Ass'n. (MICA), supported the bill, but said that MICA "doesn't question the authority of the state to pass mandates." He added that MICA questions the structure, financing and regulation of mandates.

Sen. Carol Flynn (DFL-Mpls.), countering a negative perception of mandates, said "mandates are good." She said that the pay equity mandate has protected counties from the cost of discrimination lawsuits and the teacher licensing mandate prevents school districts from hiring anyone willing to teach. The panel endorsed the bill and sent it to the Committee on Taxes.

Earlier, the committee considered two bills authored by Sen. Jerry Janezich (DFL-Chisholm). Janezich said that the first bill, S.F. 1391, creating the Virginia area ambulance district, was passed two years ago but died because a local approval requirement with a two year time limit was not met. The bill was approved and re-referred to the Committee on Taxes. The other bill,

S.F. 1423, adds St. Louis County Court bailiffs to the unclassified county civil service. The bill was okayed and now goes to the Senate floor.

Good community citizenship was the subject of S.F. 1266, sponsored by Committee Chair Jim Vickerman (DFL-Tracy). Under the bill, a town board may submit for elector approval at annual town meetings an ordinance requiring the removal of snow or ice deposited on a town road from a private driveway. The bill specifies that if the ordinance passes, the town board must give removal notices for violations, and the board may place a lien on the property for removal costs if the material is not removed.

The bill was approved and now goes to the Senate floor.

The committee also considered H.F. 1755, sponsored by Sen. Ember Junge (DFL-New Hope). The bill gives county HRAs the same authority that municipal HRAs have. Junge said that under the bill, if the Hennepin County HRA plans any activities within a municipality, it is only required to give notice of that activity plan to the municipal HRA once per year.

Sen. Steve Kelley (DFL-Hopkins) successfully offered an amendment designating a site in St. Louis Park as a "high priority" clean up fund site. Kelley said that the site is needed for a railroad right-of-way to replace the 29th street rail right-of-way, and the amendment sets up a partnership between the city of Minneapolis and Hennepin County to accomplish that purpose. The bill now goes to the Jobs, Energy and Community Development Committee for further consideration.

## Property Tax and Local Government Budget Division

Property tax provisions heard

The Property Tax and Local Government Budget Division, chaired by Sen. Sandra Pappas (DFL-St. Paul), introduced the 1997 omnibus property tax reform proposal, Fri., April 11. Pappas said the proposal lays the groundwork for long-term property tax reform. She said the proposal offers Minnesotans \$650 million in property tax relief, provides over \$100 million of net tax relief to Minnesota businesses, cuts rental property taxes, increases the state's share of education costs, eases the burden placed on property taxes by schools, increases "circuit breaker" relief to protect homeowners from property tax shifts, and requires higher levels of truth-in-taxation statement disclosures.

Among its many provisions, the proposal creates a 1.0 percent single class rate for low-income rental housing, reduces from 2.3 percent to 2 percent the class rate distinctions between single-family homestead properties and single family rental properties having two and three units, reduces from 3.4

percent to 2.5 percent the rates for apartment buildings with four or more units, and reduces commercial and industrial property tax rates from 4.6 percent to 4.0 percent.

The proposal reduces the general education levy from \$1.35 billion to \$1.1 billion for taxes payable in 1998 and thereafter, places a one year moratorium on new referendum operating levies for taxes payable in 1998, converts the alternative facilities levy to both an aid and a levy, and limits revenues to the amount of current levy authority.

The proposal sets the property tax refund (PTR) for renters at 20 percent of rent paid, and requires the commissioner of revenue to annually adjust for inflation the PTR refund thresholds and maximum refunds.

In addition, the proposal provides that school districts certify two-part proposed levies consisting of a state education levy and the total of all other levies to appear separately on Truth-in-Taxation statements.

The proposal also defines the constant spending levy amount for counties, cities, towns and special taxing districts as the tax levy needed so that the levy remains constant from the current year to the proposed levy year, requires a comparison of the proposed tax levy with the level of property tax spending if that level did not change within the current year, authorizes cities having populations of 10,000 or more to conduct joint truth-in-taxation hearings involving county board members and school board members from within the cities' boundaries, and requires Ramsey County, the city of St. Paul and the St. Paul school district to initially hold joint public hearings.

The proposal requires the preparation of a fiscal impact note when the state mandates cost-incurring activities to local governments, requires proposed legislation imposing costs on local governments to include the legislation's purpose and fiscal impact, allows input from agencies involved in carrying out the legislation's provisions, and requires the commissioner of finance to review, every five years, rules having a significant financial impact on local governments.

The proposal reduces the corporate franchise tax rate from 9.8 to 7.5 percent, imposes a business activity tax of .45 percent of a firm's tax base for taxable year 1998 and .55 percent for taxable year 1999 and thereafter, provides that the business activities tax applies to firms engaged in business activities in Minnesota, and defines a firm's tax base to be its business income before various deductions and exclusions. In addition, the bill repeals the corporate minimum tax and the minimum fee for corporations and partnerships.

The proposal allows an authority creating a TIF district to establish a "heritage and

historic" subdistrict within the new district, provides that heritage and historic subdistricts are exempt from local government aid (LGA) and homestead agricultural credit aid (HACA) offsets, adds polluted lands to redevelopment districts, and allows a tax increment financing district to make a qualifying contribution instead of an LGA or HACA contribution.

In addition, the proposal provides that TIF revenues may be used for improvements to commercial facilities of 15,000 sq. ft. or more located within cities having populations of 5,000 or less that are located ten or more miles from cities having minimum populations of 10,000, provides that land may be acquired without a development agreement if the land acquisition is not paid for with bonds secured by tax increments from the acquired property, and provides that public utility facilities located outside of a pre-1979 TIF district may be deemed to have been spent within the district if the expenditures can be reasonably allocated to users within the district.

The proposal eliminates the option in current law under which fiscal disparities contributions from properties within economic TIF districts may be made instead by the municipality, provides for creation of a non-contiguous "housing transition" tax increment district containing demolished public housing or public housing scheduled for demolition, allows the use of transition district increments to relocate tenants, demolish structures, do site preparation and rehabilitate and construct housing.

Among other provisions, the proposal specifies that the Public Utilities Commission requires a public utility purchasing electricity from a wind generation facility to pay all of the generation facility's property taxes, provides that counties, cities and towns may apportion the territory of one or more government units that will cease to exist after the apportionment has occurred, and provides that local governments may create an interim governing body to act in behalf of a proposed new local government unit prior to the effective combination date.

Sen. Steven Kelley (DFL-Hopkins) offered an amendment excluding from adjustments for inflation the first \$75,000 of market value for residential property. The division adopted the amendment and referred the bill, as amended, to the Committee on Taxes.

## **State Government Finance**

### **State government budget okayed**

The state government budget bill, making a biennial appropriation of more than \$665 million for the operation of the legislature and general administrative functions of the state, was approved by the State Government Finance Committee Fri., Apr. 11. The

committee approved the bill, S.F. 1905, and sent it to the Senate floor.

Chief author Leonard Price (DFL-Woodbury) reviewed the sections of the bill and highlighted items for committee member's consideration. Included in the highlights were appropriations to the Plant Management Division of the Administration Dept. of \$13.3 million for state building repairs, \$5 million for building ice hockey rinks for girls and \$15,000 for the outgoing governor's portrait in the Capitol.

Sen. Dennis Frederickson (R-New Ulm) offered an amendment appropriating an additional \$222,000 to the Office of the State Auditor and \$1 million each to the Minnesota Trade Point and one stop business licensing system initiatives. State Auditor Judy Dutcher said the money is needed to handle a 34 percent workload increase of investigations into local government finances. Price said the budget division decided not to provide the funding to the auditor's office at this time.

Sen. Steve Kelley (DFL-Hopkins) said the trade point initiative is for the purchase of a secure server computer at the University of Minnesota. He said the computer may lure the United Nations to move an operation to the University from Melbourne, Australia. Committee Chair Richard Cohen (DFL-St. Paul) suggested that the committee put a match requirement on the initiative appropriations. The committee rejected the extra appropriation for the auditor, but adopted the other two initiative appropriations with the match requirement.

Earlier, the committee rejected an attempt by Sen. LeRoy Stumpf (DFL-Thief River Falls) to remove a provision giving the state auditor authority to establish local government financial reporting standards. Dutcher said that authorization has no financial impact.

Stumpf offered another amendment affecting a grant to Twin Cities Public Television for high definition television technology. The amendment broadens access to the technology from just the University of Minnesota to all state universities. The amendment was adopted.

### **Environment bill approved**

The State Government Finance Committee approved the Environment and Agriculture Budget Division's omnibus bill Mon., Apr. 14. Members of the committee, chaired by Sen. Richard Cohen (DFL-St. Paul), offered a number of amendments to the bill.

The bill, S.F. 1907, was presented by Division Chair Sen. Steven Morse (DFL-Dakota). "While the division stayed within the governor's guidelines for many agencies, there are some change items in the bill that should be highlighted," said Morse. The division's total appropriations to environ-

# Committee update

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mental assistance, the Minnesota Zoo, the Animal Health Board, the Minnesota/Wisconsin Boundary Commission, the Voyageurs National Park Commission, the Science Museum, and the Agricultural Utilization Resource Institute concurred with the governor's requests. The division's allocations are \$631.6 million in direct appropriations, \$11.6 million over the governor's budget request.

Under the terms of the bill, the Pollution Control Agency receives \$87.5 million, \$2 million below the governor's request. A new appropriation of \$814,000 for water quality programs, in addition to the governor's request, is part of the omnibus bill. The bill also includes funding for the development of a Red River basin water management plan. Superfund appropriations by the Senate are \$1.4 million under the governor's recommendation. Water quality fees are reduced under the terms of the bill. Proposed appropriations for the Minnesota Zoo includes an increase in funds for technology.

Direct appropriations to the Dept. of Natural Resources under the bill are \$351.4 million, \$22.1 million below the governor's request. A number of projects in the governor's budget are not funded, such as the Sustainable Lake plan, Minneapolis Lakeshore Restoration, the North Minneapolis Upper River Master plan, the Sand Dunes State Forest Acquisition and the Minnesota ReLeaf Tree Planting and Preservation Grant Program. Proposals not recommended by the governor but funded in the omnibus bill are flood hazard mitigation grants, Minnesota River bank restoration, the East Grand Forks River bank stabilization project and wind damage grants. A total of \$10.5 million is provided for the development and maintenance of snowmobile trails in the omnibus bill. The bill also includes an increase in fishing license fees, recommended by the governor. An electronic licensing system is funded by the division.

Morse said, "The division followed most of the governor's recommendations for the Dept. of Agriculture. Funding for the Dairy Producers and Consumers Board was added, as was an appropriation for seed potato studies. In addition, there is new funding for odor control research, potato blight research and a Minnesota-grown food promotion program." Morse also pointed out that 100 of the 144 programs recommended by the Legislative Committee on Natural Resources were approved. These projects include converting properties at Fort Snelling into youth hostels, funds for a Judy Garland museum, a variety of water resource initiatives, sustainable farming initiatives and a sustainable private woodlands program.

In terms of new revenues, additional fees were considered in the division, Morse said. A park permit increase requested by the DNR was not adopted. The governor's

request for a 50 percent increase in water permit fees for the biennium was not included in the Senate budget. The omnibus bill increases dairy services fees, snowmobile license fees and fertilizer inspection fees. Under the terms of the bill, the blender's credit for ethanol is phased out.

Morse offered a technical amendment that also includes an appropriation of \$260,000 for emergency deer feeding. The motion was adopted. Sen. Bob Lessard (DFL-Int'l Falls), proposed an amendment to add \$600,000 to the snowmobile trails and enforcement account for trail maintenance. The motion carried. Lessard also offered a proposal that extends timber permits due to expire in 1997 for one year. The extension allows additional time for timber sales by loggers unable to cut timber due to difficult weather conditions. The amendment was approved. Morse proposed an amendment that transfers money from the ethanol development fund to the general fund for the purposes of reimbursing ethanol producers for unpaid claims. Sen. Steve Dille (R-Dassel) opposed the measure and offered his own amendment with alternative uses for money from the ethanol development fund. The Dille proposal appropriates \$150,000 to the University of Minnesota for agriculture education, \$50,000 to the Dairy Leaders Roundtable, \$200,000 for dairy development grants, and \$100,000 for stray voltage studies, the appropriations provided by the transfer of \$1.1 million from the unencumbered balance of the ethanol development fund to the general fund. It also includes an appropriation of \$160,000 from the general fund to reimburse dairy farmers for inspection fees. Morse offered a compromise, incorporating Dille's proposed appropriation for dairy inspection fees and a transfer of \$320,000 from the ethanol development fund to the general fund. The motion was approved. The remainder of the Dille amendment was not adopted. Sen. Jerry Janezich (DFL-Chisholm), moved to have the remaining balance in the Taconite Environmental Protection Fund that is to be used to develop and acquire land for the Iron Range off-highway vehicle recreation area be made available June 30, 1998. The motion was approved. The bill as amended was approved and sent to the Senate floor.

## Committee on Taxes

Income tax provision okayed

During an evening meeting, Weds., Apr. 16, the Taxes Subcommittee on Income and Sales Tax, chaired by Sen. Steve Murphy (DFL-Red Wing) heard provisions of the omnibus tax bill's income and sales tax section. Among its many provisions, the bill allows individuals to take an income tax credit of 30 percent of the amount of a

charitable contribution made to a nonprofit institution of higher education within the state, allows a maximum tax credit of \$8,000 to job training programs hiring qualified program graduates, and clarifies that mail order businesses are those that sell tangible property or services ordered by facsimile or other electronic media.

The bill's sales and excise taxes section allows a refund of motor fuel taxes paid by a distributor of gasoline or special fuels sold for on-farm bulk storage, makes most food sold for immediate consumption subject to sales tax, specifies that property used to provide recreation or amusement shall not be considered tax exempt property purchased for resale, clarifies that "storage" and "use" do not include keeping in a public warehouse property that is shipped into the state by common carrier for the purpose of subsequent transportation and use outside of the state, and provides that all items that currently qualify as replacement capital equipment are classified as capital equipment when purchased after Jun., 30, 1997.

The section also provides a sales tax exemption for purchases made by state veterans' homes and hospitals, exempts from the sales tax construction materials used to construct or improve a local government correctional facility mandated by state or federal law, exempts from sales tax the donation to a nonprofit organization of a motor vehicle used exclusively for religious or other socially beneficial nonprofit activities, expands the Cook County sales tax to include payment for improvements to the North Shore Care Center and North Shore Hospital, and allows the city of Wilmar to impose an additional sales tax of up to one-half of one percent to pay for the construction of public library facilities.

The bill's solid waste management section imposes a solid waste management tax on mixed municipal solid waste (MMSW) residential generators, political subdivisions and multi-residential housing managers that provide waste management services without directly charging each multi-dwelling residence, imposes a tax on commercial MMSW service-generators of 17 percent of the waste management service costs paid by waste generators, and provides that self-haulers must pay the same solid waste tax as commercial waste generators.

In addition, the bill authorizes the commissioner of trade and economic development to allocate an additional \$1.5 million for tax reductions to enterprise zones located on the state's western border, and increases the budget reserve to \$522 million on July, 1, 1997.

Senators offered a number of amendments to the bill. Sen. Arlene Lesewski (R-Marshall) offered an amendment excluding from sales tax wind energy conversion systems used to generate electric power.

Following much discussion, Lesewski withdrew the amendment. Sen. William Belanger (R-Bloomington) offered an amendment making amusement rides property purchased for resale and not subject to subsequent user's taxes. Sen. Steven Novak (DFL-New Brighton) offered an amendment excluding from the sales tax materials used to construct biomass electrical power facilities. The amendments did not prevail.

Other amendments were successful. Novak offered an amendment exempting from sales tax phone calls made using a prepaid calling card upon which sales tax has already been paid. He said that a higher initial card purchase price and sales tax would generously compensate for sales taxes currently paid to the state by phone companies that process calls made using the cards. The committee adopted the amendment. Sen. Linda Scheid (DFL-Brooklyn Park) offered an amendment allowing apartment and mobile home residents a reduced solid waste management tax. Scheid said that persons residing in such dwellings generate less waste and should fall under the lower taxed residential classification instead of the commercial classification. The committee approved the bill, as amended, and sent it to the full Committee on Taxes.

## Friday, April 11

### Tax filing deadline extended

With the arrival of the second deadline for committee action, the Senate continued with the plan to hold longer daily floor sessions Fri., Apr. 11. The Senate first acted on an urgent matter brought by Sen. LeRoy Stumpf (DFL-Thief River Falls). H.F. 2132, sponsored by Stumpf, extends the income tax return filing deadline to May 30 for people living in counties declared as federal disaster areas. Co-sponsor Dean E. Johnson (R-Willmar) urged unanimous passage of the bill, saying the "last thing on their (the flood victim's) minds is filing income tax returns." The bill passed 54-0.

The Senate spent considerable time acting on bills on General Orders and granted preliminary passage to 24 bills. A bill sponsored by Sen. Edward Oliver (R-Deephaven) touched off a discussion on the topic of physician assisted suicide. Oliver said that the bill changes the requirements for dispensing controlled substances in Minnesota. Oliver said that previously pharmacists were only allowed to dispense medicine prescribed by a physician licensed in Minnesota. He said that restriction was later expanded to include prescriptions written by physicians in border states. The bill now expands the law so that prescriptions written by a doctor licensed in any state may be filled in Minnesota. He

added that the Mayo Clinic as well as many Minnesota based pharmaceutical companies will benefit from the legislation.

An amendment prohibiting the filling of a lethal prescription was offered by Sen. Michelle Fischbach (R-Paynesville). Fischbach said the amendment prevents physician assisted suicide. Oliver said he didn't oppose the amendment, but didn't see the need for it. Sen. David Knutson (R-Burnsville) said the amendment was unnecessary because such a prescription violates other parts of Minnesota law and couldn't be filled anyway. Sen. David H. Johnson (DFL-Bloomington) questioned whether the amendment was enforceable because of a technical flaw. Oliver moved to progress the bill in order to work out a clarification.

In other action, the Senate took up the Calendar and gave final passage to 36 bills.

## Monday, April 14

### Crime prevention bill passed

Senators devoted the entire Mon., Apr. 14, floor session to consideration of the first three major budget bills to reach the floor. The omnibus transportation bill, S.F. 1881, the omnibus higher education bill, S.F. 1888, and the omnibus crime prevention and judiciary bill, S.F. 1880, were all granted final passage on Special Orders.

The omnibus crime prevention and judiciary bill touched off the greatest debate. The measure, carried by Sen. Randy Kelly (DFL-St. Paul), appropriates \$1.1 billion to address crime prevention and corrections throughout the state. Kelly said the bill is a true bipartisan effort that attempts to strike a balance between law enforcement and prevention efforts. The bill represents a 13 percent increase over for the biennium, Kelly said. He added that spending for judicial information systems is one of the major items contained in the bill.

The measure also contains provisions creating a criminal gang strike force, providing for a coordinated and integrated statewide criminal and juvenile justice information system, setting up a work program at Camp Ripley for adult male nonviolent first-time offenders, and providing for a weekend camp program at Camp Ripley for first or second-time male juvenile offenders. The measure also provides for a Crime Prevention Innovation Office in the Dept. of Public Safety to administer grants, incorporates changes relating to children in need of protection or services recommended by the Supreme Court Task Force on Foster Care and Adoption, specifies a blood alcohol level of .08 for DWI purposes, provides for an arson strike force, provides for a request for proposals for the operation of a juvenile correction facility at Sauk Centre by a

private company, and specifies that state operation of the facility at Sauk Centre ends June 30, 1998. The measure also contains language that provides for continued health insurance coverage to peace officers or their dependents if the officer is killed or disabled in the line of duty, provides for increased penalties for various crimes and sets up a pilot program for dealing with cases in which domestic abuse is committed by a juvenile.

Members offered a series of amendments to the measure. The first amendment, offered by Sen. Douglas Johnson (DFL-Tower), specifies that the state pay for any additional costs incurred by local units of government as a result of lowering the blood alcohol level to .08 for DWIs. Johnson said that the bill amounted to an "unfunded mandate" on local governments because there would be increased costs associated with prosecuting drivers at the lower standard. Sen. John Marty (DFL-Roseville), argued against the amendment and said that the lower standard might actually reduce costs for local governments because people will change their behavior and not drive after drinking. Kelly also argued against the amendment. He said that the amendment provided a standing open appropriation and that members had no real idea of what the costs, if any, will amount to. Johnson responded that efforts to reform the property tax system are hampered by bills that "bulge out" the property tax system. The amendment was adopted on a 41-23 roll call vote.

A second amendment dealing with the .08 blood alcohol level also sparked debate. Sen. Dallas Sams (DFL-Staples) offered an amendment specifying that the .08 level only apply to second or subsequent DWI offenses. Sams said that the real problem is repeat offenders and that the bill does not address the problem. Marty argued that the bill as originally drafted would have more of a deterrent effect on behavior. Sen. Dick Day (R-Owatonna), spoke for the bill and said that the amendment was an improvement to the measure. The amendment was adopted 39-28.

The third amendment to generate discussion, offered by Sen. Thomas Neuville (R-Northfield), specifies that persons convicted of a third felony assault against a person be sentenced for additional time, to be suspended as a condition of probation and that the person would be on lifetime probation. After members raised questions about the costs for additional probation officers, Neuville further amended the amendment to specify that the Dept. of Corrections include the additional costs in its budget for the appropriate biennium. He estimated that the costs will not be incurred for about five years. The amendment was adopted. The bill was granted final passage on a 62-3 roll call vote.

# Committee update

## Transportation budget bill okayed

Senators also considered the omnibus transportation budget bill at the Mon., Apr. 14, floor session. The measure, carried by Sen. Janet Johnson (DFL-North Branch), appropriates a total of \$2.94 billion from all funds for transit and highways. Johnson said that in assembling the bill, the Transportation Budget Division followed the governor's recommendations for the most part. The major exception, Johnson said, was that the bill does not fund the increase in state troopers the governor requested. She said that if a transportation funding package is successful, that the increase in the number of troopers might be included in the proposal.

The bill provides for \$32.5 million increase each year for state roads. However, Johnson said the funding does not match the level of increases that occurred in the 1980s. Johnson also said the funding for Greater Minnesota transit represents maintenance of current levels rather than an increase.

Debate on the measure centered on a proposal for a congestion pricing demonstration project on I 394. Sen. Jane Ranum (DFL-Mpls.) offered an amendment specifying that the communities involved in the demonstration project must approve of the project before it could go forward. Ranum said that amendment allows more participation by affected communities and provides for the engagement of the public in the debate. Sen. Sandra Pappas (DFL-St. Paul) countered that the amendment allows one community to hold the entire demonstration project hostage. The amendment was supported, though, by Sen. Steve Kelley (DFL-Hopkins) and Sen. Edward Oliver (R-Minnetonka), who both said that fairness dictated involvement of the local communities. The amendment was adopted on a 40-24 roll call vote. The bill was granted final passage on a 63-0 vote.

## Higher ed bill passed

Members also debated the omnibus higher education budget bill. The measure, carried by Sen. LeRoy Stumpf (DFL-Thief River Falls), provides funding for the University of Minnesota, MnSCU, the Higher Education Services Office and the Mayo Medical Foundation. Stumpf said the bill contained a strong commitment to student financial aid and to technology development and implementation. Total funding amounts to \$2.4 billion for the biennium, Stumpf said. He said that the total represents about an 8.3 percent increase over the biennium. In addition, he said that under the bill, the University of Minnesota receives 45 percent and the MnSCU system receives about 33 percent in new funding.

Debate centered on an amendment, offered by Sen. Steven Morse (DFL-Dakota), shifting \$9.5 million from the

University to the MnSCU system. Morse said that the amendment equalized the percentages—but not the dollars—going to the two systems. In addition, Morse said that the MnSCU system has more students and deserved a greater percentage of the funding. Steve Kelley (DFL-Hopkins) countered that the U has a larger operating budget and needs the funding to regain national stature. After considerable debate, Morse withdrew the amendment.

An amendment, offered by Sen. Kenric Scheveel (R-Preston), to delete a section providing help for the repayment of loans by law school graduates who work for Legal Aid organizations sparked considerable discussion. The amendment was opposed by Sen. Leo Foley (DFL-Anoka) who said that the lawyers working for Legal Aid organizations were paid very low salaries and needed help with law school loans. Sen. David Ten Eyck (DFL-East Gull Lake) also opposed the amendment and said that the Legal Aid organizations were often the only ways that low income individuals have access to equal representation. The amendment failed on a 17-45 roll call vote.

The bill was granted final passage on a 62-0 roll call vote.

## Tuesday, April 15

### Early childhood bill reviewed

The omnibus bill of the Family and Early Childhood Budget Division was reviewed in the morning portion of the floor session Tues., Apr. 15.

The bill, S.F. 1858, was presented by Division Chair Sen. Pat Piper (DFL-Austin). Piper described the funding components of the bill. A total of \$393.4 million is appropriated to the various agencies under the bill, in line with the governor's request. The omnibus bill calls for \$93.4 million to be appropriated to early childhood programs, \$2 million below the governor's recommendation. Funding for community and prevention programs is set at \$72.5 million under the Senate proposal. Self-sufficiency initiatives are budgeted at \$27.3 million, \$2.9 million above the governor's request. The bill concurs with the governor's budget for child care.

Under the terms of the bill, Head Start programs are appropriated \$40 million for the biennium. A total of \$95,000 over the governor's request is added to adult graduation aid for a high school diploma assistance program. After school enrichment grants are appropriated \$5.9 million, \$1 million below the governor's recommendation. A request for an early intervention program for children age 6 through 12 is not funded in the bill. Funded initiatives not requested by the governor include \$1 million for adolescent parenting grants, \$357,000 for the Willmar Child Guide Prevention program

and \$1.8 million for ESL training as part of the Citizenship Promotion program. Piper said, "We wanted to be sure that we did everything we could to help those affected by welfare reform. We're appropriating \$3 million to food banks for the biennium, \$1.6 million more than the governor requested. Transitional housing will receive \$4.7 million."

Sen. Claire Robling (R-Prior Lake), offered a proposal for an at-home infant child care program. Under the terms of her amendment, a parent who chose not to work could receive up to \$200 for at-home infant child care. Piper said, "While the program is worth exploring, we need time to look at tax issues, the effect of the program on human services and implications for federal funding. I think we should take it up in the next session." Robling withdrew her amendment. Sen. Michelle Fischbach (R-Paynesville), proposed an amendment to a section establishing the Minnesota Adolescent Parenting program, a program that assists pregnant and parenting adolescents with career counseling, family planning counseling and parenting skills education. The Fischbach amendment defines pregnancy prevention as preventing fertilization from occurring. Fischbach said, "I would like to make it clear that this program does not and can not include abortion services." Piper said, "These programs do not include abortion referrals. I don't think this language is necessary." Sen. Sheila Kiscaden (R-Rochester), said, "I have a problem with the language of the amendment. Since some birth control methods are effective after fertilization, this proposal would prohibit them. I don't think we should be establishing birth control policy." Kiscaden proposed language stating the program "does not include abortion services." The Fischbach amendment as originally offered did not pass. Kiscaden's amendment to the Fischbach proposal was approved. In order to await House action on the companion bill, Piper moved the Senate bill as amended be laid on the table for further consideration.

In other business, sixteen bills on General Orders were approved. A number of bills generated discussion. S.F. 960, authored by Sen. Linda Berglin (DFL-Mpls.), requires disclosure of health care provider financial incentives and establishes a consumer advisory board to monitor consumer health care insurance concerns. Berglin said, "This bill is a product of the efforts of consumer groups and health care providers who worked together to reach a consensus on consumer health care issues." Sen. Edward Oliver (R-Deephaven), asked, "Do we get a lot of complaints about health care? Everything I've read points to Minnesota's health care system as being among the best in the country." Berglin said, "This

proposal, including the 24-hour hotline, is about providing information and solving problems." The bill was approved. S.F. 566, presented by Sen. Jim Vickerman (DFL-Tracy), is the gambling omnibus bill. The bill restricts the authority of the Gambling Control Board to impose sanctions for illegal gambling against lawful gambling premises, allows for tournament card games and increases bingo maximums. Sen. Charles Berg (IND-Chokio), alluding to the section of the bill that allows for sanctions to be imposed against lawful gambling premises for illegal gambling only if the operator knowingly permitted the illegal activity, said, "The word 'knowingly' is difficult to prove. This puts a burden on the operators." Vickerman said, "The burden is on the Gambling Control Board to prove the operator knows about the illegal gambling." The bill was okayed.

### State government budget passed

The major piece of legislation considered by the body during the afternoon portion of the session was the state government omnibus bill, S.F. 1905, sponsored by Sen. Leonard Price (DFL-Woodbury). Price said the bill appropriates \$665 for legislative and general administrative operations.

Lengthy debate surrounded an amendment offered by Sen. Sheila Kiscaden (R-Rochester) appropriating \$3.6 million for the next biennium from the state lottery prize fund for compulsive gambling treatment programs. Sen. Arlene Lesewski (R-Marshall) said that 85 percent of all gambling is conducted at Indian casinos and asked how much tribal governments contribute to the fund. Sen. John Marty (DFL-Roseville) said that four years ago legislation was passed requiring the Administration Dept. to ask the tribal governments for a contribution, but that was never done.

Sen. Bob Lessard (DFL-Int'l. Falls) argued against the amendment, saying that the lottery is the least addictive form of gambling, and the appropriation will take money away from the Environmental Trust Fund. Minority Leader Dean Johnson (R-Willmar) countered Lessard's claim, saying that gambling addiction frequently starts with lottery tickets. Johnson said the amendment "is not perfect, but it's a good start." Majority Leader Roger Moe said that tribal casinos annually contribute \$100,000 to compulsive gambling treatment programs. The amendment was adopted on 57-7 roll call vote.

Extensive debate was generated by an amendment offered by Sen. Linda Scheid (DFL-Brooklyn Park) requiring local governments to disclose the amount of money they spend on lobbying the Legislature. Marty proposed an amendment to Scheid's amendment requiring more detailed information. Sen. Ember Junge (DFL-New

Hope) successfully challenged the germaness of Marty's amendment, whereupon Marty successfully challenged the germaness of Scheid's amendment.

After all amendments were considered, the Senate passed the bill on a 54-10 roll call vote.

## Wednesday, April 16

### Economic development bill passed

The second portion of the Wednesday floor session was highlighted by passage of S.F. 1909, the economic development omnibus bill. The measure's chief author, Sen. Tracy Beckman (DFL-Bricelyn), reviewed the major provisions contained in the bill. "If I were to say one thing about this bill, I would say this bill is about jobs and job creation," he said. The omnibus bill appropriates approximately \$404 million for the biennium to fund the departments of trade and economic development, employment services, and commerce.

Turning to amendments, Beckman offered an amendment that addresses the concerns expressed by members at a prior meeting in the Human Resources Finance Committee. He explained that the amendment does two things. "First, it is reasonable to send a strong message to the nonprofit community that we support them," Beckman said. Therefore, the amendment appropriates \$300,000 to the Minnesota Futures Fund, administered by the Minneapolis Foundation, to assist the nonprofit community with restructuring efforts as they struggle to adapt to changes following welfare reform, he said. Second, the amendment restructures the financing method for the proposed Center for Rural Policy and Development. The bill originally appropriated \$15 million to the center as an endowment but, instead, the amendment appropriates \$400,000 over the biennium for the center's operations costs. The amendment also makes \$300,000 available if matched by private funds. The Beckman amendment was adopted.

Sen. Steve Murphy (DFL-Red Wing) also offered an amendment that limits the number of years a person may serve on the Rehabilitation Advisory Council for the Blind to six years, or two terms. "There has been a stagnation of ideas on the council and with this amendment, we will gain new ideas and insight for blind persons," he said. The amendment prevailed on a 20 to 17 vote.

The economic development bill was approved on a 61 to 3 roll call vote and was also laid on the table to await the companion bill.

Members also granted final passage to a number of bills on the Senate Calendar and the Consent Calendar. Before adjourning, Sen. LeRoy Stumpf (Thief River Falls) gave an update to members on damage caused by the flooding of the Red River.

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Voice mail/order bills	296-2343
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211 Capitol	296-2314
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110 Capitol	296-2887
<b>Index, House</b>	
211 Capitol	296-6646
<b>Information, Senate</b>	
231 Capitol	296-0504
Toll free	1-888-234-1112
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175 State Office Building	296-2146
Toll free	1-800-657-3550
<b>Committee Hotline, Senate</b>	
<b>Committee Hotline, House</b>	
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G-1 Capitol	296-1119
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G-17 Capitol	296-4791
<b>Research, House</b>	
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<b>Revisor of Statutes</b>	
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<b>Capitol Historic Site Program (tours)</b>	
B-59 Capitol	296-2881
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# Flooraction

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## **Bills granted final passage under Suspension of Rules Friday, April 11**

**H.F. 2132-Stumpf:** Extends income tax deadline from April 15 until May 30 for persons in counties that have been declared flood disaster areas.

## **Bills granted preliminary passage on General Orders Friday, April 11**

**S.F. 444-Johnson, D.H.:** Dept. of Corrections housekeeping bill.

**S.F. 1583-Hottinger:** Sets state policy for regulatory rules and programs of agencies and regulates obsolete, unnecessary or duplicative rules.

**S.F. 354-Belanger:** Changes the membership of the Environmental Quality Board.

**S.F. 1072-Kleis:** Modifies a requirement for operating an emergency vehicle.

**S.F. 193-Murphy:** Makes a technical correction to ensure a vehicle driver is held liable for knowingly driving the vehicle without insurance.

**S.F. 1136-Solon:** Transfers responsibility for a family practice residency program from the city to the Duluth economic development authority.

**S.F. 1179-Hanson:** Authorizing state and local authorities to issue annual overwidth permits for certain snowplowing vehicles.

**S.F. 1025-Junge:** Changes the notice period relating to impounded vehicles in custody.

**S.F. 1363-Hottinger:** Creates a commission to examine state subsidy programs and tax laws related to economic development.

**S.F. 1431-Anderson:** Adds an exception to the crime of female genital mutilation for certified nurse midwives.

**S.F. 339-Metzen:** Omnibus banking bill.

**S.F. 1207-Kleis:** Creates the site selection committee to recommend sites for future correctional facilities.

**S.F. 448-Janezich:** Expands membership on the mineral coordinating committee and establishes the aggregate resources task force.

**S.F. 1621-Lourey:** Modifies provisions for family planning special project grants and repeals the ENABL program.

**H.F. 1861-Johnson, D.E.:** Limits entry into facilities in which confined farm animals are kept.

**S.F. 1312-Foley:** Implements the Federal Communications Commission requirement for wireless enhanced 911 service and establishes a method of determining the primary answering point for wireless 911 calls.

**H.F. 1187-Johnson, D.E.:** Authorizes the city of Buffalo Lake to negotiate contracts for a specific project without competitive bids.

**S.F. 117-Betzold:** Adding an exclusion to the tort claims act for military property.

**S.F. 1599-Morse:** Authorizes the private sale of surplus state land in Houston County.

**S.F. 756-Johnson, D.H.:** Prohibits landlords from penalizing tenants for seeking police or emergency assistance.

**S.F. 1513-Hottinger:** Modifies and expands provisions for sanctions in civil actions.

**S.F. 495-Novak:** Requires health insurance coverage for diabetes outpatient self-management training and education.

**S.F. 1115-Novak:** Repeals the hazardous products labeling law.

**S.F. 236-Foley:** Allows evidentiary use of accident reports by peace officers.

## **Bills granted final passage on the Senate Calendar, Friday, April 11.**

**S.F. 612-Wiger:** Permits the appointment of the recorder and auditor-treasurer in Washington County. 51-10

**H.F. 379-Oliver:** Regulates securities and authorizes small corporate offering registrations. 62-0

**H.F. 601-Vickerman:** Authorizes boundary commissions. 62-0

**S.F. 1146-Solon:** Authorizes the creation of a nonprofit corporation and the transfer of all of the assets and liabilities of the Miller-Dwan Medical Center to the nonprofit corporation. 62-0

**S.F. 309-Stevens:** Authorizes the transfer, sale and conveyance of various tax-forfeited lands bordering on public waters. 62-0

**S.F. 154-Frederickson:** Limits liability for injury related to certain food donations to the state and political subdivisions. 59-0

**S.F. 330-Spear:** Provides limits on liability of private corrections treatment facilities that receive patients under court or administrative order. 61-0

**S.F. 652-Kiscaden:** Establishes a task force to study treatment options for autism. 61-0

**S.F. 1094-Scheid:** Regulates compensation paid by licensees to tenants for referrals. 62-0

**S.F. 868-Higgins:** Removes the sunset relating to state licensing of Minneapolis building contractors. 62-0

**H.F. 90-Johnson, J.B.:** Allows an exemption from commercial driver's license requirement for certain snowplow operators. 62-0

**S.F. 574-Scheid:** Allows personal assistants to aid anglers with disabilities without having to purchase a fishing license. 61-0

**S.F. 122-Robertson:** Requires notification of placement or adoption of a child to the other birth parent; requires background checks for adoption; provides for recognition of adoptions which occurred in a foreign country; and defines when adoption records become public records. 62-0

**S.F. 517-Ranum:** Modifies a provision governing access to the identity of unwed mothers by family services collaboratives. 61-0

**S.F. 329-Dille:** Modifies provisions of the lien for veterinary services. 63-0

**S.F. 1091-Lourey:** Clarifies and expands activities of the Ombudsman for Older Minnesotans statewide. 62-0

**S.F. 355-Limmer:** Expands coverage for crime victims reparations to include Minnesota residents who are victims of terrorist acts committed outside of the United States. 63-0

**S.F. 375-Belanger:** Expands the crime of fleeing a peace officer and adds a definition of "motor vehicle" to certain sections of law. 63-0

**S.F. 755-Flynn:** Authorizes meetings of governmental bodies by interactive television if certain criteria are met. 62-0

**S.F. 277-Solon:** Omnibus liquor bill that makes numerous changes to laws governing the sale of alcoholic beverages. 62-0

**H.F. 835-Betzold:** Creates an exception for a separate annual audit of a county operated day training and habilitation program. 63-0

**S.F. 36-Sams:** Authorizes hospital districts to provide support services to persons not in need of nursing home care and authorizes a study of assisted living financing. 60-1

**S.F. 1155-Wiger:** Modifies provisions relating to mental health case management services for children and adults by extending the time period for review of individual community support plans and modifies rules extending the time period for updating the community support plans. 63-0

**S.F. 525-Pappas:** Modifies ownership restrictions for privatization of capital intensive public services and provides for the nonpublic status of internal competitive proposals. 63-0

**H.F. 958-Janezich:** Provides that St. Louis County may attach unorganized territory to the town of White without a petition of residents. 63-0

**S.F. 789-Flynn:** Creates a task force to study and make recommendations on judicial selection and retention. 62-0

**S.F. 772-Kelly, R.C.:** Clarifies and extends the jurisdiction of the ombudsman for corrections. 63-0

**S.F. 399-Lesewski:** Provides for the administration of certain employment and training services. 63-0

**S.F. 848-Flynn:** Modifies provisions relating to "slap suits" by creating a state court action for relief for damages caused by a federal court action that affects public participation by the plaintiff. 63-0

**S.F. 1646-Murphy:** Requires the commissioner of public service to collect and hold in escrow funds earmarked for the disposal of high-level radioactive waste. 60-1

**S.F. 1189-Ranum:** Creates a pilot project grant program to ward grants for juvenile assessment centers. 61-0

**S.F. 1027-Spear:** Changes procedures and terminology for presentence domestic abuse investigations. 63-0

**S.F. 555-Kelley, S.P.:** Authorizes creation of telecommunication services purchasing cooperatives. 63-0

**S.F. 1527-Hottinger:** Conforming state law to provisions of the Post-Assessment Property and Liability Insurance Guaranty Association Model Act of the National Association of Insurance Commissioners. 63-0

**S.F. 1715-Oliver:** Making changes in response to the federal Health Insurance Portability and Accountability Act. 63-0

**H.F. 1382-Langseth:** Modifies show boiler and engine provisions. 63-0

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**Bills granted final passage on Special Orders Monday, April 14**

- S.F. 1881-Johnson, J.B.:** Omnibus transportation budget bill.  
**S.F. 1888-Stumpf:** Omnibus higher education budget bill.  
**S.F. 1880-Kelly, R.C.:** Omnibus crime prevention judiciary bill.

**Bills granted final passage on the Senate Calendar Tuesday, April 15**

- S.F. 333-Berglin:** Relates to home care and modifies an exemption from the definition of provider; requires rules to include standards; establishes an assisted living home care provider license; and modifies reimbursement procedures for assisted living services under Medical Assistance and alternative care. 52-0  
**H.F. 556-Betzold:** Modifies provisions for unique identifiers for health care providers; group purchasers, and patients; modifies birth data provisions; limits access to certified copies of birth and death certificates; and requires a standardized format for birth and death certificates. 54-0  
**S.F. 1115-Novak:** Repeals the hazardous products labeling law and directs the Office of Environmental Assistance to include discussion of hazardous product labeling requirements in its review of the Waste Management Act. 60-4  
**S.F. 495-Novak:** Requires coverage for diabetes outpatient self-management training and education. 62-2  
**S.F. 1599-Morse:** Authorizes the private sale of surplus state land in Houston County. 54-0  
**S.F. 444-Johnson, D.H.:** Department of Corrections housekeeping bill. 55-0  
**S.F. 1136-Solon:** Transfers responsibility for a family practice residency program from the city to the Duluth Economic Development Authority. 59-0  
**S.F. 1183-Hottinger:** Sets state policy for regulatory rules and programs of agencies and regulates obsolete, unnecessary or duplicative rules. 58-0  
**S.F. 1072-Kleis:** Modifies a certain requirement for operating an emergency vehicle. 60-1.  
**S.F. 193-Murphy:** Makes technical correction to ensure vehicle driver is held liable for knowingly driving a vehicle without insurance. 61-0  
**S.F. 236-Foley:** Allows evidentiary use of accident reports by peace officers. 62-0  
**S.F. 1179-Hanson:** Authorizes state and local authorities to issue annual overwidth permits for certain snowplowing vehicles. 61-0  
**S.F. 1025-Junge:** Changes notice period relating to impounded vehicles in custody. 62-0  
**H.F. 1861-Johnson, D.E.:** Limits entry into facilities in which farm animals are kept. 62-0  
**S.F. 1363-Hottinger:** Creates a commission to examine and make recommendations on state subsidy programs and tax laws related to economic development. 61-0  
**S.F. 1431-Anderson:** Adds an exception to the crime of female genital mutilation for certified nurse midwives. 62-0  
**S.F. 448-Janezich:** Expands membership on the mineral coordinating committee and establishes the aggregate resources task force. 62-1  
**S.F. 1207-Kleis:** Creates the site selection committee to recommend sites for future correctional facilities. 63-0  
**S.F. 1621-Lourey:** Modifies provisions for family planning special project grants and repeals the ENABL program. 63-0  
**S.F. 1312-Foley:** Implements the federal communications commission requirement for wireless enhanced 911 service and establishes a method of determining the primary answering point for wireless 911 calls. 64-0  
**S.F. 1513-Hottinger:** Modifies and expands provisions for sanctions in civil actions. 64-0  
**S.F. 117-Betzold:** Adds an exclusion to the tort claims act for damages occurring on property owned by the military. 64-0  
**H.F. 1187-Johnson, D.E.:** Authorizes Buffalo Lake to negotiate contracts for a specific project without competitive bids. 64-0

**Bills granted final passage on the Consent Calendar Tuesday, April 15**

- H.F. 763-Moe, R.D.:** Designating Zion Lutheran Church and cemetery as a historic place. 65-0  
**H.F. 566-Lessard:** Extends an exemption from enforcement of law granted by the Board of Government Innovation and Cooperation during calendar year 1996. 64-0  
**H.F. 1067-Sams:** Memorializes the President, Congress and the Secretary of Agriculture to design and implement adjustments to the federal milk marketing order system that are equitable to Minnesota's family dairy farmers. 65-0  
**S.F. 1833-Ten Eyck:** Provides that issuance of a certain permit does not make a county liable for certain injuries. 65-0

**Bills granted final passage on Special Orders Tuesday, April 15**

- S.F. 1905-Price:** Omnibus governmental operations budget bill. 54-10

**Bills granted preliminary passage on General Orders Tuesday, April 15**

- S.F. 1722-Sams:** Defines pharmacy technician.  
**S.F. 960-Berglin:** Prohibits contracts that restrict communication between health care providers and their patients; requires disclosure of health care provider financial incentives; requires health plan companies to provide continuity of care and access to specialty care for certain enrollees; prohibits certain exclusive arrangements; and establishes a consumer advisory board.  
**S.F. 813-Ranum:** Provides for the transfer of custody to a relative by a consent decree; authorizes communication or contact agreements between adoptive parents and birth relatives; and provides for a relative conference and relative care agreement following a report of child abuse or neglect.  
**S.F. 747-Knutson:** Provides a uniform process for children in need of protection or services petitions; provides notice in voluntary placements; provides for access to certain data on children; provides for contact and communication agreements in adoption; modifies reasonable efforts requirement when a child has been placed outside the home; modifies time requirements for permanency planning; and modifies grounds for termination of parental rights.  
**S.F. 1037-Belanger:** Permits the appointment of the auditor, recorder and treasurer in Scott County.  
**S.F. 1114-Kelly, R.C.:** Increases tort liability limits relating to claims against governmental units.  
**S.F. 1720-Terwilliger:** Permits the cities of Bloomington, Chanhassen, Eden Prairie, Edina and Richfield to issue bonds for a joint training facility.  
**S.F. 566-Vickerman:** Omnibus gambling bill.  
**S.F. 432-Hanson:** Modifies execution and consent requirements for designated caregiver agreements.  
**S.F. 597-Lourey:** Establishes an alternative grant application process for categorical social service programs in Pine County.  
**S.F. 421-Ranum:** Clarifies grant limitations relating to early childhood learning and protection facilities.  
**H.F. 645-Scheid:** Provides a uniform minimum definition of medically necessary care for mental health coverage in health plans.  
**H.F. 1045-Kelly, R.C.:** Prohibits a surcharge for an automobile accident in which the insured is a passenger in a bus, taxi, or commuter van; prohibits discrimination in automobile policies based on coverage; and removes a surcharge for the automobile theft prevention program.  
**S.F. 951-Stumpf:** Authorizes the county board to assign certain duties of the county auditor and treasurer.  
**S.F. 1669-Stevens:** Permits the combining of the offices of auditor and treasurer in Benton County and permits appointment to the office and to the offices of recorder and coroner.  
**S.F. 244-Kiscaden:** Allows physicians to prescribe and administer controlled substances in cases of intractable pain.  
**H.F. 108-Janezich:** Provides for the protection of health insurance benefits for certain Range Technical College employees.  
**S.F. 683-Janezich:** Requires notice before dissolution of self-insured employee benefit plans.  
**H.F. 156-Ten Eyck:** Regulates filing fees and procedures for the Office of Secretary of State.  
**H.F. 356-Marty:** Authorizes consideration of cost as a criterion in the designation of newspapers for official publication.

## **Senate Publications**

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### **Bills granted concurrence and repassage Tuesday, April 15**

**S.F. 458-Higgins:** Changes to the fire escrow law; clarifies the right to escrow for certain losses in certain cases. 63-0

### **Bills granted final passage on Special Orders Wednesday, April 16**

**S.F. 1907-Morse:** Omnibus environment and agriculture budget bill. 61-4

### **Bills granted final passage under suspension of rules Wednesday, April 16**

**S.F. 1909-Beckman:** Omnibus economic development budget bill. 61-3

### **Bills granted final passage on the Senate Calendar Wednesday, April 16**

**S.F. 1722-Sams:** Defines pharmacy technician. 65-0

**S.F. 960-Berglin:** Prohibits contracts that restrict communication between health care providers and their patients; requires disclosure of health care provider financial incentives; requires health plan companies to provide continuity of care and access to specialty care for certain enrollees; prohibits certain exclusive arrangements; and establishes a consumer advisory board. 60-0

**S.F. 813-Ranum:** Provides for the transfer of custody to a relative by a consent decree; authorizes communication or contact agreements between adoptive parents and birth relatives; and provides for a relative conference and relative care agreement following a report of child abuse or neglect. 62-0

**S.F. 747-Knutson:** Provides a uniform process for children in need of protection or services petitions; provides notice in voluntary placements; provides for access to certain data on children; provides for contact and communication agreements in adoption; modifies reasonable efforts requirement when a child has been placed outside the home; modifies time requirements for permanency planning; and modifies grounds for termination of parental rights. 62-0

**S.F. 1037-Belanger:** Permits the appointment of the auditor, recorder and treasurer in Scott County. 65-1

**S.F. 1114-Kelly, R.C.:** Increases tort liability limits relating to claims against governmental units. 65-0

**S.F. 1720-Terwilliger:** Permits the cities of Bloomington, Chanhassen, Eden Prairie, Edina and Richfield to issue general obligation bonds for a joint training facility. 64-1

**S.F. 566-Vickerman:** Omnibus gambling bill. 58-9

**S.F. 432-Hanson:** Modifies execution and consent requirements for designated caregiver agreements. 67-0

**S.F. 597-Lourey:** Establishes an alternative grant application process for categorical social service programs in Pine County. 67-0

**S.F. 421-Ranum:** Clarifies grant limitations relating to early childhood learning and protection facilities. 65-0

**H.F. 645-Scheid:** Provides a uniform minimum definition of medically necessary care for mental health coverage in health plans. 67-0

**H.F. 1045-Kelly, R.C.:** Prohibits a surcharge for an automobile accident in which the insured is a passenger in a bus, taxi, or commuter van; prohibits discrimination in automobile policies based on coverage; and removes a surcharge for the automobile theft prevention program. 67-0

**S.F. 951-Stumpff:** Authorizes the county board to assign certain duties of the county auditor and treasurer. 65-1

**S.F. 1669-Stevens:** Permits the combining of the offices of auditor and treasurer in Benton County; permits appointment to the office and to the offices of recorder and coroner. 60-7

**S.F. 244-Kiscaden:** Allows physicians to prescribe and administer controlled substances in cases of intractable pain. 67-0

**H.F. 108-Janezich:** Provides for the protection of health insurance benefits for certain Range Technical College employees. 66-0

**S.F. 683-Janezich:** Requires notice before dissolution of self-insured employee benefit plans. 66-0

**H.F. 156-Ten Eyck:** Regulates filing fees and procedures for the Office of Secretary of State. 66-0

**H.F. 356-Marty:** Authorizes consideration of cost as a criterion in the designation of newspapers for official publication. 63-3

### **Bills granted final passage on Special Orders Thursday, April 17**

**S.F. 1908-Samuelson:** Omnibus health and human services budget bill. 66-0

### **Bills granted concurrence and repassage Thursday, April 17**

**S.F. 539-Frederickson:** Relates to George Mann Memorial Highway and designates the Augie Mueller and Don Rickers Memorial Highways. 60-4

**S.F. 1527-Hottinger:** Conforms state law to provisions of the Post-Assessment Property and Liability Insurance Guaranty Association Model Act. 61-0

### **Bills granted final passage on the Senate Calendar Thursday, April 17**

**H.F. 753-Metzen:** Omnibus banking bill. 58-3

**H.F. 255-Belanger:** Changes the membership of the Environmental Quality Board. 63-0

**H.F. 686-Johnson, D.H.:** Prohibits landlords from penalizing tenants solely for seeking police or emergency assistance. 64-0

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# Briefly

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*The Minnesota Senate Week in Review*

*April 25, 1997*

## **More flood aid okayed**

In the morning floor session Fri., Apr. 18, the Senate passed an emergency flood aid bill. The bill, S.F. 1894, appropriates an additional \$20 million from the Budget Reserve in the General Fund to assist victims of recent spring floods throughout Minnesota. "We want to send the strongest signal possible that the Minnesota Senate will do everything it can to alleviate the problems of those who are suffering at this time," said Senate Majority Leader Roger Moe (DFL-Erskine). Minority Leader Dean Johnson (R-Willmar) supported the bill and said, "The floods are having a tremendously negative impact on agriculture throughout the state. Some farmers aren't going to be able to get their spring planting done. They need our help." The bill passed unanimously. The Senate also passed the omnibus bill of the Family and Early Childhood Budget Division. H.F. 2147, the House Early Childhood bill, was amended with the language of S.F. 1858, and was passed as amended on a unanimous vote.

In other business, twenty-five bills on General Orders were passed. A few bills generated some discussion and controversy. Sen. Sam Solon (DFL-Duluth) presented H.F. 10, a bill that requires child protective devices in shopping carts. The bill calls for a percentage of shopping carts in grocery stores to be fitted with seatbelts. A number of Senators questioned the cost of implementing the requirements, and the bill was not approved. Sen. Deanna Wiener (DFL-Eagan) authored S.F. 865, a bill that regulates rent to own purchase agreements. The bill allows cost-of-lease services to be added to the cash price of goods in a rental-purchase agreement, expands the definition of cost-of-lease services, and exempts rent-to-own entities from compliance with the Consumer Services Act. Sen. John Hottinger (DFL-Mankato) offered an amendment reducing the amount a lessor can use as evidence of cash price from 2.4 times the actual cost to twice the actual cost of the property to the lessor. The motion was approved. Sen. Ember Reichgott Junge (DFL-New Hope), spoke against the bill and said, "This bill will subject the most vulnerable people, the people who can least afford it, to incredibly high interest rates and exorbitant prices. For example, at one place, after all the installments and fees are paid, a \$300 television cost \$1794. This is inexcusable." Wiener said, "Let's give consumers the

choice and the chance to purchase merchandise they might not otherwise be able to buy." The bill was approved and advanced to the Senate Calendar.

Sen. Kenric Scheevel (R-Preston), authored S.F. 569, a bill that increases speed limits for some farm vehicles from 25 to 35 miles per hour. Sen. Leo Foley (DFL-Anoka) offered an amendment raising the speed limit for most motor vehicles from 65 to 70 miles per hour on Minnesota's interstate rural highways and from 55 to 65 miles per hour on interstate urban areas. Concerned about the effects of the Foley amendment on his proposal, Scheevel progressed the bill. The bill was later okayed without the Foley amendment. Sen. Linda Schied (DFL-Brooklyn Park), presented S.F. 1170, a bill that allows 16 and 17 year-olds to participate in precinct caucuses. Schied said, "In these days of declining voter participation, this bill will get young people involved in the process and perhaps lead to a trend in increasing voter turnout." Wiener proposed an amendment limiting the privilege to 17 year olds. The proposal was approved, and the bill as amended was okayed. S.F. 724, authored by Sen. Janet Johnson (DFL-North Branch), is a transportation house-keeping bill requested by the Dept. of Transportation.

## **Tax bill debated**

After processing several bills on special orders, the Senate returned to the omnibus tax bill, S.F. 493, that had been progressed earlier in the morning of Tues, Apr. 22. Members immediately began offering a variety of amendments. Sen. Douglas Johnson, chief author of the bill, said he was not in favor of amendments that had a fiscal impact on the budgetary balance in the omnibus bill. Under the measure, money is set aside to allow for significant property tax reform and relief, and any amendments that divert money to other programs jeopardize the property tax effort, he said.

One of the unsuccessful amendments, offered by Sen. Gen Olson (R-Minnetrista), follows the advise of the Sales Tax Advisory Council and exempts the materials used to develop taxable services from the state sales tax. She said the amendment helps the state avoid tax pyramiding. After it was revealed to be a \$35 million expenditure, the amendment failed 23 to 37 on a roll call.

A second unsuccessful amendment, that was opposed by Johnson because of its fiscal implications, was offered by Sen. Roy Terwilliger (R-Edina). Terwilliger explained, "We have a huge budget surplus because we tax too much. We should prevent over collection in the future with not a tax rebate or a tax shift, but with a tax reduction." The Terwilliger amendment reduces the income tax rate from 6 percent to 4 percent on the first tier of income tax calculations. However, the amendment also failed on a 24 to 38 roll call.

Sen. Don Samuelson moved to reconsider the Larson amendment that had been adopted earlier that morning. The amendment limits the amount of annual property assessment increases to 5 percent or to the rate of inflation, the Consumer Price Index (CPI), whichever is lower. Samuelson said, "I voted for the amendment because I was under the impression that it did not shift any of the tax burden on to others. But after talking with others, I now understand that the amendment does shift the property tax burden." Members voted to reconsider the amendment and Sen. Dean Johnson (R-Willmar) asked Sen. Douglas Johnson what the cost of the Larson amendment would be. Douglas Johnson explained that the amendment's effect is to shift property taxes on to property owners--homeowners, renters, farmers, and businesses--that do not have an inflationary increase on their property. Though Sen. Edward Oliver (R-Deephaven) said he intended to offer an amendment to the amendment to expand the rate increase cap to the other "unprotected" property owners, Larson withdrew his amendment.

In other controversial business, Sen. Tom Neuville (R-Northfield) offered an amendment that specifies that two persons can only be considered married for income tax purposes if they are married to a person of the opposite sex--persons in same sex marriages are not considered married taxpayers. The amendment also excludes same sex marriages that are recognized by other states. Sen. Jane Ranum (DFL-Mpls.) questioned the germaness of the amendment, but Senate President Allan Spear (DFL-Mpls.) ruled that the amendment was germane to the bill. The amendment was then adopted on a 41 to 22 roll call.

Once debate concluded, the omnibus tax bill received its third reading and was laid on the table to await the arrival of the other body's version.

# Committee update

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## Children, Families and Learning

### Omnibus bill okayed

Thurs. Apr. 17, Sen. Lawrence Pogemiller (DFL-Mpls) presented the K-12 omnibus bill to the full Committee on Children, Families and Learning. The committee is co-chaired by Sen. Pat Piper (DFL-Austin), Sen. Leroy Stumpf (DFL-Thief River Falls) and Pogemiller.

After walking the committee through the bill, Pogemiller said the "Common Schools of Excellence" concept is the division's attempt to "try to deal with some of the governor's objectives."

Sen. Leo Foley (DFL-Anoka) asked for some clarification from Pogemiller, "My districts tell me they can't provide basic programs and instruments. This is a working man's district, the income is very low. We can't raise enough money on levies to counterbalance what some of the richer communities can do." Pogemiller replied that the Committee on Taxes is working on referendum caps.

Sen. Jane Krentz (DFL-May Township) successfully offered an amendment that was offered and defeated in the division. The amendment limits the scope of the Wide Area Network transportation project to special education students.

A school bus advertising proposal discussed but not included in the bill was successfully offered by Sen. Jerry Janezich (DFL-Chisholm). Anticipating biennial revenue of \$40 million, Janezich's amendment earmarks this amount for Head Start funding. Foley asked if colors would distract drivers and undo years of statutory bus safety regulation. Janezich argued that if specifications are narrowly drawn and ad contracts are uniformly negotiated statewide, it will minimize safety concerns. Piper, who chairs the Family and Early Childhood Education Budget Division, said, "Even with money put in Head Start, we are only funding half the need." On a division vote, the Janezich amendment was adopted 8-6.

S.F. 1925 was approved and re-referred to the Committee on Taxes.

## Education Finance

### K-12 omnibus passes

Sen. Lawrence Pogemiller presented S.F. 1925 to Chair Keith Langseth (DFL-Glyndon) and the Education Finance Committee Tues., Apr. 22.

In an attempt to address concerns

arising as the bill has traveled up from division, Pogemiller offered a major amendment. The amendment changes pupil weighting for first through third graders from 1.06 to 1.08, at a cost of \$16 million per year and cuts the original compensatory reduced lunch funding to one-third from one-half of the amount generated by a student eligible for free lunch, saving \$12 million. The amendment also places a cap on compensatory aid increase per student at \$300, saving \$1.2 million. Costs of the new provisions are funded with \$16 million taken from the "Common Schools of Excellence" proposal, leaving \$100 million. A crime prevention provision cut from \$2 per pupil to \$1 in the Committee on Taxes is provided at a compromise level of \$1.50 per student. One time aid for low spending districts is provided at \$20 per pupil. Pogemiller explained that between these changes and his earlier graduation rule acceleration appropriation, districts above the current referendum cap will receive an extra \$15 per student, districts with referenda below the cap will get \$35 per student and districts with no levy will get \$50 per pupil.

Pogemiller explained, "The swap is this, we take money out of free and reduced lunch calculation and put that into higher pupil weightings, subtracting from the bill's original free and reduced lunch amount but not from secondary pupil weightings." Langseth said he would rather see a 1.1 weighting, but that he appreciates the concession. The amendment was adopted.

When asked by Sen. Dean Johnson (R-Willmar) if he thought the bill adequately funds K-12 education, Pogemiller reminded the panel that the Senate bill far exceeds the governor's recommendations and the House bill amount. When Langseth suggested that \$100 million on the base would optimize school funding, Pogemiller said, "Looking at test results, no one in good conscience would say \$100 million will do it. As far as keeping the schools going the way they are, the governor doesn't think that's what we should do and I don't think that's what we should do."

Sen. Kenric Scheevel (R-Preston) offered an amendment collapsing funding formulas into a simple three-pronged system, allotting per pupil amounts for general education, special education and low-income compensatory funding. "We should start divvying it up as if a student

is a student," he said, "eliminating pupil weightings." Langseth agreed with Scheevel's intent but said, "To do this would require starting over. We're not going to do that this year" Pogemiller commented, "This amendment generally reflects where we are headed, consolidating the categoricals. We are not a school board and the school districts are not teachers. We need to figure out how to get the money into the hands of the educators who can do the work." Scheevel withdrew his amendment.

An amendment to delete language requiring the state to contract for advertising on school buses was offered by Sen. Cal Larson (R-Fergus Falls). In support of Larson, Sen. Claire Robling (R-Prior Lake) circulated ads from a magazine targeted at high schoolers, "I'm not sure, if we do this," she said "that we will be able to prevent these images from showing up on our school buses."

Testimony from the public safety commissioner bolstered Larson's position, as did that of an advertising law expert, who said the state constitutionally cannot require private entities to convey speech or expression that they do not agree with. "This is fatal and will die if challenged in court," he said. Despite the testimony, Sen. Jane Krentz (DFL-May Township) successfully amended Larson's amendment, upholding the advertising option, but making the language permissive, thus allowing for more discretion in the process.

The bill was approved and re-referred to the Senate floor.

## Governmental Operations and Veterans

### Pension uniformity okayed

A bill instituting pension uniformity among state employees was approved by the Governmental Operations and Veterans Committee, Thurs., Apr. 17. The committee, chaired by Sen. James Metzner (DFL-South St. Paul), also approved confirmations and okayed the Uniform Partnership Act.

S.F. 637, authored by Sen. Steven Morse (DFL-Dakota), makes pension costs and benefits uniform for state and public employers and employees. Morse said, "When we first started to look at pension uniformity, we had five major goals: providing uniformity in benefits and cost of living adjustments, improving benefit design, addressing funding

deficiencies, providing cost neutrality and pension reform. This was a combined effort among state agencies, labor representatives and municipal organizations." The bill provides uniform plan formula multipliers for determining benefits, uniform COLA provisions, changes in employee and employer contribution rates, and provides pension benefits for surviving spouses of fire and police department employees and establishes 66 as the normal retirement age for employees hired after June 30, 1989. The bill was approved and re-referred to the State Government Finance Committee. Sen. David Ten Eyck (DFL-East Gull Lake), presented S.F. 298, also known as the Uniform Partnership Act. The bill updates state law regarding partnerships. Van Eyck said, "This is the first major update in years. It includes recent case law interpretations and describes relationships between partners, specifies partnership rights and dissociation procedures." The bill was okayed and moved to the State Government Finance Committee.

The committee recommended a number of appointments for confirmation. Dennis E. McNeil, Bertha Anderson, Beverley Otterness, Susan Kiley and Stephen J. O'Connor were approved for confirmation to the Minnesota Veterans Homes Board of Directors. The committee recommended Mary Most Vanek for confirmation as Executive Director of the Public Employees Retirement Association. Recommended for confirmation to the state Board of the Arts were M. Judith Schmidt, Teresa Parker, Thomas L. Owens, Caroline Baillon, Robert Powless and Ellis Bullock. The committee also recommended Wayne Simoneau's appointment as commissioner of the Dept. of Finance.

## **Human Resources Finance**

### **Additional flood relief approved**

"It is important to assure the people throughout the state suffering from this flood, that we are doing everything we can. The people have been under an enormous amount of pressure, particularly in the western portion of the state, and this legislation will help alleviate some of that hardship," said Sen. Roger Moe (DFL-Erskine) as he presented S.F. 1894. At the Thurs., Apr. 17, Human Resources Finance Committee meeting, members approved and referred the bill to the floor. Under the measure, \$20 million is taken from the budget reserve in the general

fund to reimburse the counties, cities, and towns that have suffered damage as a result of the 1997 flood. Moe explained that this money will augment \$3 million that has already been appropriated under S.F. 114, the emergency snow removal bill that was passed and signed by the governor.

Jim Franklin, director of Emergency Management, Dept. of Public Safety, detailed the magnitude of the damage the flooded regions of the state have endured. "We are seeing substantially more damage than we did during the 1993 flood when the state incurred over \$100 million in infrastructure damage. Though we will not know the total damage amount for several months, this flood will surpass that amount," Franklin said. He also explained that the water saturated ground will prevent much of the necessary reconstruction to roadways, bridges, and sewer systems from beginning before the next snow this Fall.

Chair Linda Berglin (DFL-Mpls.) asked if the additional \$20 million is enough money to meet the needs of the impacted communities. Franklin answered, "In the long-term, probably not, but the money will certainly help us in the near future." He said the money is necessary to match the federal disaster relief aid that is now granted to the state.

Moe offered two amendments, both of which were adopted. The first affects the counties that have been designated federal disaster areas by making the homestead and agricultural credit aid payments available as soon as practicable. The second amendment grants a special construction moratorium exemption for a 49 bed nursing home facility located in Norman county that was destroyed by flooding.

In other business, members also advanced S.F. 457, authored by Sen. Don Betzold (DFL-Fridley), to the floor. He explained that the bill makes a number of changes to the Social Work Practice Act. One of the major modifications requires criminal background checks for social work license applicants, as well as a one-time check on current licenses. Once it was explained that the money needed to perform the background checks is contained in the omnibus crime bill, the measure was approved.

## **K-12 Budget Division**

### **Omnibus bill approved**

The K-12 Education Budget Division voted Thurs., Apr. 17, to approve the nearly \$7 billion omnibus bill presented by

Chair Lawrence Pogemiller (DFL-Mpls.).

The bill's provisions, when added to the \$337 million appropriated at the start of session to lift previous formula caps, account for \$1 billion over current expenditures. A total of \$113 million entirely buys back the revenue shift that occurred when the state borrowed from districts in the 1980s to maintain steady cash flow; \$100 million funds a base formula increase that will provide a guaranteed \$35 per pupil, a one percent increase each year. The bill provides \$92 million for technology initiatives, \$31 million of which will go to every school district on a per pupil basis. A \$50 million initiative sponsored by Sen. Jane Krentz (DFL-May Township), increases the amount of referendum revenue equalized by the state from \$315 per pupil to \$350, as well as undoing a part of the existing "Bauerly provision" that currently reduces state aid by \$100 per pupil in some districts with referenda. Under the bill, compensatory funding calculation is changed from AFDC rolls to free and reduced lunch eligibility in an attempt to more fully acknowledge, at a cost of \$64 million, the needs of the state's working poor.

Pogemiller spoke on the \$150 million provided for the "Common Schools of Excellence" provision. The provision is an attempt to counter the governor's tax credit proposal, which diverts money from the system. Pogemiller's proposal allows interested schools having a student population with at least 25 percent eligible for free and reduced lunch the opportunity to set up admission standards and advertise for students. A student desiring to attend the school receives a state certificate valued at \$6,000 or higher if the state is paying more for that student to attend public school. Compensatory aid follows the student who generates it, which could add value to the certificate of up to \$18,000.

The Senate provides more funding than the governor recommended on Limited English Proficiency programs, magnet schools, homeless student programs, school breakfast and first grade preparedness. The bill funds a "Learn and Earn" college incentive program authored by Sen. Allan Spear (DFL-Mpls.), an adolescent parenting program sponsored by Sen. Jane Ranum (DFL-Mpls.), an agriculture leadership program brought to the division by Sen. Dallas Sams (DFL-Staples) and funding for an advanced placement program requested by Sen. Martha Robertson (R-Minnetonka)

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The bill provides less than the governor's recommendations for site performance pay as well as grants for technological equipment. The Senate bill does not include the governor's education tax credits and deductions, and the Dept. of Children, Families and Learning budget is cut by \$5 million because the department did not bring graduation rule up to speed in time and within budget, said Pogemiller.

Panel reaction began with Education Finance Committee Chair Keith Langseth (DFL-Glyndon). Langseth said the \$35 in increased foundation aid per pupil is not enough to ensure the survival of schools in middle class districts with low property valuation. "These districts," he said "are only going to get a maximum of two percent." Pogemiller replied, "The other body has funded very few of the governor's initiatives and neither body aligns very well with the governor right now. Nobody has inflation in the base formula. It seems unrealistic to think we are going to spend this \$150 million on the base and that it's going to become law."

Computer runs on the compensatory aid switch revealed that some districts have higher AFDC numbers than reduced lunch participants. Under the new calculation, schools get full compensatory aid for free lunch students and 1/2 the reduced lunch pupils. Sen. Ember Junge (DFL-New Hope) observed that districts may not have identified students eligible for free and reduced lunch because the stakes for doing so have never been so high.

To compensate for the underfunding of districts with low property valuation or without referenda, Pogemiller successfully offered an amendment to put \$20 million into graduation rule compliance, weighting amounts in favor of these districts.

Junge expressed some doubt, "Why would we want to imply that working on the graduation rule is more important for a district without a referendum?" Sen. Jane Krentz (DFL-May Township) spoke for the slighted districts, "There are other districts getting compensatory aid, and Limited English Proficiency funding and desegregation aid and other categoricals."

Conversely, Sen. David Knutson (R-Burnsville) questioned the logic of funding a district that has not passed a referendum. "What does not having a referendum tell us? Does it tell us that people are poor? Or does it tell us that they don't trust the school board, or possibly that they are satisfied with their schools as they are?" Sen. Sandra Pappas

(DFL-St. Paul) suggested looking at test scores. "Maybe we should look at some of these districts with 35 to a classroom. Are they all suffering, or are some doing okay because they come from intact families and supportive environments?" She suggested that the extra money could perhaps be targeted to aid communities where children are not meeting graduation standards.

Langseth was not successful in offering an amendment allowing school boards in districts without referenda to levy up to \$100 per pupil. "I admit, it's a patch," he said, "but we need it because we're not funding inflation." Prior to the vote, Sen. Martha Robertson (R-Minnetonka) said that the state has built inflationary salary increases into teacher salary "steps and lanes" and gone on to fund even higher increases. "I get a little frustrated with this statement that we don't fund inflation," she said.

Some new provisions in the bill include adding funding for magnet programs, LEP, assurance of mastery programs and flood assistance. Professional teaching certification money is increased in the bill for more early reading readiness. Other provisions include the addition of a homework helpline and the combination of school nutrition and food service technology funding. An amendment, offered by Sen. Thomas Neuville (R-Northfield), allowing a charter school to be sponsored by a private college was not adopted.

The bill was approved and sent to the Committee on Children, Families and Learning.

## State Government Finance

### Land-use bill approved

The State Government Finance Committee okayed a land-use community planning bill Weds., Apr. 23. The committee, chaired by Sen. Richard Cohen (DFL-St. Paul), approved three other bills.

S.F. 738, authored by Sen. Jim Vickerman (DFL-Tracy), is a community-based land-use bill. Vickerman said, "This bill is the product of the efforts of Sen. John Hottinger (DFL-Mankato) and Sen. Steven Morse (DFL-Dakota), who each brought a land-use bill before the Local and Metropolitan Government Committee. They've been working with state agencies, municipal organizations, citizen groups and other organizations to come up with this compromise." The bill

establishes county and municipal community-based planning processes, sunsets the municipal board, establishes a pilot land-use project in Stearns County and establishes an alternative dispute resolution process. The bill was okayed and sent to the Senate floor.

Sen. Dennis Frederickson (R-New Ulm), presented H.F. 664, a bill that gives the Board of Water and Soil Resources the authority to accept federal grants, donations and gifts. The bill was approved and moved to the Senate floor. S.F. 1351, authored by Sen. Carol Flynn (DFL-Mpls.), requires insurance benefit provisions for MnSCU faculty be the same as those provided to other executive branch employees and modifies provisions governing collective bargaining within MnSCU. Flynn proposed an amendment providing for the use of arbitration in dispute resolution for firefighters. The amendment was approved, and the bill, as amended, was okayed and advanced to the Senate floor. Morse presented S.F. 1486, a bill that modifies various pension provisions for state employees. Morse pointed out a provision that includes seasonal employees of the Dept. of Revenue in general state employee retirement plan coverage. The bill was approved and sent to the Senate floor.

## Committee on Taxes

### Omnibus tax bill reviewed

The Committee on Taxes, chaired by Sen. Douglas Johnson (DFL-Tower), reviewed the income tax section of the omnibus tax bill, Thurs., April 17. That portion of the bill was explained by Sen. Steve Murphy (DFL-Red Wing).

Among its provisions, the income and sales tax section of the omnibus tax proposal allows individuals an income tax credit of 30 percent of the amount of a charitable contribution made to a nonprofit institution of higher education, allows a maximum tax credit of \$8,000 to job training programs hiring qualified program graduates, and clarifies that mail order businesses are those that sell tangible property or services ordered by facsimile or other electronic media.

The bill allows a refund of fuel taxes paid by a distributor of gasoline or special fuels sold for on-farm bulk storage, makes most food sold for immediate consumption subject to sales tax, clarifies that "storage" and "use" do not include warehousing property that is shipped into the state by common carrier for the

purpose of subsequent transportation and use outside of the state, and provides that all items that currently qualify as replacement capital equipment will be classified as capital equipment when purchased after Jun. 30, 1997.

The section also provides a sales tax exemption for purchases made by state veterans' homes and hospitals, exempts from the sales tax construction materials used to construct or improve a local government correctional facility mandated by law, and exempts from sales tax the donation to a nonprofit organization of a motor vehicle used exclusively for religious or other socially beneficial nonprofit activities.

The proposal's solid waste management section imposes a solid waste management tax on mixed municipal solid waste (MMSW) residential generators, political subdivisions, and multi-residential housing managers that provide waste management services without directly charging each multi-dwelling residence. The proposal also imposes a tax on commercial MMSW service-generators of 17 percent of the waste management service-costs paid by waste generators, and requires self-haulers to pay the same solid waste tax as commercial waste generators.

The proposal authorizes the commissioner of trade and economic development to allocate an additional \$1.5 million for tax reductions to enterprise zones located on the state's western border, and increases the budget reserve to \$522 million on July, 1, 1997.

Senators offered a number of amendments to the bill. Sen. Edward Oliver (R-Deephaven) offered an amendment to retain the Minnesota Twins within the state. His amendment involved private funding from general and limited partnerships, and public funding from the city of Minneapolis. The amendment did not prevail.

Other amendments included an amendment offered by Sen. William Belanger (R-Bloomington) deleting language stating that property used to provide recreation or amusement, or used to dispense goods or services, is not considered tax exempt property purchased for resale. Belanger said that the deletion would maintain current law upon which a pending Minnesota Supreme Court case is based.

Sen. John Hottinger (DFL-Mankato) offered an amendment, applicable to government operating expenses, deleting

the property tax referendum and substituting an income tax referendum based on an individual's tax liability.

Douglas Johnson (DFL-Tower) offered an amendment allowing tax increment "pooling" to pay debt service on bonds issued by the city of New Brighton, allowing the city of Deephaven to spend tax increments from one district for activities outside the district, and requiring the Department of Revenue to survey charitable contributions made to elderly assisted living facilities as an attempt to justify the preservation of the tax exemption for elderly care assisted living.

Sen. Linda Runbeck (R-Circle Pines) re-offered an earlier amendment allowing a reduced class rate for privately owned golf courses, open to the public, that are located within a county in which a competing, tax exempt, municipal or county golf course is located.

Sen. Steven Novak (DFL-New Brighton) offered an amendment exempting from sales and use tax materials used to construct facilities to produce alfalfa derived products or electricity, or to construct a cogeneration heating and cooling facility using wood waste as a primary fuel source. The committee adopted the amendments, and incorporated the provisions into the omnibus tax bill, S.F. 493

### **K-12 omnibus amended, approved**

The Committee on Taxes, chaired by Sen. Douglas Johnson (DFL-Tower) reviewed pertinent sections of the K-12 omnibus bill, presented by Sen. Lawrence Pogemiller (DFL-Mpls.) Fri, Apr. 18.

The panel discussed the K-12 bill's income tax surtax provision, mirrored in the tax omnibus bill, which allows school districts to hold referenda to levy for income taxes.

The bill was successfully amended by Sen. Sandra Pappas (DFL-St. Paul) to use funds originally dedicated to the bill's \$150 million "Common Schools of Excellence" program to fund a \$42 million lowering of property tax referenda statewide. Pogemiller, sponsor of the "Common Schools" proposal, countered with a successful attempt to restore some funding, capturing \$12 million from a crime prevention initiative in the bill that was originally sponsored by Sen. David Knutson (R-Burnsville). Pogemiller's amendment changed a \$2 per child crime prevention expenditure to \$1 per child. The amendment provides the "Common

Schools" with \$116 million.

The committee approved the bill and re-referred it to the Education Finance Committee.

### **Minnesota Care proposal heard**

The Committee on Taxes, chaired by Sen. Douglas Johnson (DFL-Tower), met Tues., Apr. 22 and reviewed the tax sections of the Minnesota Care bill, carried by Sen. Linda Berglin (DFL-Mpls).

Expansion of Minnesota Care coverage drew criticism from some members who said the health care program had been stretched beyond its original intent of providing affordable health care for low income families.

Among its provisions, the bill establishes a "federal contingency reserve" to protect basic health care service access in the event that federal funds for basic health care services are reduced. The bill also extends Minnesota Care coverage for single adults and households without children, establishes a senior citizen drug program making qualified senior citizens eligible for prescription drug coverage, includes restorative dental care, clarifies that "health care providers" means persons whose occupations are regulated by the state, no longer requires pharmacies to pay the 2 percent provider tax, and establishes a program to provide grants or loans to rural hospitals.

Sen. Pat Pariseau (R-Farmington) offered an amendment reducing the health care provider tax from 2 percent to 1 percent. Under current law, the tax is collected from state regulated health professionals and hospitals and is used to help fund the program. Berglin said that a provider tax reduction would eventually create a \$150 million structural deficit within the program. She said that the deficit would need to be recovered through some other funding source. The amendment was defeated on a vote of 11 to 10.

Sen. Edward Oliver (R-Deephaven) said that providers who pass the 2 percent tax on to health insurance companies may not receive tax reimbursement because insurance companies sometimes pay only a portion of provider's claims. He said that the current Minnesota Care surplus should allow for a reduction in the provider tax. He offered an amendment reducing the tax from 2 percent to 1.5 percent. The amendment failed on a vote of 12 to 10.

Sen. Linda Runbeck (R-Circle Pines) offered an amendment deleting the

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“federal contingency reserve” that acts as a cushion against decreased federal funding for basic health care services. Runbeck said that current reserve is more than adequate, and that continuation of the fund is costly and unnecessary. She said the reserve could be restored if the need arose. The amendment did not prevail.

Several Senators said they opposed expanding Minnesota Care coverage to single adults and households without children, but they offered no amendments.

Johnson told members that Minnesota Care has contributed to the quality of life within the state. He said that without the program many working people of all income levels would have no access to affordable health care. Johnson said that he approved of the program’s coverage extending to single working people, and he added that the floods in Northwestern Minnesota should remind members that no one is above hard times.

Sen. Sandra Pappas (DFL-St. Paul) offered an amendment temporarily exempting from the annual premium fee those individuals and families having incomes under 100 percent of the federal poverty guidelines. Pappas said the fee, although reasonable, may pose a hardship for impoverished and struggling families. The amendment failed, and the bill, as amended, was referred to the Human Resources Finance Committee.

## Thursday, April 17

### HHS omnibus bill okayed

On Thurs., Apr. 17, the Senate considered S.F. 1908, the health and human omnibus bill for the 1997 session. The measure’s chief author, Sen. Don Samuelson (DFL-Brainerd), said formulating the contents of the \$5.4 billion legislative package was not an easy task, primarily because seventy-five to eighty legislative proposals had been sent to the Health and Family Security Budget Division to be considered, totaling \$285 million dollars above the governor’s recommended budgetary target level. As for the bill itself, Samuelson said there are three major issues addressed—the governor’s General Assistance Medical Care (GAMC) proposal, nursing homes, and cost-of-living (COLA) adjustments. The governor proposed moving funding for GAMC out of the general fund and over to the health care access fund (HCAF). Samuelson explained that the

bill does not follow the governor’s recommendation because such a move would put HCAF into a deficit and people would then be dropped off of GAMC; keeping GAMC in the general fund costs \$55 million for the biennium. Second, he explained that the governor had recommended reducing nursing home reimbursement rates, and again the bill does not follow the governor’s proposal because “now is not the right time to reduce their operating budgets.” Therefore, the bill maintains all nursing home reimbursement rates at their current levels at a cost of \$8.3 million. Finally, Samuelson said the bill provides 5 percent COLAs for the “many thousands of employees who take care of our most vulnerable citizens.” He added that many of these health care service employees have not received COLAs for many years. Therefore, with nearly \$100 million in the budget before other proposals were even considered, it was difficult to prioritize the other decision items.

“There is a broad range of issues in our bill, work that is representative of many of our Senators. Sadly, there are many things that we were not able to fund, but we also had to deal with many federal government reductions. However, this bill is a very balanced proposal, and we did an outstanding job of meeting the needs of the citizens of this state,” Samuelson said.

The floor was then opened up to amendments. Sen. Roger Moe (DFL-Erskine) offered an amendment that takes necessary money out of the nursing home moratorium exception account in order to fund repairs to nursing homes damaged by the floods. Moe said that he did not know any specific amounts, but it has come to his attention that at least one home has been totally destroyed. He added that \$1 million is appropriated to the moratorium exception account and that his amendment would not bust the account’s budget. The amendment was adopted.

Sen. Tom Neuville (R-Northfield) offered an amendment that contains portions of the Defense of Marriage Act he had authored this session, along with technical language that would make Minnesota law conform to federal mandates. The amendment requires couples to list their gender on their marriage licenses, and it also specifies that only marriages between people of the opposite sex can be lawful. Finally, the amendment prohibits the recognition of

same sex marriages from other states. Sen. Linda Berglin (DFL-Mpls.) asked for a ruling on the germaness of the amendment. Neuville countered and said the amendment deals with the welfare of children and families and that only a portion of the amendment deals with marriage issues. Senate President Allan Spear (DFL-Mpls.) ruled that the amendment was not germane because “the omnibus bill does not deal with marriage licenses at all.” When Neuville appealed, the ruling was upheld 37 to 27 on a roll call vote.

Sen. Warren Limmer (R-Maple Grove) offered several amendments that provide increased data privacy to patients who would be registered under the proposed birth defects and immunization record registries. The first amendment prevents the transfer of birth defects data across state lines. Berglin opposed the amendment and said, “It is important to track birth defects to try and determine if there are environmental factors causing the defects. We serve people from other states, so it is important that we provide access to this information for other states.” Limmer explained that, while he was comfortable with the privacy protections provided under Minnesota law, he does not want other states to have access to information that could be used inappropriately. “As we move into the information age, there is great potential for misuse, and we do not want to create laws that can be used against people from outside this state,” he said. The Limmer amendment prevailed on a 35-29 roll call.

Later, Berglin returned to the birth defects registry debate by offering an amendment that allows the transfer of data across state lines as long as there is patient consent. The Berglin amendment was adopted.

In another amendment, Limmer explained he wants parents to be able to control the health records of their children. Therefore, he offered an amendment that prohibits the inclusion of immunization data in a centralized registry without a patient’s consent. In the case of children, this would require the consent of their parents. Berglin said she was also opposed to this amendment because the immunization record registry’s purpose is to protect the public’s health by giving health care providers, school districts, and day care centers quick access to a person’s immunization history. However, the Limmer amendment was adopted on a 37 to 28 roll call vote.

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In a unanimous roll call, the omnibus bill was passed with 66 votes.

## Friday, April 18

### Speed limits debated

During the afternoon floor session Fri., Apr. 18, members continued the debate on S.F. 724. The measure, sponsored by Sen. Janet Johnson (DFL-North Branch), is a Dept. of Transportation housekeeping bill. Sen. Deanna Wiener (DFL-Eagan) offered an amendment that expands the list of those exempted from noise pollution standards to include specific types of roadways. Sen. Sheila Kiscaden (R-Rochester) successfully amended a provision on to the Wiener amendment that excludes roadways passing through cities of the first class from noise standards. The amendment was then approved on a 38 to 15 roll call.

Sen. Leo Foley (DFL-Anoka) returned to the freeway speed limit increase amendment that he had offered earlier in the day to another bill but that had been ruled not germane. He re-offered the amendment that increases the speed limit to 70 miles per hour for freeways and expressways outside of major population areas and to 65 miles per hour within population areas greater than 50,000. A long debate ensued. Those in favor of the Foley amendment, like Kiscaden, argued that the majority of the driving public is already traveling at illegal speeds and persons trying to obey the speed limits create dangerous hazards. Sen. Carol Flynn (DFL-Mpls.) summarized the perspective of those opposed to the Foley amendment when she said she was concerned that many drivers will always break the speed limit no matter the speed limit and, by increasing the limits, the state would only be encouraging them to drive faster and be more reckless. Sen. Allan Spear (DFL-Mpls.) offered an amendment to the Foley amendment to limit the speed limit increase in urban settings to 60 miles per hour, but the Spear motion failed 24 to 28 on a roll call vote.

Sen. Mark Ourada (R-Buffalo) successfully offered an amendment to the Foley amendment that repeals a subdivision of law that grants the commissioner of transportation the blanket authority to set speed limit order throughout the state. After the Ourada amendment was attached and it became apparent that the Foley amendment had sparked a large amount of controversy, Foley withdrew

his amendment and the bill was progressed to allow time for more in-depth discussion.

## Monday, April 21

### Tax bill debated

The 1997 omnibus tax proposal dominated afternoon floor session discussion, Mon., Apr. 21. Sen. Douglas Johnson (DFL-Tower), the proposal's sponsor, said that S.F. 493, reflects a concerted effort by both parties to craft a tax reform proposal that is fair to all concerned. Johnson said that the proposal is not perfect, but he appealed to members to continue to put aside partisan issues and to maintain a spirit of constructive cooperation in reaching a finished proposal.

Johnson said the proposal offers Minnesotan \$604 million in property tax relief in 1998 and \$653 million in 1999, offers an annual school property tax reduction of \$400 million, provides \$246 million in homeowner's property tax relief, provides \$195 million in tax relief to renters and \$231 million in business property tax relief. The bill does not contain provisions for a \$700 million tax refund as proposed by the governor.

Following conclusion of a section by section description of the bill, Senators offered a series of amendments. Sen. William Belanger (R-Bloomington) offered an amendment providing Minnesotans a \$170 million income tax refund to be provided from the state budget surplus. Sen. Edward Oliver (R-Deephaven) supported the proposed amendment. He said that some of the \$240 billion surplus should be used for property tax reform and other necessary expenditures, but that the rest should be refunded to residents. The amendment failed.

Sen. David Knutson (R-Burnsville) offered an amendment deleting the business activities tax (BAT) section of the bill. Knutson said the BAT discourages business incentives within the state, taxes wages, and discourages health benefits for workers. Sen. Dean Johnson (R-Willmar) agreed with Knutson, and said the BAT was not good policy at a time when the state has a budget surplus. Johnson said that the tax would discourage any business from entering Minnesota. Sen. John Hottinger (DFL-Mankato) opposed the amendment. He said the BAT offers \$160 million in tax relief to businesses. Hottinger also pointed out that the BAT is an integral part of property tax relief provided in the

proposal. He said that the BAT is a more equitable way to tax Minnesota businesses. The amendment failed on a vote of 32 to 33.

Sen. Gen Olson (R-Minnetrista) offered an amendment increasing the federal income tax credit refund for dependents in grades K through 6 from \$650 to \$1,950 and from \$1,000 to \$3,000 for dependents in grades 7 through 12. She said the increase would cost approximately \$150 million. The amendment failed.

Sen. Janet Johnson (DFL-North Branch) offered an amendment reducing from \$46 million to \$30 million the amount of certificates of indebtedness that the Metropolitan Council may issue for replacement buses in the Metropolitan Area. The amendment was adopted. The bill was progressed pending further amendments.

In other action, members discussed a bill that would regulate rent-to-own businesses operating within the state. S.F. 865, authored by Sen. Deanna Wiener (DFL-Eagan), regulates rental purchase agreements, limits charges for cost of lease purchases and provides evidence of the "cash price." Wiener said the bill allows persons with poor or no credit rating to purchase products they could not otherwise purchase. Sen. Ember Reichgott Junge (DFL-New Hope) opposed the bill. Junge said such businesses charge usurious lease rates to individuals who can least afford to pay. She said that such rates, disguised as cost of lease services, and superseding current finance law, result in consumers paying several times a product's usual retail price. She said the bill goes against Minnesota's long standing practice of fairness and decency toward consumers. Members passed the bill on a vote of 34 to 31.

## Tuesday, April 22

### Tax bill reviewed

In a morning session Tues., Apr. 22, the Senate continued the review of the omnibus tax bill. The Senate also approved seven bills on general orders. In addition, members passed a resolution in support of Earth Day. Members also okayed the omnibus bill of the Environment and Agriculture Budget Division. H.F. 2150, with the language of S.F. 1907, was given final passage on a vote of 55-7.

S.F. 493, the omnibus tax bill, was then taken up for amendments and discussion. Sen. Gen Olson (R-Minnetrista) proposed an amendment that imposes a solid waste tax on owners of multiple residence

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buildings that generate solid waste. The motion was adopted. Sen. William Belanger (R-Bloomington), offered a proposal that requires the Dept. of Revenue to determine the equalized referendum market value for each school district for the determination of local tax rates. It also establishes a regional bargaining council for teachers to negotiate salaries and benefits for teachers and increases the maximum state refund of property taxes to homeowners. The motion failed.

Sen. Cal Larson (R-Fergus Falls), proposed an amendment limiting increases in market values on homes and apartment buildings to increases in the Consumer Price Index or 5 percent, whichever is lowest. Sen. Douglas Johnson (DFL-Tower), chief sponsor of the bill, said, "To vote for this amendment might be a good political vote, but it changes the bill. Other taxpayers will be paying the taxes reduced by this proposal." The motion was adopted on a vote of 42-20. Johnson then progressed the bill.

The Senate then moved to general orders. S.F. 724, presented by Sen. Janet Johnson (DFL-North Branch), is the MnDOT transportation housekeeping bill and had been progressed in an earlier session. Sen. Leo Foley (DFL-Anoka) proposed an amendment increasing the speed limit on Minnesota's rural interstate highways from 65 to 75 miles per hour and on the state's urban interstate highways from 55 to 65 miles per hour. Sen. Steve Dille (R-Dassel), offered an amendment to the Foley amendment making it a primary offense to not wear seat belts. The proposal was ruled not germane. Sen. Richard Cohen (DFL-St. Paul), proposed an amendment exempting from the amendment a portion of I-35E that maintains a 45 miles per hour speed limit. The motion was approved. Dille attempted again to amend the Foley amendment with another mandatory seat belt proposal, adding a provision that uses the proceedings of fines for violators of seat belt laws for driver safety education. This was also ruled not germane. The Foley amendment was approved on a vote of 43-19, and the bill, as amended, was okayed.

## Wednesday, April 23

### K-12 omnibus passes

In presenting his division's omnibus K-12 Education Budget Division bill to the floor Wed., Apr. 23, Sen. Lawrence

Pogemiller (DFL-Mpls.) prefaced his presentation with a plea for deference to what he said was the result of the "very open process" conducted by the division.

Pogemiller explained that, when added to the \$337 million appropriated at the start of session to lift previous formula caps, the bill increases K-12 spending to \$1 billion over current expenditures. The bill provides \$20 million for graduation rule enhancement, and gives much more funding for schools with low property valuation. The bill spends \$32 million on heavier first through third grade pupil weightings and also provides \$40 million to fund a statewide property tax referendum reduction. A total of \$100 million out of an original \$150 million is provided for Pogemiller's "Common Schools of Excellence" provision, which Pogemiller said is an attempt to offset the governor's tax credit proposal. "Common Schools is a market approach," he said, "and more in the spirit of what we do with tax dollars." After explaining the bill's \$64 million change in compensatory funding from AFDC rolls to free and reduced lunch eligibility, with reduced lunch rolls funded at 1/3 of the amount generated by a student receiving free lunch, and with a per pupil \$300 increase cap, he added, "We are clearly trying to target free and reduced lunch recipients, and clearly trying to target low property value districts"

The "Common Schools of Excellence" provision came under fire from both those who support a base formula increase and those objecting to the idea that private schools meeting certain criteria could become designated recipients of public funding. Sen. Steven Novak (R-New Brighton) offered an amendment to apply the \$100 million to the general formula. He asked members, "Do you want to spend money on a provision that will maybe affect 8,000 kids or one that will affect to 875,000 kids in every school district in this state?"

Pogemiller countered, "I think this is a false promise. I don't believe it will reduce class sizes, but it does create tails on spending that will be unacceptable to the governor. It eliminates one of the creative ideas in the bill and, effectively, we are rushing this up to the governor for a veto." Sen. John Marty (DFL-Roseville) spoke in support of the Novak amendment. "Schools do need to cover inflation. This gives them the basic amount of money to operate." Sen. Martha

Robertson (R-Minnetonka) reminded the body that "Common Schools" is a capped appropriation, while Novak's proposal would create a formula increase in current law." The amendment was not adopted on a roll call 36 - 26.

An amendment, offered by Sen. Keith Langseth (DFL-Glyndon), to change grade school weightings from 1.08 to 1.1, takes the necessary \$46 million per year out of "Common Schools," making it a pilot. After the amendment was defeated, Langseth offered a similar amendment that would leave common schools with \$18 million. This was also defeated 32-30.

Sen. Steve Kelley (DFL-Hopkins) offered an amendment to provide a \$20 per student reward for schools showing improvement of at least three percent on standardized tests. Sen. John Hottinger (DFL-Mankato) said such practices simply reward privilege. The amendment was not adopted.

Challenging "Common Schools of Excellence" on the grounds of constitutional ambiguity, Sen. Leonard Price (DFL-Woodbury) offered an amendment removing private schools as eligible recipients of the "Common School" funding. After conceding that the provision will almost surely draw a lawsuit, Pogemiller said, "If a family wants to place a child in a school that's diverse, that builds in collective bargaining, that follows the Human Rights Act, they should be able to do that. I would argue that some of our current public schools are not public schools. There is an entrance requirement based on income that allows people to live in that community. Minnesota schools are segregated by race and economics. No one is a stronger advocate of common education than I, but that is not what we have in Minnesota."

Sen. Ember Junge (DFL-New Hope) pointed out that charter schools must accept students on a first come first served basis. She added, "Minnesota law is clear, we can't use public dollars to advance religion." The Price amendment was defeated 33 to 30, and a later motion to reconsider was also defeated.

Sen. Mark Ourada (R-Buffalo) challenged the provision allowing advertising on school buses to fund Head Start. Ourada, citing a recent fatal school bus accident in Buffalo, said ads would be distracting and unsafe. Sen. Kenric Scheevel (R-Preston) supported Ourada, "If we were facing a budget shortfall, I could understand. We are facing a budget

surplus of 2.3 billion dollars. Why can't we take the money from somewhere else rather than turning our schools into moving billboards?" The amendment was defeated 31 to 29.

Other significant amendments to the bill include a provision offered by Sen. Roger Moe (DFL-Erskine) requiring schools to spend ten percent of state funding on early childhood and learning readiness, as opposed to the current one percent. Sen. Cal Larson (R-Fergus Falls) successfully offered a "chargeback" amendment, allowing post-secondary institutions to exact penalty funds when students need remediation. Sen. Edward Oliver (R-Deephaven) successfully offered an amendment preventing school districts from adopting a higher standard of passage than other districts on basic skills standardized tests. Sen. Warren Limmer (R-Maple Grove) successfully amended the bill to require parental permission for first grade preparedness home visits.

Sen. Jane Ranum (DFL-Mpls.) was unsuccessful in offering amendments lengthening compulsory school age.

Before the final vote, Sen. Gen Olson recalled the high-level discussions and "very thought-provoking times" experienced in the K-12 Education Budget Division over the course of the session, and recognized Pogemiller for advancing the formulation of the division's "mission statement." Olson then successfully amended that mission statement to include language prioritizing parental accountability. Before the final vote, Sen. Thomas Neuville (R-Northfield) also praised the mission statement and the willingness of Pogemiller to entertain bipartisan compromises, but cautioned that without the governor's tax credits, the bill is en route to a veto. The bill was given final passage 47-16.

## Thursday, April 24

### City to city aid bill okayed

On Thurs., Apr. 24, the Senate held session in order to process a number of bills. After dispensing with procedural business, members moved on to Special Orders and gave final passage to several measures.

S.F. 435, explained Sen. Leo Foley (DFL-Anoka), is a Dept. of Public Safety bill and modifies a number of provisions dealing with motor vehicles. Sen. Carol Flynn (DFL-Mpls.) offered an amendment to allow for a vehicle registration fee refund for any vehicle that is destroyed by

the flood. She explained that currently, in order for a person to claim their insurance payment for a flood damaged vehicle, he or she has to submit their title card and thereby making it impossible to get a refund for the registration fee. The amendment was adopted.

Sen. John Marty (DFL-Roseville) also offered an amendment that prohibits the sale of motor vehicle license agents and deputy registrars. He said that the agencies are state appointments to issue state licenses and the state should not allow the sale of the appointments. The Marty amendment was also attached and the bill was passed unanimously.

S.F. 1074, authored by Sen. Randy Kelly (DFL-St. Paul), designates 911 emergency response system police and fire dispatchers as essential employees. He said that the dispatchers are skilled professionals and serve as the hub in every public safety department in the state. "Their work is indispensable for the community and without their work, the agencies would shut down," Kelly said. He added that the bill affects approximately 1,000 workers and that the employees are not state workers, but are employees of local units of government.

Flynn said she opposed the measure because by designating the employees as essential workers, their right to strike is taken away. "The right to strike is an essential collective bargaining tool," she said. The bill, Flynn explained, takes the control to negotiate salaries out of the hands of the employees and the counties and places it in the hands of a third party arbitrator from outside of the community. This will result in disparate salaries between local government employees, she said.

Sen. Dan Stevens (R-Mora) said he supported the bill because the work of the dispatchers is so technical that the workers cannot be easily replaced if a strike occurs. He said it is a public safety issue and a matter of life or death to ensure the trained employees will be on the job. The measure was passed on a 49 to 7 roll call vote.

Sen. Linda Berglin (DFL-Mpls.) presented S.F. 1402, a bill that provides for increased penalties for crimes that are proven to be motivated by bias, such as by religion, race, or ethnicity. Sen. Claire Robling (R-Prior Lake) said she was concerned that the increased penalties will deter even more women from pressing charges against their boyfriends or husbands in instances of domestic

violence. Sen. Ellen Anderson (DFL-St. Paul) explained that conceivably the increased penalties in the bill could be used in a domestic assault case, but the prosecutor would not only have to prove the domestic assault, but would also have to prove that the attack occurred because of bias. Therefore, she said, it would be unlikely that a prosecutor would seek the increased penalties under the bill for domestic violence cases.

The Senate suspended the rules to allow for the introduction and passage of S.F. 1928. The bill's author, Sen. Jim Vickerman (DFL-Tracy), said, "This issue was brought to my attention last night. The bill clarifies for the State Auditor's Office that cities and counties may raise money for and provide assistance to other Minnesota cities and counties in the flood relief effort." He explained that the measure will allow counties to give police, fire, and medical personnel assistance, along with financial aid, to the areas that have been devastated by this year's flooding. The bill was unanimously passed.

### Conference committees begin

Senators completed work on all the major budget and tax bills this week. Attention now moves to the various conference committees as they work out differences between the Senate and House versions of the bills. Members are also spending long hours in daily floor sessions to process non-budget related bills.

For the latest information on floor session and conference committee schedules, please check the Legislature's world wide web site or contact the Senate Information Office at 296-0504 or 1-888-234-1112. The URL for the web site is: <http://www.senate.leg.state.mn.us>

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# Flooraction

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## **Bills granted under suspension of rules Friday, April 18**

**S.F. 1894-Moe:** Providing for an emergency appropriation for flood relief. 63-0

**H.F. 2147-Piper:** Omnibus early childhood education budget bill. 56-0

## **Bills granted preliminary passage on General Orders Friday, April 18**

**S.F. 865-Wiener:** Regulates rental-purchase agreements; modifies the definition of terms; provides evidence of the cash price of property; and limits charges for cost-of-lease services.

**S.F. 854-Higgins:** Provides rights and procedures for certain public employees of local government units who are displaced as a result of a transfer of the provision of services from one local government unit to another.

**H.F. 1075-Johnson, D.H.:** Regulates professional health services under the professional corporation act.

**H.F. 211-Day:** Authorizes the installation of extended area telecommunications service within combined school districts.

**H.F. 179-Ranum:** Provides for designation of advance health care directives on drivers' licenses and Minnesota identification cards.

**S.F. 569-Scheevel:** Clarifies tax exemptions for implements of husbandry and increases the speed limit for towing heavy farm trailers not equipped with brakes.

**H.F. 889-Krentz:** Provides for changes in rights of parties to mobile home park rentals.

**H.F. 949-Johnson, J.B.:** Makes manufacturers of electric relays or other electrical devices responsible for disposal costs of the devices.

**S.F. 351-Hottinger:** Assigns responsibility for legislative review of administrative rules to the Legislative Coordinating Commission.

**S.F. 780, Johnson, J.B.:** Modifies requirements for mercury testing in incinerator emissions.

**H.F. 1301-Wiger:** Defines the department's classified service under a merged Saint Paul and Ramsey County Dept. of Public Health.

**S.F. 1000-Kelley, S.P.:** Modifies certain Board of Psychology requirements relating to education and supervision.

**S.F. 890-Scheid:** Provides for regulation and licensing of motor vehicle brokers.

**H.F. 1123-Johnson, J.B.:** Establishes the practices of slamming and loading as consumer fraud and provides penalties and remedies.

**H.F. 704-Johnson, D.H.:** Exempts large electric power generating plant from certificate of need proceeding when selected by the PUC from a bidding process to select resources to meet utility's projected energy demand.

**S.F. 839-Belanger:** Modifies bond requirement for certain search firms.

**S.F. 157-Betzold:** Enacts, eliminates, continues, or modifies certain exemptions from the rulemaking requirements of the Administrative Procedure Act.

**S.F. 536-Berglin:** Adds to the definition of nuisance and the list of acts constituting a public nuisance.

**H.F. 591-Neuville:** Requires the commissioner of transportation to transfer certain easements to the city of Faribault.

**S.F. 1470-Berglin:** Modifies provisions concerning neighborhood revitalization programs.

**S.F. 1266-Vickerman:** Authorizes town electors to require the removal of snow or ice from town roads in certain circumstances.

**S.F. 1170-Scheid:** Authorizes minors to be elected a delegate or officer at the precinct caucus.

## **Bills granted concurrence and repassage Monday, April 21**

**S.F. 1116-Higgins:** Allows the use of certain Hennepin County facilities for commercial wireless service providers and allows the lease of sites for public safety communication equipment. 58-0

**S.F. 495-Novak:** Requires health coverage for diabetes outpatient self-management training and education. 59-0

## **Bills granted final passage on the Senate Calendar Monday, April 21**

**S.F. 865-Wiener:** Regulates rental-purchase agreements; modifies the definition of terms; provides evidence of the cash price of property; and limits charges for cost-of-lease services. 34-31

**S.F. 854-Higgins:** Provides rights and procedures for certain public employees of local government units who are displaced as a result of a transfer of the provision of services from one local government unit to another. 63-2

**H.F. 211-Day:** Authorizes the installation of extended area telecommunications service within combined school districts. 64-1

**H.F. 179-Ranum:** Provides for designation of advance health care directives on drivers' licenses and Minnesota identification cards. 65-0

**S.F. 569-Scheevel:** Clarifies tax exemptions for implements of husbandry and increases the speed limit for towing heavy farm trailers not equipped with brakes. 64-1

**H.F. 889-Krentz:** Provides for changes in rights of parties to mobile home park rentals. 65-0

**H.F. 949-Johnson, J.B.:** Makes manufacturers of electric relays or other electrical devices responsible for the waste management costs of the devices. 64-1

**S.F. 351-Hottinger:** Assigns responsibility for legislative review of administrative rules to the Legislative Coordinating Commission. 64-0

**S.F. 780, Johnson, J.B.:** Modifies requirements for mercury testing in incinerator emissions. 65-0

**H.F. 1301-Wiger:** Defines the department's classified service under a merged St. Paul and Ramsey County Dept. of Public Health. 65-0

**S.F. 1000-Kelley, S.P.:** Modifies certain Board of Psychology requirements relating to education and supervision. 64-0

**S.F. 890-Scheid:** Provides for regulation and licensing of motor vehicle brokers. 62-3

**H.F. 1123-Johnson, J.B.:** Establishes the practices of slamming and loading as consumer fraud and provides penalties and remedies. 64-0

**S.F. 839-Belanger:** Modifies bond requirement for certain search firms. 64-0

**S.F. 157-Betzold:** Enacts, eliminates, continues, or modifies certain exemptions from the rulemaking requirements of the Administrative Procedure Act. 65-0

**S.F. 536-Berglin:** Adds to the definition of nuisance and the list of acts constituting a public nuisance. 65-0

**H.F. 591-Neuville:** Requires the commissioner of transportation to transfer certain easements to the city of Faribault. 65-0

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**S.F. 1470-Berglin:**Modifies provisions concerning neighborhood revitalization programs. 65-0  
**S.F. 1266-Vickerman:**Authorizes town electors to require the removal of snow or ice from town roads in certain circumstances. 65-0  
**S.F. 1170-Scheid:**Authorizes minors to be elected a delegate or officer at the precinct caucus. 36-29

### **Bills granted final passage on the Consent Calendar Tuesday, April 22**

**S.F. 273-Lesewski:**Authorizes improvements at the Hastings, Luverne and Silver Bay Veterans Homes using donated funds. 59-0

### **Bills granted final passage under suspension of rules Tuesday, April 22**

**H.F. 2150-Morse:**Omnibus environment, agriculture and natural resources budget bill. 55-7

### **Bills granted final passage on Special Orders Tuesday, April 22**

**S.F. 1342-Krentz:**A resolution memorializing Congress to recognize Earth Day as a national day of service and education and establishing Earth Day as a state day of service and education. 56-0

**S.F. 724-Johnson, J.B.:**Dept. of Transportation housekeeping bill that includes raising speed limits. 47-10

**S.F. 97-Betzold:**Provides for the isolation and detention of persons with active tuberculosis who pose an endangerment to public health. 54-0

**S.F. 457-Betzold:**Modifies provisions relating to the Board of Social Work. 53-0

**S.F. 1122-Flynn:**Establishes an advisory council on local government roles and responsibilities. 48-3

**S.F. 513-Anderson:**Adds to the acts that constitute a nuisance and modifies nuisance remedies and procedures. 50-0

**S.F. 575-Runbeck:**Dept. of Employee Relations agency bill that modifies requirements for drug and alcohol testing and clarifies provisions on review of personnel records by employees. 53-0

**S.F. 512-Runbeck:**Omnibus Dept. of Employee Relations bill. 57-0

### **Bills granted concurrence and repassage Wednesday, April 23**

**S.F. 145-Runbeck:**Makes technical changes in provisions relating to reemployment insurance. 52-0

### **Bills granted final passage on the Senate Calendar Wednesday, April 23**

**H.F. 1075-Johnson, D.H.:**Regulates professional health services under the professional corporation act. 52-0

**H.F. 704-Johnson, D.H.:**Exempts large electric power generating plant from certificate of need proceeding when selected by PUC from a bidding process to select resources to meet utility's projected energy demand. 52-0

### **Bills granted final passage under suspension of rules Wednesday, April 23**

**H.F. 2158-Beckman:**Omnibus economic development bill. 55-6

### **Bills granted final passage on Special Orders**

**S.F. 1925-Pogemiller:**Omnibus k-12 education budget bill. 47-16 Laid on the table.

### **Conference committee reports and repassed Wednesday, April 23**

**H.F. 473-Wiger:**Allows the Metropolitan Council to provide a program for health and wellness services for council employees. 60-0

### **Bills granted concurrence and repassage Thursday, April 24**

**S.F. 1094-Scheid:**Regulates compensation paid by licensees to tenants for referrals. 53-0

### **Bills granted final passage on Special Orders Thursday, April 24**

**S.F. 500-Foley:**Adopts changes to the Uniform Interstate Family Support Act. 57-0

**S.F. 435-Foley:**Makes technical changes to clarify that pickup truck with slip in camper may be registered depending upon its weight; restricts telephone access to certain information related to vehicle registration; and provides for the appointment, duties and discontinuance of appointment of driver's license agents. 60-0

**S.F. 985-Foley:**Omnibus DWI provisions. 57-0

**S.F. 1074-Kelly:**Provides that public safety dispatchers are essential employees. 49-7

**H.F. 209-Knutson:**Changes provisions for placement of children. 55-0

**S.F. 651-Knutson:**Establishes booking fees for local jails and procedures for collections. 53-1

**S.F. 948-Wiger:**Authorizes a jobs-plus welfare reform pilot project in Ramsey County. 62-0

**H.F. 282-Wiger:**Provides for appointment, discharge and discipline of Metropolitan Transit Police peace officers. 60-0

**S.F. 203-Berglin:**Creates a fathers' adoption registry and makes changes to adoption notice and consent provisions relating to fathers. 58-1

**S.F. 1402-Berglin:**Provides additional penalty enhancements for certain crimes motivated by bias. 50-1

**S.F. 473-Berglin:**Eliminates the Medicare certification requirement for home care providers. 53-0

**H.F. 1383-Ten Eyck:**Provides that certain notices relating to occupational safety and health are filed when placed in the U.S. mail. 52-0

**S.F. 1097-Pappas:**Creates revolving loan accounts for trunk highways, county state-aid highways, and municipal state-aid streets and creates a transportation revolving loan fund for federally eligible transportation projects. 49-0

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**S.F. 1487-Wiener:** Regulates health care policy rates. 51-2

**S.F. 1316-Wiener:** Modifies provisions relating to state advisory councils; changes publication dates and requirements; modifies registration requirements; changes the expiration date for certain multimember agencies; extends expiration dates for certain health-related advisory councils; extends certain advisory committees; and exempts certain advisory councils and committees from expiration. 51-0

**S.F. 156-Sams:** Regulates interest payment on utility deposits. 45-5

**S.F. 453-Frederickson:** Gives revenue bonding authority to the Public Facilities Authority. 48-0

**S.F. 148-Frederickson:** Provides that SCORE block grants that are withheld may be carried forward by the office of environmental assistance. 50-0

**S.F. 912-Lourey:** Provides for custodial and noncustodial parent education and cooperation for the children program pilot projects. 55-0

**S.F. 257-Lourey:** Establishes licensing requirements for the provision of ambulance service and establishes registration requirements for first responders. 53-0

**S.F. 1834-Lourey:** Suspends the dairy trade practices laws during the month of June. 52-0

**H.F. 271-Lesewski:** Modifies wage reporting requirements for employers for purposes of reemployment insurance. 48-0

**S.F. 779-Piper:** Includes government entities as victims for the purpose of restitution orders. 50-0

**S.F. 1165-Price:** Restricts the production of planting stock by the commissioner of natural resources and requires public disclosure of information relating to the commissioner's production of planting stock. 47-0

**H.F. 317-Johnson, D.J.:** Authorizes towns to exercise eminent domain and other powers for purposes of wastewater infrastructure. 47-0

**S.F. 166-Kelly, R.C.:** Allows sale 25 days after notice of vehicles by Minneapolis, St. Paul or Bloomington. 52-0

**S.F. 812-Kelly, R.C.:** Clarifies provision in the law governing community notification of the release of sex offenders. 53-0

**S.F. 1217-Cohen:** Authorizes counties to sell county state-aid highway bonds for construction of buildings and other facilities for the maintenance of county state-aid highways. 48-2

**S.F. 90-Cohen:** Updates statutory references to legislative committees and repeals references to abolished legislative commissions. 50-0

**S.F. 91-Cohen:** Appropriates money as 1996 police state aid and ratifies the calculation of certain 1996 police state aid amounts. 50-0

**S.F. 294-Junge:** Requires law enforcement agencies to do background investigations for applicants for employment as peace officers and requires employers to disclose personnel records for law enforcement purposes. 53-0

**S.F. 627-Ranum:** Requires certification of expert review in actions against certain professionals. 58-0

**H.F. 756-Knutson:** Changes procedures for certain population and related estimates by the state demographer. 58-0

**S.F. 735-Robling:** Allows the Metropolitan Council to determine an allocation method for wastewater services. 51-0

**S.F. 215-Spear:** Modifies previous appropriations for certain capital improvements. 58-0

**S.F. 442-Novak:** Modifies provisions relating to municipal utilities, cooperative electric cooperatives and natural gas pipelines and regulates use of public rights-of-way by telecommunications carriers. 49-1

**H.F. 1637-Novak:** Adopts insurance related recommendations of the Arson Task Force. 58-0

**S.F. 1693-Hottinger:** Requires public employers to recognize certain employee organizations. 60-0

**S.F. 816-Dille:** Allows veterinarians to dock horses; repeals requirements for the care of equine animals; repeals restrictions on clipped animals; repeals restrictions on clipped animals and changes dog house specifications. 61-1

## **Bills granted final passage under suspension of rules Thursday, April 24**

**S.F. 1928-Vickerman:** Allows cities and counties to provide assistance to other cities and counties for 1997 flood relief. 61-0

**H.F. 1684-Pogemiller:** Omnibus K-12 education funding. 48-16

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# Briefly

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*The Minnesota Senate Week in Review*

*May 2, 1997*

## **Statewide testing passed**

A bill providing for statewide testing of students in the third, fifth and eighth grade was granted final passage at the Weds., Apr. 30, floor session. Chief author, Sen. Lawrence Pogemiller (DFL-Mpls.), said the bill, H.F. 2179, sets out the general framework within which we want the tests to be developed. "We do not spell out what the test must contain," Pogemiller said. "And these tests should be considered a subset of the graduation rule."

Under the bill, every school site would give the tests beginning in the 1997-98 school year. The bill also spells out the information that is to be given to the public. "We have tried to frame it so that the reporting will be as accurate and meaningful as possible," he said.

"We have a good bill here, we provide the flexibility to gather meaningful information but we do not over-test. We are testing early enough to allow us to assess students and make sure that children have the basics to move forward," Pogemiller said.

Most of the debate on the measure centered on an amendment, offered by Sen. Ember Junge (DFL-New Hope), providing that students who do not speak English are exempted from the testing for one year after their arrival in this country. Pogemiller said that the bill already contains limited exemptions from the testing requirements and that the amendment opens up the bill to more exemptions. The amendment failed to be adopted.

Sen. Linda Runbeck (R-Circle Pines) argued against the bill and said that she questioned the value of developing a customized state test. "This seems too costly and too complicated. There are cost effective, efficient ways to do things without reinventing the wheel and starting all over," Runbeck said. Pogemiller countered that the bill attempts to strike a balance and that state tests take into account state curriculum requirements. "If we use national standardized tests, we are forced to align our curriculum with the national norm," he said.

The bill was granted final passage on a 65-0 roll call vote.

## **Stadium proposals heard**

A joint meeting of the Senate and House Committees on Taxes, co-chaired by Sen. Douglas Johnson (DFL-Tower)

and Rep. Dee Long (DFL-Mpls.), heard stadium funding proposals from both Senate and House members, Weds., Apr. 30. The meeting began in the morning and was continued during an evening hearing devoted to gathering public testimony.

During the crowded evening hearing, Acting Baseball Commissioner Bud Selig said the Minnesota Twins are in a tenuous financial position. He said that baseball cannot consign an owner to losing \$10 to \$15 million a year, and he said that teams in such a position may be given permission to move. He told the joint committee that the Twins are a small market team, but that small market teams become large market teams when given a stadium that encourages performance and competitiveness. Selig added that he thought Twins owner Carl Pohlad's offer to the state of a 49 percent share of ownership in addition to a cash offer was generous. He also said that baseball would take a close look at a stadium financed with gambling revenues.

In her remarks to the joint committee, Minneapolis Mayor Sharon Sayles Belton spoke in support of a stadium proposal authored by Rep. Ann Rest (DFL-New Hope). Belton pointed out that the city of Minneapolis had already pledged financial assistance from parking fees and other special stadium-area taxes. She said that the decision to build the stadium should encompass multiple objectives necessary to help the local economy, and she pointed out that out-of-state Twins fans patronize large numbers of Twin Cities businesses, ranging from restaurants to the Mall of America.

Former Minnesota Twins players Kirby Puckett and Kent Hrbek spoke in favor of stadium construction. Puckett said that "baseball will always be America's number one pastime." He said that the Legislature should not hesitate to build the stadium. Sen. Douglas Johnson asked if Puckett could guarantee his prognosis concerning the game's popularity. Puckett replied, "Life provides no guarantees. If it did I'd still be playing baseball." Sen. John Marty echoed Johnson's concern. Marty said that he wasn't convinced that baseball would retain its popularity in the early years of the 21st century. He expressed concern that within five years of having received a new stadium the team would again threaten departure if not offered a

new monetary incentive.

Red Lake Tribal Council Chairman Bobby Whitefeather spoke in opposition to expanding gaming to finance the stadium. Whitefeather said that the added gaming would compete with northern Minnesota tribes already earning little from their gaming operations. He said that generally, only 20 percent of a tribe's population benefits from gaming profits.

Several nonprofit organizations also supported the stadium, and praised the Twins' community contributions.

## **Welfare bill approved**

The Senate approved the Conference Committee report on welfare reform at its floor session Mon., Apr. 28. Sen. Don Samuelson (DFL-Brainerd), chief author of S.F. 1, said, "The emphasis is no longer on welfare; the emphasis is on work and on jobs. We're giving people the opportunity to help themselves." Under the terms of the bill, the Minnesota Family Investment Program (MFIP), formerly a pilot project, becomes the vehicle for statewide welfare reform. The implementation date for MFIP cash assistance is January 1, 1998. Counties have until March 31, 1998 to convert current cases to the new program. The program allows individuals to earn up to 120 percent of poverty before becoming ineligible for cash assistance. The bill also establishes a 30-day residence requirement, with exceptions only for hardship and for migrant workers. New residents are then paid, for the next eleven months, the lower of the grant from the previous state of residence or the Minnesota grant. As required by federal law, there is a 60-month lifetime limit on assistance, with an exception for individuals 60 years of age or older. The bill also provides sanctions for individuals who do not comply with the program requirements. Failure to comply with child support enforcement requirements results in the grant being reduced by 25 percent. Sen. Becky Lourey (DFL-Kerrick), said "I appreciate the efforts of everybody who worked on this issue, but I have to express my concern about legal immigrants and others left behind by welfare reform." The report was approved 67-0.

Members also okayed the omnibus tax bill, H.F. 2163, with the language of S.F. 493, was given final passage on a vote of 39-26.

# Committee update

## Children, Families and Learning

### Statewide testing bill okayed

The full Children, Families and Learning Committee met Tues., Apr. 29, to consider a bill providing the framework for statewide testing for children in the third, fifth and eighth grades. The panel, co-chaired by Sen. Pat Piper (DFL-Austin), Sen. LeRoy Stumpf (DFL-Thief River Falls) and Sen. Lawrence Pogemiller (DFL-Mpls.), approved the bill, S.F. 1934, and sent the measure to the full Senate.

According to Pogemiller, chief author of the bill, the measure is the result of work carried on throughout the session by an informal working group of seven members of the Senate, seven members of the House of Representatives and the commissioner of the Dept. of Children, Families and Learning.

The bill directs the commissioner to adopt a comprehensive assessment system with, for each grade level to be tested, a single statewide norm-referenced or criterion-referenced test, or a combination of the two types of test, which is highly correlated with the state's graduation standards. Pogemiller said that a norm-referenced test can compare every student on a bell curve while a criterion-referenced test evaluates student performance based on specific criteria. The bill also outlines development of specific performance baselines and provides for limited exemptions from the testing requirement. In addition, the bill spells out the reporting requirements for data developed from the test results.

Pogemiller said, "Statewide testing is a subset of the statewide graduation rule. I urge members not consider statewide testing as the only accountability mechanism we have but as a tool for measuring accountability."

Sen. Martha Robertson (R-Minnetonka) added, "Schools may still give other tests, this is simply to see how we are doing statewide."

Debate on the measure focused on refining the specific language in the measure, not with altering any of the substantive provisions. The bill now proceeds to the Senate floor.

## Human Resources Finance

### Minnesota Care bill approved

At the Mon., Apr. 28, meeting, the controversial Minnesota Care bill, S.F. 1208, made a final stop in the Human Resources Finance Committee before heading to the floor. The measure's chief author, Chair Linda Berglin (DFL-Mpls.), explained that the bill expands eligibility for the Minnesota Care Program for single

adults and households without children to 175 percent of federal poverty guidelines. The bill also expands the types of covered health services to include restorative dental care for adults with family incomes less than 175 percent of poverty guidelines. Furthermore, the legislation establishes a senior citizen prescription drug program to provide low cost prescription drug coverage. The measure also reduces the current 2 percent provider tax to 1.75 percent, as well as eliminates the 1 percent premium tax for HMOs, CISNs, and nonprofit health service plans that have met cost containment goals for the FY 98-99 biennium.

Turning to the appropriations, Berglin said the senior drug program is to be funded out of the general fund; approximately \$5.8 million is appropriated to the Dept. of Human Services to fund the new program. In addition, \$279.3 million is appropriated from the health care access fund (HCAF) to fund Minnesota Care over the biennium.

Sen. Sheila Kiscaden (R-Rochester) said she did not agree with the policy decision in the bill to increase the dental reimbursement rates for services covered under Minnesota Care by 15 percent. "We are not giving this rate increase for other publicly funded health programs, so we should do it uniformly for all programs, not just Minnesota Care participants," she said. Therefore, she offered an amendment that deletes the reimbursement rate increase language. However, the amendment failed 5 to 9 on a roll call vote.

Berglin successfully offered an amendment that sets the provider tax at 1 percent for medical services rendered to nonresidents. Presently, the provider tax is set at 2 percent. However, the amendment, she said, represents a compromise between the state and the border communities and the major medical centers located at the University and in Rochester. The medical facilities that provide services for people from out-of-state report that the 2 percent provider tax makes them uncompetitive with facilities in other states.

The bill was okayed and advanced to the floor.

## State Government Finance

### Salary increase bill okayed

The State Government Finance Committee approved a bill Thurs., Apr. 24, increasing the salaries of some public employees. Chaired by Sen. Richard Cohen (DFL-St. Paul), the committee also okayed proposals related to sign language interpretation, state budget forecasts and an agriculture task force.

S.F. 412, presented by Sen. Roy Terwilliger (R-Edina), is the public

employee salary increase bill. Under the terms of the bill, salaries are increased for Constitutional officers, judges, Legislators and administrative law judges. The bill also establishes new salary ranges for heads of state agencies. The increase range from 2.5 percent for Constitutional officers to 5 percent for the judiciary. The bill calls for the Legislators' increase to be implemented in 1999. Sen. LeRoy Stumpf (DFL-Thief River Falls), cited the difference in salaries between MnSCU officials and comparable employees of the University of Minnesota and said, "Even though the MnSCU system has two and one-half times the number of students as the U of M, the chancellor of MnSCU is way short in terms of salary compared with officials that run the U of M." As the salary of the governor is used as a basis for the salary of many state agency heads, including the chancellor of MnSCU, Stumpf offered an amendment that adds the value of housing to the governor's salary. Stumpf said, "This will help attract the type of top quality person needed to head MnSCU." Jim Lee, assistant commissioner for the Dept. of Employee Relations, said, "The retail value of the governor's housing is approximately \$4,000 per month. This would raise the salary of the chancellor of MnSCU by \$48,000 a year." Sen. Jerry Janezich (DFL-Chisholm) said, "If we want a good person to run the system, we'll have to pay. We're losing good candidates to states that are paying more." After further discussion, Stumpf withdrew his amendment. The bill was okayed and advanced to the Senate floor.

Sen. Dennis Frederickson (R-New Ulm), authored S.F. 1630, a bill that establishes an agricultural marketing and bargaining task force. Under the terms of the bill, the task force includes representatives of agricultural producer organizations, farm organizations, food processors, potato growers and various state agencies. Frederickson proposed an amendment making members of the task force ineligible for reimbursement of expenses. The proposal was adopted and the bill as amended was approved and sent to the Senate floor. Cohen presented S.F. 1862, a bill that requires the commissioner of the Dept. of Finance to consult with the chair of the Senate State Government Finance Committee, the chair of the House Ways and Means Committee and the fiscal staffs of both the Senate and the House when estimating the impact of the rate of inflation on state expenditures. According to the bill, the inflation estimate is used in forecasting state expenditures. Cohen said, "It's important that the Legislature be represented and consulted in these discussions of state

expenditures." The bill was okayed and moved to the Senate floor.

Sen. Ember Reichgott Junge (DFL-New Hope), authored S.F. 292, a bill that provides sign language interpreters for meetings with Legislators. Junge said, "This expands services the state provides to the deaf and hard-of-hearing to include meetings that may take place outstate or during the interim." The bill was approved and advanced to the Senate floor.

### **Pension bill okayed**

The State Government Finance Committee okayed an omnibus pension bill Weds., Apr. 30. The committee, chaired by Sen. Richard Cohen (DFL-St. Paul), also approved bills related to housing and petroleum tank upgrades.

The omnibus pension bill, S.F. 367, was presented by Sen. Steven Morse (DFL-Dakota). The bill makes state employee pension provisions uniform by changing cost of living adjustments, eligibility requirements and contributions made by employers and employees to the various plans. The bill affects a variety of plans, including the PERA Local Correctional Plan, the Legislators Plan, the Minnesota Post Retirement Investment Fund, the Police State Aid Program, MSRS, the State Patrol, TRA, and MERF. Other plans changed under the terms of the bill are the Minneapolis and St. Paul Retirement Fund Association programs, the Duluth Teachers Retirement Fund Association and Minneapolis Police and Fire.

Among the changes made by the bill are the extension of the Police State Aid Program to cover members of the State Patrol Retirement Fund as well as employees of the Depts. of Public Safety and Natural Resources. The bill includes a reduction in cost of living adjustments by 1 percent, but also provides a permanent benefit increase to compensate retirees for the reduction. The permanent increase will vary with age, ranging from 4 percent for older retirees to 12 percent for younger retirees. Other significant changes include a reduction of teachers' contributions to the Teachers Retirement Association, uniformity of formula multipliers, a reduction of future post-retirement increases and a redistribution of existing pension surpluses to make up for deficiencies. The bill was approved and advanced to the Senate floor.

Morse also authored S.F. 638, a bill that creates a petroleum tank upgrade assistance program. The bill appropriates funds to reimburse small gasoline retailers for the costs associated with petroleum tank removal and replacement. Under EPA mandate, gasoline retailers must upgrade underground petroleum storage tanks to meet new EPA standards by

December 22, 1998. Morse said, "The costs of complying with these mandates may put a number of smaller retailers out of business. These are typically the retailers in smaller communities who sell a little gas and a variety of other things, and in many cases, they're the only retail operation in those small towns." The bill also provides funds for brownfield cleanup and wastewater and septic projects. Sen. Randy Kelly (DFL-St. Paul), said, "The brownfield issue is going to be with us for a long time, and this is just a start. The funds in this bill will make approximately 125 acres of brownfield cleaned up and ready for development, but there are about 4,000 acres of brownfield land in the state. Even if we do 200 acres a year, it will take 20 years to clean them all up." The bill was okayed and moved to the Senate floor.

H.F. 1755, presented by Sen. Steve Kelley (DFL-Hopkins), requires Hennepin County and St. Louis Park to enter into an agreement to clean up a site in St. Louis Park and to provide a rail right of way to replace an existing rail line in the proposed Hiawatha corridor in Minneapolis. The bill would also make the project a higher priority and eligible for state contaminated site cleanup aid. The bill was approved and sent to the Senate floor.

### **Joint House Senate Subcommittee on Statewide Testing**

#### **Testing bill advances**

The Subcommittee on Statewide Testing, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Becky Kelso (DFL-Shakopee) spent most of its meeting Fri., Apr. 25 considering the implications of test scores and the packaging of results. Said Pogemiller, "The decision we need to make today is the scope of information we want, what we gain by having all this information and what we lose by presenting too much."

Since the requirement for testing was enacted at the beginning of session, the subcommittee has been struggling with the question of whether all children should be tested, and if so, how the results should be reported most fairly. Early in the session, the panel heard testimony on the results of a commissioned study conducted by University of Minnesota analyst Robert Bruiniks. Bruiniks advised that reported test results should account for a variety of indicators influencing a child's performance. The panel has discussed constructing a system that enable the administering agency to present to the public and media not only raw scores but a breakout of socioeconomic and other factors possibly affecting results.

In response to a question by Sen. Gen Olson (R-Minnetrista) concerning why the state is developing a test instead of buying a national test, Department of Children, Families and Learning's Cathy Wagner said state-developed tests are aligned to graduation standards and contain more open response questions.

Rep. Matt Entenza (DFL-St. Paul) successfully offered an amendment requiring that accommodations be made for students with disabilities to participate in the testing. In support, Kelso said, "If we start excluding people who would like to take the test, it's a slippery slope." Children, Families and Learning Commissioner Robert Wedl said he prefers everyone be tested. Sen. Ember Junge (DFL-New Hope) suggested separate reporting for these children.

The bill allows for separate reporting columns for raw scores, results without Limited English Proficiency students and results without special education students having individual education plans. Sen. Jane Krentz (DFL-May Township) suggested further breakdown, reporting a column for kids not generating any categorical such as Limited English Proficiency or free and reduced lunch. Amid many such suggestions, Pogemiller said, "The point is to trust our CFL to design this, to not be overly prescriptive." After the bill was amended to require that the department report to stakeholders on the efficacy of the test, it was approved and sent to the K-12 Education Budget Division.

### **Committee on Taxes**

#### **Rental tax okayed**

The Committee on Taxes, chaired by Sen. Douglas Johnson (DFL-Tower), approved a number of bills related to rental car transactions, Department of Revenue disclosures, city sewer connections, Indian gaming casinos and public finance issues, Thurs., April 24.

S.F. 1023, sponsored by Sen. Steve Murphy (DFL-Red Wing), authorizes a 3 percent fee on rental car transactions. Under the bill, rental car companies are authorized to use the proceeds from the fee to cover the higher cost of registering their vehicles in Minnesota. The fee will be remitted to the Department of Revenue and refunded to the rental companies as a rebate. The bill provides that the fee will be separately stated on the rental car invoice to show consumers that they are paying a proportionate share of the vehicle's registration costs. Under current law, rental car companies attempt to recoup higher Minnesota vehicle registration costs through increased rental rates. Sen. Ellen Anderson (DFL-St.

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Paul), said that rental car companies should collect the fee up-front, as a portion of the registration fee, and not burden the Department of Revenue with the time and expense of processing company rebates. She also said the bill allows auto rental companies to shift responsibility for higher rental fees to the state. An auto rental company spokesperson said that other states with high vehicle registration fees have adopted similar legislation, and that adoption of the legislation would make more rental vehicles available in Minnesota. The Committee approved the bill and sent it to the Senate floor.

S.F. 92, sponsored by Sen. Don Betzold (DFL-Fridley), requires that persons, organizations, corporations and others that are doing business with the state, its departments, agencies or educational institutions provide to the agency a social security number or a federal taxpayer identification number, and provides that the commissioner of revenue may provide the information to the agency. The bill allows the commissioner to disclose to anyone whether sales tax exemption permits have been issued to a taxpayer, and whether those permits are currently valid. The bill also allows the commissioner to disclose to the commissioner of human services information necessary to verify income eligibility and premium payments under the Minnesota Care program, allows the commissioner to disclose the names and addresses of owners of dry cleaning facilities to the Minnesota Pollution Control Agency, and allows the disclosure of income tax return information to law enforcement officials in cases involving threats of death or physical harm. The committee approved the bill and sent it to the Senate floor.

S.F. 1324, sponsored by Sen. Sandra Pappas (DFL-St. Paul), authorizes the city of St. Paul to disconnect of rain leaders, connect buildings to storm sewers and to connect defective sewer connections on private property upon the property owner's written request. The bill also authorizes the city to assess for the services. The committee approved the bill and sent it to the Senate floor.

S.F. 1662, sponsored by Sen. Dan Stevens (R-Mora) requires the commissioner of revenue to pay counties, in which an Indian gaming casinos are located, ten percent of the state's share of all taxes generated from reservation activities and collected under tax agreements with a tribal government. Steven's said that the 10 percent payment would defray a county's costs for providing increased county services related to casinos. Currently, no tax revenues from Indian reservations go to county governments. The committee took no action on

the bill.

S.F. 1754, sponsored by Sen. Lawrence Pogemiller (DFL-Minneapolis), adds "investment banker" to the definition of broker, provides that a government unit must annually provide to a broker a statement of investment restrictions indicating compliance-intent with state statutes and the investment of public funds, provides that the broker must acknowledge in writing having received the statement, requires that any taxes payable to pay bonded indebtedness within a town or municipality that has been annexed by a second municipality shall be the obligation of the former town or municipality, and extends a municipality's powers to acquire and to modify gas and electric distribution facilities. The bill also includes in the definition of "project" a facility for the care and treatment of persons with mental retardation, and a facility attached to or related to a nursing home providing supportive services to elderly persons not yet in need of nursing home care. Pogemiller offered several amendments to his bill, including an amendment preventing cities, school districts, towns or other political subdivisions from creating profit or nonprofit corporations unless authorized by law to do so. The amendment also allows existing nonprofit corporations in effect Dec. 1, 1996, for the purpose of lease-back agreements by political subdivisions, to continue until the end of the lease agreement. The committee approved the bill, as amended, and sent it to the Senate floor.

S.F. 737, sponsored by Sen. Deanna Wiener (DFL-Eagan), expands the definition of "writing carrier" to include entities that may not currently be contributing members of Minnesota Comprehensive Health Care Association (MCHA), and requires the commissioner to annually report to the Legislature the costs incurred by the association to provide coverage to persons enrolled in Medical Assistance or General Assistance.

S.F. 1697, sponsored by Pogemiller, updates and clarifies bond allocation provisions to accommodate the Rural Finance Authority's request for a guaranteed amount to deal with the increased demand on the "small issue pool." The bill changes the dollar amounts of tax exempt bonding authority allocations made to the housing and small issue pools to achieve a \$5 million increase in the allocation to the small issue pool. The bill also provides conditions under which tax exempt bonds proceeds may be used to finance rental properties having federal rental assistance. The committee approved the bill and sent it to the Senate floor.

## Flood relief bill okayed

The Committee on Taxes, chaired by Sen. Douglas Johnson (DFL-Tower), forwarded two bills relating to gas tax increases, Mon., April 28.

Co-author Dean Johnson (R-Wilmar) presented S.F. 1930, authored by Sen. Roger Moe (DFL-Erskine). The bill, one of two bills raising gasoline taxes and other fuels proportionately, increases the gasoline tax an additional one cent, for a period of one year to help finance the repair of flood damaged highways, roads and bridges. Johnson said the proposed penny addition would raise an additional \$27 million per year and increase the state's eligibility-level for matching federal disaster funding.

Sen. Leonard Price (DFL-Woodbury) suggested a two percent increase. He said that twice the money would allow for immediate and permanent repairs and double the state's eligibility for matching disaster funds. Sen. William Belanger (R-Bloomington) said that the full extent of road and bridge damage would not be known until after the close of the 1997 Legislative session. He suggested a special session if an addition to the proposed tax were needed.

Sen. Linda Runbeck (R-Circle Pines) suggested discarding the proposed penny gas tax and appropriating \$27 million from the general fund to repair the damaged roads and bridges. Following additional discussion, the committee approved the bill and sent it to the Senate floor.

A separate bill, H.F. 243, sponsored by Sen. Dean Johnson, proposes a four cent gasoline tax increase over the next two years and increases the price of other fuels proportionately. Johnson said the proposed gas tax, unrelated to flood damage, is necessary to repair and replace deteriorating roads and bridges statewide. He said the tax would cost drivers driving 20,000 mile a year an average of \$20 per year. He said that was a small price to pay for refurbishing the state highways.

The bill also provides that the Metropolitan Council may impose an additional Metro Area sales tax of 0.25 percent on all taxable sales occurring in the Metro Area to maintain and improve Metro Area transit services.

Sen. Steven Novak (DFL-New Brighton) offered an amendment apportioning remaining new gas tax funds among counties based upon the numbers of vehicles registered in each county. The committee adopted the amendment.

Sen. Carol Flynn (DFL-Mpls.) offered an amendment appropriating \$200,000 over FY 1998 and FY 1999 to recruit and train women and minorities in the

construction trades. Flynn said that Minnesota ranks far behind other states in the numbers of women holding construction jobs. Sen. Sandra Pappas (DFL-St. Paul) said that their accessibility to women is especially important now, when welfare reform requires many more women to enter the workforce. However, the amendment did not prevail.

Dean Johnson offered an amendment to his bill, supported by the governor, appropriating approximately \$6.5 million for the 1998 and 1999 biennium for 50 state patrol positions. The committee adopted the amendment. The committee approved the bill, as amended, and forwarded it to the Senate floor.

### Carbon tax explored

The Subcommittee on Income and Sales Tax, chaired by Sen. Steve Murphy (DFL-Red Wing), took action on bills relating to a carbon tax, charitable gambling bank accounts, and tax credits for long-term care insurance premiums, Tues., Apr. 29.

Sen. Steven Morse (DFL-Dakota), sponsored a bill that restructures a portion of the state tax system to shift taxes away from employment payroll taxes and other taxable products and activities, and places the taxes on pollution-causing carbon fuels. S.F. 1110 subjects coal, mixed municipal waste, natural gas and liquid fuels to an "emissions assessment" that is based on the fuel's known carbon content prior to its combustion. The bill provides that revenues from the assessments will be returned to businesses and individuals in the form of payroll tax rebates and refundable income tax credits. Morse said the bill provides an incentive for industry and transportation to use less polluting fuels. He said the gradual phase-in of the tax will lower pollution, reduce greenhouse emissions, and decrease employment taxes to allow for thousands of new jobs. No action was taken on the bill.

S.F. 245, sponsored by Sen. Sheila Kiscaden (R-Rochester), allows an income tax credit for long-term care insurance policy premiums. Kiscaden said that long-term care costs for persons age 60 and above could exceed available state revenues within 25 years. She said that a premium tax credit will encourage purchase of the coverage, broaden the base of insureds, and gradually reduce the individual cost of long-term care coverage. The division approved the bill and referred it to the Committee on Taxes.

S.F. 615, sponsored by Sen. Pat Pariseau (R-Farmington), requires that refunds for unsold pull-tab tickets be deposited in the organization's gambling account, and the amounts received as refunds or allowed as credits be spent for qualifying lawful

purposes within one year after those amounts are received. The division approved the bill and referred it to the Committee on Taxes.

### Stadium proposals heard

A joint meeting of the Senate and House Committees on Taxes, co-chaired by Sen. Douglas Johnson (DFL-Tower) and Rep. Dee Long (DFL-Mpls.), heard stadium proposals from both Senate and House members, Weds., Apr. 30. The meeting began in the morning and was continued during an evening hearing devoted to gathering public testimony.

During the morning meeting, a number of stadium proposals were aired. No action was taken on any of the bills.

H.F. 1367, authored by Rep. Ann Rest (DFL-New Hope) provides for a new retractable-roof stadium to be owned by individuals or entities, provides that it must be sited in Minneapolis, and states that all construction, operating and maintenance costs be paid by the combination of users charges, special stadium-district taxes, stadium sales taxes and lottery proceeds and not by any statewide tax. Some specific provisions require a 30-year use agreement with the baseball team, requires that corporations purchase \$25 million of private seating, includes a ticket tax and a four percent surcharge on all professional players' incomes of \$100,000 or more. In addition, the proposal requires the Pohlads to pledge a cash donation of not less than \$15 million, and requires the state to buy-out the Pohlads' share of the team by 2006 if the family cannot find another buyer.

Sen. John Marty (DFL-Roseville) said his draft-proposal asks no dollars from taxpayers, gambling, or the Pohlads. Under Marty's proposal the Metropolitan Sports Facility Commission (MSFC) would be allowed to construct an outdoor, retractable-dome stadium financed by revenue bonds sold to private investors. Under the proposal, bond debt service would be paid with revenues generated from the new stadium. Marty said that the proposal prevents any bond sales prior to negotiating a thirty year lease agreement from the Twins. In addition, the proposal requires two independent analyses that ensure that stadium revenues will be sufficient to cover the repayment of bonds purchased at the investor's risk.

A proposal, sponsored by Sen. Dick Day (R-Owatonna) and Rep. Mark Holsten (R-Stillwater), creates a sports infrastructure fund (SIF) from which revenues would be made available for a new outdoor stadium for the Minnesota Twins, restoration of the Metrodome for the Minnesota Vikings, and for professional

hockey at the St. Paul Civic Center. Under S.F. 492, sports infrastructure funding would be derived from the installation of 1,500 video lottery terminals (VLT) at Canterbury Park. Following payouts to Canterbury Park, lottery operations, and horse racing purses, 40 percent of the remaining VLT revenues go to the environmental trust fund, and 60 percent to the newly created SIF. Day said that the proposal involves no public dollars and does not geographically expand gambling within the state because the Canterbury facility already has gambling. He said that revenues from the addition VLT's would also increase the purses and extend the horse racing season.

A joint proposal sponsored by Sen. Ellen Anderson (DFL-St. Paul) and Rep. Phyllis Kahn (DFL-Mpls.) provides a mechanism for public ownership of the Minnesota Twins. Anderson said that S.F. 1323 frees the team from being a new stadium hostage. She said that state ownership of the team prevents their departure and makes more sense than building a stadium that the team may find reason to leave. The joint proposal appropriates \$100 million for the purchase of the Twins or another major baseball league franchise. The proposal also provides for the later sale of the baseball franchise to private individuals and entities, as long as the sale guarantees that the franchise cannot be moved out of state. Anderson said an important feature of the proposal is that it stalls construction of a new baseball facility until the state has purchased a controlling interest in the team. Under the proposal, eventual financing for a new stadium must come from private sources, from a ticket tax, and from taxes related to businesses that reap financial benefits from new stadium attendance.

A proposal, offered by Rep. Steve Sviggum (R-Kenyon), provides that the MSFC sell its assets and use the proceeds from the sale to pay off the Metrodome's outstanding debt. The proposal also abolishes the MSFC following the completion of its activities and provides for the sale of the Metrodome to the Twins and the Vikings for a consideration of one dollar. Sviggum said that the Twin's and Viking's destiny should be left to the "market" and not the state. He said that his proposal would get the state out of the sports business where it does not belong.

Rep. Todd Van Dellen (R-Plymouth) offered a proposal-draft that provides a one-time \$21 million dollar Twins ticket purchase by the state of Minnesota. Van Dellen said the ticket purchase circumvents the escape clause in the Minnesota Twins' Metrodome lease that allows the

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team's departure. The proposal also captures \$24 million of Canterbury Park VTL gaming proceeds, uses the revenues to provide property tax aid to local governments, and provides a means for St. Paul or Minneapolis to attract an NHL hockey team. Van Dellen said the bill requires no taxpayer funding, retains the Twins in Minnesota until 2011, and provides sufficient property tax aid to enable St. Paul and Minneapolis to compete for an NHL hockey franchise. He also said the proposal satisfies the terms that the Twin's owners, the Pohlads, agreed they would need to keep the team playing in the Metrodome until 2011.

## Transportation Committee

### Flood relief gas tax

The Transportation Committee chaired by Sen. Carol Flynn (DFL-Mpls.), reviewed measures relating to a one-cent gasoline tax and to critical habitat license plates, Thurs., Apr. 24.

Sen. Keith Langseth (DFL-Gyndon) offered S.F. 1930 increasing the tax on special fuels and gasoline an additional one cent from 24 to 25 cents to help finance repair of highways, streets, roads and bridges damaged by the 1997 floods. Langseth told a receptive committee that the increase would raise an additional \$27 million annually, and increases the state's level of matching federal disaster funding. He said that the additional appropriation will not be distributed according to existing statutory formulas, but will be distributed by the commissioner of transportation to match emergency assistance funds also received for the purpose of repairing highways, streets and roads. The bill was referred to the Committee on Taxes.

Another bill unrelated to flood damage, H.F. 243, sponsored by Dean Johnson (R-Wilmar), raising the gasoline tax from 22 to 24 cents between July 1, 1997 and June 30, 1998, and other fuels proportionately, was recently approved by the State Government Finance Committee and referred to the Committee on Taxes.

In other action, Sen. Leonard Price (DFL-Woodbury) presented an amendment that continues the manufacture and sale of critical habitat license plates. The plates cost \$40 more than standard plates, with \$30 of the increased license fee going to the DNR for wetland preservation and \$10 earmarked for the highway users fund. Price said that the Department of Vehicle Services has sold more of the plates than of any other specialty plate. He said that of 9,950 plates produced, 6,560 plates have been sold. Price said that the DNR expects the plate's sales to remain strong. The bill appropriates \$65,000 for the

manufacture and handling of the special plates. According to Price, the idea for the plates was inspired by a successful Florida program. The amendment will be offered as an amendment to S.F. 254, a bill related to wildlife, authored by Sen. Dennis Frederickson (DFL-New Ulm).

## Thursday, April 24

### K-12 bill approved

In a procedural move, the Senate approved the K-12 bill in a busy afternoon session Thurs., Apr. 24. Sen. Lawrence Pogemiller (DFL-Mpls.), presented the bill. H.F. 1684, with the language of S.F. 1926, was okayed by a 48-16 vote. In addition, a total of twenty three bills were passed on Special Orders.

Extensive debate was generated on a few bills. Sen. Steven Novak (DFL-New Brighton), presented S.F. 442, a bill regulating the use of public rights of way by telecommunications carriers. Novak said, "This bill has been a product of discussion and compromise among a number of major concerns-telecoms, municipalities, citizens' groups-and most of the concerns have been addressed." Sen. Linda Runbeck (R-Circle Pines), said, "I have a concern with the term 'reasonable costs'. Will this allow local units of government to impose extreme fees?" Novak said, "No, it would not. And I would add that the people who would be affected have agreed to the language." The bill was approved 49-1.

Sen. Dallas Sams (DFL-Staples), moved for reconsideration of an amendment offered by Sen. John Marty (DFL-Roseville) to S.F. 435. The Marty amendment was approved in the morning session. It amends S.F. 435 to prohibit the sale by deputy registrars of their offices. Marty said, "It's quite outrageous that these people can sell the offices they receive by appointment." Sen. Dick Day (R-Owatonna), said, "We had a good compromise that had been worked out, but this amendment circumvented the process." The motion to reconsider was defeated by a vote of 32-34.

Sen. Steve Dille (R-Dassel), presented S.F. 816, a bill that allows veterinarians to dock horses tails, changes dog house specifications, repeals restrictions on clipped animals and repeals requirements for the care of equine animals. Dille said, "Current law is all goofed up. For example, if you don't have a plastic flap on a doghouse door, you're in violation of current statute. This bill repeals that requirement as well as a requirement that sheep be sheared between January 1 and May 1. Most sheep shearers are probably in violation of this law." The bill was okayed on a vote of 61-1.

## Friday, April 25

### Gulf vet bonus, land use bills pass

Fri., Apr. 25, the Senate took up S.F. 445, authored by Sen. James Metzen (DFL-South St. Paul). The bill appropriates \$17.5 million to be distributed in the form of a bonus for veterans serving on active duty during the Persian Gulf Conflict. Under the bill, 13,200 veterans from Minnesota who served in the Gulf theater will receive \$600, while 30,000 on active duty during the time receive \$300.

Sen. Don Betzold (DFL-Fridley), who unsuccessfully offered a lengthy amendment to the bill in the Government Operations Committee, offered a series of amendments. Those gaining approval included giving a veteran's mother and father equal status for receipt of the bonus if the veteran is deceased and exempting bonus payments from taxation.

Betzold offered an amendment limiting the bill's \$2,000 service connected injury bonus to those who incurred injury in service connected to Southwest Asia. Members questioned whether those working in a capacity to aid the Gulf effort who were injured outside the Gulf theater would be compensated. Despite Betzold's assurances that these service people would receive the bonus, the amendment did not pass. Betzold offered an amendment excluding active duty personnel not declaring Minnesota residency or paying state taxes at the time of the conflict. The bill provides bonuses to all service people who declared Minnesota residency at the time of entry into the armed forces, regardless of where they claimed residency during the conflict. Sen. Randy Kelly (DFL-St. Paul) spoke in support, saying bonus recipients "ought to be Minnesota taxpayers and they ought to be residents of this state." The amendment failed on a roll call of 40-15.

In an attempt to rescind the bill's provision of bonuses to service people receiving a general discharge, Betzold said, "In a volunteer military, a general discharge is not a good thing." Sen. Steve Murphy (DFL-Red Wing) countered, "General discharge under honorable conditions means that the superiors said, 'Yes, this person made a couple mistakes. We should not hold it against them for the rest of their lives.'" Betzold said a blanket bonus "demeans the service of those who were honorably discharged." In support of the original language, Metzen said that a service person can have an unblemished record and be given a general discharge for medical reasons. The amendment was defeated. Finally, Betzold offered an amendment limiting bonuses to only those on active duty whose normal

patterns of duty were impacted by the conflict, and extending bonuses to those serving in Bosnia and Haiti. Metzen pointed out that voters had approved by referendum a bonus particular to Persian Gulf Conflict veterans. The amendment was defeated. S.F. 445 was passed as amended.

Community-based land use planning is the subject of S.F. 738, authored by Sen. Jim Vickerman (DFL-Tracy). Calling S.F. 738 a "summit bill," Sens. Steven Morse (DFL-Dakota) and John Hottinger (DFL-Mankato) explained that the bill encourages cooperation and coordination among local and state governments.

Morse said, "Annexation and planning can be pretty contentious. This initiative will encourage sharing of information concerning growth patterns and regional planning. When we put in roads, sewers, schools, we're going to get more bang for the buck in terms of state infrastructure." The bill sets up an advisory committee made up of local government representatives, state Legislators, business representatives and citizens. Hottinger explained the bill's provision to establish a new alternative dispute resolution process, aimed dealing with friction in annexation agreements.

Recalling what he called the loss of personal property rights in the wake of the state's wetlands legislation, Sen. Charles Berg (IND-Chokio) cautioned that the bill gives government an unfair balance of power. Sen. Steve Dille (R-Dassel) questioned the voluntary nature of bill, which requires local entities, once they accept state funding, to participate in dispute resolution if parties do not agree. Sen. Dan Stevens (R-Mora) to relax the requirement to participate in dispute resolution. Morse spoke against the amendment and said, "We can't have one side pick up their marbles and go home." An amendment offered by Sen. Pat Pariseau (R-Farmington), deleting the bill's sunset of the State Municipal Board was opposed by Hottinger, who said simply, "This will break the deal." The Stevens and Pariseau amendments were defeated and the bill gained final passage.

Feedlot legislation authored by Sen. Dallas Sams (DFL-Staples) was also approved. S.F. 1409 allows the agriculture committees of the House and Senate to review pollution control rules for comment. According to Sams, such review would allow Legislators to confer and indicate to the administration any areas of disagreement. "This would be," said Sams, "a heads up for the agency to see where possible disagreements may occur." Dille cautioned that such a review process threatens to privilege politics over science. Morse spoke in support, "So

many time we pass laws and rules are made and we never know what they are. This keeps everything above board."

Sen. Steve Kelley (DFL-Hopkins) successfully presented S.F. 740, a bill providing telephone assistance subsidies for those at 150 percent or below the federal poverty line. Among other provisions, the bill expands services to families with children, enabling teachers to reach families at home. The bill allows for charges of two cents per month on each line to finance the service, and requires wireless providers to pay the same rate as wired services. Funding is also provided for a pilot project allowing the homeless to access voicemail accounts, which, said Kelley, will enable those without phones to more easily gain employment.

Kelley also presented S.F. 173, a bill concerning the validity of electronic signatures and the security of transactional software. Sen. Sheila Kiscaden (R-Rochester) presented H.F. 1880, a bill making changes in the state's reemployment compensation laws.

## Monday, April 28

### Telecommunications bill passed

In addition to acting on the conference committee report on the welfare reform bill, members also okayed the omnibus tax bill at the Mon., Apr. 28, floor session. H.F. 2163, with the language of S.F. 493, was given final passage on a vote of 39-26.

In other business, members debated S.F. 739, authored by Sen. Steve Kelley (DFL-Hopkins). The bill establishes price guidelines for elements of telecommunication infrastructure owned by local carriers. As a result of federal deregulation, local carriers must sell or lease these elements to competitors. The bill also requires the deaveraging of telephone rates at both the retail and the wholesale levels. Kelley said, "Because retail rates are currently averaged across the state to make telephone service affordable to rural as well as urban customers, wholesale deaveraging alone would lead to enormous rate increases for rural and residential customers throughout Minnesota. Telephone companies would be free to serve only profitable business customers." Sen. Linda Runbeck (R-Circle Pines) moved to send the bill back to the Jobs, Energy and Community Development Committee and said, "There are a number of players who aren't happy with this legislation and I think it's premature for us to approve it at this time." Sen. Steven Novak (DFL-New Brighton), said, "This bill has had an enormous amount of attention in both the committee and the budget division. There may not be a bill that you vote on

this session that has had as much discussion as this one." The Runbeck motion did not prevail by a vote of 20-44. The bill was passed 44-19.

Sen. John Hottinger (DFL-Mankato) presented S.F. 349, the omnibus insurance bill. Hottinger proposed a series of technical amendments to get the bill in the shape he wanted and the amendments were approved. Sen. Richard Cohen (DFL-St. Paul) proposed an amendment requiring liability insurance for snowmobilers. Sen. Douglas Johnson, (DFL-Tower), spoke against the amendment and said, "This is just another mandate. Why don't we just leave the citizens of Minnesota alone and let them decide a few things for themselves?" Cohen said, "We require people to get liability insurance for their cars. This would work the same way--when snowmobile operators purchases the license tabs for their vehicles, they would be required to provide proof of liability insurance." The Cohen motion was defeated by a 15-49 vote. The bill was approved unanimously.

Sen. Don Betzold (DFL-Fridley), authored H.F. 1460, the data practices omnibus bill. The bill makes welfare and housing data available to law enforcement agencies, requires selected criminal conviction data to be made available through the Internet and provides additional guidelines regarding data disclosure. The bill generated wide debate. Sen. David Knutson (R-Burnsville), offered an amendment deleting a provision of the bill that allows the attorney general to keep budget and legislative proposal data nonpublic. Knutson said, "Unlike other executive offices, the attorney general does not have the responsibility to prepare a budget." Cohen said, "For consistency's sake, we should repeal the statute entirely for all agency executives, level the playing field, so to speak." Sen. Jane Ranum (DFL-Mpls.) asked Knutson to progress the amendment in order to draft an amendment. Knutson temporarily withdrew his proposal and the bill was temporarily tabled.

Sen. Roy Terwilliger (R-Edina), presented S.F. 412, a bill that increases salaries for constitutional officers, agency heads, judicial officials and state legislators. Terwilliger said, "These state employees have not had a salary increase since 1987. It's long overdue." The bill was passed by a vote of 42-20.

Members then resumed debate on H.F. 1460. Knutson renewed his amendment regarding the attorney general. The motion passed 36-30. Sen. Warren Limmer (R-Maple Grove) offered an amendment prohibiting the Mayo Clinic

# Flooraction

from releasing patient data to external researchers. Sen. Sheila Kiscaden (R-Rochester), spoke against the proposal and said, "When this data is shared with external researchers, it is done so anonymously. The data is coded and no names are divulged. This data is extremely important in medical research." By a vote of 12-49, the amendment did not prevail. Cohen presented an amendment repealing a provision in Minnesota statute that allows executive state agency heads to keep budget and legislative proposal data private. Cohen said, "With this amendment, I'm trying to level the playing field, as I said before. We should treat all executive officers equally." The motion failed by a vote of 31-32. Ranum again requested progress while waiting for an amendment to be drafted. The bill was laid on the table for later consideration.

## Tuesday, April 29

### Closing argument bill okayed

According to Sen. Randy Kelly (DFL-St. Paul), "S.F. 832 is a small bill but has a certain amount of controversy because it makes a significant change in how our judicial system works. It amends the law specifying the order of closing arguments in criminal trials." During the floor session on Tues., Apr. 29, he explained that since 1875, Minnesota law has specified that in the closing arguments to a criminal trial, the prosecutor makes his or her statement first, followed by the defense. By allowing the defense to make the final remarks, Kelly said defense lawyers can make spurious arguments, false accusations, or attack the character of the victim without a rebuttal from the prosecution. The implicit problem, he said, is that juries can be persuaded to rule in favor of the defendant by arguments that cannot be countered by the prosecution. The bill alters the closing argument formula by allowing the prosecution to make a statement first, allow the defense to make their closing argument, and then allow the prosecution the option to have a final say and make the last statement. "This bill will level the playing field for the prosecution, which has a tremendous burden of proof and should be able to have the final rebuttal," Kelly said. He added that Minnesota is the only state in the nation that allows the defense to have the final say in the closing argument portion of a trial.

Sen. Allan Spear (DFL-Mpls.) said, "This issue has always been closely contested. I carried this bill 10 years ago when it was defeated 8 to 9 in committee. This year it passed out of committee on a vote of 9 to 8. Unlike a lot of courtroom procedures, this is an issue that Legislators

can relate to. Legislators, like lawyers, believe that the final word is important to win the argument." He explained that this year he will vote against the measure because he is not convinced that the judicial system is broken. "Prosecutors say the system's broken, but I haven't seen a lot of evidence that the playing field is unlevel. They have failed to show that the rate of conviction is any lower in Minnesota or that guilty persons are getting off because the defense has the final say."

Sen. Don Betzold (DFL-Fridley) also weighed in with Spear and opposed the bill. "Though it seems like the scales of justice are out of balance, they are not." He said the prosecution comes to trial with all sorts of advantages--the resources of the state, cooperation from law enforcement, testimony from expert witnesses. "What we have has worked. If the prosecution has not made its case by that point in the trial, why give them one more shot?" Betzold asked.

Sen. Douglas Johnson (DFL-Tower), however, said, "We have to remember the rights of the victims. We are the only state that allows the defense to have the final say and this needs to be changed. When we balance it out, we should come down on the side of the victim." The bill gained final passage on a 45-16 roll call vote.

Explaining that S.F. 184 represents an agreement between the Pollution Control Agency (PCA), the Office of Environmental Assistance (OEA), the Chamber of Commerce, local governments, facility operators, and citizen groups, Sen. Dan Stevens (R-Mora) asked members to vote in favor of the bill. This session's toxics-in-products measure lifts the ban on the use of listed metals in products. The bill was passed unanimously.

Continuing on Special Orders, Sen. Steven Morse (DFL-Dakota) said S.F. 1292 extends the farmer-lender mediation process for another year. He explained that the mediation process that had been developed during the mid-1980s at the height of the farm crisis is due to sunset this year. The measure extends the program for one year and gives the Legislature time to re-examine the program. Morse said that in revamping the program, he hopes to extend the dispute resolution process to other contentious agricultural areas. "It's not just the small operators that end up in mediation with their lenders. This program is very much needed," Morse said.

Sen. Roger Moe (DFL-Erskine) said, "When we put the farmer-lender mediation process into place back in the 1980s, we set in place a very workable and

structured and reasoned approach to work out differences. I hope we can continue this. I would certainly like to see the need for this process to go away, but things like floods come along and I know some of those farmers are going to have financial difficulty. Unfortunately, the process will be used in the future by more farmers than we want." The bill passed 51 to 3.

The conference committee report on H.F. 5, the anti-stalking legislation, was also repassed unanimously. The bill's chief author, Sen. Ember Junge (DFL-New Hope) explained that most of the Senate positions were upheld in the conference committee and that the compromise that has been worked out will withstand review by the Supreme Court. The legislation, she said, was created in response to a Supreme Court decision requiring proof that accused stalkers specifically intended to intimidate their victims. Junge explained that the proposed law now requires that prosecutors only need show alleged stalking is intentional, that the accused knew or had reason to know that it would frighten the victim, and that it actually produced that reaction in the victim. "This is a new and more clear standard," Junge said.

## Wednesday, April 30

### Minnesota Care bill passed

Senator's devoted most of the Weds., Apr. 30, floor session to consideration of two bills. In addition to granting final passage to the statewide testing bill, members devoted the lion's share of the session to debating a bill making changes to the Minnesota Care program.

S.F. 1208, carried by Sen. Linda Berglin (DFL-Mpls.), expands eligibility for the program for single adults and households without children to 175 percent of federal poverty guidelines. The measure also expands the types of covered health services to include restorative dental care for adults with family incomes less than 175 percent of federal poverty guidelines. In addition the measure establishes a senior citizen prescription drug program. Under the bill, the provider tax is reduced from 2 percent to 1.75 percent and the 1 percent premium tax for HMOs, CISNs and nonprofit health service plans that have met cost containment goals is eliminated. In addition, the provider tax is set at 1 percent for medical services to nonresidents. Berglin said that the bill provides direct tax relief of about \$400 per year to physicians and expands eligibility to more Minnesotans.

Debate centered on a series of amendments offered to the bill. Sen. Dan Stevens (R-Mora) led off with an amendment to limit coverage for persons whose

income exceeds 275 percent of federal poverty guidelines. Berglin opposed the amendment and said that there would be no savings associated with the provisions. In addition, she said that because of the sliding scale, persons who were at the higher levels paid their full share of the costs. The amendment failed on a 23-38 roll call vote.

An amendment, offered by Sen. Edward Oliver (R-Deephaven), reduces the provider tax to one percent, removes the increase in coverage, removes the federal reserve fund established in the bill and removes a shift relating to MNCHA and GAMC. Sen. Don Samuelson (DFL-Brainerd), spoke against the amendment and said that the provision leaves a large hole in the general fund budget. Sen. Sheila Kiscaden (R-Rochester) said, "I am a strong supporter of reducing the provider tax, but I am aware that the Oliver amendment would break the agreement with parties who have tried to find a middle ground." The amendment failed on a 24-37 roll call vote.

Sen. Tom Neville (R-Northfield) followed the Oliver amendment with an amendment of his own that reduces the provider tax. He said, "As the bill stands now, the provider tax is reduced to 1.75 percent, but only for a limited time." He offered an amendment that reduces the provider tax to 1.5 percent while at the same time requiring that a \$100 million reserve be maintained for the health care access fund; in the event the balance falls below \$100 million, the provider tax can be raised to 1.75 percent. "This amendment is a reasonable compromise," he added.

Berglin said she opposed the amendment, but offered an amendment that alters the Neville amendment in the event the provider tax is reduced to 1.5 percent. Berglin explained that in order to pay for the provider tax reduction, other cost savings in the bill would have to be removed. Her amendment deletes language that eliminates the surcharge on health provider licenses and also removes the provider tax reduction on nonresident services. Though she withdrew her amendment before the vote on the Neville amendment, Berglin said she would offer it if the Neville was adopted.

Sen. Roger Moe (DFL-Erskine) weighed in during the ensuing discussion and said, "The Minnesota Care bill adds to the number of uninsured people who are covered, expands the services delivered in the program, and gives substantial tax relief. The bill provides \$110 million of permanent tax relief for fiscal years 1998 through 2001 and \$72 million of temporary tax relief for fiscal years 1998 through 2000. The bill is a logical balance and the

Neville amendment removes a card from the house of cards." The Neville amendment failed 25 to 38 on a roll call vote.

Sen. Pat Pariseau (R-Farmington) offered two amendments that affect dental services for Minnesota Care participants. The first amendment reduces the provider tax for dentists to 1 percent. Pariseau explained that the tax reduction is necessary for dentists because their contributions under the provider tax outweigh the benefits they receive. Berglin said she opposed the amendment because the bill already gives dentists a 15 percent reimbursement rate increase and any tax reduction would create a hole in the budget. The first amendment failed on a 33 to 33 roll call vote.

"Since members are unwilling to treat the dental community equitably, I am going to offer this next amendment that removes all of the dental services added to the bill," Pariseau said. The amendment deletes the section that expands Minnesota Care services to include adult restorative dental care. Berglin again opposed the amendment, explaining that the targeted section is a compromise where the cost for services is half-paid by Minnesota Care and half-paid by the patients. "This is a benefit they're only going to use when they need care since the patients have to pay half," Berglin said. The second Pariseau amendment also failed, this time on a 25 to 38 roll call vote.

Sen. Sheila Kiscaden (R-Rochester) offered an amendment that proved to be highly controversial. She explained that the amendment allows small businesses, trade associations, municipalities, counties, and other governmental entities to cooperate and form health care purchasing alliances. She said the community purchasing arrangements will benefit the small employers in Greater Minnesota by providing them more options when purchasing health plan coverage. Berglin said she supported the Kiscaden amendment because, "I agree with the principle of the amendment and that is to encourage small groups to get together and provide alternatives to private health insurance."

Sen. John Hottinger (DFL-Mankato), however, said he opposed the amendment because the concept had not been properly considered in the committee process. Several other Senators also said they were concerned that the amendment, with such large policy implications, had not gone through the policy process. Sen. Steven Morse (DFL-Dakota) raised several concerns about consumer protections, or the lack thereof, in the amendment. However, after a lengthy debate,

the Kiscaden amendment prevailed on a 55 to 9 roll call vote.

An amendment that specifies asset requirements for Minnesota Care participants was also adopted. Sen. Dan Stevens (R-Mora) offered an amendment that limits the total assets for a household of 2 or more to no more than \$30,000, and specified that a one person household may not have more than \$15,000 in net assets. In addition, exceptions to the asset limit are provided for in the amendment. Homesteads, household goods, capital assets of a trade or business, a household vehicle used for employment, court ordered settlements, and individual retirement accounts up to \$10,000 in value—all are excluded from the asset calculations to determine eligibility for the Minnesota Care Program.

After members were through considering amendments, the bill was passed 42 to 22.

## **The Senate on the world wide web**

Now there is a new way to get information about the Minnesota Legislature. In a joint effort, the Legislative Reference Library, the Office of the Revisor of Statutes, the Senate and the House of Representatives have established a World Wide Web home page.

At present, the site contains the texts of House and Senate bills, bill status information, biographical material about members, current daily and weekly schedules, the complete Minnesota Statutes, committee membership lists and more. To access the Legislature's World Wide Web page, simply point your browser to:

<http://www.leg.state.mn.us>

The Legislature's World Wide Web site is a dynamic entity and more information items are being added. The Web site makes an incredible amount of information instantly available to anyone who has computer on-line capabilities.

## **Hearing interpreters services**

The Legislative Coordinating Commission has contracted with the Minnesota Foundation for Better Hearing and Speech to provide sign language interpretive services for deaf and hard of hearing people during this legislative session. The foundation's coordinator for this project will maintain an office in Room 90 of the State Office Building.

Requests for ASL interpretive services should be directed to the coordinator at 282-2231 v/tty. Interpretive services are available to facilitate testimony, to interpret for those attending hearings, and to interpret for meetings between members and constituents.

# Flooraction

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## Conference committee reports adopted and repassed Friday, April 25

**H.F. 601-Vickerman:** Authorizes boundary commissions. 57-0

## Bills granted final passage on Special Orders Friday, April 25

**H.F. 1162-Johnson, D.H.:** Makes changes of a technical and housekeeping nature relating to state employment. 58-0

**H.F. 966-Johnson, D.H.:** Modifies provisions governing payment of wages and includes the state in the definition of employer for certain purposes. 57-0

**S.F. 662-Sams:** Establishes licensure requirements for volunteer practitioners of psychology and modifies requirements for licensure as licensed psychologists and for professional identification. 61-0

**H.F. 1409-Sams:** Provides for legislative review of feedlot permit rules. 60-0

**S.F. 445-Metzen:** Establishes a program to pay a monetary bonus to veterans of the Persian Gulf War. 61-0

**S.F. 256-Metzen:** Regulates building and construction contracts and regulates payments and retainages. 62-0

**H.F. 512-Hottinger:** Relates to municipalities and authorizes bankruptcy filing. 56-1

**S.F. 173-Kelley, S.P.:** Provides for the use, validity, and security of electronic signatures and messages transmitted in commerce. 54-0

**S.F. 741-Kelley, S.P.:** Regulates the practice of respiratory care; establishes the requirements for registration and regulation of respiratory care practitioners and provides for continuing education, fees, reporting obligations, disciplinary actions and for an advisory council. 55-0

**S.F. 740-Kelley, S.P.:** Expands the telephone assistance program to provide assistance to low-income families with children. 39-15

**S.F. 1383-Belanger:** Increases membership on the Legislative Audit Commission and the Commission Advisory Council. 55-0

**H.F. 1880-Kiscaden:** Relates to reemployment compensation; provides less frequent payment schedules for certain employers and provides for noncharging of benefits in certain situations. 55-0

**S.F. 738-Vickerman:** Establishes goals for community-based land use planning; establishes a county community-based planning process; establishes a municipal community-based planning process and establishes an alternative dispute resolution process. 49-6

## Resolutions adopted by the Senate Friday, April 25

**S.R. 47-Berglin:** A Senate Resolution urging the President of the United States to direct the Department of the Interior to add a statue to the Franklin Delano Roosevelt memorial showing his disability.

## Conference committee reports adopted and repassed Monday, April 28

**S.F. 1-Samuelson:** Welfare reform. Establishes the Minnesota Family Investment program statewide; establishes work first program pilot projects; Makes changes to public assistance programs; and makes program integrity initiatives. 67-0

## Bills granted final passage on the Consent Calendar Monday, April 28

**S.F. 1697-Pogemiller:** Updates and clarifies bond allocation provisions. 60-0

## Bills granted final passage under suspension of rules Monday, April 28

**H.F. 807-Belanger:** Makes policy changes to income and withholding taxes, property taxes, mortgage registry and deed taxes, sales and use taxes, Minnesota Care taxes and tax collections. 62-1

**H.F. 2163-Johnson, D.J.:** Omnibus tax bill. 39-26

## Bills granted final passage on Special Orders Monday, April 28

**S.F. 349-Hottinger:** Regulates insurance companies and agents; provides immunity from suit and indemnification for receivers and their employees; regulates coverages; provides certain notices and filing requirements and provides for a study. 63-0

**S.F. 739-Kelley, S.P.:** Provides policies to carry out the state's role in telecommunications regulation; provides for a state policy encouraging high speed telecommunication services and greater capacity for services; and provides for a single statewide local access and transport area. 44-19

**S.F. 92-Betzold:** Provides for disclosure or inspection of certain data or tax return information and limits disclosure of certain data under subpoena. 62-0

**H.F. 1460-Betzold:** Omnibus data practices changes. 61-3

**S.F. 412-Terwilliger:** Establishes and modifies salary provisions for certain public employees. 42-20

**S.F. 234-Morse:** Adds provisions for human services licensing programs and imposes and modifies civil penalties. 55-1

**S.F. 995-Morse:** Omnibus public employee pension bill. 59-0

**S.F. 1754-Pogemiller:** Modifies provisions relating to the issuance of debt and the use and investment of public funds. 56-0

## Bills granted final passage on Special Orders Tuesday, April 29

**S.F. 832-Kelly:** Provides that the prosecution may reply in rebuttal to the closing argument of the defense. 45-16

**S.F. 338-Sams:** Changes limitations on ownership of agricultural land by corporations, limited liability companies, pension or investment funds and limited partnerships. 55-0

**H.F. 735-Betzold:** Clarifies and reorganizes portions of the civil commitment act; allows the designated agency to consent to voluntary treatment for certain incompetent persons and creates a new standard for court-ordered early intervention to provide less intrusive treatment. 48-1

**S.F. 240-Kelley:** Provides for the electronic conduct of state business and authorizes the commissioner of administration to approve digital signatures. 51-3

**S.F. 1504-Lessard:** Extends permits for timber sales that expire in 1997. 53-0

**S.F. 1807-Runbeck:** Changes certain reporting deadlines relating to workers' compensation; modifies certain workers' compensation procedures and adds correctional officers to the presumption of occupational disease. 57-0

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**S.F. 1404-Robling:** Requires vehicle buyer to notify registrar of motor vehicles of vehicle transfer within ten days. 59-0  
**S.F. 1324-Pappas:** Authorizes a program in the city of St. Paul for the disconnection of rainleaders, the repair of defective sanitary sewer connections and the charging or assessment of costs for the program. 55-0  
**S.F. 590-Johnson, J.B.:** Adds a high voltage transmission line that crosses the state boundary to the definition of a large energy facility. 54-0

### **Conference committee reports adopted and repassed Tuesday, April 29**

**H.F. 5-Junge:** Clarifies the elements of the harassment and stalking crime; increases the penalties for a violation of a domestic abuse order for protection and a harassment restraining order; and adds certain violations of the harassment and stalking law to the list of crimes for which mandatory minimum prison sentences must be imposed. 57-0

### **Bills granted concurrence and repassage Wednesday, April 30**

**S.F. 512-Runbeck:** Makes technical and administrative changes in provisions relating to the Dept. of Employee Relations. 51-0  
**S.F. 351-Hottinger:** Assigns responsibility for legislative review of administrative rules to the Legislative Coordinating Commission. 58-0  
**S.F. 950-Kelly, R.C.:** Adopts working group recommendations for conducting teacher background checks. 59-0

### **Bills granted final passage under suspension of rules Wednesday, April 30**

**H.F. 2179-Pogemiller:** Provides for statewide testing in grades three, five and eight.

### **Bills granted final passage on Special Orders Wednesday, April 30**

**S.F. 1208-Berglin:** Minnesota Care provisions. 42-22

### **Bills granted concurrence and repassage Thursday, May 1**

**S.F. 1894-Moe, R.D.:** Provides \$20 million for emergency flood relief; provides an exception to the nursing home moratorium; and provides for early payment of state aids to local governments. 59-0  
**S.F. 472-Belanger:** Recodifies sales taxes on cigarettes and tobacco products. 59-0  
**S.F. 101-Berglin:** Adds an exclusion to elderly housing with services establishment; downsizes the number of I.D. beds; modifies the appeal process for nursing facilities, changes the procedure for permanent placement of a child and provisions for reimbursement for family foster care. 60-0  
**S.F. 166-Kelly, R.C.:** Allows the sale, 15 days after notice, of vehicles impounded by Minneapolis and St. Paul. 57-4  
**S.F. 813-Ranum:** Provides for transfer of custody of a child to a relative by a consent decree; authorizes communication or contact agreements between adoptive parents and birth relatives; and provides for a relative conference and relative care agreement following a report of child abuse or neglect. 55-0  
**S.F. 333-Berglin:** Makes changes to provisions relating to home care; modifies an exemption from the definition of provider; requires rules to include certain standards; and establishes an assisted living home care provider license. 57-0

### **Bills granted final passage on Special Orders Thursday, May 1**

**S.F. 1111-Fischbach:** Changes well water testing requirements for certain grade A milk producers. 60-0  
**S.F. 1268-Novak:** Provides for an analysis of certain utility personal property taxes. 61-1  
**S.F. 80-Johnson, D.J.:** Provides for presidential primary to be held the first Tuesday in March; increases the amount of the filing fee; and encourages parties to abide by primary. 39-23  
**H.F. 241-Sams:** Allows personnel of the Dept. of Transportation and the Dept. of Public Safety to conduct joint or combined audits of motor carrier records; requires the commissioner of public safety to provide the commissioner of transportation information on traffic accidents involving commercial vehicles and provides for enforcement authority relating to motor carriers. 61-0  
**S.F. 1351-Flynn:** Ratifies certain labor agreements; modifies definitions; and modifies certain arbitration procedures. 62-0  
**S.F. 1423-Janezich:** Adds court bailiffs in St. Louis County to the unclassified service. 55-0  
**H.F. 664-Frederickson:** Adds authority for the Board of Water and Soil Resources to accept and administer federal grants, donations, gifts and other contributions to achieve authorized objectives of the agency. 53-0  
**S.F. 1862-Cohen:** Clarifies a duty relating to state expenditure forecasts. 54-0  
**S.F. 1328-Johnson, D.E.:** Provides for action by the Public Utilities Commission on purchases of wind and biomass power. 53-0  
**S.F. 1419-Johnson, D.E.:** Authorizes municipal and cooperative utilities to form joint ventures for the provisions of utility services. 59-0  
**S.F. 609-Junge:** Provides for enforcement of orders for protection issues in other states and imposes criminal penalties. 57-0  
**S.F. 1464-Anderson:** A resolution memorializing the President and Congress to enact legislation waiving the English-language and residency requirements for American citizenship for Hmong and other Laotian veterans of American-recruited and -trained special guerrilla units. 56-0  
**S.F. 737-Wiener:** Opens the process for selecting a writing carrier for the comprehensive health care association. 57-0  
**S.F. 364-Knutson:** Authorizes release of investigative data relating to crimes perpetrated by a juvenile to the victim and provides that persons convicted of terroristic threats or felony stalking or harassment violations have the burden of proof to establish that custody or visitation is in the best interests of a child. 56-0  
**S.F. 298-Ten Eyck:** Enacts the revised Uniform Partnership Act of 1994 and provides for limited liability partnerships. 54-0  
**S.F. 830-Cohen:** Modifies provisions governing the establishment and enforcement of child support and maintenance. 64-0  
**H.F. 299-Morse:** Omnibus state parks bill. 65-0  
**S.F. 437-Solon:** A resolution memorializing congress to pass federal legislation requiring persons selling insurance in federally chartered financial institutions to comply with all applicable state insurance laws and regulations. 63-0

# Senate Publications

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DFL	6-5931	Cohen, Richard J.	317 Cap.	64	DFL	6-4334	Novak, Steven G.	322 Cap.	52
R	6-9457	Day, Dick	117 SOB	28	R	6-4837	Oliver, Edward C.	121 SOB	43
R	6-4131	Dille, Steve	103 SOB	20	R	6-1282	Olson, Gen	119 SOB	34
R	6-2084	Fischbach, Michelle L.	151 SOB	14	R	6-5981	Ourada, Mark	145 SOB	19
DFL	6-4274	Flynn, Carol	120 Cap.	62	DFL	6-1802	Pappas, Sandra L.	120 Cap.	65
DFL	6-4154	Foley, Leo T.	G-9 Cap.	49	R	6-5252	Pariseau, Pat	109 SOB	37
R	6-8138	Frederickson, Dennis R.	139 SOB	23	DFL	6-9248	Piper, Pat	G-9 Cap.	27
DFL	6-3219	Hanson, Paula E.	328 Cap.	50	DFL	6-7809	Pogemiller, Lawrence J.	235 Cap.	59
DFL	6-9246	Higgins, Linda I.	227 Cap.	58	DFL	7-8060	Price, Leonard R.	235 Cap.	57
DFL	6-6153	Hottinger, John C.	120 Cap.	24	DFL	7-8061	Ranum, Jane B.	306 Cap.	63
DFL	6-8017	Janezich, Jerry R.	328 Cap.	5	R	6-4314	Robertson, Martha R.	125 SOB	45
DFL	6-9261	Johnson, Dave	111 Cap.	40	R	6-4123	Robling, Claire A.	132D SOB	35
R	6-3826	Johnson, Dean E.	147 SOB	15	R	6-1253	Runbeck, Linda	107 SOB	53
DFL	6-8881	Johnson, Douglas J.	205 Cap.	6	DFL	7-8063	Sams, Dallas C.	328 Cap.	11
DFL	6-5419	Johnson, Janet B.	G-9 Cap.	18	DFL	6-4875	Samuelson, Don	124 Cap.	12
DFL	6-2889	Junge, Ember Reichgott	205 Cap.	46	R	6-3903	Scheevel, Kenric J.	129 SOB	31
DFL	7-8065	Kelley, Steve	321 Cap.	44	DFL	6-8869	Scheid, Linda	317 Cap.	47
DFL	6-5285	Kelly, Randy C.	323 Cap.	67	DFL	6-4188	Solon, Sam G.	303 Cap.	7
R	6-4848	Kiscaden, Sheila M.	135 SOB	30	DFL	6-4191	Spear, Allan H.	120 Cap.	60
R	6-6455	Kleis, Dave	143 SOB	16	R	6-8075	Stevens, Dan	105 SOB	17
R	6-4120	Knutson, David L.	133 SOB	36	DFL	6-8660	Stumpf, LeRoy A.	G-24 Cap.	1
DFL	6-7061	Krentz, Jane	235 Cap.	51	DFL	6-4913	Ten Eyck, David J.	G-24F Cap.	4
R	6-4351	Laidig, Gary W.	141 SOB	56	R	6-6238	Terwilliger, Roy	115 SOB	42
DFL	6-3205	Langseth, Keith	122 Cap.	9	DFL	6-5650	Vickerman, Jim	226 Cap.	22
R	6-5655	Larson, Cal	153 SOB	10	DFL	7-8073	Wiener, Deanna L.	303 Cap.	38
R	6-4125	Lesewski, Arlene J.	131 SOB	21	DFL	6-6820	Wiger, Charles W.	325 Cap.	55
DFL	6-4136	Lessard, Bob	111 Cap.	3	<b>Capitol address: 75 Constitution Ave</b>				
R	6-2159	Limmer, Warren	127 SOB	33	<b>State Office Building address: 100 Constitution Ave</b>				
DFL	6-0293	Lourey, Becky	G-9 Cap.	8	<b>St. Paul, MN 55155</b>				

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*The Minnesota Senate Week in Review*

*May 9, 1997*

## **Conference panels meet**

Attention shifted from floor action to conference committees this week as Senators devoted more time to working out differences in the major tax and budget bills. The Senate held shorter floor sessions, and did not meet at all on Weds., May 7, in order to devote more time to the various conference committees. With the date for adjournment less than two weeks away, members met with their House counterparts in long meetings to reconcile the policy and funding differences in the budget bills. In addition, a variety of other bills were sent to conference committees throughout the week.

Conferees will meet on the major budget bills until differences are resolved. The Tax Conference Committee meets in Room 15 of the Capitol; the K-12 Education Budget Conference Committee meets in Room 112 of the Capitol; the Crime and Judiciary Budget Conference Committee meets in the basement hearing room of the State Office Building; the Jobs, Energy and Community Development Conference Committee meets in Room 10 of the State Office Building; the Health and Human Services Conference Committee meets in Room 123 of the Capitol; the Government Operations Budget Conference Committee meets in Room 316 of the Capitol; the Environment and Natural Resources Budget Conference Committee meets in Room 107 of the Capitol; and the Higher Education Budget Conference Committee meets in Room 318 of the Capitol.

## **Gastaxokayed**

A bill raising the current tax on gasoline from 20 cents per gallon to 24 cents was granted final passage at the Mon., May 5, floor session. Sen. Dean Johnson (R-Wilmar) said the proposed gas tax is necessary to repair and replace deteriorating roads and bridges statewide. H.F. 243 raises the gasoline tax from 22 to 24 cents per gallon between July 1, 1997 and June 30, 1998. The bill also raises the tax on other fuels proportionately. Johnson said the last gas tax increase was in 1988, and raised the tax from 17 to 20 cents per gallon. He said the bill provides a needed infusion of \$107 million a year in additional state transportation system funding. In addition, the bill appropriates \$14 million to improve Metropolitan transit, adds a 0.25 sales tax to replace property tax funding for transit, and appropriates money for 50 new state troopers as recommended by the governor.

Sen. Roger Moe (DFL-Erskine) offered an amendment, formerly S.F. 1930, that was approved April 28 by the Committee on Taxes. The amendment provides for an additional one-cent gas tax to remain in effect from July 1, 1997 until June 30, 1998. The one-year penny increase will help finance the repair of flood-damaged highways, streets, roads and bridges. Moe said the penny tax would raise an additional \$27 million within the year, and increase the state's level of matching federal disaster funding.

Sen. Jane Ranum (DFL-Mpls.) questioned how the additional penny increase would affect federal relief. She suggested postponing passage of the penny tax until a possible special summer session when more would be known concerning federal aid and the extent of the flood damage.

Moe said that federal matching reimbursement may be as high as 75 percent, and he added that there is enough known damage and needed projects to justify collecting the penny tax immediately. The Moe amendment was adopted.

Sen. Keith Langseth (DFL-Glyndon), offered an amendment changing the County State Aid Highway formula and shifting more of the bill's new tax revenues to the Metropolitan Area. Langseth's amendment countered an earlier amendment offered by Sen. Steven Novak (DFL-New Brighton) that was incorporated by into S.F. 243 by the Committee on Taxes, April 28. Novak's amendment apportioned evenly among counties any new money in excess of \$280 million. The Langseth amendment also divides any new money in excess of \$280 million, but alters the distribution to 40 percent apportioned on the basis of population, and 60 percent apportioned on the basis of county needs. Langseth said the amendment treats metropolitan and rural areas more fairly. He said his amendment still offers counties more money than in the past, but not as much as they would have received under amended S.F. 243. He said counties would receive increases of between 3.5 and 20 percent. Sen. Carol Flynn (DFL-Mpls.) said the amendment was fair and takes into account needed transportation projects in the Metropolitan Area. The Langseth amendment was passed on a vote of 33 to 29.

Sen. Linda Runbeck (R-Circle Pines) offered an amendment that removes the .25

percent metropolitan sales tax for transit operating expenses. The bill provides authority to the Metropolitan Council to increase the sales tax in the metro area in order to reduce the metropolitan property tax levy for transit costs. She explained that the amendment removes the section because the language creates a new tax that will have an ever-increasing purse but has no legislative oversight once the bill is enacted. Flynn, along with Sen. Dean Johnson, said they were opposed to the amendment because the metro sales tax will alleviate the property tax burden. "The property tax is an inappropriate way to fund transit in the metropolitan area," said Flynn. Though other members expressed concern that the sales tax increase will unfairly charge Greater Minnesota residents who travel to the seven county metro area, the amendment failed on a 30-33 roll call vote.

Focusing on the gas tax, Sen. Steve Kelley (DFL-Hopkins) offered an amendment that allows for a permanent appropriation increase for transit funding in the metropolitan area. Currently, the bill makes a one-time \$14 million appropriation increase from the general fund to the Metropolitan Council for metro transit needs. The Kelley amendment extends the increase indefinitely. He said, "As long as we're going to have a permanent 4 cent increase in the gas tax, we should have a permanent increase for transit funding in the metro area. This is an economic development issue, as well as an issue of fairness." The amendment prevailed.

Several amendments were ruled not germane to the transit bill, including an amendment offered by Sen. Leo Foley (DFL-Anoka) that increases speed limits on freeways.

An amendment offered by Sen. Sheila Kiscaden (R-Rochester) extends the .25 percent sales tax increase to cities of the first and second class. "If this tax is of value for the metropolitan area, we should extend it to other cities. These cities are struggling to fund their transit needs and we would like to have the same kind of authority in our communities that exists in the metro area," she said. Sen. Douglas Johnson said, "This is a totally new issue that the Tax Committee has not had a chance to review and it is not appropriate to have this amendment on the floor." The Kiscaden amendment failed 21-43. The bill was passed 34-31 on a roll call vote.

# Committee update

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## Judiciary

### Appointments approved

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), approved for Senate confirmation appointments to the Board on Judicial Standards, Weds., May 6.

The committee approved the appointment of attorney Peter Watson for continued service on the Board on Judicial Standards. Watson told the committee that his qualifications include extensive statewide litigation, and a familiarity with the practices, habits and personalities of many judges. He said that he could help the board interpret conduct and to make appropriate recommendations. Watson said that most complaints about judges arise from persons who feel they have not received justice. He said the complaints are frequently the result of a judge's comments. He also said that the board presently favors conciliation over confrontation.

The committee also approved, in absentia, Jon Haaven. Haaven was unable to attend the confirmation hearings but forwarded his remarks to members. In a supplemental questionnaire for the governor's advisory committee, Haaven said his previous experience on the board would enhance his future effectiveness and preserve badly needed continuity on the board.

The committee postponed approval of Republican Party Chairman Christopher Georgacas. Ranum suggested postponement following testimony from a witness to which Georgacas was unable to respond due to previous litigation between Georgacas and the witness. The committee may consider Georgacas' approval after it has received waivers of confidentiality concerning material contained in that litigation.

In other action, the committee approved Delores Fridge for Senate confirmation as the commissioner of the Department of Human Rights. Fridge described for the committee her successful activities within the department to streamline its operation, and to assure its continued efficiency and competency in investigating and processing complaints.

## State Government Finance

### Revenue buildings sites reviewed

In a joint session with the House Capital Investment Committee, the State Government Finance Committee, chaired

by Sen. Richard Cohen (DFL-St. Paul), discussed a report on the Dept. of Revenue building Tues., May 6. The lease for the department, now housed at the Riverfront Park Plaza in St. Paul, expires November 30, 1998. In 1996, the Legislature appropriated \$2 million to fund a study that would lead to the design and construction of a new building for the department. The Legislative Coordinating Commission engaged the services of the SGS Group, a government facility planning consultancy, to explore alternatives, and to present a report to the Legislature.

The report identifies four possible sites and costs associated with each. One site, now occupied by the State Farm building, is located at the intersection of Snelling Avenue and Highway 36 in Roseville and would result in total costs of \$54.5 million. Another location suggested in the report is currently occupied by the NCR building at 2700 Snelling Avenue, also in Roseville, with costs of \$54.7 million. A possible site on 55th Street in Inver Grove Heights was identified, at the cost of \$59.5 million. The fourth alternative is the department's current location, which would require the purchase of and addition to the current structure at a cost of \$74.2 million. The committee moved to request an appropriation of \$49.5 million for a contingency fund for the department to be used toward the project and to discuss and consider over the interim the alternatives as detailed in the report.

## Thursday, May 1

### Foster care, primary bills passed

Sen. Jane Ranum (DFL-Mpls.) asked that members accept the house changes in S.F. 813, foster care reform legislation providing for the transfer of custody of a child to a relative by consent decree, authorizing communication between adoptive parents and birth relatives and providing for relative care following reports of child abuse. The bill was repassed 55-0.

S.F. 166, a bill allowing for the sale of vehicles after being impounded fifteen days in Minneapolis or St. Paul was repassed by the Senate after members concurred with House language.

S.F. 1111, carried by Sen. Michelle Fischbach (R-Paynesville), reduces well-testing to once a year for wells passing semiannual inspection for two years, and was granted final passage. The Senate also

passed S.F. 1268, a bill authored by Sen. Steven Novak (DFL-New Brighton) which originally eliminated personal property tax on utilities but devolved through the process into simply requiring a study on the impact of such a tax policy.

Sen. Dallas Sams (DFL-Staples) carried H.F. 241, a Dept. of Transportation and Dept. of Public Safety agency bill concerning commercial vehicles, joint audits, MnDOT acceptance of electronic signatures and state registration of hazardous waste. An amendment offered by Sen. Jim Vickerman (DFL-Tracy), eliminating the requirement that families of 15-year-olds receiving farm permits show property tax statements proving farm ownership was the subject of debate. Members questioning the need for farm permits at all included Sen. Carol Flynn (DFL-Mpls.), who related a case in which the child of parents misrepresenting the extent of their farm ownership was killed driving on the highway. Sen. Dave Kleis (R-St. Cloud) also spoke in opposition to farm permits, arguing that they are unsafe and outmoded. "Farm permits are abused," he said, adding that, "If the department desires a decrease in farm permit paperwork, the Senate should delete the entire provision." Vickerman withdrew his amendment. Sams defended the bill's provision immunizing transportation employers from possible legal retaliation when asked to provide performance information on former employees. Sen. Don Betzold (DFL-Fridley) successfully amended the bill to hold the employers to a "good faith" standard with regard to the verity of information disclosed. Sams offered, but then withdrew, an amendment requiring a study to evaluate graduated driver's education. Sams said he had received word that the DPS will study the matter and report to the Legislature next year.

S.F. 80, a bill carried by Sen. Douglas Johnson (DFL-Tower) changes the presidential primary from the first Tuesday in April to the first Tuesday in March. Johnson successfully amended the bill to delete a contentious mail-in balloting provision. The amendment also established binding primaries by barring political parties from using the refund mechanism for political contributions if they don't accept the results of the primary election. The Johnson amendment was adopted, 49-10.

Sen. Ember Junge (DFL-New Hope) attempted to delete the bill's binding primary refund credit provision, arguing

that the penalty for not honoring the primary would be misplaced. She urged members, "Many of our constituents contribute, and they have learned that they will be reimbursed. People contribute in good faith, having no idea that the party didn't conform to some rules they don't understand. The people who will really be hurt by this will be your friends and neighbors who vote their choice." The Junge amendment was not adopted, 25-34, and the bill was passed, 39-23.

The Senate passed S.F. 1351, a collective bargaining bill sponsored by Flynn, including MnSCU employees and ratifying an interim approval process. S.F. 1423, adding court bailiffs in St. Louis County to the unclassified service was passed, along with H.F. 664, a bill giving authority to the Board of Soil and Water Resources to accept federal grants and other contributions.

A biomass energy bill S.F. 1328, authored by Sen. Dean Johnson (R-Willmar) was successfully amended by the author to provide a mechanism by which the Public Utilities Commission may approve or disapprove of power purchase contracts entered into by utilities to satisfy the wind and biomass mandates. The bill, which also commissions a biomass energy policy analysis, was passed by the Senate. Another utilities bill, S.F. 1419, also sponsored by Johnson was successfully amended by the author to allow a municipal utility in Willmar to form joint ventures. Members from other areas expressed some frustration at not being included in the project, but were assured by Johnson that the project would only be viable on a small scale and could later be expanded. An amendment, successfully offered by Sen. Steve Kelley (DFL-Hopkins), subjects the bill's joint ventures to current law with regard to telecommunications transactions.

S.F. 609, sponsored by Junge, concerns enforcement of court orders for protection (OFP). Junge successfully amended the bill to require that in divorce situations, counties consider one another's OFPs. The bill establishes grants for family visitation centers and requires that the centers have a knowledgeable person on staff. The bill was given final passage.

Sen. Ellen Anderson (DFL-St. Paul) presented S.F. 1464, a resolution for federal legislation waiving certain citizenship requirements for Hmong and Laotian veterans who fought with the United States in guerilla units in Laos. The resolution passed.

S.F. 354, sponsored by Sen. David Knutson (R-Burnsville), authorizes prosecutors to release information on juvenile defendants for insurance purposes and requires that courts make a good faith effort to notify victims if an offender's sentence changes. The bill passed. The Senate also passed S.F. 298, the Uniform Partnership Act, changing terms of limited liability partnerships.

Berglin urged concurrence on S.F. 333, a bill concerning the licensure of housing facilities that specifies when a house providing social services is cited by the Dept. of Health, all services will not be revoked. The Senate concurred and re-passed the bill.

During the afternoon session Thurs., May 1, members returned from a brief recess and immediately turned to S.F. 830. The bill's chief author, Sen. Richard Cohen (DFL-St. Paul), said there are two major articles in the omnibus child support legislation. Cohen asked Sen. David Knutson (R-Burnsville) to explain the first article which changes Minnesota law to reflect the requirements of federal law, primarily in the area of vehicular licenses. Under the bill, licenses for vehicles, along with recreational licenses, can be revoked if a person fails to make the required child support payments. Cohen said the second article specifies the procedures for the payment of child support.

Sen. Bob Lessard (DFL-Int'l. Falls) then offered several amendments. One of the amendments reduces the minimum amount of required child support that is to be paid by the non-custodial parent. Under the bill, the child support formula uses a 200 percent of minimum wage figure in determining the level of support. The Lessard amendment originally reduced the amount to 100 percent of minimum wage because he said he was concerned that people in northern Minnesota do not make wages that can support such a high level of payment. However, Knutson said he recognized Lessard's concern and offered a compromise figure of 150 percent of minimum wage when determining child support levels. Lessard accepted Knutson's suggestion and the amendment was adopted.

Lessard also offered a controversial amendment that allows a court to consider the failure of the custodial parent to cooperate with visitation rights when determining the non-custodial parent's failure to make timely child support payments. Cohen said he opposed the

amendment because he believes it is not good policy to tie child support payments to visitation rights. After the amendment failed, the bill was passed unanimously.

## Friday, May 2

### Cleanup bill passed

The Senate passed an environment cleanup bill in its afternoon session Fri., May 2. In addition, a number of conference committee reports were approved.

S.F. 638, authored by Sen. Steven Morse (DFL-Dakota), is a bill appropriating \$64.9 million for various environmental cleanup projects. Under the terms of the bill, reimbursement is provided to small gasoline retailers for tank removal and replacement costs associated with compliance with new federal standards for underground petroleum tanks. The bill also creates a contaminated site cleanup and redevelopment fund for the purposes of brownfield cleanup and restoration. In addition, the bill provides funds for individual sewage and wastewater cleanup programs and provides regulations for used motor oil and used motor oil filter collection. Morse offered a proposal regulating the disposal of antifreeze. The motion was adopted. Sen. Edward Oliver (R-Deephaven) proposed an amendment limiting the appropriation to \$6.9 million. The amendment did not prevail. The bill as amended was passed unanimously.

Sen. Linda Berglin (DFL-Mpls.), moved concurrence on S.F. 536 as amended by the House. The bill defines acts constituting a public nuisance. The House amendment adds prostitution to the list of those acts. The bill was re-passed unanimously and sent to the governor. Sen. Charles Wiger (DFL-North St. Paul) moved passage of the conference committee report on S.F. 35, a bill permitting the election of soil and water conservation district supervisors in Ramsey and Washington Counties. The bill was re-passed on a vote of 57-0. Sen. Steve Dille (R-Dassel) moved passage of the conference committee report on S.F. 543, a bill exempting grain banks from seed cleaning permit requirements. The bill also repeals the interstate compact on grain. The bill was re-passed unanimously. Sen. Dallas Sams (DFL-Staples) moved passage of the conference committee report on S.F. 1722, a bill defining pharmacy technicians. The bill defines a technician as one who assists a pharmacist by performing data entry and other

# Floorupdate

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nonjudgmental tasks under the supervision of a pharmacist. The bill also defines the powers and duties of the Board of Pharmacy. The bill was repassed by a vote of 56-0.

Earlier, the Senate considered a bill that Sen. Steven Morse (DFL-Dakota), sponsor of S.F. 637, said "affects virtually all public pension plans." Morse said that the bill has been labeled as the pension uniformity bill and that the objective of the bill is structural changes in the various pension funds. Morse highlighted several provisions in the bill including a cash payment to the retirement plans for teachers in first class cities (Mpls., St. Paul and Duluth), and the requirement of an actuarial equivalency accounting for individual legislators at the time of retirement. Morse said that the actuarial accounting won't result in a windfall for anyone. Concluding his opening remarks, Morse said the bill does move toward uniformity between the various plans. He stated that the Legislative Commission on Pensions and Retirement (LCPR) did discuss consolidating all the funds, but he said that would require further study and more money.

Two amendments on the topic of legislators' pensions generated a great deal of discussion. The first, offered by Sen. Dave Kleis (R-St. Cloud), eliminates pensions for Legislators elected in 1998 or later. Kleis said that under his amendment, Legislators elected before 1998 may opt out of the plan if they choose. Kleis urged adoption of the amendment, saying that taxpayers shouldn't have to pay for the years after a Legislator's time of public service. He said that under the current Legislative pension plan, after ten years of service, a legislator qualifies for a \$12,500 annual pension. In contrast, Kleis said a state employee earning \$25,000 annually must work for 20 years to qualify for the same pension. Morse spoke against the amendment and questioned the accuracy of Kleis' numbers. Morse said that under the scenario presented by Kleis, the Legislator would only qualify for an annual pension of \$8,000. Morse added that under the bill, the Legislator contribution is increased from 9 percent to 10 percent of salary and the plan operates at approximately half the cost of other plans. The amendment was rejected on a voice vote.

The other amendment, offered by Sen. Steven Novak (DFL-New Brighton), deletes the changes to the Legislator and constitutional officer pension plan.

Opposition was voiced by Sen. Edward Oliver (R-Deeplaven) who said that under the bill, the pension plan moves toward a defined contribution system. He said that pension plans get into trouble when they use a defined benefit system, and the Novak amendment does just that. The amendment was rejected on a 10-51 roll call vote.

Other discussion centered around an amendment offered by Sen. Randy Kelly (DFL-St. Paul) putting St. Paul public school teachers into the Teacher's Retirement Association (TRA). Kelly said that the existing plan has a \$169 million unfunded liability and that amount will rise to \$234 million with benefit increases contained in the bill. Morse supported the amendment, saying it would make the TRA stronger by adding more members. He said that although the amendment does not consolidate the pension funds, it's a step in that direction. Morse added that frequently the state acts as the "rich uncle" by bailing out the first class cities teacher's plans, and the bailout costs are greater than fund consolidation. But Sen. Ember Junge (DFL-New Hope) urged rejection of the amendment and claimed it will put additional costs on school districts in her area. The amendment failed on a 19-39 roll call.

Other amendments adopted by the body included a measure offered by Sen. Dan Stevens (R-Mora) increasing the contribution of state judges into their pension plan by 2 percent of salary. The provision was adopted on a divided voice vote. Morse successfully offered another amendment allowing teachers in flood stricken areas who are scheduled to retire to go ahead and retire at the end of the current school year, and make up missed work days later. The bill passed 62-0 on third reading.

The Senate also considered S.F. 1023, authored by Sen. Steve Murphy (DFL-Red Wing). Murphy said the bill makes the rental car industry as profitable as possible by dedicating 3 percent of the car rental fees to the cost of registering the rental vehicle. Murphy said that Minnesota has a deficit of rental car availability, but Wisconsin has more cars available because of a similar fee. Sen. Ellen Anderson (DFL-St. Paul) successfully offered a compromise amendment supported by Murphy that she said simplifies the process. Anderson said that the rental agency is reimbursed for the

vehicle registration cost from the 3 percent fee. She added that fees collected above the registration costs will go to the Dept. of Revenue.

Oliver said that "Minnesota is the champion of high registration fees" and asked why vehicle registration fees are so high. Murphy said that in Wisconsin, the cost of vehicle registration is subsidized by the gasoline tax, making the fees lower. Sen. Gen Olson (R-Minnetrista) added that unlike Wisconsin, part of the Minnesota registration fee goes toward highways maintenance costs, resulting in higher fees.

Sen. Dennis Frederickson (R-New Ulm) asked if fees collected beyond the vehicle registration costs are dedicated to the state general fund or the highway user tax distribution fund. Murphy said that under the Anderson amendment, the excess goes to the general fund. That prompted Stevens to offer an amendment directing the excess fees toward highway maintenance costs. Stevens' amendment was adopted and the bill passed 53-1.

The Senate also adopted the conference committee report on S.F. 277, the omnibus liquor bill. Sen. Sam Solon (DFL-Duluth) said the report had three minor changes from the way it originally passed the Senate. Solon said the changes are a reduction in the number of liquor licenses allocated to Moorhead from three to two and removal of two provisions concerning North Dakota wholesalers selling to Minnesota retailers and liquor control enforcement practices within the Dept. of Public Safety. The measure was repassed 53-1.

Additionally, the Senate concurred with amendments made by the other body to Senate bills. Sen. Steve Kelley (DFL-Hopkins), sponsor of S.F. 741, said the amended version of the bill preserves the physician assistant advisory council, expands the council's scope and reclassifies a violation to a gross misdemeanor from a misdemeanor. The bill was repassed 45-0. S.F. 156, carried by Sen. Dallas Sams (DFL-Staples) was repassed 53-1. Sams said the bill reduces the interest rate paid by utility companies on deposits from 6 percent to no less than 3 percent.

## Monday, May 5

### Game and fish bill passed

In addition to acting on the gas tax, Senators also passed several additional

at the Mon., May 5, floor session. Sen. Dennis Frederickson (R-New Ulm) presented S.F. 254, this year's omnibus game and fish bill. Sen. Gary Laidig (R-Stillwater) offered the first in a series of amendments. The Laidig amendment alters the youth hunting provision in the bill that allows adults to hunt waterfowl after 4 p.m. as long as they are accompanying a hunter under the age of 16. Current law prohibits hunters from shooting waterfowl after 4 p.m., but several Senators said the afternoon cut-off line unfairly penalizes young hunters and therefore the bill was changed to allow for an exemption for hunters under 16 and their adult companions. Under the amendment, the adult accompanying the youth hunter may not shoot or kill waterfowl, however it was quickly opposed by both Sen. Bob Lessard (DFL-Int'l Falls) and Frederickson and the amendment failed 11-52.

An amendment, offered by Sen. LeRoy Stumpf (DFL-Thief River Falls), adds a number of changes to laws dealing with personal water craft. He explained that the amendment addresses safety issues by requiring that a person born after January 1, 1979 must possess a safety certificate issued by the state. The amendment also prohibits persons from operating the vehicles from sunset to 9 a.m. and increases the no-wake operating speed distance from shore to 150 feet. The amendment was adopted.

Lessard successfully attached an amendment that directs the Dept. of Natural Resources to examine the use of funds appropriated out of the game and fish fund and to determine the appropriateness of those expenditures. The department is then to report to the Legislature on its findings.

Sen. Janet Johnson (DFL-North Branch) offered an amendment that makes several changes to laws regulating snowmobiles. She said the amendment increases the three year snowmobile registration fee from \$30 to \$45 and also requires riders to purchase a \$10 snowmobile trail permit if they use state maintained trails. The permits are to be valid from Nov. 1 to Apr. 30. Sen. Steven Morse (DFL-Dakota) objected to this particular provision in the amendment and moved to amend it by requiring the \$10 trail fee to only apply to out-of-state riders. He explained that visiting snowmobilers are taking advantage of the state's extensive trail system but are not contributing to maintenance. Furthermore, he said, it's not fair to the residents

of Minnesota to charge them an additional trail fee when they are already paying other taxes and fees that are used for trails. Members agreed with Morse and adopted his amendment to the Johnson amendment.

Johnson went on to explain that the amendment requires that by Oct. 1, 1999, snowmobile operators under the age of 18 must have completed a safety education and training course and must have the certificate in their possession when riding. Furthermore, the amendment requires riders under 18 to wear safety helmets. The Johnson amendment prevailed.

Sen. Pat Pariseau (R-Farmington) successfully offered an amendment that establishes a two year firearm safety pilot program to promote awareness for the use and storage of firearms. The omnibus game and fish bill was granted final passage 49-4 on a roll call vote.

Turning to conference committee reports, Sen. Lawrence Pogemiller (DFL-Mpls.) explained the changes made to H.F. 2179, the statewide education testing bill. He explained that the conferees were able to hold onto most of the Senate's position, however he highlighted three major items that were not in the Senate version of the legislation. First, in addition to the performance tests required in third, fifth, and eighth grade, the bill now requires a fourth test in high school in order to assess student skills. The bill requires that the tests begin during the 1999-2000 school year and specifies nine required learning areas that will be tested--reading, writing and speaking, arts, mathematics, inquiry, sciences, people and cultures, decision making, and managing resources.

Second, the commissioner of education is to report back to the Legislature within one year "on whether the instruments developed are appropriate measures of student performance." Pogemiller also said the commissioner must demonstrate whether or not the high school performance test can be given statewide by the 1999-2000 school year. He said the Senate conferees were not convinced the tests can be developed in time, so this language was added to serve as a safety valve--if the tests are not ready, the assessment can be delayed.

Finally, the bill changes current rules that deal with the passing score on competency tests. He explained that today, 70 percent is the cut score, however the cut score is scheduled to rise to 75 percent and then to 80 percent.

"Further research indicated that it is not appropriate to raise the cut score above 70 percent because the increased cut off score is not a measure of improvement on the test," Pogemiller said. In addition, the Board of Education does not want to raise the cut score and thus the language was added to repeal the undesirable rule.

Sen. Jane Krentz (DFL-May Township) explained that she did not sign on to the conference report, though she has been heavily involved in the process throughout the debate and was a conferee, because the addition of the fourth test "has the potential to dramatically change the way we deliver education on the secondary level. It will not test minimal competency and, I fear, may lower standards as people teach to the test." However, she was able to support the legislation because of the escape clause. The bill was repassed unanimously on a 59-0 roll call vote.

In other action, the Senate approved H.F. 244, a bill authored by Sen. Leonard Price (DFL-Woodbury). The bill allows local governments to adopt ordinances meeting PCA sewage treatment system requirements. Price said the bill offers local governments the flexibility to adopt laws applicable to soil conditions, population-density and groundwater variables in their areas, as well as the opportunity to explore new sewage treatment technologies.

Several amendments were offered. Sen. LeRoy Stumpf (DFL-Thief River Falls) offered an amendment allowing treatment systems meeting PCA health and safety standards, and having at least two feet of soil separation between groundwater-soil and the system, to remain in use.

Price opposed the amendment. He said it precluded local governments' authority to take into account soil, population and groundwater conditions applicable to their areas. Sen. Gen Olson (R-Minnetrissa) supported Stumpf's amendment. She said that it protects individuals whose septic systems are safe, but may not conform to local government regulations, from financial hardship and property depreciation. Olson said that laws should not always protect the government. The amendment prevailed, and the bill passed on a vote of 62 to 0.

## Tuesday, May 6

### Speed limits repassed

The Senate repassed a bill raising speed limits in the state during the floor session

# Floorupdate

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Tues., May 6. The Senate also approved a number of bills on Special Orders.

S.F. 724, authored by Sen. Janet Johnson (DFL-North Branch), is a departmental bill from the Dept. of Transportation. The bill, returned by the House for concurrence by the Senate, raises speed limits on nonurban interstate highways from 65 to 75 miles per hour and the speed limit on urban interstate highways from 55 to 65 miles per hour. In addition, the bill raises the speed limit on nonurban four-lane highways from 55 to 65 miles per hour. Johnson moved concurrence on the bill as amended by the House and said, "The House made a few small changes. Regarding noise abatement standards, the bill provides an exemption from standards limiting noise related to highway activity, but Senate language made an exception from that exemption for cities of the first class. The House amended the exception to include only Minneapolis and St. Paul, in effect making Duluth exempt from noise abatement standards. The House also added language related to animal husbandry vehicles, expanding the definition to include farm tractors and farm wagons. The House did not increase the 45 miles per hour speed limit on a portion of Interstate 35E that runs through a residential district in St. Paul." The bill was repassed on a vote of 40-16 and sent to the governor.

Sen. Linda Berglin (DFL-Mpls.), recommended S.F. 641 for concurrence. The bill requires peer review of substance abuse or health provider decisions regarding service certification. The bill was repassed on a 36-16 vote and sent to the governor. Sen. Sandra Pappas (DFL-St. Paul), authored S.F. 1097, a bill that creates revolving loan accounts for highway and transportation projects. Pappas moved concurrence and the bill was repassed unanimously.

On Special Orders, Sen. Steven Novak (DFL-New Brighton), presented S.F. 1370, a bill that provides a central location for information related to underground utilities for purposes of excavation. The bill was passed unanimously. S.F. 900, authored by Johnson, allows the Minnesota Pollution Control Agency to regulate toxics in packaging. The bill was approved 57-0. Sen. Dennis Frederickson (R-New Ulm), carried H.F. 1863, a bill that establishes an agricultural marketing and bargaining task force. The bill was okayed 55-0. S.F. 418,

sponsored by Sen. Deanna Weiner (DFL-Eagan), allows the design-build method of construction to be used on state projects. Weiner said, "The design-build method enables the state to work through a single contractor saving time at all stages of a project. More importantly, this method provides a cost savings of 10 to 15 percent." The bill was passed on a vote of 53-0. H.F. 858, authored by Sen. Steven Morse (DFL-Dakota), replaces statutory limits in health plans with health maintenance goals determined by the Dept. of Health. Berglin offered an amendment requiring disclosure of expenditure increases by health plan companies. The amendment did not prevail by a vote of 10-47. The bill was granted final passage on a vote of 57-1.

Morse also authored S.F. 436, a bill that provides bonding for environmental learning centers. The bill became the omnibus bonding bill for the session, as several amendments were proposed. Morse proposed an amendment requiring preparation of a pre-design package by contractors for state projects. The package defines the purpose, scope, cost and schedule of the proposed project before the design stage is implemented. The amendment was adopted. Morse offered an amendment authorizing appropriations for the petroleum contamination cleanup fund, the underground petroleum tank replacement fund, contaminated site cleanup grants, individual sewage and wastewater treatment programs and the used motor oil and used motor oil filter collection program. The proposal also includes capital budget modifications for early childhood learning and child protection facilities, local bridge replacement and rehabilitation, renovations of the Capitol and the governor's residence and the Lyn/Lake Performing Arts Center. The amendment was adopted. Morse offered a proposal transferring \$6.4 million from the general fund to the state environment "superfund" for environmental cleanup projects. The motion was adopted. Sen. Richard Cohen (DFL-St. Paul) proposed an amendment appropriating \$49.5 million as a contingency fund for renovation or replacement of the Dept. of Revenue building. The amendment prevailed. Sen. LeRoy Stumpf, (DFL-Thief River Falls), proposed an amendment providing \$12 million to fund flood damage reduction projects regarding future floods. The amendment was

adopted. The bill as amended was laid on the table.

## Thursday, May 8

### Brief floor session held

During the Thurs., May 8, floor session, the Senate took up two bills on Special Orders. The first bill considered, S.F. 1334, was described by Sen. Richard Cohen (DFL-St. Paul) as a measure that allows municipalities and local units of government to be able to extend employee health insurance benefits "to other classes of people," namely to family members and living partners.

Sen. Tom Neuville (R-Northfield) offered an amendment and explained, "The bill as it is now is too broad as it allows the addition of any class of person to the expanded health benefits. This can include not only same-sex partners, but unmarried couples, roommates, and friends." The amendment narrows the definition of persons to whom benefits may be extended to blood relatives. Because the definition is too broad, Neuville said, the potential costs to local governments and the state is too great. However, when the Neuville amendment prevailed on a 33-30 roll call vote, Cohen laid the bill on the table.

Sen. Edward Oliver (R-Deephaven), author of S.F. 1350, explained that the measure authorizes physicians in other states to prescribe controlled substances for patients to help control symptoms such as chronic pain. Current law only allows filling of prescriptions written by physicians in Minnesota and bordering states. However the Oliver legislation extends the authority to all 50 states.

Sen. David Knutson (R-Burnsville) successfully offered an amendment that prohibits persons from dispensing controlled substances to assist another person in a suicide. After the amendment was adopted, the bill was granted a unanimous final passage.

Members also granted concurrence and repassage to three bills. S.F. 703, authored by Linda Scheid (DFL-Brooklyn Park), allows mail ballots in certain elections in additional cities and towns. S.F. 868, carried by Sen. Linda Higgins (DFL-Mpls.), delays the sunset date relating to state licensing of Minneapolis building contractors. S.F. 72, sponsored by Sen. John Marty (DFL-Roseville), makes technical changes and clarifies state election laws.

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### **Bills granted concurrence and repassage Friday, May 2**

- S.F. 741-Kelley, S.P.:**Regulates the practice of respiratory care; establishes the requirements for registration and regulation of respiratory care practitioners; and provides for continuing education, fees, reporting obligations and disciplinary actions. 50-0  
**S.F. 156-Sams:**Regulates interest payments on utility deposits. 53-1  
**S.F. 536-Berglin:**Adds to the definition of nuisance and the list of acts constituting a public nuisance. 57-0

### **Conference committee reports adopted and repassed Friday, May 2**

- S.F. 277-Solon:**Omnibus liquor bill. 53-1  
**S.F. 35-Wiger:**Provides for the election of Ramsey County Soil and Water Conservation District supervisors by only the voters in supervisor districts for which candidates are nominated. 57-0  
**S.F. 543-Dille:**Changes grain bank license requirements and repeals the Interstate Compact on Agricultural Grain Marketing. 57-0  
**S.F. 1722-Sams:**Defines pharmacy technician. 56-0

### **Bills granted final passage on Special Orders Friday, May 2**

- S.F. 637-Morse:**Pension uniformity bill. 62-0  
**S.F. 1023-Murphy:**Imposes a fee on motor vehicle rentals and provides for a rebate of the fee to motor vehicle lessors to compensate for motor vehicle registration fees paid by lessors. 53-1  
**S.F. 638-Morse:**Petrofund; brownfields provisions. 57-0

### **Bills granted concurrence and repassage Monday, May 5**

- S.F. 1807-Runbeck:**Changes reporting deadlines relating to workers' compensation; modifies certain workers' compensation procedures; and adds state correctional officers to the presumption of occupational disease.  
**S.F. 1136-Solon:**Transfers responsibility for a family practice residency program from the city of Duluth. 55-0  
**S.F. 995-Morse:**Omnibus pension provisions. 53-0

### **Conference committee reports adopted and repassed Monday, May 5**

- H.F. 686-Johnson, D.H.:**Prohibits landlords from penalizing tenants solely for seeking police or emergency assistance. 61-0  
**H.F. 156-Ten Eyck:**Secretary of State's Office housekeeping bill. 61-0  
**H.F. 2179-Pogemiller:**Formulates statewide testing and reporting systems. 59-0

### **Bills granted final passage on Special Orders Monday, May 5**

- H.F. 244-Price:**Modifies requirements relating to individual sewage treatment systems. 62-0  
**H.F. 243-Johnson, D.E.:**Highway and transit funding. 34-31  
**H.F. 1755-Kelley, S.P.:**Provides for procedures between the county housing and redevelopment authority and certain municipalities and municipal authorities. 52-8  
**S.F. 254-Frederickson:**Omnibus game and fish bill. 49-4

### **Bills granted concurrence and repassage Tuesday, May 6**

- S.F. 641-Berglin:**Requires a peer of the treating mental health or substance abuse provider to review a utilization review organization's determination not to certify a mental health or substance abuse service. 36-16  
**S.F. 1097-Pappas:**Creates revolving loan accounts for trunk highways, county state-aid highways and municipal state-aid streets and creates a transportation revolving loan fund for federally eligible transportation projects, managed by public facilities authority. 56-0  
**S.F. 724-Johnson, J.B.:**Exempts certain roads, streets, and highways from noise standards and clarifies that specific service signs may be placed at certain intersections of trunk highways. 40-16

### **Bills granted final passage on Special Orders Tuesday, May 6**

- H.F. 1370-Novak:**Relates to excavation notification and requires notice of underground facilities in drawings for bid specifications or plans. 58-0  
**S.F. 900-Johnson, J.B.:**Amends provisions relating to toxics in packaging. 57-0  
**H.F. 1863-Frederickson:**Establishes a task force to make recommendations on modifications to the agricultural marketing and bargaining law. 55-0  
**S.F. 418-Wiener:**Provides that for certain contracts the design-build method of construction may be used. 53-0  
**H.F. 858-Morse:**Regulates health plans and provides for certain disclosures. 57-1  
**S.F. 436-Morse:**Modifies the requirements for a program for environmental learning centers and changes the source of funds for certain projects. Laid on the table.  
**H.F. 254-Knutson:**Provides for open juvenile court hearing in certain proceedings and provides certain juvenile records are open to public inspections as provided by the rules of Juvenile Court. 61-0

### **Bills granted concurrence and repassage Thursday, May 8**

- S.F. 703-Scheid:**Allows mail balloting in certain elections in additional cities and towns. 39-14  
**S.F. 868-Higgins:**Delays the sunset relating to state licensing of Minneapolis building contractors. 54-0  
**S.F. 72-Marty:**Changes and clarifies provisions of the Minnesota election law. 57-4

### **Bills granted final passage Thursday, May 8**

- S.F. 1350-Oliver:**Modifies the requirements for dispensing controlled substances. 65-0
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DFL	6-5713	Beckman, Tracy L.	124B Cap.	26	DFL	6-4370	Metzen, James P.	303 Cap.	39
R	6-5975	Belanger, William V.	113 SOB	41	DFL	6-2577	Moe, Roger D.	208 Cap.	2
IND	6-5094	Berg, Charles A.	G-95 SOB	13	DFL	6-5649	Morse, Steven	G-24 Cap.	32
DFL	6-4261	Berglin, Linda	309 Cap.	61	DFL	6-4264	Murphy, Steve	301 Cap.	29
DFL	6-2556	Betzold, Don	306 Cap.	48	R	6-1279	Neuville, Thomas M.	123 SOB	25
DFL	6-5931	Cohen, Richard J.	317 Cap.	64	DFL	6-4334	Novak, Steven G.	322 Cap.	52
R	6-9457	Day, Dick	117 SOB	28	R	6-4837	Oliver, Edward C.	121 SOB	43
R	6-4131	Dille, Steve	103 SOB	20	R	6-1282	Olson, Gen	119 SOB	34
R	6-2084	Fischbach, Michelle L.	151 SOB	14	R	6-5981	Ourada, Mark	145 SOB	19
DFL	6-4274	Flynn, Carol	120 Cap.	62	DFL	6-1802	Pappas, Sandra L.	120 Cap.	65
DFL	6-4154	Foley, Leo T.	G-9 Cap.	49	R	6-5252	Pariseau, Pat	109 SOB	37
R	6-8138	Frederickson, Dennis R.	139 SOB	23	DFL	6-9248	Piper, Pat	G-9 Cap.	27
DFL	6-3219	Hanson, Paula E.	328 Cap.	50	DFL	6-7809	Pogemiller, Lawrence J.	235 Cap.	59
DFL	6-9246	Higgins, Linda I.	227 Cap.	58	DFL	7-8060	Price, Leonard R.	235 Cap.	57
DFL	6-6153	Hottinger, John C.	120 Cap.	24	DFL	7-8061	Ranum, Jane B.	306 Cap.	63
DFL	6-8017	Janezich, Jerry R.	328 Cap.	5	R	6-4314	Robertson, Martha R.	125 SOB	45
DFL	6-9261	Johnson, Dave	111 Cap.	40	R	6-4123	Robling, Claire A.	132D SOB	35
R	6-3826	Johnson, Dean E.	147 SOB	15	R	6-1253	Runbeck, Linda	107 SOB	53
DFL	6-8881	Johnson, Douglas J.	205 Cap.	6	DFL	7-8063	Sams, Dallas C.	328 Cap.	11
DFL	6-5419	Johnson, Janet B.	G-9 Cap.	18	DFL	6-4875	Samuelson, Don	124 Cap.	12
DFL	6-2889	Junge, Ember Reichgott	205 Cap.	46	R	6-3903	Scheevel, Kenric J.	129 SOB	31
DFL	7-8065	Kelley, Steve	321 Cap.	44	DFL	6-8869	Scheid, Linda	317 Cap.	47
DFL	6-5285	Kelly, Randy C.	323 Cap.	67	DFL	6-4188	Solon, Sam G.	303 Cap.	7
R	6-4848	Kiscaden, Sheila M.	135 SOB	30	DFL	6-4191	Spear, Allan H.	120 Cap.	60
R	6-6455	Kleis, Dave	143 SOB	16	R	6-8075	Stevens, Dan	105 SOB	17
R	6-4120	Knutson, David L.	133 SOB	36	DFL	6-8660	Stumpf, LeRoy A.	G-24 Cap.	1
DFL	6-7061	Krentz, Jane	235 Cap.	51	DFL	6-4913	Ten Eyck, David J.	G-24F Cap.	4
R	6-4351	Laidig, Gary W.	141 SOB	56	R	6-6238	Terwilliger, Roy	115 SOB	42
DFL	6-3205	Langseth, Keith	122 Cap.	9	DFL	6-5650	Vickerman, Jim	226 Cap.	22
R	6-5655	Larson, Cal	153 SOB	10	DFL	7-8073	Wiener, Deanna L.	303 Cap.	38
R	6-4125	Lesewski, Arlene J.	131 SOB	21	DFL	6-6820	Wiger, Charles W.	325 Cap.	55
DFL	6-4136	Lessard, Bob	111 Cap.	3	<b>Capitol address: 75 Constitution Ave</b>				
R	6-2159	Limmer, Warren	127 SOB	33	<b>State Office Building address: 100 Constitution Ave</b>				
DFL	6-0293	Lourey, Becky	G-9 Cap.	8	<b>St. Paul, MN 55155</b>				

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# Briefly

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*The Minnesota Senate Week in Review*

*May 21, 1997*

## **Regular session ends**

The Senate adjourned the 1997 regular session a few minutes before midnight Mon., May 19. Senators spent the hours immediately preceding adjournment processing a flurry of major bills including the K-12 budget bill, a compromise bonding package, a modified gasoline tax increase and a package that included salary increases for state agency heads along with the minimum wage increase. Negotiations with the governor over the K-12 budget bill continued until the eleventh hour but ultimately the parties failed to forge an agreement. The K-12 budget conference committee report was repassed despite the threat of a gubernatorial veto and the possibility of a special session.

## **Major bills approved**

Four controversial bills gained Senate passage during the final two hours of the regular session. A scaled down bonding package, a compromise gasoline tax increase and a state agency head judicial salary increase bill that contained the minimum wage increase were all acted upon in the final minutes of the regular session. The gasoline tax increase and transit funding bill did not reach a vote in the House and the salary increase package was defeated in the House, so neither bill will become law.

The compromise bonding package, H.F. 632, carried by Sen. Steven Morse (DFL-Dakota), did pass the other body and will become law. The measure authorizes a total of \$89.6 million in bonds for a variety of projects. The Senate version of the measure authorized \$123 million in bonding, but negotiations with the other body reduced the total significantly. According to Morse, the main issue was the funding for a new building for the Dept. of Revenue. Under the compromise, \$73 million is authorized to either purchase the current building or for construction of a facility in the Capitol Complex or at a site in Inver Grove Heights. The measure also provides \$7 million for wastewater infrastructure projects, \$7 million for contaminated site cleanup; \$6.4 million for "Superfund" projects; \$3 for local bridges and \$4 million for flood damage projects. In addition, the measure authorizes \$4.5 million for Hibbing Community College. Morse said that three items the Senate had approved--appropriations for

magnet schools, moving the steam plant at the U of M away from the river and items relating to the school of architecture--were dropped from the bill. The bill was approved on a 56-9 vote.

The gasoline tax increase proposal, H.F. 457, authorizes two temporary one-cent increases in the gasoline tax. One cent was earmarked for transportation flood relief efforts and the other penny designated for emergency highway repair and maintenance. Chief author Janet Johnson (DFL-North Branch), said the measure was a modest attempt to shore up highway funding. The bill also contained \$2 million for Greater Minnesota Transit, \$16 million for Metro Area transit and funding for an additional 30 state troopers. Janet Johnson said that without an increase in revenues, funds for highway repair and maintenance will be exhausted in just a few years. Sen. Dean Johnson (R-Willmar) spoke in support of the measure and said "The condition of our roads is deteriorating and this one cent will still not get us where we need to be." The bill passed 50-10.

S.F. 412, authored by Sen. Roy Terwilliger (R-Edina), sets the salary levels for elected officials, judges and state agency heads. In addition, the compromise package included an increase in the minimum wage. The governor had vetoed an earlier minimum wage increase bill. The measure gained Senate passage on a vote of 42-23.

## **K-12 funding bill repassed**

After many failed attempts to compromise with the governor's positions and avoid a sure veto over tax deductions and credits, the Senate granted re-passage to a K-12 Education conference committee report, H.F. 1684, without the governor's priority provision.

The bill's chief author, Sen. Lawrence Pogemiller (DFL-Mpls.) outlined for members the report's departures from the original Senate K-12 bill. The main difference in terms of Senate provisions is the absence of Pogemiller's high-profile reform initiative, "common schools of excellence," said Pogemiller. Pressure from Legislators desiring to fund the base formula to keep pace with inflation eventually had an impact, and the conference committee shifted dollars from the experimental program into the formula, where it will be a

more effective bargaining item in a bill possibly facing a veto.

"We are closer to the governor on lab schools," said Pogemiller. The report included House language on a provision that passed both bodies, a repealer on the slated sunset of the current compulsory school age which would have eventually mandated attendance until age eighteen. The House included a provision, however, that requires a student and family to meet with the school and sign an intent/permission agreement if a child between the ages of 16 and 18 plans to leave high school. The conference report contains site-based management provisions, although they are not exactly those initiated in the Senate by Sen. Charles Wiger (DFL-North St. Paul).

In terms of technology, the report preserves the integrity of similar Senate and House initiatives, adding \$5 million for technological costs related to statewide testing. The report includes an experimental provision repealing for one year the mandated Jan 15 contract negotiation deadline for labor agreements. A Senate "charge-back" measure is preserved in the bill as well as funding for magnet schools. A crime prevention increase of \$1.50 per student, introduced by Sen. David Knutson (R-Burnsville), and a new program called Learn to Earn, introduced by Sen. Allan Spear (DFL-Mpls.) are also included in the bill.

Before the Senate adopted the conference committee report and granted the bill re-passage, Sen. Gen Olson (R-Minnetrista) spoke on the merits of education tax credits and deductions. "Tax credits do what we said we wanted to do, put students first, not the system." She went on to defend the ability of lower income families to make prudent decisions regarding their children's education, "What makes anyone think that because these people are poor, they can't make these decisions?" Sen. Jane Krentz (DFL-May Township), however, said that she was happy about the base formula increase and urged support of the bill.

## **Subscription renewal**

This final issue of Briefly contains a subscription renewal form on page 16. Please fill out the form and return it to the Senate Publications Office by June 13, 1997, in order to continue receiving Briefly next year.

# Committee update

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## **Economic Development Budget Division**

### **Hockey arena okayed**

In a joint meeting with the Jobs, Energy and Community Development Committee and the Human Resources Finance Committee, the Economic Development Budget Division approved a bill Thurs., May 15, that provides funding for a new hockey arena in St. Paul. The division, chaired by Sen. Tracy Beckman (DFL-Bricelyn), also approved a bill to finance an expansion of the Minneapolis Convention Center.

Sen. Randy Kelly (DFL-St. Paul), presented S.F. 834. The bill provides \$6.5 million from the general fund for a grant to the city of St. Paul for predevelopment costs associated with a new hockey arena. The bill also states the intent of the Senate to appropriate an additional \$58.5 million through the issuance of bonds to St. Paul for the arena during the 1998 legislative session. Under the terms of the bill, the grant shall be made only after the National Hockey League has awarded a franchise for St. Paul and is contingent on the city and the potential owners of the team to make a matching commitment of \$65 million.

Kelly said, "This bill brings hockey back to the state of Minnesota after a long absence and will contribute to the redevelopment of the city of St. Paul, our capital city." He stated that the state bonding obligation would be paid off in 10 years. In response to a question from Sen. Dave Johnson (DFL-Bloomington), Kelly said, "The revenue from naming rights, permanent advertising and outdoor advertising would go to the potential owners of the team." He noted that the league is looking into expansion this month for the 1999-2000 season, and said, "The time for the state to step up is now. If we don't do it in this session, we won't have hockey in Minnesota."

St. Paul Mayor Norm Coleman spoke in support of the bill. He said, "The new Civic Center, like the old Civic Center, will be a multi-use facility that belongs to the state, not just the city of St. Paul. I'll bet each one of you has constituents in your district that has used this facility in the past year. And this will invigorate downtown St. Paul, particularly for that "second shift" that starts after 5 p.m. But we have a very narrow window of opportunity here, and there will not be a better

time for you to do something to support your capital city." On a roll call vote of 13-1, the division approved the bill and advanced it to the Jobs, Energy and Community Development Committee. The full committee, chaired by Sen. Steven Novak (DFL-New Brighton), then okayed the bill and sent it to the Human Resources Finance Committee.

The Budget Division also approved a bill that provides appropriations for the expansion of the Minneapolis Convention Center. The bill, S.F. 1369, was sponsored by Sen. Allan Spear (DFL-Mpls.). Under the terms of the bill, \$12 million is appropriated from the general fund to the city of Minneapolis for the center's expansion. The bill was approved on voice vote and re-referred to the Jobs, Energy and Community Development Committee. The committee met and okayed the bill. The bill was also advanced to the Human Resources Finance Committee.

## **Health and Family Security**

### **Appointment confirmations**

At the final meeting of the Health and Family Security Committee for this session on Mon., May 12, members made the initial approval of several appointments. The committee, chaired by Sen. John Hottinger (DFL-Mankato), approved the appointments of Anne Barry for the position of commissioner of health and David Doth for commissioner of human services. Members also confirmed the appointments of several persons for positions on the Emergency Medical Services Regulatory Board.

## **Human Resources Finance**

### **Convention center approved**

"The Minneapolis convention center proposal has been before us for two sessions now," explained Sen. Allan Spear (DFL-Mpls.) as he presented S.F. 1369 to the Human Resources Finance Committee chaired by Sen. Linda Berglin (DFL-Mpls.). Members of the committee met Fri., May 16, to hear two proposals, one for the convention center and one for the St. Paul ice arena. Spear initiated the afternoon's discussion with a brief description of the Minneapolis convention center measure, S.F. 1369. "Last year, the convention center was line-item vetoed out of the bonding bill. Why not wait two years for the 1998 session

bonding bill? Because of the urgency of this project," Spear said. According to Spear, the current convention center was built ten years ago at only half the originally recommended size and, therefore, the center can no longer accommodate the largest national conventions. "The center books the major events several years in advance. Thus, if we get no commitment this year for a convention center expansion, the center will lose many of the conventions," he said. He went on to explain that the bill makes a \$12 million appropriation from the general fund to begin immediate land acquisition and site preparation during 1997. The overall project is expected to cost \$185 million over 5 years and will be paid for through future bonding bills.

Sen. Randy Kelly (DFL-St. Paul) outlined the details to S.F. 834, a measure that appropriates money from the general fund to assist with the construction of a new hockey arena/civic center in St. Paul. He explained that the bill appropriates \$6.5 million from the general fund this year and recommends that the Legislature issue \$58.5 million in bonds next session to match money already put forward by the potential owners of a new national hockey league franchise team and the city of St. Paul. Both bills were eventually approved, with S.F. 1369 being re-referred to the Rules Committee and S.F. 834 advancing to the Committee on Taxes.

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

### **Confirmations recommended**

The Jobs, Energy and Community Development Committee recommended for confirmation the appointment of Edward Garvey as commissioner to the Public Utilities Commission Fri., May 16. The committee, chaired by Sen. Steven Novak (DFL-New Brighton), also confirmed appointments to the Workers' Compensation Court of Appeals and the Board of Invention.

Two judicial confirmations were recommended. Steven Wheeler was recommended for reappointment to the office of judge on the Workers' Compensation Court of Appeals. Debra Wilson was also recommended for reappointment to the office of judge on the same court. The committee also recommended for confirmation the appointment of Janet Robb to the Board of Invention.

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## Judiciary

### Panel rejects Georgacas

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), denied approval to Republican Party Chairman Christopher Georgacas' appointment to the Board on Judicial Standards, Thurs., May 15. The hearing was a continuation of a May 6 hearing.

Previous approval was postponed pending receipt of waivers of confidentiality allowing Georgacas to respond to statements made by the witness in regard to the litigation. The waivers were not received. However, Georgaca's attorney replied in a letter to the committee that the witnesses' testimony had placed his client, Georgacas, in an untenable position. The attorney said that because the confidentiality clause was not first waived, Georgacas was subject to damaging ex parte allegations to which he could not respond. Because the witnesses' testimony possibly violated the terms of the confidentiality clause, Georgaca's attorney recommended that the committee disregard the witnesses' testimony.

The committee agreed to do so. However, Sen. Richard Cohen (DFL-St. Paul) pointed out that additional published evidence placed in question Georgaca's ability to serve in a nonpartisan manner on the committee.

Georgacas responded that he believed in a nonpoliticized board of judicial standards and that remarks made in the context of his position of party chairman did not reflect upon his ability to act on the board.

Sen. Allan Spear (DFL-Mpls.) pointed out that, except for a period of two months, Georgacas' employment history indicated no departure from partisan politics. Georgacas had done an excellent job as party chairman, Spear said, but he felt that his confirmation to the Board of Judicial Standards was inappropriate at this time in his career.

## K-12 Education Budget Division

### Appointments confirmed

Fri, May 19, several appointees were confirmed by the K-12 Education Budget Division chaired by Sen. Lawrence Pogemiller, and the Committee on Children Families and Learning, co-chaired by Sen. Pat Piper (DFL-Austin),

Sen. Leroy Stumpf (DFL-Thief River Falls) and Pogemiller.

For the Board of the Minnesota Center for Arts Education, appointees include Sheila Livingston, a longtime member of Guthrie Theater. Sen. Jane Krentz (DFL-May Township) recalled that in 1971, Livingston had a volunteer group at the Guthrie and is a very motivated and active member of the arts community. Another MCAE appointee, Lorraine Krause, says her work for the Rudy Perpich Center has been exciting and that the board is the most wonderful board on which she has worked. A third appointee, Sylvia Strobel, was also confirmed.

State Board of Education appointees confirmed include Carmen Robles, an employee of the Dept. of Labor and Industry. Robles is a school-to-work activist, and has been active in promoting youth apprenticeship. Robles and George Jernberg were confirmed to the board.

In his request for confirmation as Commissioner of the Department of Children, Families and Learning, Robert Wedl, who began his career in special education, reminded the division that special education children did not always have the right to an education. Regarding all the state's children, Wedl said, "When kids leave the gates without a high school education," he said "we hand them a guarantee, a guarantee of a life of misery and poverty. Part of my vision is that children achieve at higher levels." Wedl emphasized statewide testing, asking, "Why would we want to work so hard, and not have any measure of it?"

The MnSCU Board of Trustees appointees confirmed include J. Dennis Dotson, Nancy Bratas, Robert Erickson and Michael Vekich. Kenneth Johnson and John Hoyt were confirmed as appointees to the Minnesota Higher Education Facilities Authority.

## Committee on Taxes

### Stadium proposals fail

The Senate Committee on Taxes, chaired by Sen. Douglas Johnson (DFL-Tower) crushed three stadium proposals, Mon., May 12.

The proposals are among a number of ideas offered in previous weeks by Senate and House members in an attempt to reach an agreement on a stadium package.

The first proposal offered by Sen. Dick Day (R-Owatonna) installs up to 1,500

slot machines and 50 blackjack tables at Canterbury Downs. Under the Day proposal, proceeds from the machines and tables will generate approximately \$41 million each year in net income needed for the repayment of revenue bonds used to build a new Minneapolis stadium. Under the measure, excess proceeds from the Minnesota Lottery operated casino are used to enhance horse racing purses at Canterbury, for grants to Indians not benefitting from casino gambling, and for payments to nearby local governments. Additional stadium revenues will come from a ticket tax and Canterbury revenues. The proposal also calls for the team's owner, Carl Pohlad, to contribute \$50 million, and for the Twins to pay \$2 million annually for the facility's use. Day told the committee that he and most Minnesotans didn't think of the Twins as the Pohlad's team, but as our team. "We're all going to be sad if we see the team pack up and leave," he said. The proposal failed on a vote of 12 to 11.

Douglas Johnson offered a proposal establishing a state-run casino and using its proceeds to pay debt service on revenue bonds issued for the construction of a retractable-roof baseball stadium in Minneapolis. In addition, the proposal also calls for \$100 million in stadium construction funding to be provided by the team's owner and \$30 million from the city of Minneapolis for land acquisition. Following payment of stadium construction costs, the proposal allows casino proceeds to be used for a St. Paul hockey arena, Metrodome refurbishment, grants to the Indian Affairs council, and to increase purses at Canterbury Downs. Any remaining proceeds will be deposited in a reserve fund for K-12 education and property tax relief, Johnson said. The proposal also calls for the Twins to sign an irrevocable 30-year lease.

Johnson said that possibly Minnesota would have been a better place if it had no gambling, except for nonprofit charity gambling. However, he said, he could see no workable alternative to stadium financing. He said that if properly placed and operated the state-run casino would not harm struggling Indian casinos.

Sen. William Belanger (R-Bloomington), offered an amendment disallowing casino construction in the city of Bloomington. The committee adopted the amendment, but the proposal failed on a vote of 7 to 15.

Sen. Jerry Janezich (DFL-Chisholm)

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offered a proposal for the construction of a retractable roof stadium in the Metropolitan Area. Under the proposal, a portion of the stadium construction dollars are provided by stadium user fees, such as parking, sales, and ticket taxes. The remaining portion of the funding is to be identified by the Metropolitan Sports Facilities Commission and the Legislative and Commission on Planning and Fiscal Policy. The proposal also calls for \$15 million from the team's owners, and an additional \$35 million advance from the team's owners that is to be eventually repaid to the owners from naming rights and concessions proceeds. Janezich said that, in its current form, the proposal would produce just under \$18 million per year. He said that more funding would be needed.

Sen. Charles Berg (Ind-Chokio) called the bill a "cat-in-the-sack," and not fiscally sound. Douglas Johnson said that no Legislative commission would find a source to fill the gap between the proposal's funding and what is needed. He said that in the end, funding would probably come from gambling. The proposal was defeated on a vote of 8 to 14.

In other action, Senator LeRoy Stumpf (DFL-Thief River Falls), sponsored a bill that provides for the abatement of the full amount of taxes on property determined by the assessor to have lost 50 percent of its market value due to flood damage. In the case of agricultural property, the abatement is limited to the house, garage and one acre of land, and to a farm building that has lost over 50 percent of its market value because of flood damage. In addition, the property must be located within a county designated by the Federal Emergency Management Act as eligible for federal flood aid.

Sen. James Vickerman (DFL-Tracy) offered amendments, one of which provides for temporary suspension of agency rules and the waiver of fees where such restriction and fees would impede flood recovery efforts and work hardship on individuals.

Sen. Leonard Price (DFL-Woodbury) said he was concerned about provisions in the amendment suspending the prevailing wage, and affecting PCA activities. He said that the amendment contained too many unknowns, and that he needed to know more about it before he adopted it. Price said that he otherwise supported the amendment. Vickerman withdrew the amendment pending clarification. He said he may offer it on the Senate floor.

The committee approved the S.F. 1944, as amended, and sent it to the Senate floor.

## Ice arena bill fails

Members of the Committee on Taxes, chaired by Sen. Douglas Johnson (DFL-Tower), met Sat., May 19, to consider a proposal for an ice hockey arena in St. Paul. The proposal, contained in S.F. 834, originally called for a \$6.5 million appropriation to fund the initial planning and design work. The bill also specified that the Legislature intends to appropriate \$58.5 million from bond proceeds next session for construction of a new arena as part of the St. Paul Civic Center complex. The measure also specified that the initial appropriation is available only after the National Hockey League awards an expansion hockey franchise to one or more owners who have made a binding commitment to the new arena.

Chief author, Sen. Randy Kelly (DFL-St. Paul), offered an amendment to eliminate the requirement for bonding and, instead, make the \$58.5 appropriation available as an interest free loan. The amendment also authorized the city to sell bonds to finance the new arena and to use revenue from a city sales tax to repay the loan. The amendment was adopted, however the bill failed to gain committee approval on a 11-8 roll call vote.

## Friday, May 9

### Brief session held

During a brief session held Fri., May 9, the Senate appointed several conference committees and repassed several bills.

The Senate did not accept the House's request to concur with its amendments to the omnibus pension bill, S.F. 637, and requested a conference committee be appointed. The House requested a conference committee on H.F. 1370, a bill relating to excavation, and the Senate acceded. The Senate also appointed a conference committee after the House's did not accept Senate amendments to H.F. 241, the motor carriers bill.

The Senate repassed the conference committee report on H.F. 282, authored by Sen. Charles Wiger (DFL-North St. Paul). The bill concerns the Metropolitan Transit Police and requires, among other things, that part-time officers maintain an active peace officer license. Part-time officers hired prior to January 1, 1998 are exempted from this provision. The Senate repassed H.F. 282.

At the recommendation of Sen. Carol

Flynn (DFL-Mpls.), the Senate adopted the conference report on S.F. 755, a bill permitting meetings of public officials by interactive television, and repassed the bill 59-0. The compromise increases the safeguards against exclusivity, requiring that at least one member of the authority be present at the usual meeting location, that all participants can hear one another and all public observers in the usual location can hear them. All votes are required to be conducted by roll call. S.F. 612, authored by Wiger, allows for the appointment of a Washington County recorder and auditor/treasurer and cuts St. Paul city council terms from four years to two. The bill was granted 58-3 repassage after the adoption of its conference report.

The industrial hemp bill, S.F. 1181, authored by Sen. Roger Moe (DFL-Erskine), was given final passage. Moe successfully amended the bill, scaling it down to merely requiring a study on the benefits of hemp production in Minnesota. Moe emphasized the need to "investigate the growing use of industrial hemp." The amendment was adopted and the bill passed 60-0.

## Monday, May 12

### Elected Met Council approved

In the floor session Mon., May 12, the Senate passed a bill calling for an elected Metropolitan Council. The Senate also repassed the omnibus transportation conference committee report and approved a number of other conference committee reports.

H.F. 423, presented by Sen. Carol Flynn (DFL-Mpls.), provides for elections to the Metropolitan Council. Flynn successfully moved to strip the Senate language from the bill and work from the House language. The bill also calls for Metropolitan Council election campaigns to be publicly financed. In current statute, council members are appointed by the governor. Flynn said, "The voters in the seven county Metropolitan Area will finally have a say in what they want their region to look like in the future and how it should be growing." Sen. Jane Ranum (DFL-Mpls.), spoke in opposition to the bill. Ranum said, "This was a good bill when it left the Senate committee, but the House version made some changes which makes it a different bill. The House deleted the voter's guide provision and reduced the salaries of council members sharply, from approximately \$20,000 per year to \$12,000. If you live

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in the Metro Area, you won't want to support this bill as it came over from the House." Ranum offered an amendment restoring the voter's guide and deleting the salary reduction. The amendment was defeated. Flynn said, "It's been said the governor may veto this bill, but that shouldn't determine our actions. And members should know that in 1971, then-Representative Arne Carlson was co-author of a bill that called for an elected Metropolitan Council." Sen. Ember Junge (DFL-New Hope), voiced her opposition to the bill and said, "An appointed Metropolitan Council provides a much needed check and balance on the power of municipal governments. An elected Council could very easily be made up of a number of special interests, a number of special neighborhood constituencies, which would hinder its real mission." The bill was passed on a 36-30 vote and sent to the governor.

Some discussion was generated over the omnibus Dept. of Transportation bill as reported out of conference committee. Sen. Janet Johnson (DFL-North Branch), Chair of the Transportation Budget Division, presented the bill, S.F. 1881. Johnson said, "There were a few changes made in conference committee. We added \$1 million to fund a commuter rail study by MnDOT. The committee also added \$150,000 to be used for grants to encourage women and minorities to attend State Troopers' school and to become troopers. Another \$7.1 million was appropriated to the department to deal with emergency road and bridge repair in the wake of the floods this winter. And in language related to the highway congestion pricing demonstration, a provision calling for local approval of such demonstrations was removed from the bill." Sen. Charles Berg (IND-Chokio), said, "Do we need to spend another \$1 million on yet another rail study? Will it ever end?" Johnson said, "This particular study examines commuter rail, not light rail as other studies have already addressed. The rails are already in place for commuter rail, making it a cheaper option." The bill was repassed 62-0.

On Special Orders, Sen. Ellen Anderson (DFL-St. Paul) presented H.F. 1936, a bill that allows for binding arbitration between employers and exclusive representatives of employees in case of disputes arising during the first year of such representation. Under the terms of the bill, binding arbitration can be called for by one of the parties should the parties fail

to negotiate a collective bargaining agreement or should mediation fail to bring about a settlement. Anderson said, "Under the current system, failure to reach an agreement can be used as a tactic for union busting. This bill imposes a duty on both parties to negotiate in good faith." Speaking against the bill, Sen. Linda Runbeck (R-Circle Pines), said, "I don't see a need for this bill. It just deals with hypotheticals, and would radically alter the landscape of employer/employee relations in the state." The bill was passed on a vote of 39-24. Also on Special Orders was S.F. 1820, authored by Sen. Steven Novak (DFL-New Brighton). The bill calls for a task force to study utility-related personal property tax issues, requires a study on the restructuring of the electric industry and requires reports on mercury emissions resulting from the generation of electricity. On a vote of 60-7, the bill was passed.

A number of conference committee reports were acted upon. Senate Minority Leader Dean Johnson (R-Willmar) presented the report on S.F. 4, a bill that provides medical school tuition reimbursement, up to 65 percent of tuition, for national guard members. The report was passed unanimously. S.F. 566, authored by Sen. Jim Vickerman (DFL-Tracy), is the omnibus gambling bill. The conference committee report was passed 55-9. Sen. Pat Pariseau (R-Farmington), presented the conference committee report on S.F. 526, a bill that provides for certification of food handlers. The bill was repassed unanimously.

## **Tuesday, May 13**

### **Minimum wage bill passed**

The Senate voted to make Minnesota's minimum wage law conform with the federal minimum during a floor session Tues., May 13. Sen. Randy Kelly (DFL-St. Paul), sponsor of H.F. 862, said that under the bill, the minimum hourly wage will rise to \$5.15 on September 1 of this year.

Kelly explained that the last increase occurred in 1991. He said that the bill changes the threshold definition of a "small employer" to comply with the federal definition. Kelly urged passage of the bill and said that the economy is robust and since the Legislature increased the salaries of Legislators and state agency heads, "It's time to help the lower rungs of the economy." Kelly also cited statistics showing a 24 percent increase in the median chief executive compensation.

Kelly outlined the history of employment law beginning with the abolition of slavery and moving on to child labor laws, collective bargaining laws and finally the minimum wage. He concluded his presentation by saying that the "capitalistic system unregulated is simply unbridled greed."

Most of the discussion centered around allowing the use of tips in calculating wages. As it came to the floor, the bill contained a provision allowing the consideration of tips in calculating wages as long as the employer provides health care benefits for the tipped employee. Sen. Steve Dille (R-Dassel) offered an amendment removing the provision and replacing it with a provision requiring employers to pay at least the old minimum wage and, if tips are insufficient, the difference between tips received and the new minimum wage. Dille said that he supports the bill because it sets the minimum wage to where the free market has already raised it for almost everybody. Dille said that the problem his amendment addresses are the neighboring states that do use tips as part of wages. He said that the bill will effectively raise the minimum wage for tipped employees from \$4.25 to \$5.15 per hour whereas surrounding states have minimum wages for tipped employees that range from \$2.13 to \$2.85 per hour.

Kelly opposed the amendment, stating that the 1990 Legislature acted to disallow the tip credit and the Dille amendment "steps backward in time." He said that money that restaurant patrons lay on the table should not be considered part of the compensation paid by the employer. Kelly added that the Dille amendment effectively freezes the minimum wage for tipped employees where it was set in 1991. "We have higher standards in Minnesota," he concluded. The amendment was defeated on a 33-33 roll call vote.

Kelly then moved to delete the tip credit provision in the bill, saying that it penalizes many agreements reached under collective bargaining. The motion was adopted on a voice vote, and the bill was passed on a 44-22 roll call vote.

Earlier, the Senate passed the conference committee report on the early childhood and family education bill. Sen. Pat Piper (DFL-Austin), sponsor of H.F. 2147, said the Senate conferees had two objectives in conference, to support the development of children and support the welfare-to-work programs already enacted. She said that under the conference committee report, HeadStart and Early

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Childhood Family Education programs are administered under one agency. The result, said Piper, is a more collaborative effort between the two programs. The bill was repassed 65-0.

The Senate again took up a bill about employment background checks on firefighters. Sen. Ember Junge (DFL-New Hope), sponsor of S.F. 1006, said that firefighters with a history of arson and child molesting have been hired by some fire departments. She added that firefighters come into people's homes during a fire and they have access to children. Sen. David Knutson (R-Burnsville) urged support for the measure saying that the background checks raise the level of professionalism of firefighters and help instill public trust. Sen. David Johnson (DFL-Bloomington) also urged support for the measure.

Some Senators, however, opposed the bill. Sen. Thomas Neuville (R-Northfield) said the bill opens up employment records of volunteer firefighters. "Where do we draw the line?" he asked. Sen. Don Betzold (DFL-Fridley) said that the bill went through committee following a similar bill for law enforcement officers. He said the firefighters didn't make a compelling case justifying their bill other than saying that they want it now that the bill for law enforcement has been approved. Betzold cautioned members that other occupations will come to the Legislature requesting background check legislation. Despite the arguments in opposition, supporters held sway, passing the bill 54-4.

The conference committee report on H.F. 753, the omnibus banking bill, was adopted on a motion of sponsor James Metzen (DFL-South St. Paul). Metzen said the Senate positions prevailed 95 percent of the time. He said that differences in the compromise from the Senate version are a different effective date for mortgage escrow account termination, a prohibition against charging different fees for ATM use within 50 miles of the Canadian border and a limit of \$25 on the fee charged by law enforcement authorities for collecting on bad checks. The bill was repassed 62-0 on a roll call vote.

Sen. Don Betzold presented the conference committee report on S.F. 97, the tuberculosis treatment bill. He said the compromise agreement included clarification language from the other body and a removal of a Senate appropriation that was inserted instead in the health and human services omnibus appropria-

tion bill. The measure was repassed 63-0.

The Senate also repassed S.F. 1351, a bill ratifying public employment collective bargaining agreements and modifying the Public Employment Labor Relations Act, after concurring with amendments made by the other body. Chief author Carol Flynn (DFL-Mpls.) said the amendment removes a provision on employee bargaining dealing with firefighters. Flynn said the provision "created a larger problem than the one we were trying to solve." The bill was repassed on a 42-0 roll call and now goes to the governor.

Sen. Dallas Sams (DLF-Staples) brought the conference committee report on H.F. 1409 before the Senate. He said the Senate position, allowing Pollution Control Agency to review county feedlot regulation ordinances, prevailed. The bill was repassed on a 61-0 roll call vote.

## Wednesday, May 14

### Emergency bonding bill discussed

The Senate took up the controversial emergency bonding bill, H.F. 632, during the floor session Weds., May 14. The bill's chief author, Sen. Steven Morse (DFL-Dakota), detailed the various provisions contained in the legislation that deal with topics ranging from the petroleum fund, brown field clean-up programs, wastewater treatment facilities, and capital improvement projects. After Morse briefly outlined the key provisions, the floor was opened up to amendments from members, and Sen. Janet Johnson (DFL-North Branch) was the first to offer an amendment that addresses the costs of two wastewater treatment facilities. She explained that two towns are faced with high costs to upgrade their facilities because they are located on rivers that have been officially designated wild and scenic waterways, thereby requiring stricter water quality standards for the towns' treated waste. The Johnson amendment allows the Dept. of Trade and Economic Development to decide whether or not to compensate the increased costs for treatment facility upgrades up to 100 percent of project costs. The amendment was adopted.

An amendment, offered by Sen. Lawrence Pogemiller (DFL-Mpls.), makes \$15 million available to the University of Minnesota to relocate the proposed steam power plant away from the Mississippi River. "The University can still proceed with its planned construction of the

refurbished steam plant at its current location along the river, but this is just an offer to help them move the plant off the river," Pogemiller said. He added that this is a last attempt to have the University's Board of Regents reconsider their decision and that he has exhausted all other means of relocating the plant. The amendment prevailed in a voice vote.

Sen. Linda Scheid (DFL-Brooklyn Park) successfully offered an amendment that allocates \$2 million in bonds to acquire land in the southwest Metropolitan Area to build a magnet school. She explained that the school will complement two other magnet schools in the western Metro Area, with one located in downtown Minneapolis and the second in the northwest Metro Area. She added that the magnet school program is a cooperative effort between the eight school districts in the western metro.

Sen. Richard Cohen (DFL-St. Paul) offered an amendment that allows for continued consideration of the Dept. of Revenue building issue. He explained that the amendment incorporates the language put together by the Dept. of Administration as to the cost of constructing a new revenue building at the motor pool site in the capitol area. Construction at that site would cost \$79 million, he said. Cohen added that by adopting the amendment, three options will be available for a new revenue building--a location at the motor pool site, a location at the proposed site in Inver Grove Heights, or the purchase of the existing building by the state.

After the Cohen amendment prevailed, Sen. Dean Johnson (R-Willmar) asked Morse, "Since it was my understanding the Senate would not have a bonding bill this session, could you give me a calculated figure of the total amount of bonds being issued with this bill?" Morse said the original bill designates \$48 million for the revenue building and \$24.5 million for flood relief and wastewater infrastructure projects. The amendments that had been attached that day, he explained, added another \$30 million for the revenue building, \$15 million for the University steam plant move, and \$2 million for the magnet school land acquisition for a total of approximately \$120 million. However, before a final vote was taken on the bill, Morse laid the bill on the table.

In other business, the Senate processed several conference committee reports, all of which were approved. First, Sen.

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Claire Robling (R-Prior Lake) presented the conference report for S.F. 735, a bill that modifies the Metropolitan Council wastewater services cost allocation system. She said several minor changes had been made to the metropolitan sewer rate allocations and that the bill represents a good compromise between the House, the Senate, and the governor. The bill was granted final passage on a 58-0 roll call vote.

Sen. John Marty (DFL-Roseville), chief author of S.F. 78, explained the conference report on the absentee voting bill. He said the bill makes several modifications to absentee voting and ballot procedures, with the addition of House amendments that require that a person voting by absentee ballot state why, no matter the reason. Another House amendment allows persons hospitalized just before an election, or persons overseas, to vote via electronic facsimile. The bill was repassed 55-6.

The conference committee report for the Dept. of Labor and Industry's house-keeping bill, S.F. 575, was explained by Sen. Linda Runbeck (R-Circle Pines). She said the bill as amended by the conference committee merges the Senate and House bills together, making several modifications to labor and employment provisions. Employees are required to make a written notice to explain positive drug test results, no fees may be charged to employees for copies of their personnel records, and criminal assault penalties are expanded to cover occupational safety and health agency employees. The measure was repassed 59-0 on a roll call vote.

Sparking a heated discussion, Sen. Randy Kelly (DFL-St. Paul) made a motion to withdraw S.F. 834, the St. Paul hockey arena proposal, from the Committee on Jobs, Energy, and Community Development and re-refer the measure to the Human Resources Finance Committee. Sen. Thomas Neuville (R-Northfield) reminded members that the Kelly request was a Rule 40 motion, meaning that 60 percent approval is needed from the Senate to move a bill between committees. "And for the integrity of the process, I will vote against the motion. We haven't had the leadership in the Legislature to deal with the Twins' stadium issue, so there is no way we can give proper consideration to the St. Paul ice hockey arena during the last three or four days of session," Neuville said. Kelly withdrew his motion.

## Thursday, May 15

### Bonding bill passed

The Senate passed a \$175 million bonding bill during the floor session, Thurs., May 15. H.F. 632, sponsored by Sen. Steven Morse (DFL-Dakota), originally appropriated money for bridge construction, capitol area improvements, refurbishment of the governor's residence, environmental learning centers, and for community performing arts. The measure contained \$12 million for emergency flood relief in Northwestern Minnesota, \$12.5 million for rural wastewater system, and \$12 million for two magnet schools, one in Minneapolis and one in a suburb. The bill was tabled at the Weds., May 14 session when the bill gathered \$15 million in additional bonding amendments.

Additional appropriations include bonding for wastewater treatment facilities, Rochester University Center improvements, Hibbing Community College additions, University of Minnesota Mississippi River steam plant relocation, magnet school site purchases, and a new Department of Revenue Building.

Sen. Douglas Johnson (DFL-Tower) said the bill was an irresponsible way to spend funds. He said that the Tax Conference Committee struggled to put together property tax reform, and that because of his continuing interest of retaining some tax relief for Minnesotans, he would vote against the bill.

Sen. Don Betzold (DFL-Fridley) requested reconsideration of an amendment offered a day earlier by Sen. Lawrence Pogemiller (DFL-Mpls). The amendment appropriates \$15 million in bond proceeds to the University of Minnesota Board of Regents to help pay a portion of the cost of relocating its Mississippi River steam plant to a site away from the river.

Rep. Steve Dille (R-Dassel) said that he toured the steam plant and found it inoffensive. He said that if removed, the steam plant would probably be replaced with condominiums. He added that moving the plant may cost the University \$46 million, and that the new site may be little better.

Pogemiller said that missing the opportunity to encourage relocation of the steam plant would be regretted in years to come. He said that preserving his amendment was important to Minnesota's environment, and stressed the importance of the river's clean up for future generations. He said that he loved the University of

Minnesota, but that its arrogance and opposition toward moving the plant was wrong.

Sen. Linda Higgins (DFL-Mpls.) supported Pogemiller. She said that her constituents deserved to restore that part of the Mississippi.

Sen. Allan Spear (DFL-Mpls.) pointed out that the University of Minnesota is a community, and that a vote for retaining Pogemiller's steam plant removal amendment is not a vote against the University.

Pogemiller's amendment prevailed on a vote of 37 to 27.

An amended appropriation for a new Department of Revenue building also caught Johnson's attention. He said that an additional \$30 million dollar increase, bringing the total to appropriation to \$79 million, furthered his resolve to vote against H.F. 632. He said that amount of money was unjustified when placed in the context of other, more pressing needs. He added that state agencies should be seeking ways to downsize instead of constructing costly buildings. However, the Senate passed the bill, as amended, on a vote of 46-17.

In other action, the Senate repassed several conference committee reports. Among them was the omnibus higher education funding bill, S.F. 1888, carried by Sen. LeRoy Stumpf (DFL-Thief River Falls). The bill appropriates \$2.37 billion for public higher education institutions, the Mayo Medical School and student financial aid for the FY 1998 and FY 1999 biennium. The appropriation represents an increase of almost \$300 million over current biennial appropriations, and is \$63.5 million more than the governor's recommendation. The bill contains \$87 million for one-time expenditures for improved student services and technology, \$1.076 billion for the University of Minnesota, \$500,000 for on-line programs in nursing, math and computer science. The bill also establishes a National Services Scholarship program to award a scholarship to one student in every Minnesota high school, and the ED Vest program to encourage savings for higher education expenses. The Senate repassed the bill, as amended by the conference committee, on a vote of 58 to 0.

The Senate also repassed a conference committee report on S.F. 473, a bill clarifying licensing exemptions for persons required to obtain home health care provider licenses. Among those excluded from the licensing requirements are registered nurses, persons providing

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services to only one individual, and providers licensed by the commissioner of human services to provide home and community-based services.

The last major item of business was the final passage of a pension bill, S.F. 1486, authored by Sen. Steven Morse (DFL-Dakota). The measure makes changes in a variety of pension plans and retirement programs. Morse offered an amendment containing most of the provisions of another pension bill that had been vetoed earlier in the week. Morse said that the amendment contains all the provisions of S.F. 995 except those object to by the governor. According to Morse, the governor objected to extending individual retirement account plans to certain employee groups and allowing those groups to opt out of the Minnesota State Retirement System would destabilize the funding of defined benefit plans through adverse selection. Morse said that the governor's action was "moving in the wrong direction," but that he omitted the provisions from the amendment. The amendment was adopted and the bill was granted final passage on Special Orders.

## Friday, May 16

### State agency funding okayed

What started as a routine description of the omnibus state government funding bill by Senate author Sen. Leonard Price (DFL-Woodbury) turned contentious when Sen. Don Betzold (DFL-Fridley) criticized the conference committee report, which nearly doubled the bill's size from the original Senate version. Price told members that the bill had come in well below the governor's recommended tails. Price added that the Senate had prevailed on public TV broadcasting and arts council funding as well as funding for the Office of Technology. The bill also includes the Persian Gulf veterans' bonus as well as the Senate's land use development grants.

At the close of Price's presentation, Betzold informed members that the bill "was 55 pages when it left the Senate, and is now 100 pages long." According to Betzold, the Senate bill contained few "pet projects," and more policy than pork. Using his own data practices task force request as an example, he said, "this is something I felt needed doing, not something I can take back to my district and brag about." Conference report initiatives, contrasted Betzold, include the purchase of a new Dept. of Revenue

building in Ely, a Hockey Hall of Fame in Eveleth and a Voyageur library/interpretive center in International Falls. In addition, the report funds a new portrait of Rudy Perpich which will include his wife, in deference to the late governor's wishes.

Said Betzold, "This revenue building up in Ely? We're buying it sight unseen and the Voyager Center was line item vetoed last year." He continued, "Members, this bill doesn't make any sense. I can't go back to my district and say, 'We're gonna have a bald eagle center down in Wabasha.'"

In defense of the report, Sen. Richard Cohen (DFL-St. Paul) pointed out that while the House's original offer was \$5 million over the governor's recommendation, and the conference report came in at only \$500,000 over the governor's suggested target.

Sen. Martha Robertson (R-Minnetonka) spoke against the report's inclusion of a controversial prescription drug purchasing plan originally introduced by Sen. John Marty (DFL-Roseville). "We are establishing price-fixing with this bill," she said. As it stands, the bill requires that the commissioner of administration begin a nongovernmental pharmaceutical contracting alliance and make the negotiated contract price available to pharmacies within the state. Price said that the prescription provision is a "watered-down" version of Marty's bill, which had been sent out of committee without recommendation. The most contentious component of the original bill, a required pricing disclosure, is not included. Price added that the governor may veto the section. Sen. Becky Lourey (DFL-Kerrick), whose alternative approach to the problem expands Minnesota Care to discount prescriptions for the elderly, elaborated, "Everybody wants a discount, but I'm afraid of losing community independent pharmacies whose fees are high and who are squeezed by HMO's." Marty defended his plan, "I'm not looking for discounts, I'm looking for a fair price."

Sen. Sheila Kiscaden (R-Rochester) called for members to send the entire bill back to conference. "It's time," she said, "for us to say, hey House, get reasonable." On a roll call, the Senate narrowly voted down the motion to send the conference report back to committee 35-30, and the bill was repassed 41-24.

Sen. Donald Samuelson (DFL-Brainerd) recommended passage of S.F. 1908, the health and human services omnibus budget bill. He catalogued the provisions, including the Senate position

setting COLA increases for employees who work with people with disabilities at five percent. The bill also provides the nursing home industry a three percent reimbursement for patients on Medical Assistance. Samuelson said Senate conferees accepted the House's SSI benefits provision. The bill also provides an increase in medical education funding.

A small provision added to the bill in conference committee, however, prompted resistance from several members. The provision, repeatedly introduced and defeated on the floor throughout the session constitutes Minnesota's version of the DOMA, banning state recognition of same-sex marriages. Sen. Linda Berglin (DFL-Mpls) spoke against DOMA on technical grounds, "we should not be allowing those kind of issues to be couched in omnibus bills. Up to this point, we have not allowed this. It opens the door to the inclusion of other controversial provisions."

Sen. Allan Spear (DFL-Mpls.) gave the provision some context, framing it as a situation forced upon Minnesota by a judicial decision in Hawaii and a dubiously constitutional congressional decree giving states the right to accept or reject same-sex marriages performed elsewhere.

Spear questioned the urgency of the measure, pointing out that Hawaii has apparently taken steps toward a compromise to also legislatively ban such marriages. But he said that the debate runs deeper than pragmatism, that objections to same-sex marriage are borne of a sense of real threat to cultural stability. "Why is this so threatening?" he asked, "Why is there a sense that marriage is under attack? If gay and lesbian couples want to get married, they are not attacking marriage, they are embracing it." Addressing the issue of stereotyping, he continued, "It's often been stated that gay men live promiscuously, here is a measure by which gay and lesbian couples are seeking stability. One would think social conservatives would support this measure which would allow financial benefits, inheritance tax, access to hospital rooms, joint property when partners die intestate, but most importantly, having a sense that your relationship is respected."

Samuelson acknowledged, "We didn't have the opportunity to debate this issue on the floor weeks ago. When the house brought it up on their floor, it was ruled germane, and they had the debate." He urged members to vote for passage of the \$5 billion omnibus bill.

Sen. Thomas Neuville (R-Northfield) recalled his own opposition to Minnesota's human rights act. "I think," he said, "it's possible to have respect for people but disagree with their conduct." Stating that he shares the views of 85 percent of Minnesota, Neuville continued, "I'm just trying to maintain the status quo."

Despite these arguments, the conference committee report was adopted on a voice vote and the omnibus health and human services budget bill was repassed 54-12.

Other bills granted repassage included S.F. 542, authored by Sen. Dennis Fredrickson (R-New Ulm). The bill gives Minnesota's Lower Sioux Indian community the authority to police its own boundaries. The bill was repassed as amended.

S.F. 780, authored by Sen. Janet Johnson (DFL-North Branch), modifies the requirements for mercury testing in incinerator omissions. Johnson explained that the House amended the bill to close a loophole allowing waiver of environmental restrictions whenever permits were modified. The bill as amended provides that restrictions are carried over whenever such a permit goes through unrelated modifications, unless the facility proves the reasons for the original citations have been rectified. The bill was granted repassage 54-6.

S.F. 900, also authored by Johnson, regulates toxins in packaging. Johnson explained that the only changes made by the House stemmed from her inclusion of a separate bill, but that all the other bill language had been removed by the House. The bill was repassed 60-0.

Sen. Steven Novak (DFL-New Brighton) moved concurrence with the House's amendments to S.F. 1820, the omnibus energy bill. He explained that the House simply provided for the expansion of a task force to ensure minority party representation. The bill was repassed 63-0.

S.F. 1023, authored by Sen. Steve Murphy (DFL-Red Wing), was granted repassage. The bill authorized a fee on motor vehicle rentals to compensate for the cost of the registration of the vehicle. Sen. Kenric Scheevel (R-Preston) took issue with increasing fees, "What is the total state rate?" asked Scheevel, "18 percent?" Scheevel said he objects to taxing car renters while allowing the business community to get its plates free. Murphy said, "This bill is simply truth in taxation. Right now we charge a license fee, and that's a tax. This just tells the people about it." Scheevel said a permis-

sive tax allows car rental businesses to modify prices to get a competitive edge. The bill was granted repassage 47-15.

The conference committee report on H.F. 1370, regulating the process by which bidding for excavation projects is conducted, was also approved. According to Betzold, the conference committee resolves his concern about data privacy. The bill was repassed 63-0. A conference committee report was adopted on H.F. 379, a commerce bill allowing the state to require investors in a particular offering to meet suitability standards relating to factors like annual gross income or net worth. The bill was granted repassage 61-0. H.F. 704, carried by Sen. Dave Johnson (DFL-Bloomington), exempts large electric power generating plants from certificates of need proceeding from bidding process selection. Johnson said the Senate version was accepted by house in conference. The bill was repassed 60-0.

H.F. 257, carried by Lourey, concerns the emergency medical services regulatory board. Lourey said the House wanted to give the board specific authority rather than general. The bill also recodifies all relevant statutes into a new consolidated section. All repealers, she said, are simply in service to this consolidation. The bill was repassed 65-0. Also granted repassage was S.F. 555, a bill authored by Sen. Steve Kelley (DFL-Hopkins), authorizing the creation of telecommunications purchasing cooperatives. The bill was repassed 61-0. S.F. 309, a bill authored by Stevens, authorizing the sale of tax-forfeited land bordering on public waters was repassed 60-0.

### **Economic development okayed**

Members devoted the remaining portion of the Fri., May 16, session to discussion and repassage of the conference committee report on the jobs and economic development budget bill. H.F. 2158, carried by Sen. Tracy Beckman (DFL-Bricelyn), appropriates \$413 million to various initiatives for community development and job training. Beckman said, "We tried to meet the concerns of the administration and still maintain the integrity of the House and Senate positions. Overall, the conference committee maintained community development as our main priority and I am proud to bring this bill back to you."

The measure appropriates \$85.9 million from the general fund to the Dept. of Trade and Economic Development. Of that amount over \$56 million is ear-

marked for business and community development with a number of one-time grants made to various communities for specific projects. The measure provides \$4.8 million for the Minnesota Trade Office, \$16.8 million for tourism, and \$19.6 million for Minnesota Technology, Inc. Beckman said that job training is a key part of the budget package and to that end, more than \$76 million is appropriated for the Dept. of Economic Security with \$26 million for workforce preparation. Approximately \$2.1 million is earmarked for youth intervention programs, and \$3 million is designated for supplementing the activities of the Job Training Partnership Act. The Housing Finance Agency is appropriated \$58 million, the Dept. of Commerce is appropriated \$32.3 million, the Dept. of Labor and Industry is appropriated \$50.3 million, the Dept. of Public Service is appropriated \$18.1 million, and the Minnesota Historical Society is appropriated \$46.8 million.

Members spent little time debating the measure and the omnibus jobs and economic development conference committee report was repassed on a vote of 55-11.

Sen. Thomas Neuville (R-Northfield) moved to suspend the rules of the Senate in order to consider a resolution he had introduced earlier in the day. The resolution, SR 57, commends the United States Congress for action on federal bill HR 1122. Neuville said he wanted to bring the resolution before the Senate for immediate consideration because of pending U.S. Congress action on a bill relating to a controversial abortion procedure. Neuville's motion to suspend the rules, however, was defeated on a 32-32 roll call vote.

Finally, members granted final passage to a bill on Special Orders. S.F. 1944, authored by Sen. LeRoy Stumpf, (DFL-Thief River Falls), authorizes tax abatements for property that has lost value due to flood damage; provides for state reimbursement to local units of government; authorizes the delay of certain local government reports, elections, and meetings; and creates a priority for flooded areas in allocation of low-income housing credits. The bill was passed 51-0.

### **Saturday, May 17**

#### **Appointments confirmed**

In an effort to process pending legislation before the end of the regular session, the Senate met for a floor session Sat.,

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May 17, to grant final passage to several bills and confirm many gubernatorial appointments.

The Senate passed the conference committee report on H.F. 735, a bill on civil commitment. Sen. Don Betzold (DFL-Fridley), sponsor of the measure, said the compromise version of the bill now contains language on state payments to counties for commitment costs, liens to recover medical assistance benefits and application of those liens to joint bank accounts. Sen. Paula Hanson (DFL-Ham Lake) asked about the commitment cost impact on counties. Betzold explained that under the old law, when a commitment order is in effect, the state pays 90 percent of the costs while the county picks up the other 10 percent. However, Betzold said, when the commitment order expires, the county is then liable for all of the commitment costs even though the patient never leaves the hospital. He said that under the bill, the state assumes all the commitment costs upon commitment order expiration. The bill was granted repassage on a 56-0 roll call vote.

The Senate also passed the compromise agreement on S.F. 960, the Patient Protection Act. Sen. Linda Berglin (DFL-Mpls.), author of the bill, described the differences between the bill as originally passed in the Senate and the way it came back from conference. She said the differences now include provisions prohibiting agreements between health care providers and health plan companies that prohibit the providers from making statements on the suitability of health plans unless the provider has a financial interest in the plan and a provision stipulating that if a plan company voluntarily files a reimbursement method disclosure statement with the commissioner of health, they must make that statement available in English, Spanish, Vietnamese and Hmong. She also said the bill now repeals the anti-trust exemption process for health care organizations. The bill was repassed 61-0.

Other bills given repassage by the Senate include S.F. 95, sponsored by Sen. Becky Lourey (DFL-Kerrick) modifying provisions on health maintenance organizations; S.F. 420, sponsored by Sen. Charles Wiger (DFL-North St. Paul), a Dept. of Administration bill on elevator inspections; S.F. 848, authored by Sen. Carol Flynn (DFL-Mpls.), creating civil liability in state courts for actions in federal court that prevent a person from

engaging in public discourse; and S.F. 1114, carried by Sen. Randy Kelly (DFL-St. Paul), raising the tort liability limit for state and local governments and requiring record keeping of litigation expenses incurred by governments.

Also passed were S.F. 877, sponsored by Sen. Leo Foley (DFL-Anoka), clarifying the admissibility of evidence on seat belt use or defects in personal injury lawsuits; S.F. 627, sponsored by Sen. Jane Ranum (DFL-Mpls.), requiring expert review of civil actions against professionals; S.F. 1513, carried by Sen. John Hottinger (DFL-Mankato), modifying provisions relating to civil actions; S.F. 294, sponsored by Sen. Ember Junge (DFL-New Hope), authorizing background checks on law enforcement officer applicants; and S.F. 739, authored by Sen. Steve Kelley (DFL-Hopkins), the telecommunications deregulation bill.

Later, the Senate took up a lengthy Confirmation Calendar and approved the governor's appointments to various agencies and boards. Most of the confirmations were granted with little discussion or debate. However, Sen. John Marty (DFL-Roseville) raised questions about the appointment of Edward A. Garvey to the Public Utilities Commission (PUC). Marty said that Garvey lashed out at the Attorney General's Office for taking a position on a matter that is statutorily required. Marty asked if Garvey understands the Attorney General's role in the matter. Sen. Steven Novak (DFL-New Brighton), speaking for the Jobs, Energy and Community Development Committee on the appointment, said that during the confirmation hearing Garvey said he would do things differently if he had it to do all over again and that the criticism of the Attorney General was a result of inexperience. Marty then stated that on Garvey's first day on the job as PUC member, Garvey acted to undo a previous commission action disqualifying two other commission members from deciding on a matter. Nevertheless, the Senate confirmed Garvey's appointment.

Other appointees receiving confirmation were James L. Girard as commissioner of the Dept. of Revenue, Gothriel J. "Fred" La Fleur as commissioner of the Dept. of Corrections, Christopher J. Skaalen and Patrick Thiry to the Minnesota Rural Finance Authority and Mary McLeod and James W. Richter to the Gambling Control Board.

Also confirmed were Dr. Joni Scheftel

to the Board of Animal Health; Susan Kiley, Stephen J. O'Connor and Beverly Anderson Otterness to the Minnesota Veterans Homes Board of Directors; Thomas L. Owens, Teresa Parker, M. Judith Schmidt, Caroline M. Baillon Ellis F. Bullock and Robert E. Powless to Board of the Arts; Wayne A. Simoneau as commissioner of the Dept. of Finance; and Mary Most Vanek as the Public Employees Retirement Association Executive Director.

Appointment confirmations were also granted to Dolores Fridge as the commissioner of the Dept. of Human Rights; Jon O. Haaven and Peter H. Watson to the Board on Judicial Standards; Anne Barry as the commissioner of the Dept. of Health; David S. Doth as commissioner of the Dept. of Human Services; and Stevan Eikevik, Debra Esse, David W. Huisenga, Dr. G. Patrick Lilja, Steven Nesseth, Kevin Paap, John Prondzinski, Dee Wayne Rognstad, Michael Stockstead, Dr. Albert Tsai, Dr. Michael Wilcox and Gary Windgrove to the Emergency Medical Services Regulatory Board.

In addition, appointments were confirmed for Lorainne E. Kruse, Sheila Livingston and Sylvia Strobel to the Board of the Lola and Rudy Perpich Minnesota Center for Arts Education; Nancy Brataas, J. Dennis Dotson, Robert Erickson and Michael Vekich to the Board of Trustees of the Minnesota State Colleges and Universities; Robert J. Wedl as commissioner of the Dept. of Children, Families and Learning; and George Jernberg and Carmen Robles to the State Board of Education.

Also confirmed were John Hoyt and Kenneth Johnson to the Minnesota Higher Education Facilities Authority; Pedar A. Larson as commissioner of the Minnesota Pollution Control Agency; Steven D. Wheeler and Debra A. Wilson to the Workers' Compensation Court of Appeals; and Janet Robb to the Board of Invention.

The appointment of Chris Georgacas to the Board on Judicial Standards, however, sparked a brief partisan floor fight.

Georgacas, currently chair of the Minnesota Republican Party, had failed, earlier in the week, to gain the approval of the Judiciary Committee for his appointment to the non-partisan board. Sen. Don Betzold (DFL-Fridley), made a motion that the Senate not confirm the appointment of Georgacas to the board. Betzold said that Georgacas entire work history had been in partisan politics and that

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there were questions whether or not Georgacas could put aside partisan considerations in his new role with the Board.

Sen. David Knutson (R-Burnsville) and Sen. Thomas Neuville (R-Northfield) spoke for the appointment and against the motion. Neuville pointed to past confirmations of other party officials and said, "We have recognized in other cases, that individuals can put aside their partisanship and perform their duties in a non-partisan manner." However, Sen. Richard Cohen (DFL-St. Paul) and Sen. Allan Spear (DFL-Mpls.) spoke against the confirmation and for the motion. Spear said, "The difference between Mr. Georgacas and those other officials is that all of those other people have had careers that were not totally linked to partisan politics. The thing about Mr. Georgacas is not that he lacks integrity or is dishonest, but that the position demands impartiality and equanimity of interest and there is nothing in his history to indicate that he is right for the job." The motion to not confirm the appointment was approved on a 40-25 party-line vote.

### **Environment budget bill passed**

In another action Saturday afternoon, members adopted and repassed the conference committee report for the environment, natural resources and agriculture bill. H.F. 2150, carried by Sen. Steven Morse (DFL-Dakota), provides total funding of \$647.9 million for various environmental and agricultural programs. Morse said, "This conference committee is truly a compromise. We did very well in defending Senate positions but we did increase total spending. The House bill was \$30 million higher than the Senate bill, but we ended up \$8.8 million higher than the Senate bill." Morse said that one of the important provisions is the Minnesota Grown food coupon program. "Because of the changes in welfare, we had a lot of talk about how to provide food for people cut off from food stamps. This bill provides \$1 million for coupons for legal immigrants cut off by the feds," Morse said.

The measure also adds money for parks and trails, ethanol, feedlots and odor issues and provides \$750,000 for a program for a youth corps type experience for young people, Morse said.

The bill increases fishing fees from \$13 to \$15 for individuals, from \$17.50 to \$20.50 for a couple and from \$4.50 to \$5.50 for seniors. Morse said that the

Senate had originally proposed increasing the fee for individuals to \$16 but had compromised on the \$15 figure.

The measure also makes changes to laws governing snowmobiles. Under the measure, snowmobilers under the age of 25 must acquire a training certificate by the year 2002. The measure increases snowmobile registration fees from \$30 to \$45 in order to provide funding for snowmobile programs. In addition, the measure requires nonresident snowmobilers to pay \$15 for a trail stamp if they travel on state trails.

The measure also includes funding for a number of projects recommended by the Legislative Commission on Minnesota Resources. However, Morse said that several projects approved by the Senate were stripped from the compromise bill. "Overall it is a well balanced bill, it spends more than we wanted to but it was necessary to get the bill closed out," Morse concluded.

Sen. Bob Lessard (DFL-Int'l. Falls) urged members to endorse the package and said, "This is probably one of the most successful bills I have witnessed for our sportsmen and women in the state." The measure was adopted and repassed 56-4

Finally, members also repassed the three additional conference committee reports. S.F. 501, sponsored by Sen. Sam Solon (DFL-Duluth), makes numerous changes to laws governing the Dept. of Commerce. The bill was repassed 60-0. S.F. 164, authored by Sen. Charles Wiger (DFL-North St. Paul), conforms certain food rules with federal regulations and eliminates a requirement concerning llamas. The report was adopted and repassed 59-0. S.F. 184, authored by Sen. Dan Stevens (R-Mora), modifies requirements relating to toxics in products. The measure was repassed 61-0.

## **Monday, May 19**

### **Tobacco access bill passed**

In its morning session Mon., May 19, the Senate passed a bill further limiting the access to tobacco for minors. The Senate also acted on a number of conference committee reports before an afternoon recess.

Sen. Ember Junge (DFL-New Hope), presented the conference committee report on H.F. 117, the tobacco access bill. The bill establishes a 90-day suspension of a driver's license for minors under the age of 18 who purchase or attempt to purchase tobacco products. The bill also

establishes penalties for the sale of tobacco products to minors. Under the terms of the bill, licensees will be charged a penalty of \$75 for the first offense, \$200 for the second, and \$250 for the third with a 7 day suspension of the tobacco license, and individuals who sell tobacco to a person under the age of 18 will be fined \$50. Each manufacturer of tobacco products, according to the bill, must also provide to the commissioner of health an annual report identifying the detectable levels of ammonia, arsenic, cadmium, formaldehyde and lead within the product. The bill also prohibits the display of single packs of cigarettes which are accessible to the public, and it prohibits cigarette vending machines in facilities that can be entered by persons under the age of 18. In addition, the bill also calls for one compliance check per year for each licensee to monitor the enforcement of the stricter legislation.

Junge noted that the Senate version of the bill had been approved on a vote of 55 to 6 and said, "This bill is significantly weaker than the bill that left the Senate; it represents a definite compromise. It also gives local government the option to substitute community service in a local hospital in lieu of the fines." Sen. Bob Lessard (DFL-International Falls), spoke against the bill and said, "The reporting provisions for hazardous substances will send us down a slippery slope. Other products have these substances in them, and soon every manufacturer, every farmer, will have to report on all kinds of things." Lessard moved to send the report back to conference committee. Sen. John Marty (DFL-Roseville) spoke against the motion and said, "The measures in this report are much less stringent than the one that came out of the Senate, and it's because it's been lobbied down by the big tobacco guns out of Washington. There were 1100 hazardous substances we asked tobacco companies to identify in our bill, now we're down to five." Sen. Dave Johnson (DFL-Bloomington) said, "I support the Lessard motion but for different reasons. This bill does not hold juveniles accountable enough for their own behavior. There is no deterrence, no meaningful penalty in this bill." Sen. Pat Pariseau (R-Farmington) also spoke in favor of the Lessard motion and said, "This is another mandate that we don't need. These compliance checks and self-policing are already being done without mandates." By a vote of 28-39, the Lessard motion did not prevail. The

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report was then repassed 57-10.

In other business, a number of other conference committee reports were processed. S.F. 1255, authored by Sen. William Belanger (R-Bloomington), relates to campaign financing and adds language limiting campaign contributions to \$300 per year per individual to campaign committees on behalf of candidates for local elected office. The bill increases the limit to \$500 for an office whose territory has a population of over 100,000. The bill was repassed on a vote of 62-1. S.F. 203, presented by Sen. Linda Berglin (DFL-Mpls.), creates a fathers' adoption registry. The report was approved 60-1. Sen. Steven Morse (DFL-Dakota), authored S.F. 637, a bill that establishes pension uniformity among state employees. The bill was repassed unanimously.

Sen. Linda Berglin (DFL-Mpls.), presented the conference committee report on S.F. 1208, also known as the Minnesota Care bill. The bill reduces the tax on health care providers from 2 percent of gross revenues to 1.5 percent, beginning in 1998. The bill also establishes prescription drug coverage for low income senior citizens and extends Minnesota Care coverage to childless adults who earn up to 175 percent of poverty level. The bill was repassed 62-3. Sen. Dennis Frederickson, (R-New Ulm), authored S.F. 254, the omnibus fish and game bill. Under the terms of the bill, the critical habitat license plate program will continue. The bill also enables communities to close shooting hours for waterfowl at 4 p.m. the first eight days of hunting season and at sunset thereafter. The report was approved on a vote of 69-0.

Senate Majority Leader Roger Moe (DFL-Erskine), introduced S.R. 62, a resolution honoring retiring University of Minnesota President Nils Hasselmo for his years of service. Hasselmo, who leaves office July 1, was honored by the resolution as one whose leadership led the university to become one of the top twenty research universities in the nation. Senate rules were suspended to allow the Senate to acknowledge Hasselmo, seated in the Senate gallery, with a standing ovation.

## Omnibus tax bill passed

Once members returned from an afternoon recess, they turned immediately to processing more conference committee reports. Sen. Douglas Johnson (DFL-Tower) explained the major provisions contained within the much anticipated omnibus tax bill, H.F. 2163. "The major

features of the tax bill deal with property taxes. The bill provides a one-time \$500 million tax rebate to homeowners and renters and it also provides significant permanent tax relief and reform. The total, cumulative relief will be \$1.3 billion over a three year period," he said. Johnson added that the bill strikes the best bi-partisan agreement by balancing the property tax interests of homeowners, renters, and business. He told members, "Don't vote for the bill if you think it will fix the system. Reform means something different for everybody, but this is an incremental step forward."

"This is the best bill I've ever been involved in," said Sen. William Belanger (R-Bloomington) as he reflected on the bi-partisan efforts of the conference committee. He said the restriction on funds prevented the Legislature from making all of the reform that members would have liked, but overall, "the governor got everything he asked for in this bill." The conference committee report was adopted and the comprehensive tax bill was repassed unanimously on a 66-0 roll call vote.

Throughout the afternoon, the tempo of session quickened and in a flurry of activity several other major measures were approved and given final passage. H.F. 1460, the data privacy omnibus bill, carried by Sen. Don Betzold (DFL-Fridley), sparked a lengthy debate. Betzold explained the major changes that had been adopted by the conferees, most dealing with health provisions such as allowing medical boards to designate members' and licensees' home addresses private information. However, one alteration made in the conference committee attracted concern from several members. The amendment made in conference committee allows the Attorney General's Office to designate information on forthcoming legislative initiatives private data, thereby making the information off-limits to the public until the proposed legislation is introduced. According to Betzold, this is a data privacy protection currently enjoyed by the executive branch and the Legislature. "For example, here in the Senate, every member has the right to prepare legislation and amendments without other people having access to your information," he said.

Sen. David Knutson (R-Burnsville), however, objected to the new data privacy afforded to the attorney general and said, "So often we talk about the process and about the opportunity to be heard. Data

privacy is about the public's right to know and understand the state government they elect. This provision prohibits access to governmental data in the Attorney General's Office and it was put on the bill during the twelfth hour on the last evening the conference committee met. This is not good public policy." Although Knutson moved to reject and return the conference committee report back to conference, the motion failed. The bill was then granted final passage on a 37-28 roll call vote.

Sen. Randy Kelly (DFL-St. Paul) explained the most significant changes that had been made in conference committee for S.F. 1880, the omnibus crime bill. Though, according to Kelly, there are no major new provisions that were added in conference, minor changes were made to several sections. He highlighted the alterations made to the Criminal Gang Strike Force and the language allowing prosecutors to have the final argument in criminal trials. As for the issue of privatization, Kelly said the House had been adamant throughout the conference committee and refused to allow any form of privatization of the criminal processing and incarceration system. However, Kelly said, "This bill significantly enhances public safety by initiating such programs as the gang strike force and increasing money for crime prevention to help communities stop crime in their neighborhoods." The bill was repassed unanimously on a 64-0 vote.

A second conference committee report was presented by Kelly, this one on H.F. 268, the Rush City prison bill. He outlined the major details of the bill that had been passed by the Senate two months ago. According to Kelly, in last year's bonding bill, the Depts. of Corrections and Administration were given the authority to construct and operate a new \$89 million maximum security prison in Rush City. However, once it was realized that the departments would not be able to build the facility specified, they needed legislative authority to reduce the size of the prison in order to come within cost. The Senate version of the measure allowed for a request for proposals (RFP) to be issued to allow for bids from not only the state, but from private construction firms as well. Once a bid was selected and the construction was completed, the Senate bill called for a second RFP, this time to staff and operate the maximum security prison, and again, bids would be taken from the state and

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private companies. Kelly explained, however, that the House conferees refused to allow for the privatization of the prison system and that putting out bids for prison construction or operations is tantamount to privatizing. The compromise that was struck, Kelly said, allows the departments to go forward with state construction of the prison. In return, the decision to issue an RFP to operate the completed prison will be held off for at least one year. The bill was granted final passage unanimously.

Explaining the conference process for S.F. 985, the DWI bill, Sen. Leo Foley (DFL-Anoka) said the conferees were able to hold most of the Senate positions. Overall, the bill targets repeat offender drunk drivers by increasing penalties significantly for subsequent DWI convictions

after the first offense. The bill also heavily penalizes heavy drinkers who choose to drive, said Foley, since under the bill, those found driving with a blood alcohol level of .20 or higher, twice the legal limit, would be prosecuted as a repeat offender. However, Foley said, the bill maintains current law by leaving the legal limit at a .10 blood alcohol level. The original Senate bill reduced the limit to .08 for second offenses, but the provision was removed in conference committee once it was realized the high costs required to alter the alcohol testing equipment. "It's a very effective bill and will have a profound effect on DWI operations in the state," Foley said.

Several members, however, objected to one provision in the bill that sets high penalties for minors arrested with a blood

alcohol level of .04 or higher. Under the bill, if arrested, the minors may lose their licenses, the plates on the car may be impounded, and stiff fines are imposed. Sen. Jerry Janezich (DFL-Chisholm) said he was disappointed that the bill was so punitive against minors. "These are good kids who may make an error in judgment and we penalize the children and their families heavily. Democrats change things through education, not through penalties, and we're trying to change society with penalties in this bill," he said. Sen. Douglas Johnson also said, "I'm increasingly disturbed with what we're doing. I don't understand this rush to put new laws and rules on our young." Nevertheless, the conference committee report was adopted and the bill was repassed 56-8.

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## Conference committee reports adopted and repassed Friday, May 9

**H.F. 282-Wiger:** Provides for the appointment, discharge and discipline of Metropolitan Transit Police Officers. 60-0

**S.F. 755-Flynn:** Authorizes the use of interactive television for certain meetings. 59-0

**S.F. 612-Wiger:** Provides for the appointment of the recorder, auditor and treasurer of Washington County and provides for two year terms for St. Paul city council members. 58-3

## Bills granted final passage on Special Orders Friday, May 9

**S.F. 1181-Moe, R. D.:** Provides for a study on the uses of industrial hemp. 60-0

## Bills granted final passage on Special Orders Monday, May 12

**H.F. 423-Flynn:** Provides for an elected Metropolitan Council and provides for public financing of campaigns. 36-30

**H.F. 1936-Anderson:** Requires arbitration in certain labor relations circumstances; establishes procedures and provides penalties. 39-24

**S.F. 1820-Novak:** Provides for customer-specific terms in electric utility service contracts; modifies provisions relating to the Legislative Electric Energy Task Force; requires a study on restructuring the electric industry and exempts property that produces hydroelectric or hydromechanical power on federal land from property taxation. 60-1

## Conference committee reports adopted and repassed Monday, May 12

**S.F. 4-Johnson, D.E.:** Changes the tuition and textbook reimbursement grant program for the military. 54-0

**S.F. 566-Vickerman:** Omnibus gambling provisions: authorizes certain groupings of paddleticket cards; increases the percentage of lawful gambling gross profits that may be spent for expenses; restricts the authority of the Gambling Control Board to impose sanctions against lawful gambling premises permits for illegal gambling; authorizes certain social skill games; and increases maximum bingo prices. 55-9

**S.F. 526-Pariseau:** Provides for food handler certification. 65-0

**S.F. 1881-Johnson, J.B.:** Omnibus transportation budget bill. 66-0

## Bills granted concurrence and repassage Tuesday, May 13

**S.F. 1351-Flynn:** Makes technical changes and modifies definitions relating to public employment; modifies certain arbitration procedures and ratifies certain labor agreements. 48-0

## Conference committee reports adopted and repassed Tuesday, May 13

**H.F. 2147-Piper:** Omnibus early childhood and family education budget bill. 64-0

**H.F. 753-Metzen:** Omnibus banking bill. 62-0

**H.F. 1409-Sams:** Provides for legislative review of feedlot permit rules. 61-0

**S.F. 97-Betzold:** Provides for the isolation and detention of persons with active tuberculosis who present a danger to the public health. 63-0

## Bills granted final passage on Special Orders Tuesday, May 13

**H.F. 892-Kelly, R.C.:** Increases the minimum wage. 44-22

**S.F. 1006-Junge:** Provides for background checks for firefighters. 54-4

# Floorupdate

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## Conference committee reports adopted and repassed Wednesday, May 14

**S.F. 735-Robling:** Allows the Metropolitan Council to determine an allocation method for wastewater services. 58-0

**S.F. 78-Marty:** Makes changes in absentee ballot provisions. 55-6

**S.F. 575-Runbeck:** Dept. of Labor and Industry technical bill. 59-0

**S.F. 378-Murphy:** Recodifies liquor tax laws and sets penalties. 51-0

## Bills granted final passage under suspension of rules Thursday, May 15

**H.F. 632-Morse:** Omnibus capital bonding provisions. 46-17

## Bills granted concurrence and repassage Thursday, May 15

**S.F. 323-Knutson:** Relates to human rights and prohibits reprisals by any individuals. 53-1

**S.F. 324-Knutson:** Reclassifies certain human rights investigative data. 54-2

**S.F. 296-Frederickson:** Provides for four year terms for soil and water conservation district supervisors and conforms the time lines for appointing supervisor replacements to other election law. 56-0

**S.F. 298-Ten Eyck:** Enacts the Uniform Partnership Act of 1994 and provides for limited liability partnerships. 55-0

**S.F. 715-Oliver:** Makes changes in response to the federal Health Insurance Portability and Accountability Act. 52-0

**S.F. 1328-Johnson, D.E.:** Provides for action by the Public Utilities Commission on purchases of wind and biomass power. 53-1

**S.F. 122-Robertson:** Requires notification of placement or adoption of a child to the other birth parent; requires background checks for adoption; requires affidavits for an emergency order requiring updates to adoption study; permits court-ordered grandparent visitation with an adopted child and provides recognition of adoption which occurred in a foreign country. 55-1

**S.F. 173-Kelley, S.P.:** Provides for the use, validity, and security of electronic signatures and messages transmitted in commerce and prescribes penalties. 56-0

**S.F. 242-Kiscaden:** Relates to human rights and suspends a deadline during mediation in certain cases. 57-0

## Conference committee adopted and repassed Thursday, May 15

**S.F. 457-Betzold:** Modifies provisions relating to the Board of Social Work. 53-0

**S.F. 1888-Stumpf:** Omnibus higher education budget bill. 58-0

**S.F. 302-Berglin:** Allows certain community health clinics to offer services on a prepaid basis. 53-0

**S.F. 473-Berglin:** Clarifies the exemptions for persons required to obtain a home care provider license; eliminates the Medicare recertification requirement for home care providers and requires the commissioner of health to develop licensure for providers of personal care assistant services. 56-0

**S.F. 1316-Wiener:** Modifies requirements for advisory councils, committees and multimember agencies; changes certain publication dates and requirements; and changes expiration dates. 62-1

## Bills granted final passage on Special Orders Thursday, May 15

**S.F. 1486-Morse:** Makes various changes in public pensions plans and retirement programs. 61-0

## Bills granted concurrence and repassage Friday, May 16

**S.F. 542-Frederickson:** Authorizes the Lower Sioux Indian community to exercise law enforcement authority. 53-0

**S.F. 780-Johnson, J.B.:** Modifies requirements for mercury testing in incinerator emissions. 54-6

**S.F. 900-Johnson, J.B.:** Amends provisions regulating toxics in packaging. 60-0

**S.F. 1820-Novak:** Omnibus energy bill: provides for customer-specific terms in electric utility services contracts; modifies provisions relating to the Legislative Electric Energy Task Force; and exempts property that produces hydroelectric or hydromechanical power on federal land from property taxation. 62-0

**S.F. 1023-Murphy:** Authorizes a fee on motor vehicle rentals to compensate for the cost of the registration of the vehicle. 47-15

## Conference committee reports adopted and repassed Friday, May 16

**H.F. 1370-Novak:** Requires notice of underground facilities in drawings for bid specifications or plans. 63-0

**H.F. 379-Oliver:** Regulates securities and authorizes small corporate offering registrations. 61-0

**H.F. 704-Johnson, D.H.:** Exempts a large electric power generating plant from the certificate of need proceeding when selected by the Public Utilities Commission from a bidding process to select resources to meet the utility's projected energy demand. 60-0

**H.F. 257-Lourey:** Establishes licensing requirements for provision of ambulance services and and relocating provisions related to emergency medical services. 65-0

**S.F. 555-Kelley, S.P.** Authorizes the creation of telecommunication services purchasing cooperatives. 61-0

**S.F. 309-Stevens:** Authorizes the public sale of certain tax-forfeited lands that border public water in various counties. 60-0

**S.F. 1905-Price:** Omnibus state government budget bill. 45-17

**S.F. 1908-Samuelson:** Omnibus health and human services budget bill. 54-12

**H.F. 2158-Beckman:** Omnibus economic development budget bill. 55-11

## Bills granted final passage on Special Orders Friday, May 16

**S.F. 1944-Stumpf:** Authorizes tax abatements for property that has lost value due to flood damage; provides for state reimbursement to local units of government; authorizes the delay of certain local government reports, elections, and meetings; and creates a priority for flooded areas in allocation of low-income housing credits. 51-0

## Bills granted concurrence and repassage Saturday, May 17

**S.F. 95-Lourey:** Modifies provisions related to health maintenance organizations; modifies lead inspection provisions; provides for the expiration of certain advisory and work groups; modifies vital statistics provisions and requires conformance with federal regulations. 52-0

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**S.F. 420-Wiger:** Modifies Dept. of Administration authority for elevator regulation, the building code, leases and other administrative matters. 54-0  
**S.F. 848-Flynn:** Creates a state court action for relief from damages caused by a federal court action that affects public participation by the plaintiff (slap suite extension). 54-0  
**S.F. 1114-Kelly, R.C.:** Increases tort liability limits against governmental units. 60-0  
**S.F. 877-Foley:** Clarifies the admissibility of evidence regarding seatbelts and child passenger restraint systems in certain actions. 59-0  
**S.F. 627-Hottinger:** Requires certification of expert review in civil actions against certain professionals. 60-0  
**S.F. 1513-Hottinger:** Modifies and expands provisions for sanctions in civil actions. 58-0  
**S.F. 294-Junge:** Requires law enforcement agencies to do background investigations for peace officer applicants; provides immunity for employers who disclose information to law enforcement; and requires notice to the POST Board when a background investigation is initiated. 59-0

### **Conference committee reports adopted and repassed Saturday, May 17**

**H.F. 735-Betzold:** Clarifies and reorganizes portions of the civil commitment act; provides for early intervention related to voluntary treatment of certain incompetent persons; provides standards for the administration of neuroleptic medication; modifies procedures; and modifies provisional discharge procedures. 56-0  
**S.F. 960-Berglin:** Health care consumer protection bill. 61-0  
**S.F. 739-Kelley:** Provides policies to carry out the state's role in telecommunications regulation; provides for a state policy encouraging high speed telecommunication services and greater capacity for services; provides for a single statewide local access and transport area. 60-0  
**H.F. 2150-Morse:** Omnibus environment, natural resource and agriculture budget bill. 56-4  
**S.F. 501-Solon:** Omnibus commerce department bill. 60-0  
**S.F. 164-Wiger:** Conforms certain food rules with federal regulations. 59-0  
**S.F. 184-Stevens:** Modifies requirements relating to toxics in products. 61-0

### **Bills granted concurrence and repassage Monday, May 19**

**S.F. 203-Berglin:** Creates a fathers' adoption registry and amends adoption notice and consent provisions relating to fathers. 60-1  
**S.F. 1754-Pogemiller:** Modifies provisions relating to the issuance of debt and the use and investment of public funds. 63-0  
**S.F. 740-Kelley, S.P.:** Extends the telephone assistance program to low-income families with children. 56-0  
**S.F. 1486-Morse:** Relates to pensions, revises various police state aid provisions and modifies other retirement plan provisions. 61-0

### **Conference committee reports adopted and repassed Monday, May 19**

**S.F. 1255-Belanger:** Clarifies provisions relating to local election law. 62-1  
**H.F. 117-Junge:** Regulates the retail sale of tobacco and tobacco products. 57-10  
**S.F. 637-Morse:** Pensions uniformity bill. 61-0  
**S.F. 1419-Johnson, D.E.:** Authorizes municipal and cooperative utilities to form joint ventures. 60-1  
**S.F. 1208-Berglin:** Minnesota Care bill. 62-3  
**S.F. 254-Frederickson:** Omnibus game and fish bill. 64-0  
**H.F. 556-Betzold:** Modifies provisions for unique identifiers for health care providers. 49-0  
**H.F. 1460-Betzold:** Omnibus data practices provisions. 37-28  
**H.F. 241-Sams:** Allows the Dept. of Transportation and the Dept. of Public Safety to conduct joint audits of motor carrier records. 63-0  
**S.F. 830-Cohen:** Omnibus child support enforcement provisions. 62-0  
**S.F. 234-Morse:** Dept. of Human Services licensure bill: adds provisions for licensing programs and imposes and modifies civil penalties. 62-0  
**S.F. 590-Johnson, J.B.:** Adds a high voltage transmission line that crosses the state boundary to the definition of a large energy facility. 61-0  
**H.F. 2163-Johnson, D.J.:** Omnibus tax bill. 66-0  
**S.F. 1880-Kelly, R.C.:** Omnibus crime bill. 64-0  
**S.F. 985-Foley:** Omnibus DWI provisions. 56-8  
**S.F. 1834-Lourey:** Repeals the Dairy Trade Fair Practices Act for three months during the summer of 1997 and provides for a study of the effects of the repeal. 50-9  
**H.F. 244-Price:** Modifies requirements relating to individual sewage treatment systems. 53-0  
**H.F. 299-Morse:** Omnibus state parks bill: adds and modifies state parks boundaries. 54-0  
**H.F. 268-Kelly, R.C.:** Modifies multiple occupancy requirements of a new state prison; provides for the construction of the Rush City correctional facility; and specifies the prison may not begin to house inmates until authorized by law. 60-0  
**H.F. 1684-Pogemiller:** Omnibus K-12 education budget bill. 56-10  
**S.F. 412-Terwilliger:** Establishes and modifies certain salary levels for certain public employees and increases the minimum wage. 42-23  
**H.F. 632-Morse:** Omnibus bonding bill. 56-9  
**S.F. 435-Foley:** Makes technical changes relating to motor vehicle registration. 56-8

### **Bills taken from the table and granted final passage Monday, May 19**

**H.F. 457-Johnson, J.B.:** Relates to transportation: allows advance payment contracts with federal agencies; changes culvert requirements on existing highways; provides for a temporary one cent increase in the gasoline tax; provides for a one cent increase for flood relief related to transportation; provides for distribution of county state aid highway funds; provides \$2 million for transit assistance in Greater Minnesota; provides for \$16 million for metro transit; and provides for an addition 30 state troopers. 50-10  
**H.F. 454-Flynn:** Authorizes a single license plate for collector vehicles. 57-0

### **Bills granted final passage on Special Orders Monday, May 19**

**H.F. 276-Morse:** Requires public waters work permits for floating structures and boathouses. 66-0

### **Bills granted final passage under suspension of rules Monday, May 19**

**S.F. 1955-Knutson:** Corrects miscellaneous noncontroversial oversights, inconsistencies, ambiguities, unintended results and technical errors.

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