

# Senate Briefly

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*The Senate Chaplain, Rabbi Stacy Offner, offers a prayer for the opening day of the 2000 legislative session. Sen. Allan Spear, President of the Senate, is standing next to Offner. Photo by David J. Oakes*



*February 4, 2000*

# Senate Highlights

## Senate reconvenes

The Senate met briefly Tues., Feb. 1, to commence the 2000 Legislative Session. In addition to introducing a number of bills and resolutions, Senators observed a moment of silence in honor of the late Sen. Janet Johnson (DFL-North Branch) who died last summer. In requesting the moment, Sen. Ellen Anderson (DFL-St. Paul) asked members to bring Johnson's "compassion, humor and concern for clean air and water" with them as they begin their work this year.

Sen. Roger D. Moe (DFL-Erskine), Majority Leader of the Senate, also welcomed two new members, Sen. Twyla Ring (DFL-North Branch), who replaced Johnson, and Sen. Anthony G. "Tony" Kinkel (DFL-Park Rapids), who filled the seat vacated by former Sen. David Ten Eyck (DFL-East Gull Lake).

The Senate also met very briefly Thurs., Feb. 3, for purposes of bill introductions and referrals. Moe also invited members to remain in the Chamber to hear an address by Professor John Brandl, Dean of the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota, speaking in the House Chamber, celebrating

public service. "Today is the day that the House and Senate has set aside to honor local elected officials representing all levels of government," Moe said. Further, Moe said a joint meeting of both House and Senate Local and Metropolitan Government Committees was scheduled for later in the day to continue recognizing the efforts of local elected officials.

## Appointment rejected

The Jobs, Energy and Community Development Committee soundly rejected Gov. Jesse Ventura's appointment of former Minneapolis City Councilman Steve Minn as both the commissioner of the Department of Public Service and the commissioner of the Department of Commerce at a confirmation hearing Thurs., Feb. 3. The committee is chaired by Sen. Steven Novak (DFL-New Brighton).

Minn's appointments resulted from a merger of the two departments ordered last spring by the governor, which he called an effort to increase efficiency between the two departments. However, committee members agreed they saw something disturbing in the reorganization and the appointment of Minn as

commissioner of two agencies.

"We have a law in this state that says the governor cannot abolish a department when the Legislature is not in session," said Novak. "The Legislature was excluded from the decision process. And that's a big bi-partisan concern."

The committee voted 18 to 1 to not recommend confirmation of Minn for appointment to the Department of Commerce post and re-referred the matter to the Commerce Committee. The panel also voted 17 to 2 to not recommend Minn's confirmation to the Department of Public Service post and re-referred the matter to the Senate floor.

## Transportation plan heard

The Transportation Committee, chaired by Sen. Carol Flynn (DFL-Mpls.), was addressed by Governor Jesse Ventura when it met Weds., Feb. 2. In a rare committee appearance, the governor gave a brief introduction to his proposed transportation bill, which currently does not have an author in the Senate.

Ventura addressed two key issues of the bill before excusing himself to attend another meeting. The first issue, lowering the upper limit of licence plate tab fees to \$75 and keeping the lower limit at \$35, would result in a \$275 million dollar tax cut, Ventura said. Ventura's legislation would also transfer 100 percent of the Motor Vehicle Excise Tax (MVET) to transportation funds, with distribution being 46 percent to a new multimodal transportation fund and 54 percent to the highway user tax distribution fund to compensate for the lost tab fee funds. Ventura then spoke of his position on Light Rail Transit (LRT), stating that he is "absolutely committed to breaking the LRT logjam" and to "keep this year's transportation discussions positive and productive."

After making his statement, the governor left the hearing without taking questions. Sen. Keith Langseth (DFL-Glyndon) said he was "rather furious" that funds for bridges to counterbalance LRT funds were vetoed by the governor last session and Sen. Dick Day (R-Owatonna) said that LRT is the worst state funded project he has seen so far during his time in the Legislature.

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***In a rare appearance, the governor presented his transportation recommendations at a meeting of the Senate Transportation Committee.***

Photo by Andrea G. Murrill.

After the governor's presentation, Commissioner Elwyn Tinklenberg of the Minnesota Department of Transportation (MnDot) and Chair Ted Mondale of the Metropolitan Council expounded upon the proposed bill's features. The proposal creates a multimodal transportation fund with resources coming from 46 per cent of the net proceeds of the MVET fund. The multimodal fund is further funded by up to \$40 million dollars in bonding for the year 2002, Mondale said. Subsequent years have the same bonding base amount adjusted for inflation up to 3 percent. Some members raised concerns about a non-elected committee having bonding authority. The bill also establishes

relations between, and funding for, community-based transit planning and the development of the regional master transit plan, Tinklenberg said.

The bus system will remain the backbone of the regional master transit plan, Mondale said. Shoulder bus lanes and dedicated transitways, along with across the board bus service expansion and service improvement, will further augment the system, he added. Sen. Dean Johnson (DFL-Willmar) asked Mondale what kind of traffic reduction one could expect in 10 to 20 years if the plan was implemented. Mondale said that the benefits of the system would be a savings of \$2 billion dollars in road construction, 245 thousand daily auto

trips, 27 million gallons of gas and about 610 tons of carbon dioxide.

Tinklenberg stressed the need for more than a single solution to transportation problems. Mondale said that people will use a system that works, pointing to crowded park and ride lots, in response to a question by Johnson concerning Minnesotans' love for their vehicles.

Flynn spoke on the logistics of moving the bill through the committee and the four other committees that it must pass in order to become law. Mondale asked that creativity in changes to the bill be kept at a minimum as it passes through committees because the governor may walk away from it and no longer support the proposal.



# Committee update

## Crime Prevention and Judiciary Budget Division

### Crime Reports Heard

Chaired by Sen. Allan Spear (DFL-Minneapolis) and Sen. Randy Kelly (DFL-St. Paul), a joint meeting of the Crime Prevention Committee and the Crime Prevention and Judiciary Budget Division began with a report by Deb Dailey, executive director of the Sentencing Guidelines Commission. Dailey submitted a "Report to the Legislature 2000" by the Minnesota Sentencing Guideline Commission and discussed current trends in Minnesota crime activities. She emphasized the race disparities in felony and incarceration rates, noting volume increases in the numbers of whites (136 percent) as compared to other races (496 percent) sentenced to prison. Although the race gap relating to numbers of offenders has narrowed overall, the highest racial departure rate occurs in the area of drug offenders, in cases where guidelines call for imprisonment. Dailey also noted an increase in methamphetamine and crack cocaine use, compared to other drugs.

Dept. of Public Safety Commissioner Charlie Weaver, along with Assistant Commissioner Mary Ellison, and Bureau of Criminal Apprehension Superintendent Nick O'Hara said their departmental priorities include government reform that would involve a new Criminal Justice Coordinating Board to hold state agencies accountable to a single strategic criminal justice vision, provide incentives to local law enforcement agencies to share resources and achieve demonstrable results, and for all components of the criminal justice system to share information. The Byrne Advisory Committee Report, funded by a grant from the Office of Drug Policy and Violence Prevention was also reviewed. The report outlined a plan to improve Minnesota's criminal justice system and reduce crime, drug abuse and violence. The group intended that the plan serve as a blueprint for all drug and violent crime control efforts across the state. The Byrne Report acknowledged that although Minnesota has a low violent crime rate vs. the nation, crime in Minnesota has increased over the last 20 years. The report also warned that the moderate and "drinking to get

drunk" rates of alcohol use are higher in Minnesota than in the United States as a whole. Marijuana was listed as another serious problem affecting youth. The Byrne Advisory Committee recommended six specific steps for improving the criminal justice system and reducing crime, violence and drug abuse.

Members also discussed the Capitol Complex Security Study, conducted by the Minnesota Bureau of Criminal Apprehension (BCA). Six recommendations and guideline were outlined for consideration, ranging from the training of Capitol Security guard staff, equipped with administrative and technical support, including computer case management and security/intelligence networking and tracking, to the use of moveable security monitoring and screening devices. Members expressed concern about alienating the public through the implementation of increased security and devices, and considered focusing on the security of the Judicial offices, where problems are more likely to occur.

## Environment and Natural Resources

### Committee hears reports

The Environment and Natural Resources Committee heard good news and bad news on two environmental fronts at a meeting Weds., Feb. 2. Vice Chair Sen. Ellen R. Andersen (DFL-St. Paul) presided over the meeting.

The good news came in the form of a recent presentation of a national environmental award to Camp Ripley. The 53,000-acre National Guard training facility in Central Minnesota received the U.S. Secretary of Defense's Environmental Security Award for a variety of programs. Partnering with nine state and federal agencies, the programs are aimed at maintaining the camp's military mission while safeguarding the area's natural resources - forestry, archaeology, outdoor recreation, wildlife and threatened and non-threatened species, said the camp's environmental supervisor, Martin Skoglund.

For example, the base is using Global Positioning System (GPS) technology to track a five-animal pack of gray wolves located on the base, he said. The animals are snared by helicopters, then

tagged with special collars that can be tracked by GPS satellites, and their movements pinpointed. Sometimes results are surprising, he said.

According to data collected from the collars, one female gray wolf last March apparently left the camp, traveling as far east as Green Bay, Wis., then southwest through the Wisconsin Dells, finally returning back to Camp Ripley in September.

Another part of the camp's wildlife management strategy is an annual two-day white tail deer hunt, which includes arrangements to allow disabled veterans to participate, he said.

Red-shouldered hawks, Blanding's turtles, hooded warblers and a wide variety of other fowl and fish are also covered by similar management programs at the camp, Skoglund said.

The camp's annual budget is about \$500,000 per year, and camp officials are seeking an additional \$375,000 in bonding over the next biennium for various building improvements, construction projects and equipment needed to complete an Environmental Awareness Center.

Bad news came to the committee in the form of the sixth annual Solid Waste Policy Report from the Office of Environmental Assistance (OEA). If trends over the past several years continue, Minnesota's solid waste output will triple by the year 2020, OAE's Sherry Enzler told the committee.

Between 1992 and 1998 solid waste generation has increased 30 percent statewide, the report shows. That's because of a number of factors during the period, including a 3.8 percent per capita increase in solid waste generation annually, loss of approximately 15 percent of the state's resource recovery capacity, and increased waste going into landfills, according to the report.

A couple of reasons for the increase in waste generation appear to be an increase in commercial waste in the booming economy and a 7 percent population increase in the state during the period, Enzler said.

To address the situation OEA proposes implementing a wide range of policies, such as eliminating land filling of unprocessed solid waste by 2008. One step in that goal could be to expand waste reduction, recycling, and resource recovery systems, the report says.



Implementation of these and other policies could decrease sulfur dioxide emissions by 340,000 tons, decrease greenhouse gases by 16 to 26 million tons, and avoid using 1,000 acres of Minnesota land for landfills, the report concludes.

## Family and Early Childhood Education Budget Division

### ABE discussed

A hearing of both the Senate and House Family and Early Childhood Education Budget Divisions was held Tues., Feb. 2, to address Adult Basic Education (ABE) funding, service delivery and related issues. The meeting was co-chaired by Sen. Pat Piper (DFL-Austin) and Rep. Barb Sykora (R-Excelsior).

A report was presented in response to a legislative mandate which required the commissioner of the Dept. of Children, Families and Learning (CFL) to establish a task force to review, evaluate and make legislative recommendations for improving the delivery of basic education services. Short-term changes in ABE law were implemented by the 1999 Legislature, affecting small, mostly rural ABE programs, but long-term solutions in addition to greatly increasing participation in urban areas indicated the need for increased resources.

House and Senate Committee staff provided an overview detailing changes and the impact of those changes on ABE funding policy in effect since 1991. Following the report, Tom Melcher, manager for the Program Finance Division, interpreted ABE revenue trends from FY 1996, extrapolating figures through FY 2001.

The task force organized recommendations to the Legislature which covered demographic needs, technology, consortia issues, accountability and funding. Primarily due to the complexity of funding issues – and time constraints, the chair advised that further questioning by members could be held over until the next meeting.

### Youth reports heard

A meeting of the Family and Early Childhood Education Budget Division was called to order by Sen. Pat Piper (DFL-Austin), Weds., Feb. 3, for the

purpose of gaining insight into policy decisions that might have a positive impact on youth development.

To that end, Judith Hahn, director of the Konopka Institute for Best Practices in Adolescent Health, presented a report and guide that represents the perspectives of nearly 300 urban, rural and suburban people who work with, or on behalf of youth, and nearly 400 youth from across the state.

The Konopka Institute was formed in 1995, with funding from a grant from the University of Minnesota's Central Administration, as a community/university partnership devoted to promoting the health and well-being of adolescents in Minnesota. In 1998, its scope was expanded when it became one of five special legislative initiatives funded by the University's Academic Health Center. Through the collaborative efforts of the University's Schools of Medicine, Nursing, and Public Health, the Konopka Institute serves as a bridge, connecting researchers with those who affect the lives of youth. It functions in the capacity of translator and disseminator of scientific research about the methods proven most effective in promoting the health and well-being of adolescents. Konopka focuses on the major threats to young people: violence, tobacco, alcohol and teen pregnancy, Hahn said. In response to an inquiry by Piper, Hahn affirmed the importance of early childhood influences affecting future development of healthy youth.

The Institute's report indicated that compared to ten years ago adolescents are doing "fairly well." Youth alcohol use, teen pregnancy rates, and violence committed by youth have declined, although rates are still high enough to cause concern. However, Hahn said that tobacco use is on the rise and emotional distress is a major concern to the youth of Minnesota. Specifically, nearly 42 percent of Minnesota 12th graders reported smoking a cigarette in the previous month compared to 35 percent nationally; and although alcohol use is declining in Minnesota, at least two-thirds of both ninth and twelfth graders reported that alcohol is a problem at school. While Minnesota has one of the lowest overall teen birth rates in the country, Minnesota has the third-highest birth rates in the nation for both African American and Hispanic youth,

ages 15-19. Most disturbing, Hahn said, is that although violence by and to youth in Minnesota seems to be decreasing, the leading cause of death for both African American males and females in the state, ages 15-24, is homicide.

Emotional distress suffered by African American youth is very significant, according to the report. Overall, the second leading cause of death for youth in Minnesota, ages 10-19, is suicide. At ten per 100,000, Minnesota has the 11th highest suicide rate for youth in the nation. Youth ranked emotional stress as the second most important problem they face, with alcohol and other drug use ranking number one.

The report emphasized that in order to have effective policies, services and programs that foster the healthy development of youth, all areas of influence need to be addressed. In other words, according to the report, "efforts need to be undertaken that build the capacity of all concerned, the individual youth, families and care givers, schools, businesses, community-based organizations and religious organizations, and policy makers and shapers, to implement, monitor, and improve those efforts." The report delineated action steps and funding strategies addressing the different levels of support.

## Governmental Operations Budget Division

### Capitol complex needs heard

The members of the Governmental Operations Budget Division began their session's work Tues., Feb. 1, by taking a walking tour of the Capitol Complex in order to assess some of the bonding requests made for repairs and reconstruction of Capitol Area buildings. The panel, chaired by Sen. Leonard Price (DFL-Woodbury), will continue discussion of the capital budget requests at future hearings.

The panel also met Weds., Feb. 2, and toured the Minnesota Planning Office of the Strategic and Long Range Planning Office in order to better understand the workings of the agency.

## Health and Family Security

### Long term care vision presented

The Health and Family Security

# Committee Roster

## Policy Committees

### Agriculture and Rural Development (13)

**Chair:** Sams **Vice Chair:** Hanson  
**Office:** 328 Capitol **Phone:** (651) 296-7405  
**Meets:** Tues., Thurs., 2-3:45 p.m. Room 107

**Members:**

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

### Children, Families and Learning (35)

**Co-Chairs:** Piper, Pogemiller, Stumpf  
**Meets:** Tues., Weds., Fri., 8-9:45 a.m. Room 15  
**Office:** 235 Capitol **Phone:** (651) 296-7809

**Members:**

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

### Commerce (16)

**Chair:** Solon **Vice Chair:** Wiener  
**Meets:** Tues., Thurs., 2-3:45 p.m. Room 112  
**Office:** 303 Capitol **Phone:** (651) 296-5776

**Members:**

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

### Crime Prevention (15)

**Chair:** Spear **Vice Chair:** Johnson, D.H.  
**Meets:** Mon., Weds., Fri., 2-3:45 p.m. Room 15  
**Office:** 120 Capitol **Phone:** (651) 296-4191

**Members:**

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

### Election Laws (11)

**Chair:** Marty **Vice Chair:** Junge  
**Meets:** Mon., Weds., 12 noon-1:45 p.m. Room 112  
**Office:** 326 Capitol **Phone:** (651) 296-5712

**Members:**

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

### Environment and Natural Resources (18)

**Chair:** Lessard **Vice Chair:** Anderson  
**Office:** 111 Capitol **Phone:** (651) 296-1113  
**Meets:** Mon., Weds., Fri., 12 noon-1:45 p.m. Room 107

**Members:**

Berg	Krentz	Pariseau
Dille	Laidig	Pogemiller
Frederickson	Novak	Price
Higgins	Olson	Ring

### Governmental Operations and Veterans (15)

**Chair:** Metzen  
**Office:** 303 Capitol **Phone:** (651) 296-4175  
**Meets:** Tues., Thurs., 12 noon-1:45p.m.; Weds., 10-11:45 a.m. Room 15

**Members:**

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

### Health and Family Security (16)

**Chair:** Hottinger **Vice Chair:** Lourey  
**Office:** 120 Capitol **Phone:** (651) 296-1323  
**Meets:** Tues., Thurs., Fri., 10-11:45a.m. Room 15

**Members:**

Berglin	Foley	Robertson	Stevens
Betzold	Kiscaden	Sams	Terwilliger
Dille	Piper	Samuelson	
Fischbach	Ring	Solon	

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

**Chair:** Novak **Vice Chair:** Kelley, S.P.  
**Office:** 322 Capitol **Phone:** (651) 296-1767  
**Meets:** Tues., Thurs., Fri., 10-11:45 a.m. Room 123

**Members:**

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

### Judiciary (13)

**Chair:** Ranum **Vice Chair:** Betzold  
**Office:** 306 Capitol **Phone:** (651) 296-0249  
**Meets:** Mon., Weds., Fri., 12 noon-1:45 p.m. Room 15

**Members:**

Berglin	Foley	Knutson	Spear
Cohen	Janezich	Limmer	Wiener
Fischbach	Kiscaden	Neuville	

### Local and Metropolitan Government (18)

**Chair:** Vickerman **Vice Chair:** Higgins  
**Office:** 226 Capitol **Phone:** (651) 296-4150  
**Meets:** Mon., Weds., Fri., 2-3:45 p.m. Room 107

**Members:**

Day	Kierlin	Lourey	Price
Flynn	Kinkel	Olson	Robling
Hottinger	Langseth	Pappas	Scheevel
Kelley, S.P.	Lessard	Pariseau	Wiger

### Rules and Administration (24)

**Chair:** Moe, R.D. **Vice Chair:** Junge  
**Office:** 208 Capitol **Phone:** (651) 296-4196  
**Meets:** On call

**Members:**

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

### Transportation (17)

**Chair:** Flynn **Vice Chair:** Murphy  
**Office:** 120 Capitol **Phone:** (651) 296-5099  
**Meets:** Tues., Thurs., 12 noon-1:45 p.m.; Weds. 10-11:45 a.m. Room 112

**Members:**

Belanger	Johnson, D.H.	Langseth	Sams
Day	Johnson, D.E.	Ourada	Terwilliger
Hanson	Kelly, R. C.	Pappas	Ziegler
Janezich	Laidig	Robling	

## Budget Divisions

### Crime Prevention and Judiciary Budget Division (11)

**Chair:** Kelly, R.C.

**Office:** 323 Capitol

**Phone:** (651) 296-5285

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

**Members:**

Anderson	Junge	Limmer	Spear
Belanger	Knutson	Neuville	
Betzold	Laidig	Ranum	

### Economic Development Budget Division (13)

**Chair:** Janezich

**Office:** 328 Capitol

**Phone:** (651) 296-8017

**Meets:** Tues., Thurs. 2-3:45 p.m. Room 123 Capitol

**Members:**

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

### Environment and Agriculture Budget Division (12)

**Chair:** Krentz

**Office:** 235 Capitol

**Phone:** (651) 296-7061

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

**Members:**

Anderson	Frederickson	Pariseau	Stumpf
Berg	Laidig	Price	Vickerman
Dille	Lessard	Ring	

### Family and Early Childhood Education Budget Division (10)

**Chair:** Piper

**Vice Chair:** Foley

**Office:** G-9 Capitol

**Phone:** (651) 296-9248

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

**Members:**

Higgins	Marty	Terwilliger
Lesewski	Ring	Ziegler
Lourey	Robling	

### Governmental Operations Budget Division (11)

**Chair:** Price

**Office:** 235 Capital

**Phone:** (651) 297-4158

**Meets:** Tues., Thurs., 4-6 p.m.; Weds., 2-4 p.m. Room 125

**Members:**

Betzold	Marty	Runbeck	Wiger
Cohen	Metzen	Scheid	
Frederickson	Robertson	Stevens	

### Health and Family Security Budget Division (13)

**Chair:** Samuelson

**Office:** 124 Capitol

**Phone:** (651) 296-4875

**Meets:** Tues., Thurs., Fri., 4-6 p.m. Room 123

**Members:**

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

### Higher Education Budget Division (10)

**Chair:** Stumpf

**Vice Chair:** Kinkel

**Office:** G-24 Capitol

**Phone:** (651) 296-8660

**Meets:** Tues., Weds., Fri., 8-9:45 a.m. Room 107

**Members:**

Kelley, S.P.		Larson	Solon
Kierlin		Murphy	Wiener

### K-12 Education Budget Division (15)

**Chair:** Pogemiller

**Vice Chair:** Wiger

**Office:** 235 Capitol

**Phone:** (651) 296-7809

**Meets:** Tues., Weds., Fri., 8-9:45 a.m. Room 112

**Members:**

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

### Property Taxes and Local Government Budget Division (15)

**Chair:** Pappas

**Office:** 120 Capitol

**Phone:** (651) 296-1802

**Meets:** Mon., Tues., Weds., Thurs., Fri. 4-6 p.m. Room 15

**Members:**

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

### Transportation Budget Division (10)

**Chair:** Johnson, D.E.

**Office:** 124 Capitol

**Phone:** (651) 296-1738

**Meets:** Tues., Thurs., 12-1:45 p.m.; Weds. 10-11:45 a.m. Room 112

**Members:**

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

## Taxes and Finance Committees

### Committee on Taxes (23)

**Chair:** Johnson, D.J.

**Vice Chair:** Scheid

**Meets:** Mon., Tues., Weds., Thurs., 4-6 p.m. Room 15

**Office:** 205 Capitol

**Phone:** (651) 296-8881

**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

**Office:** 122 Capitol

**Phone:** (651) 296-3205

**Meets:** Mon., Tues., Weds., Thurs., 4-6 p.m. Room 123

**Members:**

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

### Human Resources Finance Committee (14)

**Chair:** Berglin

**Office:** 309 Capitol

**Phone:** (651) 296-4151

**Meets:** Mon., Tues., Weds., Thurs., 4-6 p.m. Room 112 Capitol

**Members:**

Janezich	Kiscaden	Ranum	Terwilliger
Johnson, D.H.	Kleis	Samuelson	
Kelly, R.C.	Lourey	Spear	
Kierlin	Neuville	Stevens	

### State Government Finance Committee (16)

**Chair:** Cohen

**Vice Chair:** Ring

**Office:** 317 Capitol

**Phone:** (651) 296-5308

**Meets:** Mon., Tues., Weds., Thurs., 4-6 p.m. Room 112

**Members:**

Dille	Krentz	Metzen	Wiener
Fischbach	Laidig	Ourada	Ziegler
Frederickson	Lessard	Solon	
Junge	Limmer	Stumpf	



# Committee update

Committee, chaired by Sen. John Hottinger (DFL-Mankato), met Tues., Feb. 1, to hear testimony on the vision and future of long term care issues in Minnesota. Those testifying consisted of representatives from Care Providers, the MN Health and Housing Alliance, the Department of Human Services (DHS), and the MN Board on Aging.

Gayle Kvenvold, president and CEO of MN Health and Housing Alliance, and Rick Carter, president and CEO of Care Providers gave a joint presentation on the "Long-Term Care Imperative, a Minnesota Collaboration for Changes in Older Adult Services." Kvenvold spoke on the current state of funded older adult care, citing decreasing lengths of stay in nursing homes, negative operating margins, and staff shortages as commonplace due to declining occupation and lack of financial incentives. Statistics were presented by Kvenvold that showed the median length of stay in a nursing home decreasing from 286 days in 1991 to 53 days in 1997. A different chart broke the median operating margin of negative 1.8 per cent for all nursing homes down into four divisions based on numbers of beds, all of which had percentages below zero. Furthermore, Carter stated that employee turnover leaves 4,000 to 5,000 positions in older adult care open on any given day. Carter then spoke on the collaboration's beliefs about the future of older adult care. He said that central to those beliefs is the integration of marketplace incentives into the services by way of moving purchasing power to the consumer. Such a change in funding, stated Kvenvold, would shape the form of provided care, presumably toward single occupancy living environments with community engagement. Carter also stated that operating in the marketplace will drive wage compensation for workers to the market rate.

The committee then heard from Robert Held, director of Continuing Care for the Elderly for the Dept. of Human Services (DHS). Held echoed the findings of the first presentation, stating that the market is changing and the state services face economic concerns. Bed occupancy in nursing homes, said Held, has dropped for favored community integrated care, such as home care, and current admissions to nursing homes are increasingly for post-

hospital stay. Held proposed to, among other things, continue development between DHS and private industry, discuss vouchers, and undertake the right-sizing of current nursing homes. To provide the best care to aging adults, Held stated that an in depth discussion of long term care needs to take place. Such a discussion, said Hottinger, is something that "we as a Legislature need to be full participants in."

Speaking before the committee last was Marge Jameson, chair of Health and Long Term Care for the Minnesota Board on Aging, who talked about elderly care and services. Jameson stated that aging Minnesotans want independence, the ability to stay at home, smaller nursing homes that are community based, and the development of age friendly communities.

## Higher Education Budget Division

### Higher ed programs showcased

The Higher Education Budget Division, meeting Weds., Feb. 2, heard presentations showcasing six successful programs at the Minnesota Colleges and Universities system (MnSCU) and at the University of Minnesota (U of M). The committee is chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls).

Along with these programs, Chancellor Morrie Anderson said in his opening comments there was at least one other "good news story" to share with the committee. That's a 6.6 percent increase in enrollment at Minnesota's 36 state colleges and universities in the fall of 1999 over 1998.

Carol Johnson, superintendent of Minneapolis Public Schools, introduced the Urban Teacher Training Program. It's designed to create a more diverse teacher force in both urban and Greater Minnesota schools by increasing the number of teachers of color and attract low-income, first generation college students to the profession, she said.

The Urban Teacher Training Program, implemented this semester at both Minneapolis Community and Technical College and Inver Hills Community College, has already attracted nearly 100 students, the majority from communities of color, she said. Students will begin by earning a two year associate

arts degree, and a third facility, Metropolitan State University, is gearing up to provide the last two years of a four-year degree, she said.

Tien Le, one of 80 students enrolled in the program at Minneapolis Community and Technical College, spoke to the division about the program. He grew up in many schools and many states, and said he wishes there had been more diversity among his instructors. "If there had been more diversity among my teachers, I think it might have helped me relate better to the world outside the classroom and be more comfortable with people of other ethnicities," he said.

A pilot program was outlined by United Parcel Service's (UPS) William Majeras. Partnering UPS with MnSCU, the "Earn To Learn Program" is the largest such program ever established by UPS and is designed to help up to 1,200 students who work part-time at UPS obtain a college education paid for by the employer.

UPS offers college students who are also part-time UPS employees tuition reimbursements of up to \$3,000 a year for five years, he said. To be eligible, students must work regularly part-time at one of the Metro Area's three UPS hubs - Eagan, Southeast Minneapolis or the Minneapolis/St. Paul International Airport. In addition, students who work part-time are also eligible for low-interest loans that will be partially forgiven if they work for UPS for more than a year, Majeras said.

Two committee members, Sen. Cal Larson (R-Fergus Falls) and Steve Murphy (DFL-Red Wing) were treated to a "hands-on" demonstration of a third new program at Rochester Community and Technical College. The Chiropractic Technicians program trains students to perform a variety of skills, from office work to administering certain therapies under the direction of a doctor, said director Shirley Wilson.

The nine-month program boasts 100 percent job placement and technicians can earn anywhere from \$9.50 to \$15 per hour, depending on location, she said. It may be expanded to other Minnesota communities by using interactive TV, she said.

U of M Vice President Christine Maziar introduced four students who opted for educations in high tech areas

at the U or one of its out-state sites instead of bigger schools.

The committee also heard about several high tech research projects underway at the U.

Larry Wackert, a professor at the Biological Process Technology Institute, discussed two microbial research projects underway at the U. He said one is being designed for use in cleaning up industrial and hazardous chemical cleanups; the other to clean up high level radioactive wastes.

## Judiciary

### Data Practices Act bills heard

The Judiciary Subcommittee on Data Privacy and Information Policy, chaired by Sen. Don Betzold (DFL-Fridley), met Weds. Feb. 2, to discuss two proposals relating to data practices.

Betzold presented a modified version of S.F. 2237. Toward the end of the last session, Betzold and Sen. David L. Knutson (R-Burnsville) introduced the bill, which contained sections dealing with recovery costs associated with compiling information related to the Minnesota Government Data Practices Act. Other sections regarded as "controversial" included issues concerning copyright restrictions on government data, limitations on use and dissemination of data on individuals, and the creation of the position of a Data Practices Compliance Officer, needed to ensure compliance with the government Data Practices Act. Members expressed concern over confusing or ambiguous language contained in the provisions, including the need for clarification about how information is classified, i.e. what constitutes "private" or "confidential" information, and what information should be considered "public." The provision instituting Compliance Officers for overseeing government data practices raised questions by members concerning the need for such a position, as well as questions about current practices.

Specific concerns with the proposal were voiced in testimony from several business and government individuals. The first witness was the Director of Small Business Assistance Office, Department of Trade and Economic Security, Charles Shaffer, who addressed the copyright provision. He

explained that his office is charged by statute to "develop and publish material on all aspects of the start-up, operation or expansion of a small business in Minnesota," and that for almost two decades, thirty publications have been distributed free of charge, available on demand in either hard copy format or made accessible via the Internet. Shaffer stated that his office used information gathered from private sector experts who contribute pro bono as authors or contributors, which ensures a quality product relative to that which might be produced by his staff, while having the economic benefit of production efficiency. Copyright registration gives an incentive to private contributors without concern that the expertise be appropriated for commercial use by others.

Tom Baumann, information and marketing coordinator for the Department of Natural Resources (DNR), sought clarification about determining "marginal costs" incurred in providing information to the public. He noted that the cost of providing DNR publications approximates \$60,000 annually, and that the department depends upon compensation beyond the actual cost of making the copies. The proposed provision excludes any cost associated with labor, overhead, or development costs. No action was taken on the measure.

Betzold also outlined a proposal for a bill that classifies the master voter registration list as private data and eliminates the public list exceptions. Betzold indicated that the proposal is an example of the type of legislation that may be before the panel this year.

## K-12 Education Budget Division

### Panel discusses goals

The K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Weds., Feb. 2, to review goals and objectives for this legislative session.

The stated goal of the committee is "for every student to attain the educational achievement level necessary to be an informed and productive citizen and to be prepared and motivated to reach his or her highest potential." Sen. Martha Robertson (R-Minnetonka)

raised questions about how to motivate students and what role the committee could play. Sen. Keith Langseth (DFL-Glyndon) stressed the need to spend funds on infrastructure. He proposed taking advantage of the current budget surplus to improve schools. The debate also centered on how proposed tax cuts might affect funds for education.

Lastly, the committee discussed S.F. 2382, which proposes an amendment to the Minnesota Constitution by adding a new article on education. The committee's current goal statement takes its wording directly from the proposed constitutional amendment. Pogemiller, who introduced the bill, said he is "very serious" about raising the bar for education standards through the adoption of the constitutional amendment which would be put before the voters in November. He encouraged members' input into the research process.

## Rules and Administration

### Opening resolutions okayed

The Rules and Administration Committee, chaired by Sen. Roger D. Moe (DFL-Erskine), met for the first time this year Tues., Feb. 1, to act on a variety of opening resolutions in anticipation of the beginning of the second half of the Eighty-first Legislative Session.

Members adopted a subcommittee report, developed earlier in a meeting of the Personnel Subcommittee, that specifies the permanent and temporary employee rosters, sets salary ranges for employees, outlines a career path promotion track for legal secretaries, sets the summer flexible work week policy and adopts the Legislative Coordinating Commission legislative plan for employee benefits and policies. Members then adopted a change to the Senate's web page development and maintenance policy. The change allows links from official Senate pages to other governmental sites. Prior to the change, links could only be made to other legislative sites.

Finally, members adopted resolutions relating to postage, interns and mileage. In addition, members adopted a motion, offered by Sen. Douglas Johnson (DFL-Tower), to increase the lodging allowance for members from Greater Minnesota who maintain apartments during the session by \$100 per month.

# Preview

## Monday, February 7

The Senate is in session at 11:30 a.m.

### Environment and Agriculture Budget Division

*Chair: Sen. Jane Krentz*

12 noon Room 107 Capitol

**Agenda:** DNR capital budget request.

### Judiciary Committee

*Chair: Sen. Jane Ranum*

12 noon Room 15 Capitol

**Agenda:** S.F. 2398-Betzold: Clarifying a reference to the medical malpractice statute of limitations. S.F.-2510-Knutson: (Minnesota State Bar Association Real Estate Bill). Making technical changes to certificates of value; common interest ownership communities; redemptions of realty. S.F. 11-Betzold: Creating a civil cause of action for domestic abuse (tentative). S.F. XXXX-Hottinger: (Minnesota State Bar Association Business Law Bill) Making changes to business corporations and limited liability companies; regulating the rights of shareholders and members; clarifying notice of director and governor conflicts of interest. S.F. XXXX-Betzold: (Minnesota State Bar Association Probate Bill) Clarifying treatment of certain residential real estate held in trust; making certain appeal periods consistent; changing provisions of the Uniform Probate Code. S.F. 2381-Hottinger: Modifying mechanic's lien requirements and procedures.

### Legislative Audit Commission

*Chair: Rep. Dan McElroy*

12:30 p.m. Room 118 Capitol

**Agenda:** Review of the financial audit report on the Chicano Latino Affairs Council. Review of the financial audit report on the Minnesota Indian Affairs Council.

### Crime Prevention Committee

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 2396-Junge: Predatory offender registration requirements expanded, lifetime registration, failure to register penalty increased, informa-

tion on driver's record, BCA funding (Abduction Task Force/Katie Poirer bill).

### Senate Election Laws Committee and House Governmental Operations & Veterans Committee

*Chairs: Sen. John Marty and Rep. Jim Rhodes*

7 p.m. Room 200 SOB

**Agenda:** S.F. 43-Spear/H.F. 159-

Sviggum: Unicameral legislature.

## Tuesday, February 8

### Family and Early Childhood Education Budget Division

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** Discussion of Governor's ABE bill and comparison to S.F. 2362-Foley. Early Childhood Learning Facility Bonding Recommendations / MN Department of CFL. S.F. XXXX-Piper: Early Childhood Learning Facilities Bonding Bill.

### Higher Education Budget Division

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** Presentation of capital budget request by MnSCU.

### K-12 Education Budget Division

*Chair: Sen. Lawrence Pogemiller*

8 a.m. Room 112 Capitol

**Agenda:** Review of technology expenditures by Department of CFL. S.F. 2533-Lesewski: Continuing funding for TAG grants. S.F. 2582-Ziegler: Restoring ITV levy for 2001. S.F. XXXX-Pogemiller: State funding for school technology access.

### 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:** Metro Transit overview; Suburban Transit systems (opt-outs); and Greater Minnesota Transit operations.

### Agriculture and Rural Development Committee

*Chair: Sen. Dallas Sams*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 64-Berg: Removing limitations on ownership and use of agricultural lands by limited liability companies. S.F. 192-Berg: Expanding the definition of family farm partnership.

### Legislative Coordinating Commission Subcommittee on GIS

2 p.m. Room 400 N State Office Bldg.

**Agenda:** GIS Tasks Update - Lee Meilleur, GIS Director, Census Phase 2 (Precinct Boundaries) - Verification, Redistricting Software Evaluation: Map Objects, AutoBound, Maptitude for Redistricting; Select Redistricting Software: vendor, number of copies, delivery dates. Timeline for hiring caucus staff. Process for Enacting a Plan: Timeline - 2001 or 2002, Workstations for the public, Constitutional commission. Population Shifts Since 1990 - Tom Gillaspay, state demographer. Redistricting Data Base: Two sets of population counts - Tom Gillaspay, state demographer; Election results - 1992 to 2000, Other data.

### Health and Family Security Budget Division

*Chair: Sen. Don Samuelson*

4 p.m. Room 123 Capitol

**Agenda:** Overview of the Capital Budget - Veterans Homes, Dept. of Human Services and Dept. of Health.

### Property Taxes and Local Government Budget Division

*Chair: Sen. Sandra Pappas*

4 p.m. Room 15 Capitol

**Agenda:** Presentation and discussion of split value taxation. Mark Haveman of Minnesota Planning, Dan Salamone of the Minnesota Taxpayers Association and Tom May of the Hennepin County Assessors office.

### Legislative Commission on Pensions and Retirement

*Chair: Rep. Harry Mares*

6 p.m. Room 10, State Office Building

**Agenda:** H.F. \_\_/S.F. \_: PERA-P&F;



consolidation account merger technical corrections. H.F. \_\_\_/S.F. \_\_\_: PERA-P&F; consolidation accounts; modify survivor benefits H.F. 2551-Dawkins: PERA-P&F; purchase of salary credit by St. Paul police officer on intergovernmental transfer. H.F. \_\_\_/S.F. \_\_\_\_: PERA local correctional plan; membership eligibility revision. S.F. XXX-Neuville: TRA; purchase of pre-age 25, pre-1957 teaching service credit. H.F. 2566-Greiling / S.F. 2293-Marty: TRA; refund of interest charges caused by administrative errors. H.F. 2512-Greiling / S.F. 2288-Marty: MSRS-General; authorization of late disability benefit application. S.F. 1846-Pogemiller: MTRFA; membership for teacher union business agent. H.F. 2289-Carlson/S.F. 2121-Junge: MTRFA; purchase of school social worker independent contractor service credit. H.F. 2476-Orfield: MTRFA; service credit purchase for Loring Nicolle-Bethlehem community center teaching service.

## Wednesday, February 9

### Family and Early Childhood Education Budget Division

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** Update on Homelessness in Minnesota; Quarterly Shelter Survey Report/Minnesota Department of Children, Families and Learning. S.F. 2362-Foley: Appropriating money for Emergency Services and Transitional Housing.

### Higher Education Budget Division

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** Continuation of capital budget request by Minnesota State Colleges and Universities.

### K-12 Education Budget Division

*Chair: Sen. Lawrence Pogemiller*

8 a.m. Room 112 Capitol

**Agenda:** S.F. 2445-Kierlin: Maximum effort loan for Caledonia. S.F. 2378-Kinkel: Maximum effort loans. S.F. 2584-Janezich: School food service.

### Governmental Operations Budget Division

*Chair: Sen. Leonard Price*

10 a.m. Room 15 Capitol

**Agenda:** Department of Finance reports on upgrade to human resources and payroll system; long-range plan for statewide business systems. Secretary of State report on information systems project. Department of Revenue report on tax re-engineering initiative.

### Transportation Committee

*Chair: Sen. Carol Flynn*

10 a.m. Room 112 Capitol

**Agenda:** Transportation financing alternatives.

### Election Laws Committee

*Chair: Sen. John Marty*

12 noon Room 112 Capitol

**Agenda:** S.F. 2291 - Oliver: Allowing Shorewood city council elections by ward. S.F. 2458 -Marty: Stopping soft money/independent expenditures by political parties.

### 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. 1126-Betzold: Amending the economic loss statute.

### Local and Metropolitan Government Committee

*Chair: Sen. Jim Vickerman*

2 p.m. Room 107 Capitol

**Agenda:** To be announced.

## Thursday, February 10

The Senate will be in session at 9:30 a.m.

### Health and Family Security Committee

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** To be announced.

### Transportation Budget Division

*Chair: Sen. Dean Johnson*

12 noon Room 112 Capitol

**Agenda:** MN State Patrol staffing review, Col. Anne Beers; MnDOT's use of highway maintenance and program delivery personnel, Tom Beer, AFSCME.

### Agriculture and Rural Development Committee

*Chair: Sen. Dallas Sams*

2 p.m. Room 107 Capitol

**Agenda:** To be announced.

### State Government Finance Committee

*Chair: Sen. Richard Cohen*

4 p.m. Room 107 Capitol

**Agenda:** Presentation by the Department of Finance regarding debt capacity forecast. Discussion of supplemental and/or deficiency budgets.

## Friday, February 11

### Family and Early Childhood Education Budget Division

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** An Evaluation of Minnesota's Energy Assistance Program Report, Minnesota Dept. of Administration.

### 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.

### Crime Prevention and Judiciary Budget Division

*Chair: Sen. Randy Kelly*

2 p.m. Room 15 Capitol

**Agenda:** To be announced.

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R	296-5975	William V. Belanger, Jr.	113 SOB	41	DFL	296-4370	James P. Metzen	303 Cap.	39
IND	296-5094	Charles A. Berg	G-51 SOB	13	DFL	296-2577	Roger D. Moe	208 Cap.	2
DFL	296-4261	Linda Berglin	309 Cap.	61	DFL	296-4264	Steve Murphy	301 Cap.	29
DFL	296-2556	Don Betzold	306 Cap.	48	R	296-1279	Thomas M. Neuville	123 SOB	25
DFL	296-5931	Richard J. Cohen	317 Cap.	64	DFL	296-4334	Steven G. Novak	322 Cap.	52
R	296-9457	Dick Day	147 SOB	28	R	296-4837	Edward C. Oliver	117 SOB	43
R	296-4131	Steve Dille	103 SOB	20	R	296-1282	Gen Olson	119 SOB	34
R	296-2084	Michelle L. Fischbach	15 SOB	14	R	296-5981	Mark Ourada	145 SOB	19
DFL	296-4274	Carol Flynn	120 Cap.	62	DFL	296-1802	Sandra L. Pappas	120 Cap.	65
DFL	296-4154	Leo T. Foley	G-9 Cap.	49	R	296-5252	Pat Pariseau	109 SOB	37
R	296-8138	Dennis R. Frederickson	139 SOB	23	DFL	296-9248	Pat Piper	G-9 Cap.	27
DFL	296-3219	Paula E. Hanson	328 Cap.	50	DFL	296-7809	Lawrence J. Pogemiller	235 Cap.	59
DFL	296-9246	Linda I. Higgins	226 Cap.	58	DFL	297-8060	Leonard R. Price	235 Cap.	57
DFL	296-6153	John C. Hottinger	120 Cap.	24	DFL	297-8061	Jane B. Ranum	306 Cap.	63
DFL	296-8017	Jerry R. Janezich	328 Cap.	5	DFL	296-5419	Twyla Ring	G-9 Cap.	18
DFL	296-9261	Dave Johnson	111 Cap.	40	R	296-4314	Martha R. Robertson	125 SOB	45
DFL	296-3826	Dean E. Johnson	124 Cap.	15	R	296-4123	Claire A. Robling	151 SOB	35
DFL	296-8881	Douglas J. Johnson	205 Cap.	6	R	296-1253	Linda Runbeck	107 SOB	53
DFL	296-2889	Ember Reichgott Junge	205 Cap.	46	DFL	297-8063	Dallas C. Sams	328 Cap.	11
DFL	297-8065	Steve Kelley	321 Cap.	44	DFL	296-4875	Don Samuelson	124 Cap.	12
DFL	296-5285	Randy C. Kelly	323 Cap.	67	R	296-3903	Kenric J. Scheevel	129 SOB	31
R	296-5649	Bob Kierlin	127 SOB	32	DFL	296-8869	Linda Scheid	317 Cap.	47
DFL	296-4913	Anthony G. "Tony" Kinkel	G-24 Cap.	4	DFL	296-4188	Sam G. Solon	303 Cap.	7
R	296-4848	Sheila M. Kiscaden	135 SOB	30	DFL	296-4191	Allan H. Spear	120 Cap.	60
R	296-6455	Dave Kleis	143 SOB	16	R	296-8075	Dan Stevens	105 SOB	17
R	296-4120	David L. Knutson	133 SOB	36	DFL	296-8660	LeRoy A. Stumpf	G-24 Cap.	1
DFL	296-7061	Jane Krentz	235 Cap.	51	R	296-6238	Roy Terwilliger	115 SOB	42
R	296-4351	Gary W. Laidig	141 SOB	56	DFL	296-5650	Jim Vickerman	226 Cap.	22
DFL	296-3205	Keith Langseth	122 Cap.	9	DFL	297-8073	Deanna L. Wiener	303 Cap.	38
R	296-5655	Cal Larson	153 SOB	10	DFL	296-6820	Charles W. Wiger	325 Cap.	55
R	296-4125	Arlene J. Lesewski	131 SOB	21	R	296-5713	Donald N. Ziegler	149 SOB	26
DFL	296-4136	Bob Lessard	111 Cap.	3	<b>Capitol address: 75 Constitution Avenue, State Office Building</b>				
R	296-2159	Warren Limmer	25 SOB	33	<b>Address: 100 Constitution Avenue, St. Paul, MN 55155. All</b>				
DFL	296-0293	Becky Lourey	G-9 Cap.	8	<b>phone numbers are area code 651.</b>				

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# Senate Briefly

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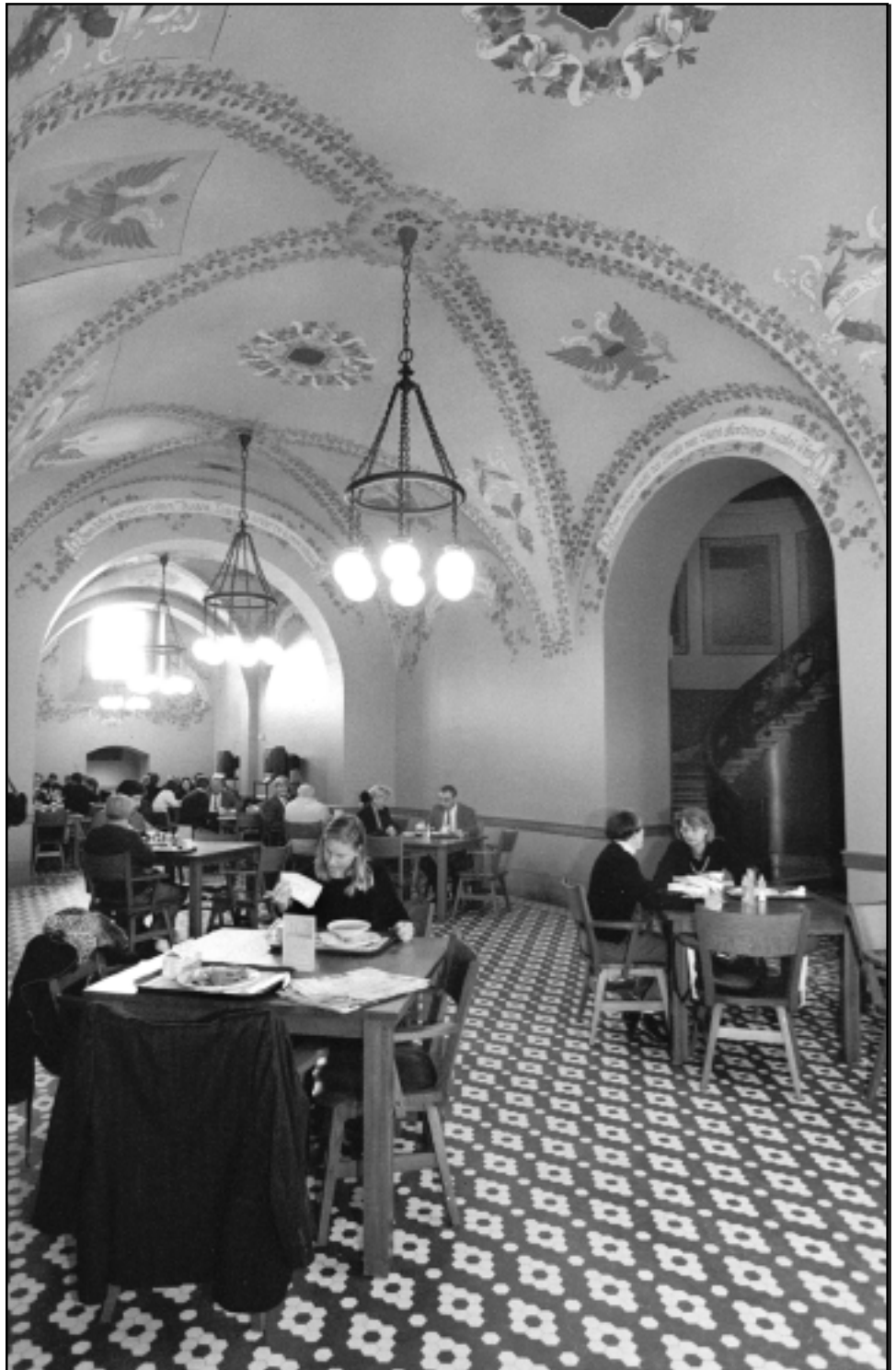
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Page 21 Preview

*The Capitol cafeteria, recently restored to its original German Ratskellar motif, hosts Capitol denizens.*

*Photo by Andrea G. Murrill*



February 11, 2000



# Senate Highlights

## Rebate bill okayed

Minnesotans will get another sales tax rebate check and farmers will get additional aid under a bill granted preliminary passage at the Thurs., Feb. 10, floor session.

The rebate bill, S.F. 2400, sponsored by Sen. Douglas Johnson (DFL-Tower), sets forth a schedule for determining the amount of the sales tax rebate based on income and provides aid to at-risk farmers amounting to \$4 per acre multiplied by the percentage of risk borne by the farmer for that farm operation.

In his opening remarks on the bill, Johnson said, "It is appropriate that the first major tax policy bill of the session is one which returns almost \$500 million to Minnesota taxpayers." One of the main features of the bill, Johnson said, is that it makes sure those left out of the 1999 rebate are included in the 2000 rebate proposal. The bill provides a total of \$476 million in rebates and aid; \$453 million goes to Minnesotans in all walks of life and targets farm crisis relief of \$23 million to 34 counties, Johnson said.

Johnson said that the bill broadens the eligibility for the rebate to more citizens. Under this year's rebate

proposal retirees receiving social security and pensions and low income individuals receiving assistance are also included.

A series of amendments dominated the balance of the debate on the bill. Sen. Leonard Price (DFL-Woodbury) offered, and the body adopted, an amendment to appropriate \$4 million to the Dept. of Revenue to cover the cost of processing the rebates.

Sen. Dick Day (R-Owatonna) offered an amendment to include anybody that made a dollar and filed income tax. Specifically, Day said the amendment was aimed young people under the age of 18 who work. Johnson argued against the amendment and said, "We are expanding the rebates further than the governor proposed but Sen. Day's amendment could jeopardize the federal tax status and the amount of dollars available. The amendment failed on a 21-39 roll call vote.

An amendment offered by Sen. Pat Pariseau (R-Farmington) was adopted on a 60-1 roll call vote. The amendment extends the deadline for farmers to apply. Sen. Kenric Scheevel (R-Preston) offered an amendment striking the definitions of which farm operations qualify for the farm payment and mak-

ing all farms in the state eligible for the payment. Scheevel said that last year prices were at all time lows and that the greatest fear is whether livestock farmers will be able to continue because of environmental rules. The amendment failed on a 20-41 roll call vote.

Sen. Charles Wiger (DFL-North St. Paul) offered an amendment targeting the farm relief more narrowly by setting income limits. Johnson opposed the amendment and said, "The targeting of the relief according to income is much more complicated than the amendment portrays." The amendment failed on a voice vote.

Sen. Deanna Wiener (DFL-Eagan) also offered an amendment to further target farm relief by setting an income limit of \$100,000. The amendment also failed to gain adoption.

Sen. Sheila Kiscaden (R-Rochester) began a discussion of the needs for repairs and maintenance in higher education facilities and state government facilities by offering an amendment to set aside \$400 million of the budget surplus for spending on deferred maintenance projects. The amendment was ruled nongermane, but members on both sides of the aisle echoed Kiscaden's concerns about further delays in repair projects. Sen. LeRoy Stumpf (DFL-Thief River Falls) said that the MnSCU system alone needs \$100 million per year just to keep even and Sen. Lawrence Pogemiller (DFL-Mpls.) said that K-12 public schools also need a great deal of funding for deferred maintenance projects. Kiscaden said, "We have talked about being statesmen and about being responsive to our constituents, but we also have the responsibility to be prudent regarding our state resources over the long run." Kiscaden pointed out that delays in maintenance lead to further expense over time.

Members then granted preliminary passage to the sales tax rebate bill on a 62-2 roll call vote.

Members of the Senate also gathered for an extremely brief floor session Mon., Feb. 7, in order to process bill introductions and committee reports.

## Unicameral debate

The Senate Election Laws Committee and the House Governmental Opera-

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tions and Affairs Policy Committee met jointly Mon., Feb. 7, to hear two bills proposing the establishment of a unicameral legislature. The committees are chaired by Sen. John Marty (DFL-Roseville) and Rep. Jim Rhodes (R-St. Louis Park).

The bill calls for a new body called the senate composed of 135 members. Members serve four-year staggered terms and are called senators. It convenes in 2003 for the first time.

Sen. Allan Spear (DFL-Mpls.), author of S.F. 43, said his bill is not an attack on the Legislature and that sessions run well until the last 3 weeks. "The greatest merit is that this bill will get rid of the conference committees. I'm convinced they're unreformable," he said.

Rep. Steve Swiggum (R-Kenyon), author of H.F. 159, said the advantages of a unicameral legislature would be its openness and accountability. "I feel strongly about making this process more open and accountable to citizens. In a bicameral system we blame the other body for bad policies," he said. Swiggum, speaking as a farmer, said the bill doesn't hurt rural residents. "I can't come up with a reason why it's anti-rural," he said. He concluded his opening remarks with the observation that "the loudest voice in this debate is the line-up of special interest voices speaking against it. That speaks volumes to me."

Gov. Jesse Ventura spoke about his intent to get the issue on the ballot in November and let the voters decide. "The citizens want a chance to decide this issue. I think frankly that's the right thing to do. I believe strongly that it deserves to be on the ballot. I have faith in Minnesotans, that they will make the right decision," he said.

Sen. Dave Kleis (R-St. Cloud) emphasized the support for the bill. "We have members that support it from all parties. There's a coalition of support for the bill," he said.

Sen. Dallas Sams (DFL-Staples) questioned whether unicameral would be better than the current system. There would be fewer chairmanships, the chairs would be more powerful and the senate may be controlled by one party he said. Sen. Mark Ourada (R-Bufalo) said that there are problems in the current process but that they can be

dealt with. "It (unicameral) seems like a silver bullet," he said. Spear again pointed out flaws with the current system. "Some legislation that should pass doesn't. Some that shouldn't pass does. Legislation with support in both houses gets lost in conference committees. Conference committees allow for mischief. We're not saying it's a silver bullet. I think unicameral is a better framework," said Spear.

Several members of Opponents of a Unicameral House (Ouch) spoke against the bill. Former Secretary of State Joan Anderson Growe said the Legislators should decide the issue and she urged them not to act drastically. "If parts of the system don't work perfectly, we don't throw the baby out with the bathwater," she said. Other members of Ouch included Bill Blazer, vice president of the MN Chamber of Commerce, Bernie Brommer, president of the MN AFL-CIO, Mike Erlandson, chairman of the MN DFL party, Ron Eibensteiner, chairman of the Republican Party of MN, Andy Steensma, representative of the MN Farmers Union, Al Christopherson, president of the MN Farm Bureau and Judy Duffy, president of the MN League of Woman Voters.

Minnesotans for a Single House Legislature included Gene Merriam, former Senator, Joanne Benson, former lieutenant governor, and Tim Penny, former U.S. congressman. Penny said unicameral fits with Minnesota's tradition of open and clean government. He said a unicameral system is easier to understand and provides for more accountability.

### **Katie Poirier bill okayed**

On Wed, Feb. 9, the Crime Prevention Committee, chaired by Allan Spear (DFL-Mpls.), met to discuss five bills and hear testimony from the Department of Corrections/Department of Human Services Sex Offender Collaboration Work Group. The committee also heard a report from both the Anoka County Corrections Department and the Ramsey Corrections Department, dealing with local correctional fees.

Known as the Katie Poirier bill, S.F. 2396, authored by Sen Ember Junge (DFL-New Hope), was considered again. The committee approved, by voice-vote, Junge's amendment setting a

minimum two-year prison term for predatory offenders who fail to comply with registration laws. Sen. Randy Kelly (DFL-St. Paul) said that members wanted to send a strong message to criminal sex offenders—that violations in registration compliance by convicted sex offenders will not be tolerated. The bill also requires a lifetime registration for certain predatory offenders, and requires that predatory offenders also register addresses of secondary residences, all vehicles, and recreational property. The bill was recommended to pass and sent to the Crime Prevention and Judiciary Budget Division.

Authored by Sen. Dave Johnson (DFL-Bloomington), S.F. 2386, deals with the distribution of fines that are paid in Hennepin County, when no court appearance occurs to settle a citation. Under the bill, 80 percent of the fine is paid to the treasurer of the municipality or county subdivision where the violation was committed, and the remaining 20 percent is distributed to the Hennepin County treasurer. Any excess money from fines, received by Hennepin County are to be used to fund revenue collection initiatives that enhance criminal justice services. S.F. 2386 was recommended to pass and sent to the Senate floor.

A bill, S.F. 2408, authored by Sen. Linda Berglin (DFL-Mpls.), makes changes in current crime victims reparations law. The bill makes it necessary for loss of income compensation cases to be reviewed at 26 weeks. It also requires that a physician evaluate the victim to establish whether the victim is disabled, before compensation is continued. The bill was recommended to pass and sent to the full Senate.

Sen. Charles Wiger (DFL-North St. Paul) authored S.F. 2485, a bill that delays by one year the effective date of the listing of the drug, Carisoprodol. Carisoprodol was originally going to be listed as a schedule IV controlled substance, effective August 1, 1998. However, the Legislature has twice extended the date by one year. The bill was recommended to pass and sent to the Consent Calendar.

# Committee update



*Members of the Agriculture and Rural Development Committee listened to testimony at a hearing Tues., Feb. 7.*

Photo by Andrea G. Murrill

## Agriculture and Rural Development

### Panel approves LLC's

The Agriculture and Rural Development Committee Tues., Feb. 7, approved a major change to the state's corporate farming law designed to make it easier for family farmers to pass on the farm to their heirs. The committee is chaired by Sen. Dallas Sams (DFL-Staples).

S.F. 192, authored by Charles Berg (IND-Chokio), allows farmers who live off the farm or rent it to family members to form Limited Liability Companies (LLC's) to help avoid excessive tax liabilities when passing on the farm to a family member. For example, the bill prevents the LLC from being double taxed on the same profits, Berg said.

The bill does not allow corporations to be part of the LLC - only natural family members - and limits the size of

the company to no more than five shareholders, he said.

"All states but Minnesota have such laws," Berg said.

"The issue you're dealing with today is not unique to the agriculture industry," said Daniel Kleinberger, a professor at the William Mitchell College of Law, in an overview of the issue. The bill simply "shields" partners from excessive tax problems, he said.

However, Andy Steensma, of the Minnesota Farmers Union, was one of several witnesses who spoke against the bill, arguing it could help large farmers get bigger rather than helping preserve the family farm. "We need to enhance and promote stability in agriculture in this state."

The committee ran out of time to hear a number of supporters of the measure, but several committee members voiced their support.

"These arrangements are available to large farmers. Why not permit them for

small farmers," Sams said. "This is restrictive since it caps the size of the company."

The measure was approved by a roll call vote of 9 to 4 and was referred to the Judiciary Committee.

## Crime Prevention

### Predatory sex offender bill heard

Prompted by the Katie Poirier abduction-murder case, Sen. Ember Junge (DFL-New Hope) presented S. F. 2396, at a meeting of the Crime Prevention Committee on Mon, Feb. 7.

A group known as the Katie Poirier Abduction Task Force reported to the Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), that current laws don't go far enough in keeping track of convicted sex offenders, putting the public at unnecessary risk. The group advised that legislature should provide for adequate funding for improving the Sex Offender Registry



and the Missing Persons Clearinghouse. The task force outlined six recommendations relating to criminal justice, including increases in the maximum criminal penalty for violating the predatory offender registration law and providing for a minimum prison sentence for non-compliance violations. Recommendations also include the requirement of a lifetime registration for certain predatory offenders, and a requirement that offenders register the addresses of secondary residences and recreational property, in addition to primary residences. The task force also recommended that driving records contain information about predatory offenders, indicating that the offender has been required to register as a predatory sex offender. In cases where predatory offenders have been re-incarcerated, the registration period should begin anew. All of the recommendations were incorporated in S.F. 2396.

Steve Haavisto, sheriff from Pine County, organized the task force, which he chairs. Haavisto testified that during the Katie Poirier investigation, officials located and questioned sex offenders who had moved into the area from out-of-state, and had failed to register as sex offenders in Minnesota. He recommended that non-compliance to the registration law be treated as a felony rather than a gross misdemeanor, as presently required. Haavisto said the bill requires a lifetime registration for certain predatory offenders, which include persons violating registration laws, offenders convicted of certain specified types of sex crimes, and offenders required to register as predatory offenders after commitment as a sexual psychopathic personality or a sexually dangerous person. He stated that there are approximately 9,400 sex offenders currently registered in Minnesota.

Following Haavisto's testimony, Connie Larson testified about her daughter's unsolved April, 1999 murder. During the investigation, Larson said she had asked the Bureau of Criminal Apprehension (BCA) for a list of convicted sex offenders and found that in her five or six-county area, approximately 40 percent of the convicted sex offenders had failed to register. She emphasized the need for a quick response following crime situations, adding that legislation and enactment of

better policies needs to be part of a coordinated, nation-wide effort.

The manager of criminal sex registration for the BCA, Stephanie Good, said that in addition to the requirement that offenders register primary and secondary residences, they should also be required to list all properties leased or rented, and all vehicles, including recreational vehicles. Photos of offenders, she said, should be updated regularly, since changes in appearance are often dramatic, especially over long periods of time. Good also recommended that a coordinated information network be shared between states.

Sen. Dave Kleis (R-St. Cloud) presented an amendment to the proposed bill, providing for increases in penalties for repeat offenders. Members questioned how juveniles should be treated in respect to penalties. The amendment was withdrawn for further revision, and S.F. 2396 was laid over for further consideration.

## **Economic Development Budget Division**

### **Panel hears tourism report**

Members of the Economic Development Budget Division, chaired by Sen. Jerry Janezich (DFL-Chisholm), met Thurs., Feb. 3, to hear a task force's report on marketing and tourism for the state of Minnesota.

Commissioner Jerry Carlson of the Department of Trade and Economic Development and Director Steve Markuson of the Office of Tourism spoke before the committee. Their report, *Marketing Minnesota*, a Comprehensive Marketing Plan for the State, was written as a result of the omnibus economic development appropriations bill passed during the 1999 legislative session, which directed the commissioner to develop a comprehensive marketing plan for the state's trade, tourism, and economic development activities.

Carlson said that despite his initial reluctance, he was very happy with the process of compiling the report. He said, "It was a very open and candid process. We have just begun to scratch the surface of the benefits." Markuson said that the agencies involved were committed to the process and everyone

felt strongly about keeping the commissioner-appointed task force in place. One of the key findings of the report is that Minnesota spends "less than \$10 million annually on economic development marketing. This marketing investment is less than a tenth of percent of the state budget." The report also found that most of the marketing emphasis was within the state of Minnesota. "We need to look at broadening that reach outside Minnesota's borders," said Markuson.

Sen. Dave Johnson (DFL-Bloomington) questioned if the report met the conditions laid out in the bill that "the commissioner shall propose consolidations, mergers, and other mechanisms that may be necessary to accomplish this task." He pointed out that the report only called for "developing marketing activity merger recommendations." "What I see underlying this report is 'give us more time,'" he said. He questioned the ability of all the agencies involved to cooperate. Markuson acknowledged that there are no recommendations for mergers at this time but that he was pleased by the improvement of relationships between agencies. He said the tax rebate was a good example of collaboration. The Minnesota tourism phone number was on the rebate checks and while the department projected 25,000 responses they got over 170,000. Carlson said one possible area of consolidation might be combining the phone banks of different agencies. It might not produce a great cost savings but the larger center could have longer hours and more information, he said.

Sen. Cal Larson (R-Fergus Falls) pointed out the need to do a better job in rural Minnesota to promote parks. Markuson agreed that more could be done. Janezich also commented on the need to grow rural economies and promote those areas that don't have the private sector involvement found in the urban areas.

## **Election Laws**

### **Soft money ban bill fails**

On Wed., Feb. 9., the Election Laws Committee, chaired by Sen. John Marty (DFL-Roseville), heard a bill that would ban soft money independent expenditures by political parties.

# Committee update

S.F. 2458, authored by Marty, prohibits political parties from making independent expenditures on their candidates as a condition of receiving a public subsidy. The ban applies to primaries and general elections and is effective at the start of the next election cycle, Jan. 1, 2001.

According to written testimony submitted by David Schultz, a professor at Hamlin University, parties are now free to make independent expenditures on behalf of specific candidates. Schultz went on to say this is because the Republican Party of Minnesota was successful in a lawsuit last fall that challenged the existing law and now special interests seeking to influence campaigns and elections can use the recent court decision as a new avenue of influence.

"Most people are not aware there has been a change," said Marty. "Minnesota has been spared from big soft money expenditures. Opening this loophole opens the floodgates (for soft money expenditures)," he said. Marty said his bill returns the law to what it was before the court ruling last September.

Sen. Mark Ourada (R-Buffalo) doubted whether the bill would help. "I would just as soon not have any independent expenditures, but if we pass the bill it will be meaningless, there are ways around it," he said. Sen. Roger Moe (DFL-Erskine) raised the same issue. "All of us have the same goal, to limit the amount of money that goes into the political process. But x amount of money will get into the political process some way. We need a good system of disclosure," he said.

The committee approved an amendment, offered by Marty, to the bill to make it effective immediately after enactment. However, the bill failed to gain the committee's approval on a voice vote.

## Environment and Natural Resources

### Hunting permit bill okayed

The Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l Falls) met Wed., Feb. 8, and okayed a bill tightening eligibility qualifications for special Department of Natural Resources

(DNR) hunting permits issued to disabled hunters.

S.F. 2346, authored by Sen. Jane Krentz (DFL-May Township) permits a hunter with a permanent physical disability to use a snowmobile, ATV or other vehicle to hunt wildlife management areas as long as the disability is verified in writing by a physician or chiropractor. Disabilities are defined as those that prevent the hunter from stepping from a vehicle without aid of a wheelchair, crutches, braces, or other mechanical support or prosthetic devices. Also, those disabilities that prevent the hunter from walking any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing.

The bill is designed to prevent abuse of the system that allows the permits, Krentz said. "The number of applications has risen from 600 a few years ago when the DNR first began issuing these permits to more than 3,000 last year," she said. "Many of those were legitimate applicants; I'm sure some were not."

Jonathan Leslie, representing Capable Partners, a non-profit organization of sportsmen that provides outdoors opportunities for the physically challenged, spoke in support of the measure.

"We want to maintain the integrity of the deer herd and the integrity of the program for the deserving disabled," he said.

John Hauck, also representing Capable Partners, said the Minnesota Council on Disabilities also supports the bill.

The bill was approved and referred to the floor.

The committee also approved a bill extending the angling season for walleye, sauger, northern pike, muskellunge, large and small-mouth bass by two weeks statewide. S.F. 2763, authored by Sen. Pat Parseau (R-Farmington), is designed to help Northern Minnesota businesses suffering effects of the mild winter by allowing anglers an extra two weeks, from Feb. 29 to March 15, to remove icehouses from lakes. The bill was approved and referred to the floor.

The committee also approved four bills authorizing land transactions in various parts of the state.

S.F. 2456, authored by Sen. Mark

Ourada (R-Buffalo), conveys to the cities of St. Michael and Albertville an agricultural ditch now located within those cities' limits. There were no natural resource issues and no opposition. The bill was approved and referred to the Local and Metropolitan Government Committee.

S.F. 2444, authored by Sen. Cal Larson (R-Fergus Falls), conveys to Stearns County 280 acres of land that housed the former Sauk Centre Home School. The bill was approved and referred to the floor.

S.F. 2033, authored by Sen. Roger D. More (DFL-Erskine), authorizes Norman County to sell 2.73 acres of tax-forfeited land to a private party or parties. The bill was approved and referred to the floor.

S.F. 2542, authored by Lessard, allows Aitkin County to sell about 60 ft. of tax-forfeited land bordering public water to a private party or parties. The bill was approved and referred to the floor.

## Environment and Agriculture Budget Division

### Panel hears need for CREP

Members of the Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), on Fri., Feb. 4, heard a presentation from the Minnesota Board of Water and Soil Resources (BWSR) underscoring the need to support a joint federal-state conservation program for farmers along the Minnesota River and its tributaries.

The Conservation Reserve Enhancement Program (CREP) matches about 2.5 federal dollars for every one state dollar for various cleanup and protection projects in the Minnesota River watershed. Planting trees, shrubs or grassy buffer zones along environmentally sensitive lands in the watershed are among some of the projects. The farmer receives an up-front payment from the state for signing a 15-year contract with the federal government to permanently remove such lands from production.

Minnesota can enroll up to 100,000 acres, or 1 percent, of agricultural land in the area by Sept. 30, 2002. This will require a total of \$60 million from the 2000 and 2002 Legislatures in order to take advantage of the available match-

ing federal funds, said BWSR's Ron Harnack. The Governor's 2000 budget proposal includes a total of \$25 million for CREP.

"If we don't [allocate the \$60 million], Minnesota will sacrifice federal dollars that could be used to achieve real, visible results now that the decade-long period of studies is over," Harnack said. "These federal dollars are a once-in-a-decade opportunity to drive the big push in the Minnesota, the Mississippi, and contributing rivers like the Cottonwood, Chippewa, Blue Earth, Lac qui Parle, and Redwood."

According to Harnack, some benefits of the program are: guaranteed compensation from about \$1,700 to \$2,200 per acre for farmers at a time of financial crisis; reduced crop damage averaging \$34 per acre per year from floods; a 17 to 20 percent reduction in non-point pollutants into the Minnesota River; 100,000 acres of new wildlife habitat in an intensively farmed region.

"It sounds like a good buy to me," said Sen. Charles Berg (IND-Chokio), noting that some of the extremely marginal land along the river may be worth only half the amount being offered per acre.

"It's a darn good buy for the state. It's a darn good buy for the farmer. It's a darn good buy for the resource," said Harnack.

Marilyn Bernhardson, chairman of the Minnesota Association of Soil and Water Conservation Districts, agreed.

"The CREP program is the best program I've seen in all the years I've been involved in conservation work," she said. "It's a necessity to get those federal dollars."

The division also heard an overview of the Governor's proposed budget for the year 2000 from John P. Heintz of the Minnesota Department of Finance. It earmarks \$124.4 million, or 27 percent, of the proposed total \$462 million budget, for agriculture, environment and natural resources. This includes \$18.3 million for basic "bricks and mortar" projects and \$106.1 million for strategic investments.

### **DNR capital budget heard**

The Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township) heard the governor's recommendations for the Department of Natural Resources

(DNR) 2000 capital budget Mon., Feb. 7.

The 2000 bonding proposal of \$43.445 million for the DNR emphasizes asset preservation, including the 5.3 million acres of land the department manages and 1,969 active buildings it has, officials said.

The DNR's capital budget identifies four priority areas for investment, according to Deputy Commissioner Steve Morse. The four priorities are to provide a safe and healthy work environment for employees, preserve and rehabilitate capital assets, take advantage of opportunities to acquire or enhance outdoor recreation and improve the health of the ecosystem and leverage other funding by partnering with both government agencies and non-governmental organizations.

Some of the priority building projects include \$2 million for asset preservation - fixing code violations, plumbing, heating, electric systems, etc.; \$5 million to replace a substandard facility (a converted horse barn with a rodent problem) at Fergus Falls; \$1.5 million for field office renovations and improvements at field offices at Deer River Area Forestry, Littlefork Area Forestry, Effie Area Forestry and Hill City Area Forestry; a total of \$3 million for a backlog of projects to provide handicap accessibility at buildings and facilities and rehabilitation of some state parks, forest lands, fishing piers and docks, etc.; and \$1.9 million for upgrades to facilities at state parks, including historic buildings and a flood-prone Lac qui Parle campground that may have to be moved or abandoned.

Some of the priority non-building projects include \$170,000 for emergency dam repairs and \$840,000 for dam repair and construction projects; \$1.6 million for park and recreation improvement, including \$200,000 for trail paving from the Bloomington Ferry Bridge to Shakopee; \$8 million for flood mitigation projects at Dawson, Granite Falls, Montevideo and Breckenridge; \$500,000 to begin condemning Trust Fund lands; \$1.3 million for forest road bridges projects, including replacing three bridges, resurfacing 46 miles of roads and developing a 4-acre wetland; \$500,000 for fishery and trout stream acquisitions; \$200,000 for fisheries habitat improvement projects; \$1.6

million for Prairie Bank Easement and Scientific and Natural Areas acquisitions and developments; and \$1 million for stream protection and restoration.

### **DNR capital budget continues**

The Environment and Agriculture Budget Division continued hearing the governor's 2000 capital budget proposal for the Department of Natural Resources (DNR) Tues., Feb. 8. The division is chaired by Sen. Jane Krentz (DFL-May Township).

The remainder of priority non-building projects as outlined in the proposal were discussed. The projects include \$1 million for state matching funds for Reinvest in Minnesota (RIM) Critical Habitat Private Matching Account, \$1.5 million for the Metro Greenways and Natural Areas project, \$2 million to improve state wildlife management areas, including \$200,000 to restore and develop wetlands, \$1 million to acquire private lands for state parks, \$1.4 million to complete the Paul Bunyan state trail between Hackensack and Walker and \$1 million for matching grants for acquisition and improvement of public land and trails.

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

### **ABE funding changes**

Chair Pat Piper (DFL-Austin) opened the meeting of the Family and Early Childhood Education Budget Division with the announcement that the administration would be introducing a bill similar to the proposal under discussion, S.F. 2532, sometime next week. Sen. Leo Foley (DFL-Coon Rapids) presented the Senate bill and Senate Researcher, Patrick McCormack summarized and discussed revisions related to changes in funding for Adult Basic Education (ABE) programs, in addition to changes in program policy.

One of the revisions retracts the previously specified authority of the commissioner of Children, Families, and Learning (CFL) to disburse ABE funds for nonprofit organizations that provide supplementary services, since another section of the bill provides grants for supplemental services. Responding to growing demand for English as a second language (ESL) and



# Committee update

basic education programs, a provision was added to allow qualified non-profit or community-based organizations and correctional facilities to participate in ABE programs, with administrative and organizational cost restrictions. Other provisions provide formulas for program funding and auditing. Also, the bill requires the Board of Teaching to develop a competency-based license for teachers of adults as an alternative to current licensing requirements.

Minneapolis ABE Manager, Carlye Peterson addressed the committee and emphasized the great need for funding as outlined in the bill. She said that there are waiting lists for most ABE classes, especially for general education and ESL courses, and stated that "Seven thousand Somali immigrants relocated to our area in the past 15 months," many of whom were interested in signing up for ESL courses. Peterson said that the final formula is the "best they could have come up with." It provides that ABE aid for fiscal year 2001 and later is equal to the sum of the base population aid, adult learner aid, and ABE instruction aid, with total aid limited to the unreimbursed costs of an approved program. Peterson added that she would like to see the study group continue researching "greater accountability on learner success."

Kristen Keller spoke on behalf of Literacy Minnesota, stating that "It would be best if funding payments went to each school district rather than to consortiums," as proposed by Sen. Foley. According to Keller, the individual districts that make up consortiums don't always have identical needs, therefore funding decisions are more efficiently handled by each district.

The committee voted to approve an amendment offered by Foley, changing the amount of aid distributed from 77 percent to 23 percent of the total aid calculated for FY 2000--or \$5.6 million, whichever is less. The bill was laid over for further discussion.

## Early childhood bonding bill

The Family and Early Childhood Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin), met on Tues, Feb. 8, to discuss Piper's bill, S.F. 2754. The bill is a bonding bill to fund early childhood learning and child protection facilities. Also, the division

discussed and compared two Adult Basic Education (ABE) bills, one introduced by Sen. Leo Foley (DFL-Coon Rapids), and the other, by the administration. In addition, officers from the Minnesota Department of Finance, Minnesota Department of Children, Families and Learning (CFL), Early Care and Education Finance Division, Minnesota Community Action Association and the St. Cloud Head Start Program, gave reports and offered recommendations related to childhood facilities.

Piper's bill, S.F. 2754, appropriates \$5 million from the state bond proceeds fund. The funds are to be used to construct, rehabilitate and expand early childhood learning and child protection facilities. Commenting on the bill, Piper said she wants to encourage those involved with children's programs to apply for grants. The bill was recommended to pass and re-referred to the Education Finance Committee.

Executive budget officer for the Minnesota Department of Finance, Heather Johnston told the committee, "The governor wants a very limited capital expenditure." Foley asked Johnston to relay a message to the administration, proposing a meeting between the House, Senate and governor, to discuss issues related to the importance of investing money in early education. Foley said it made more sense to use funds from the surplus rather than borrowing money and paying interest.

Supervisor of Head Start/Child Care Development, Zoe Nicholie, presented the 1998 Grant Awards Report and department bonding recommendations. She said that in 1998, the appropriation of \$5 million was well utilized by the 18 grantees throughout Minnesota. Minnesota statutes require 50 percent matching grants, and they far exceeded the required matches, according to Nicholie.

Jim Nicholie, co-chair of the Quality Spaces Committee/Early Care and Education Finance Commission, outlined challenges encountered in assuring quality facilities, including a high rate of turn-over in the field of early care, and regulatory barriers. He said his committee recommends a strategy of building on existing institutions such as community centers and

churches. Nicholie described several success stories in structuring and financing quality spaces for young children, including the Head Start facility in Anoka County and an innovative community-center-based child care facility in Northfield.

Director of the St. Cloud Head Start Program, Jeanette Bineham gave examples illustrating how bonding money is affecting programs in St. Cloud. She said that Head Start programs move around a lot, and that stable, long-term space is paramount to a successful program. Facilities-funding can make a big difference--thanks to two state bonding grants, she said, the new St. Cloud Head Start building will open this year.

Foley's bill, S.F. 2532, includes changes in funding for ABE programs, establishes an adult education policy review board, and appropriates \$30.963 million for FY 2001. Tammy Pust and Tom Melcher, speaking on behalf of CFL's Office of Public Affairs and Policy Development and Program Finance, respectively, outlined comparisons between Foley's ABE bill and the administration's ABE bill. The administration's bill does not cover future growth beyond eight percent per year, Melcher said. Foley's plan, however, provides that ABE aid for FY 2001 and later is equal to the sum of the base population aid, adult learner aid, and ABE instruction aid. Total aid under S.F. 2532 is limited to the unreimbursed costs of an approved program, and aid for FY 2001 must be greater than or equal to a program's ABE aid for FY 2000 at the 77 percent proration level. The administration's bill gives funding to the fiscal agent, while Foley's bill distributes funding to school districts. Other differences include a cap on annual growth per program, of five percent, in Foley's bill; the administration limits annual per-program growth to 20 percent, or \$20,000, whichever is greater.

S.F. 2532 was laid over for further consideration.

## Homelessness discussed

Sen. Pat Piper (DFL-Austin), chair of the Family and Early Childhood Education Budget Division, introduced witnesses to report on issues related to homelessness in Minnesota, at the

hearing on Wed, Feb. 9. The division heard reports concerning the effects of homelessness on children and families, from Food and Shelter Program/Children, Families and Learning (CFL), Family Housing Fund, Minnesota Coalition for the Homeless, Redwing Area Transitional Housing and the Dorothy Day Center. The division also discussed S.F. 2362, a bill authored by Sen Leo Foley (DFL-Coon Rapids), dealing with appropriations for emergency services and transitional housing.

The bill proposes appropriations of \$5.785 million to fund transitional housing programs, with \$50,000 of that amount reserved annually for housing services for homeless veterans. The bill also calls for emergency service grants totaling \$2.240 million for the year 2001. The bill was laid over.

Representing CFL, Patrick O'Leary said that on November 30, 1999, his agency reported that a record number, 5,788, homeless people were sheltered in a variety of programs across Minnesota. On the same night, 816 individuals were turned away from shelter, and more than half that number were children, he said. There is a steady increase in the number of homeless families, and an increase in the number of independent children, according to O'Leary. Statistics and other information commissioned by the CFL/Office of Economic Development were included in a report prepared by the Wilder Research Center, with the intention of building up a data base of information on homelessness, based on surveys of 37 existing shelters. The study focused on housing stability, use of subsidized housing, income and employment, educational status and change, school stability and children, and satisfaction with transitional housing services.

Ellen Hart-Shegos, author of the report, Homelessness and its Effects on Children, said that comparisons between public agency spending on supportive housing per family, compared to public agency spending without supportive housing, indicated that a savings of approximately \$39,800 per family (based on a family of four) was realized when families were given a supportive housing option. She said that substantial savings were realized in hospital/medical costs and out-of-home placement for children costs. The

report also established that more than half of the participants in the study were receiving income from either full-time or part-time employment.

Pam Zagaria, vice president of the Family Housing Fund, said that in twelve years there has been an increase of almost 900 percent in family homelessness in the Twin Cities. She, along with the other witnesses agreed that there was a great need for affordable housing in the area.

## Governmental Operations and Veterans

### Technology updates

Tues., Feb. 8, reports from the Department of Administration were presented at a joint meeting of the Governmental Operations and Veterans Committee, chaired by Sen. James Metzen (DFL-South St. Paul), and the Governmental Operations Budget Division, chaired by Sen. Leonard Price (DFL-Woodbury).

Assistant Commissioner Jack Yarbrough spoke about the development of directories and databases, installing software and adding hardware to lay the foundation for expanded electronic government services. The process is underway but has gotten off to a slow start because of staffing issues, he said. Yarbrough reported that the department is having trouble hiring qualified staff and has relied on consultants to get things started. "The technology job market is very tight in Minnesota," he said.

Sen. Charles Berg (IND-Chokio) related a story about having problems accessing the internet. "Nothing on the net seems secure," he said. The department is assessing and implementing security for electronic government services Yarbrough said. The department has completed security evaluations for 5 agencies and is scheduled to complete 14 this year. The assessment involves reviewing the agency's existing policies and simulating "hacker" attacks, said Yarbrough. "We have to develop an infrastructure that will protect privacy. It's a challenge, but it can be done," he said. Because the original funding request for \$1.03 million was only partially funded, agencies are being scheduled on a first-come-first-serve basis, he said.

Yarbrough said the department also has \$1.4 million appropriated through 2003 to install software security and train personnel. He predicted that amount would be insufficient because software costs are rising 20-25 percent per year.

Assistant Commissioner Mel Boynton gave an update about the one-stop licensing initiative. Based on the report, establishing transaction capability will allow citizens to purchase licenses on-line. Boynton stressed that once the system is up and running it will be able to handle other purchases as well. "Will it (the process) be similar to Amazon.com or Target.com?" asked Sen. Linda Scheid (DFL-Brooklyn Park). "Yes, very similar," said Boynton. He said the new transaction capability is being added to the existing electronic infrastructure. The one-stop is designed to bring citizens to a common portal on the North Star website. A "live" demonstration test was successfully completed last December according to Boynton's report. The report states the next step is to continue testing and to develop systems to provide credit card approval and direct the funds into appropriate agency accounts. Jake Manahan, deputy treasurer, Office of State Treasurer, reported they have been working on the accounting challenges. The state has been working to reconcile its systems with the systems of outside banks and credit card companies he said. Based on the state treasurer's report, the system should be ready to handle credit and debit card transactions by early summer.

## Governmental Operations Budget Division

### Tech reports heard

The Governmental Operations Budget Division met Weds., Feb. 9, to hear reports from three agencies on technology upgrade projects. The panel, chaired by Sen. Leonard Price (DFL-Woodbury), heard four different reports on the status of the projects and the costs involved.

Michael Ladd, assistant commissioner, Dept. of Finance, led off the testimony with a report on the long range plan for Statewide Administrative Systems. According to Ladd, the plan includes accounting, procurement, human

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resources, payroll and information access on a statewide basis. Ladd said that the report is in response to language enacted last year and provides a look at the costs of the systems, the directions now being taken to support the systems, support options available and sets a technology strategic plan for the next few years.

Ladd said the statewide administrative systems included in the report are the systems built by the Departments of Administration, Employee Relations and Finance and implemented July 1, 1995. MAPS is the Minnesota Accounting/Procurement system, SEMA4 is the State Employee Management Application (4) human resources, payroll, reporting and interfacing systems, and the Data Warehouse system is the system that provides agencies access to the data without interfering with the operations of the production databases, said Ladd. The systems are used by state agencies for most of their purchasing, accounting, payroll and human resource needs.

The report concludes that the state will continue operating and supporting the Statewide Administrative Systems with state employees, supplemented with appropriate support vendors. A second conclusion is that the state will continue using the Dept. of Administration InterTechnologies Group main-frame and network services. A third conclusion is that the state will consider various funding options for software version upgrades and make appropriate recommendations. Finally, the report concludes that before another version upgrade budget initiative, the state will assess and provide an opinion on the ability to support the statewide Administrative Systems, provide an opinion on the cost necessary to continue support versus other alternatives and assess whether pursuit of alternatives to a version upgrade budget initiative would justify the costs.

Members also heard from Bev Driscoll of the Dept. of Revenue on the status of the department's project to reengineer the individual income tax system. According to Driscoll, the individual income tax system consists of 2.4 million tax filers and provides \$5.4 billion in annual receipts. Driscoll said the current systems are over 30 years old and have major problems in several

key areas including compliance, risk and cost management, taxpayer service and tax and budget policy implementation. The department had requested \$16 million last year, but the appropriation was granted for \$12 million, Driscoll said. The department is planning on improving all aspects of the individual tax system but some targets will be just partially met because of the decrease in funding.

Finally, representatives from the Office of the Secretary of State, reported on projects the office is undertaking to improve their systems. Bill Batchner, chief information officer, outlined the individual projects and the status of the initiatives. He said that there are five major areas, year 2000 compliance, the central notification system that provides updated financial information on agricultural transactions along with a central database of tax liens, the voter registration system, the election night reporting system and image conversion of filings.

## Health and Family Security

### Bills advance, reports heard

Members of the Health and Family Security Committee, chaired by Sen. John Hottinger (DFL-Mankato), made progress Thurs., Feb. 3, on a number of bills brought before the panel. Sens. Dallas Sams (DFL-Staples) and Sheila Kiscaden (R-Rochester) each sponsored bills. Afterward, the committee heard two informational reports on suicide in Minnesota from the Department of Human Services (DHS) and Suicide Awareness /Voices of Education (SA/VE).

Sams presented S.F. 2424, a bill modifying MN Care to allow farmer participation. State health insurance is not accessible to farmers, said Sams. Testimony was provided by Roger Pittman, a farmer of seven years from Steel County. Pittman said that either he or his wife has needed to take on a second job for the purpose of insurance coverage, which costs the family of four \$393 dollars per month. Pittman had to drop his insurance last year when he could not afford the full payment due to a rate increase. S.F. 2424 was recommended to pass and moved to the Health and Family Security Budget Division.

Sams also authored S.F. 2365, a bill that makes several modifications regarding physicians assistants. Bev Kimball, the legislative chair for the Mn Academy of Physician Assistants testified on behalf of the bill. S.F. 2356 states that no member on the Physician Assistant Advisory Council can serve for more than two terms or eight years. Sen. Don Betzold (D-Fridley) asked if anyone currently serving on the advisory council would be affected by the term limits. Kimball said that the term limits could affect three members. Hottinger laid the bill over for further consideration after committee members voiced concerns.

Kiscaden presented S.F. 1896, a DHS bill that modifies Medical Assistance (MA) provisions, probate code provisions relating to surviving spouses who receive public medical benefits, and requires MA estate claims to be satisfied before property is assigned under certain probate code procedures. Joe Rubenstein, council for DHS, testified on behalf of the bill. Concerns were raised by the committee about the bill's extension of MA liens to ten years with the option to renew for another ten years. Rubenstein said that the extension serves the public interest, as it allows the state needed time to settle. S.F. 1896 was approved and re-referred to the Judiciary Committee.

The committee resumed consideration of S.F.2365 with an amendment allowing those serving on the Physician Assistant Advisory Council as of July 1, 2000 to complete their term. The amendment was adopted, then the bill was approved and moved to the Senate floor.

An informational report from the DHS on their suicide prevention study was given by Jan Jernell, Division of Family Health director and Candy Kragthorpe, suicide prevention coordinator. The two discussed a release from the U. S. Surgeon General and stressed its importance with a chart illustrating that suicide is the second leading cause of death for Minnesotans aged 10 to 35. "This could be a very useful document in raising public awareness" said Hottinger.

Al Kluesner of SA/VE then spoke before the committee. He spoke about the suicides in his family, explaining his self-description as a suicide survivor.



He recommended \$100,000 in funds from the Department of Health to conduct further studies.

### **Welfare reform discussed**

The Health and Family Security Committee met Fri., Feb. 4, to hear testimony on welfare reform. The committee heard from the Office of the Legislative Auditor and various community organizations. Vice Chair Sen. Becky Lourey (DFL-Kerrick) presided over the panel.

Joe Alter, project manager for the Evaluation of Welfare Reform, and John Patterson from the Office of the Legislative Auditor (OLA), presented an evaluation report on welfare reform. Alter said that Minnesota has seen a 39 percent reduction in its welfare caseload, as compared to 50 percent nationally. Subsequently, Minnesota's reserve of unused federal funds should reach \$170 million dollars by the end of the next biennium. However, an increasing share of the remaining caseload has characteristics associated with risks of long-term dependency, Alter said.

Alter and Patterson addressed current challenges to the welfare system. Minnesota will need to meet tougher national standards to receive federal subsidies, help clients increase work hours, and reduce the racial and ethnic disparities among recipients, according to the report. Legislative recommendations summarized in the OLA report included considering increasing maximum sanctions for noncompliers, spending down the state's reserve of federal welfare funds, and developing policies on ESL instruction.

Deb Koechne and Linden Gabow of the Welfare Rights Committee gave testimony on the practice of sanctions use. Koechne said that sanctions are being applied illegally, and that the use of them only further complicates welfare recipients' lives. Sen. Linda Berglin (DFL-Minneapolis) said that 100 percent sanctions, a full revocation of welfare benefits, are sometimes used to remove the most difficult to service recipients from the caseload. The panel suggested that recipients who feel that they have been treated unfairly contact their Legislators and county commissioners.

Brian Rusche of the Joint Religious Legislative Coalition said that he is

encouraged by the progress revealed in the OLA report. Rusche stated that he was not in favor of 100 percent sanctions, but preferred outreach programs for noncompliers. He said that different value standards between groups need to be addressed. Instead of using a system that encourages recipients to come to the programs, he suggests going out into the community.

Attorney Ralonda Mason and Judy Larson of the St. Cloud Area Legal Services also spoke on the use of 100 percent sanctions. Ralonda said that of those recipients who received sanctions, over 40 percent of them contacted a Department of Human Services employee before the sanctions were imposed, but received ineffective assistance in return.

Rosemary Frazel, public policy director for the Children's Defense Fund, echoed previous concerns on the use of sanctions against welfare recipients. Rosemary stated that nearly one third of sanctioned clients in 1998 did not understand the reason for the sanctions.

Andrea Ayers, a citizen, testified last. She said that families with sanctions often have higher problems and that sanctions frequently lead to family break ups.

### **Alternative care bills heard**

Bills relating to the regulation of practicing non-traditional care filled the agenda when the Health and Family Security Committee met Tues., Feb. 8. Sen. John Hottinger (DFL-Mankato) chaired the committee. Legislators heard testimony on the bills, but took no action.

Sen. Twyla Ring (DFL-North Branch) presented her first bill, S.F. 689, the Complimentary and Alternative Health Care Freedom of Access Act. The bill allows complementary and alternative health care practitioners to practice in certain circumstances, creates requirements for informed consent, and establishes civil penalties.

Public support included testimony from consumer Lori Patterson and asthma sufferer Patrice Nerad. Patterson had undergone seventeen major surgeries to correct life-threatening complications with no tangible results before employing homeopathic practices that cured her. Nerad said her

sister died in a hospital from an overdose of medication administered within medical guidelines while effective treatments for her asthma are illegal.

Classification prevents alternative health care coverage under most medical plans, said Dr. Todd Holmes of the Sister Kenny Institute. Holmes said that complimentary therapy is considered too low risk to be regulated, and treatment must be regulated to qualify for medical coverage. Regions Hospital physician Douglas West said that the integration of alternative care would greatly reduce medical costs, which currently make up 20 percent of the nation's gross domestic product.

Dianne Miller of Minnesota Natural Health Coalition's Legal Reform Project explained that the bill acknowledges alternative health practices while leaving current jurisdictions in place, giving the Dept. of Health authority to investigate the healing arts and trades.

Robert Leech, the Board of Medical Practice executive director, said that the proposed bill raises concern over the protection of providers. He listed the lack of standards for practice, lack of requirements for training and experience, and the activities of diagnoses and treatment as practicing medicine, as points of contention. The bill also provides little protection for the public from potential providers, said Minnesota Medical Association Chair Robert Meiches, MD.

Sen. Pat Piper (DFL-Austin) brought before the committee S.F. 1042, a bill that establishes a registration system for massage and Oriental bodywork therapists. Massage therapist Gail Burdick said that state regulation is necessary, because therapists need knowledge of anatomy and pathology. Barbara York, of the MN Touch Movement Network, said that the bill is not a means to protect the public, but is a special interest bill for massage schools. Tom Hiendlmayr from the Dept. of Health explained that registration is voluntary and cannot prohibit or prevent practice.

Piper also presented S.F. 1038, a bill establishing licensing requirements for occupational therapists and assistants. Pam Wright, president of the MN Occupational Therapy Assoc., spoke on the bill. Wright said nonuniformity in the regulation of therapists between states causes complications for medical

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plan reimbursements. Hiendlmayr said he believes the level of regulation is appropriate and that reimbursements are made by medical plan providers when the system is understood.

## Health and Family Security Budget Division

### Budget overview heard

When the Health and Family Security Budget Division met Tue., Feb. 8, presentations explaining capitol budget requests filled the agenda. Sen. Don Samuelson (DFL-Brainerd) chaired the division, which heard testimony from representatives of Veterans Homes, the Dept. of Health, and the Dept. of Human Services (DHS).

Minnesota Veterans Home Board of Directors Chair Steven O'Connor, explained the requests for Veterans Homes funds. The \$13.4 million request is for the maintenance and preservation of existing facilities and assets, said O'Connor. Executive Director Steve Musser said homes in Hastings and Minneapolis need roofing and ventilation repairs, and the home in Sliver Bay has no garage to house its vehicles. Leaving vehicles outside during Minnesota winters is very detrimental to them, said Samuelson.

Samuelson also invited State Commander of Veterans of Foreign Wars Dave Adams and former Commissioner Al Loehr to come before the committee.

Dave Johnson, from the Dept. of Health, and Assistant Commissioner Kath Ouska, from the Dept. of Administration, explained the \$4.3 million request by the department for asset preservation at 717 Delaware SE. The 30 year old facility current houses public health laboratories and disease prevention and control programs, Johnson said, but ventilation in the laboratories and computer network capacity are severely outdated, creating health and usability complications.

Assistant Commissioner Aggie Leithieser said that the building's location facilitates the Dept. of Health's joint grant programs with the University of Minnesota and the employment of graduate students.

Elaine Timmer, assistant commissioner for DHS, spoke about the department's request for \$49.5 million.

The majority of the requested funds, about \$26 million, are earmarked for repairing and remodeling buildings that the department plans to continue using, Timmer said. \$22 million is requested to begin the design of a new facility.

Timmer stressed that, like the two departments who testified before her, many of the maintenance and renovation costs in the DHS would be less should the matter have been addressed earlier. The costs will only rise while the buildings are neglected, she said.

## Higher Education Budget Division

### MnSCU capital budget heard

Members of the Higher Education Budget Division, chaired by LeRoy Stumpf (DFL-Thief River Falls) heard the Minnesota State Colleges and Universities' (MnSCU) capital budget request for \$230 million at a hearing Tues., Feb. 8.

"We're much better prepared to talk about bonding proposals now than we were two years ago," said Chancellor Morrie Anderson, adding that the overriding theme in the 2000 proposal is a system-wide investment in science and technology - programs and facilities.

The capital budget proposal is slashed from \$724 million requested by the system's presidents in July 1998. The reduction came after a lengthy and sometimes painful priority review and re-evaluation process conducted in the interim, according to Anderson.

MnSCU's \$230 million capital budget proposal is broken down into two components.

One is \$130 million for capital improvements projects, such as additions for current programs, new construction, design, infrastructure and land acquisition. This portion of the budget focuses heavily on science and technology. For example, 18 of 23 proposed projects for science and technology improvements and 11 of 23 projects designed to update existing space in science and technology facilities, according to Laura King, vice chancellor, finance.

The other component is \$100 million for asset preservation projects, including Higher Education Asset Preservation and Renewal (HEAPR) projects.

Such projects include safety and statutory projects, such as implementation of ADA requirements, building exterior, mechanical, and space restoration.

"We consider our facilities one of our greatest assets," said King. According to condition assessment data collected since 1998, the average age of buildings in the system is 28 years old, indicating repair and maintenance projects will become increasingly necessary, she said.

## Jobs, Energy and Community Development

### Intellectual ownership bill heard

The Jobs, Energy and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), heard a bill concerning "intellectual ownership" of employee inventions Fri., Feb. 4. The committee took no action on the bill.

S. F. 363, the so-called "Creative Freedom Act," is authored by Sen. Charles Wiger (DFL-North St. Paul). The bill regulates employee invention agreements commonly signed by research and development employees and employers. It provides that an employer who agrees to develop or use an employee's invention or proposal "must make a decision to do so within one year of submission, and must make a substantial investment in the invention within one year of that decision." Failure to do so forfeits all rights and interests in the invention or proposal back to the employee.

Robert Nepper, a North St. Paul inventor who has worked as an engineer for 30 years for three Minnesota Fortune 500 companies, spoke in support of the bill.

"I hold five patents - all of which are assigned to my former employers," Nepper said. "These firms are great assets to our community, but I feel that changes are needed to their policies concerning how they treat creative employees in developing and protecting 'our' intellectual assets that are now being squandered on a grand scale."

The problem is that some employers suppress for years - or even decades - development of inventions that don't fit company business plans, he said. Instead, employers should "return clear title" to employee inventions within a

year, he said. "This will expand the economic base in Minnesota and stop corporate downsizing," he said.

Tom Hesse, of the Minnesota Chamber of Commerce, one of three opposing organizations, spoke against the bill.

"I'm concerned first with the lack of definite terms," he said. "Who really is responsible for such inventions?" Next, he said a time limit on development of inventions is restrictive because "reasonable amount of time" can only be determined on a case-by-case basis. Finally, he said the bill could drive R&D interests out of Minnesota.

John Taft, of 3M, also spoke against the bill "Minnesota law already limits the scope to which a company can own such inventions," he noted.

Sen. Linda Rundbeck (R-Circle Pines) said she foresaw "enormous problems" with the bill, including a possible backlash of lawsuits over regulating "intellectual ownership" of ideas.

However, Sen. Steve Murphy (DFL-Red Wing) said stonewalling an employee's invention for years is "simply unfair." The committee will debate the proposal further at a later date.

### **Immigrant programs okayed**

Two bills, dealing with dramatically differing portions of Minnesota's immigrant population, were approved at the Tues., Feb. 8, meeting of the Jobs, Energy and Community Development Committee. The panel, chaired by Sen. Steven Novak (DFL-New Brighton), referred both measures to the Economic Development Budget Division.

The first measure, S.F. 2539, authored by Sen. Linda Rundbeck (R-Circle Pines), is designed to cut the backlog for the alien labor certification program. Rundbeck said that the alien labor certification program is a federal program administered by the state that serves employers who wish to hire immigrant aliens on a permanent basis and nonimmigrant aliens on a temporary basis. Rundbeck said that employers are facing an increased need for high tech workers because of the tight labor market but that the workers, mostly educated in the U.S. and already employed, are caught up in backlog of processing applications for certification. She emphasized that the workers are mostly highly trained and educated legal immigrants.

Richard Breitman, an immigration law

attorney, outlined the program for the members. He said that employers must prove that a vigorous search has been undertaken for employees and that the employer must pay competitive salaries. The labor certification unit guides employers through the application process, Breitman said, and if the certification is approved the employer may petition the INS to grant the alien authority to work in the U.S.

Rundbeck indicated that a supplemental short-term appropriation is needed to aid in reducing the backlog caused by cutbacks in federal funding. Michelle Miller, representing Medtronic, said that Medtronic is in need of high tech workers and that the backlog is an impediment to hiring the needed workers in a timely manner.

Committee discussion revolved around the possibility of the department shifting resources into the area and the idea of employers providing a portion of the needed funding.

Rundbeck offered an amendment that requires the Dept. of Economic Security to have a goal of processing completed applications for certification of permanent alien laborers within 60 days and that requires the department to report to the Legislature on its success in attaining the goal. The amendment was adopted after members deleted the requirement for a report to the Legislature.

The second bill before the committee, S.F. 2764, addressed a different segment of the immigrant population in Minnesota. The bill, authored by Sen. Ellen Anderson (DFL-St. Paul), provides for an appropriation of \$500,000 for the St. Paul Rehabilitation Center for programs to provide services in the CAREER collaborative for refugees and immigrants related to developing job-seeking skills and workplace orientation, functional work English and on-site job coaching. Anderson said that the organization is one of several pass through appropriation recipients that received funding for one year in the 1999 omnibus economic development bill that was vetoed.

Barb Grossman, vice president of employment resources, St. Paul Rehabilitation Center, spoke on behalf of the bill and said, "The program has exceeded all of its goals at a lower cost than expected and was effective is

assisting refugees and immigrants in obtaining employment." William Yang, representing the Hmong American Partnership, said the program assisted immigrants with the most basic of job skills, including assisting in filling out applications, preparing for interviews and providing translation services.

Several committee members indicated support for the measure but questioned having just one location. Sen. Arlene Lesewski (R-Marshall) and Sen. Kenric Scheevel (R-Preston) pointed out that immigrant populations in Rochester and Marshall were also very high, but no similar program existed in those communities. Scheevel offered an amendment increasing the appropriation to \$2 million and specifying four locations in Marshall, Willmar, Rochester and St. Paul. The amendment was adopted.

Both bills were referred to the budget division for further consideration.

## **Judiciary**

### **Private property rights**

Members of the Judiciary Committee met Thurs., Feb. 3, to discuss S.F. 45 and subsequent amendments, authored by Sen. Dan Stevens (R-Mora). The bill provides for protection and compensation to private property owners whose property is acted upon by the state or a political subdivision, when action incurs a reduction of fair market value of real property by at least ten percent or \$7,500, whichever is less. The bill specifies that compensation would not be required if the action "results only in diminution of the value of the property but does not otherwise intrude on the property or prohibit a rightful use; or if the action prohibits a use that is injurious or potentially injurious to others or the public, such as nuisance."

Senate Counsel Kathleen Pontius gave an historical overview of private property protection laws. She explained that the current wave of property rights interest began in 1991 when rights were sought beyond what was constitutionally enacted by states. Some form of property rights protection legislation has been introduced in every state since that time. Pontius outlined an analysis of Takings Laws (A "taking" is a government action that removes all economically viable use of property) in various states and said that in Minnesota



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policies are “consistent with federal law.” The fifth Amendment to the United States Constitution guarantees that private property shall not “be taken for public use, without just compensation.” The constitutional provisions are brief and offer little guidance as to what types of government actions might effect a taking.

Testifying for the CATO Institute, Dr. Roger Pilon related stories of Takings in various states. He said that “Takings” are ruled to benefit the multitude of tax payers and should not be the burden of the individual property owner. He said that legislation in other states, similar to what is being proposed in S.F. 45, resulted in very few cases of litigation.

Testimony by Remi Stone, representing the League of Minnesota Cities, said the bill, in her opinion, would burden cities with an epidemic of court cases, costly to cities but lucrative for lawyers, she said. It was also feared, according to other testimony, that the legislation would be a nightmare for planners having to deal with ramifications of the bill. Prior to closing the meeting, Stevens said he would seriously consider making changes to the bill, based on recommendations from various witnesses.

## Data privacy access provisions

In a continuation of its meeting of Wed., Feb. 2, The Judiciary Subcommittee on Data Privacy and Information Policy met, Fri., Feb. 4, to discuss amendments to S.F. 2237, a bill that makes new provisions under the Data Practices Act, and to hear testimony from witnesses. Chief author, Sen. Don Betzold (DFL-Fridley) offered several amendments to the bill related to requests for access to data. The bill limits the ability of local governments to make decisions on the dissemination of private and confidential data and prohibits government entities from requiring citizens to identify themselves or justify reasons for requesting public data. The bill also deals with the resolution of complaints.

Mark Anfinson, legal counsel for the Minnesota Newspaper Association, said that high copying costs can be prohibitive from the standpoint of reporters, who often need copious amounts of research information. He stated that citizens and the media should definitely be allowed reasonable access at mar-

ginal cost, and commended the overall intent of the bill. He did, however, caution the subcommittee about the difficulty in effectively structuring definitions of applicants applying for access to information.

Laxman Sundae recounted a story concerning his failed attempts to gain personal information about himself--held by various entities--including the Dept. of Human Rights and the Metro Airport Commission. He resorted to costly, ongoing litigation because his “citizens’ rights were not honored,” according to Sundae. He also stated that he was charged outrageous prices when he did succeed in obtaining maps and other types of information. Gary Stevenson, surveyor for Dakota County, later testified that the development and maintenance of a geographic information system is very costly and the sale of maps helps pay for the system. Therefore, he was opposed to eliminating charges for providing this type of information.

Office of Information Policy Director, Don Gemberling, clarified questions posed by members and several witnesses concerned about what information public officers are required, by law, to provide. It was unclear to several witnesses, whether or not they were required to accommodate requests for material that was difficult or time consuming to obtain. He said that the Data Practices Act does not require public offices to do research for the public. Files that are already published and readily available for dissemination should be provided, he said. Gemberling addressed the issue of compliance regulation by stating that the state government should appoint that authority. He also said that the copyright issue raised by some of the witnesses is complex, and recommended that the bill include exclusions for maps, educational institutions and others. The subcommittee, chaired by Betzold, laid the bill over for further consideration.

## Five bills considered

Members of the Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mlps.) met on Mon, Feb. 7, to consider five civil law bills--four were okayed.

Authored by Sen. Don Betzold (DFL-Fridley), S.F. 11 creates a civil cause of

action for victims of domestic abuse, making the perpetrator liable for all damages, including punitive damages, plus costs and reasonable attorney fees. The bill also extends the statute of limitations--the period of time within which an action may be filed--from two to six years and provides that the existence of an order for protection or a criminal complaint or conviction is not a prerequisite to an action. Further, the bill specifies that the results of any other proceeding do not affect the ability to bring an action or be admissible in evidence.

The Minnesota Women Lawyers, Inc. (MWL) endorsed this bill and reported that under current statute an individual is able to seek civil damages for domestic abuse only within two years of a violent incident, however, victims are often unable or reluctant to seek a civil remedy within this limited period of time because a victim of domestic violence is frequently isolated, threatened and barred from securing safe haven or economic resources.

Deborah Lysholm testified that she was a victim of domestic abuse for 23 years. She underscored the importance of lengthening the statute of limitations, based on her own experience. Many victims of abuse are so psychologically damaged from threats, fear of retaliation and low self esteem, she said, that they are incapable of seeking help for themselves. Once a victim leaves the violent situation, the period of recovery is a very long process, years may pass before a victim feels strong enough to take action, she said.

An opposing view was presented by Mike Dittburner, member of the Minnesota Chapter of the American Academy of Matrimonial Attorneys. He said that the existing cause of action for battery, with its two-year statute of limitations, already provides relief in these cases, and that extending the statute to six years will enable stale claims to be brought, for which there may be problems of proof. Most of the abuse victims will not benefit from provisions in the bill, he stated, because most victims cannot afford the time and money it takes to hire lawyers and bring the action to court, adding “the remedy provided by the bill will, instead, tend to be utilized by the upper middle class, the very rich, and/or a victim who

happens to have been involved in a relationship with a wealthy individual.” Dittburner said, “this type of ‘spin-off’ civil litigation will make it more difficult for these individuals to achieve amicable resolution of their divorce proceedings,” resulting in more litigation tying up valuable court time. Dittburner said that the bill actually hurts victims of domestic abuse by not allowing evidence of a criminal conviction (even after a jury trial) to be used as evidence of domestic abuse in a civil action.

S.F. 2692, a bill authored by John Hottinger (DFL-Mankato), related to business corporations and limited liability companies, regulating the rights of shareholders and members, and clarifying notice of director and governor conflicts of interests, among other issues. The bill was recommended to pass and sent to the full Senate.

Sen. David Knutson (R-Burnsville) sponsored S.F. 2510, a bill that incorporates recommendations from the real property law section of the Minnesota State Bar Association. Intended to facilitate recording of deeds in cases where a long period of time has elapsed since the deed was executed, the bill eliminates the requirement to present a Certificate of Real Estate Value at the time of filing. The bill requires that the deed be dated and acknowledged at least two years prior to the time it is presented for filing. In addition, the measure deals with making uniform the process governing redemption by junior creditors from foreclosures of mechanic’s liens and judgement liens and from foreclosures by action. The changes make the procedure the same as redemption from foreclosures by advertisement. Other portions of the bill revise technical amendments to the Minnesota Common Interest Ownership Act. The bill was approved and sent to the full Senate.

Betzold also carried S.F. 2398, clarifying a reference to the medical malpractice statute of limitations. The bill was recommended to pass and placed on the Consent Calendar. Betzold also sponsored S.F. 2723, a bill that makes technical changes in statutes relating to residential real estate held in trust. The bill was recommended to pass and referred to the Local and Metropolitan Government Committee.

## Civil law bills heard

A bill providing a cause of action for victims of domestic abuse and extending the statute of limitations for those actions generated considerable discussion at the Weds., Feb. 9, meeting of the Judiciary Committee.

The bill, S.F. 11, authored by Sen. Don Betzold (DFL-Fridley), originally created the cause of action, specified that the existence of an order for protection or a criminal complaint or conviction were not a prerequisite to an action, and provides that the results of any other court proceeding would not affect the ability to bring an action or be admissible in evidence.

Much of the discussion centered around amendments dealing with the admissibility of other proceedings as evidence and the portion of the bill providing that the running of the statute of limitation period is suspended during the time that the perpetrator continues to commit domestic abuse. Betzold offered, and members adopted, an amendment deleting the portion relating to the running of the statute of limitation period and specifying that the statute of limitation period is six years. Members also adopted an amendment providing that the court may award reasonable attorney fees to the prevailing party. Members then discussed an amendment specifying that no evidence of an order for protection or a finding of domestic abuse or testimony is admissible except for purposes of impeachment.

Sen. Allan Spear (DFL-Mpls.) offered an amendment to extend the statute of limitations for six years by amending the statutes of limitations laws rather than creating a new cause of action. Spear argued, “We don’t need a free standing cause of action law with separate rules of evidence if the problem we are trying to address is the statute of limitations period.” Members adopted the amendment, approved the bill and sent it to the full Senate for consideration.

In other action, the panel, chaired by Sen. Jane Ranum (DFL-Mpls.), also approved a bill limiting the representation by public defenders and court-appointed counsel to minors who are ten years of age or older in child protection (CHIPS) cases. S.F. 2725, authored by Spear, eliminates the requirement that the court appoint

counsel to represent all children in CHIPS cases. Spear said that very young children are represented by guardian ad litem, who are charged with watching out for the best interests of the child, and that also appointing an attorney is redundant. In cases where the child is able to communicate, the situation can become ludicrous, Spear said, because often what a five year old child wants is in direct conflict with the best interests of the child and yet, the attorney must represent the child client.

State Public Defender, John Stuart, said that the current law brings guardian ad litem and attorneys into conflict because the guardian ad litem is attempting to advocate in the best interest of the child while the attorney is attempting to represent the “client.”

The bill was approved and forwarded on to the full Senate.

Members also approved a bill, S.F. 2783, making a number of “housekeeping” changes in laws relating to the Secretary of State. Sen. David Knutson (R-Burnsville) said the changes are designed to provide a higher level of customer service to the public, close three gaps in Minnesota’s business law and provide clarification to the digital signature law. The bill was approved and sent to the Senate floor.

The Private Property Protection Act, S.F. 45, also came before the panel. The bill, sponsored by Sen. Dan Stevens (DFL-Mora), specifies that if a nontax or nonpenalty action by the state or a political subdivision of the state operates to reduce the fair market value of any real property by 10 percent or \$7,500, whichever is less, the owner has a claim against the state or relevant subdivision for compensation for the loss. The measure, though, specifies two exceptions. Under the bill, the exceptions are if the action results only in a diminution of the value but does not otherwise destroy, damage or prohibit the rightful use of the property and if the action prohibits uses of the property that are injurious to the public.

Sen. Thomas Neuville (R-Northfield) offered an amendment, with Stevens agreement, to delete political subdivisions from the bill so that the bill only applies to the state. The committee adopted the amendment. Another amendment was offered raising the 10

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percent reduction in value to a 30 percent reduction in value. The committee adopted the amendment. However, the panel failed to approve the bill on a 5-8 roll call vote.

## K-12 Education Budget Division

### Department reorganization

Members of the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Fri., Feb 4, to hear a report from Christine Jax, commissioner of the Children, Families and Learning Department, and her staff, about reorganization of the department.

With the abolishment of the State Education Board last year, CFL has taken on additional responsibilities, Jax said. She outlined the new structure of the department and highlighted its goals to be more service orientated, more efficient and implement graduation standards. According to Jax, a new brochure about graduation standards has cleared up many misunderstandings. The department has a new chief information officer in place and much of the paperwork for teachers has been computerized making it easier and faster for them to access information. Barbara Yates, deputy commissioner, provided detailed information about staff changes and the effects of reorganization. The department currently has 26 managers which is a decrease over recent years she said. Sen. Jane Ranum (DFL-Mpls.) expressed concern about whether or not the department has enough capacity to ensure students develop good reading skills and to provide support for teachers. She said Minnesota is not doing as much as other states. Jax responded that the department has one reading specialist and they are looking for ways to get federal dollars and grants to provide more support in this area.

Jessica Montano, assistant commissioner, addressed Ranum's question by explaining about the Best Practices program. Under this program, the department provides extensive training for teachers who then go out and educate fellow teachers through workshops and mentoring. She said this approach has been very successful. Pogemiller requested more information from the department about support

systems. Montano also outlined the department's process for authorizing charter schools. One of the department's main thrusts is to have more involvement from the sponsor when the sponsor is not the state. The department plans to hire one new full-time person to work with charter schools and their sponsors. There are currently 53 charter schools in Minnesota, with 12 scheduled to open next fall. Based on new guidelines, the department will not sponsor any more for this fall beyond the seven currently sponsored. This year the deadline for sponsors to submit materials is March 15 for charter schools opening this fall. In the future, however, charter school proposals will have to be made by March 15 or October 15 in order for the schools to open in the fall of the following year. By having earlier deadlines, CFL can work more closely with sponsors and coordinate additional training opportunities.

Tammy Pust, assistant commissioner, spoke about State Board of Education transition issues. She covered administrative licensure complaints, rule-making, and rule waiver requests among other topics. A new rule-making coordinator position has been established to handle the additional administrative burden since the State Board of Education was abolished.

### Technology bills heard

The K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Tues., Feb 8, to discuss bills regarding technology funding for schools.

Sen. Donald Ziegler (R-Blue Earth) presented S.F. 2582, which proposes to restore previously authorized levy authority to raise money for interactive television. The bill reverses the trend of phasing the levy out. Superintendent Randy Grupe testified on the importance of interactive television in his district. He said the technology helps keep students in the district by offering them the high-level math and science classes found in larger districts. Sen. Kenric Scheevel (R-Preston) raised questions about the best way to deliver funding for technology. Grupe responded that if the money is appropriated for technology, it will ensure it doesn't get spent in other areas.

Pogemiller said that it's difficult to appropriate funds without compromising individual school districts' autonomy. "It's a recurring issue," he said.

Sen. Arlene Lesewski (R-Marshall) presented S.F. 2533, which increases funding for Telecommunication Access Grants from \$5 million in 2000 to \$12 million in 2001.

"We have put a lot of money into schools for technology and we need to continue doing that," she said. The additional money is needed to update and expand the existing video and data networks according to Raymond Ogden, who deals with school connectivity in Southeastern Minnesota.

Sen. Charles Wiger (DFL-North St. Paul) sponsored S.F. 2744, a bill that makes each school district eligible for a technology grant of up to \$50,000. Under the bill, the total appropriation for all the districts in the state would be \$17.35 million. The grants could be used not only for equipment, but also for teacher support and training, training of other staff and technical support. The bill also specifies that a task force be convened to report on the current condition of technology in Minnesota's school districts and make recommendations for minimum technology standards.

Lastly, Pogemiller outlined a rough draft of a bill that requires each district to reserve \$5 per student for telecommunications costs. Simply put, the bill authorizes districts to submit additional actual costs to the commissioner of Children, Families and Learning for reimbursement. The bill provides funding for nonpublic schools as well. According to the bill, the commissioner must recommend a permanent method for funding telecommunication access by Feb. 1, 2003. "I'm trying to transition from grant programs to something more permanent," Pogemiller said.

### Funding bills heard

Three bills were heard by the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), on Wed., Feb 9.

Increasing funding for school breakfasts and lunches is the intent of S.F. 2584 presented by Sen. Jerry Janezich (DFL-Chisholm). Polly Podpeskar, food & nutrition director for Grand Rapids Public Schools, testified that the



number of children eating school breakfast and lunch has increased. Local districts are having to pay more and more out of their general funds, she said. The bill raises the amount per meal for school lunches from 6.5 cents to 8 cents and increases funding for school breakfast from \$456,000 to \$713,000 for 2000 and 2001. The committee put the bill on its "C" list.

S.F. 2445, authored by Sen. Bob Kierlin (R-Winona), appropriates \$14.13 million from the maximum effort school loan fund to Caledonia to renovate its high school for use as an elementary school and to build a new 6-12th grade school on the edge of town. Chuck Schulte, a member of the facilities committee, said the project has high support in the district. "The bonding referendum passed by a 2/3 majority," he said. The loan to Caledonia was in a bill last session but it was dropped from the conference committee report, according to Sen. Keith Langseth (DFL-Glyndon).

Sen. Tony Kinkel (DFL-Park Rapids) presented S.F. 2378, which includes maximum effort capital loans for Caledonia, Red Lake, Cass Lake, Ulen-Hitterdahl and Laporte. Representatives from Ulen-Hitterdahl requested a loan of \$4.025 million to construct a new elementary school. Susie Anderson, a school board member, said the new building could also be used by the community for meetings and other events. The high school would be able to use the media and food services of the new building as well, she said.

Representatives from the Red Lake District also addressed the committee. They requested a loan of \$11.16 million to construct an early childhood facility, remodel and add on to the middle school and convert the Ponemah K-6 school into a K-8 school. Bobby Whitefeather, tribal chairman of the Red Lake Band, spoke of the growth in his community. "We have a growing population. We built 50 new homes last year and we are planning to build 50 more this year," he said.

Representatives from Cass Lake and Laporte will testify at later hearings according to Kinkel. The committee voted to consider the Caledonia, Red Lake and Ulen-Hitterdahl bonding requests for inclusion in their final bonding bill.

## Metropolitan and Local Government

### Celebrating Public Service

A joint meeting of the Senate Committee On Local and Metropolitan Government and the House Committee on Local Government And Metropolitan Affairs met to celebrate public service with local government association representatives, and to discuss current issues and legislative affairs. The meeting was chaired by Sen. Jim Vickerman (DFL-Tracy) and Rep. Peg Larsen (R-Lakeland).

President Susan Hoyt of the League of Minnesota Cities and city administrator, city of Falcon Heights spoke about the need for more open communication between both public and government officials and between officials from different levels of government, stating, "there are often contentious relationships between the public and officials," which are frequently unnecessary and which might be remedied by sponsoring more occasions for interaction. She also stressed that governing at the local level is most successful when decisions affecting local populations are locally decided--in conjunction with broad parameters set by the state.

Carolyn Engebretson, Becker County commissioner and president of the Association of Minnesota Counties underscored Hoyt's statement regarding decision-making at the local level. Engebretson added that "60-85 percent of the decision-making affecting counties is decided by the state." She also commended the relationship between Minnesota counties and the state in providing exemplary programs through the Dept. of Human Services.

In the spirit of celebration appropriate to the day, President of Minnesota Association of Townships, Lothar "Butch" Wolter introduced the association's Vice President, Loren R. Ingebretsen, who read aloud his poem of hopeful cooperation between elected officials. Following a presentation by members of the Minnesota School Board Association a reception was held in the Capitol rotunda.

### Five bills approved

Five bills were approved at the Weds., Feb. 9, meeting of the Local and Metro-

politan Government Committee with three going to the Consent Calendar. Committee members also engaged in a discussion on the need for local government reform.

A bill sponsored by Sen. Jerry Janezich (DFL-Chisholm), S.F. 2470, initiated the reform discussion. The bill authorizes a third administrative assistant in the office of the St. Louis County Administrator. When asked why the county couldn't do it on their own, Janezich said that St. Louis County is not a home rule county and is not permitted by law to make those decisions. He added that when the civil service laws were first enacted, the intent was for the Legislature to control the county civil service systems.

However, Sen. Charles Wiger (DFL-North St. Paul) offered an amendment granting St. Louis County the authority to make its own employment decisions. Sen. Sandra Pappas (DFL-St. Paul) broadened the discussion by suggesting that all counties be given that authority. She said that the committee should be more aggressive in implementing local government reform and asked for local government lobbying organizations to assist in that effort. Wiger withdrew the amendment after the discussion indicated a need for an interim study to set the scope of reform measures. The bill was approved as introduced and sent to the Senate floor.

The panel also heard S.F. 2471, carried by Sen. Linda Higgins (DFL-Mpls.). Higgins said that the bill changes the name of the Human Resources Board and Human Resources Department of Hennepin County, clarifies the duties of the Board, and makes technical changes. It was also approved and advanced to the Senate floor.

Sen. Jim Vickerman (DFL-Tracy), chair of the committee, presented S.F. 2511. The bill allows town board employees or agents access to public or private property in order to conduct examinations or surveys for town roads or cartways. The bill also allows town boards to assess administrative, hearing and recording costs to the owner of a landlocked parcel who petitions the board to establish a town road or cartway to their land. Troy Gilchrist of the Minnesota Association of Townships said that without the first section,

# Committee update

town boards run the risk of trespass actions. He added that it has been the practice to assess the other costs, but it should be authorized in statute. The bill was approved and recommended for placement on the Consent Calendar.

Sen. Don Samuelson (DFL-Brainerd) sponsored S.F. 2320, a bill that allows Lake Edwards Township in Crow Wing County to change its name to Lake Edward Township. Samuelson said there is confusion about the proper name of the township. He said the bill as introduced simply changed the name, but it was discovered that the state constitution prohibits the Legislature from doing that. Higgins offered an amendment authorizing the county board to change the name upon the receipt of a resolution from the town board requesting the name change. Sen. Carol Flynn (DFL-Mpls.) asked why it takes a county board action to change a township name. Sen. Claire Robling (R-Prior Lake) responded, saying that town boards only have 3 members, thus 2 people could decide to change the name. John Dooley, also of the Minnesota Association of Townships, said that the general law requires a petition to the county board signed by 55 percent of township residents, which in this case would be more than 500 people. He added that the law was written in 1907 when township populations were generally smaller and it hasn't been revised since. The amendment was adopted and the bill was approved and recommended for placement on the Consent Calendar.

The other bill approved by the committee, S.F. 2411, carried by Sen. Bob Lessard (DFL-Int'l. Falls), allows an at-large member on the Northern Itasca Hospital Board for each county in which there is a city, town or unorganized territory that is a member of the district. It was also recommended for placement on the Consent Calendar.

## Property Taxes and Local Government Budget Division

### Site value taxation heard

The Property Taxes and Local Government Budget Division met Tues., Feb. 8, to hear presentations on site value property taxation, a system where land is taxed at a separate rate from the

buildings on the land. The panel, chaired by Sen. Sandra Pappas (DFL-St. Paul), heard from Mark Haveman of Minnesota Planning, Dan Salomone of the Minnesota Taxpayers Association, and Hennepin County Assessor Tom May.

Haveman began the presentation by explaining what split value taxation is and how it differs from the current classification rate system. He said that total property value is composed of the value of the land and the value of buildings on the land. Under the current system one tax rate is applied to the entire property value. However, land and buildings are economically different and need to be taxed differently. With a split value system, the land would be taxed at a higher rate than the improvements on it. Listing the potential benefits of a split value system, Haveman said that a reduced tax rate on improvements would remove disincentives for development, a higher tax rate on land would increase the holding costs of undeveloped land, and it would encourage more productive development of higher value land. In addition, he said that site value taxation could make housing more affordable by reducing land value appreciation rates and provide a better means for local governments to capture community wealth to finance community projects.

Haveman described the probable tax shifts that would result from implementing a site value system. He said that it depends on the ratio of the value of buildings to the total value of the property for individual parcels of land, and the average of that ratio for all properties within the entire taxing jurisdiction. Parcels of land with ratios higher than the average would receive a tax decrease whereas properties with ratios below average would receive a tax increase, he said. Overall, though, the system is revenue neutral because the taxing district would still receive the same amount of revenue.

Next, Haveman discussed the probable economic development impact of the tax shift by looking at properties with value ratios that are significantly different than the district average. He said that a higher than average ratio occurs when a building of average value is on low value land or when a high value building is on average value

property. In such cases, Haveman said, the tax system sends an economic signal that encourages reinvestment. The other case, property value ratios that are below average, result from average value buildings on land of appreciating value or average value land that is underdeveloped. Haveman said that a site value property tax system would encourage better land use, more efficient building and redevelopment in such cases.

In conclusion, Haveman said that there are some implementation issues that must be addressed. Among those issues are determining the scale of adoption – if the system would be adopted on a city, county or regional basis, determining the quality of current property value assessments, determining the time-line for phasing in a new system and determining the different tax rates for land and buildings.

Sen. Gen Olson (R-Minnetrista) said that the only negatives seem to be in the implementation and asked if there were any others. Haveman replied that it could encourage over development in high value areas such as lakeshores, but added that “that’s what development easements are for.”

Pappas expressed concern for the system’s effect on open space. She said that as a culture we value open space even though the assessed value of an open space may be low and was concerned that the site value system would encourage development of an open space. Haveman replied that the value of the open space will be reflected in the surrounding property values.

Next, the panel heard from Salomone. He said that his organization has no position on the idea, but they were concerned about implementation issues.

Salomone said that a site value system is not neutral in all respects because owners of undeveloped high value land would be affected by having to pay higher taxes. He added that it goes in the opposite direction of constituents who say that they don’t want a tax on land value. Pappas countered that constituents also don’t want their property taxes going up when they make improvements. Salomone gave examples of how property taxes would change under the system. An office building valued at \$190 million on a lot in downtown Minneapolis valued at \$10

million would see its effective tax rate under the current system go from 4.83 percent down to 0.38 percent under the site value system. However, a home valued at \$50,000 on a lot valued at \$100,000 would see its effective tax rate increase from 1.87 percent to 5.01 percent.

Other areas of concern discussed by Salomone include the idea that the system may work at cross-purposes with other policies such as zoning laws and environmental regulations. The transitional time of implementation could create chaos and disruption, he added.

In his comments, May said there are many questions about how to overlay a new site value system over an old system, but there are no technical problems. He said that the struggle in making the policy is between equity and fairness and that the assessor's role is to provide equity and show the public that it is fair. "Fairness and simplicity don't always go together," he added.

May also highlighted the effect of a site value taxation system on development of lakeshore property. He said Hennepin County has a lot of lakeshore and many times the land is a much greater proportion of the total property value. May said the system may encourage more dense development along lakeshores.

The division took no formal action at the hearing.

## Committee on Taxes

### Sales tax rebate

The Committee on Taxes convened Thurs., Feb. 3, to hear testimony on the year 2000 tax rebate and agricultural assistance bill, S.F. 2400. Sen. Douglas Johnson (DFL-Tower) chaired the committee. The bill commits \$453 million to a sales tax rebate and provides agricultural assistance payments up to \$5,600 per farm. Average rebates are expected to be \$100 per person.

Sen. Charles Berg (IND-Chokio) brought the committee's attention to a flaw in the bill concerning farm assistance. Berg's constituents informed him that farms whose ownership was in multiple names, such as a husband and wife or multiple brothers, had received multiple payments for the same acreage. The committee took appropriate action to amend the bill.

Sen. Leonard Price (DFL-Woodbury) asked that funds be set aside to pay for the year 2000's tax rebate administration. The tax rebate in 1999 totaled about \$1 million in administrative costs. Other members raised concerns about the ability of the federal government to tax state refunds.

Commissioner Matt Smith and John Hagen from the Department of Revenue came before the panel. Smith said that the concern over state tax rebates complying with federal tax laws has been raised in other states where rebates were issued. The rebate is not taxable and is compliant with Internal Revenue Service guidelines, Smith said.

David Giese, a student at Mankato State University, testified on behalf of student concerns. He asked that the state retroactively take care of groups left out of the sales tax rebate last year. "Yes we may be going to school, but we are paying our different taxes," Giese said. He said that parents who claimed a student as a dependant received a smaller rebate than had they not taken the deduction. "It surprises me that this administration left out a group that was its strongest supporter," said Sen. Gen Olson (R-Minnertrista).

Echoing Giese's request, Frank Viggian, president of the Mankato State Student Association, spoke on behalf of retroactive tax rebates to students. Viggian said that he has been encouraging students to use electronic tax filing as it expedites the refund process and is more cost effective for the state.

Charles Van Guilder, a citizen, addressed the committee last. He testified on property tax refunds.

The panel discussed who did and who did not receive a sales tax rebate. Sen. Steve Kelley (DFL-Hopkins) said that the Legislature should seek a rebate process that is fair to all. The bill was laid over for further discussion.

## Transportation

### Public transportation review

The Transportation Committee met Tue., Feb. 8, to hear presentations on the growing need for public transportation funding in the Metro Area and Greater Minnesota. Sen. Carol Flynn (DFL-Minneapolis) chaired the committee.

Dakota Area Rural Transit Service

(DARTS) President Mark Hoisser came before the committee representing the Minnesota Public Transit Association (MPTA). The MPTA is requesting \$3.6 million dollars in funds for Minnesota Department of Transportation (MN/DOT) programs in Greater Minnesota. Hoisser said that transit options are needed to provide mobility for residents in rural areas. The MPTA is also requesting an additional \$3.7 million for the continuation and expansion of transit programs in the Metropolitan Area.

Linda Elfstrand, from Tri-Cap Heartland Express, spoke about a rural demand /response transportation program in the St. Cloud area. The community owned program consists of seven buses and 30 volunteer drivers. Because of the growing demand for the service, volunteer drivers are being reimbursed to use their own vehicles, Elfstrand said.

Willmar resident Kevin Halliday explained the highly organized public transportation system in his area. Centralized dispatching of vehicles assists in moving 350 people per day and making 10,000 one way trips outside of Willmar annually. Halliday said that the program is busting at the seams with requests and hopes for more funds.

Donna Allan of MN/DOT said that Greater Minnesota still has seven counties without public transportation service.

Metro Transit General Manager Arthur Leahy addressed the committee to outline the Transit 2020 Master Plan. The plan, requesting \$440 million dollars in capital investment over the next nine years, centers around the Metro bus system and developing a network of dedicated transitways, Leahy said. He and Metro Council Chair Ted Mondale explained that Metro Transit's growth in bus ridership was the largest in the U.S. from the first three quarters of 1998 to the first three quarters of 1999.

Leahy cited programs such as the Metro Pass for increasing ridership. Twenty-one companies participate in the program, which allows employees to ride for discounted fares. Sixty percent of American Express' downtown location employees now ride the bus, Mondale said.



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Leahy said that bus use has increased and investments have been successful, but that public transportation is becoming crowded. Minnesotans do not think of transit as an intimate experience, he said, speaking of the need for more capital investment. Director of Transportation and Transit Development Nacho Diaz said that the Metro Area's \$55 per capita funding for operating costs and \$10 for capital are below the peer average of \$76 and \$22.22, respectfully.

Len Simich, of Southwest Metro Transit, spoke on the status of opt-out communities, communities that have chosen not to use Metro Transit and provide their own services. Simich said that the five transit system program began in 1995. Since then, he said, ridership has been up 39 percent since 1995 and 14 percent since 1998. Property taxes fund 88-90 percent of the program, while bonding through the Metro Council and fare boxes fund the remaining portion, said Simich.

## Hidden costs detailed

A report presented to the Transportation Committee Wed., Feb 9, revealed sizeable hidden costs to the state's transportation system. Sen Carol Flynn (DFL-Mpls.) chaired the committee as they reviewed reports from the Center for Transportation Studies (CTS) and from Senate Counsel and Research.

Barry Ryan, of CTS, explained the findings of a study to investigate transportation finance alternatives. Questions that the report sought to answer included how regional growth, land value, and land use would be affected by transportation financing through an investigation of major transportation growth.

The total cost of transportation, he said, was \$27.2 billion in 1998. The figure is broken down into three components, private costs such as vehicles at \$22.9 billion, government costs such as roads at \$2.4 billion, and external costs such as congestion at \$1.9 billion. The total for 2020 is projected to be \$41.6 billion dollars, with private costs at \$35 billion, government costs at \$3.6 billion, and external costs at \$3 billion.

Ryan said revenue sources such as the gasoline tax and motor vehicle registration fees were assumed to fund the majority of road projects. However, the

\$835 million dollars for state and local road funds in 1996 came from sources not associated with transportation, Ryan said. The report showed that property taxes, special assessments, and state general purpose aid composed 46 percent of the state's \$2.1 billion dollar road revenue total.

Flynn took the opportunity to make a comparison between the funding of light rail transit and roads, stressing that the report shows roads do not pay for themselves.

Transportation Committee Legislative Analyst Amy Vennewitz presented a report on transportation funding and the motor vehicle registration tax. The Highway User Tax Distribution Fund (HUTDF) receives its revenues from motor fuel and registration taxes, which are then distributed as 62 percent to state trunk highways, 29 percent for county state aid highways, and 9 percent for municipal state streets. Of the \$1.15 billion generated in fiscal year 1999, Vennewitz said, 51 percent came from the motor fuel tax, 48 percent from the vehicle registration tax, and 1 percent from miscellaneous sources.

Because the gas tax is collected on a per gallon basis, Vennewitz said, the revenues do not grow with inflation. The tax is currently 20 cents per gallon, the lowest tax in the five state area. The HUTDF has not seen any real growth in funds from the gas tax in the last thirty years, according to the report.

Real growth in the HUTDF came from the vehicle registration tax, Vennewitz said, which is \$10 plus an amount equal to 1.25 percent of the vehicle's base value as depreciated over time. The vehicle registration tax collected \$555 million dollars in 1999, the report showed. That year, Vennewitz said, the minimum tax of \$35 was paid by about 38 percent of all Minnesota's 3.6 million registered passenger vehicles.

Vennewitz explained options for changing the motor vehicle excise tax (MVET) and what implications those changes would have on the overall revenue of the HUTDF. Changing the tax rate on vehicles from 1.25 percent to one percent would result in a loss of \$83.1 million, or 15.8 percent of MVET funds. The governor's proposal of a \$75 dollar maximum tax would result in a \$276.2 million dollar loss, or 52.5 percent of MVET funds.

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PS Form 3526, September 1998 (Rev. 9/98)

# Preview

**Monday, February 14**

## Environment and Agriculture Budget Division

Chair: Sen. Jane Krentz

9 a.m. Room 107 Capitol

Agenda: To be announced.

**The Senate will be in Session at 11:30 a.m.**

## Election Laws Committee

Chair: Sen. John Marty

12 noon Room 112 Capitol

Agenda: S.F. 2291-Oliver: Allowing Shorewood City Council elections by ward. S.F. 2673-Larson: Secretary of

State's housekeeping bill. S.F. 1000-Pariseau: Coordinating legislative and congressional districts. S.F. 500-Junge: Campaign finance changes.

## Environment and Natural Resources Committee

Chair: Sen. Bob Lessard

12 noon Room 107 Capitol

Agenda: S.F. 2326-Wiger: Monarch as state butterfly. S.F. 2546-Stevens: Recovery of sunken logs on inland waters. S.F. 2573-Berg: Authorizing markings of canoe and boating routes on Chippewa River. S.F. 2683-Samuelson: Exempting archery bows from casing requirements.

## Judiciary Subcommittee on Data Privacy and Information Policy

Chair: Sen. Don Betzold

12 noon Room 15 Capitol

Agenda: S.F. 3028-Spear: Vulnerable Adults: specifying rights. S.F. 2375-Ranum: Access to data for child support and paternity actions. S.F. 2294-Larson: Telephone access to motor vehicle registration data for private college campus security services. S.F. 2649-Limmer: Economic security data access.

## Crime Prevention Committee

Chair: Sen. Allan Spear

2 p.m. Room 15 Capitol

Agenda: S.F. 2419-Kleis: Allowing

# Preview

prosecuting attorneys to challenge name change requests by felons. S.F. 2454-Foley: Standards for granting name change requests by felons. S.F. 2615-Foley: Safe haven for abandoned newborns. S.F. XXXX-Spear: DOC law enforcement unit.

## Local and Metropolitan Government Committee

*Chair: Sen. Jim Vickerman*  
2 p.m. Room 107 Capitol  
**Agenda:** To be announced.

## Tuesday, February 15

### K-12 Education Budget Division

*Chair: Sen. Lawrence Pogemiller*  
8 a.m. Room 112 Capitol  
**Agenda:** S.F. 2313-Moe: Bonding for school building in Fisher School District. S.F. 2357-Moe, R.D.: Bonding for new school facility for Pine Point. S.F. XXX-Price: Bonding for interdistrict school. S.F. 2287-Langseth: Bonding for Pelican Rapids Multi-cultural learning center. S.F. 2469-Pogemiller: Bonding for Northeast Culture and Fitness Campus. S.F. 2669-Langseth: Multi-cultural development grants.

### Family and Early Childhood Education Budget Division

*Chair: Sen. Pat Piper*  
8 a.m. Room 15 Capitol  
**Agenda:** "Parents and Providers Perspective on Child Care Needs," Child Care Works; Early Childhood Family Education Report, Minnesota Department of Children, Families and Learning; "ECFE Parents Presentation," ECFE Parents Rally Day Committee. S.F. 2518-Foley: Appropriation to early childhood family education.

### Higher Education Budget Division

*Chair: Sen. LeRoy Stumpf*  
8 a.m. Room 107 Capitol  
**Agenda:** University of Minnesota overview of capital budget request.

### 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. 2397-Higgins: Establishing standards for employer activities to reduce occupational exposure to blood borne pathogens through sharp injuries. S.F. 2635-Novak: Providing funding for redevelopment account. S.F. 2271-Novak: Establishing depreciation range system for telephone equipment.

### Governmental Operations and Veterans Committee

*Chair: Sen. James Metzen*  
12 noon Room 15 Capitol  
**Agenda:** S.F. 2438-Metzen: Authorizing Amateur Sports Commission to develop, adopt, and implement new facilities statewide. S.F. 2691-Wiener: Transferring authority to develop energy portions of building codes from commissioner of public service to commissioner of administration. S.F. 3011-Wiener: Providing for indoor air quality standards in K-12 educational facilities. S.F. 2500-Oliver: Charitable organizations technical bill. S.F. 2348-Wiger: P.O.W. Resolution.

### Transportation Committee

*Chair: Sen. Carol Flynn*  
12 noon Room 112 Capitol  
**Agenda:** S.F. 434-Foley: Making seat belt violation a primary offense. S.F. 2586-Kinkel: Increasing fee for deputy registrars. S.F. 2785-Murphy: Exempting utility-owned vehicles from certain weight restrictions.

### Agriculture and Rural Development Committee

*Chair: Sen. Dallas Sams*  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 2593-Stumpf: Providing funding for assistance to farm families in Northwestern and West Central Minnesota. S.F. 3031-Murphy: Changing the corporate and partnership farming law. S.F. 2682-Dille: Providing an exemption from corporate farm law for certain wildlife properties. S.F. 2906-Hanson: Increasing the amount of livestock dealer bonds. S.F. 3032-Sams: Making

technical changes to pesticide and fertilizer laws.

### Commerce Committee

*Chair: Sen. Sam Solon*  
2 p.m. Room 112 Capitol  
**Agenda:** Confirmation of Steven Minn as Commissioner of the Minnesota Department of Commerce.

### Economic Development Budget Division

*Chair: Sen. Jerry Janeczich*  
2 p.m. Room 112 Capitol  
**Agenda:** Bills to be announced.

### Committee on Taxes

*Chair: Sen. Douglas Johnson*  
4 p.m. Room 15 Capitol  
**Agenda:** S.F. 2554-Sams: Wadena County levy limit.

### Health and Family Security Budget Division

*Chair: Sen. Don Samuelson*  
4 p.m. Room 123 Capitol  
**Agenda:** Dawson Nursing Home. S.F. 2600-Johnson, D.E.: Requiring a study of and long-range plan for surplus buildings at regional treatment centers. S.F. 2430-Samuelson: Appropriating money to improve the Gillette Children's Hospital in Ramsey County. S.F. 2751-Lourey: Relating to health, appropriating money to fund capital improvements for organ, eye, and tissue donation initiatives.

### Property Taxes and Local Government Budget Division

*Chair: Sen. Sandra Pappas*  
Following full committee Room 15 Capitol  
**Agenda:** Hennepin County Commissioner Peter McLaughlin and Jeff Van Wychen of the Property Tax Study will discuss the effects of preferential homestead tax treatment on home ownership. Commissioner Matt Smith of the Department of Revenue will overview the tax reform effort, and Gordon Folkman of the Department of Revenue will update the committee on property tax reform progress and the property tax administration process.



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

*Chair: Sen. Don Betzold*

7:00 p.m. Room 15 Capitol

**Agenda:** S.F. 2992-Foley: Motor vehicle and license data; conforming Minnesota statutes with federal law; prohibiting the department of public safety or other licensing agency from disclosing a registered owner's or license applicant's personal information under certain circumstances unless that person expressly consents.

## **Wednesday, February 16**

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

*Chair: Sen. Lawrence Pogemiller*

8 a.m. Room 112 Capitol

**Agenda:** S.F. 2306-Langseth: Bonding to complete Achievement Plus. S.F. 2595-Neuville: Addition to library for blind and handicapped. S.F. 2787-Higgins: Bonding for downtown library. S.F. 2525-Dille: Grant to city of Litchfield for public library. S.F. 2609-Langseth: Library facilities grants. S.F. 2608-Wiger: Using operating capital for school media centers. S.F. 2391-Scheevel: Bonding for alternative facilities design grant for Grand Meadow.

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

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** Temporary Assistance for Needy Families (TANF) Reserve. Presentations by Lieutenant Governor Mae Schunk; Commissioner Michael O'Keefe, Minnesota Department of Human Services; and Commissioner Katherine Hadley, Minnesota Housing Finance Agency.

### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** Higher Education Asset Preservation and Replacement Account HEAPRA presentation by Minnesota State Colleges and Universities and the University of Minnesota.

### **Transportation Committee**

*Chair: Sen. Carol Flynn*

10 a.m. Room 112 Capitol

**Agenda:** S.F. 2480-Day: Requiring metered ramp study by MnDOT. S.F. 2481-Day: Changing of lanes restriction on I-35W and I-394. S.F. 2482-Day: Changing speed limit on I-35E. S.F. 2483-Day: Reducing rate of vehicle registration tax. S.F. 2484-Day: Driving in the right-hand lane unless overtaking slower vehicles.

### **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. 1126-Betzold: Modifying the economic loss statute. S.F. 2992-Foley: Data practices relating to the distribution of motor vehicle and license data; conforming Minnesota Statutes with federal law; etc.

### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 2980-Junge: Consolidation of state violence prevention programs.

### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

2p.m. Room 125 Capitol

**Agenda:** Office of Attorney General and Dept. of Finance report on funding legal services provided by the Attorney General's Office. AG's report on improving the office's information technology. Dept. of Military Affairs capital bonding request. Minnesota Children's Museum capital bonding request for rooftop perspectives.

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

*Chair: Sen. Jim Vickerman*

2 p.m. Room 107 Capitol

**Agenda:** H.F. 619/S.F. 592-Vickerman: Shooting range preservation. S.F. 2516-

Novak: Clarifying the Anoka County department head time requirements. S.F. 2663-Vickerman: Wind energy conversion systems property tax assessment by commissioner. S.F. 2668-Vickerman: Regional planning grants appropriation. S.F. 2688-Flynn: Metropolitan Airports Commission name change.

### **Taxes Subcommittee on Income and Sales Tax**

*Chair: Sen. Steve Murphy*

4 p.m. Room 15 Capitol

**Agenda:** S.F. 2654-Murphy: Policy and administrative changes. S.F. 2656-Johnson, D.J.: Providing for a tax information sample data study; requiring certain tax preparers to file by electronic means; giving the commissioner of revenue certain temporary powers. S.F. 2693-Belanger: Technical and administrative changes and corrections to certain tax and revenue recapture provisions; authorizing the attorney general to compromise certain fees, surcharges, and assessments.

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

*Chair: Sen. Randy Kelly*

6:30 p.m. Room 15 Capitol

**Agenda:** To be announced.

## **Thursday, February 17**

**The Senate is in Session at 9:30 a.m.**

### **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.

### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*

12 noon Room 15 Capitol

**Agenda:** To be announced.

# Preview

## **Transportation Budget Division**

*Chair: Sen. Dean Johnson*

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:** To be announced.

## **Commerce Committee**

*Chair: Sen. Sam Solon*

2 p.m. Room 112 Capitol

**Agenda:** S.F. 2987-Vickerman: Financing and distribution of income for cooperatives. S.F. 2569-Scheid: Insurance coverage for vicarious liability for punitive and exemplary damages. S.F. 2421-Junge: Regulating certain telemarketing practices.

## **Economic Development Budget Division**

*Chair: Sen. Jerry Janezich*

2 p.m. Room 123 Capitol

**Agenda:** S.F. 2290-Lesewski: Minnesota River tourism initiative development bond issue. S.F. 2587-Kinkel: Tourism loan program. S.F. 2777-Johnson, D.J.: Financial assistance to businesses adversely affected by a lack of snowfall.

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

*Chair: Sen. Don Samuelson*

4 p.m. Room 123 Capitol

**Agenda:** S.F. 2529-Larson: Minimum wages in community nursing facilities. S.F. 2503-Samuelson: Wage increase for human services employees. S.F. 2636-Hottinger: Cost of living wage increase for health care workers. S.F. 3021-Stevens: Nursing facility operating cost reimbursement floor.

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

*Chair: Sen. Don Betzold*

7 p.m. Room 15 Capitol

**Agenda:** To be announced.

## **Friday, February 18**

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

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** Continuation of discussion of the Governor's ABE recommendations compared to S.F. 2532-Foley.

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

*Chair: Sen. Lawrence Pogemiller*

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:** S.F. 2133-Kelley: Telecommunications; providing a regulatory structure for a competitive industry. S.F. 2919-Kelley: Telecommunications; modifying and recodifying telecommunications laws. S.F. XXXX-Kelley: Telecommunications. S.F. XXXX-Kelley- Telecommunications.

## **Judiciary Committee**

*Chair: Sen. Jane Ranum*

12 noon Room 15 Capitol

**Agenda:** Bills from Family Law Subcommittee. Bills from Data Privacy Subcommittee. S.F. 2615-Foley: Providing that a person who leaves an unharmed newborn child at a hospital may not be prosecuted.

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

*Chair: Sen. Randy Kelly*

2 p.m. Room 15 Capitol

**Agenda:** To be announced.

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# *Senate Briefly*

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*A recent snowfall covers the  
Capitol Mall.  
Photo by David J. Oakes*



*February 18, 2000*



# Senate Highlights

## **Rebate bill passed**

Senators granted final passage to the bill providing for a sales tax rebate and providing aid to farmers at the Mon., Feb. 14, floor session. The \$476 million package allocates \$453 million for the sales tax rebate and \$23 million in aid for farmers. The measure, S.F. 2400, authored by Sen. Douglas Johnson (DFL-Tower), sets forth a schedule for the rebates based on income and expands the number of taxpayers eligible for the 2000 rebate compared to the 1999 rebate. Unanimous support came for an amendment, offered by Johnson, clarifying that compensation paid to inmates at state, county or federal correctional facilities is not considered qualifying income for the rebate. Sen. William Belanger (R-Bloomington), the ranking member of the Senate Committee on Taxes, echoed strong support for the amendment, which was accepted on a voice vote. The amended bill was given final passage in a 60 to 1 roll call vote.

S.F. 2398, a bill sponsored by Sen. Don Betzold (DFL-Fridley), was also given final passage on the Consent Calendar. The Consent Calendar consists of bills of a noncontroversial nature. The bill clarifies a reference to

the medical malpractice statute of limitations and passed on a vote of 60 to 0.

The Senate dissolved into the Committee of the Whole to hear a number of bills. Betzold carried S.F. 613, a bill that defines, and increases penalties for acts of animal cruelty. S.F. 2365, a bill authored by Sen. Dallas Sams (DFL-Staples), modifies the supervisory requirement for physician assistants and modifies the physician assistant advisory council. Sen. David Knutson (R-Burnsville) sponsored S.F. 2510, a bill relating to real property and common interest ownership communities that makes technical changes and modifies procedural requirements. Sen. John Hottinger (DFL-Mankato) carried S.F. 2692, a bill regulating the rights of shareholders and members in business organizations.

The Senate also acted on S.F. 2763, a bill that extends the 1999-2000 fishing season for angling until February 29, 2000. Because the angling season was scheduled to end Saturday, Feb. 19, the members granted the bill authored by Sen. Pat Pariseau (R-Farmington) emergency status. "We need this bill for those whose economies rely on winter tourism," said Johnson. The bill received final passage on a vote of 61 to 0.

## **Brief session held**

Senators met for a brief floor session Thurs., Feb. 17, and granted final passage to bills on the Senate Calendar and the Consent Calendar.

Three bills on the Senate Calendar were granted final passage. S.F. 2365, authored by Sen. Dallas Sams (DFL-Staples), modifies the supervisory requirement for physician assistants responding to disaster situations and clarifies coverage under Medical Assistance for physician services performed by a physician assistant. S.F. 2510, sponsored by Sen. David Knutson (R-Burnsville), makes technical changes and modifies procedural requirements in provisions relating to common interest ownership communities. S.F. 2692, carried by Sen. John Hottinger (DFL-Mankato), makes technical changes to provisions relating to business organizations, business corporations and limited liability companies.

Three bills on the Consent Calendar were also granted final passage. S.F. 2320, carried by Sen. Don Samuelson (DFL-Brainerd), authorizes the Crow Wing County Board to change the name of the township of Lake Edwards to Lake Edward. S.F. 2411, carried by Sen. Bob Lessard (DFL-Int'l. Falls), modifies the membership requirements for the Northern Itasca Hospital District Board. S.F. 2485, sponsored by Sen. Charles Wiger (DFL-North St. Paul), delays the effective date for classifying Carisoprodol as a schedule IV controlled substance.

A final bill on the Consent Calendar, S.F. 2511, was stricken and placed on General Orders. The bill, authored by Sen. Jim Vickerman (DFL-Tracy), allows entry on property for examination and survey and allows towns to recover costs incurred in establishing cartways. Sen. Don Betzold (DFL-Fridley) requested that the bill be placed on General Orders for further discussion.

## **Minn confirmation rejected**

Members of the Commerce Committee met Tues, Feb. 15, to consider whether or not to recommend the administration's choice, Steve Minn, for the office of commissioner of the Department of Commerce. Minn, appointed commissioner of the Depart-

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ment of Public Service a year ago, was also appointed the acting commissioner of commerce, at which time he merged the two departments, without consulting Legislature. The Jobs, Energy and Community Development Committee voted 18 to 1 against Minn's confirmation, earlier this month. Minn hoped to gain support by defending his position to the Commerce Committee. Chair Sam Solon (DFL-Duluth), gave a brief introduction before asking Minn to present his case.

Minn began by saying that the resignation of Commissioner Jennings was the impetus for change. Minn listed his academic and professional accomplishments, including his MBA degree, experience in urban finance and real estate development, working up to his accomplishments as commissioner. He noted an extensive list of achievements, focusing on efficiencies gained through the merging of the two departments, including the convergence of financial operations, management savings, salary savings, complimentary skill sets between the offices, and consolidated databases.

The 18 to 1 vote against him in the Jobs, Energy and Community Development Committee "was humbling," said Minn, adding that the merger was done "under circumstances that won't be repeated." He also said that he accepted the responsibility for "not consulting with this body," and that he didn't mean to insult anyone, but that the governor wanted to reduce the size of his cabinet.

Sen. Linda Scheid (DFL-Brooklyn Park) stated that Minn's qualifications were the important issue, and that she supports his confirmation.

Sen. Dave Kleis (R-St. Cloud) said the governor has the right to select whom he wants and likes, and added that it's up to the Legislature to consider Minn's qualifications. Kleis said he supports Minn on that basis.

Sen. Linda Runbeck (R-Circle Pines) said she was concerned about character issues and how those issues affect decisions.

Sen. Allan Spear (DFL-Mpls.) said he's had a strong response from his constituents concerning Minn's "leadership style" and manner, adding, "but I have a pretty high threshold and feel that a governor should have latitude in

deciding who to work with." Spear also said that Minn is a person who gets things done, and he supports him.

Sen. Steven Novak (DFL-New Brighton) said that the 18 to 1 vote didn't happen because he (Minn) is trusted. Novak also said that Minn broke his word in regard to the merger, and added that values like trust, character and law are important. Novak also said he worried about violated procedures and the proper regulation of services and industries.

Sen. William Belanger (R-Bloomington) said, "We operate on trust," adding "Minn lied to us once, how do I know he won't lie to us again?"

The committee voted 11 to 4 against the confirmation. The recommendation will go to the full Senate.

## Senate TV services

Television coverage of Senate and House floor sessions and selected committee meetings 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 airs at 5 p.m. on Wednesdays on KTCI Channel 17 (Twin Cities); at 11:30 a.m. on Sundays on KWCM Channel 10 (Appleton), KAWC Channel 9 (Bemidji), and KAWB Channel 22 (Brainerd); noon on Sundays on KSMQ Channel 9 (Austin); and at 12:30 p.m. on Sundays on WDSE Channel 8 (Duluth).

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# Committee update



*Steve Minn, the governor's appointee to be the commissioner of the combined Commerce and Public Service Departments, appears before the Commerce Committee for a confirmation hearing.*

Photo by Andrea G. Murrill

## Agriculture and Rural Development

### Farm relief okayed

The Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples), met Thurs., Feb. 10, and approved three bills ranging from a key change in the state's disaster relief bill of 1999 to the proposed establishment of a special investigative unit within the attorney general's office.

S.F. 2712, authored by Sen. Dean Johnson (DFL-Willmar), provides additional relief to some farmers who feel they were short-changed by 1999's disaster relief bill. Last year's disaster payments were based on a federal disaster declaration for 32 counties and several contiguous counties in North-western and Western Minnesota. It provided for payments of \$4 per acre for affected farmers, based on 1998 U.S. Farm Service Agency (FSA) crop

information. Payments were capped at \$5,600 per farm.

Russell Bratsch recently combined his 1,300-acre farm with his brother's 1,300 acres into one operation and listed it as such with the FSA. The Renville County farmer told the committee how the move affected his disaster payments.

"Because we were listed as one farm number instead of two, we received only 53 percent of what we would have received if we had still been listed as two separate operations," Bratsch said. "I don't think it's fair that a farmer, because of the way his operation is structured, should be penalized."

Johnson's bill allows the commissioner of revenue to make additional payments by June 30 to farmers who, like Bratsch, were affected by the \$5,600 cap. Farmers must apply by May 31 and cutoff for applications is Sept. 30, according to the measure. The bill was approved and re-referred it to the Committee on Taxes.

S.F. 2749, authored by Sen. Becky Lourey (DFL-Kerrick), proposes an investigative unit within the Attorney General's Office to examine the legality of business practices, such as mega mergers, in agriculture. The bill also authorizes the registrar of motor vehicles to issue "Support Family Farmers" license plates to help fund the unit. Lourey estimated that the sale of the \$30 license plates could generate \$300,000 if only 10,000 were sold.

Sen. Charles Berg (IND-Chokio) and several other committee members said they were concerned about the bill, in part, because it pays lawyers in the Attorney General's Office to do what they're supposed to do anyway.

"We were just talking about 'nickel and dime-ing' some farmer for \$2,800," said Sen. Jim Vickerman (DFL-Tracy) "And now the Attorney General's Office is talking about \$500-per-hour lawyers for pursuing anti-trust cases" that could take hundreds of hours.



"I'm really torn on your bill," said Sen. Steve Dille (R-Dassel). "I want to help farmers. We all do. But I'm not sure your bill is really going to do that much good. The real problem is one of supply and demand - too much supply and not enough demand for farm products - not just mergers."

The committee amended the bill three times. One major amendment deleted an entire section that would have allowed the attorney general to make grants "to individuals or non-profit organizations" to pursue anti-trust actions against companies. The bill was approved as amended and re-referred to the Transportation Committee.

The committee also approved a bill lifting certain restrictions on cooperatives. S.F. 2987, authored by Sen. Jim Vickerman (DFL-Tracy), removes a \$1 million cap on an exemption on securities registration requirements. It also allows cooperatives to defer cumulative dividends, if they elect to do so, and carry dividends forward indefinitely. It also repeals limitations on use of capital for promotion expenses. The bill was approved and re-referred to the Commerce Committee.

## Technical bills okayed

The Senate Agriculture and Rural Development Committee met Tues., Feb. 15, and heard a number of bills designed to make changes to laws ranging from allowing a Metropolitan County to retain its conservation fee to technical changes in state pesticide and fertilizer laws. The committee is chaired by Sen. Dallas Sams (DFL-Staples).

S.F. 2801, authored by Sen. Charles Wiger (DFL-North St. Paul), allows Ramsey County to retain all of the county conservation fees it assesses on both recording of a mortgage registration and the registration of a deed for tax purposes. The \$5 fee on each transaction amounts to \$250,000 per year, with one-half returned to the state Department of Revenue for the Minnesota Conservation Fund and the other half to the county's special conservation account. Ramsey County is seeking to retain the entire amount, Wiger said. The bill was approved and referred to the Agriculture and Environment Budget Division.

S.F. 3031, authored by Sen. Steve

Murphy (DFL-Red Wing), makes changes to definitions used in the corporate farm law, including a new definition for a "family farm trust" and amending the definition for "authorized farm corporation." The bill specifies allowable transfers and distribution of ownership interests in family farm partnerships, and allows the corporation, pension or investment fund, trust or limited partnership to apply for certain exemptions from the corporate farm law.

A similar bill, S.F. 2682, authored by Sen. Steve Dille (R-Dassel), also amends definitions in the corporate farm law. The bill allows a landowner to designate one or more parcels of land as a wildlife area exempt from ownership restrictions of the corporate farm law. Both bills were approved and referred to the floor.

S.F. 2906, authored by Sen. Paula Hanson (DFL-Ham Lake), raises the bond requirements for livestock dealers, from a minimum of \$5,000 to \$10,000. The measure also makes several changes relating to grain buying transactions. For example, the bill strikes language specifying that transactions that do not meet the condition for cash sales constitute a voluntary extension of credit. The bill also specifies that transactions that do not include a voluntary extension of credit are considered cash sales. The bill was set aside for further discussion.

S.F. 3032, authored by Sams, makes several technical changes to pesticide and fertilizer laws. It prohibits the use of pesticides in a manner that damages domestic animals, exempts "custom blend fertilizers" from certain labeling requirements and limits the length of time for an inspection request over an allegedly harmful pesticide application. The bill was laid over for further discussion.

## Crime Prevention

### Bonding for regional jails

On Fri. Feb. 11, a joint meeting of the Crime Prevention Committee and Crime Prevention Judiciary Budget Division, chaired by Sen. Allan Spear (DFL-Mpls.) and Sen. Randy Kelly (DFL-St. Paul), met to discuss two bonding bills.

Kelly authored a bill providing grants to counties, S.F. 1030, authorizing the

commissioner of corrections to make grants to counties or groups of counties that received a regional adult detention facility planning grant under the 1999 omnibus criminal justice appropriations bill. The bill appropriated \$1 million in grants to counties for planning and pre-design work for regional facilities. Under Kelly's bill, operating costs of the facilities are paid by the county or counties receiving the grants, with the possible exception of costs for adults incarcerated in the facility who reside in other counties, depending on agreements between the facilities, or by law. The bill provided that the commissioner must require a local match of at least 50 percent from grant recipients, and grant applicants must consider entering into agreements with private facilities for the construction and operation of the facility. The amount appropriated for grants to counties for construction of local facilities is \$20 million.

The bill also requires the commissioner to award grants to both Hennepin and Ramsey Counties for the construction of facilities that improve the efficiency and effectiveness of its criminal justice system. The amount appropriated from the bond proceeds fund for each of the two counties is set at \$10 million. Following an overview by Kevin Corbid, Association of Minnesota Counties, several detailed proposals were presented by the qualifying county commissioners and administrators.

Kelly also sponsored a bonding proposal for regional law enforcement and firefighter training facilities. The Minnesota Department of Public Safety issued a report assessing the need for additional fire and law enforcement training facilities, in response to requirements set forth by the Legislature last year. The report recommended up to eight regional training proposals, and identified interested parties in each of the eight regions outlined in the study. The report noted that Minnesota State Colleges and Universities are statewide interested parties.

Kelly's proposal authorizes up to \$15 million in state bonds, for law enforcement and firefighting training facility construction grants. A local match of at least 50 percent is required from grant recipients. Of the \$15 million, \$4 million is for a grant to Ramsey County to construct a law enforcement training

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facility to serve Ramsey, Washington, and northern Dakota counties; \$1 million is for a grant to St. Paul to construct a firefighting training facility that must also serve those counties; \$5 million is for a grant to Hennepin County to construct a law enforcement training facility, which may also serve the western Metropolitan Area; and \$5 million is for at least two grants to counties for the construction of law enforcement training facilities, and which may also serve as firefighting training facilities.

Sen. Dave Johnson (DFL-Bloomington.) authored S.F. 2494, a bill that appropriates \$6.322 million from bond proceeds to fund grants for regional public safety training facilities. Of that amount, \$3.1 million is for a grant to the city of Richfield to design, construct and equip the South Metro Joint Public Safety Training Facility, and the remaining \$3.222 is for the city of Maple Grove, to design, construct, expand and equip firearm and tactical training facilities for the northwest region Public Safety Training Center. A local match of at least 50 percent is required for the grants.

## Safe haven bill advanced

A bill outlining the procedures for leaving an unharmed newborn at a hospital was approved at the Mon., Feb. 14, meeting of the Crime Prevention Committee. The bill, S.F. 2615, dubbed the "Safe Haven" bill, is designed to save the lives of newborns in danger of abandonment, said chief author, Sen. Leo Foley (DFL-Coon Rapids). The measure requires any licensed hospital to receive any unharmed newborn baby, prohibits the hospital from inquiring about the identity of the mother and prohibits the hospital from calling the police. In addition, the measure bars criminal prosecution of a person who leaves a newborn at a hospital if the baby is less than 72 hours old, the baby is unharmed and in cases where the person leaving the baby is not the mother, but has the mother's approval to do so.

Lilly Riordan, co-chair of A Safe Place for Newborns, the program currently operating in Dakota county, said that there is an escalating crisis in this country of mothers keeping their pregnancies a secret and then abandon-

ing their newborns. Father Andrew Cozzens, co-chair of A Safe Place for Newborns, said that the program in Dakota County was started in January and is modeled after a similar program in Mobile, Alabama. Riordin said that the bill clears the way for a statewide program and that the measure does not require any appropriations; the funding for the program has been through private donations.

Foley said that Dakota County Attorney James Backstrom has created the procedures outlined in the bill and that other counties are prepared to support the method of dealing with newborns in danger of abandonment. Sen. Randy Kelly (DFL-St. Paul) questioned the fact that no reporting methods were contained in the bill. Foley and Backstrom indicated that a mechanism for gathering information would be a helpful addition but no amendment was offered at the hearing. Kelly also questioned the steps to be taken after the newborn was left at the hospital. Backstrom said that child protection services would be called and that the social services agency would proceed as normal in child protection cases.

The bill was approved and re-referred to the Judiciary Committee.

Members also advanced a bill providing police powers to the members of the Dept. of Corrections Office of Special Investigations Fugitive Apprehension Unit. The bill, S.F. 3097, carried by Committee Chair Allan Spear (DFL-Mpls.), also specifies the unit's duties, jurisdiction and management. Spear said that the bill, in essence, grants the authority to the unit to carry out the duties they are already doing. Spear said that the unit works with other law enforcement agencies in finding and apprehending Dept. of Corrections parole violators and escapees. Dept. of Corrections Commissioner Sheryl Ramstad Hvass said, "The bill is critical to the operation of the department. More than 500 fugitives were apprehended in 1998 and 1999, but with more violent offenders it is essential the members of the unit be armed."

Sgt. Cari Gerlcher, director of the Office of Special Investigations and sergeant with the Minneapolis Police Department, said that in researching similar operations in other state corrections departments, she found that 23

states have fugitive apprehension units and six others work jointly with other fugitive apprehension entities. However, she said, only two state correction departments' units are unarmed and they are requesting legislative changes to allow them to carry firearms.

In discussion on the bill, Kelly raised questions about the efficiency of creating another law enforcement entity that crosses jurisdictions. Sen. Thomas Neuville (R-Northfield) said, though, that there are currently a number of overlapping jurisdictions now. Kelly said that he didn't see how granting the unit police powers addresses the number of fugitives. Ramsey County Sheriff Bob Fletcher responded that the fugitives are active criminals and that whoever is pursuing them needs to have every possible tool available. The bill was approved and advanced to the full Senate.

Members also began discussion on two bills that limit the ability of felons to change their names. S.F. 2419, authored by Sen. Dave Kleis (R-St. Cloud), requires felons whose civil rights have not been restored to provide prosecuting authorities with notice of a name change request. S.F. 2454, authored by Foley, provides that the court must determine whether a person applying for a name change has been convicted of a felony or is currently charged with a felony. Spear urged the two authors to work together on the bills and determine if there is a way to combine the measures.

## New agency okayed

Sen. Ember Reichgott Junge (DFL-New Hope) sponsored S.F. 2980, a bill creating the department of crime victims and violence prevention. Within the department, the bill establishes that an office of prevention of violence against women be organized. Provisions in the bill specify the powers, duties and organization of the new entity. The intent of the bill is to consolidate a network of violence prevention programs to more efficiently implement services and educational efforts. Junge outlined the structure of the new department to the Senate Crime Prevention Committee, Wed, Feb. 16, chaired by Sen. Allan Spear (DFL-Mpls.).

Junge told the committee that the office would be the first state office of

its kind in the nation, providing visibility for issues of domestic violence. Under the provisions in the bill, the executive director of the Center for Crime Victim Services has the authority to appoint a director of domestic violence and sexual assault prevention. The director's duties include advocating for the rights of victims, increasing public education efforts, creating more visibility concerning issues of domestic violence and sexual assault, supporting prosecution and litigation efforts on behalf of victims, initiating policy changes in regard to domestic violence and sexual assault, serving as chair of the interagency task force provided for in the measure, as well as performing a myriad of related duties. The bill includes positions consisting of representatives of the Department of Children, Families and Learning, Department of Corrections, Department of Human Services, Department of Economic Security, and other departmental representatives that fall under the umbrella of entities affected by domestic violence and violence against women and children.

Duluth City Attorney Mary Asmus was one of several advocates who said there was a need for broad policy changes and support for better local efforts. She said that the needs of battered women as a group are very complex and different from those of other victims. Other groups represented at the meeting and offering support included the Minnesota Coalition for Battered Women, Lakes Crisis Center, Minnesota Coalition Against Sexual Assault, Director of Drug Policy and Violence, Home Free Community Programs, Youth and Children's Advocacy, Alexander House and the Department of Public Safety.

The bill was recommended to pass and was re-referred to the Governmental Operations and Veterans Committee.

## Crime Prevention and Judiciary Budget Division

### Bonding bills heard

The Crime Prevention and Judiciary Budget Division, chaired by Sen. Randy Kelly (DFL-St. Paul), met Wed, Feb. 16, to consider two bonding bills.

Kelly authored S.F. 2773, a bill for appropriating \$80.891 million for various criminal-justice-related projects. The appropriations are divided into two categories, corrections and public safety, and must be used for the acquisition of land, buildings and other capital improvements. Included in the measure are several specific projects. The largest portion assigns \$60 million to acquire land, and to construct and equip a new building for the Bureau of Criminal Apprehension (BCA) labs and offices. Frank Dolejsi, director of the BCA lab, testified that work done at the present facility has an excellent reputation nationally for aiding criminal investigations. He said that the lab is recognized for its expertise, state-of-the-art forensic testing, including DNA testing and other methods used to exonerate or identify individuals. Dolejsi also said that conditions at the current facility are overcrowded and inadequate.

Members heard testimonies from Dept. of Public Safety Commissioner Charlie Weaver; Dakota County Attorney James Backstrom; Morrison County Sheriff Paul Tschida; and State Public Defender John Stuart, all of whom supported the new BCA lab proposal.

In addition to the BCA project, the bill also appropriates \$20.116 million for six projects related to the Department of Corrections, including a sewer-repair project at the corrections facility in Faribault; an inmate bed expansion at Oak Park Heights; a remodeling project at the correctional facility in Lino Lakes; a health services conversion at the Stillwater facility; and a new activities building project at Moose Lake/Willow River.

Sen. Gary Laidig authored S.F. 2299, a bonding bill that appropriates \$3.7 million for a grant to the city of Bayport to design and construct a storm sewer reconstruction project adjacent to the correctional facility at Stillwater. Bayport City Administrator Ken Hartung gave a visual presentation outlining the project. Also, Deputy Commissioner of Corrections, Mark Carey, presented a proposal for the Red Wing Correctional Facility for juvenile men.

Both S.F. 2299 and S.F. 2773 were laid over for further discussion.

## Election Laws

### Absentee voting bill heard

The Election Laws Committee, chaired by Sen. John Marty (DFL-Roseville), took up two bills Mon., Feb. 14.

Various changes to the state's election laws are recommended by Secretary of State Mary Kiffmeyer in S.F. 2673, authored by Sen. Cal Larson (R-Fergus Falls). Regarding voter registration, the bill says a late absentee ballot will no longer be considered a vote. Following discussion by committee members, Sen. Ember Junge (DFL-New Hope), made a motion to delete that portion of the bill. The motion was adopted. Marty offered an amendment that requires write-in candidates to submit a written request, seven days in advance, to have votes counted. The amendment affects candidates for county, state or federal office. Marty said election officials and volunteers have to spend many hours counting write-in votes that have no bearing on the end result. Kiffmeyer said they have considered the issue but don't have a recommendation at this time. Sen. Dennis Frederickson (R-New Ulm) moved to have the amendment effective for state or federal offices with the written request by a candidate to be filed the day before a general election. The motion was adopted. Sen. Roger Moe (DFL-Erskine) offered an amendment which allows eligible voters to vote by absentee ballot without qualification by submitting a request to the county auditor between August 1, 2000 and November 30, 2008. Kiffmeyer said from her viewpoint, it's best to have people vote in person. Moe said ideally that's true but in the real world people are busy. "Time is a precious commodity. We need to remove barriers to voting," he said. The amendment was adopted. The bill was approved and sent to the floor.

S.F. 1000, authored by Sen. Pat Pariseau (R-Farmington), states that a Senate district must not be divided in the formation of a congressional district. Under the bill, if the state is apportioned 8 representatives in Congress, the Senate is reduced to 64 members and the house of representatives to 128 members. If the state is apportioned 7 representatives, the membership will be 63 in the Senate and 126 in the house of



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representatives. The bill is effective for the state primary election in 2002.

Walter Klaus, former Legislator, said the bill makes things easier for everyone involved. Paiseau added that citizens are confused because of crossing congressional district and state legislative district lines. Mike Lindsey, a private citizen, active in the Republican party, testified, "this issue is in both party platforms. Now is a perfect time (to act)." He said at the local level, the crossing lines cause administrative difficulties and confusion. "It's an operational nightmare," he said. Moe said the bill is problematic and expressed concern about having an even number of Senators. The bill failed on a divided vote.

## Local election bill okayed

Three bills were presented before the Election Laws Committee, chaired by Sen. John Marty (DFL-Roseville), Wed., Feb. 16.

Sen. Edward Oliver (R-Deephaven), authored S.F. 2291, which allows the city of Shorewood to change from an at-large election of city council members to election by ward. Woody Love, mayor of Shorewood, outlined 3 reasons why the change is being requested. He said a ward system will assure that the various geographical areas of the city are represented on the city council. Secondly, a ward system will help keep a sense of "place." Thirdly, because of the city's geographic layout, campaigning door-to-door can be a daunting challenge for city council candidates. He added that 2 former mayors also support the bill. The bill was adopted and recommended for the Consent Calendar. Marty offered an amendment that would allow cities to decide the issue of election by ward on their own with approval by a majority of voters in the city. "It's a local control issue," he said. Marty didn't call for a vote to amend S.F. 2291 but urged members to think about the idea.

S.F. 3102, authored by Marty, requires campaign finance and lobbyist reports and economic interest statements to be filed with the Campaign Finance and Public Disclosure Board electronically and posted on its web site. The board may not include the home address or telephone number of an individual. Jeanne Olson, executive director, said the board has software available for

candidates. "We're anxious to have it used," said Olson. Sen. Mark Ourada (R-Buffalo) raised concerns about what type of information would be disclosed. Olson said the information is already public information. Marty added that the bill simply puts the existing information on a searchable data base. The bill was approved and sent to the floor.

Sen. Ember Junge (DFL-New Hope), presented S.F. 500, a bill dealing with campaign spending limits. The bill does several things including raising the spending limit for constitutional officers other than the governor and lieutenant governor. The bill also allows a losing candidate to contribute to the candidate's own campaign twice as much as now permitted and allows an unlimited amount to pay debts when the committee is terminated. Junge said the bill was introduced last year, but the language is now part of another bill tied up in conference committee. She said she's optimistic the bill will pass but is carrying S.F. 500 as a separate bill just in case. The bill was adopted and sent to the floor.

## Environment and Natural Resources

### Monarch butterfly bill advanced

Members of the Environment and Natural Resources Committee, meeting Mon., Feb. 14, approved a bill naming the monarch butterfly as Minnesota's state butterfly. The committee is chaired by Sen. Bob Lessard (DFL-Int'l. Falls).

S.F. 2326, authored by Charles Wiger (DFL-North St. Paul), was inspired by a group of fourth graders at O.H. Anderson grade school in Mahtomedi. The students studied Monarch butterflies last fall.

One of the students, Gina Bruns, offered one of her reasons for wishing to have the Monarch become the state butterfly. "If we can have a state muffin [blueberry], we should have a state butterfly, too," she said. "If this bill passes, Minnesota would be the 21st state to have a state butterfly," added Rebecca LaFoy, another student.

"The monarch is a great teacher about the world around us," said Cheryl Miller, of the Minnesota Audubon Society. An example is the butterflies'

seasonal migration from Minnesota to Mexico and vice-versa, a journey of 2,000 miles or more, she said.

The bill was approved and re-referred to the Government Operations and Veterans Committee.

The committee also approved a bill authorizing markings of canoe and boating routes along a portion of the Chippewa River. S.F. 2573, authored by Sen. Charles Berg (IND-Chokio), authorizes a 42.8-mile portion of the Chippewa, from Benson to Montevideo, to be marked for historic points of interest, portages, camp sites, dams, rapids, etc. The bill was approved and recommended for the consent calendar.

The committee also discussed a bill that allows the recovery of sunken logs on inland waters. S.F. 2546, authored by Sen. Dan Stevens (R-Mora), proposes a \$500 and \$2,500 permit for residents and non-residents, respectively, to recover sunken logs on inland waters. The bill specifies a three-year lease period and methods to be allowed in the recovery efforts. The measure also requires that articles of historical significance discovered in recovery be reported to the Minnesota Historical Society. The committee laid the bill over for further consideration.

### Sunken log bill heard

The Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), met Weds., Feb. 16, and heard a number of bills, including a "sunken log" bill that permits harvesting logs submerged in inland waters.

S.F. 2546, authored by Sen. Dan Stevens (R-Mora), permits raising and removing logs that are submerged to a depth of 20 ft. or more by winching. Such removal would require a permit from the Department of Natural Resources (DNR) - \$500 for residents and \$2,500 for non-residents, according to the bill. Under the bill, historical artifacts found during removal must be reported to the Minnesota Historical Society within one business day. The bill also provides that DNR commissioner must report to the Legislature no later than June 30, 2000, on the status of sunken logs. The bill was approved and referred to the Environment and Agriculture Budget Division.

S.F. 2700, authored by Sen. Dick Day

(R-Owatonna), allows recreational prospectors to mine for gold in Minnesota using power equipment. Panning for gold manually is currently allowed under Minnesota law but not the use of power equipment. The DNR opposes the bill because of the damage dredging has done in other states, said one DNR official. The bill was laid over for further discussion.

S.F. 3002, authored by Sen. Dennis Frederickson (R-New Ulm), is a "boundary bill", adding and/or deleting land at several state parks. Four parks, Charles A. Lindberg, Flandreau, Myre-Big Island, and Minneopa, get additions, according to the bill. The bill specifies that Lake Bemidji gets a deletion and Lac qui Parle receives an addition to replace a deleted flood-prone section of the park. An amendment to the bill, offered by Sen. LeRoy Stumpf (DFL-Thief River Falls), provides that the visitor's center at Lake Bronson State Park be named the "Victor Johnson Visitor's Center" for the late legislator who was instrumental in getting the facility built. The bill was approved as amended and referred to the floor.

S.F. 2621, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), requests \$7 million in bonding to continue a white water trail project on the Mississippi River in Minneapolis at the Lower St. Anthony Falls. The request follows a \$100,000 appropriation two years ago for a feasibility study. The bill was approved and referred to the Environment and Agriculture Budget Division.

S.F. 2877, authored by Sen. Jerry Janezich (DFL-Chisholm), adds about 200 acres to the Iron Range off-highway vehicle state recreational area near Virginia. The bill, which requires an appropriation extension, was approved and referred to the floor.

S.F. 2683, authored by Sen. Don Samuelson (DFL-Brainerd), exempts disabled bow fishers from certain casing requirements when harvesting rough fish. The bill was approved and referred to the floor.

## Environment and Agriculture Budget Division

### Capital budget requests heard

Members of the Environment and Agriculture Budget Division, chaired by

Sen. Jane Krentz (DFL-May Township), met Fri., Feb. 11, and heard budget requests from three state agencies, including the Department of Agriculture.

The Agriculture Department's capital budget request includes \$50 million to continue making Rural Finance Authority (RFA) loans available for farmers and small agri-businesses. The request compares with the governor's recommendation of \$20 million.

Established in 1986, the RFA program appropriates state bond proceeds to make affordable loans available to farmers on terms and conditions not available from other sources, said the department's Jim Boerboom. For example, the RFA will purchase up to 45 percent interest in the lender's first mortgage (up to \$100,000) for an eligible farmer. Interest for participants is at a reduced rate to help improve a farmer's cash flow and to share in the risk of the loan with the lender, he said.

A second component of the department's capital budget request is a proposed \$2.5 million, 50,000-square-foot laboratory located in the Metro Area. The facility would keep lab space compliant with evolving lab standards and help cope with demands of changing lab work, Boerboom said. The governor deferred the request until a "Strategic Plan For Locating State Agencies" study on land acquisition, design and development of critical state buildings in and around the Capitol is complete.

The division also heard the governor's \$3 million recommendation for the Office of Environmental Assistance (OEA). The recommendation provides funding for the OEA's Capital Assistance Program (CAP) for solid waste processing facilities in several Greater Minnesota counties, said OEA's Sherry Enzler. For example, Becker County proposes to build and operate a new, \$190,000 permanent household hazardous waste facility on a 160-acre site housing the county's transfer station and demolition landfill, she said. Counties with similar projects are Dodge, Mar-Kit (Kittson, Marshall, Roseau, Koochiching, Lake of the Woods and Red Lake), Murray, Nobles, Wilkin and the Western Lakes Superior Sanitary District.

The division also heard the governor's budget recommendation for the Minne-

sota Zoo. It includes \$4.1 million for road repairs and \$1.1 million for heating supply line and chiller replacement.

Of the two projects, road and parking lot repair is the most critical, according to Jim Reinholdz, vice president, finance. The 20 to 25-year-old asphalt at the zoo has reached the end of its life, he said. Some of the deterioration has occurred because of erosion, but most is the result of heavy bus and truck traffic, he said.

### License fee increases approved

The Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), met Mon., Feb. 14, and approved a bill calling for increases in both resident and non-resident hunting and fishing licenses.

S.F. 2950, authored by Krentz, raises marginally residents fees for hunting and fishing licenses; more substantially for non-residents.

"I've never seen such a wide range of groups working to support this," said Krentz. She said the bill and its \$1.565 million appropriation for operations support "is a short-term fix," helping to off-set budget shortfalls the Department of Natural Resources (DNR) is experiencing because the second year of a two-year appropriation for the program was vetoed last year by the governor.

According to the bill, small game hunting licenses for residents would increase slightly. A small game license for persons under 65 would be increased \$2, from \$10 to \$12. Likewise, a fishing license for those under 65 would be increased \$1, from \$15 to \$16.

Non-resident licenses increase more. For instance, a small game license would go up from \$56 to \$73; a fishing license from \$31 to \$34.

Sen. Jim Vickerman (DFL-Tracy) said the increases were "substantial for everything I and a lot of my constituents like to do." The proposed increases, Krentz noted, are simply "what the House Committee and the governor said they could support" last session.

"Once the increases are fully implemented, in 2002, they should generate \$5.5 million annually, compared with \$1.5 million in 2001," said Peggy Adelman, DNR's budget director.

Adelman and other DNR officials testified that the fee increases not only help with a number of fish and wildlife

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programs, such as the DNR's enhanced walleye program, but various lake mapping and environmental review programs as well. Plus, the DNR will lose its general fund match if the increases aren't enacted, they added.

The bill was approved and referred to the Environment and Natural Resources Committee.

## Family and Early Childhood Education Budget Division

### EAP program evaluated

Members of the Family and Early Childhood Education Budget Division met on Fri, Feb. 11, to discuss the Management Analysis Division Report, which evaluated the Energy Assistance Program (EAP). Committee chair, Sen. Pat Piper (DFL-Austin) introduced Judy Plante, division director, who gave an overview of the project, which was requested by the 1999 Legislature.

Project leader, Donna Koren, presented a detailed report, outlining the results from the Management Analysis Division's study. She said that currently, the Energy Assistance Program is not functioning as well as it could be. According to the report, the program does not require keeping records of referral and other client services, making it difficult to determine appropriate use of administrative and program services dollars. Nor does it evaluate outreach methods for effectiveness, she said. The program has served between 80,000 and 90,000 households over the past few years, but the analysis of various data indicates that the eligible population is at least 200,000. Plante added that anecdotal data gathered through interviews indicates that the program is not meeting some recipients' needs.

Koren said that the Energy Assistance Program's current technology, including its data software system, is not meeting the needs of the program. Current software is owned by a consulting firm with whom the state contracts to provide it with program information twice a year and as needed. Supplying the information may take several weeks and the data is often incomplete and inaccurate, according to reports from staff. Koren also said that program staff do not know the amount of funds that

have been guaranteed to vendors or handed out by service delivery agencies at any given time, which makes it difficult to transfer funds for emergencies. Also, "bugs" in the software occur frequently, resulting in delayed payments to utility and fuel vendors, leading to unnecessary disconnections for program clients.

Manager of the Energy Assistance Program, Mark Kaszynski told the committee that his office had received an offer from Northern States Power (NSP), offering to give \$300,000 worth of software, which could better implement Minnesota's energy program. Wisconsin is presently using the software offered by NSP, according to Kaszynski, but Wisconsin utilizes a different delivery and payment arrangement. Kaszynski also said that he was presently looking into the ramifications of implementing the software for the Minnesota program. Sen. Leo Foley (DFL-Coon Rapids) asked Kaszynski to step up efforts to determine whether or not the software program would work.

Koren told the committee that the Energy Assistance Program (EAP) doesn't fit well within the Children, Families and Learning (CFL) department. She said that ever since EAP moved out of the Department of Economic Security (DES), there have been numerous problems and conflicts. When people are seeking energy assistance, she added, CFL isn't the first department they think of. Koren said that returning EAP to DES makes sense because the program originated there, and the department's staff are familiar with its operations. The Department of Economic Security has experience in monitoring and providing technical assistance to the agencies, she added. Koren offered other reasons for recommending the reorganization, including specialized expertise in federal fiscal and other requirements, at DES, and similarities in grants administration and skilled technology staff at DES to support the Energy Assistance Program.

Director of the West Central Community Action program, Steve Nagle, told the committee that his program operates in seven counties, serving 4,000 households. He supported the proposals outlined in the report, he said, mostly because the changes would offer an opportunity to expand its technology.

He is, however, concerned that there won't be enough funding to provide services to all the households that qualify for assistance.

Other witnesses, including Ron Elwood, an advocate for Legal Services Advocacy Project, Pam Marshall, the executive director of Energy Cents, and Paula Erdman, the executive Director of Tri Cap Community Action, agreed that a change of departments was in order. They were also in agreement about the need for a streamlined universal service center for energy assistance in the state. Under the current system, with more than 40 service delivery agencies, inconsistencies are inevitable. The management practices of individual agencies, community customs, and the quality of the relationship between agency and staff, determine the quality of the overall program.

Kaszynski said that he agrees with several recommendations outlined in the report, including the need for better, more user-friendly software and planning efforts to get a more accurate estimate of the program's target population. He also agreed that there is a need for a consistent, coherent strategy that spans multiple years—and the need to address internal conflicts.

Piper said that she and other committee members were concerned about the problems that came to light, and said they would seriously consider recommendations from the report.

### Two appropriations bills heard

Sen. Pat Piper (DFL-Austin) chaired a meeting of the Family and Early Childhood Education Budget Division, Tues, Feb. 15.

Last year's Legislature passed a provision in the early childhood family education (ECFE) bill clarifying that school districts must establish a reasonable sliding fee scale to help parents with childcare for children from birth to kindergarten age, and waived the fee for participants unable to pay. The subsidized childcare allowed parents to take jobs, or job-related training, English language and other education courses, while their child or children were enrolled in the program, according to Piper. Following a brief introduction by Piper, several witnesses testified about the success of the sliding fee program and discussed other related issues of



importance to families with young children.

Cherie Kotilinek, supervisor with the Minnesota Department of Children, Families and Learning, testified that a staffing crisis is adding to the problems facing parents, children and care givers. She said that the turnover rate for childcare workers is in the 30 to 40 percent range, and that one way of dealing with the shortage of care givers is to reduce qualifications, which, she said, isn't a good solution. Care givers are underpaid relative to salaries paid to teachers in elementary and high schools, although they also have to go through training programs to qualify for licensing, she said. According to Kotilinek, last September there were over 7,000 families on the waiting list to enter the sliding fee program, so that in addition to a staffing shortage, demand for services is increasing.

In an effort to expand the sliding fee childcare program, Sen. Becky Lourey (DFL-Kerrick) sponsored S.F. 2970, appropriating \$35 million from the general fund to the commissioner of Children, Families and Learning. The bill was recommended to pass and was referred to Children, Families and Learning.

Sen. Leo Foley (DFL-Coon Rapids), sponsored S.F. 2518, a bill appropriating ECFE aid for FY 2000 and FY 2001, totaling \$21.206 million. The bill provides that qualifying districts may receive additional ECFE aid for FY 2000 and FY 2001 equal to \$2.46 times the greater of 150, or the number of people in the school district on Oct. 1 of the previous school year. Under a provision in the bill, the additional aid may only be used for ECFE programs. The bill was laid over for further consideration.

## Welfare surplus plan heard

Chair Pat Piper (DFL-Mpls.), conducted a meeting of the Family and Early Childhood Education Budget Division, Wed, Feb. 16, to hear reports from Lieutenant Governor Mae Schunk, Commissioner Michael O'Keefe, Department of Human Services, and Commissioner Katherine Hadley, Housing Finance Agency.

O'Keefe presented a report by the Department of Human Services (DHS), outlining spending and other proposals to fund programs with federal Tempo-

rary Assistance for Needy Families (TANF) dollars. TANF is a federal block grant provided to states under the 1996 federal welfare reform law. O'Keefe said that although more families are going to work and leaving the Minnesota Family Investment Program (MFIP), substantial assistance is still needed. By the end of FY 2003, 7,500 families are expected to reach the 60-month time limit on assistance. DHS put together a funding proposal in an attempt to support better futures for those families, according to the DHS report. The plan proposes funding of approximately \$173 million through FY 2003, with \$51 million reserved to provide for families qualifying for exceptions to the 60-month limit--and possibly for emergency use if the economy declines. TANF funding for FY 2003 is projected at \$223 million.

O'Keefe said that \$55 million in funding--including the \$9.4 million the state received from the federal government for helping MFIP families go to work--would be used to implement a local intervention fund to help with the needs of hard-to-employ families. A total of \$83 million is earmarked for housing low-income families, O'Keefe said, with \$39.5 million for new production, acquisition and rehabilitation of rental housing, and \$15 million to fund a revolving loan to Habitat for Humanity to provide low-cost mortgages. In addition, \$10 million is proposed for out-of-school programs, including academic after-school and summer school programs, according to O'Keefe, and \$23 million for child support payments.

Lt. Governor Mae Schunk said that the administration has two goals for early childhood programs. Goal one is to provide enrichment programs that have an academic core, and which can be evaluated. Goal two is to enhance parental involvement. Members questioned the thinking behind the creation of new programs for young children, when CFL already has good programs in place. Schunk said that the plan involves interaction with all available resources.

Sen. Leo Foley (DFL-Coon Rapids) said it would be a good idea to give block grants to counties, so that all services could be coordinated at the local level, including help from

churches, human services, volunteer agencies and others.

Hadley presented information concerning housing projects that have been successful in the past, and said that an investment in affordable long-term housing for low income families was a priority.

## Governmental Operations and Veterans

### Panel hears amateur sports bill

The Governmental Operations and Veterans Committee, chaired by Sen. James Metzen (DFL-South St. Paul) met Tues., Feb. 15, to consider several bills.

S.F. 2930, authored by Metzen, authorizes \$12 million in grants for the development of new soccer fields, ice arenas and other amateur sports facilities. According to the bill, grants must be matched by recipients at 1 to 3 times the grant amount. Paul Erickson, executive director of the Minnesota Amateur Sports Commission, said soccer is played in every county. "Soccer is the fastest growing sport in Minnesota. An equal number of boys and girls participate," he said. Erickson distributed a survey that showed requests for 585 new fields from across the state. Sen. Charles Berg (IND-Chokio) noted there were few requests from his district. "In a year or two there will be more requests," said Erickson. The committee adopted a motion, offered by Sen. Linda Runbeck (R-Circle Pines), that directs the commission to develop a plan to stimulate the development of new amateur sports facilities throughout the state. The bill was approved and referred to the Governmental Operations Budget Division.

Committee members heard a proposal to allow a new charity, International Service Agency (ISA), to participate in the state employee checkoff charitable giving program. Sen. Edward Oliver (R-Deephaven), who authored the bill, said adding ISA allows employees to choose a charity with an international focus in developing nations. Kari Luther Carlson, a field director for the ISA, said ISA has a history of participating in public sector campaigns. "Do you sell donor lists?" asked Sen. Leonard Price (DFL-Woodbury). "It's against our by-laws to sell lists," said Carlson. "Do you

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trade lists?" asked Price. "We do not," Carlson replied. The bill was approved and referred to the floor.

Sen. Deanna Wiener (DFL-Eagan), presented S.F. 3011. The bill requires the state building code to establish procedures for monitoring indoor air quality in new K-12 educational facilities and to set standards for filtration systems in new or modified school heating, air conditioning and ventilating systems. Sen. Martha Robertson (R-Minnetonka) raised questions about the bill's intent. Price said the committee needs to consider air quality standards in other public buildings as well. Sen. Lawrence Pogemiller (DFL-Mpls) made a motion to refer the bill to the Children, Families and Learning Committee to coordinate efforts of the two committees. The motion was approved.

Wiener also presented S.F. 2691, which calls for transferring authority to develop energy portions of building codes from the commissioner of public service to the commissioner of administration. The bill was approved with little debate and referred to the floor.

Lastly, the committee heard S.F. 2348, authored by Sen. Charles Wiger (DFL-North St. Paul). The bill is a resolution memorializing the President and the Congress to take whatever action necessary to obtain the release of Americans held against their will in North Korea, China, Russia and Vietnam. Gerald Carlson, one of the 4 witnesses who testified, said it's a humanitarian issue and that 39 soldiers from Minnesota are still unaccounted for. The bill was approved and sent to the floor.

## Governmental Operations Budget Division

### Technology reports heard

The Governmental Operations Budget Division, chaired by Sen. Leonard Price (DFL-Woodbury), met Thurs., Feb. 10, to hear technology reports from the Department of Administration, Office of Technology.

Nancy Anderson and Greg Peterson, from the Office of Technology, gave an update on the one-time small agency infrastructure initiative. According to Anderson, the total appropriation for

the initiative is \$2.128 million of which \$2.115 is allocated to the agencies. The remaining \$13,000 will be used for future training, software or hardware. She said the 18 agencies involved worked with the Office of Technology to assess their technology needs, develop strategic information technology plans and implement changes in hardware and software. Anderson said the agencies were receptive to the technology initiative, but they will need on-going funding to prevent a deterioration of their new technology.

Mel Boynton, assistant commissioner, outlined the long-range plan of the Office of Technology. He said they have dealt with staffing issues and problems setting technology standards, however, the office is working to overcome the problems and develop a comprehensive plan for state information technology. "I'm pleased the management team is in place," he said. He highlighted their success in establishing an environment for multi-agency collaboration and developing relationships with the private sector. He said the Office of Technology will work with the Legislature to develop investment and funding strategies for agencies and to enable government units to provide information and services on the web via the North Star portal.

Jim Close, project manager of the MN Year 2000 Office, and Bev Schuft, director of technology standards, presented their final report on the MN Year 2000 project. "The bottom line is state agencies experienced no disruptions in service," said Schuft. Close said the collaboration of the public and private sector along with the funds spent to make computer systems Y2k compliant prevented any major problems from developing. He said the governor's Virtual Command Center facilitated planning and informed the public. "We took hundreds of calls from citizens during the year," he said. Sen. Linda Scheid (DFL-Brooklyn Park) said many of her constituents questioned if all the time and money spent was really necessary. Close said the systems needed to be updated and if they hadn't been updated, some of the systems would have crashed. In response to a question by Price, Schuft said unused appropriations for the Y2K project revert back to the state.

### Capitol renovation discussed

Renovation of the East Wing of the Capitol was discussed at the Weds., Feb. 16, morning meeting of the Governmental Operations Budget Division. The division also heard a report from the Office of the Legislative Auditor on the Amateur Sports Facilities Commission.

Paul Mandell, of the Capitol Area Architectural Planning Board, said the proposed Capitol renovation work will be to upgrade the electrical and mechanical systems, fire and safety equipment, lighting, signage and air ventilation system (HVAC). Before the work begins, \$318,000 is being sought to do the pre-design work. He said that the cost of the work is estimated at \$44 million, and added that, nationally, states are spending \$1 billion to renovate their state capitols.

Sen. Leonard Price (DFL-Woodbury), chair of the division, said that in the governor's budget recommendation there is a commitment to the cost of the pre-design work, but there isn't a commitment in subsequent years to the cost of the construction work. Mandell replied that the governor wants the Capitol to look as good as possible, especially the most visible areas. Price followed up by asking that since one goal is to have the work completed by the building's centennial in 2005, when will the governor recommend spending money for the construction. Mandell replied that there will likely be bonding requests in 2002 and 2004 to pay for the work.

Sen. Dan Stevens (R-Mora) asked what is the replacement cost of the Capitol. Craig Lau, an architect with the consulting firm of Miller Dunwiddie, said it is estimated to be around \$500 to \$600 million. Stevens said the governor needs to change the spending recommendation because it is good to spend \$44 million to preserve a \$500 million asset.

Kath Ouska, Dept. of Administration, said that one goal of the pre-design work is to look at space utilization, especially in the basement and ground floors of the Capitol. She added that one element of the work is to remodel Senate hearing room 123.

Following a short tour of the affected areas of the Capitol, the division's discussion turned to more long range plans. Sen. Don Betzold (DFL-Fridley)

said that office space in the Capitol is getting cramped and asked what it would take to construct an office building across the street north of the Capitol. Ouska replied that the department is requesting \$100,000 to update its strategic plan, and that plan calls for a new state office building. Sen. Dennis Frederickson (R-New Ulm) said that the original request for the plan update was for \$400,000 but the governor only recommended \$100,000. He asked what could the plan include for \$400,000 that it won't have with only \$100,000. Ouska replied that the strategic plan is a dynamic document and money needs to be spent on it each year.

Earlier, Jeanine Leifeld of the Office of the Legislative Auditor presented a report on the Amateur Sports Commission (ASC). She said that the commission has 10 employees and an annual operating budget of \$500,000. It administers \$18 million in grants for the Mighty Ducks and Mighty Kids programs, among others. Leifeld said that the commission is in compliance with the law and uses good practices such as requiring grantees to spend their own money first before receiving grant money. However, Leifeld said that the audit did find some administrative issues that needed to be addressed such as inadequate separation of duties, payroll inaccuracies, improper accounting of staff compensatory time and insufficient documentation of expenses. Leifeld stressed that the audit found that the grant programs were working very well.

Paul Erickson, executive director of the ASC, said that in the year since the audit, the commission had adopted procedures and changed practices in response to the audit. Sen. James Metzen (DFL-South St. Paul) said that it sounds like the commission is correcting their problems, but there are no problems with the grants administration and that's what would concern him.

### **Bonding requests presented**

The Governmental Operations Budget Division, chaired by Sen. Leonard Price (DFL-Woodbury), reconvened in the afternoon of Weds., Feb. 16, to consider two bonding requests.

Based on the 2000 Capital Budget

plan, the Department of Military Affairs has requested \$2.967 million for FY 2000. The governor is recommending \$2.765 million of which \$1.265 million is designated for kitchen renovation and \$1.5 million for asset preservation. Colonel Dennis Lord, executive director of the Department of Military Affairs, said the maintenance backlog is about \$21 million. "It's a constant battle to maintain the facilities," he said. Price said with only \$1.5 million recommended, the department will never get caught up. Dick Post, director of public works, Camp Ripley, replied that the department is addressing the most pressing needs and tries to be reasonable in what they take on. He said the tight labor market also poses challenges. Sen. James Metzen (DFL-South St. Paul) advised caution about spending funds on out-dated facilities. Lord said, "We're very conscious about how we use repair dollars." He said the department has 61 facilities in use and they will consider building new or leasing if a facility deteriorates beyond repair. The kitchen renovation project, as outlined in the capital budget, began in FY 1994 with a request to remodel 30 kitchens. The \$1.265 million requested this year will be used to finish 10 of the remaining 11 kitchens. Tom Vesley, architectural supervisor, said the kitchens are a community resource. "Our facilities were used heavily during the '97 flooding," he said.

The capital budget recommends \$2 million for the Amateur Sports Commission. The commission requested \$16 million. Paul Erickson, executive director of the Minnesota Amateur Sports Commission, said some of the funds will be used to complete seven ice arenas that are a part of the "Mighty Ducks" program. The arenas are in Mower County, Red Wing, Hutchinson, Redwood Falls, Richfield, Brainerd and Gilbert. Under the program, 79 communities have been awarded \$3.8 million in renovation grants and 61 communities have been awarded \$13.7 million in new arena grants. Erickson said the \$6 million approved last year for the agency was vetoed by the governor. He said the agency had to scramble and work with other agencies to make sure \$400,000 in matching federal dollars weren't lost.

## **Health and Family Security**

### **Safe haven bill advances**

Concern for children dominated the bills heard Thurs., Feb. 10, before the Health and Family Security Committee. Sen. John Hottinger (DFL-Mankato) chaired the committee.

Sen. Leo Foley (DFL-Coon Rapids) sponsored S.F. 2615, a bill authorizing anonymous hospital receipt of unharmed newborn babies. The bill allows newborns to be left at a hospital within 72 hours of birth without inquires, police notification, or prosecution. Ms. Lillie Riordon, founder of Safe Place for Newborns, gave testimony.

Mobile, Alabama, said Riordon, had 19 newborn abandonments over a short time. However, after the enactment of a law similar to Foley's bill, she said, four newborns have been given to hospitals and none have been abandoned. Riordon said that local television, advertising and telecommunications have agreed to donate resources for public service announcements should the bill be passed.

David Feinwachs, of the Minnesota Hospital and Health Care Partnership, said the bill has an elegant simplicity about its proposal. Teresa Schaak, of Fairview-Ridgedale Hospital, and Father Andrew Cousins, of the St. Paul Archdioceses, also testified in favor of the bill.

Sen. Don Betzold (DFL-Fridley) raised questions about the bill's requirement that a newborn be left in an emergency room, as not all hospitals have such facilities. Betzold also requested that the bill allow hospital personnel other than a medical doctor to receive the newborn in the event that a doctor would not be available. Sen. Becky Lourey (DFL-Kerrick) offered an amendment after members discussed where a newborn could be left and with whom. The amendment, allowing newborns to be left on hospital premises with a medical provider, was adopted. The bill was approved and moved to the Crime Prevention Committee.

Sen. Ellen Anderson (DFL-St. Paul) sponsored S.F. 2441, a bill requiring the Dept. of Health to adopt measures that minimize the exposure of children to toxic chemicals. Current policies regarding appropriate levels of toxic substances are calculated using the



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standard weight of an adult, Anderson said. Children are not only smaller in size, but also consume more air and food in proportion to body weight than adults, she said. Between 1973 and 1994, said Anderson, children's cancer has increased by 1 percent each year.

Testimony for the bill was given by Tessa Hill and Kathleen Schuller, of the Children's Health and Environmental Coalition, who both lost their children to cancer. Jim Koppel, of the Children's Defense Fund, called the proposed legislation "safe and logical." Pat Lungren, environmental director for the Dept. of Health, also supported the bill. Lungren said he supports the use of a child's weight as the standard figure in toxin policies.

The bill was approved and re-referred to the Environment and Natural Resources Committee.

Sen. Dallas Sams (DFL-Staples) presented S.F. 2662, a bill increasing Prepaid Medical Assistance Program (PMAP) capitation rates for non-metropolitan counties to no less than 95 percent of the PMAP rates in metropolitan counties. Steve Waldhoff, Albert Lea Medical Center Hospital administrator, provided testimony on the bill. PMAP rates in non-metropolitan counties are currently 88 percent of the metropolitan rate, said Waldhoff. Yet wage rates for health care workers in Greater Minnesota, he said, are not significantly lower. Waldhoff cited St. Mary's Duluth Clinic, which had wage rates only 1 percent lower than the same positions in the Metro Area. The bill was laid over due to time constraints.

## Housing bill okayed

Sen. John Hottinger (DFL-Mankato), chair the Health and Family Security Committee, brought S.F. 2361 before the committee at a hearing Fri., Feb 11. The bill provides funds for the home-sharing grant program. The low-cost program matches Minnesotans who would have to give up independent living in their homes with those who need affordable housing. This program provides an option for people who would otherwise need public assistance, he said, reducing state costs.

Barbara Jilk, of the MN Homesharing Association, said that, although the Senate approved funding for the program last year, funding was not

provided by the House. Currently, she said, the program is scheduled to end in 2001. Jilk said that the program has provided 392 units of affordable housing for people with low to moderate incomes, helping 44 families avoid public assistance and kept 140 people from needing assisted living placements. Each homeshare match costs the state an average of only \$1,020, she said.

Mary Jo Czaplewski, a participant's daughter, said that the program has allowed her mother to remain independent and feel secure in her home. The committee approved the bill and referred it to the Health and Family Security Budget Division.

S.F. 2404, carried by Sen. Linda Berglin (DFL-Mpls.), was heard by the committee. The bill appropriates federal Temporary Assistance for Needy Families (TANF) funds to the Job Skills Partnership Board to be used for the health care and human services training and retention program. Berglin said that proposal requests have been released, and of 50 replies, she estimates that six or seven of them will be funded. Members discussed making the program permanent, but took no action before approving the bill and referring it to the Health and Family Security Budget Division.

Berglin also presented S.F. 2407, a bill clarifying the treatment of crime victims reparations for purposes of Medical Assistance eligibility determinations. The bill states that reparations are not to be considered when determining eligibility for Medical Assistance. Mike Gruye, an awardee of crime victim reparations, testified before the committee. Gruye said that he was forced to pay down the reparations made to him after he was physically attacked while at work, otherwise he would not qualify for Medical Assistance.

The members approved the bill and moved it to the Senate floor.

Sen. Sheila Kiscaden (R-Rochester) brought S.F. 2474 before the committee. In the bill, modifications are made on a number of provisions for speech-language pathologists, audiologists, unlicensed mental health practitioners, alcohol and drug counselors, and hearing aid instrument dispensers. Kiscaden said that the same legislation has been passed every year for the past three years, and requested that the bill

be approved by the committee. The members approved the bill and sent it to the Senate floor.

Kiscaden then presented S.F. 2583, a bill reducing the notice period from 18 months to six months and providing information about private insurance for recipients of MinnesotaCare who are no longer eligible for the program due to income increases. Deborah Wagner, of the Dept. of Human Services, said that currently 5 percent of the 111,000 MinnesotaCare recipients have incomes higher than the program eligibility thresholds. The bill was laid over for further discussion.

## Senior drug bills heard

A bill modifying human services licensing provisions made progress Tue., Feb. 15, in the Health and Family Security Committee, chaired by Sen. John Hottinger (DFL-Mankato). S.F. 3005, authored by Sen. Jane Ranum (DFL-Mpls.), allows housing providers to seek an adult foster care license from the commissioner of human services, grants tribal licensing agencies access to background data, makes changes in licensing procedure to comply with federal law, and states that county agencies are subject to the same tort liability as the state. Laura Plummer Zrust testified for the bill on behalf of the Department of Human Services (DHS). The bill was approved and re-referred to the Judiciary Committee.

Sen. Linda Berglin (DFL-Mpls.) authored S.F. 2901, a bill that modifies human services health care program provisions, before the committee. The bill is designed to eliminate obsolete rules, said Berglin. Don Allen, from the Dept. of Human Services, testified on behalf of the bill. Berglin said that her proposal eliminates the need for some human services bills that are brought before the legislature every year. The bill was approved and moved to the Senate floor.

Members addressed a package of eight bills, by six authors; S.F. 2383 authored by Berglin, S.F. 2410 authored by Berglin, S.F. 2447 presented by Sen. Becky Lourey (DFL-Kerrick), S.F. 2589 presented by Hottinger, S.F. 2562 presented by Sen. Don Samuelson (DFL-Brainerd), S.F. 2860 authored by Hottinger, S.F. 2959 authored by Sen. Sheila Kiscaden (R-Rochester), and S.F.

3003 presented by Sen. Dave Kleis (R-St. Cloud). Expanding eligibility for the senior citizen drug program, altering age and asset limits, and requiring a simplified application form are items addressed in the bills. S.F. 2860, authored by Hottinger, serves as a vehicle for the package. A growing pool of unused funds, a low participation rate, and a persisting need for prescription assistance were discussed by the members.

Brent Gustafson, of the Dept. of Finance, said that because the drug program uses grant funding, any funds not used will be canceled. However, said Gustafson, when a grant program changes features, associated costs will change regardless of current funding. Sen. Dave Kleis (R-St. Cloud), whose bill S.F. 3003 expands the income level eligibility from 120 percent of the poverty line to 175 percent, said that even if funds are canceled due to reform, the Legislature will support reappropriation.

Members heard testimony on the need for program qualification revisions in order to assist a greater number of people. JoAnn Grove and Joel Ulland, of the MS Society, told the panel about a Multiple Sclerosis patient who takes only half of his prescription due to financial constraints, seriously risking his health. The patient is not an isolated example, said Grove. Dean Fenner, of the Minnesota Board on Aging, said that people who have access to proper prescription amounts will lead a more independent life and need less state assistance over time. Alzheimer's Association Public Policy Director Iris Freeman said that Alzheimer's disease medications can delay the disease's detrimental effects, allowing people to be self-sufficient for a longer period of time.

Sen. Michelle Fischbach (R-Paynesville) offered an amendment increasing qualifying income for the program from 120 percent of the poverty level -an income of \$9,880 per year, to 175 percent -an income of \$14,420 per year. The amendment was adopted on a roll call vote. Also adopted was an amendment, offered by Berglin, that establishes prioritized eligibility criteria should the program not have sufficient funds. S.F. 2860 was approved and moved to the Health and Family Security Budget Division.

## Health and Family Security Budget Division

### Funding projects heard

On Tue., Feb. 15, representatives of the Dawson Nursing Home in Dawson, MN, came before the Health and Family Security Budget Division. Sen. Don Samuelson (DFL-Brainerd) chaired the committee.

The mayor of Dawson, Al Schacherer, addressed the committee to speak on Dawson's need for assisted living and continuing care housing. Trends in geriatric housing are moving away from nursing homes and toward assisted living, said Schacherer. Dawson Nursing Home Administrator, Vern Silvernale, said that the facility wants to add assisted living and consequently down-size the nursing home from the current 70 beds to what would be allowed with assisted living additions.

Julie Turnberg, the facility's director of nurses, said that with a sustained 98 to 99 percent occupancy rate, the nursing home has had zero inspection deficiencies in the past four years. However, she said, in the current conditions, residents must share bathrooms and living space with one to three other people. The bathroom situation, Turnberg said, has resulted in a recent fight between two residents.

Samuelson raised questions about state funds being used to construct assisted living facilities. Silvernale said that the Dawson representatives were only asking for funds to renovate the nursing home.

The committee heard testimony, but took no action, on bills appropriating money to improve the Gillette Children's Hospital in Ramsey County, S.F. 2430, authored by Samuelson, and seven identical bills. The seven identical bills are S.F. 2596, authored by Sen. Jerry Janezich (DFL-Chisholm), S.F. 2602, authored by Sen. Jane Krentz (DFL-May Township), S.F. 2603, presented by Sen. Dallas Sams (DFL-Staples), S.F. 2604, authored by Sen. Leo Foley (DFL-Coon Rapids), S.F. 2721, authored by Sen. Charles Wiger (DFL-North St. Paul), S.F. 2722, presented by Sen. Dave Johnson (DFL-Bloomington), and S.F. 2746, presented by Sen. Sam Solon (DFL-Duluth).

Margaret Perryman, of Gillette

Children's Hospital, said that she is proud that citizens of Minnesota have trusted the care of special children to their hands. Perryman said that the hospital is asking the state for \$15 million, which it will match with \$16 million from other sources. Steven Koop, of Gillette, said that the facility meets the basic requirements for obtaining bonding funds, because it serves children from all over the state and provides numerous outreach services.

Sen. Dean Johnson (DFL-Willmar) sponsored S.F. 2600, a bill requiring a long range study of, and planning for, surplus buildings at regional treatment centers. The Dept. of Administration is skittish, Johnson said, about being the study lead. Members discussed options for surplus buildings, such as transitional housing, but took no action on the bill.

S.F. 2751, a bill authored by Sen. Becky Lourey (DFL-Kerrick), appropriates money to fund capital improvements for organ, eye, and tissue donation initiatives. A mobile learning center to provide interactive education about organ donations, said Lourey, will increase Minnesotan's willingness to participate in such programs. She said that twelve people die each day waiting for organ donations. Sen. Linda Berglin (DFL-Mpls.) said that capital budget projects usually get a 50 percent funds match from another source. The bill was laid over.

## Higher Education Budget Division

### U capital budget request heard

Members of the Higher Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), met Tues., Feb. 15, to hear the University of Minnesota's capital budget request for 2000.

The U's capital budget request is for \$134.4 million, with a total university debt of \$31.5 million. The request compares with the governor's total recommendation of \$54 million, which also includes recognizing the U's \$10 million in fund-raising efforts toward the capital budget for a total of \$64 million.

The 2000 bonding request is basically

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in line with the \$138 million, with \$68 million in debts, approved during the last bonding process in 1998, U of M officials said. "Political leadership 150, 100 and 50 years ago brought us to where we are today," said Sandra Gardebring, adding that the request reflects the institution's commitment to Minnesota's future.

While many of the U's requests for bonding for capital projects are in line with the governor's recommendations, one is not. Among the projects not recommended by the governor is a new arts facility at the Minneapolis campus. The proposed \$44 million structure - \$21 million of which is needed in 2000 - replaces the current facility, a 79-year-old sign painting shop purchased for \$1 in 1965. "It's a hodge podge of dysfunctional spaces, with serious health, safety and accessibility deficiencies," said Steven Rosenstone, dean of the department. "It's the last piece in the puzzle of the West Bank's Arts Quarter."

Because of the governor's recommendation, Sen. Cal Larson (R-Fergus Falls) asked if the U's fund-raising efforts couldn't focus more on the arts building. Analysts and consultants said the community would likely raise only \$6 to \$8 million for the project, Rosenstone said.

Other key projects track more closely, or exactly, with the governor's recommendations. One is a proposed \$70 million molecular and cellular biology building at the Minneapolis campus. The University is requesting \$35 million for 2000, the same figure recommended by the governor, for the facility that will be completed in late 2002.

Another project is a \$20 million microbial and plant genomics building to be completed early in 2002 for the St. Paul campus. The U's request for \$10 million is the same figure recommended by the governor. Also on tap is a \$17.1 million renovation and replacement project of the St. Paul campus' greenhouses with high-tech plant growth facilities and labs. Likewise, the U of M-Crookston wants \$6.5 million to renovate and add on to its 90-year-old Kiehle building, which serves as a multi-purpose building. The U of M-Morris is asking for \$8.2 million for the second phase of its math building renovation, the last big project planned for the next decade, according to Chancellor Sam Schuman.

## U of M budget request continues

Members of the Higher Education Budget Division, meeting Weds., Feb. 16, continued hearing the University of Minnesota's capital budget request for 2000, including the U's proposed Higher Education Asset Preservation and Replacement (HEAPR) portion of the request. The division is chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls).

The University's request is for \$16 million in system-wide HEAPR projects, including a \$10 million district cooling system program and a \$6 million health and safety program. The governor has recommended \$9 million for the University's HEAPR projects.

The University's plan is "necessary, appropriately sized and well balanced," officials told the committee. If the governor's recommendation stands, all HEAPR funding will go toward the cooling system project, Eric Kruse, a University vice president, said.

The plan also consists of longer-range plans. Among them are improvements in elevator and ventilation/air handling systems, building renewal projects and building replacement and demolition projects. These longer range plans are necessary because the average age of University buildings is 60 to 70 years, Kruse said.

Stumpf requested a detailed list of the U's proposed HEAPR projects. Sen. Sheila Kascaden (R-Rochester) asked if the U is building into its operating budget money to help reduce the growing backlog of building renovation and replacement projects.

The U has been regularly devoting more resources from its operating budget for such projects and is making progress in reducing the backlog, said Richard Pfutzenreuter, associate vice president, budget and finance. However, the University still needs the bonding appropriation for its major HEAPR priorities, he added.

Meantime, the panel also heard capital budget requests for two projects at a branch of the U. Kathryn Martin, chancellor of UM-Duluth, requested \$6.1 million for the campus' music performance laboratory. When complete, the facility will serve as rehearsal and performance space for more than 5,000 instrumental and vocal music students, Martin said.

Also on tap is a "Bulldog Sports Center" including women's competition and men's practice ice hockey rinks as well as training and office space for all athletic programs, Martin said. UM-D requested \$10.4 million for 2000 for the facility. "That seems like an appropriate request," given the \$13 million rink recently completed at the U of M, said Sen. Cal Larson (R-Fergus Falls).

## Jobs, Energy and Community Development

### Biomass bill heard

The Jobs, Energy and Community Development Committee, chaired by Sen. Steve Novak (DFL-New Brighton), met Fri., Feb. 11, and heard a bill that sets a new time line to bring biomass-generated electricity on line in Minnesota. According to a 1994 Legislative mandate, Northern States Power (NSP) company's Prairie Island power plant is to "operate, purchase or contract" for a total of 125 megawatts of biomass electric energy by Dec. 31, 2002.

S.F. 2614, authored by Novak, extends the date by three years. The first 50 megawatts of electric energy generated from farm-grown biomass are now scheduled for operation by Dec. 31, 2004. The remaining 75 megawatts are now scheduled for operation by Dec. 31, 2005.

"The windpower portion of the mandate is on schedule," Novak said. "The biomass portion is not."

One of the companies hopeful of converting biomass, the largest component of which will be poultry manure, into useable energy is Fibrowatt LLC of the U.K. "We're the first company in the world to perfect this technology, which we've been using successfully since 1992," said Fibrowatt's Roger Fraser. "This technology benefits the farmer, particularly the family farmer. The poultry industry needs new waste management options."

Fibrowatt's power stations obtain poultry manure from farms, where Fibrowatt and farmers coordinate to clean barns, Fraser said. Poultry manure is then transported in tightly covered trucks to the company's "fuel hall" where it is kept at negative pressure to prevent the escape of odors, he said. The manure is burned at very high



temperatures, heating water in a boiler to produce steam and drive a turbine and generator.

Electricity is typically transported by the local supplier's grid. A nutrient-rich ash, particularly high in phosphorous and potassium, recovered from the burning process is sold as fertilizer.

County officials and farmers from Western Minnesota, where a Fibrowatt facility would likely be located, spoke in support of the bill. For example, Meeker County Commissioner David Gabrielson said he receives more "complaints about manure than anything else. We need a more responsible way of manure management" like Fibrowatt is proposing.

Scott Anderson, a Western Minnesota organic farmer, says he needs turkey manure, especially the nitrogen component, since certified organic farming prevents him from using commercial fertilizers. "If 30 percent of Minnesota's farms are certified organic in the next 20 years, we'll have need for 4 and a half million tons of turkey manure a year, compared with about 1 and half million tons used now," he estimated. The committee took no action on the bill and scheduled opposing testimony for a later date.

The committee approved two other bills, both authored by Sen. Dallas Sams (DFL-Staples). S.F. 2193 sets uniform standards for the sale of wood. It defines the term "board foot" according to the "Scribner decimal 3" rule, one of three such rules commonly used for measuring and scaling logs. Used as a standard for all state and county-owned lands, the Scribner rule defines "board foot" as 144 cu. in. of wood. The bill was okayed and referred to the floor. S.F. 2434 provides a \$1 million appropriation from the general fund to make a grant to the operators of WeFest. The operators of the annual summer, country western music festival near Detroit Lakes want to provide such infrastructure improvements as public sewer and drinking water to the site. The bill was approved and referred to the Economic Development Budget Division

### **Sharps injury bill okayed**

A bill designed to set standards for employers' to reduce the occupational exposure of health care workers to bloodborne diseases through needle

injuries was okayed at the Tues., Feb. 15, meeting of the Jobs, Energy and Community Development Committee. The bill, S.F. 2397, authored by Sen. Linda Higgins (DFL-Mpls.), had been extensively negotiated and is now supported by a variety of health care employee organizations and health care providers.

Diane O'Connor, speaking on behalf of the Minnesota Nurses Association, said that the bill is aimed at "stemming the epidemic of needle sticks plaguing health care workers." She said that Hepatitis B, Hepatitis C and HIV are significant threats to health care workers who are accidentally stuck by needles. Holly Rodin, representing the Service Employees International Union, said that there are three ways to protect workers from needle sticks: using gloves and masks, instituting work controls and instituting engineering controls. Rodin said that the personal controls of using gloves and masks is the most common, but least effective method of protecting workers. Work place controls are not effective with unruly or uncooperative patients, she said. The most effective controls, Rodin said, are reengineered designs for needles and other sharps. She added that the technology is now available and that it is more affordable than in the past.

The bill provides that exposure control plans, prepared by employers, must include procedures for identifying and selecting existing controls that isolate or remove the hazard from the workplace and needleless systems and sharps with engineered sharps injury protection and include procedures for using devices recommended by the product evaluation committee. Further, the bill requires that the procedures must provide for a subcommittee that is responsible for evaluating the devices. The bill was approved and sent to the full Senate for consideration.

The committee, chaired by Sen. Steven Novak (DFL-New Brighton), continued their discussion of S.F. 2614, the bill extending and expanding the state mandate requiring electric energy to be generated by using biomass as a fuel. Proponent testimony had been heard on the measure, sponsored by Novak, at a previous meeting. Thus, time was allotted for opponent testi-

David Morris, representing the Institute for Local Self Reliance, led the opposition to the bill. Morris urged the committee to reject the bill and said that the measure is "ill-conceived, ill-designed, wasteful and works against the common good." The bill extends the deadline dates for biomass production of electricity and provides that the requirement for biomass may be filled by a facility that uses poultry litter as its primary fuel source. Morris argued that poultry litter is an excellent and inexpensive fertilizer and that the cost of using the litter for fuel is more expensive than other alternatives. Further, Morris argued that there are less expensive and more rewarding ways to satisfy the Prairie Island renewable energy mandate. He said that the existing statute could be modified to allow for co-firing of biomass, in which plant matter is mixed with coal, or that funds in the bill for burning poultry manure be shifted to programs for wind generation of electricity.

Morris also said that proponents of the measure argued that the bill provides a method for disposal of turkey litter, but he said that he was not sure there is a disposal problem. Sen. Steve Murphy (DFL-Red Wing) and Novak both countered Morris' arguments and said that the bill clears the way for an innovative technology to begin generating electricity.

Steve McCorquodale, a manure applicator, also spoke in opposition. McCorquodale argued that the use of turkey litter as fuel would cause a decline in the amount available for an already existing industry. He said that the use of turkey litter as fuel could eliminate jobs and businesses currently in operation that use turkey litter as fertilizer.

No action was taken on the measure because of time constraints. Novak said that the bill would be acted upon at a later hearing.

## **Judiciary**

### **Domestic violence data bill heard**

Sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), S.F. 2478 deals with requirements of confidentiality and immunity in investigations of cases involving domestic violence death. Pogemiller outlined provisions of the

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bill Thurs, Feb. 10, at a meeting of the Judiciary Subcommittee on Data Privacy and Information Policy, chaired by Sen. Don Betzold (DFL-Fridley). The bill authorizes the Domestic Fatality Review Team to collect data including certificates and death data, investigative reports, medical and counseling records, victim service records, employment records, child abuse reports or other information concerning domestic violence deaths. Under provisions in the bill, the Domestic Fatality Review Team may compel the production of records by applying to the District Court for a subpoena, according to Pogemiller.

A senior attorney with the Hennepin County Public Defender's Office, Liz Hughes, testified that investigators "can't even begin to do their work without access to this data." She added that in these cases it is necessary to review all records in order to determine where the system may have broken down. Whether established through searching commitment files, or other files, this sort of data can reveal clues that are useful, she said.

In addition to authorizing access, the bill also contains confidentiality requirements for the review teams. The bill specifies that a person attending a meeting where non-public information is revealed, may not disclose what transpired, except to carry out the purposes of the review team. Under the bill, the proceedings and records are protected non-public data, said Pogemiller, and not subject to discovery or introduction into evidence.

Additionally, the bill provides that members of the Domestic Advisory Board, the Domestic Fatality Review Team, and members of each review panel, as well as agents and employees, are immune from any civil or criminal liability arising out of their activities with respect to the Domestic Fatality Review Team, providing they acted in good faith and without malice. Don Gemberling, director of the Office of Information Policy said that the language isn't clear enough concerning the process of obtaining data, and recommended clarification on several points. The bill was laid over and will become part of the omnibus bill.

Betzold sponsored S.F. 2806, a bill that deals with data requirements of the

St. Paul Housing and Redevelopment Authority. The bill codifies two temporary data classifications from the Department of Administration. Under provisions in the bill, specified data submitted to the authority by individuals or business entities requesting financial assistance are classified non-public. Financial statements, credit reports, business plans, income and expense projections, and income tax returns and are among the records not paid for with public funds, and therefore, fit the category of non-public information. The data becomes public if the authority provides financial assistance, with exceptions that include business projections, income tax returns, customer lists, and other data not paid for with public funds. Specified economic assistance data of the city of St. Paul, submitted by persons requesting financial assistance are also classified as non-public. Exceptions would apply, but generally the data becomes public if the city provides financial assistance. The bill was laid over and will become part of the omnibus bill.

Betzold also presented S.F. 2237, a bill that incorporates recommendations from the Information Policy Task Force, and changes provisions under the Data Practices Act. The modifications deal with charges allowable for copies of government data, clarification about data-format requirements, copyright provisions, and the appointment of a "Compliance Officer" position.

Under provisions of the bill, if a person requests copies of government data, only "marginal costs" are charged. "Marginal cost" is defined, in this instance, as the actual cost of making the copies, excluding labor, overhead, or development costs. Government entities no longer have authority to charge additional fees to allow for the recovery of development and other costs, under the bill. Another portion of the bill specifies that an agent of the government does not have to provide data in an electronic format or program different from the format in which data is maintained by the government entity. The bill also modifies the authority of government entities to copyright data. It provides that the government entity can not copyright data, other than computer software programs and

components, without specific Legislative approval for the copyright. The bill requires authorities to appoint a data practices compliance officer who is responsible for assuring compliance with the Data Practices Act, and provides a process for the resolution of complaints. In other portions, the bill limits the dissemination of private or confidential data on individuals, to include only that which is necessary for the administration and management of programs authorized by the Legislature, or mandated by the federal government.

The bill was recommended to pass and sent to the full Judiciary Committee.

## Custody issues heard

Members of the Judiciary Subcommittee on Family Law, chaired by Sen. Leo Foley (DFL-Coon Rapids), met Fri., Feb. 11, to discuss S.F. 2473. The bill makes changes in the statute dealing with circumstances under which a custodial parent may move the residence of the child to another state. Authored by Sen. David Knutson (R-Burnesville), the bill also amends the general law dealing with modification of custody orders to allow the court to change a custody arrangement if the parties agreed to apply a standard other than those provided for in the law. The bill assigns a retroactive effective date of Sept. 1, 1999.

Basically, the bill disallows a custodial parent to move the child to another state except upon order of the court, or with the consent of the non-custodial parent, when the non-custodial parent has been given visitation rights by decree. The bill allows the court to apply any standard consistent with present statutes and agreed upon by the parents. If the purpose of a move is to interfere with visitation rights of the non-custodial parent, the court is permitted to prohibit the move to another state. The bill also allows for suspension of the non-custodial parent's child-support obligation in cases where a child lives with the non-custodial parent, and the temporary sole physical custody has been approved by the court or a court referee.

Mike Dittverner, chair of the Legislation Committee of the Minnesota chapter of the American Academy of Matrimonial attorneys, said that he supports the bill because it decreases litigation and recognizes the "best

interests standard.”

Hennepin County District Court Judge, Mary Davidson, said that the trend is for courts to turn more of the decision-making over to parents, since only they can really know what is in the best interests of the child. She added that she supports the bill because it would clear up ambiguous language in the statutes, resulting in fewer court cases.

Hennepin County District Court Judge, Marylou Klas, specializes in family law, and opposes the bill, she said, because of gender-fairness issues. She worried, she said, that under the provisions of the bill, women who are battered and threatened by abusive husbands, or former husbands, would be even more restricted from moving to a safer environment. She stated that sometimes the only hope for safety in these types of situations, is in moving. She added that if mothers are restricted from relocating for a new job, and possibly causing their children emotional danger related to change-of-environment, as the bill specifies, what about non-custodial fathers who choose to relocate for work? She asked, “Shouldn’t they also be held accountable for emotionally endangering their children?”

Mark Gardner, family law practitioner, testified that he opposes the bill because “best interests” is often very difficult to determine, and that by lowering the standards for modification of custody, it will benefit those least-likely to have physical custody—and would result in even more litigation than the courts are now experiencing.

The bill was laid over for further discussion.

### **Data practices bills heard**

Sen. Don Betzold (DFL-Fridley) chaired a meeting of the Judiciary Subcommittee on Data Privacy and Information Policy, Mon, Feb.14.

The first bill considered, S.F. 2375, is carried by Sen. Jane Ranum (DFL-Mpls.). The bill authorizes sharing of specified court services data. The bill makes provisions for access to data of political subdivisions for purposes of child support and paternity actions. The bill allows data from court services files to be released to the state or local correctional agency or facility that has

supervision over the individual. Under current law, only correctional agencies are granted access. The bill authorizes court services to release date of birth, in addition to the age, of persons under their supervision. In an effort to assist the enforcement of child support and paternity law, the bill also extends the authority to obtain information from the records of state agencies and political subdivisions. Ranum said the provision was designed to allow the sharing of data between the county attorney’s office and other political subdivisions. The final portion of the bill provides that if a defendant is sentenced to a local correctional agency or facility, a copy of any pre-sentence investigation reports will be released to that facility. Current law only applies report requirements to situations where the defendant is sentenced to the commissioner of corrections. The bill was recommended to pass and will be added to the omnibus bill.

Authored by Sen. Cal Larson (R-Fergus Falls), S.F. 2294 authorizes telephone access to motor vehicle registration data to personnel of private college campus security services. Ray Thrower, head of security at Gustavus Adolphus College said telephone information is often needed in order to contact an individual whose vehicle has been vandalized on campus. He said that security officers are well trained and often work with police and should be allowed to access to information that is often needed.

Members stated that the bill addressed a very narrow concern, but that it might have broad ramifications since hospitals and other systems also have security guards. Ranum suggested that the committee look into how other states deal with this issue. The bill was laid over for further consideration.

Sen. Jim Vickerman (DFL-Tracy), sponsored S.F. 2521 addresses legal requirements for the formation of non-profit corporations by political subdivisions, in certain situations. The bill requires that audits of the non-profits be maintained as non-public data, but only in certain situations. The non-profit corporation must prove that maintaining the information as non-public data is necessary for the corporation to accomplish its purpose. Examples of corporations that might qualify under

this category include Center Hospital in Hennipin County, Pope County Community Development Corporation and Moorhead Community Access Television. A certified public accountant or state auditor will conduct annual audits of corporations created by political subdivisions if public money funds those entities. According to the bill, the audit report must be presented at a regular meeting of the political subdivision that created the corporation, and made available to individuals. The corporation is still required, under the bill, to comply with the Data Practices Act.

Sen. David Knutsen (R-Burnsville) said, “Provisions in the bill are too broadly stated,” and other members said they were concerned about the special treatment the bill allows. In response to earlier discussion by members, the bill was amended to clearly state that corporations may not be exempted from the open meeting law. S.F. 2521 was laid over and will be sent to the Judiciary Committee.

Sen. Allan Spear (DFL-Mpls.) sponsored S.F. 3028, making changes to the Vulnerable Adults Act. The bill establishes who may be eligible to act on behalf of a “vulnerable adult,” and specifies procedural requirements to follow in maltreatment determination requests. Spear said the bill “attempts to deal with loopholes” in current law, and addresses the current lack of fair appeal process for vulnerable adults. The bill defines “interested persons” who may request a review; it includes individuals designated by the vulnerable adult, a legal guardian or conservator, proxy or health care agent, a spouse, parent, child, sibling, or other next of kin to the vulnerable adult. The Board on Aging is required to submit a report to the Legislature each year, disclosing the number of requests received under the provisions, the number of cases in which the lead agency was asked to reconsider its final disposition, and the number of cases where the final disposition was changed. The bill also changes provisions under the Vulnerable Adults Act to allow the exchange of pertinent non-public information concerning an individual, between a lead agency and the Board on Aging. The bill was recommended to pass and sent to the Judiciary Committee.

Sen. Warren Limmer (R-Maple



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Grove) authored S.F. 2649, a bill that provides access to specified security data.

Charles Midby, Immigration and Naturalization Service official, said that the bill came about due to problems between state and federal agencies in obtaining information needed to prosecute individuals or employers who failed to comply with immigration law. In several cases, according to Midby, his agency was denied access to data, and forced to drop charges against employers of illegal aliens. He said that they were specifically requesting wage records of individuals, and particularly concerned with going after large corporations who abused the law.

The bill gives the federal Immigration and Naturalization Service access to data on specific individuals and specific employers when the requested information will be used in an investigation by that authority. Other provisions specify other agencies authorized to access similar data, including any agency charged with the administration of employment security law, human rights agencies within Minnesota that have enforcement powers, and the Department of Revenue, among others. S.F. 2649 was recommended to be added to the omnibus bill.

## Privacy policies proposed

Sen. Leonard Price (DFL-Woodbury), sponsored S.F. 2839, at a meeting of the Judiciary Subcommittee on Data Privacy and Information Policy, Tues, Feb. 15. The Subcommittee is chaired by Sen. Don Betzold (DFL-Fridley).

In response to concern over privacy issues, S.F. 2839 requires counties to inform property owners that personal information may be sold for business purposes. The bill requires that notice must be sent to property owners with provisions under which the owner may request that the owner's name and address be excluded from the lists, providing the so-called "opt-out" choice. In cases where owners opt out, counties must exclude the owner's name and address from any list generated and sold for business purposes. Members discussed the possible effects on real estate agencies and others who often depend on property related information for comparative analysis.

Washington County Commissioner,

Dick Stafford testified that his county already implemented a practice similar to the opt-out choice presently under consideration. "The response from the public was overwhelming," he said. Stafford stated that more than 50 percent of the property owners in his county noted that they did not wish to be included on the lists. "The lists are still available," said Stafford, "They're just not available for selling purposes." The bill was recommended to pass and may become part of the omnibus bill.

Sen. Leo Foley (DFL-Coon Rapids) carried S.F. 2992, a bill related to the complex issue of government data privacy. The bill prohibits disclosure of motor vehicle and recreational vehicle licensing data, without authorization at the time of application, or upon renewal of the license. Exceptions to this rule include use by federal, state or local government agencies, in cases related to civil, criminal and other legal proceedings, licensed private investigative agencies, licensed security services, news organizations, and others authorized by law, unless written consent has been given by the individual to whom the information pertains. The bill expressly prohibits the unauthorized disclosure of personal information for the purpose of bulk distribution for business purposes. The bill also requires that a notice of consent must accompany licensing forms, in order to permit an opt-in choice for licensees. At a minimum, the notice must state each category of data that may be disclosed.

Gary Hill, president of the Society of Professional Journalists, opposed the bill, calling it "bad, policy—a sweeping restriction of public access." Other witnesses said they thought the legislation was an over-reaction to telemarketers and fear of the Internet.

Don Gemberling, director, Office of Information Policy, said that the language in the federal law that deals with data privacy is permissive compared to S.F. 2992. He added that the bill puts the state in the position of saying "We sanction some areas of access, but not all."

The bill was laid over.

## Economic loss doctrine bill ok'd

A bill incorporating major changes to the economic loss statute was approved at the Weds., Feb. 16, meeting of the

Judiciary Committee. Chair Jane Ranum (DFL-Mpls.) said that the bill is the result of work done by participants in a facilitated discussion on economic loss. According to Ranum, participants in the discussion represented the many parties—the Minnesota Business Partnership, insurance companies, trial lawyers and defense attorneys to name but a few—with an interest in changes to the economic loss statute. "I was extremely impressed by the absolute commitment by all parties to this process," Ranum said.

The bill, S.F. 1126, authored by Sen. Don Betzold (DFL-Fridley), makes changes to the economic loss doctrine in the statutes. Betzold said the economic loss doctrine is an extremely complex area of law, particularly in its application. He said that the complexity of application "came to a head with the Marvin Windows case."

The economic loss doctrine involves the relationship between the Uniform Commercial Code (UCC) and tort law, and the circumstances under which parties to a contract may go beyond the UCC contract remedies and recover under tort law theories. The purpose of the doctrine is to protect parties to commercial transactions with respect to the remedies that are available in the event of a breach of their contract. It is intended to prevent parties from doing an end run out of the contract remedies by pursuing a tort claim. The doctrine becomes very complex in its application, particularly because of the different rules and policy that may apply depending on the parties involved, the nature of the transaction, the kind of damage and the theory of tort liability that is being asserted. The doctrine is usually limited to commercial transactions and is not used to prevent a consumer from relying on tort law remedies.

Alan Silver, representing the Minnesota Business Partnership, Prof. Dan Kleinberger of the William Mitchell College of Law and Prof. Linda Rusch of the Hamline University School of Law explained the bill to the panel. Silver said that the version of the bill before the committee contains three key points. First, under the bill, tort claims are not allowed for damaged goods themselves because other remedies are available. Second, the bill specifies that

tort claims are allowed, but there are limits, for damage to other property. Finally, the bill provides that tort claims are allowed in cases where there is fraud. In addition, the bill changes the definition of buyer and seller to include lessee and lessor. Silver said that the bill is simpler than current law and will allow claims in line with good public policy.

Betzold said that the panel struggled with the issue of an effective date and compromised on setting a date of Aug. 1, 2000, while at the same time being cognizant that transactions "in the pipeline" would fall under the old statute.

Robert Johnson, representing the Insurance Federation, Bev Turner, representing the St. Paul Companies and Mike Hickey, representing the National Federation of Independent Business, all expressed concern that the definition of "merchants in goods of the kind" was removed from the bill and that "business interruption losses" are included in the kinds of damages that a buyer may recover. Kleinberger said, though, that while the definition of "merchants in goods of the kind" may open the door to torts, the limits on damages provide a "backfence" to the amounts that may be recovered.

Johnson, Turner and Hickey all said that they were not appearing in opposition to the bill, but that they wanted to raise the concerns noted.

The bill was approved and advanced to the full Senate.

### **Child support, custody bills ok'd**

The Judiciary Family Law Subcommittee met Weds., Feb. 16, to hear three bills relating to child support and child custody. S.F. 2794, authored by Sen. Leo Foley (DFL-Coon Rapids), modifies several provisions under the expedited child support process. Foley said the bill changes the kind of information required, specifies that the party initiating the action provide the information and clarifies that the public authority is still responsible for providing additional information not included in the pleadings. The measure was approved and advanced to the full committee.

Foley also sponsored a second bill, S.F. 2742. The measure changes the time for filing a notice to remove and requires a study of the medical support

statutes. The bill also repeals provisions relating to reports of dissolutions that must be filed by the court administrator and the Dept. of Health. Sen. Thomas Neuville (R-Northfield) offered a series of amendments to the bill. The first amendment specifies that in cases where there are multiple support orders involving the same obligor and child, the most recent order issued is controlling. Further, the amendment specifies that the issuance of a child support order automatically terminates all previous orders and that no enforcement action may be taken, except for the recovery of arrearages that accrued before the effective date of the new order. Members adopted the amendment.

The second amendment, Neuville said, provides that the public authority forward the service of motions and discovery requests to a party who is not represented by an attorney and the opposing party does not have access to that party's address. However, Christa Anders, of the Dept. of Human Services, raised a concern that the public authority be identified as acting as the party's attorney. Neuville withdrew the amendment.

The final Neuville amendment provides that the department must implement procedures to notify a payer of funds of the income withholding limits imposed by the Consumer Credit Protection Act in multiple child support withholding. The amendment was adopted and the bill was advanced to the full committee.

The final bill before the subcommittee, S.F. 2473, allows parents to agree to a standard for modification of physical custody of a child that is different from the statutory standards in circumstances under which a custodial parent may move the residence of the child to another state. In addition, the bill makes changes to the general statute dealing with modification of custody orders to allow the court to change a custody arrangement if the parties agree in a writing approved by a court to apply a "best interest of the child" standard.

Subcommittee members, chaired by Foley, spent considerable time debating the portion of the bill that makes changes to the general statute dealing with modification of custody orders.

Sen. Allan Spear (DFL-Mpls.), cited concerns that in cases of domestic abuse, one party could be coerced into an agreement. He offered an amendment deleting that portion of the bill. The amendment failed. Neuville offered an amendment requiring both parties to be represented by counsel at the time the agreement is approved. Sen. Linda Berglin (DFL-Mpls.) offered an amendment to the amendment specifying that both parties be represented by counsel when agreeing to the standard for modification of custody in cases where the custodial parent wants to move the residence of the child to another state. Both amendments were adopted. The bill was approved and advanced to the full committee.

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

### **Committee hears bills**

Several bills were discussed by the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), on Fri., Feb. 11.

Representatives from LaPorte and Cass Lake spoke about the need for new facilities in their districts. Their request is contained in S.F. 2378, authored by Sen. Anthony "Tony" Kinkel (DFL-Park Rapids). Ted Bogda, superintendent, LaPorte School District, said the 1934 school building needs to be replaced. "We spent 2 ½ days last week without heat," he said. Bogda said consolidation was considered but the district is too large and neighboring districts don't have room for more students. The district is requesting a loan of \$7.2 million. Local bonding efforts raised \$2.4 million and passed by a 70 percent majority, according to Bogda.

Dr. Mary Helen Pelten, superintendent, Cass Lake School District, presented the district's request for a loan of \$7.5 million to build a new middle school. She said they have raised \$3.3 million locally but since only 18.1 percent of the land in the district is taxable, Cass Lake needs a loan to build the new school. "We've had a 40 percent increase in the student population the last 15 years," said Pelton. To give an idea of the growth, she said there are 58 seniors this year and 100 students in kindergarten. "We use a

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storage room as a music room and we turned one locker room into a special needs classroom," she said. The committee voted to consider both requests for inclusion in the bonding bill.

Dan Bryan, a consultant to the Children, Families and Learning Department (CFL), explained how the department handled the loan requests. He said decisions were reached after collaboration with several agencies. According to a letter from Assistant Commissioner Barbara Yates to the committee, criteria included cost per pupil for the proposal, long-term viability of the school district and funds available. Brain said CFL ranked the loan requests in the following order: Cass Lake, Red Lake, Caledonia, LaPorte and Ulen-Hitterdahl. Pogemiller asked the department to make a presentation before the committee at a later date and explain the process in-depth.

Three bills dealing with fund transfers were heard and placed on the "C" list by the committee. S.F. 2793, authored by Sen. Dallas Sams (DFL-Staples), requests a transfer up to \$110,000 for the district of Browerville. Sen. Roger Moe (DFL-Erskine), presented S.F. 2592, which requests a transfer up to \$419,000 for the district of Norman County East. Sen. Paula Hanson (DFL-Ham Lake), authored S.F. 2352, which gives the district of St. Francis the authority to make a transfer of \$543,000.

Lastly, the committee voted to approve the facilities consolidation proposal for inclusion in the K-12 omnibus bill. The proposal, authored by Sen. Charles Wiger (DFL-North St. Paul), consolidates all separate education facility levies into a single facilities levy program.

## Bonding bills presented

The K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Tues., Feb. 15, to discuss several bonding bills.

Sen. Roger D. Moe (DFL-Erskine) presented S.F. 2313, which calls for \$2.5 million in bond funds for a new K-12 school building in Fisher. He said the project does not qualify for the maximum effort school loan program. Randy Bruer, superintendent of the Fischer school district, said the existing building is in disrepair and needs to be

replaced. He said enrollment has increased by 90 students in the last 6 years.

Moe also authored S.F. 2357, which requests \$4 million in bond funds for a new K-8 school facility in Pine Point. Moe said the district has no taxing authority and needs help from the state. Neil Trottier, principal of Pine Point School, said the community has built 22 homes and plans to build 64 more in the next 5 years. He said the existing structure can't serve the students and some have gone to other districts. "We need the new facility to insure student achievement," he said.

Funding for a new family health and education center in Buffalo is the proposal contained in S.F. 2333, sponsored by Sen. Mark Ourada (R-Buffalo). The bill appropriates \$4 million in bond funds for the center, which will be attached to the current middle school. According to the proposal, the center is a result of joint planning between the city of Buffalo, Buffalo public schools, Buffalo hospital and the YMCA. Harold Mezile, representing the YMCA, said, "All of us are using our resources to make this project possible. People from surrounding communities will come to Buffalo to use this facility. This is people working together to make a stronger community."

S.F. 2669, authored by Sen. Keith Langseth (DFL-Glyndon), provides for \$2.51 million in bond funds for multi-cultural development grants. Half a million would go for a new multi-cultural learning center in Pelican Rapids. Pam Westby, director of the Pelican Rapids library, said the population of Pelican Rapids is 20 percent minority with 10 different languages being spoken. She said, "Our facility will be a prototype for other cities as the state becomes more ethnically diverse." Under the bill, \$1.01 is earmarked to renovate and expand the Watonwan County-St. James library. Sen. Donald Ziegler (R-Blue Earth), said St. James' population is 35 percent minority and the new library would be a regional facility. Malcolm Tilberg, city clerk of St. James, said, "We have to provide leadership and community services for our multi-cultural population. We have a diverse, growing community." The remaining \$1.5 million is for a grant to

the city of Minneapolis for construction of the Glover-Sudduth Center for Urban Affairs and Economic Development. Sen. Linda Higgins (DFL-Mpls) introduced Clarence Hightower, president of the Minneapolis Urban League. Hightower said there are areas of 15 to 40 percent unemployment in Minneapolis and the center will help those affected.

Lastly, the committee heard S.F. 2469, authored by Pogemiller, which appropriates \$12.5 million for the Northeast Culture and Fitness campus in NE Minneapolis. Diane Loeffler, co-chair of the NE Culture and Fitness Center Task Force, said the project is the result of 13 different communities coming together. Loeffler said the campus will have a statewide impact because the National Theater for Children plans to locate there. Ward Eames, president of the National Theater for Children, said the theater production company visits more than 250 schools throughout Minnesota annually.

The committee voted to consider all the requests for inclusion on its bonding bill.

## Further bonding bills heard

Several requests for funding were evaluated at the K-12 Education Budget Division meeting, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), Wed., Feb 16.

Sen. Leonard Price (DFL-Woodbury), author of S.F. 3057, presented a request for \$17.7 million to complete construction of the Crosswinds Arts and Science Middle School. Price said the project is the joint effort of seven school districts. Jaunita Hoskins, principal of Crosswinds, which is currently housed in Arlington High School, said the middle school is the first in Minnesota to bring together urban and suburban students. Roughly half the students are students of color, according to Hoskins. Sen. Sandra Pappas (DFL-St. Paul) said, "I'm excited to see you're going to have year-round school. I've been a proponent of that."

Sen. Steve Dille (R-Dassel), presented S.F. 2525, a request for \$500,000 to help build a new library in the city of Litchfield. Darlene Kotelnicki, chair of trustees of the Litchfield Public Library, said a site has been acquired with proceeds from a trust fund. Kotelnicki



said the city contributed \$500,000 to the project. If funding is obtained, the plan is to start construction this fall, according to Kotelnicki.

Another request for library funding is contained in S.F. 2787, authored by Sen. Linda Higgins (DFL-Mpls.). The bill authorizes a \$3 million appropriation to the city of Minneapolis and the Minneapolis Library Board for preliminary project capital activities. Higgins said the total cost for the project is \$121 million with a proposed \$25 million coming from the state. She said the Minneapolis library annually provides 15,000-20,000 items for borrowers outside of Minneapolis. According to the proposal, the existing library is too small and outdated to provide for the growing public demand for its services. Mary Doty, a member of the Minneapolis Library Board, said, "To make sure resources are available to residents, we need a new library."

Sen. Keith Langseth (DFL-Glyndon), put forward S.F. 2306, which appropriates \$5.2 million to complete construction of the Achievement Plus facility at 740 York in St. Paul. Sen. Randy Kelly (DFL-St. Paul) said the strong economy has driven up costs. Based on a status report, Achievement Plus is in its 3rd year of operation and currently involves 1,115 students. The new facility will serve 400 students and their families. Patricia Harvey, superintendent of St. Paul public schools, said, "This school is going to be extremely important. This is a tremendous opportunity to share how standard-based education works. We will be a national model." Pogemiller said he was supportive of the program but disappointed by the amount of funding from the city of St. Paul.

Langseth also offered S.F. 2609 which calls for funding \$10 million in library facilities grants. The bill gives the commissioner of children, families and learning the authority to issue the grants. Bob Boese, from the East Central Regional Public Library, said the number of libraries appealing to the committee will double or triple. "Grants are the best way to distribute funds. It's a comprehensive plan for constructing libraries," said Boese.

A \$1.35 million dollar plan to add on to the library for the blind and physically handicapped and install compact

shelving is contained in S.F. 2595, authored by Sen. Thomas Neuville (R-Northfield). Elaine Keefe of the Minnesota Library Association, said the library is a small, overcrowded facility that serves the entire state from Faribault. "The library will reach its capacity within 4 years," she said. Neuville also has a proposed bill that allocates \$3.81 million for safety upgrades and improvements to the Minnesota State Academies for the Deaf and the Blind. The committee voted to consider all the bills for inclusion on the final bonding bill.

Lastly, the committee heard testimony on S.F. 2608, sponsored by Charles Wiger (DFL-North St. Paul). The bill allows operating capital to be used for school media centers. Due to time constraints, the bill was laid over for consideration.

## Local and Metropolitan Government

### Hennepin e-commerce approved

A bill authorizing Hennepin County to use electronic means for conducting transactions was approved at the Mon., Feb. 14, meeting of the Local and Metropolitan Government Committee. In addition, two other bills, one extending an exception from tort liability to municipalities for claims arising out of municipal geographic information systems (GIS), and another allowing Scott County to appoint a county administrator to perform the duties of other appointed officials were approved.

The Hennepin County bill, S.F. 2986, sponsored by Sen. Linda Higgins (DFL-Mpls.), authorizes the county to pay obligations by check or a form of electronic or wire transfer; accept payment by credit card or electronic or wire transfer; and allows county employees to use credit cards when incurring expenses to be paid by the county.

Most of the discussion of the bill was initiated by a question from Sen. Gen Olson (R-Minnetrista) as to why the county is allowed to charge the fee from customers for the use of other payment methods. Dave Lawless, Hennepin County Office of Budget and Finance, said that the county collects payment for several other agencies, but the county doesn't want to absorb the fees

charged by credit card companies when the payment has to be transferred on to another agency. Sen. Carol Flynn (DFL-Mpls.) added that the fee charged by the credit card company cannot be deducted from a property tax payment so the fee must be added into the amount paid. Flynn also suggested that since, under the bill, Hennepin County is the only county authorized to transact business by these methods and it has about one quarter of the state's population, it should be required to report on the effectiveness because other counties may want similar authorization.

Sen. Kenric Scheevel (R-Preston) said that the discussion reminded him of the debate on ATM transaction fees and that customers should be notified of the fee and that there should be a limit. Lawless replied that the intent is to have the service charge cover the fee charged by the credit card companies, but not all companies have the same fee structure so the authorizing language needed some flexibility. Lawless added that the service charge "is not a revenue generator." Scheevel also said that he was concerned about setting a precedent of allowing the county to charge a service fee even though the other payment methods could result in enhanced revenue collection.

Sen. John Hottinger (DFL-Mankato) said he carried the bill to limit ATM fees and that the rationale behind the bill was the administrative savings realized by banks from the use of ATMs. He asked if the county would similarly experience administrative savings by accepting credit card payments. Lawless replied that initially there would be some additional set-up costs but there would be a slight long-term administrative savings. Hottinger also asked if there would be a charge for using electronic funds transfer (EFT) payments. Lawless said the county had no intent to charge for EFT payments, but the provision authorizing the fee was intentionally broad to cover other payment forms that may become available in the future.

Sen. Steve Kelley (DFL-Hopkins) said that customers may have to do a cost/benefit analysis for the convenience of paying the county by credit card. He offered an amendment that limits the service fee to the amount charged by the financial institution, requires that

customers be notified of the fee, requires Hennepin County to report on the effectiveness of the alternative payment methods to the Legislature, and sunsets the authority after two years. The amendment was adopted and the bill was advanced to the Senate floor with a recommendation for passage.

Hottinger, sponsor of the GIS municipal tort liability bill, S.F. 2761, said that a GIS is a valuable tool for manipulating information about land, but it is only a representation. He said it is not to be taken as absolutely accurate, but decisions about land use based on that information could expose a municipality to liability. Desyl Peterson, Minnetonka City Attorney's Office, said that when the city first received the GIS software, they practically had to pledge the entire city treasury because of liability reasons. She said that the GIS data comes from many different sources, some public and some commercial, but the city has to make it available because it is public information.

Sen. Leonard Price (DFL-Woodbury) said that people need accurate information in order to comply with land use permits and that maybe the city should put a better warning about the accuracy of the GIS data on the city's web site rather than seeking the liability exemption. Peterson replied that the GIS data is not meant to replace a land survey. She added that if the city were making a profit from the GIS she wouldn't have a problem with the liability exposure, but it is not.

However, the discussion turned toward municipal joint and several liability when Sen. Jim Vickerman (DFL-Tracy), chair of the panel, offered an amendment. The amendment changes the liability limit when a municipality is jointly and severally liable from no more than twice the percentage of fault of the whole award if the fault is less than 35 percent to the entire award only if the municipality is at least 50 percent at fault. Price objected to the amendment saying the bill is about GIS and not about joint and several liability. Flynn also objected because there was no public notice about the amendment. However, Hottinger did not object, saying the bill needed to go to the Judiciary Committee where it would be reviewed. The

amendment was adopted and the bill was re-referred to the Judiciary Committee.

The final bill, S.F. 2907, sponsored by Sen. Claire Robling (R-Prior Lake), authorizes the Scott County Board of Commissioners to appoint the County Administrator and delegate the duties and responsibilities of the County Auditor, Recorder and Treasurer to the Administrator. Robling said the bill allows the county to reorganize its structure to make the delivery of services more efficient. The bill was recommended to pass and sent to the Senate floor.

### Four bills approved

The Local and Metropolitan Government Committee considered and approved four bills on a variety of topics at its Weds., Feb. 16, meeting.

Committee Chair Jim Vickerman (DFL-Tracy), when presenting the first of two bills he authored, S.F. 2663, said the bill gives the same authority to the Revenue Department for assessing wind energy conversion systems as it has for other types of energy generating property. Pipestone County Commissioner Jack Keers said that currently the assessment authority resides with the county. He said that in Lincoln County, a company that owned a wind conversion facility challenged the county assessment. He said it ended up costing the county \$90,000 in legal fees in addition to the loss of taxes because they lost the appeal. Keers said that the Revenue Department has more expertise in making the assessment and better resources for fighting an appeal. The measure was approved and advanced to the Committee on Taxes.

Vickerman's other bill, S.F. 2668, appropriates \$450,000 to the Office of Strategic and Long-Range Planning for grants of up to \$50,000 to each of the regional development commissions (RDC) or other similar organizations in areas not served by an RDC. Sen. Pat Pariseau (R-Farmington) said that she was concerned about the source of the grant money. She said that previously the money for the grants had come from the Dept. of Trade and Economic Development (DTED) and she was concerned about another revenue stream being created. Kevin Walli, of the Minnesota Regional Development

Organization, said that although DTED did give out the grants in the past, the Office of Planning has worked most closely with the RDCs in the last two years. Pariseau moved to change the appropriation to the DTED, but the motion failed on a 6-9 division vote.

Sen. Claire Robling (R-Prior Lake) said that her district is within the Metro Area and her constituents would have to pay for planning in both the Metro Area and in Greater Minnesota. Russ Wille, executive director of the Region 9 RDC, said that rural communities still have planning work to do for such things as water and sewer systems, but their ability to pay is decreasing because of declining populations. Sen. Becky Lourey (DFL-Kerrick) successfully moved to add senior nutrition plans to the list of planning activities for which the RDCs could apply for the grants. The bill was approved as amended and sent to the Governmental Operations and Veterans Committee.

A bill changing the name of the Metropolitan Airports Commission to the Minnesota Airports Commission, S.F. 2688, was presented by Sen. Carol Flynn (DFL-Mpls.). Flynn said that the commission added some representatives from Greater Minnesota a few years ago because the Minneapolis-St. Paul International Airport (MSP) serves the entire state, and the name needs to be changed to reflect that statewide perspective. Sen. Gen Olson (R-Minnetrista) asked if the commission's authority would expand to include airports in other areas such as Rochester. Flynn said that the commission's duties and authority would remain the same, but the commission needs to look at aviation service connections between the Metro Area and regional airports. She added that MSP airspace extends beyond the seven county Metro Area. The bill was approved and sent to the Senate floor.

Sen. Steven Novak (DFL-New Brighton), author of the final bill heard by the committee, S.F. 2516, said that in 1989 Anoka County merged the offices of auditor, treasurer and recorder. He said that other law requires property records to be recorded within 30 days of receipt of the document by the county recorder, but the law doesn't account for the time when the person who functions as the recorder is performing

the functions of the treasurer or auditor in Anoka County.

Larry Dalien, Director of the Anoka County Property Records and Public Service Department, said that there are no time limits on other county officers in other counties, but Anoka County's 30 days start when they first receive the document. Sen. Steve Kelley (DFL-Hopkins) said he was concerned that by removing the limit entirely it would subvert the legislative intent of combining the offices by slowing down the process. The committee adopted Kelley's motion to amend the bill by setting an overall limit of 60 days to perform all three functions in Anoka County. Sen. Charles Wiger (DFL-North St. Paul) also offered an amendment granting any county that combines offices a 30 day limit to perform the recorder function. The amendment was adopted and the bill was recommended to pass.

## State Government Finance

### State debt issues discussed

On Thurs., Feb. 10, members of the State Government Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), heard a report from the Department of Finance about the state's debt management policy.

Assistant Commissioner Peter Sausen gave an overview of the policy which is to maintain Aaa/AAA bond ratings, minimize state borrowing costs and provide a reasonable financing capacity within a prudent debt limit. He said the state was downgraded from a triple AAA rating in 1982 and it took until 1997 to get the triple AAA rating back. Under department guidelines, the general fund appropriation for debt service is not to exceed 3.0 percent of non-dedicated revenue. In the 1998/99 biennium the appropriation was 2.64 percent and based on the Gov. Jesse Ventura's recommended 2000 capital budget that percentage will drop to 2.40 percent in 2000/01. Under this 3 percent formula, the maximum bonding amount is \$970 million assuming other variables remain constant, said Sausen. Ventura's 2000 capital budget calls for \$400 million in general obligation bonding. "The governor wants restraint and fiscal discipline," said Sausen.

Speaking to the governor's capital

budget, Sen. Mark Ourada (R-Buffalo) said he is sympathetic to outlying areas that don't have money to build facilities. "If we don't do any local projects we discourage local development," he said. Assistant Commissioner Peggy Ingison said the governor has recommended local projects, for instance, wastewater infrastructure. She said his focus is on basic services. Cohen took issue with the governor's interpretation of legislation he authored last year which called for projects to have regional or statewide significance. Cohen said he wasn't unsympathetic to the governor's call for restraint in the bonding process but he said the governor goes to extremes and overstates his case. Ingison said from the Department of Finance's viewpoint, the Legislature has taken the lead in asset preservation the past several years.

## Committee on Taxes

### Wadena County reprieve okayed

The Committee on Taxes met briefly Tues., Feb. 15, to consider a bill that removes the penalty against Wadena County for failing to comply with the Truth-in-Taxation process. Sen. Linda Scheid (DFL-Brooklyn Park), vice chair of the committee, presided over the hearing.

Sen. Dallas Sams (DFL-Staples), author of the bill, S.F. 2554, said that a newly elected county treasurer inadvertently failed to have the Truth-in-Taxation hearing notice advertised in the local newspaper even though 8,900 official notices were sent out to county taxpayers and a notice was published in August. He added that the county needs the higher levy limit because costs have increased for various reasons.

Kevin Corbid of the Association of Minnesota Counties said that county officials went through a levy certification packet provided by the Dept. of Revenue and discovered that a required notice had not been published. Corbid said that the penalty for non-certification of a levy is for it to be dropped back down to the previous year's levy.

Sen. Charles Berg (IND-Chokio) suggested that the Truth-in-Taxation process needs to be revisited because the hearings in his district are poorly attended. However, Sen. Steve Murphy (DFL-Red Wing) argued in favor of

keeping the requirements in place, saying that the hearings in his district are well attended and it gives taxpayers an understanding of the local budget. Sen. Jim Vickerman (DFL-Tracy) said that it's not the Legislature's fault that people don't come to the hearings, but said he thought the information should be provided for those who are interested. He suggested that the process could be simplified so that it's not so expensive for counties to comply. The bill was recommended to pass and sent to the Senate floor.

### Electronic filing bill heard

The Taxes Subcommittee on Income and Sales Tax heard S.F. 2656, sponsored by Sen. Dean Johnson (DFL-Willmar) at the meeting Wed., Feb. 16. The bill provides for a tax information sample data study, requires certain tax preparers to file by electronic means, and gives the commissioner of revenue certain temporary powers. Sen. Steve Murphy (DFL-Red Wing), chairs the subcommittee.

Beverly Driscoll, of the Dept. of Revenue, outlined the bill. The program, she said, coordinates data to study the need for the federal income tax return to accompany the Minnesota income tax return and to determine if an alternative to attaching the federal return can be found. Driscoll said that if the study is approved, the Commissioner of Revenue may remove the requirement of having the federal income tax return attached to the filing of the state income tax return.

Driscoll explained the electronic filing requirements in the bill. Tax preparers who prepare at least 500 Minnesota individual income tax returns in a year will have to file electronically in tax year 2000, she said. Driscoll explained that electronic filing eliminates many duplicate data entry processes, saving the state considerable resources. She also said that many tax preparers already use electronic preparation procedures. Under the bill, preparers who file at least 250 Minnesota income tax returns in tax year 2001 and preparers who file at least 100 returns in tax year 2002 will have to file electronically, she said.

The last section of the bill gives the commissioner of revenue temporary powers to conduct pilot projects to test



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alternative tax filing methods. As of yet, Driscoll said, no projects have been developed. The panel approved the bill and referred it to the full Tax Committee.

Murphy authored S.F. 2654, a bill making policy and administrative changes to certain tax provisions. Members discussed the bill and Jennifer Engh, assistant commissioner for the Department of Revenue, highlighted the bill's primary changes to current law. The bill was approved and sent to the full Committee on Taxes.

Sen. William Belanger (R-Bloomington) sponsored S.F. 2693, a bill making technical and administrative changes and corrections to certain tax and revenue recapture provisions. The bill includes a date clarification for electronic holdings and requires a legible copy of each invoice from one year of the date of purchase at each licensed place of business, said Belanger.

The bill was approved and moved to the full committee.

## Property Taxes and Local Government Budget Division

### Rate differential analyzed

A differential between the property tax rates applied to homestead property and commercial/industrial property does encourage homeownership, according to a study presented at the Tues., Feb. 15, meeting of the Property Taxes and Local Government Budget Division.

Peter McLaughlin, a member of the Hennepin County Board of Commissioners, said the finding was the result of a study conducted by the Property Tax Study Project, of which he is a member. He said the project included officials of Hennepin, Ramsey and St. Louis Counties, the Minneapolis and St. Paul Public Schools, and the cities of Duluth, St. Paul and Minneapolis. He said that the guiding philosophy on property taxes is that income producing property should be taxed at a higher rate and that by reducing homestead property taxes, home ownership will increase. To find if that belief is true, the project analyzed data from 60,000 census tracts from across the country.

Jeff Van Wychen, an analyst for the

project, said that regression analysis was used to examine six variables within each tract: percentage of housing units that are single family; median household income; median age of population; percentage of population that is white; median gross rent; and degree of reduced assessment for homestead property relative to commercial/industrial property. He said the study found that as the ratio of commercial/industrial assessment to homestead assessment increased within a tract, so did home ownership. Van Wychen added that in Minnesota, the average differential ratio is 3.6 to 1.

The study did not look at other preferential treatments of homestead property taxes, such as circuit breakers and mortgage interest credit, Van Wychen said. He also said that while reduced assessment is a significant factor at encouraging home ownership, it is not the most effective. McLaughlin added that the study is scientific proof that the policy goals of increased home ownership are being achieved by reduced property taxes, especially at the lower income levels.

The division also heard a presentation on the efforts to reform the property tax administration process. Dept. of Revenue Commissioner Matt Smith said that among the agency's goals are to make the tax system simpler, fair, easier to understand and modernized. Sen. Sandra Pappas (DFL-St. Paul), chair of the division, questioned the goal of simplicity. She said that last year Citizens Juries started out wanting a simpler system, but once they understood the objectives and rationale behind the system, they were more sympathetic to the complexity. Sen. Carol Flynn (DFL-Mpls.) said that some of the complexity resulted from attempts to lower the property tax rates on commercial/industrial property and give homestead credits. She said that complexity may not be the root of all the problems with the system. Smith replied that making the system more understandable doesn't necessarily mean making it less complex.

Before adjourning, the panel heard S.F. 2576, sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls). Stumpf said the bill expands the definition of homestead for family farm corporations and partnerships to include agricultural

property if the farmer lives within four townships or cities of the property. Robert Wagner, Polk County Assessor, said that under current law, a farmer has to be living on the farm to get homestead tax treatment. The bill, he said, allows the farmer to get homestead tax treatment if they live off the farm. Stumpf explained that in the Red River Valley, many farmers don't live on the farm but instead live in town where there are protective ring dikes because of the frequency of spring floods. JoAnne Zoff Sellner, Senate Counsel for the panel, explained that a similar provision is in the law for individual farmers. The division took no formal action on the bill but will consider including it in the property tax article of the omnibus tax bill.

## Transportation

### Seat belt bill advances

The Transportation Committee met Tue., Feb. 15, to hear bills on donations for anatomical gift education, status of seat belt violations, and increasing the deputy registrar's fee. Sen. Carol Flynn (DFL-Mpls.) chaired the committee.

"This is the most significant thing this legislature can do to save lives," said Sen. Leo Foley (DFL-Coon Rapids), when introducing S.F. 434. The bill makes seat belt violations a primary offense, increases the violation fine from \$25 to not more than \$200, and allows a seat belt violation to be recorded on a person's driving record. In 1998, said Foley, out of 532 auto fatalities, 259 victims were not wearing seat belts.

Kenyon, MN resident, Kathleen Cooper, whose daughter did not wear her seat belt and died in an auto accident, testified before the committee. Cooper said that traffic accidents are the primary cause of death for those between 5 and 27 years old. A 15 percent increase in seat belt use, she said, would save \$2.5 million in hospital costs for children with head trauma.

An amendment offered by Sen. William Belanger (R-Bloomington) changing the fine from \$200 to \$25 for failure to comply was adopted. Members then discussed the implications of the bill on insurance policies and federal grants given to states for high seat belt usage. Sen. Dean Johnson (DFL-Willmar) asked the committee to

consider a positive instead of a punitive approach to the issue. Foley said that education and outreach programs have been tried, but children follow the habits of adults, causing the behavior to repeat. Mike Langer from the MN Safety Council echoed Foley's statement. The bill was approved and sent to the Senate floor.

Sen. Becky Lourey (DFL-Kerrick) brought S.F. 2737 before the committee, a bill that allows driver's license applicants to donate \$1 toward public education on anatomical gifts. The bill also establishes provisions for the allocation of generated funds. Lourey said that 400,000 people in the United States are waiting for an organ donation, and 1,600 people are in Minnesota alone. Funds from the donations would be administered by the transportation commissioner to LifeSource, an organization that coordinates all organ donation in a tri-state area, she said.

Jim Connelly, of the Driver and Vehicle Services division of the Dept. of Public Health, said that his department has no objections. The proposed change to the license form would be coordinated with scheduled form reprinting, so no extra costs will be incurred by the taxpayers, Connelly said. The bill was approved and sent to the Senate floor.

Sen. Anthony "Tony" Kinkel (DFL-Park Rapids) sponsored S.F. 2586, a bill that increases the filing fee for motor vehicle registration applications from \$3.50 to \$4. Revenue for private deputy registrars is generated per transaction, Kinkel said, and registrars often provide other services. Deputy Registrars Gaye VanBinsbergen, of Montevideo, and Darlene Peterson of Granite Falls said that generating funds to compensate for market rate wage increases and the purchasing of registration equipment is difficult in rural communities, as they do not provide many opportunities for growth.

Mike Ryan, of Driver and Vehicle Services in the Dept. of Public Safety, said that 95 out of 172 deputy registrars are public, with usually one in every area of 85,000 people or more. Sen. Steve Murphy (DFL-Red Wing) said that private deputy registrars are an access issue for rural residents. The committee approved the bill and referred it to the Transportation Budget Division.

## **"Freedom to drive" bills heard**

Transportation Committee Chair Carol Flynn (DFL-Mpls.) gave the right of way to Sen. Dick Day (R-Owatonna) at the Wed., Feb. 16 committee meeting. "The bills I have to present are not anti-transportation, they are pro-transportation," Day said.

S.F. 2480 is the bill requiring a study of metered freeway entrance ramps. Day said that acceptance of ramp meter benefits are not based on empirical evidence, and asked that the meters be turned off for one month to conduct a study. Day also said that current travel time estimations do not consider the time motorists spend waiting at meters. Of all the cities in the United States, he said, only Los Angeles has more ramp meters.

Tom Trecker, of the National Motorists Association, testified on behalf of the bill. Meters are a deterrent to freeway travel, said Trecker.

Tim Worke, of Mn/DOT, said that although the removal of ramp meters has a populist appeal, Mn/DOT adopted the traffic management approach in 1988 when congestion levels could no longer be solved with additional road construction. Meters regulate freeway entrance according to on-coming traffic via data sent from sensors in the road, he said, maintaining a faster traffic flow. Worke added that the Metro Area has a 4 percent growth in traffic per year. Gary Workman, of Mn/DOT, said that polls show a public acceptance rate of 65 to 70 percent for ramp meters.

Sen. Mark Ourada (R-Buffalo) said that he will vote for the bill not because he believes meters do not work, but instead to gain public support for their use and lay the issue to rest. The bill was approved and sent to the Transportation Budget Division.

Day also authored S.F. 2482, a bill changing the speed limit from 45 m.p.h. to 55 m.p.h. on I-35E in St. Paul. Seventy thousand people per day break the law, he said, on the only 45 m.p.h. stretch from Laredo to Duluth. Day admitted that he is one of those people.

St. Paul Councilman Chris Coleman recounted the decades old battle over that stretch of road, stating that a road, especially a freeway, had always been opposed by people in the area. Betsy Parker, of Mn/DOT, gave an extensive legal history of the road and its status as

a parkway with a 45 m.p.h. speed limit. She said that Mn/DOT feels bound by a federal court order not to raise the speed limit. This is a public trust issue, said Sen. Sandra Pappas (DFL-St. Paul), if the citizens negotiate a deal, it should be upheld by the Legislature. The bill failed to gain approval.

Day also authored S.F. 2484, a bill that prohibits driving in the left-hand lane unless overtaking slower vehicles. Mark Rask, author of American Autobahn, testified on behalf of the bill. He said that the bill eases stress for all drivers, as slow and fast moving vehicles work together. To illustrate the precision flow of traffic the bill would provide, Rask showed footage of the German Autobahn, which operates under the law in question.

Flynn, noting that a rural stretch of Autobahn was shown in the film, questioned the practicality of the bill's application on urban freeways. Members discussed exemptions to the bill in areas where merging on and off of the freeway and left-hand exits are more common. The bill was approved and sent to the Transportation Budget Division.

## **Transportation Budget Division**

### **Status reports presented**

The Transportation Budget Division met Thurs., Feb. 10, to hear agency status reports and discuss the staffing situation of highway maintenance personnel. Sen. Dean E. Johnson (DFL-Willmar) chaired the committee.

AFSCME Council 6 representative Tom Beer and Business Agent Bob Hilliker came before the committee to testify on the shortage of highway maintenance personnel. Beer and the committee reviewed the situation, stating that last year the Legislature had approved \$6 million to be spent to compensate for shortages in highway line workers and related equipment. Those funds were vetoed by the governor, and the persisting shortage of employees has compromised highway service, Beer said.

Beer presented a chart showing that between 1985 and 1997, AFSCME Transportation employees have decreased by 6.1 percent, although the

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total number of employees in the department has increased by 5.7 percent. Retirees are replaced by temporary or seasonal employees, Beer said. These positions do not have the benefits that are part of the permanent positions, such as medical benefits and vacation, he said.

Hilliker said that currently 46 to 48 vacancies exist for snowplow drivers. He said that two trucks in his AFSCME local have not left the garage this year, despite the need for their use. A six member group of AFSCME representatives from across Minnesota came before the committee to speak on line worker shortages in their respective areas. Testimony was given in regard to worker shortages necessitating longer days. One representative stated that electrician shortages resulted in his working 550 hours of overtime in one year.

Minnesota Department of Transportation (Mn/DOT) Assistant Chief Engineer Jim Swanson echoed AFSCME's reports.

Public Safety Commissioner Charlie Weaver and Col. Anne Beers of the Minnesota State Patrol came before the members to give updates on the departments. Weaver expressed an appreciation for the cooperation between the committee and the Department of Public Safety (DPS). He said that the DPS looks forward to working with the Legislature over the current session. Weaver also said that DPS has an exceptional relationship with Mn/DOT.

Beers reviewed State Patrol programs and concerns. Minnesota had 619 auto related fatalities in 1999, Beers said. Deaths from auto accidents have increased in the St. Cloud area, she said, where the average freeway speed is 86mph. "You cannot alter physics," said

Beers. Higher speeds result in a greater chance of fatalities, she explained.

Beers said that Minnesota had a 72 percent seatbelt compliance rate statewide in 1999. The Mankato area's compliance rate was the highest, she said, which was 84 percent. Beers said that the State Patrol will focus on seatbelt compliance in rural communities, as 70 percent of all auto fatalities take place on rural highways.

Weaver said that DPS is focusing on informing the public about current crosswalk laws. He said a flyer reminding motorists that vehicles must stop for pedestrians in crosswalks will be included with drivers licence renewal notices. Compliance with the law, Weaver said, is low. Beers stressed informing the public rather than employing punitive measures. "Writing a citation is not what it is all about," she said, "it's about modifying driver behavior."

## Preview

### Monday, February 21

#### Transportation Budget Division

*Chair: Sen. Dean E. Johnson*

9:45 a.m. Room 123 Capitol

**Agenda:** Overview of Minnesota Department of Transportation bonding requests.

**The Senate is in Session at 11:30 a.m.**

#### Election Laws Committee

*Chair: Sen. John Marty*

12 noon Room 112 Capitol

**Agenda:** S.F. 43-Spear: A constitutional amendment to establish a unicameral legislature.

#### Environment and Agriculture Budget Division

*Chair: Sen. Jane Krentz*

12 noon Room 107 Capitol

**Agenda:** S.F. 4-Pariseau: Lifetime hunting and fishing licenses. S.F. 2546-Stevens: Recovery of sunken logs on inland waters.

#### Judiciary Committee

*Chair: Sen. Jane Ranum*

12 noon Room 15 Capitol

**Agenda:** Bills that have passed the Family Law Subcommittee: S.F. 2615-Knutson: Altering the standards for modifying sole physical custody of a child. S.F. 2794-Foley: Modifying provisions under the expedited child support process. S.F. 2742-Foley: Clarifying and rearranging certain child support provision (significantly amended in subcommittee). Bills that might come from Data Privacy Subcommittee: S.F. 2294-Larson: Providing telephone access to motor vehicle. S.F. 2521-Vickerman: Corporation creation bill. S.F. 3019-Knutson: Limiting the immunity of school district and others for good faith use and sharing of data on minors. S.F. 2992-Foley: Prohibiting the Department of Public Safety or other licensing agency from disclosing a registered owner's or license applicant's personal information under certain circumstances unless that person expressly consents.

#### Crime Prevention Committee

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 2613-Stumpf: Modifying correctional fee allocation; eliminating proration of probation officers reimbursement. S.F. 2762-Stumpf: Clarifying that harassment by mail includes electronic mail. S.F. 2974-Ranum: Integrated criminal justice information system. S.F. 3154-Ranum: Providing public defenders with access to certain criminal and juvenile justice information.

#### Local and Metropolitan Government Committee

*Chair: Sen. Jim Vickerman*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 2273-Johnson, D.J.: Internet gambling study. S.F. 2437-Metzen: Conditions under which a manufacturer may refuse to sell gambling supplies to a distributor. S.F. 2439-Vickerman: Reducing the tax rates on charitable gambling. S.F. 2702-Janezich: Reducing the tax rates on



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charitable gambling. S.F. 2703-Stumpf: Reducing the tax rates on charitable gambling. S.F. 2704-Pariseau: Reducing the tax rates on charitable gambling. S.F. 2705-Wiger: Reducing the tax rates on charitable gambling. S.F. 2903-Vickerman: Omnibus gambling bill.

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

*Chair: Sen. Randy Kelly*

6:30 p.m. Room 15 Capitol

**Agenda:** S.F. 2319-Kelly, R.C.: Removing 1999 appropriation for driving simulator grants. S.F. 2355-Berg: Byrne matching funds for county drug enforcement training and education. S.F. 2572-Berg: Emergency response personnel ruptured gas main training funds. S.F. 2831-Samuelson: Bonding for a law enforcement training facility at Camp Ripley.

## **Tuesday, February 22**

### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** MnSCU presentation of HEAPRA requests. Presentation of governor's priorities by Department of Finance.

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

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** S.F. 1038-Solon: Occupational therapists and therapy assistants licensure and regulation. S.F. 1042-Piper: Massage and Oriental bodywork therapists registration and regulation. S.F. 2574-Stumpf: Medical assistance reimbursement rate increase for dental providers. S.F. 2841-Kiscaden: Medical Assistance continuing care services for persons with disabilities provisions modifications. S.F. 2847-Kiscaden: Medical education programs funding provisions modifications. S.F. 2889-Ourada: Infants inborn metabolic errors testing expansion. S.F. 2895-Kiscaden: Maternal and child health block grant distribution provisions modifications.

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

*Chair: Sen. Steven Novak*

10 a.m. Room 123 Capitol

**Agenda:** S.F. 3038-Weiner: Enacting telecommunications consumer privacy act; Dept of Economic Security: Workforce Investment Act.

### **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. 2908-Robling: Interregional transportation corridor development. S.F. 2936-Flynn: Minnesota Department of Transportation housekeeping bill. S.F. 2953-Wiger: Modifying speed limits in highway work zones. S.F. 3099-Lesewski: Transfer responsibilities of Transportation Regulation Board to Minnesota Department of Transportation commissioner.

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

*Chair: Sen. Dallas Sams*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 2695-Dille: Allowing alternative uses for certain feedlot penalty orders. S.F. 3033-Sams: Requiring full disclosure of the obligations of an applicant for a feedlot permit. S.F. XXX-Sams: Amending feedlot permit provisions.

### **Commerce Committee**

*Chair: Sen. Sam Solon*

2 p.m. Room 112 Capitol

**Agenda:** S.F. 3000-Kinkel: Financial record privacy bill. S.F. 1716-Kelley, S.P.: Regulating the use of consumer data by interactive services providers.

### **Economic Development Budget Division**

*Chair: Sen. Jerry Janezich*

2 p.m. Room 123 Capitol

**Agenda:** MN Planning pass through study report; and bills to be added.

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

*Chair: Sen. Jane Krentz*

4 p.m. Room 107 Capitol

**Agenda:** S.F. 2088-Moe, R.D.: Bagley storm water and sediment control project. S.F. 3056-Hanson: Carlos Avery Wildlife Management Area building project. S.F. 2621-Pogemiller: Mississippi Whitewater Trail. S.F. 2304-Krentz: Anoka County trail bond re-authorization.

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

*Chair: Sen. Don Samuelson*

4 p.m. Room 123 Capitol

**Agenda:** Update on civil commitment of sexual offenders - Department of Human Services; Department of Corrections. Update on compulsive gambling programs - Steve Dentinger, Lake Superior Area Family Services.

### **Judiciary Subcommittee on Family Law**

*Chair: Sen. Leo Foley*

4pm Room 123 Capitol

**Agenda:** S.F. 3016 -Knutson: Changing certain child support enforcement provisions. S.F. 3018-Ranum: Providing for the designation of standby and alternate custodians of children. S.F. 3169-Kiscaden: Providing for parenting plans.

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

*Chair: Sen. Sandra Pappas*

4 p.m. Room 15 Capitol

**Agenda:** S.F. 2654-Murphy: Informal hearing on the property tax provisions of the Department of Revenue policy bill. S.F. 2693-Belanger : Informal hearing on the Department of Revenue technical bill-property tax provisions only. S.F. 1545-Stumpf: Allowing Lake of the Woods/Koochiching county to expend certain taxes in townships. S.F. 2301-Neuville: Special assessment for 911 programs. S.F. 2497-Scheevel: Exemption for peaking facility. S.F. 2888-Pappas: Charity care aid. S.F. 2663-Vickerman: Informal hearing on providing that the Commissioner of

Revenue assess wind energy conversion systems.

## **Agriculture and Rural Development Committee**

*Chair: Sen. Dallas Sams*

6 p.m. Room 107 Capitol

**Agenda:** Continuation of 2 p.m. meeting.

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

*Chair: Rep. Harry Mares*

6 p.m. Basement Hearing Room, State Office Building

**Agenda:** Approval of the minutes of the commission meetings of January 11, 2000 and January 25, 2000; consideration of the actuarial assumption changes and actuarial method changes recommended by the commission actuary; consideration of a change in the re-employment annuitant earnings maximums of the various retirement plans; H.F. 675- Mares/S. F. XXXX: various plans; administrative provisions; H.F. 3019 -Knoblach; S. F. XXXX: MSRS-correctional; inclusion of past Phoenix program service in coverage; H.F. XXXX / S.F. 2275- Betzold: judges; benefit improvements; H.F. 2543 - Gleason/ S.F. 2358 Ranum: Minneapolis Teachers Retirement Fund Association; purchase of service credit of certain prior teaching service; H.F. 2685 Wagenius/ S.F. 2506 Ranum: Mpls. fire; marriage duration for survivor benefit coverage; H.F. 3025/ Stanek; S.F. 2463 Betzold: Public Employees Retirement Association-P&F; inclusion of part-time metro transit police officers; H.F. 1466 Dorman/S.F. 1616 Piper: PERA-P&F; Albert Lea police survivor benefits; H.F. 1838 Davids/S.F. 1559 Oliver: deferred compensation; investment option expansion; other items as designated by the commission chair.

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

*Chair: Sen. Don Betzold*

7 p.m. Room 15 Capitol

**Agenda:** S.F. 2421-Junge: Telemarketing bill (if passes out of Commerce). Others may be added.

## **Wednesday, February 23**

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

*Chair: Sen. Lawrence Pogemiller*

8 a.m. Room 112 Capitol

**Agenda:** S.F. 2842-Ring: Notice to parents of use of pesticides. S.F. 3074-Krentz: Notice to parents regarding use of pesticides. S.F. 3043-Scheid: School safety improvements eligible for health & safety revenue. S.F. 2341-Wiger: Expanded equalization of health and safety levy. S.F. 3170-Lessard: Clarifying library project levy. S.F. 2880-Pogemiller: Study for statewide health care plan for public school employees.

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

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** "Child Care Needs of Low Income Families in Hennepin County," Hennepin County. "Child Care Program Consolidation" report, Department of Children, Families and Learning. S.F. 2179-Wiger: Reinstating Adults with Disabilities pilot program; appropriating money. S.F. 2658-Scheevel: Reinstating Adults with Disabilities pilot program. S.F. 3112-Piper: Department of Children, Families and Learning; administrative issues.

### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** MnSCU capital budget.

### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*

10 a.m. Room 15 Capitol

**Agenda:** To be announced.

### **Transportation Committee**

*Chair: Sen. Carol Flynn*

10 a.m. Room 112 Capitol

**Agenda:** S.F. 3023-Kleis: Dept. of Public Safety housekeeping bill. S.F. 3024-Kleis: Designated school bus stops; federal certification standards for sirens. S.F. 3160-Neuville: Two-wheel vehicle instruction permits; ignition interlock devices.

### **Election Laws Committee**

*Chair: Sen. John Marty*

12 noon Room 112 Capitol

**Agenda:** Continuation of Monday's agenda if necessary. S.F. 2465-Solon: Allowing party treasurers to sign PCR forms. S.F. 3075-Kleis: A constitutional amendment removing elected officials from office.

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

*Chair: Sen. Bob Lessard*

12 noon Room 107 Capitol

**Agenda:** S.F. 2950-Krentz: License fee increase.

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

*Chair: Sen. Don Betzold*

12 noon Room 15 Capitol

**Agenda:** S.F. 2806-Betzold: Omnibus bill. S.F. 2811-Higgins: Exchange of information between the Department of Labor and the Department of Revenue. S.F. 2854-Kelly, R.C.: County Attorneys access to data. S.F. 2891-Kelly, R.C.: Data sharing between probation officers and school officials.

### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 2303-Kleis: Authorizing Department of Corrections to establish an Internet site for information about Level 3 sex offenders. S.F. 2419-Kleis: Felon name change restrictions. S.F. 2420-Kleis: Expanding the predatory offender registration law to offenders who were convicted of predatory offenses prior to the law's enactment who commit any new felony or any non felony sex crime. S.F. 2454-Foley: Felon name change restrictions. S.F. 2455-Foley: Requiring criminal background checks on apartment managers to be done periodically. S.F. 2874-Foley: Authorizing Bureau of Criminal Apprehension to establish an internet site for information about persons required to register under the predatory offender registration law whose whereabouts are unknown. S.F. 2911-Kelly, R.C.: Ex-

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panding the predatory offender registration law to offenders who were convicted of predatory offenses prior to the law's enactment who are convicted of any new offense. S.F. 2912-Kelly, R.C.: Authorizing criminal complaints for criminal sexual conduct in cases without a named defendant when there is DNA evidence. S.F. 2924-Krentz: Eliminating the statutes of limitations for all homicide crimes and certain criminal sexual conduct crimes. S.F. 3192-Foley: Lifting the statute of limitations for kidnapping.

## **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:** To be announced.

## **Committee on Taxes**

*Chair: Sen. Douglas Johnson*  
4 p.m. Room 15 Capitol  
**Agenda:** S.F. 2654-Murphy: Department of Revenue Policy Bill; S.F. 2655-Scheid: Department of Revenue Recodification Bill; S.F. 2656-Johnson, DJ: Department of Revenue Re-engineering Bill; S.F. 2657-Johnson, DJ: governor's Bill; S.F. 2693-Belanger: Department of Revenue Technical Bill; Department of Revenue Presentation on 1999 Rebate.

## **Crime Prevention Committee**

*Chair: Sen. Allan Spear*  
7:30 p.m. Room 15 Capitol  
**Agenda:** Continuation of afternoon hearing.

## Thursday, February 24

**The Senate is in Session at 9:00 a.m.**

## **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.

## **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*  
12 noon 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:** To be announced.

## **Commerce Committee**

*Chair: Sen. Sam Solon*  
2 p.m. Room 112 Capitol  
**Agenda:** S.F. 2417-Cohen: Regulating paint ball guns; S.F. 2803-Hottinger: Modifying accounting licensing requirements (150-hour bill); S.F. 2579-Hottinger: Regulating prescription drug discounts.

## **Economic Development Budget Division**

*Chair: Sen. Jerry Janezich*  
2 p.m. Room 123 Capitol  
**Agenda:** Department of Trade and Economic Development Business Climate Report; SF 2791 Berglin-Empowerment Zones; SF 2883 Janezich-Iron Range Resources and Rehabilitation Board Projects; and others bills to be added.

## **Environment and Agriculture Budget Division**

*Chair: Sen. Jane Krentz*  
7 p.m. Room 107 Capitol  
**Agenda:** S.F. 2389-Frederickson: Conservation Reserve Enhancement Program. S.F. 2522-Vickerman and S.F. 3127-Pappas: Expanding ethanol eligibility.

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

*Chair: Sen. Don Betzold*  
7 p.m. Room 15 Capitol  
**Agenda:** To be announced.

## Friday, February 25

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

*Chair: Sen. Lawrence Pogemiller*  
8 a.m. Room 112 Capitol  
**Agenda:** To be announced.

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

*Chair: Sen. Pat Piper*  
8 a.m. Room 15 Capitol  
**Agenda:** S.F. 2715-Berglin: Amending After-School Enrichment Program. S.F. 2922-Berglin: Amending MFIP Child Care Assistance Program.

## **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:** Continuation of February 18th telecommunication hearing.

## **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. 1495-Hottinger: Enacting Article 9 of the UCC. S.F. 2858-Spear: Regarding transfer to correctional facility. S.F. 2627-Foley: Time limit for certain revenue recapture claims.

## **Local and Metropolitan Government Committee**

*Chair: Sen. Jim Vickerman*  
2 p.m. Room 107 Capitol  
**Agenda:** To be announced.



# Minnesota Senate 2000

Party	Phone	Name	Room	District	Party	Phone	Name	Room	District
DFL	296-5537	Ellen R. Anderson	G-24 Cap.	66	DFL	296-5645	John Marty	325 Cap.	54
R	296-5975	William V. Belanger, Jr.	113 SOB	41	DFL	296-4370	James P. Metzzen	303 Cap.	39
IND	296-5094	Charles A. Berg	G-51 SOB	13	DFL	296-2577	Roger D. Moe	208 Cap.	2
DFL	296-4261	Linda Berglin	309 Cap.	61	DFL	296-4264	Steve Murphy	301 Cap.	29
DFL	296-2556	Don Betzold	306 Cap.	48	R	296-1279	Thomas M. Neuville	123 SOB	25
DFL	296-5931	Richard J. Cohen	317 Cap.	64	DFL	296-4334	Steven G. Novak	322 Cap.	52
R	296-9457	Dick Day	147 SOB	28	R	296-4837	Edward C. Oliver	117 SOB	43
R	296-4131	Steve Dille	103 SOB	20	R	296-1282	Gen Olson	119 SOB	34
R	296-2084	Michelle L. Fischbach	15 SOB	14	R	296-5981	Mark Ourada	145 SOB	19
DFL	296-4274	Carol Flynn	120 Cap.	62	DFL	296-1802	Sandra L. Pappas	120 Cap.	65
DFL	296-4154	Leo T. Foley	G-9 Cap.	49	R	296-5252	Pat Pariseau	109 SOB	37
R	296-8138	Dennis R. Frederickson	139 SOB	23	DFL	296-9248	Pat Piper	G-9 Cap.	27
DFL	296-3219	Paula E. Hanson	328 Cap.	50	DFL	296-7809	Lawrence J. Pogemiller	235 Cap.	59
DFL	296-9246	Linda I. Higgins	226 Cap.	58	DFL	297-8060	Leonard R. Price	235 Cap.	57
DFL	296-6153	John C. Hottinger	120 Cap.	24	DFL	297-8061	Jane B. Ranum	306 Cap.	63
DFL	296-8017	Jerry R. Janezich	328 Cap.	5	DFL	296-5419	Twyla Ring	G-9 Cap.	18
DFL	296-9261	Dave Johnson	111 Cap.	40	R	296-4314	Martha R. Robertson	125 SOB	45
DFL	296-3826	Dean E. Johnson	124 Cap.	15	R	296-4123	Claire A. Robling	151 SOB	35
DFL	296-8881	Douglas J. Johnson	205 Cap.	6	R	296-1253	Linda Runbeck	107 SOB	53
DFL	296-2889	Ember Reichgott Junge	205 Cap.	46	DFL	297-8063	Dallas C. Sams	328 Cap.	11
DFL	297-8065	Steve Kelley	321 Cap.	44	DFL	296-4875	Don Samuelson	124 Cap.	12
DFL	296-5285	Randy C. Kelly	323 Cap.	67	R	296-3903	Kenric J. Scheevel	129 SOB	31
R	296-5649	Bob Kierlin	127 SOB	32	DFL	296-8869	Linda Scheid	317 Cap.	47
DFL	296-4913	Anthony G. "Tony" Kinkel	G-24 Cap.	4	DFL	296-4188	Sam G. Solon	303 Cap.	7
R	296-4848	Sheila M. Kiscaden	135 SOB	30	DFL	296-4191	Allan H. Spear	120 Cap.	60
R	296-6455	Dave Kleis	143 SOB	16	R	296-8075	Dan Stevens	105 SOB	17
R	296-4120	David L. Knutson	133 SOB	36	DFL	296-8660	LeRoy A. Stumpf	G-24 Cap.	1
DFL	296-7061	Jane Krentz	235 Cap.	51	R	296-6238	Roy Terwilliger	115 SOB	42
R	296-4351	Gary W. Laidig	141 SOB	56	DFL	296-5650	Jim Vickerman	226 Cap.	22
DFL	296-3205	Keith Langseth	122 Cap.	9	DFL	297-8073	Deanna L. Wiener	303 Cap.	38
R	296-5655	Cal Larson	153 SOB	10	DFL	296-6820	Charles W. Wiger	325 Cap.	55
R	296-4125	Arlene J. Lesewski	131 SOB	21	R	296-5713	Donald N. Ziegler	149 SOB	26
DFL	296-4136	Bob Lessard	111 Cap.	3	<b>Capitol address: 75 Constitution Avenue, State Office Building</b>				
R	296-2159	Warren Limmer	25 SOB	33	<b>Address: 100 Constitution Avenue, St. Paul, MN 55155. All</b>				
DFL	296-0293	Becky Lourey	G-9 Cap.	8	<b>phone numbers are area code 651.</b>				

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# *Senate Briefly*

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*The Senate Chamber as  
viewed from the President's  
chair.*

*Photo by David J. Oakes*



*February 25, 2000*

# Senate Highlights

## Minn confirmations rejected

The Senate voted during the Thurs., Feb. 24, floor session to reject the confirmation of the appointment of Steven Minn as commissioner for both the Departments of Commerce and Public Service. The Senate also granted preliminary passage to six bills on General Orders, gave final passage to one bill on the Consent Calendar and adopted a resolution on deadlines for committee action on bills.

Sen. Sam Solon (DFL-Duluth), chair of the Commerce Committee, said that although he found Minn to be very articulate and bright, he urged a vote against confirmation as Commerce commissioner because it represents the decision of the committee. Sen. Charles Berg (IND-Chokio) agreed with Solon's characterization of Minn and said that most of the criticism he has heard is that Minn is abrasive. "I think he's the person we need in that position," Berg said.

Sen. Dave Kleis (R-St. Cloud) also urged a yes vote, saying that it's the Senate's responsibility to confirm based on the appointee's qualifications. "I'm not convinced that he's not qualified," Kleis said.

However, Sen. Steven Novak (DFL-

New Brighton) said the Senate has the unique responsibility of confirmation under the constitution. Novak urged a no vote because Minn broke his word in discussions last year about combining the two departments, the public was shut out from discussions on the merger procedure, and because the administration broke the law by merging the two departments when the Legislature was not in session. Novak said "It's a matter of trust." The appointment was rejected on a bi-partisan 20-43 roll call vote.

The Senate then considered Minn's appointment as commissioner of the Dept. of Public Service. Sen. David Johnson (DFL-Bloomington) disagreed with Kleis that the Senate's advice and consent is predicated on the qualifications of the appointee. Johnson said that one aspect of the confirmation process is to curb abuses by the executive branch and he thought that the administration did abuse power in the departmental merger. Sen. John Hottinger (DFL-Mankato) also urged rejection, saying that Minn has lost the trust of the Legislature and, because of that, Minn can't serve the governor's interests. Minn's appointment to that position was also rejected on a bi-partisan 23-41 roll call vote.

One bill on the Consent calendar, H.F. 2888, authored by Berg, was granted final passage on a 64-1 roll call vote. Berg said the bill designates the portion of the Chippewa River from Benson to Montevideo as a canoe route.

While on General Orders, the Senate gave preliminary passage to a total of six bills, including S.F. 2444, sponsored by Sen. Cal Larson (R-Fergus Falls). The bill conveys the land of a former correctional facility to the city of Sauk Centre. Members adopted an amendment, offered by Larson, transferring the property back to the state if it is not used for a public purpose and requiring the city to conduct a study of the best use of the land.

The other bills approved are S.F. 2033, carried by Sen. Roger D. Moe (DFL-Erskine), authorizing the sale of a parcel of state land in Norman County that borders public waters; S.F. 2346, carried by Sen. Jane Krentz (DFL-May Township) making changes to provisions relating to hunters with permanent disabilities; S.F. 2783, carried by Sen. David Knutson (R-Burnsville), the Secretary of State's business services bill; S.F. 2554, sponsored by Sen. Dallas Sams (DFL-Staples), granting Wadena County a one-time exemption from the Truth-in-Taxation hearing notice publication requirement; and S.F. 2541, authored by Sen. Bob Lessard (DFL-Int'l. Falls) allowing the sale of a parcel of state land in Aitkin County that borders public waters.

The Senate also adopted Senate Concurrent Resolution 10, authored by Moe. Moe said the resolution sets the deadline for committee action for the 2000 legislative session, clarifies the application of the second deadline, and allows consolidation of omnibus budget bills into five bills. The resolution was adopted on a 47-15 roll call vote.

Members of the Senate also gathered Mon., Feb. 21, for a brief floor session in order to process committee reports and provide for the introduction of bills.

## Unicameral bill debated

The Election Laws Committee met Mon., Feb. 21, and Weds., Feb. 23, to hear testimony regarding the establishment of a unicameral legislature. Sen. John Marty (DFL-Roseville) chairs the committee.

Sen. Allan Spear (DFL-Mpls.), author

**Senate Briefly** is a bipartisan publication of the Minnesota Senate Publications Office. During the 2000 Legislative Session, each issue reports daily Senate activities between Thursdays of each week, lists upcoming committee meeting schedules and provides other information. The publication is a service of the Minnesota Senate. No fee.

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of S.F. 43, offered reasons why the unicameral proposal should be decided by the voters. He said the bill clearly requires constitutional change, the idea has merit and the public is interested in the issue. "I think if this is placed on the ballot we will have a statewide civics lesson. However the final vote comes out, it will be a good debate. The state will be better for it," Spear said.

Sen. Dave Kleis (R-St. Cloud) said the bill will reduce the size of the Legislature without decreasing the size of the districts. Kleis said rural voters will not suffer under the unicameral system.

"The rural argument to me is an argument based on fear. We can't control population shifts," he said. Sen. Dean Johnson (DFL-Willmar) said he held 40 meetings in his district on legislative issues and only 9 people indicated they wanted the unicameral issue placed on the ballot. "The system we have is good. What outcomes would be better under a unicameral system?" Johnson asked. Spear answered that the conference committee process puts too much power in the hands of too few people. A unicameral system will allow all members to openly discuss and decide the outcome of major bills, he said. Sen. Dallas Sams (DFL-Staples) pointed out that conference committees have been reformed and now most members serve on conference committees. He said the process has become more open with many meetings being televised and with information available on the web.

Arlen Erdahl, former secretary of state and a member of Opponents of a Unicameral House, said the two-house Legislature has served Minnesotans well since 1859. "If it ain't broke, why fix it?" he said. He added that for every Legislator eliminated, two or three additional staff persons would be needed who wouldn't be accountable to voters. Howard Orenstein, a former Representative, disagreed with Spear that the unicameral issue deserved to be placed on the ballot. He said for an issue to be placed before the voters it needed to be an anachronism or an intractable problem. "Just because an idea has merit doesn't mean we should put it on the ballot. Don't treat the constitution as a guinea pig," he said.

Minnesotans for a Single House Legislature include Al Quie, former

governor and Legislator. He said it's difficult to make basic change but the conference committee can't be fixed. He said many times he was troubled by the fact he voted yes on conference committee bill even though he disagreed with something in the bill.

Royce Hanson, author of the book *Tribune of the People*, a comprehensive study of the Minnesota Legislature published in 1989, testified in support of a unicameral system. He said a single house will simplify the process, make it more understandable and strengthen the Legislature. "Right now the Legislature is divided against itself. In a unicameral system, the governor and lobbyists can't play off chambers against each other," he said. Sen. Cal Larson (R-Fergus Falls) said Senators and Representatives often blame each other. "Who can the people believe?" he said.

The committee devoted the hearing Wed., Feb. 23, to hear more testimony regarding the establishment of a unicameral Legislature.

Tony Solgard, chair of the board of directors of FairVote Minnesota, advocated a change to a proportional voting system. He said he wasn't for or against a unicameral Legislature. Clark Rieke, of Minneapolis, said he supported a unicameral Legislature and spoke in favor of a three party system. Ken Pentel, a member of the Green Party, proposed a 240 member Legislature with a proportional voting system. Shawn Towle, publisher of the on-line magazine, *Checks and Balances*, opposed a unicameral Legislature and told Legislators it was their duty to decide the issue. Joseph Kuzma, a private citizen, said a unicameral Legislature and letting the voters decide were both bad ideas.

Sen. Dallas Sams (DFL-Staples), offered an amendment that requires the secretary of state and attorney general to prepare a voter's guide. The guide will contain arguments for and against a unicameral Legislature. The amendment was adopted.

Sen. Douglas Johnson (DFL-Tower) said proponents have used saving money as a reason to go a unicameral legislature. He said with staff increases it will actually cost the taxpayers more. Spear said he never made an issue of potential cost savings but that money may be saved by eliminating duplicate staff.

Sen. Dennis Frederickson (R-New Ulm) offered research supporting a bicameral legislature and said he finds constituent opposition to a unicameral Legislature. Sen. Dean Johnson said the underlying statement of the debate is that there is something wrong with the Legislature. "The Minnesota Legislature has a good reputation," he said. Sen. Ember Junge (DFL-New Hope) said a unicameral Legislature will push problem-solving and discussion to the front end of the process. "We'll have more time to deal with and solve problems with a unicameral system," she said.

A motion that the bill be recommended to pass failed on a four to seven roll call vote. Sen. Roger D. Moe (DFL-Erskine) made a motion to forward the bill to the Governmental Operations and Veterans Committee without recommendation. He said he wanted other members to have the opportunity to discuss the issue. The motion was approved on a six to five roll call vote.

S.F. 2465, authored by Sen. Sam Solon (DFL-Duluth), allows the chair or treasurer of the party unit to sign political contribution refund receipt forms. The bill was approved and placed on the Consent Calendar.

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# Committee update



**Members of the Crime Prevention Committee deal with long agendas as the countdown to the first committee deadline begins.**

Photo by David J. Oakes

## Agriculture and Rural Development

### Six bills advance

Members of the Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples), met Thurs., Feb. 17, and approved six bills. One bill imposes stiff penalties for tampering with a commonly used agricultural fertilizer and another eases certain penalties on adulterated milk.

S.F. 3210, authored by Sen. Linda Higgins (DFL-Mpls.), amends the state's fertilizer control laws to include criminal penalties for unauthorized use and transport of anhydrous ammonia. The anti-tampering bill makes placing anhydrous ammonia in a container that

is not designed to transport it, such as propane cylinders, punishable by up to five years imprisonment, a fine of up to \$50,000, or both. A proposed civil penalty of \$100,000 a day for violators was removed from the bill under an author's amendment.

Higgins said the measure stems from an increase in thefts of anhydrous ammonia from application tanks in Greater Minnesota where it's then used in the illegal production of the drug methamphetamine. Most incidents involve siphoning off relatively small amounts of anhydrous ammonia from the big application rigs, Higgins said, "But one entire tank in Polk County was hauled away down the road to a meth lab," she added.

Paul Liemandt, of the Agriculture

Department's Agronomy and Plant Protection Compliance and Enforcement Division, spoke in favor of the bill. "Anhydrous ammonia is a very useful agricultural fertilizer, but is also an extremely volatile substance" especially when it's handled and transported improperly, he said.

The bill was approved and referred to the Committee on Crime Prevention.

S.F. 3195, authored by Sen. Kenric Scheevel (R-Preston), eases penalties on farmers whose milk is adulterated with antibiotics to bring penalties into compliance with the Federal Pasteurized Milk Ordinance. "Current law just adds insult to injury," especially for bigger producers, said Scheevel.

Under the bill, for the first offense, the producer is subject to a penalty

equivalent to the value of milk in the contaminated load. This replaces previous language that allows the plant to collect the value of the contaminated milk from the producer and allows the commissioner of agriculture to levy a civil penalty if the amount of milk collected by the plant is less than two days of production. For the second and third offenses in 12 months, the penalty is the value of all contaminated milk plus any costs associated with disposal. Previously, the producer was also subject to a civil penalty equivalent to up to four days production.

In all cases, the producer's milk must be tested until it is found to be free of antibiotic residue. Doug Engebretson, head of the Agriculture Department's dairy inspection program, said instances of milk adulterated with antibiotics are rare, unintentional and pose little, if any, threat to public health.

The bill was approved and referred to the floor.

S.F. 2593, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), appropriates \$1.10 million from the general fund to the commissioner of agriculture for grants to continue the farm wrap network and the rural help network. The programs were begun to help distressed farmers after the 1997 floods in the Red River Valley and have spread from nine to 23 counties in Northwestern Minnesota. The bill was approved and referred to the Environment and Agriculture Budget Division.

S.F. 3120, authored by Sen. Paula Hanson (DFL-Ham Lake), allows the commissioner of agriculture to set a new date for term expiration of members of the dairy council. The previous June 30 expiration date always interferes with farmers second cutting of hay, said Hanson. The bill was approved and referred to the floor.

S.F. 3076, authored by Sen. Arlene Lesewski (R-Marshall), deletes obsolete language in grain inspection statutes, such as the annual meeting requirement for the Minnesota Board of Grain Standards and the requirement for the board to determine and establish the value of dockage at its annual meeting. The bill was approved and held over for inclusion in the omnibus bill.

S.F. 3077, also authored by Lesewski, expands the scope of grants that may be made to eligible cooperatives under the

value-added agricultural product processing and marketing program. The bill permits grants to be expanded to include preconstruction costs, development of bid specifications, preliminary blueprints, purchase agreements and other legal work. The bill was approved and laid over for inclusion in the omnibus bill.

### **Feedlot bills debated**

The Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples), met in two separate sessions Tues., Feb. 22, to hear bills that revise pending feedlot rules from the Minnesota Pollution Control Agency (MPCA). The bills are designed to give farmers, especially smaller farmers, more leeway in complying with the rules, said Sams and Sen. Steve Dille (R-Dassel) who introduced the proposals.

"The goal of this bi-partisan effort in the Senate and House is to keep agriculture alive in Minnesota," said Sams. "It's obvious that the MPCA didn't listen to concerns voiced by farmers in drafting these 74 pages of rules." The rules are scheduled to go into effect July 1.

"The feedlot rules before us are a lot better than they were," said Dille. "Hopefully, by the time we're finished, we'll have rules based on good solid science and common sense."

The bills make changes to many of the rules but not all of them.

S.F. 3443, authored by Sams, concerns the feedlot permitting program. The bill establishes an educational and training program for certified private manure applicators, similar to the private pesticide applicator certification program, in lieu of comprehensive manure management plans required before. Under the bill, a new definition is added to "animal unit" categories. Swine weighing between 55 and 300 lbs. are now classified as 0.25 "animal units." The new definitions also exclude an animal unit calculation for persons receiving manure from another for application.

The bill specifies that only feedlots defined as a concentrated animal feeding operation (CAFO) be required to have a National Pollution Discharge Elimination System (NPDES) permit. Also, that all permits for newly constructed or expanded feedlots with over 2,000 animal units must be issued an

individual permit and clarifies when an individual permit is required for feedlots over 1,000 animal units. Under the bill, manure runoff containment areas of less than 6,000 cu. ft. may not be included in the definition of open-air clay, earthen, or flexible membrane-lined swine waste lagoons. Livestock production facilities are also exempted from ambient air quality standards while manure is being removed and seven days after removal. Restrictions on pasturing of animals are also removed.

The bill specifies that the MPCA must also provide feedlot re-registration notices 90 days prior to the registration deadline and registration receipts within 30 days of registration, according to the bill. The bill provides an extension of a 180-day stockpile limit be allowed when growing crops or crop removal prohibit land application of manure.

Amendments to the bill added more changes. For example, according to an amendment offered by Sams and adopted by the panel, rules may include only a general statement that the rules do not pre-empt adoption or enforcement of zoning ordinances or plans by local governments. According to an amendment, offered by Dille and adopted by the committee, the MPCA may not require a feedlot operator to upgrade an existing facility with less than 500 animal units for a total cost of \$3,000, unless cost-share money of not less than 75 percent is made available to the operator. An appropriation recommendations for such cost-share funds is included in the amendment. Also, according to Dille's amendment, for the construction of a feedlot of over 1,000 animal units in non-shoreland areas and over 500 animal units in shoreland areas, a variance from an Environment Assessment Worksheet (EAW) must be granted if a petition to the local permitting agency is signed by 25 individuals and demonstrates that no significant environmental impacts are likely.

S.F. 3033, authored by Dille, concerns feedlot permit disclosure and application checklists. The measure requires the MPCA to provide the board of a delegated county under the feedlot program to provide a feedlot permit applicant with a detailed "plain language" checklist of all obligations that must be met before the permit is issued.

S.F. 2695, also authored by Dille,



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concerns alternative uses for feedlot penalty orders. For example, the bill provides that a county board with delegated penalty authority must require the MPCA to meet with a feedlot operator to discuss a violation before imposing a penalty.

Mike Billehaus, a fourth generation Starbuck beef producer, spoke in support of the bills. "I'm encouraged by the way you've addressed problems with the regulations, particularly the new definitions for animals units and not having to register pastures, because landlords will probably opt not to rent pastures if they have to register them," he said.

Bill Dropik, representing the Minnesota Milk Producers, and Roger Gilland, a Morgan beef producer, echoed Billehaus's opinions. However, both farmers said they would also prefer to see a set-back rule, which prevents manure applications within 300 ft. of tile inlets, removed.

Michael Helgeson, CEO of Gold n' Plump, St. Cloud, said he supported the bills, too. "As they were before, the rules would have put us at a competitive disadvantage" he said.

S.F. 3033 was approved and referred to the floor. S.F. 3433 and S.F. 2695 were laid over for further discussion.

## Commerce

### Telemarketing discussed

Chaired by Sam Solon (DFL-Duluth), members of the Commerce Committee met to discuss three bills Thurs, Feb 17. The most controversial of the three was S.F. 2421, a bill regulating telemarketing practices, sponsored by Sen. Ember Reichgott Junge (DFL-New Hope).

Junge told the committee that she hadn't realized how upset people were with telemarketers until discussing various issues with friends at a dinner party. The mention of "telemarketers" triggered a profusion of vehement complaints, she said. Complaints indicated that some telemarketers, called pre-acquired account telemarketers, charge credit card accounts without the account holder's approval, she said. In these instances, the telemarketer has usually acquired the credit card, checking, mortgage and other account numbers from financial

institutions, or other sources. Then, they call consumers and often lead them to think they are agreeing to a free offer, but their accounts are often charged fees without the account holder's consent, according to Junge. Pre-acquired account telemarketers do not directly ask permission before they charge a credit card. Current federal telemarketing rules don't yet address the problem, and the Minnesota Attorney General's office is recommending passage of the legislation.

Under the bill, before an account can be charged, consumers have to either read their account numbers to the telemarketers over the phone, or agree to a transaction in writing. The bill also makes provisions for a "Do Not Call" list, maintained by the state at the Department of Commerce. Those who request that their names be included on the list, indicating that they do not want to receive unsolicited telephone sales calls, must pay a \$12 listing charge. The fee is necessary to cover costs of list-updating on a quarterly basis. Under the bill, the listing will be renewed by the department annually for each consumer, upon receipt of a renewal notice and a \$6 assessment. Further, the bill specifies that telephone solicitors must screen and exclude any phone numbers that appear on the most recent list. They are also prohibited from using any methods to block or circumvent the consumer's use of a caller identification service. The bill requires that telephone companies inform their customers of the right to place their name on the "no sales solicitation call list." Under current law, individuals wishing to not receive telephone solicitations must contact each telemarketing company and request that they not be contacted. According to Junge, there are 14,000 telemarketers presently operating in the U.S.

Two witnesses testified that they had been victimized by telemarketers who charged to their credit card accounts without authorization. In one case, the witness spent six years trying to remedy the situation.

The bill specifies civil penalties of up to a maximum of \$2,000 for each solicitation that violates restrictions. The bill also provides that a person injured by a violation may bring a civil action to recover actual damages, costs, and disbursements, including reasonable

attorney's fees incurred in the action.

Michelle Kindel, Retail Merchants Association said she represents retailers who would be hurt by provisions in the bill. She objects, she said, to the written, prior authorization provision, which makes it difficult to do business with consumers over the telephone.

Sen. Allan Spear (DFL-Mpls) said that the bill offers what is essentially an opt-out choice, which shouldn't greatly affect Minnesota businesses.

Junge said that the bill allows for pre-existing business relationships, and those calls are permitted, but first time, or "cold calls" are not permitted under the bill. Under the bill, exemptions to the cold call rule include calls from church groups and political fund-raising groups. The bill was recommended to pass and re-referred to the Judiciary Committee.

Sen. Linda Scheid sponsored S.F. 2569. The bill authorizes insurance carriers to include in their liability policies, vicarious liability coverage for punitive or exemplary damages. Currently coverage for vicarious liability must be provided through purchase of a separate policy. Bev Turner, a witness representing the St. Paul Companies, said that the bill applies to the concerns of employers in cases where, for example, an employee may sue another company employee for damages, making the company vicariously liable--such as in a sexual harassment suit, according to Turner. The bill was recommended to pass and sent to the Senate Floor.

Sen. Jim Vickerman (DFL-Tracy) carried S.F. 2987, a bill that amends provisions on the financing and distribution of income for cooperatives. The bill exempts cooperatives from certain securities registration and filing requirements for sales of securities to its own members. The bill repeals an amendment enacted last year that limits a security exemption for cooperatives to sales of \$1 million or less of securities. The bill was recommended to pass and sent to the Senate Floor.

### Consumer protection bills heard

The Commerce Committee, chaired by Sen. Sam Solon (DFL-Duluth), met Tues, Feb. 22 to discuss two bills dealing with privacy regulation. Sen. Steve Kelley (DFL-Hopkins), sponsored S.F. 1716, a bill that regulates the use and

dissemination of personally identifiable information on consumers by Internet service providers. Kelly said "On-line companies have the ability to track where consumers go on the Internet," and they can currently provide that information to others without consent for marketing or other purposes. Under provisions of the bill, an opt-in standard allows consumers the choice of whether or not to give consent to the disclosure of personally identifiable information. Consent may be given in writing or by electronic means. The bill also requires that interactive services providers must provide consumers with a secured, verifiable account.

Additionally, the bill regulates false or misleading commercial electronic mail messages. Often, companies put false or misleading information in the "subject" line, Kelley said, that does not actually describe the content of the message or advertisement. The misleading titles often cause consumers to open "junk mail" that they normally would pass by. The bill also prohibits initiating a transmission of a commercial electronic mail message from a computer using a third-party's Internet domain name without permission from the third party. Kelley said that he addressed the bill to a very narrow application, limited to the relationship between the consumer and the service provider, and regulating operations only in Minnesota—the bill does not apply to web sites.

Sen. Linda Runbeck (R-Circle Pines) asked Kelley why Minnesota should act differently than other states in proposing this legislation?

Kelley said, "Because we are concerned with protecting business in Minnesota—it is appropriate that we do this." Kelley added that he is concerned that consumers will shy away from doing business on the Internet for fear of private information disclosures, including credit card and other information. The bill was recommended to pass and re-referred to the Judiciary Committee.

Sen. Anthony "Tony" Kinkel (DFL-Park Rapids), sponsored S.F. 3000, a bill dealing with consumer financial privacy. The bill requires consumer approval for the exchange or disclosure of their financial records, via an opt-in choice. In an effort to demonstrate the need for regulation, Kinkel told the committee about instances of fraud and abuse

related to the use of customer's financial information. He said that in 1999, for example, a company sold customer information to a convicted felon who fraudulently billed 900,000 credit card accounts for \$45.7 million. In the mid-1990's, he said, a company agreed to disclose customer names to a brokerage subsidiary which enlisted a telemarketing firm to target customers with low-risk CDs coming due. Over 18,000 elderly customers were pressured into buying high-risk, uninsured hedge funds. Kinkel also said that in New York, 22 million customers learned that their credit line and account balance information was being shared with outside marketers.

Assistant Attorney General Prentiss Cox told the committee that his office is overwhelmed by angry letters from individuals whose bank, mortgage or card account information was pre-acquired and they were subsequently billed for goods or services by telemarketers without their consent. One witness, Sheryl Larson, told the panel that she had assumed that her financial accounts were confidential, but a travel agency billed her account without her consent. She learned that the agency had acquired her account information from her bank, had telephoned her and promised to send hard copies of travel information. She didn't receive the information she had requested and her account was charged for travel services. It took months, she said, to resolve the problem. Another witness, Janet Renz, said that in several instances, she received notices from mortgage companies telling her that they would share her financial information with insurance and brokerage firms unless they received written notice from her, specifying otherwise. She didn't think, she said, that the burden should be on the customer to opt out concerning confidential financial records.

Several witnesses spoke to the committee in opposition to the bill. Jerry Schoenfeld, representing Independent Community Banks, said that the bill is premature, and the committee should wait to see what federal law, the Financial Modernization Act, would do on this issue. He said he was also very concerned about the treatment of non-affiliates under the bill. He said that smaller banks can not afford affiliates,

but depend on third-party partnerships.

Steve Johnson, Minnesota Bankers Association, said that the business community is concerned that the bill severely threatens the ability of businesses to serve their customers and would drive up the cost of goods and services. He objects, he said, to the "opt-in" requirement because it offers no better protection, but imposes higher costs and is bad for the economy overall.

Attorney Karen Grandstrand, said that the bill is not a revision and is therefore untested. It is the duty of states to protect privacy, Grandstrand said, and financial institutions must disclose privacy policies and provide an opt-out choice.

Bob Barsness, Prior Lake State Bank, said "Customers will choose on their own to bank with institutions that ensure information privacy." He said that the federal mandate is sufficient. He added that his bank clearly states in contracts with third party financial businesses with whom they share information that it is forbidden to disclose private customer information.

Members discussed the more broadly applicable provisions in the federal legislation, and the advantages of keeping definitions in the bill consistent with federal legislation. An amendment, presented by Sen. Dave Kleis (R-St. Cloud), was adopted, retaining the opt-in choice and basically following the provisions of the Gramm-Leach-Bliley Financial Services Modernization Act. The bill was recommended to pass and sent to the Judiciary Committee.

## Crime Prevention

### CJIS discussed

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), met Mon., Feb. 21, to continue discussion of a bill designed to improve the current criminal justice information systems. Sen. Jane Ranum (DFL-Mpls.) sponsored S.F. 2974, a bill corroborating the findings of the Katie Poirier Abduction Task Force, and the Cally Jo Larson and Jacob Wetterling investigations, among others. The bill recognizes the failings of the current criminal information system, according to Ranum, and makes provisions for extensive improvements to the criminal

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justice agencies' ability to collect and share information.

Ranum read a letter from a constituent/private investigator who represented a woman in need of protection from her husband, who, the woman said, threatened to kill her and her child. The woman had to hire a private detective because the county attorney's office did not maintain a complete record of the additional fifty or so charges against the offender, already pending, but not properly identified or recorded by that office. One of the problems, Ranum said, is that offenders often use multiple identities. The information systems currently in use are inadequate and outdated, jeopardizing public safety, said Ranum.

Based on the criminal history record system database information, provided by the Bureau of Criminal Apprehension (BCA), half of the dispositions for serious crimes go into suspense, rather than being attached to an individual's criminal history record. Reasons for the incomplete files, according to the report, are related to problems with fingerprints that weren't processed and submitted by a certain date, changes in databases used at the Supreme Court and Hennepin County Court, and other processing inconsistencies. Last year, the Legislature funded a project, "Minnesota Heals," Hennepin County/State Integration, to uncover problems in the existing criminal justice system. The task force concluded that criminal justice agencies across all three branches of government do not have the information they need to effectively track, adjudicate and incarcerate offenders. Minnesota Heals determined that in 1999, there were more than 140,000 missing criminal convictions in Minnesota's criminal history system.

The bill identifies six priorities recommended to integrate the criminal justice information system, or CriMNet. The first is a recommendation for the purchase of electronic fingerprint equipment for 100 more law enforcement locations, so that offender's identities and records can be known within two hours of booking. The purchase of photo imaging equipment is also recommended for 100 more law enforcement locations. Photos supplement the information from fingerprinting and allow for electronic searches for

facial characteristics, "virtual" line-ups and electronic "most wanted" lists for specific offenders classes, such as sex offenders, according to the CriMNet report. Building on the existing statewide data network established by the Department of Administration, capacity upgrades are recommended for 100 more law enforcement locations. The integration of Hennepin County into a statewide probation system is another priority, supplementing the system with immediate status reports of every person on probation, parole or supervised release in the state. Additionally, the plan proposes a rebuilding of the court system's outdated information databases and automating record-keeping of charges in Ramsey County to eliminate inaccuracies, duplication and the need for hand-written criminal complaints. The cost of first year funding of the CriMNet infrastructure system is estimated at \$21.488 million, according to the bill.

The measure is supported by the Minnesota County Attorneys Association, The League of Women Voters and the Minnesota Sheriff's Association. The bill was recommended to pass and sent to the Governmental Operations Committee.

Ranum also carried S.F. 3154, a bill authorizing public defenders' access to the juvenile history record system and the conditional release data system. Ranum said there are nearly 200,000 criminal and juvenile justice cases per year, but defenders don't have total access to information concerning their clients. The bill "is about speed and efficiency," said Ranum. The data specified in the bill includes criminal history data, juvenile offender data, warrant information data, conditional release data, diversion program data, and incarceration data. The limited access, under the bill, would be available to district public defenders, the state public defender, and attorneys working for a public defense corporation. The bill was recommended to pass and was sent to the Judiciary Subcommittee on Data Privacy and Information Policy.

Sen. LeRoy Stumpf (DFL-Thief River Falls) authored S.F. 2613, a bill that modifies correctional fee allocations. Under the bill, fees collected by agents must go to the county treasurer in the county where supervision is provided.

The bill also eliminates proration of probation officers reimbursement. The bill was recommended to pass and sent to the Crime Prevention and Judiciary Budget Division.

Stumpf also authored S.F. 2762, a bill that adds "electronic mail" to the harassment/stalking crime statute. The bill also amends the separate misdemeanor crime of harassment via the sending of letters, telegrams or packages to specifically include causing the delivery of certain objects electronically.

## Omnibus bill assembled

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), held two hearings Weds., Feb. 23, in order to consider a number of bills for inclusion into an omnibus sexual predator bill. The vehicle for the omnibus bill, S.F. 2396, expands predatory offender registration requirements and increases the penalty for failure to register. The bill, sponsored by Sen. Ember Junge (DFL-New Hope), also requires a lifetime registration for certain predatory offenders. In addition, the bill requires that predatory offenders register the addresses of their secondary residences and recreational property, their workplace and provide information regarding their automobiles. The bill also requires the Bureau of Criminal Apprehension (BCA) to maintain a computerized database containing information about predatory offenders and includes other registration requirements. Finally, the bill provides an appropriation of \$1.27 million for the BCA.

Members heard several related bills and amended them into S.F. 2396 in order to develop an omnibus package. S.F. 2303, authored by Sen. Dave Kleis (R-St. Cloud), requires the posting of information about sex offenders classified at risk level III and requires the commissioner of corrections to create and maintain an Internet web site and to maintain information about risk level III offenders. In addition, the bill increases the penalties for predatory offenders who fail to comply with registration law. S.F. 2874, carried by Sen. Leo Foley (DFL-Coon Rapids) authorizes the Bureau of Criminal Apprehension (BCA) to make public--through electronic, computerized, or other accessible means--information



concerning offenders required to register under the predatory offender registration law whose whereabouts are unknown.

S.F. 2419, authored by Kleis, restricts name changes for felony offenders and persons who have a pending felony charge. The bill expands the duty of courts and others receiving name change documents to report the name change to the BCA. Portions of another bill, S.F. 2454, authored by Sen. Leo Foley (DFL-Coon Rapids), also dealing with name change limitations, were incorporated into S.F. 2419 which was, in turn, folded into the omnibus bill.

S.F. 2912, carried by Sen. Randy Kelly (DFL-St. Paul), authorizes criminal complaints for first and third degree criminal sexual conduct cases to proceed without a named defendant when DNA evidence exists to identify the defendant. S.F. 2924, sponsored by Sen. Jane Krentz (DFL-May Township), eliminates the statute of limitations for all homicide crimes and specific criminal sexual conduct crimes. Both S.F. 2912 was amended into S.F. 2924, which was then amended into the omnibus bill. S.F. 3192, authored by Foley, eliminates the statute of limitation for kidnapping crimes.

S.F. 2873, also carried by Foley, provides for the prosecution of soliciting a child to engage in sex and sexual assault crimes in either the jurisdiction in which the violation originates or terminates and expands the scope of the crimes to include use of e-mail and other computerized or electronic means.

The committee also considered two bills providing for expansion of the offender registration laws. S.F. 2911, authored by Kelly, expands the predatory offender registration law to offenders convicted of covered offenses prior to the law's enactment who are convicted of any new offense. S.F. 2420, sponsored by Kleis, expands the predatory offender registration law to offenders convicted of covered crimes prior to the law's enactment who commit any new felony or any new nonfelony sex crimes. The panel recommended that S.F. 2911 be incorporated into the omnibus bill, but failed to grant approval to S.F. 2420.

A bill requiring the criminal background check on apartment managers be done periodically was laid on the table.

The measure, S.F. 2455, is sponsored by Foley.

Finally, members reconsidered the vote by which S.F. 2974, the bill providing for criminal justice technology infrastructure improvements, was sent to the Governmental Operations and Veterans Committee. The panel voted to send the bill, sponsored by Sen. Jane Ranum (DFL-Mpls.), to the Crime Prevention and Judiciary Budget Division.

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

### **Katie Poirier bill advanced**

The Crime Prevention and Judiciary Budget Division, chaired by Sen. Randy Kelly (DFL-St. Paul), met Fri., Feb. 18, and moved S.F. 2396, a bill making various changes to the predatory offender registration law and establishing enforcement funding, to the full Crime Prevention Committee. Sen. Ember Reichgott Junge (DFL-New Hope) sponsored the bill.

Junge offered an amendment specifying funding levels for the bill's programs. The amendment appropriates \$1.2 million for criminal apprehension and \$162,000 for correctional costs. Criminal apprehension costs include computer systems design and connection to the national sex offender registry, software development, and positions for clerical and professional staff. A report to the committee of the sex offender registration system, which will be fully implemented by this fall, will be due January 15, 2001.

Witnesses came before the panel to answer questions about staff requests. Stephanie Good, of the Bureau of Criminal Apprehension (BCA), told members that the four clerical positions specified in the bill are for data entry, and the three special agents are to ensure sex offender tracking. Will Alexander, of the Department of Corrections (DOC), said that additional staff are to maintain a structure of information around individuals as they move, because not all level three sex offenders are under supervision.

Kelly said that it does not make sense to let level three sex offenders go unsupervised if the committee is trying to prevent repeated crimes.

Members made sentencing changes to

the bill after Deb Daily, of the Minnesota Sentencing Guidelines Commission, detailed the prison bed impact of the mandatory two year minimum sentence for sex offenders failing to register. Daily said that 3,000 new felons will be made when the bill passes, as nearly one third of the 9,400 sex offenders in Minnesota are not registered.

Sen. Allan Spear (DFL-Mpls.) offered an amendment to Junge's amendment making the mandatory two year sentence applicable on the second offense. The panel debated the bill's effectiveness as a deterrent before adopting Spear's amendment on a roll call vote of six to three. Junge offered an amendment making a first-time violation of the registration law a one year minimum sentence. The amendment prevailed on a five to three roll call vote. Sen. Thomas Neuville (R-Northfield) offered an amendment that allows for a stay of execution on the minimum sentence provision for the first offense. The amendment was adopted on a six to two roll call vote. Junge's fund appropriation amendment, to which the previous three amendments were made, was then adopted and the bill was sent to the Crime Prevention Committee with a recommendation to pass.

Kelly authored S.F. 2470, a bill requiring private counsel who have been retained for appeal or postconviction matters to make arrangements with the state public defender before funding must be used for transcript fees. Kelly then offered an amendment to the bill that requires the State Board of Public Defense to submit information to the governor about the amount of money spent on transcripts for appellate and postconviction cases. The amendment was adopted and the bill was moved to the Crime Prevention Committee with a recommendation to pass.

### **Four funding bills heard**

Chaired by Sen. Randy Kelly (DFL-St. Paul), the Senate Crime Prevention and Judiciary Budget Division met Mon, Feb. 21.

The first bill under consideration, S.F. 2355, was authored by Sen. Charles Berg (IND-Chokio). The bill appropriates money to the commissioner of public safety to distribute as matching funds to counties participating in

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multijurisdictional narcotics task forces. Currently, 25 task forces are funded throughout the state. Matching grants are available through the federal Byrne Grant Program, which require a 25 percent match from counties. The matching funds may be used to enhance enforcement of drug laws by training and educating law enforcement personnel. The revenue formula provided by the Public Safety Department specifies \$867,000 as the amount needed in order to fulfill the 25 percent match.

Berg said that the production of drugs using anhydrous ammonia and other available materials is an enormous problem in Greater Minnesota, necessitating more efforts by law enforcement. "That amount (the 25 percent match) is very difficult for rural communities to come up with," according to Berg.

Sen. Don Betzold (DFL-Fridley) asked Berg if rural communities might find a 10 percent match more equitable. Berg said that amount might work. Mary Ellison, director of the Office of Drug Policy and Violence Prevention said that part of the Byrne program requires participation in the task force by individual counties. According to Betzold, it would make sense for the state to partner with counties so they could afford to participate in the program. Berg noted that the administration did not want to spend additional money, but he added that money is needed to address the "staggering problem" of young people using drugs. The bill was laid over for further discussion.

S.F. 2572, also sponsored by Berg, appropriates money to the commissioner of public safety to implement and administer training for responding to emergencies in which a gas main has ruptured. Berg said that in a recent emergency situation gas leaked for two hours because no one knew how to shut off the gas system. Berg said that emergency response training is recommended for fire departments, emergency ambulance and medical personnel, gas service personnel and police departments. The bill was laid over for further consideration.

In other matters, Kelly presented S.F. 2319, a bill to amend the provisions of the 1999 omnibus bill. Up to \$400,000 was appropriated under the original bill, transferred from the Automobile Theft

Provision Board to the commissioner of public safety to pay for a program to distribute tire deflators and to distribute a computer controlled driving simulator. The bill calls for the transfer of a maximum of \$400,000 in funds related to the computer controlled driving simulator program to the tire deflator distribution program. Kelly said that the use-rules and steering mechanism for the simulator were very prohibitive, rendering the devices unwieldy. The bill was laid over for further consideration.

The final bill on the agenda was S.F. 2831, a bill providing for a law enforcement training facility at Camp Ripley. Pat Erickson, former Washington County deputy sheriff, said that the training facility is needed primarily for emergency training purposes. Most important, Erickson said, is the need for a gun firing range. He said that at present officers must go out of state to train in facilities that simulate potential on-the-job gun-firing situations, or resort to primitive facilities within the state. The bill appropriates \$2 million to the adjutant general of the Department of Military Affairs to construct, administer, and maintain a live fire tactical operations law enforcement training facility at Camp Ripley. Under provisions in the bill, the facility is to be made available for civilian law enforcement training on a fee-for-use basis. The bill was laid over for further consideration.

## Economic Development Budget Division

### Tourism situation reported

Members of the Economic Development Budget Division, chaired by Sen. Jerry Janezich (DFL-Chisholm), met Thurs., Feb. 17, to hear tourism recommendations.

A \$4.249 million funding proposal for the Minnesota River Tourism Initiative is contained in S.F. 2290, authored by Sen. Arlene Lesewski (R-Marshall). The funds will be used to acquire, design and develop three staffed and seven unstaffed regional tourism centers. Geoff Hathaway, project coordinator, outlined the history of the proposal. He said that a study concluded three smaller centers will serve the area better

than one large tourism center. An amendment, adopted by the committee, requires the counties where the centers are located to be responsible for maintenance and staffing. According to a report presented, the initiative has \$5.868 million in local support committed over a 15-year period from five counties, six municipalities, four state agencies and numerous non-profit groups. The bill was re-referred to the Transportation Committee.

Sen. Anthony "Tony" Kinkel (DFL-Park Rapids), presented S.F. 2587, which appropriates additional funds for the tourism loan program. Greg Damlo, president of the Minnesota Resort Association, said that increasing lakeshore property prices have made it difficult for property owners to afford repairs. "A lot of resorts are being sold off," he said. Al Shallbetter, past president of the Congress of Minnesota Resorts, said the application for the loans is 36 pages and can take 40 hours to complete. "If there was a way to make the process a little easier for the not-so-big resorts, it would be a great help to all of us," said Shallbetter. Paul Moe, director of business finance for the Department of Trade and Economic Development, said part of the application process is having a good business plan. "But we'd be happy to work with the industry to simplify the loan process," he said. Moe said currently, there is \$3 million in outstanding loans. The bill was laid over for consideration.

S.F. 2777 appropriates \$10 million for loans to tourism, hospitality, service and manufacturing and retail businesses in Minnesota that have suffered from the lack of snowfall this winter and the last two winters. The bill is authored by Sen. Douglas Johnson (DFL-Tower). The bill states the loans, not to exceed a five percent interest rate, can be used for capital and operations expenditures. Kim Osterhoudt, resort owner, said no one was ready for three bad winters. She said her winter business was down 30 percent three years running. Director Steve Markuson of the Office of Tourism, outlined the results of a survey of businesses affected by the mild winters. Preliminary survey results from 123 businesses report a total loss of approximately \$7 million since 1997. An amendment, adopted by the committee, allows the Department of Natural

Resources to use up to 50 percent of a snowmobile maintenance and grooming grant to reimburse the intended recipients for the actual cost of snowmobile trail grooming equipment to be used for grant-in-aid trails. The bill was referred to the Environment and Natural Resources Committee.

### Pass-through study presented

A study of "pass through" grant recipients conducted by Minnesota Planning was presented at the Tues., Feb. 22, meeting of the Economic Development Budget Division. The division also considered three bills for possible inclusion in the 2000 capital budget bill.

Jack Uldrich, deputy director of Minnesota Planning, said his office was asked by the Legislature last year to evaluate 14 "pass through" grant recipients. A "pass through" grant is an appropriation to a non-state entity for a specific purpose that must first "pass through" a state agency. He said that the recipients were given 15 questions to answer. A report summarizing the responses was distributed to division members.

Sen. Ellen Anderson (DFL-St. Paul) said that the Legislature commissioned the study because the governor had recommended zero appropriations in last year's budget. She asked Uldrich what justification the governor used for the recommendation. He replied that the governor thought giving the grants was not an appropriate role for government or that the recipients could get money elsewhere, but added that with the evaluation results, the administration will have the information they need.

Uldrich briefly presented the findings and indicated each grantee's effectiveness at achieving their goal and if the appropriating state agency was proper given the recipient's mission. Following the summary, Anderson said that the evaluation should indicate if the recipients are achieving good goals for the state and asked if the study helps the administration evaluate these programs. "The bottom line is should we continue funding them or not," Anderson said. Sen. Jerry Janezich (DFL-Chisholm), chair of the division, added that "it's only because of this division that they were evaluated." Sen. Randy Kelly

(DFL-St. Paul) said that the administration will "weigh in by what they recommend funding next year."

Earlier, the division considered three bills requesting bonding money. Sen. Bob Lessard (DFL-Intl. Falls) sponsored S.F. 2413, a bill appropriating \$3.6 million to Koochiching County to construct the Minnesota Cold Weather Testing Center. Wade Pavleck, a Koochiching County Commissioner, said that although there is a long history of cold weather testing in the county, there's been a large exodus of testing companies to Canada and other northern states. He said the county needs a state-of-the-art facility to stop that. He added that the local tax base is not large enough to fund the center and they don't have the Iron Range Resources and Rehabilitation Board for funding. What they do have, Pavleck said, is national recognition as "the nation's icebox" and the county wants to form a partnership with the state to build a facility.

The two other bills were carried by Anderson. The first, S.F. 2764, appropriates \$500,000 each to the St. Paul Rehabilitation Center, and workforce centers in Willmar, Rochester and Marshall. Anderson said that the St. Paul Rehabilitation Center (SPRC) assists immigrants and refugees in the Metro Area and that it would be used as a model for the other centers. Tom Welna, president of Casting Technologies, Inc., of Crystal, said the SPRC helped prepare his work site for immigrant workers and helped the workers assimilate into the workforce. "It is working, and working well," he said.

Anderson's other bill, S.F. 3413, appropriates \$98,000 to the Neighborhood Development Center (NDC). She said it's a community development corporation with a good track record of helping entrepreneurs. Mike Temali, NDC executive director, said the center has trained over 1,200 people and helped create over 350 businesses. He said the center concentrates its efforts in ethnic neighborhoods and helps to revitalize those neighborhoods by the rent and payroll that is generated. On average, the center spends \$2,884 to create each job, and \$1,981 per business, Temali added. Kelly, said that the 2000 census will reveal how many people of color live in our communities

and that the NDC is helping people start businesses in a cost-effective way. He suggested increasing the appropriation to \$150,000 because "It adds value to our communities."

No formal action was taken on any of the bills, but they may be included in the division's portion of the bonding bill.

## Environment and Natural Resources

### Mosquito control bill okayed

Members of the Environment and Natural Resources Committee met Fri., Feb. 18, and approved a bill that limits the authority of the Metropolitan Mosquito Control District (MMCD) to control mosquitos on Department of Natural Resources (DNR)-administered land in the seven-county Metro Area. The committee is chaired by Sen. Bob Lessard (DFL-Intl. Falls).

S.F. 2857, authored by Lessard, stems from a July 30, 1999, MMCD nuisance mosquito aerial treatment on 160 acres of wetlands at Ft. Snelling State Park. The action violated a long-standing, unwritten policy between the MMCD and the DNR that mosquito control measures should not be carried out public lands that have ecological and natural resource value, Lessard said.

Under the bill, the DNR commissioner must approve [MMCD] mosquito control plans or make modifications deemed necessary for the "protection of public water, wild animals, and natural resources before control operations are started on state lands" administered by the DNR. The bill helps protect the region's few remaining natural resources protected by the DNR and helps protect and maintain a healthy food supply for resident and migratory waterfowl, Lessard said.

Dallas Bohnsack, James Stark and Steve Manweiler, MMCD officials, spoke in opposition to the bill. "There were four to 20 times the number of mosquitoes developing last summer at Ft. Snelling State Park than in previous years," Stark said. "We hadn't taken any mosquito control measures at Ft. Snelling for six years and were simply reacting to a larger-than-usual number of complaints from nearby residents," he said.



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Receiving support from Friends of the Minnesota Valley, Friends of Parks and Trails and the National Audubon Society, the bill was approved and referred to the Local and Metropolitan Government Committee.

S.F. 3100, authored by Sen. Dennis Frederickson (R-New Ulm), modifies state laws governing experimental waters to accommodate both fishing contests and public use.

"We're trying to craft a balance" that allows for use of the waters by both groups, said Lessard. The bill allows a person to organize a fishing contest without a permit from the DNR if there are 30 participants or less for open water contests and 150 participants or less for ice fishing contests. The bill allows a person to organize a larger fishing contest with a permit if entry fees are over \$25 per person, or total prizes are more than \$2,500. On all waters 55,000 acres or less, there have to be at least two weekends a month where no contests are held, according to the bill. First preference must be given for "established or traditional fishing contests" and second preference given based on the number of times the applicant has been turned down before, according to an amendment offered by Lessard and adopted by the committee. The bill was approved and referred to the floor.

S.F. 2684, authored by Lessard, modifies blaze orange clothing requirements for trappers. The bill exempts trappers at all times while on waters and includes trappers only during firearm deer season.

Blaze orange draws attention to a controversial activity especially during spring beaver season and during nuisance control trapping, said Mike Tucker in support of the bill. Conflicts between waterfowl hunters and trappers could be avoided if trappers were not required to wear blaze orange during the overlapping seasons, he said.

The bill was approved and referred to the floor.

## License fee increases okayed

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Intl. Falls), met Wed., Feb. 23, and okayed a bill raising annual hunting and fishing license fees to help offset Department of

Natural Resources (DNR) budget shortfalls.

S.F. 2950, authored by Sen. Jane Krentz (DFL-May Township), increases hunting and fishing license fees slightly for residents and more substantially for non-residents. For example, a resident's small game license increases from \$10 to \$12 for persons under age 65 and \$14 to \$73 for non-residents, under the bill. Resident firearm deer licenses would increase \$3 to \$25, while non-resident licenses would increase \$15 to \$125, under the bill. The increase in license fees is expected to raise an additional \$6.1 million until other funding can be worked out. Members adopted an amendment shifting about \$25 million per year from the sales tax on lottery tickets to natural resources.

Sen. Lawrence Pogemiller (DFL-Mpls.) offered an amendment, which was adopted by the panel, to also raise resident fishing licenses by \$2, rather than the \$1 increase proposed, to \$17 for both angling and spearing. Pogemiller's amendment is expected to generate an additional \$317,000. Besides helping with DNR fish and game programs, such as the walleye stocking program, the money will also help create or reinstate 63 conservation officer positions over the next two years, according to Krentz.

"These increases are so small, they're just a band aid for a longer-term problem" said Lessard. Lessard said he is proposing a bill to shift to the DNR about \$75 million a year by using a percentage of the sales tax. A percent of the money would go to the game and fish fund, a percent to state parks and trails, a percent to Metro Area parks and trails, and a percent to local trail grants, he said.

Hunting license fees were last increased in 1991 and fishing licenses in 1997 yet costs for managing fish and wildlife programs have risen 20 percent over the same period, according to the DNR. The bill was approved and referred to the Committee on Taxes.

## Environment and Agriculture Budget Division

### Panel hears bonding bills

Members of the Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May

Township), met Thurs., Feb. 17, and heard three bonding bills relating to projects not included in the administration's capital budget recommendation. The division took no action on any of the bills but will discuss them at a future date.

S.F. 2867, authored by Sen. Dan Stevens (R-Mora), appropriates \$4.7 million for wetland replacement from public road repair, maintenance and rehabilitation. The bill also requires such projects to be included in the biennial budget. Under the bill, the appropriation from the bond fund goes to the Board of Water and Soil Resources (BWSR) to replace wetlands filled or drained during road repair under the 1996 Wetland Conservation Act (WCA).

If the bill isn't passed, local government will be required by the federal government to do the replacement, Stevens said.

BWSR's Ron Harnack and the Minnesota Association of Counties' Carolyn Engebretson said if local governments are required to do the replacement, local property taxes may be increased to pay for mitigation and local road projects may be delayed.

However, one question is the source of funding for wetland mitigation, Lessard said. For example, environmental groups like the Audubon Society support the bill but believe funding should come out of the transportation budget because it's a road and highways issue, while transportation department believes funding should come out of the environment budget because it's a wetlands replacement issue, he said.

However, a longer-term approach, preferred by local governments, is for funding in the biennial budget from the general fund instead of a short-term fix through bonding is what's really needed, said Remi Stone of the League of Minnesota Cities. "This is clearly not something we should have to come back to time and time again," agreed Harnack.

The bill was laid over, with a favorable committee recommendation, for inclusion in the capital budget bill.

S.F. 2429, authored by Sen. Allan Spear (DFL-Mpls.), appropriates \$6 million to mitigate flooding at Lake of the Isle in Minneapolis. "The division looked very kindly on this bill last

year," said Spear. Lake of the Isles, an artificial lake that is a popular tourist attraction, experienced excessive shoreline destabilization during the floods and windstorms of 1997, said Vivian Mason, of the Minneapolis Park District. Therefore, the mitigation project is bigger than the park board can handle financially, she said. For example, the shoreline stabilization project, including some wetland restoration, retaining wall installation and bioengineering, alone is expected to cost \$1.2 million this year, Mason said.

Mary Merrill Anderson, superintendent of parks, said the situation is so critical "we're in danger of losing this legacy." There is probably no city or cities in America with more lakes than the Metro Area, and the division and Legislature should make a definite long-term commitment to preserving the resource, said Lessard. "All we do every year is just play catch-up," he said.

S.F. 2295, authored by Sen. Steve Murphy (DFL-Red Wing), allows the commissioner of finance, on request of the governor, to sell and issue bonds of up to \$360,000 for removal of a dam in Mazeppa. The bill raises a \$250,000 cap placed on such projects in 1987 and follows a Feb. 9, 2000, Department of Natural Resources (DNR) recommendation to raise the limit to \$500,000 on designated priority dam replacement projects, like the one in Mazeppa.

In 1995, state and local officials deemed the half-bridge, half dam in the city unsafe and posted it for 3,000 lbs., meaning it's suitable only for automobile and pickup traffic, said Mazeppa City Administrator, Dwayne Hoffschulte. In 1998, the bonding request for the dam removal project was for \$330,000, and was not funded, he said. "We'd like to get enough to do the whole project at one time, rather than having to come back year after year," he said.

### **Lifetime license bill heard**

The Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), met Mon., Feb. 21, and heard a bill to permit lifetime hunting and fishing licenses in Minnesota.

S.F. 4, authored by Sen. Pat Pariseau (R-Farmington), authorizes lifetime hunting and fishing licenses, or a

combination license, in the state. "It's a bill we started work on two years ago," Pariseau said. Last year, \$20,000 was appropriated for a study to develop a fee schedule and model for providing revenue to an acquisition account to be funded from a surcharge on each such license sold for fish and wildlife management programs, she said.

Gregg Thompson, of ThomTech Design Company in St. Paul, summarized results of the study, which included information from 21 other states offering lifetime licenses. The study made recommendations, including keeping the lifetime licensing program as simple as possible, developing a base of licenses for the initial offering, creating a marketing program designed to sell the licenses in quantity, not offering non-resident lifetime licenses in the initial offering, considering license issuing procedures from other states and examining program protection issues.

Greg Duffy, Director of the Oklahoma Department of Wildlife Conservation, presented an overview of the state's lifetime license program which began in 1968 and has generated about \$30 million for conservation projects. The program has steadily been gaining steam ever since, to almost 71,000 combination hunting-fishing licenses sold to residents as of Dec. 21, 1999, Duffy said. The most popular of the lifetime licenses, combination licenses sell for \$525, compared with \$400 for a lifetime hunting license and \$150 for a fishing license.

In Minnesota, a resident individual sports license might run \$540 per year for 16 to 50-year-olds, the most frequent users by age group, ThomTech's study suggests. Small game and fishing licenses for the group might be \$310 and \$320, respectively, the study suggests.

Under the bill, a \$4 surcharge on each license would go to fund fish and wildlife management programs.

Because the lifetime licenses include people who migrate from Minnesota, the word "resident" was replaced with "person" in an amendment, offered by Sen. Bob Lessard (DFL-Int'l. Falls), and adopted by the committee. Likewise, obtaining such a license will require a one year residency in the state instead of the original 60 days, under Lessard's amendment.

Deputy DNR Commissioner Steve Morse said he still had concerns with the bill. For example, there should be a comfort margin of perhaps 10 percent built into a "no net loss" projection in ThomTech's study in the number of licenses issued, he suggested.

The bill was held over for further discussion.

S.F. 2546, the sunken log bill, authored by Sen. Dan Stevens (R-Mora), was amended to place certain requirements on divers who bring up sunken logs in inland waters. The amendment, offered by Sen. Dennis Frederickson (R-New Ulm), specifies that divers must be certified by the National Association of Scuba Diving Schools or the Professional Association of Diving Instructors, or have at least 20 hours of scuba diving experience. The bill was approved and referred to the floor.

### **Capital budget requests heard**

Members of the Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), met Tues., Feb. 22, and heard four bonding requests, including a proposed public access project on Lake Minnetonka.

S.F. 2747, authored by Sen. Martha Robertson (R-Minnetonka), appropriates \$6.5 million for the acquisition and development of a public access on the southwest side of Gray's Bay.

Dave Childs, city manager of Minnetonka, said erosion problems at Gray's Bay causeway and dam are creating public access problems. The proposal replaces a marina on the bay with a public access site, he said, and the owner is willing to sell.

S.F. 2304, authored by Krentz, reauthorizes a bond for an Anoka County trail. Bond reauthorization involves no new money, only using the remaining \$300,000 of \$1.4 million appropriated for improvements in trail systems in 1998, Krentz said. The project includes restrooms, trailhead, signs and amenities at the head of Rice Creek West Regional Trail.

S.F. 2621, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), appropriates \$7 million for construction of a whitewater course on the Mississippi River at the lower St. Anthony Falls.

S.F. 2088, authored by Sen. Roger Moe (DFL-Erskine), appropriates

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\$78,500 to the city of Bagley for a stormwater and sediment control project for runoff along Highway No. 2.

All four bills were laid over for consideration for inclusion in the division's portion of the bonding bill.

## Family and Early Childhood Education Budget Division

### ABE bills compared

A meeting of the Family and Early Childhood Education Budget Division was called to order on Fri, Feb. 18, by Chair Pat Piper (DFL-Austin). Witnesses testifying for Children, Families and Learning (CFL) presented a comparative analysis of two Adult Basic Education (ABE) funding proposals, S.F. 2532 by Sen. Leo Foley (DFL-Coon Rapids) and the administration's proposal.

CFL's Program Finance Manager Tom Melcher told the committee that he was very pleased that both the Senate bill and the administration's proposal followed most of the recommendations set forth by the ABE Task Force. Melcher's analysis of the funding proposals compared the bills for FY 2000 and FY 2001. Melcher noted similarities between the Senate bill and administration's proposal, with a few exceptions, including differences in formulas used for determining aid. For FY 2000, both the Senate bill and the administration's proposal appropriate \$20.132 million, which is equal to the current level of funding. Foley's bill offers an additional one-time supplemental aid provision which carries forward to the next year. The supplemental aid appropriation is configured as equal to the lesser of \$5.6 million or 23 percent of total ABE aid for FY 2000. This provision is not available under the administration's proposal. Under the administration's proposal, the appropriation for ABE aid is configured per full-time enrollment (FTE), and is reduced from the \$2,295 in current law to \$1,767, to eliminate aid proration, according to Melcher.

ABE appropriations for FY 2001 total \$30.963 million in the Senate bill, with an unspecified amount for supplemental service grants. In the administration's proposal \$30.238 million is appropriated, with \$700,000 reserved for

supplemental service grants. The Senate bill and the proposal from the administration differ in where the ABE appropriations are distributed. The Senate bill requires payment to go directly to each school district, but payment is made to consortia-individual schools or districts that group according to similar program, funding or other needs-- under the Administration's proposal.

The Senate bill puts a 5 percent limit on funding for individual consortiums beginning in 2002--the Administration puts the limit at 20 percent. Members discussed the 27 percent increase in enrollment, largely attributable to an influx of immigrants in certain districts and consortia, requiring ESL and other ABE courses. Sen. Linda Higgins (DFL-Mpls.) said she thought 5 percent was too low, and other members thought 20 percent too high. Members agreed that more information was needed to determine a more equitable figure.

ABA Director Barry Shaffer said that if districts saved the approximately \$5,000 per year spent on students who drop out, the money saved state-wide would add about \$60 million to the state's fund. He suggested that the money be put back into ABE for when drop-out students return for an ABE education. Foley suggested the money be used to fund early childhood programs that might pre-empt the occurrence of drop-outs. Shaffer agreed that "the early learning concept" is important.

The bill was laid over for further discussion.

### Experienced aide bill heard

The Family and Early Childhood Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin), met Tues., Feb. 22, to hear a bill relating to child care workers and to hear a presentation on the "Employer Literacy Initiative: Childhood Learning Material."

The bill, S.F. 2755, authored by Sen. Claire Robling (R-Prior Lake), originally created a new classification of child care worker, called a child care assistant. However, members amended the bill to permit experienced aides to work at child care centers without direct supervision for a portion of the day. Further, the amendment specifies that the experienced aide may work

without being directly supervised for up to 25 percent of the person's daily work shift if there is a teacher in the building, the individual has received first aid training within the last three years and the individual has at least 4,160 hours of child care experience.

Members also adopted an amendment specifying that the use of an experienced aide working without direct supervision is limited to 25 percent of each classroom's daily hours of operation. The bill was laid over.

In other action, the panel discussed a packet of materials put together for new parents that provides information about child development, child health and the community resources available. Last year's omnibus bill required the commissioner of children, families, and learning to initiate contacts with businesses and other organizations to encourage them to donate materials designed to help families interact with their children during the first four years of life in ways that will help develop the skills and abilities necessary to succeed in reading and in school. According to last year's bill, the goal of the cooperative effort is to provide learning materials for children under age five through an alliance of business, nonprofit organizations, and government. Members heard from representatives of the Dept. of Children, Families and Learning and the Roseville Area Schools about a packet of materials, called T.H.R.I.V.E., that contains video and audio cassettes, contact information, resource brochures and information about immunizations, that is to be given to all new parents in Roseville.

### Three bonding bills heard

Carol Miller, Children, Families and Learning (CFL) program manager, presented an overview of a study analyzing the interactions between the Sliding Fee Child Care program and Minnesota Family Investment Program (MFIP).

Miller reported the outcome of the study to the Family and Early Childhood Budget Division, Wed, Feb. 23. The study concentrated its focus on Hennepin County and on the issue of what happens to families while waiting to get on the Sliding Fee Child Care program. The random sampling included 335 families. Miller said the average waiting period for the subsi-



dized childcare program was one year. According to Miller, 53 percent of the waiting families in the study group used un-regulated childcare or no care at all. A significant number of families (37.6 percent) turned to MFIP or other forms of assistance while waiting for sliding fee child care. Miller said that incomes in these instances were typically insufficient to cover the expense of childcare in addition to living expenses. Families receiving assistance were removed from the sliding-fee waiting list because they no longer qualified for the program. Miller also said that 6.6 percent of the families received Emergency Assistance, including help with paying for housing and utilities.

Cherie Kotilinek, child care assistance supervisor for CFL, presented the Child Care Program Consolidation Report, commissioned by the Legislature last year to "identify potential obstacles to the consolidation of MFIP, transition year, and basic sliding fee child care programs (BSF's) into one child care assistance program." According to the report, the current child care program funding system with its multiple subprograms does not effectively support families as they move to self-sufficiency and, in fact, creates obstacles to access for low income families who are trying to reach self sufficiency without going on welfare. Kotilinek said that success under welfare reform assures demand for BSF. She also said that because BSF funding is capped, demand exceeds funding levels. The result is that some families move to MFIP to get help with child care costs.

Sen. Pat Piper (DFL-Austin), chair of the division, asked whether or not the business community showed interest in the issue of subsidized childcare. Miller said that prior studies indicated that child care is frequently an issue cited by employers. Employers recognize that there is a relationship between the satisfaction of their employees and the quality and consistency of child care, she said.

Piper said that caring for our children is akin to caring for our future, and that in most industrialized countries, where women are needed in the workforce, entitlement programs provide for children.

Sen. Roy Terwilliger (R-Edina), said that he doesn't think entitlements are

appropriate. It's up to parents to take responsibility for the children they have, he said. Terwilliger added that some kind of assistance-childcare, food programs are appropriate. Sen. Becky Lourey (DFL-Kerrick) said, "When we look at what's really happened, a lot of people didn't plan to be parenting alone.

Sen. Leo Foley (DFL-Coon Rapids) told the panel that private enterprise has shown an interest in subsidizing programs in other areas and that it might be to everyone's advantage if they would get more involved with helping care for children.

The committee invited Pat Svendsen, Adults With Disabilities (AWD) coordinator to talk about the AWD pilot program and S.F. 2179, carried by Sen. Charles Wiger (DFL-North St. Paul). Svendsen said that in 1987 the Legislature approved the first AWD program, which consisted of 33 programs in 80 school districts. AWD programs were established with the recognition that all citizens, even those who could not function well enough for the public school system, deserve educational attention. S.F. 2179 is a bill appropriating \$750,000 per year for FY 2000 and FY 2001 to fund the AWD program. The bill was laid over for further discussion.

Four programs that were funded in Filmore County, called the Horizons Program, provided life skills and other project-oriented classes for the developmentally disabled, said Lou Ann Klevan, community education director. The program included courses for 52 students who came to depend upon the educational and social opportunities, she said. It was devastating for them when funding was stopped by the Legislature last year. Klevan asked for the committee's support of S.F. 2658, authored by Sen. Kenric Scheevel (R-Preston), to appropriate \$40,000 to reinstate for FY 2001, the disabilities pilot programs that were started in 1998. The bill was laid over for further consideration.

Piper authored S.F. 3112, a bill changing some technical language in regard to data classification for the Community Action, Head Start, and Foodshelf programs and related matters. The bill was recommended to pass and re-referred to the Judiciary Committee.

## Governmental Operations and Veterans

### Bills approved

On Thurs., Feb. 17, the Governmental Operations and Veterans Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met to consider several bills.

S.F. 2385, authored by Sen. Mark Ourada (R-Buffalo), exempts the salaries of public hospital administrators, pharmacists and psychologists from remaining at or below 95 percent of the governor's salary. Salaries of medical doctors and doctors of osteopathy are currently exempt under the law. Ourada said the salary cap doesn't take actual market conditions into account. Linda Doerr, chair of the board of directors for Monticello Big Lake Hospital, testified that salary caps hinder public hospitals during hiring negotiations and as a result, public hospitals lose qualified candidates to the private sector. Sen. Dan Stevens (R-Mora) said the problem is basing the salary cap on the governor's salary only. "We need to look at the governor's total compensation package," he said. Sen. Deanna Wiener (DFL-Eagan) said she was concerned about continuing to grant exceptions. "We need consistency," she said. Wiener also said the Legislative Coordinating Commission should give their opinion on the bill. Ourada agreed to consult with the commission.

Sen. Steve Murphy (DFL-Red Wing) sponsored a bill, S.F. 624, that establishes a board of Firefighter Training and Education. According to the bill, the board must work to improve the quality of firefighter training and establish standards for educational programs. The bill also states members serve without compensation. Murphy said it's basically the same bill that was approved by the committee last year.

Metzen offered S.F. 2547, a bill to move the firefighters memorial from the Minneapolis-St. Paul International Airport to a site in the Capitol area. Metzen said, "It seems fitting the memorial should be moved. We have unanimous support from the firefighter groups." The bill states that the Capital Area Architectural Planning Board must make sure the entire cost of site selection and the removal, transportation,

# Committee update

and reinstallation of the memorial is not paid by the state. Mike Stockstead, president of the Minnesota Professional Firefighters Association, said the costs of moving the memorial will be paid with funds from the Fire Service Foundation.

Sen. Linda Runbeck (R-Circle Pines) presented S.F. 2989, which allows the chief administrative law judge to establish a system of training for workers' compensation judges and administrative law judges. The training would qualify the judges to conduct hearings in an area other than the area of the judge's original appointment. Kenneth Nickolai, chief administrative law judge, said, "The change allows us to utilize existing judges more fully and helps us do a better job for the public." Runbeck also presented S.F. 2990, which applies the Code of Judicial Conduct to administrative law judges and workers' compensation judges. Through an amendment, S.F. 2990 was incorporated into S.F. 2989.

The final bill heard was S.F. 2795, authored by Metzen. The bill allows the Board of Investment to invest in corporations listed on any exchange regulated by the United States or Canadian governments. The bill gives the board the authority to invest in closed-end mutual funds, expands the list of private equity investment vehicles available to the board and eliminates prohibitions on the use of principal in the tobacco funds. Lastly, the bill eliminates the requirement that the board annually compile a list of corporations doing business directly or indirectly in Northern Ireland and determine if the corporations are working toward affirmative action goals. All the bills presented were approved and sent to the floor.

## Task force proposed

Five bills were presented Tues., Feb. 22, at the Governmental Operations and Veterans Committee meeting, chaired by Sen. James Metzen (DFL-South St. Paul).

Sen. Ember Junge (DFL-New Hope) sponsored S.F. 2980, a proposal to create the position of director of domestic violence and sexual assault prevention and establish an interagency task force on domestic violence and sexual assault prevention. "We need one person to ask

the tough questions and bring all the resources together," said Junge. Sen. Lawrence Pogemiller (DFL-Mpls.), raised a question about how the director will force accountability and hold officials accountable as stated in the bill. He offered an amendment that states the director will encourage accountability regarding domestic violence and sexual assault at all levels of the system, and develop recommendations to improve accountability when the system fails. "Accountability is the key issue," said Junge. The amendment was adopted. According to the bill, the task force will consist of 17 members from various departments and groups knowledgeable about domestic violence and sexual assault. By Jan. 15, 2001, the task force will make recommendations to the Legislature and governor on how to reduce incidents of domestic violence and sexual assault and how to better coordinate agencies. The task force will also make recommendations for changes in policy and laws. The bill was approved and sent to the floor.

Four other bills were approved and sent to the Governmental Operations Budget Division. S.F. 2837, authored by Sen. Leonard Price (DFL-Woodbury), requires the Department of Administration to provide more detailed information to the Legislature about the department's internal service funds (ISFs). Price said ISFs account for more than \$275 million or nearly 70 percent of the department's budget. "As ISFs operate on a revolving fund basis, with rate approval from the Department of Finance, they have not generally faced the level of scrutiny as directly appropriated services," he said. "Can't we get this information by request? Do we need it in statute?" asked Sen. Martha Robertson (R-Minnetonka). "This is a better way to get the information," said Price. Sen. Richard Cohen (DFL-St. Paul) said the bill will help Legislators make better decisions during the budget process. "We'll have more information on the front end," he said.

Price also presented S.F. 3331, which changes the name of the Office of Technology to the Technology Policy Bureau. Assistant Commissioner Mel Boynton said the name change reflects the change in OT's role and is consistent with other nomenclatures in the Department of Administration. "We would

become the 3rd bureau in the department," he said. The bill also makes OT responsible for operating the business license and online system.

The third bill sponsored by Price, S.F. 2838, acknowledges review of the mission and goals of OT by the Legislature and approves OT's 2nd year appropriation. Robertson cautioned Boynton not to set standards that would exclude outside vendors. "There's no intent to fence out any vendors," he said.

Lastly, Sen. Carol Flynn (DFL-Mpls.), presented S.F. 2826, which ratifies actions by the Legislative Coordinating Commission Subcommittee on Employee Relations. The committee had provided interim approval for collective bargaining agreements and compensation plans for state employees. Increases in the salary limits for heads of state agencies and increases in salary of 2.5 percent for many state employees are a few of the provisions in the bill.

## Vets, military bills heard

Members of the Governmental Operations and Veterans Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Weds., Feb. 23, to consider several bills relating to veterans and the military.

S.F. 2982, authored by Sen. Dean Johnson (DFL-Willmar), clarifies eligibility for membership in the National Guard. According to Colonel Denny Lord of the Dept. of Military Affairs, current law restricts membership to males and to residents of the state. The change in the bill recognizes the realities of the present day and updates the law by striking language limiting membership to males and requiring members to be residents of the state. Johnson said, "Obviously, the modern guard includes many women and members who live in states bordering Minnesota." The bill was approved and sent to the Senate floor.

The second measure heard at the hearing, S.F. 2981, changes the amount of bonding authority the Dept. of Military Affairs has for armories. The bill, sponsored by Sen. Leonard Price (DFL-Woodbury), increases the amount from \$7 million to \$15 million. The bill also clarifies the role of the Minnesota State Armory Building Commission in partnering with other governmental bodies in providing funding for National

Guard Training and Community Centers. The bill was approved and referred to the Governmental Operations Budget Division for inclusion in the division's bonding bill.

Sen. Charles Wiger (DFL-North St. Paul) sponsored the Department of Veterans Affairs housekeeping bill. The measure, S.F. 3138, makes numerous changes in statutes relating to the department of a noncontroversial nature. Sen. Don Betzold (DFL-Fridley), offered an amendment to delete a section of the bill containing a statement of purpose relating to a portion of the bill extending the agent orange information and assistance program to include other veterans and other chemicals. Betzold argued that purpose statements are not needed in statutes because the operative portions of a bill restates the purpose. The motion was adopted. Price offered an amendment clarifying that the department must provide information, referral, and counseling services to those veterans who may have suffered adverse health conditions as a result of possible exposure to chemical agents. The amendment was adopted.

Metzen offered S.F. 3453 as an amendment to the department's housekeeping bill. The Metzen bill authorizes the placement of a plaque in the Court of Honor on the Capitol grounds to honor combat wounded veterans. The motion was adopted and the contents of S.F. 3453 were added to S.F. 3138. The Wiger bill was then approved and advanced to the Senate floor.

Metzen sponsored two additional bills. S.F. 3139 provides that sales tax rebates are not income for the support test for residents of veterans homes. The measure was approved and sent to the full Senate. S.F. 2435 authorizes bonds for maintenance and repairs on the campuses of Minnesota Veterans Homes. The bill provides an appropriation of \$13.4 million for the various homes throughout the state. Metzen said that the governor supports the amount contained in the bill. Steven O'Connor, executive director of the Veterans Homes Board, spoke in support of the measure and outlined the specific projects for which the funds are earmarked. The measure was approved and sent to the Health and Family Security Committee.

## Governmental Operations Budget Division

### Bonding requests evaluated

The Governmental Operations Budget Division, chaired by Sen. Leonard Price (DFL-Woodbury), heard bonding requests Wed., Feb. 23.

S.F. 104, sponsored by Sen. Jerry Janezich (DFL-Chisholm), appropriates \$400,000 for the Iron Range Veterans Memorial in Virginia. Janezich said \$260,000 has been pledged so far and local donations have raised \$9,533. Richard Edstrom, representing the Iron Range Veterans Memorial Committee, said it will be the only memorial that represents Minnesota veterans from five wars. He said the land donated from the city of Virginia will be used for the memorial along with an accompanying museum.

Sen. Don Samuelson (DFL-Brainerd), presented S.F. 2322, which appropriates \$125,000 to the Minnesota Military Museum located at Camp Ripley. Jack Johnson, curator, said the funds will be used to increase storage space, replace the heating and air-conditioning system, upgrade the electrical system, increase space for temporary exhibits and increase the library space. Retired General Lyle Doerr, president of the Military Historical Society of Minnesota, said the improvements will protect the museum's recent acquisitions.

S.F. 2347, a proposal to donate funds for the women's memorial at Arlington National Cemetery, was presented by Sen. Charles Wiger (DFL-North St. Paul). Wiger said Minnesota donated \$16,200 in 1995 and he requested a \$25,000 donation for 2000 be used for education. Sen. Linda Runbeck (R-Circle Pines) asked how many women veterans there are. Diane Voth, a navy veteran, said there are 2.8 million women veterans including those currently in active duty. All the funding requests were laid over for consideration.

Pat Flahaven, secretary of the Senate, testified about the results of a meeting between Senate staff, the Department of Administration and the Capital Area Architectural Planning Board. Flahaven said he does not support the Capital building interior restoration predesign funding proposal of \$318,000 because the governor has made no commitment

to construction in the out years. He also said he doesn't support the Capitol Project 2005 because it directly affects Senate operations and the needs of the Senate weren't addressed in the proposal. Flahaven said in the future, the Senate needs to be involved in the early part of the planning process for these type of projects.

Kath Ouska, assistant commissioner of the Department of Administration, said the predesign funding is needed to assess space needs and begin the planning process. She said the department requested \$6.6 million for the Capital Project 2005, but the governor recommended \$3.3 million with the possibility of securing private funding as well. Ouska said upgrading the mechanical and electrical systems in the East Wing to meet safety codes is projected to cost \$2.5 million and renovating a basement space for office, storage and public space is estimated at \$1 million.

## Health and Family Security

### Nursing home bills heard

The Health and Family Security Committee met in a packet hearing room on Thur., Feb. 17, when members heard bills pertaining to nursing homes. Sen. John Hottinger (DFL-Mankato) chairs the committee.

Sen. Becky Lourey (DFL-Kerrick) presented S.F. 2748, a bill that sets requirements for ground life support services, gives the emergency board the right to deny certain certifications, allows specific courses to qualify for certain certifications, gives the board the right to approve program instructors, and requires independent audits of each regional emergency medical services board. Mary Hedges, director of the Minnesota Emergency Medical Services Regulatory Board, testified in support of the bill.

The bill was recommended to pass and sent to the Senate floor.

S.F. 3199, authored by Sen. Michelle Fischbach (R-Paynesville), was also discussed by the committee. The bill makes a variety of technical modifications to the statutes dealing with nursing facility reimbursement and alternative care. Fischbach's bill was approved and moved to the Senate floor.

Sen. Linda Berglin (DFL-Mpls.) sponsored S.F. 3198. The bill estab-



# Committee update

lishes a process to approve downsizing or closure plans for nursing homes under which one or more jointly owned or operated nonprofit facility closes and reallocates its reimbursement funds to other jointly owned or operated facilities with below average reimbursement rates. Dennis Anderson, of the Good Samaritan Society, and Dennis Kamstra, of Benedictine Health Dimensions, testified in support of the bill.

Ten percent of the industry across the country has gone into bankruptcy, said Anderson. He said that the bill, which is only a short term solution, will not cost the state any money because it is budget neutral. Kamstra said that reimbursement rates for nursing homes are established for 95 percent occupancy rates, but due to labor shortages and other complications, these levels cannot be maintained, and three facilities are currently being considered for closing.

Sens. Leo Foley (DFL-Coon Rapids) and Don Betzold (DFL-Fridley) raised questions about areas becoming devoid of beds because of nursing facility consolidations. Foley said the bill because it would force people to move from their communities. Under a special motion, the bill was moved to the Health and Family Security Budget Division with the decision of the division considered the decision of the full committee.

"This is a bipartisan proposal for quality care in Minnesota," said Sen. Dan Stevens (R-Mora), author of S.F. 2896. The bill requires the commissioner of health to develop an alternative nursing home inspection process and seek federal approval in response to investigations by a Task Force on Health Care Regulations that found regulations burdensome to health care providers and impede quality direct care.

Rick Krant, of The Lutheran Home-Belle Plaine, came before the committee in support of changes to the inspection process. The current process, he said, does not distinguish between an excellent job or a barely adequate job, but only serves a punitive function for services below the minimum levels. Doug Beardsley, a Care Provider Board member, told the members that excessive paperwork has resulted in staff resignations. The bill was laid over due to time constraints.

## Nursing home survey bill moves

Members of the Health and Family Security Committee, chaired by Sen. John Hottinger (DFL-Mankato), resumed discussion Fri., Feb. 18, of S.F. 2896, a bill authored by Sen. Dan Stevens (R-Mora). The bill requires the commissioner of health to develop procedures for an alternative, federally approved nursing home survey process, deletes the need for authorized check-up intervals of more than two hours for incontinent residents, seeks to reduce paperwork for short stay residents, and requires the development of a proposal to reduce regulations that impede direct care of residents.

Virginia Overperaler, a member of the Family Council at Ebenezer Ridges Home, spoke in favor of regulations that require frequent check-ups by facility staff for those with incontinence. Her husband, Overperaler said, had multiple urinary tract infections due to infrequent monitoring while in a nursing facility. Doug Beardsley, a Care Provider Board member, asked the panel to consider legislation that would allow housekeepers to assist residents when eating to ease worker shortages.

Members heard continuing testimony from a number of witnesses on the effects of low pay, labor shortages, and excessive regulations. Stevens said that Minnesota has one of the lowest rates of nursing home care providers and one of the highest rates of nursing home administrators.

Hottinger offered an amendment that establishes requirements for resident attendants and allows them to assist with occupants' eating and drinking activities. The amendment was adopted on a voice vote. Also adopted on a voice vote was an amendment offered by Sen. Linda Berglin (DFL-Mpls.) which allows a competent resident or family member to waive the check-up intervals for incontinent patients. Sen. Twyla Ring (DFL-North Branch) offered an amendment to include the involvement of labor in the drafting of a proposal to decrease regulations that impede direct care of residents in nursing homes. The amendment was also adopted. The bill was approved and sent to the Senate floor as amended.

Stevens also sponsored S.F. 2868, a bill requiring the use of the federal minimum data set (MDS) assessment

tool to classify residents by level of care under the performance-based contracting system scheduled to be implemented for nursing homes on July 1, 2000. The bill also requires the commissioner of human services, in consultation with the commissioner of health and an advisory committee, to report to the Legislature by December 15, 2000, on plans to implement the new case mix system in a manner that will have a budget neutral impact.

The bill was recommended to pass and sent to the Senate floor.

Hottinger sponsored a bill, S.F. 3117, that modifies certain requirements pertaining to the health-related boards. Along with technical changes, the bill removes a requirement for the health professionals services program committee and advisory committee that no more than half plus one of the members of the committee be of one gender.

Sen. Sheila Kiscaden (R-Rochester) offered an amendment that establishes a diversion program for related professionals who are unable to practice due to select criteria and that includes the Emergency Medical Services Regulator Board in the definition of a health-related licensing board. The amendment was adopted on a voice vote.

The bill was referred to the Health and Family Security Budget Division.

## Bills okayed

The Health and Family Security Committee met Tue., Feb. 22, to hear a number of bills. Vice-Chair Sen. Becky Lourey (DFL-Kerrick) chaired the committee.

Members resumed discussion of S.F. 2662, authored by Sen. Dallas Sams (DFL-Staples), a bill that increases Prepaid Medical Assistance Program (PMAP) contract rates for non-metropolitan counties. An amendment, offered by Sen. Linda Berglin (DFL-Mpls.), changed PMAP rural reimbursement rates from 95 percent to 92 percent of metropolitan reimbursement rates to comply with criteria for federal subsidies. The amendment was adopted, and the bill was moved to the Health and Family Security Budget Division with the recommendation of the division to be considered the recommendation of the committee.

Sams also sponsored S.F. 2499, a bill that clarifies Medical Assistance

reimbursement requirements for speech language pathologists temporary registrants. Tom Keliher, testified on behalf of the bill. He said that temporary registrants undergo intensive education and training, and therefore deserve reimbursement for their services. Sams offered an amendment that provides the same requirements for audiology services performed by a temporary registrant. Members adopted the amendment and moved the bill to the Senate floor with a recommendation to pass.

Sen. Sandra Pappas (DFL-St. Paul) authored S.F. 2296, a bill that extends the expiration date of the Council on Disability. Clel Hemphill, executive director of the Council on Disability, said that this is the organization's twenty-seventh year, and extension requests are usually for four years. The committee approved a sunset date of June 30, 2005 for the Council and re-referred the bill to the Governmental Operations and Veterans Committee with a recommendation to pass.

Sen. Leo Foley (DFL-Coon Rapids) presented S.F. 2567, a bill authored by Sen. John Hottinger (DFL-Mankato). The bill requires the commissioner of Human Services to develop legislative recommendations on transferring public guardianship responsibilities from the commissioner and counties to another entity that can independently fulfill the guardianship obligations. Members sent the bill to the Senate floor and recommended it to pass.

Testimony was provided by Jan and Elizabeth Larsen for S.F. 2889, a bill that requires infants to be tested for inborn metabolic errors. Sen. Mark Ourada (R-Buffalo) authored the bill. The Larsens said that the detrimental effects of the disorder, which occurs in one of every 30,000 infants, can largely be averted if discovered in time. Ourada offered an amendment to delete funds for testing and follow-up care. The amendment was adopted and the bill was laid over.

S.F. 2574, sponsored by Sen. LeRoy Stumpf (DFL-Theif River Falls), increases Medical Assistance payment rates for dental services by 20 percent. Dentists are usually reimbursed 50 percent of what the cost for service is, Stumpf said. The bill was moved to the Health and Family Security Budget Division with the recommendation of the division to be the recommendation

of the committee.

Sen. Sheila Kiscaden (R-Rochester) authored S.F. 2847, a bill that makes minor changes to the Medical Education (MERC) Trust Fund by expanding the definition of accredited clinical training and modifying the data that must be submitted with an application. Members moved the bill to the Health and Family Security Budget Division and recommended it to pass.

Kiscaden also sponsored S.F. 2841, a bill that modifies a variety of statutes governing services to persons with developmental disabilities, such as the demonstration project for people with disabilities, home care and personal assistant services, and reimbursement of intermediate care facilities for persons with mental retardation or related conditions (ICFs/MR). The bill was recommended to pass and sent to the Senate floor.

## Health and Family Security Budget Division

### Health care wages debated

Four bills concerning wages for health care workers were discussed by members of the Health and Family Security Budget Division Thur., Feb. 17. Sen. Cal Larson (R-Fergus Falls) authored S.F. 2529, a bill that establishes minimum wages in community nursing homes equal to the starting wage in the Minnesota veterans homes, Sen. Don Samuelson (DFL-Brainerd) authored S.F. 2503, a bill that increases hourly pay for a variety of health care workers by three percent for the first year and six percent for the second year, Sen. John Hottinger (DFL-Mankato) sponsored S.F. 2636, a bill that provides a five percent salary adjustment per diem increase for nursing facilities, and Sen. Dan Stevens (R-Mora) sponsored S.F. 3021, a bill that establishes a nursing facility operating cost reimbursement minimum. Hottinger chairs the committee.

Mary Rodenberg-Roberts, of Rem, Inc., spoke about staffing problems confronting nursing homes. Rodenberg-Roberts said that Minnesota's unemployment rate is currently 2.2 percent, and the only profession that has a lower average pay than nursing homes is the food and beverage industry. She said

that the low pay, compounded by a demanding environment, resulted in an 80 percent worker turn over rate in 1999. The industry currently has 962 vacant positions, or 21 percent of the workforce, she said. Darrel Shwartz, of the Minnesota Health and Housing Alliance, said that although his facility could have a 100 percent occupancy rate, staff shortages require that the rate be kept at 90 percent. Rodenberg-Roberts said that the need to constantly train new employees costs the industry \$1.5 million per year. She thanked the members for the time they have given to the issue.

Mary Anderson, of the Minnesota Habitation Coalition, detailed problems surrounding pay inequities between employees. Anderson said that of the 70 positions in her facility, 10 to 15 are always open. Because Welfare to Work participants and high school students have laughed when told the hourly pay, she said that new employees are offered \$1.40 more per hour than current staff in an effort to recruit them, causing tension. Temporary workers have been used to fill vacant positions. Anderson said that the constant change in staff is frustrating for the occupants. Ron Staff, director of the Stevens House Residential Program, said that he can make more money working as a cashier at Home Depot.

Many other witnesses came before the panel and echoed the testimony. Facilities operating below full capacity because of staff shortages, high turn over rates, deficient patient care, and below liveable wages for staff were all strongly voiced concerns.

Doug Beardsley, of Care Providers of Minnesota, thanked the members for last year's appropriation of funds to better compensate staff. Beardsley said that he is not ungrateful for this year's proposed funds, but that they will not be enough. He also asked for flexibility in using the funds. The implementation of last year's compensation was a nightmare, Beardsley said. Samuelson said that in the past, employees had seen little or none of the money appropriated for wage increases.

"I thought it would be fun and easy to pass on a wage increase," Samuelson said, "but it is much more difficult than what I thought." No action was taken on the bills.

## Policy Committees

### Agriculture and Rural Development (13)

**Chair:** Sams **Vice Chair:** Hanson  
**Office:** 328 Capitol **Phone:** (651) 296-7405  
**Meets:** Tues., Thurs., 2-3:45 p.m. Room 107

**Members:**

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

### Children, Families and Learning (35)

**Co-Chairs:** Piper, Pogemiller, Stumpf  
**Meets:** Tues., Weds., Fri., 8-9:45 a.m. Room 15  
**Office:** 235 Capitol **Phone:** (651) 296-7809

**Members:**

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

### Commerce (16)

**Chair:** Solon **Vice Chair:** Wiener  
**Meets:** Tues., Thurs., 2-3:45 p.m. Room 112  
**Office:** 303 Capitol **Phone:** (651) 296-5776

**Members:**

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

### Crime Prevention (15)

**Chair:** Spear **Vice Chair:** Johnson, D.H.  
**Meets:** Mon., Weds., Fri., 2-3:45 p.m. Room 15  
**Office:** 120 Capitol **Phone:** (651) 296-4191

**Members:**

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

### Election Laws (11)

**Chair:** Marty **Vice Chair:** Junge  
**Meets:** Mon., Weds., 12 noon-1:45 p.m. Room 112  
**Office:** 326 Capitol **Phone:** (651) 296-5712

**Members:**

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

### Environment and Natural Resources (18)

**Chair:** Lessard **Vice Chair:** Anderson  
**Office:** 111 Capitol **Phone:** (651) 296-1113  
**Meets:** Mon., Weds., Fri., 12 noon-1:45 p.m. Room 107

**Members:**

Berg	Krentz	Pariseau	Samuelson
Dille	Laidig	Pogemiller	Stevens
Frederickson	Novak	Price	Stumpf
Higgins	Olson	Ring	Vickerman

### Governmental Operations and Veterans (15)

**Chair:** Metzen  
**Office:** 303 Capitol **Phone:** (651) 296-4175  
**Meets:** Tues., Thurs., 12 noon-1:45p.m.; Weds., 10-11:45 a.m. Room 15

**Members:**

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

### Health and Family Security (16)

**Chair:** Hottinger **Vice Chair:** Lourey  
**Office:** 120 Capitol **Phone:** (651) 296-1323  
**Meets:** Tues., Thurs., Fri., 10-11:45a.m. Room 15

**Members:**

Berglin	Foley	Robertson	Stevens
Betzold	Kiscaden	Sams	Terwilliger
Dille	Piper	Samuelson	
Fischbach	Ring	Solon	

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

**Chair:** Novak **Vice Chair:** Kelley, S.P.  
**Office:** 322 Capitol **Phone:** (651) 296-1767  
**Meets:** Tues., Thurs., Fri., 10-11:45 a.m. Room 123

**Members:**

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

### Judiciary (13)

**Chair:** Ranum **Vice Chair:** Betzold  
**Office:** 306 Capitol **Phone:** (651) 296-0249  
**Meets:** Mon., Weds., Fri., 12 noon-1:45 p.m. Room 15

**Members:**

Berglin	Foley	Knutson	Spear
Cohen	Janezich	Limmer	Wiener
Fischbach	Kiscaden	Neuville	

### Local and Metropolitan Government (18)

**Chair:** Vickerman **Vice Chair:** Higgins  
**Office:** 226 Capitol **Phone:** (651) 296-4150  
**Meets:** Mon., Weds., Fri., 2-3:45 p.m. Room 107

**Members:**

Day	Kierlin	Lourey	Price
Flynn	Kinkel	Olson	Robling
Hottinger	Langseth	Pappas	Scheevel
Kelley, S.P.	Lessard	Pariseau	Wiger

### Rules and Administration (24)

**Chair:** Moe, R.D. **Vice Chair:** Junge  
**Office:** 208 Capitol **Phone:** (651) 296-4196  
**Meets:** On call

**Members:**

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

### Transportation (17)

**Chair:** Flynn **Vice Chair:** Murphy  
**Office:** 120 Capitol **Phone:** (651) 296-5099  
**Meets:** Tues., Thurs., 12 noon-1:45 p.m.; Weds. 10-11:45 a.m. Room 112

**Members:**

Belanger	Johnson, D.H.	Langseth	Sams
Day	Johnson, D.E.	Ourada	Terwilliger
Hanson	Kelly, R. C.	Pappas	Ziegler
Janezich	Laidig	Robling	



## Budget Divisions

### Crime Prevention and Judiciary Budget Division (11)

**Chair:** Kelly, R.C.

**Office:** 323 Capitol

**Phone:** (651) 296-5285

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

**Members:**

Anderson	Junge	Limmer	Spear
Belanger	Knutson	Neuville	
Betzold	Laidig	Ranum	

### Economic Development Budget Division (13)

**Chair:** Janezich

**Office:** 328 Capitol

**Phone:** (651) 296-8017

**Meets:** Tues., Thurs. 2-3:45 p.m. Room 123 Capitol

**Members:**

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

### Environment and Agriculture Budget Division (12)

**Chair:** Krentz

**Office:** 235 Capitol

**Phone:** (651) 296-7061

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

**Members:**

Anderson	Frederickson	Pariseau	Stumpf
Berg	Laidig	Price	Vickerman
Dille	Lessard	Ring	

### Family and Early Childhood Education Budget Division (10)

**Chair:** Piper

**Vice Chair:** Foley

**Office:** G-9 Capitol

**Phone:** (651) 296-9248

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

**Members:**

Higgins	Marty	Terwilliger
Lesewski	Ring	Ziegler
Lourey	Robling	

### Governmental Operations Budget Division (11)

**Chair:** Price

**Office:** 235 Capital

**Phone:** (651) 297-4158

**Meets:** Tues., Thurs., 4-6 p.m.; Weds., 2-4 p.m. Room 125

**Members:**

Betzold	Marty	Runbeck	Wiger
Cohen	Metzen	Scheid	
Frederickson	Robertson	Stevens	

### Health and Family Security Budget Division (13)

**Chair:** Samuelson

**Office:** 124 Capitol

**Phone:** (651) 296-4875

**Meets:** Tues., Thurs., Fri., 4-6 p.m. Room 123

**Members:**

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

### Higher Education Budget Division (10)

**Chair:** Stumpf

**Vice Chair:** Kinkel

**Office:** G-24 Capitol

**Phone:** (651) 296-8660

**Meets:** Tues., Weds., Fri., 8-9:45 a.m. Room 107

**Members:**

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

### K-12 Education Budget Division (15)

**Chair:** Pogemiller

**Vice Chair:** Wiger

**Office:** 235 Capitol

**Phone:** (651) 296-7809

**Meets:** Tues., Weds., Fri., 8-9:45 a.m. Room 112

**Members:**

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

### Property Taxes and Local Government Budget Division (15)

**Chair:** Pappas

**Office:** 120 Capitol

**Phone:** (651) 296-1802

**Meets:** Mon., Tues., Weds., Thurs., Fri. 4-6 p.m. Room 15

**Members:**

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

### Transportation Budget Division (10)

**Chair:** Johnson, D.E.

**Office:** 124 Capitol

**Phone:** (651) 296-1738

**Meets:** Tues., Thurs., 12-1:45 p.m.; Weds. 10-11:45 a.m. Room 112

**Members:**

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

## Taxes and Finance Committees

### Committee on Taxes (23)

**Chair:** Johnson, D.J.

**Vice Chair:** Scheid

**Meets:** Mon., Tues., Weds., Thurs., 4-6 p.m. Room 15

**Office:** 205 Capitol

**Phone:** (651) 296-8881

**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 (12)

**Chair:** Langseth

**Office:** 122 Capitol

**Phone:** (651) 296-3205

**Meets:** Mon., Tues., Weds., Thurs., 4-6 p.m. Room 123

**Members:**

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

### Human Resources Finance Committee (14)

**Chair:** Berglin

**Office:** 309 Capitol

**Phone:** (651) 296-4151

**Meets:** Mon., Tues., Weds., Thurs., 4-6 p.m. Room 112 Capitol

**Members:**

Janezich	Kiscaden	Ranum	Terwilliger
Johnson,D.H.	Kleis	Samuelson	
Kelly, R.C.	Lourey	Spear	
Kierlin	Neuville	Stevens	

### State Government Finance Committee (17)

**Chair:** Cohen

**Vice Chair:** Ring

**Office:** 317 Capitol

**Phone:** (651) 296-5308

**Meets:** Mon., Tues., Weds., Thurs., 4-6 p.m. Room 112

**Members:**

Dille	Junge	Limmer	Stumpf
Fischbach	Krentz	Metzen	Wiener
Frederickson	Laidig	Ourada	Ziegler
Johnson, D.E.	Lessard	Solon	

# Committee update

## Updates heard

Members of the Health and Family Security Budget Division listened to updates on the civil commitment of sexual offenders and on compulsive gambling programs Tue., Feb. 22. Sen. Don Samuelson (DFL-Brainerd) chairs the committee.

Department of Human Services (DHS) Commissioner Michael O'Keefe and Department of Corrections (DOC) Director Stephen Huot came before the committee to talk about civil commitment for high risk sexual offenders. O'Keefe said that although the department wants to involve sex offenders in civil commitment programs, the growth rate is unsustainable. He provided the example of Moose Lake, where the number of participants has grown to 162 from 100 when the facility opened in 1996. Licensed staff and other provisions for the program make operation costs greater than standard prisons, he explained. O'Keefe said program costs will reach \$43 million by 2005.

O'Keefe said that collaborating with the DOC reduces costs. By starting treatment while the participants are still in prison, containment time beyond the original sentence is reduced, and those who fail the program or refuse participation are already contained in a less costly facility, he explained. Huot said that the departments are developing a plan to hold high risk offenders accountable for constructive use of their prison time by maximizing incarceration lengths for those who refuse or fail treatment.

Huot said that the number of sex offenders in Minnesota prisons has climbed from 587 in 1990 to 1,164 in 2000, of which 23 were civilly committed in 1990 and 155 in 2000. Prisoners with treatment, he said, recidivate over 20 percent less than those without. Huot also noted that the average containment length for civilly committed offenders is 96 months, compared to 54 months for sex offenders in general. While in prison, only 2 percent of civilly committed offenders complete their treatment, he said.

Steve Dentinger, executive director of the Lake Superior Area Family Services, presented the committee with statistics about gambling in Minnesota. Pathological gamblers make up two percent of adults, he said, and living

within a 50 mile radius of a casino doubles one's risk of having gambling problems. Dentinger told members that in 1997, 89 percent of adults had gambled at some point, and 72 percent in the past year. According to a report released by the governor in 1999, the debt of problem gamblers with lower incomes often exceeds their yearly income, he said.

Randy Stinchfield, of the University of Minnesota, told the committee about research being conducted on gambling in Minnesota. Although 77 percent of the questions posed about gambling in Minnesota have little or no data to date, Stinchfield said that preliminary studies have been conducted. Current research is needed, he said, because what data is being used to answer questions dates back to 1994 or earlier.

Minnesota State Lottery Director of Research Don Fenney talked about treatment for problem gamblers. "We do not know what kind of treatment works for whom," Fenney said.

## Higher Education Budget Division

### Capital budget heard

Members of the Higher Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), met Tues., Feb. 22, and heard an explanation of the administration's capital budget recommendation for higher education. Department of Finance officials, Stephanie Andrews, Stewart McMullin and Lee Mehrken, faced a barrage of questions from the panel.

The administration used a 15-year average in figuring its \$118 million budget recommendation for higher education, rather than a long-standing 3 percent debt-service guideline, Mehrken said. "The 3 percent cap worked well as bonding discipline until the state started running consecutive budget surpluses," he said. "Now, it's utility is severely limited."

The administration's recommendation compares with a total capital budget request of \$364.3 million between the University of Minnesota and the Minnesota State College and University (MnSCU) system.

"Was inflation taken into consideration?" asked Sen. Deanna Wiener

(DFL-Eagan. "Anyone knows construction costs have gone up the last 15 years."

Sen. Steve Kelley (DFL-Hopkins) said the 15-year average "has no relevance" today. "It completely ignores the need for higher education to keep up with technology, which is one of the priorities of the 'Big Plan.'"

Sen. Steve Murphy (DFL-Red Wing) said the higher education capital budget appears to favor the Metro Area over Greater Minnesota. For example, he noted that the top three of the MnSCU's budget requests, all of them in the Metro Area, were recommended. The fourth, a request for a project in St. Cloud, was skipped over, a pattern similar to the administration's vetoes last year, he said.

There have been instances in the past where the administration has skipped over more projects in Greater Minnesota in favor of those in the Metro Area, Mehrken said.

"We'd be the first to admit our number may not be perfect," said Andrews. "We look forward to working with you find out what the right number is." The discussion will be continued at a later date.

The division also heard individual MnSCU requests for Higher Education Asset Preservation and Replacement (HEAPR) projects.

MnSCU's requests focus on components of buildings rather than entire buildings, unlike the U of M, said Allan Johnson, vice chancellor of facilities. MnSCU started with \$230 million in requests for HEAPR projects across 36 institutions, whittling that down to \$100 million through a long evaluation process, he said. This compares with the administration's recommendation of \$30 million.

Projects include safety and statutory requirements, building enclosures, grounds, heating, ventilation and cooling (HVAC), plumbing and space restoration.

At the \$30 million bonding level, Johnson said priorities, such as a new HVAC system at Winona technical college, would be funded first. This funding level would not help to reduce a \$498 million backlog, he said.

"One of the things we're interested in is technology," said Stumpf. "Are we premature in moving ahead on some of

these building projects without really having a full picture of your plans for technology in future?"

Laura King, vice chancellor of finance, said a long-range plan that lays out a vision, goal and mission statement for both academics and administration is being prepared, hopefully in time for the next biennial budget process.

Sen. Sheila Kiscaden (R-Rochester) suggested a "briefing" from both MnSCU and the U of M on the technical issue, "where we are and where we're going."

### Capital budget continued

The Higher Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls, met Wed., Feb. 23, and continued hearing the administration's capital budget recommendation. The proposal includes some Minnesota College and University (MnSCU) system projects that were canceled.

"Some of the projects were deemed languishing," said the Department of Finance's Lee Mehrkens. "These were across-the-spectrum determinations."

One such project is a \$4 million community events center for St. Cloud Technical College, a high priority for MnSCU. A local referendum failed, so there would be no local match, Mehrkens said.

"I'm still angry about how meager the administration's recommendations are compared with requests and real needs at both systems," said Sen. Sam Solon (DFL-Duluth).

"The administration didn't get far down the list on a wide range of proposals" from many agencies, Mehrkens said.

The administration, he said, is still reviewing projects and may be open to discussion, he said. "The ball's in your court," he said.

The committee also heard a continuation of MnSCU's HEAPR budget requests, which include a classroom remodeling and maintenance addition at St. Cloud Technical College. Part of the \$8 million project, which was not recommended by the governor, includes upgrading the HVAC system at welding lab facilities, officials said. The old HVAC system poses a serious health threat to students and faculty, according to the chancellor.

"When it comes to these technical

colleges, we have to make sure students and faculty are safe no matter what the cost," said Sen. Steve Murphy (DFL-Red Wing).

The committee also heard updates on several HEAPR projects. The projects include \$11.1 million for building conversion at North Hennepin Community College, \$18.3 million for library/technology construction at Minneapolis Community and Technical College, and \$16.7 million for library construction at Metropolitan State University.

## Jobs, Energy and Community Development

### Regulatory bills okayed

The Jobs, Energy and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), met Thurs., Feb. 17, and approved several bills that make changes to regulatory policies involving energy co-operatives and telephone companies.

S.F. 2779, authored by Sen. Douglas Johnson (DFL-Tower), modifies a state law that stipulates the number of stockholders of a cooperative electric association necessary to initiate a petition to become regulated by the state Public Utilities Commission (PUC).

Johnson said the bill is the result of a steep rate hike to customers like himself of the Lake County Power cooperative, an electric supplier born out of a 1996 merger between three smaller Northern Minnesota cooperatives. Lake County Power now has 42,000 active customers, Johnson said, and instead of a rate reduction promised at the time of the merger, rates have increased an average of 16 percent. Under the bill, the number of shareholders needed to petition for PUC regulation would drop from 5 to 1 percent, or from 2,100 to 420 customers, he said.

The bill was approved and referred to the floor.

S.F. 2271, authored by Novak, establishes a depreciation range schedule for telephone companies' equipment, instead of having the PUC set the schedule. The bill gives the companies more flexibility in their depreciation schedule for hardware and software. The bill also gives the PUC the discretion to

fix depreciation rates and methods to a particular telephone company for limited purposes. "Technology is changing so rapidly, the PUC equipment depreciation schedule is out of date," Novak said.

A quicker depreciation schedule would allow telephone companies to buy new updated equipment sooner, but should not affect consumers in the form of higher rates, he said. "Rates are capped" under law, he said. The bill was approved and sent to the floor.

S.F. 2652, also authored by Novak, permits an existing nuclear or coal-fired power plant an exemption from the Environmental Quality Board (EQB) siting process to retrofit or repower to gas or similar clean fuel-powered plant. The bill applies to electric power plants with a capacity of between 50 and 80 megawatts. The bill was approved and referred to the floor.

The committee again discussed the biomass bill, S.F. 2614, also authored by Novak. Byron White, representing the Prairie Island Tribal Council, said the community was named a third party in the state mandate in 1994. "If we're a third party, why aren't we being informed of changes being discussed?" he said. The bill was laid over for further discussion.

### Telecom regulation bills heard

The Jobs, Energy and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), met Fri., Feb. 18, and heard four proposals on regulating the telecommunications industry. No action was taken on any of the bills. "There are a lot of competing forces and a lot of good ideas" on the subject, said Novak. "We want to get a consensus on what should or shouldn't be done - and when."

S.F. 2133, authored by Sen. Steve Kelley (DFL-Hopkins), focuses on regulating telecommunications services without differentiating between the independent forms of technology. The bill also calls for freezing rates for two years of a telecommunications service provider regulated by the Public Utilities Commission (PUC) as of the effective date of enactment. It also calls for moving cable TV regulation from the local to the state level.

S.F. 2919, also authored by Kelley, is



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the administration's approach, based on a Department of Administration study of the issue last fall. The administration's bill provides that regulation should remain technology neutral but that any new telecommunications regulations "should be tied to the recognition that there will be competition in the market," said Assistant Commissioner of Commerce Tony Mendoza. The bill establishes competition classifications and charges the PUC with monitoring competition levels in them.

S.F. 3279, also authored by Kelley, is AT&T's approach. Presented by Teresa Lynch and other AT&T officials, the bill provides that an integrated service provider - one that offers a wide range of services such as telephone, Internet, cable and wireless services - should be basically exempted from regulation.

A final proposal, sponsored by Novak, is the Minnesota Telephone Association's (MTA's) approach. The bill calls for streamlined regulations, equal treatment for all providers of like services, regulation of services not companies and consumer protection, said MTA's Jerry Knickerbocker. "It looks at what we need to do to remain competitive two or three years down the road," Knickerbocker said.

All four bills also address the establishment of a universal service fund to be administered by the Department of Administration or the PUC to help provide the same high-tech telecommunications services to Greater Minnesota as are available in the Metro Area. However, details of establishing the fund, such as whether it would be funded by an appropriation or an end-user fee, differ.

Scott Brener, of US West, and several other witnesses, said they preferred MTA's plan over either AT&T's or the administration's. Brener called AT&T's plan "self-serving and without substance," while Vic Dobras, of Sprint, said the administration's plan is "a great leap backward."

"The rewrite definitely needs to be done, but it's too comprehensive and affects too many people to be done this year," said Mark Erickson of the Minnesota Municipal Utilities Association.

"There isn't sufficient time to address all the issues this session," said Mike Martin of the Minnesota Cable Commu-

nications Association, adding that only Kelley's bill addresses cable TV regulation specifically.

Time constraints prevented the committee from hearing all the witnesses. But the remainder were rescheduled for a later date.

## Telephone privacy bill heard

Members of the Jobs, Energy and Community Development Committee devoted most of the Tues., Feb. 22, hearing to discussion of a bill providing for the privacy of telecommunications customer information. The bill, S.F. 3038, authored by Sen. Steve Kelley (DFL-Hopkins), requires that consumers give consent before telecommunications companies disclose information about their customers. Kelley said the bill is part of the attorney general's initiative relating to privacy and closely parallels statutes relating to cable T.V. customer privacy. Kelley said that the cable T.V. provisions specify that information about customers, such as their viewing patterns, may not be disclosed unless the consumer has authorized such disclosure.

Steve Corneli, representing the Attorney General's Office, said the bill is similar to federal law and uses an "opt in" approach, rather than an "opt out" approach that requires customers to act affirmatively to say they do not want such information disclosed.

"Telephone companies acquire a lot of information about their customers that is commercially valuable," Corneli said. The bill lets small businesses and residential users decide if they want information disclosed, he added.

Mike Bull, also from the Attorney General's Office, said that the measure incorporates concerns of the telecommunication companies and is designed to not place an additional burden on them. Kelley emphasized that the measure is concerned only with telephone call information and does not apply to on-line communications.

Kelley offered an amendment that he said is an attempt to balance privacy concerns with the ability of companies to compete in the marketplace. The amendment specifies that if the Public Utilities Commissions finds that access to information is necessary to promote fair and reasonable competition for local telecommunications services, the

commission may require access to certain information to be granted to a competitive service provider. The amendment then specifies that the information to be provided is aggregate data regarding telecommunications services provided in a market area and the characteristics and capabilities of telecommunications facilities used to provide telecommunications services to the customer. The amendment was adopted.

Phyllis Harvin, representing US West, spoke in opposition to the measure. Harvin said that U.S. West currently has a policy that prohibits disclosure of customer information. Further, she said that U.S. West does not agree with the benefits of the opt in vs. opt out presumption in the bill. Finally, she said she was also concerned about being forced to give competitors information.

A representative of AARP spoke in support of the bill and said that the measure provides a level of privacy protection for consumers.

The bill was approved and re-referred to the Judiciary Committee.

In other action, members, chaired by Sen. Steven Novak (DFL-New Brighton), heard an update on the Workforce Investment Act from representatives of the Department of Economic Security.

## Judiciary

### "Driver's privacy" discussed

Chaired by Sen. Don Betzold (DFL-Fridley), the Judiciary Subcommittee on Data Privacy and Information Policy met on Thurs, Feb 17 to discuss three bills, two of which carried over from a prior meeting.

Sen. Leo Foley (DFL-Coon Rapids) presented an author's amendment to S.F. 2992, a bill dealing with the release of private data on motor vehicle registration forms. The bill makes provisions for privacy protection in compliance with amendments to the federal Driver's Privacy Protection Act, which regulates use by states, of information contained in motor vehicle records. To date, the federal code requiring express consent for the release of certain personal information has not been implemented. An amendment, authored by Sen. Sheila Kiscaden (R-Rochester), provides that S.F. 2992, if

passed, will take effect simultaneously with the federal legislation.

The state is obligated, under the bill, to inform registered motor vehicle owners upon issuance or renewal, that the owner's personal information may be disclosed. At that time, owner's must also be informed that personal information "may be used, rented or sold solely for bulk distribution by organizations for business purposes including surveys, marketing, and solicitation only with the owner's express consent." The bill maintains that the commissioner must provide owners a means of expressing consent, by clearly providing a box to signify choice on registration forms.

Under provisions of the bill, the registered owner of a motor vehicle may request in writing that the owner's residence address, or name and residence address, be classified "private." The commissioner is authorized to grant the classification upon receiving written notice by the owner that the classification is required for the safety of the owner or the owner's family. The owner must then provide a valid, existing address for receiving of process, and the address must be used as the mailing address.

The bill also provides for the creation of a data task force to study and make recommendations regarding the classification and use of state licensing data. Under the bill, the task force is required to report to the Legislature by January 15, 2002.

Sen. David Knutson (R-Burnesville) said, "On most issues we struggle for long periods of time and really get a handle on the issue," but he stated that he didn't feel the subcommittee was ready to decide on this particular issue. The bill was sent to the full Judiciary Committee with no recommendation.

The committee heard an overview of S.F. 2521, authored by Sen. Jim Vickerman (DFL-Tracy). The bill contains provisions for the creation of nonprofit corporations by political subdivisions. The data privacy issue under consideration dealt with the classification of audit reports. The bill provides that the results of audits for this special category of nonprofit corporation be classified as non-public information. Under the bill, a corporation must make a detailed and specific finding, maintaining that classification

of the information as non-public data is necessary for the corporation to accomplish its purpose. Corporations that receive public money are subject to annual audits, which must be reported at a regular meeting of the governing body and then must be made available to individuals. Also, the bill requires that corporations created by political subdivisions comply with the Data Practices Act. The bill was recommended to pass and sent to the full Judiciary Committee.

Knutson sponsored S.F. 3019, a bill limiting the immunity of a school district and others for good faith use and sharing of certain data on minors. Knutson said that the bill dealt with an immunity issue rather than specifically relating to a data privacy issue. He also specified that the bill only relates to the dissemination of information within a school, and was intended to address cases of very violent behavior. The bill was recommended to pass and sent to the Judiciary Committee.

### **Safe haven bill okayed**

A bill providing a means for infants to be left anonymously at a hospital cleared its final committee hurdle at the Fri., Feb. 18, meeting of the Judiciary Committee. The bill, S.F. 2615, sponsored by Sen. Leo Foley (DFL-Coon Rapids), is the so-called "safe haven" bill.

Under the bill, a person is immune from prosecution and can remain anonymous for leaving a newborn baby at any hospital in the state if the baby is left within 72 hours of birth, the baby is unharmed and it is done with the mother's permission if it is not the mother who leaves the baby. Foley was accompanied at the hearing by Lilly Riordon and Father Andrew Cozzens, founders of the Safe Place for Newborns program in Dakota County.

Sen. Sheila Kiscaden (R-Rochester) raised concern about the baby's mother. She asked if child protection services would get involved if the mother is a minor or what would happen if the mother needed medical attention. Riordon said that the hospital staff will ask the mother if she needs medical attention. Kiscaden commented that as experience is gained under the legislation, hospital staff will learn what is the appropriate response to a mother.

"Obviously we have a desperate person," Kiscaden said. Riordon said that if the mother contacts them before birth, the organization will try to persuade her to use other resources. Cozzens added that one problem is getting the mother into the hospital and that is why anonymity is included in the bill. Foley said that the bill is designed for vulnerable teenagers who may be living with their parents but aren't comfortable discussing the pregnancy.

Much of the committee discussion centered on an amendment providing immunity from prosecution to hospital staff who accept an abandoned child without reporting information about the parent as required under existing law, and exempting local social service agencies from searching for relatives of the child for adoption placement purposes.

Kiscaden questioned if the amendment would violate the Indian Child Placement Act if there was no inquiry made of the child's parentage. Sen. Don Betzold (DFL-Fridley) said it's possible that hospital staff may recognize the mother if she received pre-natal care there and asked if the staff would be exempt under those circumstances. Dakota County Attorney Jim Backstrom said that those requirements were not considered in the amendment. However, Backstrom said that an identification bracelet will be given to the person who drops off the baby along with an optional questionnaire about the child, but the intent of the amendment was to exempt hospitals and staff from reporting requirements in order to protect the child.

Sen. Allan Spear (DFL-Mpls.) urged members to make the bill as least prescriptive as possible. He said the situation involves a population of very scared and unsophisticated women, and that additional forms and bureaucracy would scare them away. The amendment was adopted and the bill was sent to the floor with a recommendation to pass.

The panel also heard a bill sponsored by Spear, S.F. 3028, making changes to the Vulnerable Adults Act. Spear said that a person charged with mistreating a vulnerable adult under the act can appeal a finding, but that there is not a similar appeal option for a person who files a complaint on behalf of a vulner-

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able adult. He said that the only recourse for the dismissal of a complaint is to go back to the investigating agency, which can be frustrating for the plaintiff. The bill, Spear said, provides a mechanism to review the lead agency's investigation. He explained that before using the review process specified under the bill, the person who filed the complaint must have already used the review process of the lead investigative agency and then state what part of the investigation they are dissatisfied with.

Spear said that the proposal is modeled on the Dept. of Human Services review process and is less formal and less legalistic than that of the courts. He said that at first he proposed the Board on Aging as the review agency but then offered an amendment placing department commissioners and ombudspersons on the panel. The committee adopted the amendment. Spear said that the review board would first look at the paperwork of the original investigation. He said that the review process could not overturn the lead agency's finding, but it could tell the lead agency how to go back and revise the complaint investigation. The committee also adopted an amendment making review data on individuals private. The bill was recommended to pass and sent to the Health and Family Security Committee.

The committee also heard S.F. 2237, the government data practices bill. Betzold, sponsor of the measure, briefly described the provisions in the bill, including a requirement that, if data is stored in an electronic format, agencies must provide it in that format if it reasonably can be done. The bill also limits a local government's authority to disseminate private or confidential data to only those purposes authorized under state or federal law, requires state agencies to designate a data practices compliance official to receive complaints, and establishes a process to resolve complaints about government data practices. The panel adopted Betzold's motion that the bill be approved and go to the Committee on Governmental Operations and Veterans.

## License data bill heard

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), met

Mon., Feb. 21, to consider a bill, S.F. 2992, prohibiting the Dept. of Public Safety from disclosing a registered owner's or license applicant's personal information unless that person gives consent.

"There are a lot of dynamics going on with this bill and as members are aware, there is a lot of controversy about the bill," said chief author, Sen. Don Betzold (DFL-Fridley). "Data Privacy is a hot issue and the public is concerned about private information going up on the Internet or being given to telemarketers," he said. Betzold added, "We are dealing with two broad categories of data; government data and data gathered by the private sector. The premise of our law is that public held by the government on its citizens should be public and we have a lot of history with the Data Practices Act. However, the information gathered by private companies is different, because while the public has a growing desire for more privacy, there is a demand for the information."

"The bill before us is limited to driver's license information," Betzold said, "The state sells these lists, but people can opt out or choose to take their names off those lists and about a third of the citizens have chosen to do so." He said that the bill represents a bad attempt by Congress to address the problem of the sale of lists of information. Congress adopted a laundry list of winners and losers as to who can get the information under an amendment known as the Shelby amendment. Law enforcement, auto manufacturers, legitimate business, research activities, civil and criminal cases, and poll activities, are among the various concerns that may obtain the information. The bill is an attempt to come into compliance with the federal law; but it isn't clear what the consequences will be if we don't comply, Betzold said.

The subcommittee consensus was to comply with the federal law, but retain current law until the federal law is implemented, he said. Betzold offered an amendment that he said reflected the discussion of the subcommittee. The amendment was adopted.

With the adoption of the amendment, Betzold said the bill maintains current law—the opt out provisions in effect now—until required by the federal law.

At that point, the commissioner is authorized to implement a system to provide for express consent to the release of personal information required by the federal law, Betzold said.

Several citizens testified on the measure and indicated that their impression had always been that driver's license and vehicle data was not sold. Florence Stephens provided examples of deceptive marketing mailings she had received that could be confused with government communications. In addition, the persons speaking on the bill said that they were unaware of the opt out provision in current law.

Betzold made a motion that the bill be re-referred to the Transportation Committee without recommendation. He said, "Right now we have three options—adopt the federal law, reject federal law; or we can go further than federal law and not allow anyone but law enforcement access to the data. My choice—lets ignore the federal law and maintain the current way of dealing with the problem."

Sen. Sheila Kiscaden (R-Rochester) said, "The bill, as it is now, indicates that we think the state's law is pretty good. There is a risk, but there is an indication that we can comply with Shelby without legislation. We think our approach is sound. As a citizen, I would prefer the opt in; but after serving here I realize that there are often unintended consequences. I believe we should, perhaps, provide more education to the citizens about the opt out option. Therefore I am going to support Sen. Betzold's bill."

The committee, chaired by Sen. Jane Ranum (DFL-Mpls.), heard two additional bills.

Members also advanced a bill, S.F. 2521, that rewrites the law relating to the creation of nonprofit corporations by political subdivisions. The bill, sponsored by Sen. Jim Vickerman (DFL-Tracy), is the result of work done by a task force. Sen. Deanna Wiener (DFL-Eagan) offered an amendment clarifying the kinds of data provided to the corporation by a private business to be treated as private data on individuals or nonpublic data. Included in the amendment is data relating to trade secret information, financial statements, credit reports, business plans, income and expense projections, customer lists,



balance sheets, income tax returns, and design, market and feasibility studies not paid for with public funds. The amendment also specifies the kinds of government data of the corporation that are private data on individuals or nonpublic data. Members adopted the amendment. The bill was approved and re-referred to the Local and Metropolitan Government Committee.

The second bill, S.F. 3019, authored by Sen. David Knutson (R-Burnsville), limits the immunity of school districts and others for good faith use and sharing of data on minors. An amendment, offered by Betzold, restricts the limit on liability to the Data Practices Act and is designed to address a possible ambiguity in the bill. Tom Deans of the Minnesota School Board spoke against the amendment and said that the amendment does nothing to provide immunity under other provisions, such as defamation. Knutson said that the idea is to encourage districts to share information, thus the immunity should not be limited to the Data Practices Act. The amendment was altered to include "other law" in order to clarify that the immunity applies beyond the Data Practices Act. The amendment was adopted. The bill was then approved and advanced to the full Senate.

### Panel reviews three bills

Members of the Judiciary Subcommittee on Data Privacy and Information Policy, chaired by Don Betzold (DFL-Fridley), met Tues, Feb. 22.

Sen. Ember Reichgott Junge (DFL-New Hope) sponsored S.F. 2421, a bill making provisions to regulate telemarketing practices. Junge gave an overview of telemarketing practices that prompted the bill, noting that the Attorney General's Office brought the practice of pre-acquired accounts to her attention. Junge explained that the bill is about consumer choice to not allow telemarketers to call their homes. The bill calls for a "Do Not Call List," maintained by the Department of Commerce, which consumers can choose to be listed on for a small fee. Telemarketers are required, under the bill, to refrain from calling anyone on the list and penalties are provided for non-compliance. Betzold stated that the Commerce Committee has already focused on the policy, and that the

subcommittee was to focus on data privacy provisions.

John Knapp, Direct Marketing Association, testified that there is an inherent contradiction in the bill. Under the bill, consumer information is referred to as "private data," but the Commerce Department hands the so-called "private data" list over to telemarketers; "It doesn't make sense," Knapp said. He also stated that the bill requires enforcement by the attorney general, directed at telemarketers, and allows a private right of action. Knapp recommended that civil penalties should only be applied in extreme situations.

Rick Diamond, ACI Telemarketing, said that 93 percent of all telemarketing is actually done by small businesses—not by telemarketing businesses per se. He also stated that his business is so successful because it focuses on a highly-targeted clientele, made possible because people want what his company sells and he has access to targeted lists.

Sen. David Knutson (R-Burnsville), said that there is obviously a tension between the enormous public outcry concerning dinnertime telemarketing interruptions and the great business that ACI is enjoying. The bill was recommended to pass and sent to the Judiciary Committee.

Betzold authored S.F. 3418. He told the panel that the bill contains provisions that are necessary to facilitate the reorganization of the data practices laws.

One provision establishes that paragraph headnotes are mere catch words, not to be regarded as constituting part of the statute. The language in the provision is similar to that of other sections in the statutes, but pertains to paragraph headnotes rather than section and subdivision headnotes. Another provision adds new language dealing with data practices laws that are codified outside of Chapter 13 and the application of general provisions in Chapter 13 to those laws. The bill was recommended to pass and included in the omnibus bill.

The committee also discussed amendments to the omnibus bill. One provision deals with specified data of the St. Paul Housing Authority and Redevelopment Authority, and classifies data submitted by those requesting financial

assistance, as private or nonpublic. Another provision addresses economic assistance data submitted to the city of St. Paul by those requesting financial assistance. The data must be classified as private or non-public unless the city provides financial assistance, at which time the data is re-classified public, except for certain data which would remain private or non-public. Other amendments dealing with technical language were adopted.

### Data sharing bills heard

The Judiciary Subcommittee on Data Privacy and Information Policy, chaired by Sen. Don Betzold (DFL-Fridley), met Weds., Feb. 23, to hear four bills relating to data sharing between agencies and data classification.

Two bills authored by Sen. Randy Kelly (DFL-St. Paul) sparked considerable debate. S.F. 2891 provides for data sharing between probation officers and school officials. John Stannoch, chief deputy attorney general, said the measure contains two important provisions. The first broadens the types of offenses under which there is a transfer of a juvenile court disposition order to the juvenile's school. Secondly, Stannoch said, the bill authorizes school officials to communicate with probation officers in order to ensure compliance with a disposition order. Stannoch said that there is nothing prohibiting school officials from communicating with probation officers about juveniles' compliance with disposition orders, but the officials are not doing so because it is not specifically authorized. Committee members, though, expressed concern that the language in the bill was too broad. An amendment was drafted specifying in more detail the persons having access to the information in the disposition order, narrowing the scope to specify that the information is for the limited purpose of serving the educational needs of the juvenile and protecting students or staff. The amendment was adopted, but because of time constraints no action was taken on the measure.

Earlier, members considered Kelly's other bill, S.F. 2854. The measure allows county attorneys or their designee to have access to private and confidential data and health records in order to determine whether good cause

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exists to file a commitment proceeding under the psychopathic sexually dangerous persons law. Stannoch said under current law, county attorneys—or members of the Attorney General's Office acting for the county attorney—face a time crunch in getting information to determine whether to file a commitment proceeding. Betzold questioned the scope of the bill and asked why the same ends couldn't be accomplished by a motion to the judge. Piper Kinney, also from the Attorney General's Office, said that the office has interpreted the Data Practices Act to mean that there must be a legal proceeding first.

Warren Maas, coordinator for the Hennepin County Commitment Defense Project, said, "The problem is a time crunch on the part of the Attorney's General's Office and what is being proposed is the removal of a substantive right." He also said that the bill could be a disincentive for offenders to seek treatment if the offender knows that all records could be opened.

Sen. Jane Ranum (DFL-Mpls.) offered an amendment providing that the county attorney, or the county attorney's designee may petition the court for access to private or confidential data that relate to the proposed patient, if access to the data is necessary for purposes of determining whether good cause exists to file a petition or, if a petition is filed, to support the allegations of the petition during the commitment proceeding. Betzold offered an amendment to the amendment defining the proposed patient as someone who has been convicted of a sexual offense. The Betzold amendment was adopted. The Ranum amendment was also adopted and the bill was advanced to the full Judiciary Committee.

Members also advanced two additional bills. S.F. 2811, authored by Sen. Linda Higgins (DFL-Mpls.), allows the sharing of taxpayer identity information relating to employees between the Dept. of Labor and Industry and the Dept. of Revenue for purposes of administering the workers compensation provisions. The bill was approved for inclusion the panel's omnibus bill. The subcommittee also approved language from a bill, S.F. 3112, authored by Sen. Pat Piper (DFL-Austin) for inclusion in the omnibus

bill. Connie Greer, representing the Dept. of Children, Families and Learning, said that when the duties relating community action, Headstart and foodshelf programs moved to the Dept. of Children, Families and Learning, the language regarding data classification was not moved in the statutes. Members approved the amendment for inclusion in the omnibus bill.

## Alternate custodian bill gains

A bill refining the current law that allows parents to designate a caregiver was heard at the Weds., Feb. 23, meeting of the Judiciary Family Law Subcommittee.

The bill, S.F. 3018, provides for stand-by and alternate custodians to be named by parents with court approval. Sen. Jane Ranum (DFL-Mpls.), chief author of the measure, said, "The bill attempts to establish a clear process for parents who are terminally ill to name caregivers so that they have assurance of a safe, secure future for their children." Ranum said the bill replaces the law enacted in 1996 and builds on what has been done in other states.

Under the bill, a parent with legal and physical custody—or a legal custodian—may designate a stand-by or temporary custodian by means of a written designation. The bill also specifies the contents of a designation and provides a recommended form. Further, the bill sets forth the procedures governing a petition for approval of a designation from the court. Ranum said that the designation constitutes a presumption that the designated custodian is capable of serving in that capacity. The measure specifies the authority of the custodian and provides that the custodian could act upon the occurrence of the triggering event—such as death or disability.

Steve Arnot, chair of the Legislative Committee of the Family Law Section of the Minnesota Bar Association, said that the bill is important for stable families and that at no time is a parent denied the opportunity to be a parent.

Laurie Hanson, representing Minnesota Kinship Caregivers Association, said nationwide there is an explosion of relatives raising children and Minnesota is no exception. She said that kinship care is the safety net that keeps children out of the social services system and that the bill strengthens the safety net.

Ranum added that the bill is consistent with current law providing grandparents ex parte custody of children. The bill was approved and advanced to the full Judiciary Committee.

Members, chaired by Sen. Leo Foley (DFL-Coon Rapids), also heard a bill making changes in child support enforcement provisions. S.F. 3016, authored by Sen. David Knutson (R-Burnsville), brings Minnesota law into compliance with federal law relating to federal child support incentives.

Knutson offered several author's amendments to the bill. One amendment changes the priority for revenue recapture to place debts for child support at a higher priority than delinquent state or federal taxes. Another amendment requires the commissioner of human services to develop an arrearage notice to be sent to an obligor before the obligor's bank account is seized under the financial data match program. Christa Anders, representing the Dept. of Human Services, assisted Knutson in presenting the bill and answered questions relating to the financial data match program. She said that the department is still negotiating with the banking community on the best methods and costs of implementing the program. Steve Johnson, representing the Minnesota Bankers Association, said that the banking community would continue working with the department. Both amendments were adopted. The bill was approved and referred to the full Judiciary Committee.

## K-12 Education Budget Division

### School safety discussed

Several bills were evaluated by the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) Fri., Feb. 18. The K-12 Budget Division uses a bill ranking system for inclusion of bills in the omnibus K-12 bill. The ranking is as follows: "A"-in the omnibus bill, "B"-in the omnibus bill, funding level to be determined, "C"-in omnibus bill if funds are available, "D"-maybe next year, "W"-needs more work and "E"-not in the direction of the committee.

Sen. Randy Kelly (DFL-St. Paul), said he wants to raise awareness about school

safety issues. His bill, S.F. 2913, appropriates \$2.5 million to school districts for capital improvement grants to improve safety at schools. "The school officials I talked to need money to enhance the physical safety of students. It's not just an urban issue, it affects Greater Minnesota also," said Kelly. Jack Nelson, coordinator of safety and security for Minneapolis public schools, said the bill allows districts to have a resource to systematically address safety issues.

A bill sponsored by Sen. Jerry Janezich (DFL-Chisholm), S.F. 3007, makes Independent School District No. 2142 eligible for the alternative facilities bonding and levy program. Superintendent Don Langen said the district is the largest in the state with a total area of 4131 square miles. "Our problem is we have to have a bigger referendum than necessary to get votes," he said. Sen. Kenric Scheevel (R-Preston) asked Langen what the advantages of consolidation have been. Langen said consolidation has allowed sharing of capital assets and staff that otherwise wouldn't have been possible. The bill was placed on the "W" list.

Scheevel presented S.F. 2393, which eliminates the pupil per grade condition for capital loans. Currently, a district has to serve, on average, 80 pupils per grade or be eligible for elementary or secondary sparsity revenue. Last year, the per pupil requirement for the debt service equalization program was eliminated. "The bill is consistent with the direction the committee has been moving," Scheevel said. The bill was placed on the "W" list.

S.F. 2368, authored by Sen. Charles Wiger (DFL-North St. Paul), authorizes the Mahtomedi school district to make a transfer up to \$525,000 from its debt redemption fund to its capital account. Superintendent Dennis Rettke said the transfer will be used to acquire land. The bill was placed on the "C" list.

Wiger also presented S.F. 2608, a bill that allows operating capital to be used for school media centers. "This bill gives schools the needed flexibility to meet student needs," said Wiger. The bill was put on the "A" list.

Lastly, the committee heard a presentation from Stephanie Andrews and Heather Johnston of the Department of Finance about the administration's

capital criteria and bonding process. Andrews said several departments and agencies were involved and that the process was more inclusive than in past years. Based on seven criteria, the Executive Budget Team spent hours and hours to determine which projects to include in the administration's capital budget plan, she said. Out of \$1.5 billion in capital requests, a \$462 million budget has been recommended by the administration.

### **Pesticide notification proposed**

The K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Tues., Feb. 22, to consider pesticide use notification, school safety and levy bills.

Under S.F. 2842, authored by Sen. Twyla Ring (DFL-North Branch), during the first two weeks of the school year, schools must provide notification of the estimated schedule of pesticide application. In addition, the notice must be placed in the school handbook or newsletter. A parent or student may also request notification of each individual pesticide application from the school. Kay Richardson, of the Minnesota Children's Health Environment Coalition, said, "Parents deserve the right to know if their children are being exposed to pesticides." Kathleen Schuler, also a member of the coalition, testified that 30 states regulate pesticide use at schools but Minnesota is not one of them. Ceci Shapland, executive director of the Women's Cancer Resource Center, said research shows there is definite evidence of a link between the environment and cancer. "The increasing use of pesticides has been linked to cancer," she said. The bill was amended to include private as well as public schools, excluding home schools. Craig Sallstrom, director of the Minnesota Crop Production Retailers, said the bill needs clarification on what type of pesticides require notification. An amendment was added that the Department of Children, Families and Learning must maintain a list of pesticides that are classified as toxicity I, II or III pesticide products or as restricted use pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act. The list must be available on the CFL web site or as a prominent link to another state agency's web site. Lastly,

the committee amended the bill to name it the Janet B. Johnson Parent's Right to Know Act of 2000. Johnson, a former Senator who passed away last summer, believed strongly in the bill according to her daughter, Jessica Roe, an attorney. Roe testified about her mother's request to make sure the bill passed after it was defeated last year. The bill was incorporated into the K-12 omnibus bill.

S.F. 3074, authored by Sen. Jane Krentz (DFL-May Township) contains language identical to the unamended S.F. 2842. The bill was laid over.

Sen. Linda Scheid (DFL-Brooklyn Park) presented S. F. 3043, which expands the school levy and safety program to include pupil and staff personal safety issues. Under the bill, the health and safety program of schools must have a pupil and staff personal safety plan. Plans can include peer mediation, police liaison officer activities, installation of monitoring and communications devices or school building modifications. The bill increases aid to schools by \$26 million in FY 2001 and approximately \$28.9 million in FY 2002 and after.

A similar proposal, S. F. 2341, authored by Sen. Charles Wiger (DFL-North St. Paul), calls for expansion of the school levy and school safety program to include expenditures on student safety. The bill increases aid expenditures in FY 2001 and after by \$27.1 million and reduces levies by \$20.6 million. Thus, additional cost to the state would be \$6.5 million. Thomas Melcher, of the Children, Families and Learning Department, recommended a clarification of what is meant by school safety. S.F. 3043 and S.F. 2341 were placed on the "W" list to be considered along with bills of a similar nature.

Sen. Bob Lessard (DFL-Int'l Falls), presented S.F. 3710, which extends the levy authority for the public library in Independent School District 319 until 2003. The bill was placed on the "A" list.

### **Bonding requests heard**

Bonding requests were among several bills presented to the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), Wed., Feb. 23.

S.F. 3124, authored by Sen. Linda



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Scheid (DFL-Brooklyn Park), expands voluntary interdistrict integration efforts and provides increased funding. The bill also allows magnet schools to receive aid for start-up costs and be eligible for health safety revenue and appropriates bond funds for magnet schools. The bill was placed on the "C" list with the exception of a section which was deleted.

Identical language to that which was deleted from S.F. 3124, is found in S.F. 3235 sponsored by Sen. Shelia Kiscaden (R-Rochester). The bill provides additional funding of \$1.63 million in FY 2000 and \$8.28 million in FY 2001 for integration aid. Kiscaden said there needs to be recognition of significant changes in minority and immigrant populations across the state. Dr. Jack Noenning, superintendent of the Rochester School District, said there has been an increase of 400 Somali students in the district in recent months. The bill was placed on the "A" list.

Sen. Don Samuelson (DFL-Brainerd), presented S.F. 2817, a request for \$250,000 to help build a new library in Crosslake. Alden Hardwick, speaking on behalf of the Crosslake library committee, said the closest school library is 20 miles away and the closest public library is 30 miles away. He said \$500,000 will be raised locally and through grants. He added that over 150 people have volunteered to work in the library once it's built. The bill was placed on the "C" list.

S.F. 2391, sponsored by Sen. Kenric Scheevel (R-Preston), appropriates \$3 million in bond funds for a concrete monolithic dome K-12 school in Grand Meadow. According to the proposal, the dome school will save 20 percent in construction costs, 50 percent in energy usage and be safer and more durable than conventional structures. Supporters said the school will serve as model to other districts across the state. Pogemiller said it's sad that the proposal was stopped at the conference committee level last year when it had support in both bodies. The bill was placed on the "C" list.

Sen. Bob Lessard (DFL-Int'l. Falls) presented two bills. S.F. 3314 modifies the bond sale limitation, on capital loans that have been outstanding, to 30 years. The current time frame is 20 years. The bill was placed on the "A"

list. S.F. 3050 modifies the sparsity revenue formula and establishes minimum levels of state aid. Jerry Struess, superintendent of the South Koochiching School District, said the district is the one most adversely affected by the change in the formula last year. He said the district is losing \$200,000 to \$300,000 a year in state aid. The bill was placed on the "W" list.

A \$10 million appropriation for youth enrichment facilities is contained in S.F. 3342, authored by Scheid. She said the Legislature appropriated \$16 million in 1996 and \$5 million in 1998 for youth enrichment facilities. "A lot of good things were done around the state with these funds," said Pogemiller. John Tourville, city administrator for Hibbing, spoke of a project to refurbish a theater in Hibbing that will apply to receive the proposed funding. "It's a \$90,000 project we just can't afford on our own," he said.

## Local and Metropolitan Government

### Charitable gambling tax cut gains

The tax rates applied to charitable gambling activities are scheduled for reduction under a bill approved at the Mon., Feb. 21, meeting of the Local and Metropolitan Government Committee. The panel also approved the 2000 omnibus gambling bill and another bill authorizing a study of the feasibility of regulating online gambling. Finally, the committee received the state lottery annual report.

The charitable gambling tax rate reduction bill, S.F. 2439, authored by Committee Chair Jim Vickerman (DFL-Tracy) was heard simultaneously with identical bills sponsored by Sens. Jerry Janezich (DFL-Chisholm), LeRoy Stumpf (DFL-Thief River Falls), Pat Pariseau (R-Farmington), and Charles Wiger (DFL-North St. Paul). Vickerman said that the bill reduces the tax rate on charitable gambling gross receipts from 9 percent to 7.5 percent, the tax on ideal gross receipts for pull-tabs and tipboards from 1.8 percent to 1.5 percent, and all categories of the combined receipts tax. Stumpf said that he has looked at the financial statements of charitable gambling organizations and said he was surprised how

much of their revenues go to the state. "It doesn't make sense to collect that much at this time," he added. Wiger asked rhetorically "who could disagree that more of the revenues should stay at the local level?" However, Sen. Carol Flynn (DFL-Mpls.) did disagree with Wiger, saying that with so much money going to the state there may not be as much community support and participation. If the tax rate were lowered and more revenue stayed in the community, Flynn argued, participation would increase and lead to more compulsive gambling, which is a community problem. The bill was approved and referred to the Committee on Taxes.

Vickerman also carried the omnibus gambling bill, S.F. 2903. He said that among its provisions, the bill changes the definition of an organization's gambling manager; allows an organization eligible to use gross receipts to pay property taxes the option of paying itself up to \$1,000 per month for the use of premises; changes requirements for the premises on which an organization may conduct lawful gambling; modifies raffle provisions so that off site raffle sales may be conducted for up to 12 consecutive days; raises the threshold for which a pull-tab winner must present identification to claim a prize from \$50 to \$100; and allows organizations offering paddlewheel or tipboard games up to 30 days to pay for merchandise prizes. Citing a lack of support from the Gambling Control Board, Vickerman offered an amendment removing the pull-tab prize claim provision. The committee adopted the amendment. The panel also adopted an amendment allowing reimbursement of honor and color guards as a lawful purpose expenditure.

Pariseau offered an amendment containing provisions similar to a bill, S.F. 2437, sponsored by Sen. James Metzen (DFL-South St. Paul). The amendment specifies the conditions under which a manufacturer is not required to sell gambling supplies to a distributor. Metzen said the issue is a matter of fairness. Sen. Linda Higgins (DFL-Mpls.) asked why a manufacturer would refuse to sell to a distributor. Pariseau said that there may be an exclusive arrangement for a particular game, which is one of the exceptions to the requirement. Sen. Steve Kelley

(DFL-Hopkins) said he was concerned that some manufacturers may not sell to any distributor in Minnesota to avoid the requirement. However, Metzen said that no manufacturer would pull out of the Minnesota market because it is too profitable. The amendment was adopted.

Kelley also questioned the provision allowing an organization the option to pay itself up to \$1,000 per month out of gross receipts for the use of premises. King Wilson, representing Allied Charities, said the provision applies to organizations eligible to pay property taxes with gross receipts. He said that in the Metro Area that amount may be up to \$35,000 but it could be much less in rural areas. Wilson said that charitable organizations in rural Minnesota, where property taxes are lower, want to be able to spend up to that amount of money on themselves. Kelley said that the provision would open the door for Metro Area organizations that want to spend money on themselves like their "rural cousins."

Sen. Claire Robling (R-Prior Lake) also inquired about the provision allowing a charitable organization to conduct off site raffles for up to 12 consecutive days. Wilson said the provision extends the time limit to match the length of the state fair. The committee approved the bill and advanced it to the Senate floor.

Earlier the committee considered S.F. 2273, sponsored by Sen. Douglas Johnson (DFL-Tower). Johnson said the bill does not propose allowing internet gambling, but said it makes sense to do a study to see if a business can be created in Minnesota regulating internet gambling where it is legal. Frank Katania, former gambling enforcement director in New Jersey, said that online gambling can't be stopped by making it illegal so it would be better to regulate it. He said that regulation activities would include investigating the suitability of a web site for gambling, making sure it operates from one site, certifying the gambling software, and making sure that the payoffs are within the prescribed rates. The committee adopted an amendment, offered by Sen. Leonard Price (DFL-Woodbury), requiring the state lottery to pay for the study and report, then approved the bill and sent it to the floor.

The committee also heard the annual report from State Lottery Director George Anderson. He said that lottery revenues and the agency's budget have flattened out and that most of the lottery's revenue comes from scratch off games.

### **Reliever airports discussed**

The Local and Metropolitan Government Committee approved a bill setting a maximum length on the runway of the Anoka County-Blaine Airport at the Weds., Feb. 23, meeting. The committee also approved four other bills dealing with a variety of topics.

The airport bill, S.F. 751, carried by Sen. Steven Novak (DFL-New Brighton), sets a limit on the maximum length of any runway at the Anoka County-Blaine airport. Upon the adoption of an authors amendment, the maximum is set at the current length of its longest runway, 4,855 feet. Novak said the airport would retain its current classification as a "minor use" airport. Metropolitan Airports Commission Executive Director Jeff Hamiel, said that although the runway could be as long as 5,000 feet and still retain the "minor use" designation, there would not be any type of aircraft that would use a 5,000 foot runway there that isn't already using the 4,855 foot runway. Hamiel said that the Metro Area airports are the third busiest in the nation and that it is important to maximize the use of the six reliever airports so that all of the large aircraft that must use the Minneapolis-St. Paul International Airport can be accommodated. The bill now advances to the Senate floor.

The panel also considered S.F. 2530, sponsored by Sen. Arlene Lesewski (R-Marshall). She said that the bill authorizes a special enterprise zone in the city of Luverne. Lesewski said that Luverne is close to the South Dakota and Iowa borders and there is competition to locate businesses from bordering states. Bill Weber, mayor of Luverne, listed a litany of businesses that either already have or will move to South Dakota. He added that research that compared Luverne to several other similar midwestern cities found several distressing trends such as a population decrease, and job losses.

Sen. Sandra Pappas (DFL-St. Paul)

asked if South Dakota offered any incentives to those businesses that moved. Weber replied that incentives are often offered, but he wasn't sure what they were. Sen. Keith Langseth (DFL-Glyndon) said that the economically strongest communities in North and South Dakota happen to be on the Minnesota border. Sen. Jim Vickerman (DFL-Tracy), chair of the committee, moved to send the bill to the Property Taxes and Local Government Budget Division. The motion prevailed.

The committee also approved a bill carried by Sen. Steven Kelley (DFL-Hopkins), S.F. 2905, that authorizes procedures for purchases made by municipalities. Kelley said the governor vetoed a previous similar bill. The committee adopted his amendment that he said addressed the governor's concerns stated in the veto letter. He said the bill raises the limit on purchases made by municipalities that are exempt from the competitive bidding process to \$35,000 for small cities and \$50,000 for other cities. The bill now goes to the Senate floor.

One other bill received endorsement from the committee. Sen. LeRoy Stumpf, author of S.F. 2502, said the bill is the result of Kittson township's loss of population from 1997 flood. He said the normal township dissolution process presumes that there are enough people on the township board to do it, but they don't. Stumpf said this bill gives the county board the authority to do it. The bill will be placed on the Consent Calendar for final passage.

The committee also began discussion of S.F. 2789, sponsored by Sen. William Belanger (R-Bloomington). The bill makes changes to provisions regarding county coroners by expanding available options to the entire state. After some discussion, the effect of the bill on special provisions given to Hennepin and Anoka Counties was unclear. The panel decided to lay the bill over so that officials of those two counties could respond to questions.

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

### **Property tax bills heard**

Several bills dealing with local taxing issues were heard at the Tues., Feb. 22,

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meeting of the Property Taxes and Local Government Division meeting. The division is chaired by Sen. Sandra Pappas (DFL-St. Paul).

The panel considered two bills carried by Sen. Douglas Johnson (DFL-Tower). The first, S.F. 2780, eliminates the deduction of the mining effects tax distribution from the levy limit for Chisholm, Hibbing, Virginia, Eveleth and Mt. Iron for taxes payable in 2000. The second, S.F. 3264, changes the procedures by which a utility company may appeal a property valuation made by the Dept. of Revenue.

Sen. Kenric Scheevel (R-Preston) presented S.F. 2497, a bill providing an exemption from the property tax for a proposed electric power generating facility in Mower County that will be used during times of peak need. Rick Lancaster of Great River Energy said that the facility will be used when it is cheaper to operate than buying power from other producers at peak use times. However, he said, it is anticipated that the facility will only operate about 20 percent of the time.

Sen. Thomas Neuville (R-Northfield) sponsored S.F. 2301, a bill authorizing a special assessment to pay for 911 address signs. Terry Overn, the LeSeuer County auditor, said that a county could directly bill each resident for the cost of the sign, about \$18-25, but the compliance rate would only be about 70 percent. Collecting from the other residents would require a filing in small claims court which costs about \$100 each. However, Otter Tail County was going to make a special assessment for the signs but found it was not permitted under current law, Overn said. The division adopted an amendment specifying 911 signs as an authorized expense for a special assessment.

Sen. LeRoy Stumpf (DFL-Thief River Falls) carried S.F. 1545, a bill allowing Koochiching and Lake of the Woods Counties to spend road and bridge taxes levied in unorganized townships anywhere in the their respective counties. Stumpf said that Lake of the Woods County is composed entirely of unorganized territory, yet state law requires a separate road and bridge account for each township. He said the bill helps the county do a better job of tracking their compliance with the levy limit.

Dept. of Revenue staff gave a brief

presentation on the technical tax bill, S.F. 2693, sponsored by Sen. William Belanger (R-Bloomington). Pappas announced that the bill will not be incorporated into the omnibus tax bill, but will proceed on its own.

A lengthy discussion occurred around the property tax article of the department's tax policy bill, S.F. 2654, authored by Sen. Steve Murphy (DFL-Red Wing). The article changes the law requiring a county to notify a property taxpayer of overpayment by specifying the conditions under which the requirement applies. Under the bill, a county must send a notice of overpayment when the amount paid exceeds the amount due, the amount of the tax is reduced by court action or the tax is reduced by an abatement. Lance Staricha, Dept. of Revenue, gave as an example of the reason current law was enacted. For instance, there could be a situation in which both spouses of a household separately paid the full amount of tax. He said that since not every scenario resulting in an overpayment could be imagined, the law required a notice of overpayment "for any reason." Scheevel asked if the provision in the bill removes a county's responsibility to notify a taxpayer if the county sends an erroneous tax statement. Staricha said no and that a statute covers that situation. Several people testified that the provision limits a taxpayer's right to recover excessive property taxes, but Sen. Steve Kelley (DFL-Hopkins) said the current provision is being misinterpreted to mean that there should have been notice given of overassessment, but it is proper for the Legislature to correct the provision to prevent further problems.

A bill providing reimbursement to counties for the cost of providing uncompensated health care services, S.F. 2888, was presented by Pappas. Ramsey County Commissioner Sue Haigh said that a disproportionate share of the cost of uncompensated care falls on counties with regional hospitals in urban populations. The bill authorizes payment of up to \$10 million to counties that provide health care to indigents who do not reside in the county in order to reduce the reliance on property taxes to pay for the care.

Sen. Jim Vickerman (DFL-Tracy) authored S.F. 2663. The bill authorizes

the Dept. of Revenue to assess wind energy conversion systems rather than the local county. Jack Keers, a Pipestone County commissioner, said that small counties don't have the expertise to assess the facilities nor the resources to fight appeals of the assessments made by large corporations.

No formal action was taken on any of the bills. With the exception S.F. 2693 and S.F. 2654, the bills will be considered for incorporation into the property tax article of the omnibus bill.

## Rules and Administration

### Deadlines set

The Rules and Administration Committee, chaired by Sen. Roger D. Moe, met Thurs., Feb. 24, to consider a resolution setting committee deadlines for the legislative session. The joint resolution specifies that the first committee deadline is Fri., Mar. 3. The first deadline is the time by which bills originating in the Senate must be heard by Senate committees and bills originating in the House must be heard by House committees. The second deadline, or the deadline by which time the Senate committees must hear bills originating in the House and the House committees must hear bills originating in the Senate, is Fri., Mar. 10.

The resolution also specifies that a committee in the House has until the second deadline to act favorably on the companion of a bill that, by the first deadline, was referred to a budget division in the Senate. In addition, a committee in the Senate has until the second deadline to act favorably on the companion of a bill that, by the first deadline, was referred to a finance committee in the House.

The resolution specifies that omnibus appropriation bills are exempt from the first two deadlines, but the deadline for committees to act favorably on omnibus appropriation bills is Fri., Mar. 17. Finally, the resolution permits combining omnibus appropriations bills so that there will be only five major tax and spending bills. Members approved the resolution and advanced it to the full Senate.

The committee also approved and sent to the Senate floor a bill making technical changes in human services and pre-kindergarten-grade 12 education



provisions. The measure, S.F. 3387, authored by Sen. Don Samuelson (DFL-Brainerd), corrects miscellaneous oversights, inconsistencies, unintended results and technical errors in those provisions.

## Committee on Taxes

### Aircraft registration okayed

The Committee on Taxes met Wed., Feb. 23, to advance a number of bills. Sen. Douglas Johnson (DFL-Tower) chairs the committee.

Discussion resumed on S.F. 2656, authored by Johnson, a bill providing a tax information sample data study, requiring certain tax preparers to file by electronic means, and giving the commissioner of revenue certain temporary powers. The bill had been laid over in a previous committee meeting.

The bill allows sample data collection to determine if an alternative can be found to requiring the federal income tax return's accompaniment of the Minnesota income tax return, said Jennifer Eng, Department of Revenue commissioner. She said that under the bill, tax preparers who file 500 or more returns for tax year 2000, 250 or more returns for tax year 2001, and 100 or more returns for tax year 2002 will have to do so electronically. The measure will reduce duplicate data entry, Eng said, as most commercial tax preparers already use electronic form preparation. The bill also grants the commissioner of revenue authority to conduct pilot projects that would involve different methods of tax filing.

Johnson moved that the bill be recommended to pass and sent to the Senate floor. The motion was adopted on a voice vote.

Johnson also sponsored S.F. 2461, a bill exempting the purchase of certain aircraft from sales tax. Johnson said that Cirrus, the maker of a new aircraft that can deploy a parachute to prevent fatalities, moved to Minnesota to conduct a ten day training course for buyers at the Duluth airport. However, current law forces out of state buyers who will register the aircraft out of state to pay Minnesota sales tax, he said. Bill King, of Cirrus, said that all aircraft sold out of state so far have been delivered, exempting them from the sales tax. The bill has a zero sales tax impact if

enacted, he said. Sen. Gen Olson (R-Minnetrista) said that the bill would have a positive revenue impact, as sales would be encouraged and buyers would spend money over the ten day training period. Members laid the bill over to discuss specific language.

S.F. 2655, authored by Sen. Linda Scheid (DFL-Brooklyn Park), updates language recodifying insurance tax laws. Scheid said that the bill does not change policy or affect revenue, but only simplifies statute language. Members recommended the bill to pass and re-referred it to the Crime Prevention Committee because of language involving criminal penalties. The motion prevailed.

Sen. William Belanger sponsored S.F. 2693, a bill making technical and administrative changes. The bill requires retailers to keep invoices for one year on the site of sale. The committee offered an amendment to allow tobacco retailers to keep copies of invoices within a hour's retrieval in response to industry concerns. After the amendment's adoption, the committee moved the bill to the Senate floor with a recommendation to pass.

Scheid made a motion to reconsider S.F. 2655 in order to make further changes. The motion was approved, and the bill is scheduled to be re-heard Wed., Mar. 1.

Matt Smith, commissioner of the Department of Revenue, testified on behalf of the governor's tax bill, S.F. 2657, sponsored by Johnson. Smith said that the bill does not provide for retro-active tax reimbursements to students, seniors, and other groups included in the Senate's sales tax reimbursement bill. Johnson and other members raised concern about the exclusion of certain groups. The bill was laid over.

Members resumed discussion of S.F. 2461, a bill allowing sales tax exemption for certain aircraft. Scheid offered an amendment that restricts sales tax exemptions to Federal Flight Administration approved aircraft purchased for out of state use by out of state residents. The amendment was adopted and the bill was sent to the Senate floor with a recommendation to pass.

Members resumed discussion of S.F. 2657, the governor's tax bill. Smith explained the governor's proposal to reduce license tab fees and move funds

from the motor vehicle excise tax (MVET) into a multimodal transportation fund. Commissioner of Finance, Pamela Wheelock, said that such a change will underfund other projects.

Members took no action and laid the bill over.

## Transportation

### Housekeeping bill heard

The Transportation Committee, chaired by Sen Carol Flynn (DFL-Mpls.) met on Tue., Feb. 22, to discuss S.F. 2936, sponsored by Flynn. Known as the Minnesota Department of Transportation (Mn/DOT) housekeeping bill, the proposed legislation attends to routine matters such as repealing obsolete statute language and making technical corrections.

Highlights of the bill include allowing interest to be paid on returned funds given to Mn/DOT by regional and local governments for the development of an interregional transportation corridor, changing the highway work zone speed limits from 40 miles per hour to a speed determined by road authorities, and giving the responsibilities of the former Transportation Regulation Board to the commissioner of transportation. These sections of the bill are also carried by other Legislators in the Senate Files outlined below.

Sen. Clair Robling (R-Prior Lake) authored S.F. 2908, a bill allowing interest to be paid on returned funds given to Mn/DOT for inter-regional transportation corridor development by a road authority other than the commissioner of transportation. Robling explained that Mn/DOT and city governments often do not have parallel budget years. This provision facilitates more joint projects between local government and Mn/DOT, she said. The bill was sent to the Transportation Budget Division with a recommendation to pass.

S.F. 2953, authored by Sen. Charles Wiger (DFL-North St. Paul) deletes the current 40 mile per hour speed limit and states that the transportation commissioner or local road authorities shall post the speed limits in work zones. Wiger stated that under current law, motorists cannot receive a double fine for violations in a work zone when the speed limit is above 40 miles per hour, because the area no longer qualifies as a

# Committee update

work zone. No action was taken on the bill.

S.F. 3099, authored by Sen. Arlene Lesewski (R-Marshall), moves the responsibilities of the former Transportation Regulation Board (TRB) to the commissioner of transportation. Lesewski's legislation secures Governor Arnie Carlson's transferring of TRB authority to the transportation commissioner when federal law abolished the board in 1995. The committee took no action on the bill.

Sen. Mark Ourada (R-Buffalo) offered an amendment to the Mn/Dot housekeeping bill that deletes obsolete language pertaining to railroads. Members discussed the amendment's repercussions and made changes concerning the abandonment or removal of tracks and stations before its adoption.

S.F. 2936 was sent to the Senate floor as amended.

## Department bill heard

On Wed., Feb. 23, Transportation Committee members approved S.F. 3023, a bill sponsored by Sen. Dave Kleis (R-St. Cloud) concerning the Department of Public Safety (DPS). Called a housekeeping bill, the measure attends to routine matters, such as deleting obsolete statute language and making technical corrections. Sen. Carol Flynn chairs the committee.

Kleis also authored S.F. 3024, a bill conforming state traffic regulations to federal law. The bill changes the term "intoxicating liquors" to "alcoholic beverage, distilled spirit, or 3.2 percent malt liquor," specifies that a school bus is not required to stop traffic when it is fully off of the traveled portion of a road and children will not cross the road, and makes emergency vehicle sirens and motor vehicle odometer disclosure compliant with federal law.

Members raised questions about not requiring school buses to stop traffic when unloading children. Dennis Lazenberry, of the State Patrol, said that stopping on the side of a road and merging into traffic is safer and causes less disruption than stopping traffic.

After adopting an amendment making the section pertaining to alcoholic beverages effective the day after final enactment, the bill's language was adopted by the committee into the housekeeping bill, S.F. 3023, on a voice vote.

Sen. Thomas Neuville (R-Northfield) sponsored S.F. 3160, a bill relating to drivers' licenses. The bill specifies that DPS approve public, private, and commercial driver education programs, increases the amount payable by an uninsured motorist from \$25,000 to \$30,000 for bodily injury or death for one person and from \$50,000 to \$60,000 for two or more persons, and allows a driver's license to be renewed within five years of expiration upon passing the written examination. These items were removed from S.F. 3160 on a motion by Sen. Donald Zeigler (R-Blue Earth) and adopted into the housekeeping bill.

S.F. 3160 also establishes a pilot program for the use of an interlock ignition device by a person whose driver's license has been canceled for an alcohol or controlled substance incident. The device allows people to continue to use their vehicles for select purposes and prevent further intoxicated driving, he said. Neuville explained that the bill had been passed in 1991, but with obstructive provisions and regulations that prohibited its use.

Neuville said that a chip inside the device does not permit the vehicle to be started unless the driver passes a Breathalyzer test taken by blowing into the device. The chip then records the history of attempts to start the vehicle, which will be downloaded later. The interlock, he said, will be installed and maintained at the cost of program participants.

Sen. Keith Langseth (DFL-Glyndon) moved that S.F. 3160 be re-referred to Governmental Operations and Veterans Affairs with a recommendation to pass. Members approved the motion on a voice vote.

## Transportation Budget Division

### Capitol security discussed

Capitol Security revisions were discussed on Thur., Feb. 17, by the Transportation Budget Division. Sen. Dean Johnson (DFL-Willmar) chairs the committee.

Department of Public Safety Commissioner Charlie Weaver presented members with a synopsis of current security at the Capitol Complex. "Departments provide security based on their avail-

able funds, which means that the more money a department has, the better its security," Weaver said. He added that the different department security offices do not talk to each other, because they operate independently.

Bureau of Criminal Apprehension Superintendent Nicholas O'Hara came before the committee and outlined capitol complex security recommendations that address findings in a study he headed in 1999. Creation of a Capitol Complex Security Oversight Committee to assume on-going strategic operation of Capitol Security, the implementation of a security card access system, reducing the number of public entrances at the Capitol Complex to 14, heightened security in general for members of all government branches, and altering Capitol Security guard uniforms to make them distinguishable from those worn by sworn police officers, were recommended in the study.

Sen. Dick Day (R-Owatonna) questioned the governor's behavior in the need for security revisions. Day said that he enjoys the current level of security in the Capitol and would be apprehensive about anything that may alienate the public. Sen. William Belanger (R-Bloomington) raised concerns about the association visiting children may have between government and a police state should they enter the Capitol past officers and metal detectors.

Sen. Randy Kelly (DFL-St. Paul) authored S.F. 2918, a bill that he said culls the most salient recommendations from the study headed by O'Hara. Kelly's bill establishes an oversight committee for a continual look at Capitol security issues, creates a Capitol police department with funds for officer training, and funds four additional troopers for the governor's protection. In response to questions from the panel about the need for additional officers, Kelly told members that 11 officers protect the governor, which is fewer than three previous governors. A reduction in the officers' overtime is needed, Kelly said. No action was taken on the bill.

Sen. Mark Ourada (R-Buffalo) authored S.F. 3301, a bill that creates a multimodal transportation fund to be used for any state transportation purpose. Ourada said that the bill

addresses discrepancies between the Minnesota Constitution and state statutes. Under the bill, the multimodal fund receives 50 percent of the sales tax from motor vehicles as well as revenues from several sources that are currently dedicated to the trunk highway fund, the highway user tax distribution fund, and agency commissioners. This fund, Ourada said, would apportion transportation money where it is needed.

Representatives of the Minnesota Department of Transportation said that they do not have an official position on the bill, but they do applaud the effort to provide more transportation funding. Col. Anne Beers, of the Minnesota Highway Patrol, voiced concerns about funding for the State Patrol, which she said is funded through the highway appropriation. The committee took no action on the bill.

### **Mn/DOT bonding requests heard**

Minnesota Department of Transportation (Mn/DOT) representatives Ed Cohoon, Richard Stare, and Paul Jensen came before the Transportation Budget Division Mon., Feb. 21, to present the department's funding requests for bridges and buildings. Sen. Dean Johnson (DFL-Willmar) chairs the division.

Mn/DOT presented four building projects to be paid with trunk highway fund revenues. Stare explained the Regional Traffic Management Center (RTMC), a state-of-the-art regional operations

center that will integrate the State Patrol and Mn/DOT Metro Maintenance Dispatch, Freeway Operations, and Traffic Engineering. Stare said that the center will improve traffic incident management and provide travelers with better information to avoid congested areas. Combining the four operations into one center will allow resources to be shared, reducing the cost of operation, Stare said. The project will cost \$23.6 million, of which \$107,000 has already been spent in the design process.

Jensen detailed remodeling and addition plans for the St. Cloud headquarters building, which will be jointly occupied by Mn/DOT, the Department of Natural Resources, and the State Patrol. Existing space will be remodeled for Mn/DOT's maintenance office and crew space, a sign shop, and a construction lab totaling 34,199 square feet. New space will include 46,867 square feet of office space, 53,047 square feet of heated storage for Mn/DOT's maintenance fleet, a 5,580 square foot detached heated storage building, and a 9,216 square foot pole building. A total of \$11.4 million in trunk highway funds are requested to supplement \$2.5 million in general obligation bonds. Jensen said that the office space construction can be done in two parts, but the state would save \$280,000 if the project is completed at one time.

Jensen outlined a request to construct additions to the Detroit Lakes district headquarters, which will be jointly

occupied by Mn/DOT and the State Patrol, using trunk highway funds. The request consists of a 12,740 square foot addition to the shop for maintenance of large vehicles, an 18,180 foot addition to the materials lab building for storage, and 19,470 square feet of additional office space to house Mn/DOT Design employees. Mn/DOT is requesting \$10.2 million in trunk highway funds for the project.

Stare explained requests to construct a new truck station in Moorhead to replace the outdated Dilworth truck station. The facility is to be funded with partnership contributions from the county (48 percent), Mn/DOT (33 percent), and the city (19 percent). For 22,785 square feet of office and warm storage, 4,000 feet of cold storage, and a yard large enough for salt/sand operations equipment, Mn/DOT is requesting \$1.7 million.

Julie Skallman, of Mn/DOT, came before the committee to answer questions about \$44 million in general obligations bonding requests for local bridge replacement and rehabilitation. She said that of 15,000 bridges in Minnesota, 2,500 are decrepit. Funds would be used on bridges that do not receive federal funding or to provide the state and local share (20 percent) to match federal funds (80 percent). State bonding money will be matched with \$16 million in Federal funds and \$33.6 million in local government funds, she said.

# Preview

## **Monday, February 28**

### **Transportation Budget Division**

Chair: Sen. Dean E. Johnson  
9 a.m. Room 123 Capitol

**Agenda:** S. F. 2823-Sams: Trunk highway #10 reconstruction appropriation. S. F. 3162-Johnson, D. E.: Motor vehicle transactions filing fee increase. S. F. 2557-Solon: Motor vehicle transactions filing fee increase. S. F. 2586-Kinkel: Motor vehicle transactions filing fee increase.

**The Senate is in Session at 10:30 a.m.**

### **Election Laws Committee**

Chair: Sen. John Marty

12 noon Room 112 Capitol

**Agenda:** S.F.-Kleis: Constitutional amendment for removing elected officials from office. S.F.158-Cohen: Legislature size reduction. S.F. 190-Day: Legislature size reduction. S.F. 2611-Stevens: Legislature size reduction. S.F. 2457-Marty: Soft money and caucus spending limits.

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

Chair: Sen. Bob Lessard

12 noon Room 107 Capitol

**Agenda:** S.F. 2735-Price: Drycleaner environmental response and reimbursement law. S.F.2774-Price: Placing conditions on acquisition of real property paid for from certain environmental funds. S.F. 2949-Hottinger: Providing for establishment of heritage forests in unspecified counties. S.F. 3174-Lessard: Modifying land conveyance in Itasca County. S.F.3361-Higgins: Modifying reporting requirements for solid waste and wastewater treatment facilities. S.F. 3378-Lessard: Extending authorization to take two-deer in certain counties.



# Preview

## **Judiciary Committee**

*Chair: Sen. Jane Ranum*

12 noon Room 15 Capitol

**Agenda:** S.F. 2831-Hottinger: Modifying mechanics lien requirements and procedures. S.F. 3005-Ranum: Right to seek licensure for excluded adult foster careproviders; changing requirements to background studies for licensed programs; establishing tribal licensing agency access to criminal history data. S.F. 3016-Knutson: Child support enforcement provisions. S.F. 3018-Ranum: Designation of standby and alternate custodians of children. S.F. 2421-Junge: Regulating certain telephone calls.

## **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 2302-Neuville: Expanding the definition of motor vehicle and defining gross negligence for purpose of criminal vehicular operation crimes. S.F. 2470-Kelly, R.C.: Payment for costs of transcripts for indigent defendants represented by private counsel in appellate and postconviction cases. S.F. 2931-Junge: Guidelines for the administration of battered women's shelter per diem funding by the Center for Crime Victim Services. S.F. 3178-Metzen: Continuing rules authority and requiring changes in training rules relating to private detectives and protective agents. S.F. 3179-Metzen: Commissioner of public safety to award public safety grants. S.F. 3330-Neuville: Department of Corrections administrative bill. S.F. 3338-Johnson, D.H.: Insurance cap for tribal police departments.

## **Local and Metropolitan Government Committee**

*Chair: Sen. Jim Vickerman*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 1226-Vickerman: County economic development authority. S.F. 2521-Vickerman: Corporations created by political subdivisions. S.F. 2827-Wiger: Metropolitan Council fax or digital signatures use authority. S.F. 2829-Wiger: Modifying cost allocation system for the metropolitan disposal system. S.F. 2857-Lessard: Mosquito Control Commission state lands access restriction. S.F. 2948-Vickerman: Community based planning sunset repeal. S.F. 2951-Vickerman: MN planning boundary adjustment dispute

resolution. S.F. 3212-Higgins: Hennepin County chief detention deputy sheriff position.

## **Environment and Natural Resources Committee**

*Chair: Sen. Bob Lessard*

6 p.m. Room 107 Capitol

**Agenda:** If re-referred from Agriculture and Rural Development, S.F. 3443-Sams: Feedlot permit provisions.

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

*Chair: Rep. Harry Mares*

6 p.m. Room 5 State Office Building

**Agenda:** H.F. XXXX/S.F. 1846-Pogemiller: MTRFA; Membership for union business agent. H.F. 2776-Johnson/S.F. 2523-Betzold: PERA-P&F; Purchase of prior Spring Lake Park Fire Department service credit. H.F. 2285-Kalis/S.F. 2239-Larson: TRA; Extension of improved money purchase program savings clause. H.F. 2587-Westfall/S.F. 2345-Langseth: TRA; Improved money purchase savings clause extension to 1968-1969 break-in-service teacher. H.F. XXXX/S.F. 650-Pogemiller: Teacher retirement plans, level benefit/rule of 90 pre- and post-1989 hires. H.F. 2605-Wenzel/S.F. 2311-Pogemiller: MnSCU faculty retirement coverage, vendor contract extension and other changes. H.F. 2971-Tuma/S.F. 2617-Neuville: TRA, Purchase of foreign American school service credit. H.F. 3341-Van Dellen/S.F. 3193-Olson: PERA; Service credit purchase for former Hennepin County parole officer uncredited service. H.F. 3569-Skoglund/S.F. 3365-Flynn: MERF; Service credit purchase for prior Minneapolis city temporary employment. H.F. 2606-Hilty/S.F. 2798-Lourey: MSRS; Purchase of service credit for prior Dept. of Administration service. H.F. 2816-Marko/S.F. 2475-Price: PERA; Payment of omitted salary deductions for Dakota County employees. H.F. 3314-Kahn/ S.F. 3135-Pogemiller: Minneapolis police; Additional post-retirement asset distribution. H.F. XXXX-Larsen. P./S.F. XXXX-Laidig: MERF; Purchase of service credit for prior Minneapolis city temporary employment. H.F. 2467-Mares/S.F. 2275-Betzold: Judges; Benefit improvements. H.F. 2619 Murphy/S.F. 2312-Stumpf: Various plans; Post-retirement health care insurance coverage task force. H.F.

2999-Mares/S.F. 2796-Pogemiller: MSRS; Health care reimbursement plan. H.F. 3449 -Mares/ S.F. 2374-Price: Woodbury VFRA; Increased survivor benefit. H.F. 3484-Otremba/S.F. 3163 -Sams: PERA; Authorization of disability benefit application. H.F. 2543-Gleason/S.F. 2358 - Ranum: MTRFA; Purchase of service credit of certain prior teaching service. H.F. 2979- Abeler /S.F. 3042-Scheid: Various plans; modification of limitation on defined benefit plan benefits. H.F. 675- Mares./S. F. XXXX: Various plans; administrative provisions.

## **Tuesday, February 29**

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

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** S.F. 3342-Scheid: Youth enrichment activities. S.F. 3141-Hottinger: State prevention council. S.F. 2755-Robling: Establishing a new classification of child care worker for child care centers. S.F. 3333-Higgins: Creating a child care staff retention initiative.

### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** S.F. 2892-Stumpf: Deficiency appropriation. S.F. 2977-Murphy: Deficiency appropriation. S.F. 3150-Larson: HEFA bonding authority. S.F. 3051-Sams: Farm business management tuition subsidy increase. S.F. 3284-Kelley: Northstar Research Coalition. S.F. 3118-Kiscaden: Tuition waivers for health care and human service providers. S.F. 2803- Hottinger: Modifying license requirements for accountants. S.F. 2752-Wiener: Teacher preparation program.

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

*Chair: Sen. Lawrence Pogemiller*

8 a.m. Room 112 Capitol

**Agenda:** S.F. 3274-Wiger: Voluntary accreditation program in schools. S.F. 2815- Wiger: Healthful school buildings and indoor air quality. S.F. 3456-Day: Floor coverings in health/safety revenue. S.F. 3165-Scheevel: Modifying debt service equalization program. S.F. 2861-Metzen: Increasing funding for debt service equalization. S.F. 3377-Wiger: Eritrean Community Center.

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

*Chair: Sen. John Hottinger*

10 a.m. Room 15 Capitol

**Agenda:** To be announced.

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

*Chair: Sen. Steven Novak*

10 a.m. Room 123 Capitol

**Agenda:** S.F. 3355-Solon: Electronic disbursement of port authority funds. S.F. 3554-Scheevel: Non-profit organization re-employment insurance provisions. S.F. 3354-Novak: Manufactured homes limited dealers license requirements. S.F. 2893-Hottinger: Business subsidies provisions.

### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*

12 noon Room 15 Capitol

**Agenda:** S.F. 3230-Johnson, D.H.: Contracting with private entities. S.F. 2820-Hottinger: Attorney General to grant extensions for filing annual reports. S.F. 2848-Kelley, S.P: Expansion of supervisory or confidential employees list. S.F. 3229-Robertson: Provisions administered by the commissioner of administration. S.F. 3160-Neuville: Combining responsibility for all driver education programs with commissioner of public safety. S.F. 3285-Kiscaden: Use of budget surplus to pay for deferred maintenance of state buildings. S.F. 3386-Stumpf: Salary procedure for chancellor of MnSCU. S.F. 3257-Hottinger: Legislative employment provisions. S.F. 2296-Pappas: Extending the expiration date of the council on disability.

### **Transportation Committee**

*Chair: Sen. Carol Flynn*

12 noon Room 112 Capitol

**Agenda:** S.F. 2749-Lourey: "Save Family Farms" license plates. S.F. 2956-Kiscaden: Midwest Interstate Passenger Rail Compact. S.F. 2768-Belanger: Prohibiting trucks on Henn. Co. Rd No. 1. S.F. 2813-Betzold: State vehicle identification. S.F. 3184-Frederickson: School bus driver training and licensing. S.F. 3373-Pappas: Driver ed. programs.

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

*Chair: Sen. Dallas Sams*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 3101-Stumpf: Agricul-

tural land set aside and payment program. S.F. 3513-Laidig: Fertilizer law covering phosphorus plant food in certain counties. S.F. 3508-Vickerman: Excepting class 1 compost from the definition of a soil amendment. S.F. 3264-Langseth: Delaying the implementation and enforcement of feedlot rules.

### **Commerce Committee**

*Chair: Sen. Sam Solon*

2 p.m. Room 112 Capitol

**Agenda:** S.F. 2686-Robling: Sale of funeral goods and services and preneed funeral arrangements. S.F. 2870-Metzen: Department of Commerce omnibus banking bill. S.F. 2568-Pariseau: Authorizing a Branch bank in Vasa Township under certain conditions. S.F. 3092-Oliver: Department of Commerce enforcement bill.

### **Economic Development Budget Division**

*Chair: Sen. Jerry Janezich*

2 p.m. Room 123 Capitol

**Agenda:** To be announced.

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

*Chair: Sen. Jane Krentz*

4 p.m. Room 107 Capitol

**Agenda:** S.F. 2527-Janezich: Environmental Legacy initiative. S.F. 1837-Wiener: Shoreland protection pilot program. S.F. XXXX-Langseth: Prairie land bank restoration. S.F. 2300-Neuville: Milltown Trail. S.F. 2706-Price: Metro green ways. S.F. 2696-Price: Metro parks and open space.

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

*Chair: Sen. Don Samuelson*

4 p.m. Room 123 Capitol

**Agenda:** Forecast and governor's budget. S.F.3079-Solon: Minnesota domestic abuse facilities. S.F. 2758-Lourey: Indian youth alcohol treatment facility. S.F. 3117-Hottinger: Health related licensing boards - reporting requirements modifications. S.F. 2734-Berglin: Home and Pollution Control Agency service provider transportation costs reimbursement study. S.F. 2765-Berglin: Group residential housing expenditures reimbursement eligibility study. S.F. 2776-Solon: St. Louis County nursing home. S.F.3133-Berglin: Essential community providers.

### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*

4 p.m. Room 118 Capitol

**Agenda:** Bills not completed at the 8 a.m. meeting.

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

*Chair: Sen. Sandra Pappas*

4 p.m. Room 15 Capitol

**Agenda:** Local government aid and levy limits. S.F.2334-Betzold: Local government aid for Osseo. S.F. 2359-Moe: Local government aid for Kelliher. S.F. 2782-Dille: Local government aid for Darwin. S.F. 3316-Hottinger: Increasing the amount of local government aid payable to cities. S.F. 2681-Dille: Levy limits for county social services. S.F. 2824-Moe: Increased levy limit for Polk County. S.F. 2467-Solon: Expanding the definition of county capital improvement program.

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

*Chair: Sen. John Hottinger*

6 p.m. Room 125 Capitol

**Agenda:** To be announced.

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

*Chair: Sen. Jim Vickerman*

6 p.m. Room 107 Capitol

**Agenda:** Any bills remaining from Monday, February 28, 2000 agenda.

### **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*

6:30 p.m. Room 15 Capitol

**Agenda:** Carry over from afternoon meeting, if necessary.

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

*Chair: Sen. Don Betzold*

7 p.m. Room 112 Capitol

**Agenda:** S.F. 1716-Kelley, S.: Use and dissemination of personally identifiable information by Internet Service Providers. S.F. 3038-Kelley, S.: Telecommunications, telephones. S.F. 3180-Kelly, R.C.: Business access to driver's license photos.

## **Wednesday, March 1**

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

*Chair: Sen. Pat Piper*

# Preview

8 a.m. Room 15 Capitol

**Agenda:** S.F. 2532-Foley: Adult Basic Education; changing funding formula.

## **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** Continuation of MnSCU capital budget projects.

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

*Chair: Sen. Lawrence Pogemiller*

8 a.m. Room 112 Capitol

**Agenda:** S.F. 2372-Kinkel: School bank pilot project. S.F. 2414- Lessard: Adding school bank to school bank project. S.F. 3049-Lessard: Enhanced pairing aid. S.F. 2316-Hanson: Increasing levy for crime prevention. S.F. 3059-Junge: Increasing crime related cost levy. S.F. 3530-Kelly, R: Increasing crime related cost levy. S.F. 3430-Sams: Fund transfer for Watertown Mayer. S.F. 3484- Knutson: Fund transfer for Lakeville.

## **Environment and Agriculture Budget Division**

*Chair: Sen. Jane Krentz*

10 a.m. Room 107 Capitol

**Agenda:** Continuation of S.F. 4- Parisaeu: Lifetime hunting and fishing licenses.

## **Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*

10 a.m. Room 15 Capitol

**Agenda:** S.F. 43-Spear: Unicameral.

## **Transportation Committee**

*Chair: Sen. Carol Flynn*

10 a.m. Room 112 Capitol

**Agenda:** Bills remaining from February 29, 2000 agenda.

**The Senate is in Session at 12 noon**

## **Election Laws Committee**

*Chair: Sen. John Marty*

12 noon Room 112 Capitol

**Agenda:** Campaign finance reform proposals. S.F. 1498-Junge, S.F. 2277-Scheid, S.F. 2623-Marty, and S.F. 3040-Hottinger.

## **Environment and Natural Resources Committee**

*Chair: Sen. Bob Lessard*

12 noon Room 107 Capitol

**Agenda:** S.F. 2720-Runbeck: Private

sale of tax forfeited land in Ramsey County. S.F. 3173-Lessard: Constitutional amendment dedicating sales tax receipts for natural resources purposes. S.F. 3283-Runbeck: Civil enforcement of metal traction device sticker requirements. S.F. 3379-Ring: Public and private sales of tax forfeited land in Isanti County.

## **Judiciary Committee**

*Chair: Sen. Jane Ranum*

12 noon Room 15 Capitol

**Agenda:** S.F. 3346-Kelley, S.P.: Study of electronic filing of real estate documents. S.F. 3307- Ranum: Claims by person incurring injury while operating recreational vehicle on a trunk highway right-of-way. S.F. 3154-Ranum: Public defenders data access. S.F. 2627-Foley: Time limit for certain revenue recapture claims. S.F. 2929- Junge: Making technical changes to chapter 363 (human rights).

## **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 2659-Johnson, D.H.: Creating a DWI felony; requiring incarceration and intensive probation supervision. S.F. 2677-Johnson, D.H.: Recodifying DWI crimes and related provisions. S.F. 3226-Murphy: Authorizing confinement of juvenile adjudicated delinquent and convicted of crimes at the same facility. MCF-Red Wing admissions criteria and per diem factors.

## **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:** To be announced.

## **State Government Finance Committee**

*Chair: Sen. Richard Cohen*

4 p.m. Room 107 Capitol

**Agenda:** Presentation by Commissioner of Finance Pam Wheelock and Tom Stinson, State Economist, on the February 2000 Forecast. Presentation on the Minnesota and U.S. Economy by Art Rolnick from the Federal Reserve Bank of Minneapolis.

## **Commerce Committee**

*Chair: Sen. Sam Solon*

4 p.m. Room 112 Capitol

**Agenda:** To be announced

## **Committee on Taxes**

*Chair: Sen. Douglas Johnson*

4 p.m. Room 15 Capitol

**Agenda:** Overview of February 2000 Revenue Forecast—Minnesota Department of Finance and Minnesota Department of Revenue. S.F. 2655-Scheid: Dept. of Revenue recodification bill. S.F. 2654-Murphy: Department of Revenue policy bill.

## **Agriculture and Rural Development Committee**

*Chair: Sen. Dallas Sams*

6 p.m. Room 125 Capitol

**Agenda:** To be announced

## **Environment and Natural Resources Committee**

*Chair: Sen. Bob Lessard*

6 p.m. Room 107 Capitol

**Agenda:** To be announced.

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

*Chair: Sen. Steven Novak*

6 p.m. Room 123 Capitol

**Agenda:** S.F. 295-Marty: Injured employees civil remedy if an employer violated safety laws. S.F. XXXX: Workers' Compensation Advisory Council. S.F. 3095-Ourada: Next of kin of a deceased employee participation in procedures related to citations.

## **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

7:30 p.m. Room 15 Capitol

**Agenda:** Continuation of afternoon agenda.

## **Thursday, March 2**

**The Senate is in Session at 8:30 a.m.**

## **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.



**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. 2678-Flynn: Multimodal transportation fund; MVET dedication; constitutional amendment.

**Agriculture and Rural Development Committee**

*Chair: Sen. Dallas Sams*  
2 p.m. Room 107 Capitol  
**Agenda:** S.F. 3260-Stevens: Requirements for licensed aquatic farms. S.F. 3223-Sams: Omnibus agriculture and rural development policy bill.

**Commerce Committee**

*Chair: Sen. Sam Solon*  
2 p.m. Room 112 Capitol  
**Agenda:** S.F. 3581-Solon: Omnibus liquor bill containing the following bills: S.F. 2364-Solon: Exempting an on-sale liquor license in Bemidji from restrictions on proximity to a state university; S.F. 2377-Higgins: Authorizing the issue an on-sale wine and malt liquor license for the Illusion Theater; S.F. 2869-Janezich: Quad Cities Joint Recreational Center Authority to issue a liquor license; S.F. 3542-Fredrickson: Springfield to authorize a holder of an on-sale liquor license issued by the city to dispense liquor at an event on December 31, 2000 and January 1, 2001, at a facility owned by the city; and S.F. 3581-Solon: On-sale liquor license to the Lake Superior Center Authority. S.F. 2549-Pappas: Banning the sale or rental of certain video games to children.

**Economic Development Budget Division**

*Chair: Sen. Jerry Janezich*  
2 p.m. Room 123 Capitol  
**Agenda:** To be announced.

**Environment and Natural Resources Committee**

*Chair: Sen. Bob Lessard*  
6 p.m. Room 107 Capitol  
**Agenda:** To be announced.

**Health and Family Security Committee**

*Chair: Sen. John Hottinger*

6 p.m. Room 125 Capitol  
**Agenda:** To be announced.

**Transportation Committee**

*Chair: Sen. Carol Flynn*  
6 p.m. Room 112 Capitol  
**Agenda:** Continuation of S.F. 2678-Flynn from afternoon agenda.

**Governmental Operations and Veterans Committee**

*Chair: Sen. James Metzen*  
6:30 p.m. Room 15 Capitol  
**Agenda:** Carry over from afternoon meeting, if necessary.

**Judiciary Committee**

*Chair: Sen. Jane Ranum*  
6:30 p.m. Room 318 Capitol  
**Agenda:** SF 2806-Betzold: Omnibus data privacy bill. Omnibus sex offender bill. S.F. 3038-Kelley, S.P.: Telecommunications consumer privacy act. S.F. 3000-Kinkel: Consumers' right to privacy, confidentiality and secrecy of their financial records. S.F. 2854-Kelly, R.C.: County attorneys' access to data (from data privacy subcommittee). S.F. 2891-Kelly, R.C.: Data sharing between probation officers and school officials. S.F. 1716-Kelley, S.P.: Regulating the use and dissemination of personally identifiable information on consumers by ISPs. S.F. 2866-Johnson: Prohibiting the release of health records without patient consent.

**Friday, March 3**

**Children, Families and Learning Committee**

*Chairs: Sen. Pat Piper, Sen. Lawrence Pogemiller and Sen. LeRoy Stumpf*  
8 a.m. Room 15 Capitol  
**Agenda:** Bills referred from the three CFL divisions.

**Family and Early Childhood Education Budget Division**

*Chair: Sen. Pat Piper*  
Following full CFL Room 15 Capitol  
**Agenda:** S.F. 3258-Wiener: Increasing general community education revenue. S.F. 3288-Johnson, DE: Increasing youth programs in community education revenue.

**K-12 Education Budget Division**

*Chair: Sen. Lawrence Pogemiller*  
Following full CFL 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.

**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.

**Judiciary Committee**

*Chair: Sen. Jane Ranum*  
12 noon Room 15 Capitol  
**Agenda:** S.F. 3031-Murphy: Corporate and partnership farming law. S.F. 3158-Lesewski: Clarifying when fine and fee transfers occur and what proceeds apply. S.F. 1896-Kiscaden: Erroneous payment of medical assistance money. S.F. 953-Berglin: Patient Protection Act. S.F. 3202-Betzold: Study of the guardianship and conservatorship system.

**Crime Prevention Committee**

*Chair: Sen. Allan Spear*  
2 p.m. Room 15 Capitol  
**Agenda:** S.F. 2486-Wiger: Juvenile sex offender community notification. S.F. 2771-Kelly, R.C.: Providing for juvenile prostitution prevention programs. S.F. 2852-Kelly, R.C.: Increasing the penalty for prostituting a minor between the ages of 16 and 18. S.F. 3210-Higgins: Anhydrous ammonia theft and tampering. Bills rereferred from other committees. Bills rereferred from division. S.F. 2770-Kelly, R.C.: Increasing the maximum fine for misdemeanors and petty misdemeanors.

**Local and Metropolitan Government Committee**

*Chair: Sen. Jim Vickerman*  
2 p.m. Room 107 Capitol  
**Agenda:** To be announced.

**Property Taxes and Local Government Budget Division**

*Chair: Sen. Sandra Pappas*  
4 p.m. Room 15 Capitol  
**Agenda:** To be announced.

# Minnesota Senate 2000

Party	Phone	Name	Room	District	Party	Phone	Name	Room	District
DFL	296-5537	Ellen R. Anderson	G-24 Cap.	66	DFL	296-5645	John Marty	325 Cap.	54
R	296-5975	William V. Belanger, Jr.	113 SOB	41	DFL	296-4370	James P. Metzner	303 Cap.	39
IND	296-5094	Charles A. Berg	G-51 SOB	13	DFL	296-2577	Roger D. Moe	208 Cap.	2
DFL	296-4261	Linda Berglin	309 Cap.	61	DFL	296-4264	Steve Murphy	301 Cap.	29
DFL	296-2556	Don Betzold	306 Cap.	48	R	296-1279	Thomas M. Neuville	123 SOB	25
DFL	296-5931	Richard J. Cohen	317 Cap.	64	DFL	296-4334	Steven G. Novak	322 Cap.	52
R	296-9457	Dick Day	147 SOB	28	R	296-4837	Edward C. Oliver	117 SOB	43
R	296-4131	Steve Dille	103 SOB	20	R	296-1282	Gen Olson	119 SOB	34
R	296-2084	Michelle L. Fischbach	15 SOB	14	R	296-5981	Mark Ourada	145 SOB	19
DFL	296-4274	Carol Flynn	120 Cap.	62	DFL	296-1802	Sandra L. Pappas	120 Cap.	65
DFL	296-4154	Leo T. Foley	G-9 Cap.	49	R	296-5252	Pat Pariseau	109 SOB	37
R	296-8138	Dennis R. Frederickson	139 SOB	23	DFL	296-9248	Pat Piper	G-9 Cap.	27
DFL	296-3219	Paula E. Hanson	328 Cap.	50	DFL	296-7809	Lawrence J. Pogemiller	235 Cap.	59
DFL	296-9246	Linda I. Higgins	226 Cap.	58	DFL	297-8060	Leonard R. Price	235 Cap.	57
DFL	296-6153	John C. Hottinger	120 Cap.	24	DFL	297-8061	Jane B. Ranum	306 Cap.	63
DFL	296-8017	Jerry R. Janezich	328 Cap.	5	DFL	296-5419	Twyla Ring	G-9 Cap.	18
DFL	296-9261	Dave Johnson	111 Cap.	40	R	296-4314	Martha R. Robertson	125 SOB	45
DFL	296-3826	Dean E. Johnson	124 Cap.	15	R	296-4123	Claire A. Robling	151 SOB	35
DFL	296-8881	Douglas J. Johnson	205 Cap.	6	R	296-1253	Linda Runbeck	107 SOB	53
DFL	296-2889	Ember Reichgott Junge	205 Cap.	46	DFL	297-8063	Dallas C. Sams	328 Cap.	11
DFL	297-8065	Steve Kelley	321 Cap.	44	DFL	296-4875	Don Samuelson	124 Cap.	12
DFL	296-5285	Randy C. Kelly	323 Cap.	67	R	296-3903	Kenric J. Scheevel	129 SOB	31
R	296-5649	Bob Kierlin	127 SOB	32	DFL	296-8869	Linda Scheid	317 Cap.	47
DFL	296-4913	Anthony G. "Tony" Kinkel	G-24 Cap.	4	DFL	296-4188	Sam G. Solon	303 Cap.	7
R	296-4848	Sheila M. Kiscaden	135 SOB	30	DFL	296-4191	Allan H. Spear	120 Cap.	60
R	296-6455	Dave Kleis	143 SOB	16	R	296-8075	Dan Stevens	105 SOB	17
R	296-4120	David L. Knutson	133 SOB	36	DFL	296-8660	LeRoy A. Stumpf	G-24 Cap.	1
DFL	296-7061	Jane Krentz	235 Cap.	51	R	296-6238	Roy Terwilliger	115 SOB	42
R	296-4351	Gary W. Laidig	141 SOB	56	DFL	296-5650	Jim Vickerman	226 Cap.	22
DFL	296-3205	Keith Langseth	122 Cap.	9	DFL	297-8073	Deanna L. Wiener	303 Cap.	38
R	296-5655	Cal Larson	153 SOB	10	DFL	296-6820	Charles W. Wiger	325 Cap.	55
R	296-4125	Arlene J. Lesewski	131 SOB	21	R	296-5713	Donald N. Ziegler	149 SOB	26
DFL	296-4136	Bob Lessard	111 Cap.	3	<b>Capitol address: 75 Constitution Avenue, State Office Building</b>				
R	296-2159	Warren Limmer	25 SOB	33	<b>Address: 100 Constitution Avenue, St. Paul, MN 55155. All</b>				
DFL	296-0293	Becky Lourey	G-9 Cap.	8	<b>phone numbers are area code 651.</b>				

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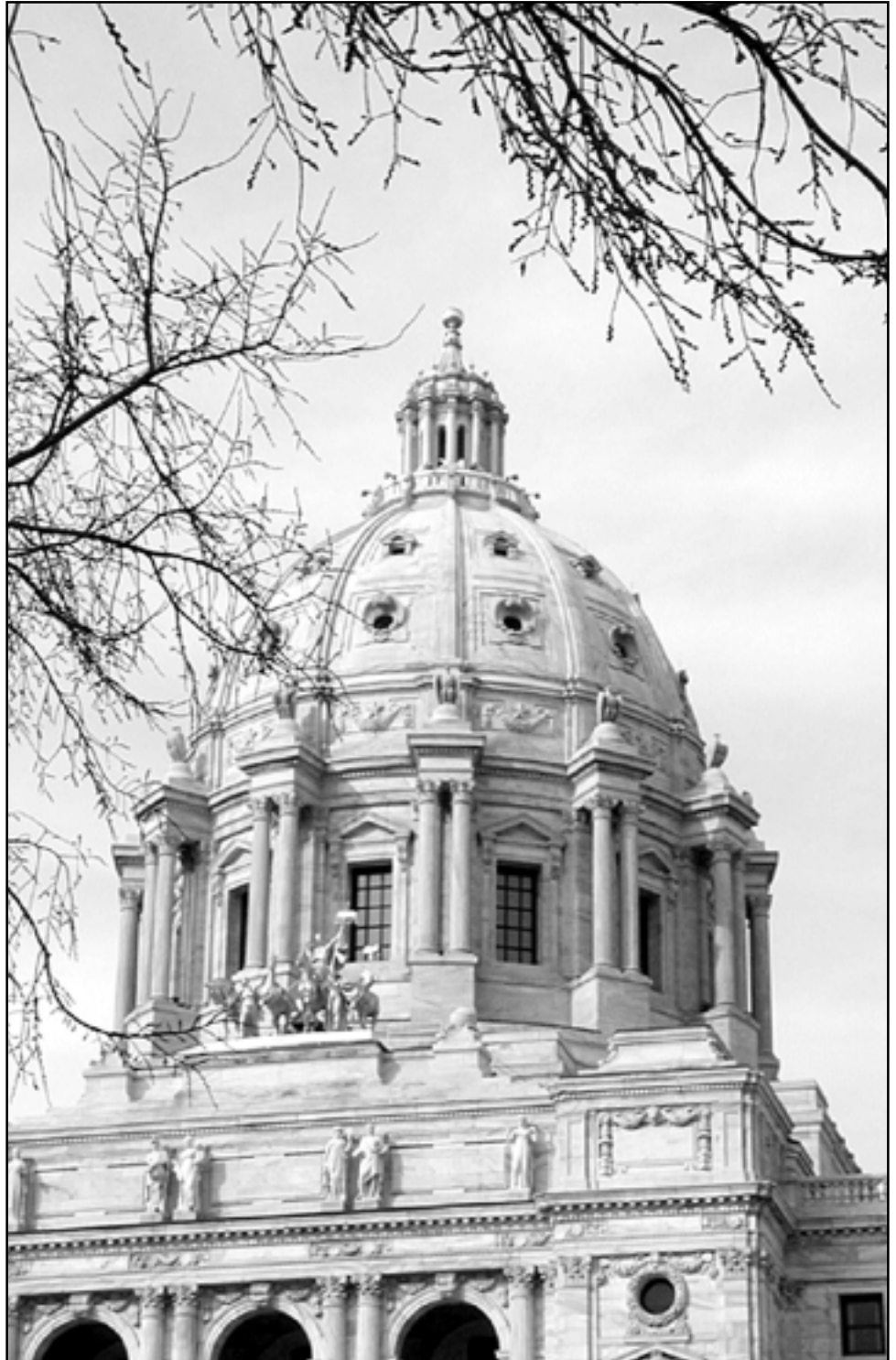
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*Unseasonably warm weather has prompted trees on the Capitol grounds to show early signs of Spring.  
Photo by David J. Oakes*



*February , 2000*



# Senate Highlights

## Farm resolution adopted

The Senate floor session Weds., Mar. 1, was dominated by a debate over a resolution calling upon the U.S. Congress to rewrite the Freedom to Farm Act and to put into place improved economic safety nets and export tools designed to protect small and mid-sized agricultural producers from low commodity prices and weather-related disasters.

The resolution, S.F. 3645, sponsored by Sen. Dallas Sams (DFL-Staples), declares that the 1996 Farm Bill reduced traditional safety nets designed to protect farmers and that trade sanctions imposed by the federal government have cost farmers lost market opportunities in the billions of dollars. Further, Sams said that Minnesota has lost thousands of family farmers due to depressed prices and the lost farms have had a negative social and economic impact on all Minnesotans.

Debate erupted when Sams offered an amendment to strike the word "rewrite" and insert the word "repeal" in the resolution. Sams said, "We are spending dollars at the federal level, but we are not getting results. Let's start all over." However, Sen. Charles Berg (IND-Chokio), opposed the amendment and

said, "Rewrite is a more correct term; there are many people who support parts of the Freedom to Farm Act." Minority Leader Dick Day (R-Owatonna) said, "Many of us thank the state and federal government support for farmers. The real truth is we need to change some elements, not repeal the entire law." Sen. Steve Murphy, though, spoke in support of the amendment and said, "We need to send a clear message to Congress." The amendment was adopted on a 33-23 roll call vote.

Sen. Kenric Scheevel (R-Preston) offered an amendment providing that the U.S. foreign policy should not include the use of food as a weapon and that all unilateral food sanctions should be immediately lifted. Sams supported the amendment, which was adopted on a voice vote.

The resolution was adopted on a 48-10 roll call vote.

In other action, members also adopted the conference committee report and repassed a bill relating to extended jurisdiction juvenile offenders. H.F. 2067, sponsored by Sen. Jane Ranum (DFL-Mpls.), provides that a person convicted as an extended jurisdiction juvenile who violates the terms of a stayed sentence does not receive credit

for time spent in a juvenile facility prior to the revocation hearing. Ranum said the conference committee removed language relating to video games that had been added on the Senate floor last year. The bill was repassed 60-0.

## Unicameral bill presented

The unicameral debate continued at the Governmental Operations and Veterans Committee meeting Weds., Mar. 1. The committee is chaired by Sen. James Metzen (DFL-South St. Paul).

S.F. 43 proposes putting the question of establishing a unicameral Legislature before the voters in November. Sen. Allan Spear (DFL-Mpls) outlined what his proposal is not. He said it's not about bashing the Legislature, saving money or copying the Nebraska model. "I don't want to turn Minnesota into Nebraska," he said. He again mentioned his reasons for supporting a unicameral system. He said history supports his argument, a unicameral Legislature will get rid of conference committees and Legislators will be more accountable under a unicameral system. Spear said his proposal has merit and there is enough citizen support to put the question on the ballot. Sen. Dave Kleis (R-St. Cloud) said the bill has tripartisan support and despite what opponents say the proposal isn't anti-rural. He said under a unicameral system, rural constituents will spend less time testifying before committees and tracking legislation.

Jim Erickson, representing the Citizens Committee for Legislative Reform, said the proposal meets the test to be placed on the ballot and newspaper polls show the citizens want the chance to vote on the issue. Dean Barkley, director of Minnesota Planning, said when he attended citizen's meetings throughout the state, everyone he questioned wanted to vote on unicameral proposal.

Joseph Kuzema, a private citizen, testified against the bill. He said the public isn't informed enough to vote on the issue. Kuzema said Legislators' accountability can be increased by putting more information, including conference committee votes, on the web.

Bernie Brommer, president of the MN AFL-CIO, said his organization which

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represents 400,000 members, opposes a unicameral Legislature. He said not one of his members has called him to complain about the organization's position.

Judy Duffy, president of the MN League of Woman Voters, said it's the league's opinion that a unicameral Legislature does not provide sufficient checks and balances in the legislative process. She said the slower, more deliberative process of a bicameral Legislature is more likely to produce good legislation. She said by taking away one of the two members who represent citizens, citizens will have less access to the Legislature.

Bill Blazer, vice-president of the Minnesota Chamber of Commerce, testified that two bodies produce better laws. He said a broader discussion of reform is needed.

Sen. LeRoy Stumpf (DFL-Thief River Falls) said the problem isn't unicameralism or bicameralism but bureaucracy in government. He said agencies' rules cause the most problems. Sen. Dan Stevens (R-Mora) offered an amendment to establish a 67 member unicameral Legislature rather than a 135 member body. The amendment was defeated. A motion that the bill be recommended to pass failed on a four to eleven roll call vote. A motion was made to forward the bill to the Rules and Administration Committee without recommendation. The motion was approved on an eleven to four roll call vote.

### **Constitutional amendment gains**

The Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), met Weds., Mar. 1, and unanimously approved a bill calling for a constitutional amendment that provides \$112 million for Department of Natural Resources (DNR) fish and wildlife programs, state local parks and trails, and other programs.

S.F. 3173, authored by Lessard, provides a long-term fix for DNR budget shortfalls in recent years. If approved by the Legislature and the governor, the amendment would be placed on the ballot in next fall's general election.

Under the bill, 3/16 of 1 percent of the 6.5 percent sales taxes, or approximately \$112 million a year, is appropri-

ated from the general fund to game and fish resource enhancement, improvement and protection, natural resource conservation, state and Metro Area parks and trails, and local trail grants. The Minnesota Zoological Garden, Como Park Zoo and Conservatory and the Duluth Zoo also receive money, under an amendment, offered by Sen. Ellen Anderson (DFL-St. Paul), and adopted by the panel.

The bill specifies that 45 percent of the money go into an account in the DNR fish and game fund, to be reviewed by a nine-member panel. Twenty-five percent would go to state parks and trails, 25 percent to Metro Area parks and trails and 5 percent to local trails, the Minnesota Zoo, Como Zoo and the Duluth Zoo.

The measure received support from a wide range of groups, such as the Minnesota Deer Hunters Association, which "strongly supports" the long-term fix. Former Minnesota Vikings coach, Bud Grant, also spoke in support of the bill. "Not many states can boast the natural resources we have in Minnesota," Grant said. "We're the envy of many states, but we've let things slide." The measure, he said, will preserve the state's natural resources for generations to come. "If we can do it, we'll leave a legacy for our kids forever," said Lessard. The bill follows a "short-term" fix, offered by Lessard, and passed by the committee a week earlier, which sunsets in two years when S.F. 3173 goes into effect if passed by voters next fall.

The bill was approved unanimously by the committee in a roll call vote and referred to the Governmental Operation and Veterans Committee.

### **Economic forecasts presented**

Members of the State Government Finance Committee received two presentations on forecasts of the Minnesota and national economies at the Weds., Mar. 1, meeting. The presentations were made by Arthur Rolnick of the Minneapolis Federal Reserve Bank, Pam Wheelock, commissioner of the Dept. of Finance, and Tom Stinson, state economist.

Rolnick said that the economy is resilient, worker productivity has been increasing at a faster pace since 1995, and the Minnesota economy mirrors the national economy. He said that despite

several problems such as the stock market crash of 1987, Savings and Loan insolvency, and federal deficits, the economy has grown at an annual rate of 4 percent or more since 1982. "The economy is anything but fragile," he said. From 1973 to 1995, worker productivity grew at an annual rate of about 1.5 percent, Rolnick said, but it turned up to 2.6 percent in 1995. He added that underestimating the growth in productivity is the reason for state budget surpluses around the country and at the federal level.

The final point made by Rolnick is that, because of its diversification, the Minnesota economy mirrors the national economy. Sen. Richard Cohen (DFL-St. Paul), chair of the committee, said that the state has had surplus after surplus and asked if the forecasting service they use, DRI, is doing anything wrong or if the state should be doing anything different with the information. Rolnick said that DRI uses older forecasting models that didn't see the growth in worker productivity sooner, and that's the reason for the surpluses.

Cohen also asked if there were any problems the state could anticipate. Rolnick replied that he couldn't think of anything that could derail the economy. "Just make sure the rainy day fund is fully funded and enjoy the good times," Rolnick said.

Later, Wheelock said that the February forecast predicts a net increase of \$229 million in the budget surplus since the November forecast. Stinson, following up on a statement made by Rolnick, said that the state council of economic advisors chose not to recognize the increase in worker productivity as a long term trend. He said that if they had done that and been wrong, it would have resulted in a state budget deficit of \$1 billion or more.

Cohen asked if there was any reason the Legislature should not rely on the Dept. of Finance economic forecasts. Stinson said that one strength of the state budget is its management by the Legislature. He said that in 1991 the Massachusetts Legislature met until October deciding the state budget because they used two different sets of forecast numbers. Stinson said that a lot of time was wasted deciding which numbers to use rather than deciding budget issues.

# Committee update

## Agriculture and Rural Development

### Feedlot bills okayed

Members of the Agriculture and Rural Development Committee met in two separate hearings Thurs., Feb. 24, and fine-tuned feedlot provisions. The bill under consideration, S.F. 3443, also provides specific requirements for feedlot permit rules being developed by the Minnesota Pollution Control Agency (MPCA). The committee is chaired by Sen. Dallas Sams (DFL-Staples).

Before getting down to business, Sams and Steve Dille (R-Dassel) addressed some concerns that had cropped up since the panel's earlier hearings on the issue. Sams said that one concern was that the bill is designed to favor bigger producers over smaller ones. Sams said dividing farmers into two camps - small and large - is counter-productive to the process. "We want to make sure that agriculture survives in this state," he said. "Not everyone wants to do that. Work with us, not against us." "If we really want to help agriculture we need a united front," agreed Dille.

The discussion first focused on S.F. 3443, authored by Sams. MPCA's Rod Massey testified that, on many of the revisions contained in the bill, the committee and the agency are more often in agreement than disagreement. He said the MPCA held a series of 14 public hearings around the state earlier in February and began a rule re-evaluation process.

"The bill goes a long way to improve the rules," Massey said. "Many of the issues you raise are the same ones we're looking at" in the re-evaluation process.

One area of agreement is new definitions for animal units, including a new category for swine weighing 55 to 300 lbs. considered 0.25 animal units, he said. Likewise, Massey agreed that the MPCA needs to respond to permit applications in a timely fashion (15 days to review, suspend, modify or reverse a permit issuance, according to the bill) and that any new rules or amendments to existing ones should be submitted to the committee prior to adoption. Also, that MPCA should not require air emission modeling for a type of livestock system that has not had a hydro-

gen sulfide emission violation. He said MPCA intends to remove restrictions on pasturing of animals, as called for in the bill. Removing manure management plans, except in the case of a National Pollutant Discharge Elimination System (NPDES) permit or a construction permit, is something "I wish we [MPCA] had thought of," he said. Likewise, Massey agreed to an extension from 180 to 365 days for stockpiling manure when growing crops or crop removal prohibit land application.

However, he said one remaining concern was with "technical standards" in allowing five years to complete minor feedlot improvements and 10 years to complete major ones. Another is in developing criteria for determining whether an NPDES permit is required for an existing feedlot, he said. On one hand, it closes a potential loophole, but it could also have a fiscal impact on the program, he said.

Kris Sigford, of the Minnesota Center for Environmental Advocacy, spoke in opposition of the bill. "Conditions for permits range all over the map," she said. Also, certain discharge, seepage and air emissions standards might be in conflict with federal laws, she said.

Donna Peterson, representing the Minnesota Lakes Association, said she was concerned about the removal of livestock fencing restrictions near lakes. Removal of the restrictions might increase algae problems by increasing the amount of phosphorous in lakes, she said. "A dairy cow puts out 84 lbs. of manure a day containing 0.94 lbs. of phosphorous," she said. "A beef cow puts out less manure but it's higher in phosphorous content."

Marie Zellar, of Clean Water Action, said she had concerns with the changes in animal units. Lowering the definitions could raise the "number of animal units at the higher end of the threshold" for certain permit exemptions, she said.

Several amendments were added to the bill. One, offered by Sen. Becky Lourey (DFL-Kerrick) and adopted by the panel, requires the commissioner of agriculture to convene a task force to review and analyze alternative sources of funding, such as the Petroleum Tank Release Cleanup Act, sufficient to provide required upgrades for feedlots of less than 100 animal units. The amendment requires the task force to

present a proposal no later than Dec. 31, 2000. Further, the amendment provides that until the funding proposal has been enacted, MPCA may not require the operator of an existing feedlot with less than 100 animal units to upgrade the facility.

Another amendment, offered by Sams and adopted by the committee, calls for developing criteria for determining when an individual NPDES permit is transferred from individual to general permit status. The amendment also authorizes manure facility storage specifications that are proposed by a registered professional engineer or a United State Department of Agriculture, Natural Resources Conservation Service employee and that meet federal and state discharge and water quality restrictions.

A third amendment, offered by Dille and adopted by the committee, provides for an exemption from the prohibition on reuse of a short-term stockpiling site in the preceding or following calendar years for a site where manure is stockpiled for less than 10 days and not used more than six times in a calendar year.

Another amendment, offered by Sen. Kenric Scheevel (R-Preston), calls for the formation of a working group to review and propose design standards for liquid manure storage facilities in areas susceptible to soil collapse and sinkhole formation, such as the Karst soils region of Southeastern Minnesota. Another amendment, also offered by Scheevel and adopted by the committee, exempts state and county fairs from feedlot rules altogether.

The bill was approved and re-referred to the Environment and Natural Resources Committee.

The committee also considered and amended S.F. 2695. Authored by Dille, the bill is the alternative uses for feedlot penalty orders component of the proposals. The bill exempts upgrades for feedlots of under 500 animal units for a cost of \$3,000 unless cost-share money is made available at 75 percent. An author's amendment, which was adopted by the committee, expands this funding to include odor and other air quality best management practices.

The bill was approved and referred to the Environment and Agriculture Budget Division.

A number of other bills were also



approved. S.F. 2947, authored by Sen. Jim Vickerman (DFL-Tracy), appropriates \$400,000 to establish and agricultural water quality and quantity management, research, demonstration and education program. Half of the appropriation is for projects at the University of Minnesota's Lamberton research station and the other half is for projects at the Waseca station. The appropriation is available until June 30, 2001. The bill was approved and referred to the Environment and Agriculture Budget Division.

S.F. 3268, authored by Sen. Paula Hanson (DFL-Ham Lake), changes egg handling requirements to delete obsolete provisions and remove exemptions relating to older equipment.

S.F. 3228, authored by Sams, updates food standard laws that relate to pesticide chemical rules, food additive rules, food and drug rules, fishery product rules, meat and poultry rules and fresh fruit and vegetable rules. S.F. 3223, authored by Sams, provides technical amendments to include poultry, poultry products and poultry food products within statutes relating to meat inspection, safety and labeling requirements. The three bills were approved and laid over for incorporation in the omnibus bill.

S.F. 3070, authored by Sen. Dennis Frederickson (R-New Ulm), requires that agricultural contracts must be "easy to read and understand," much the same as other existing consumer protection laws. The bill was approved and referred to the Judiciary Committee.

## Resolution adopted

Members of the Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples), met Monday, Feb. 28, and adopted a resolution calling on Congress to rewrite the 1996 farm bill. "We'd like Congress to open the farm bill, at least for discussion," said Sen. LeRoy Stumpf (DFL-Thief River Falls).

The resolution notes that the 1996 farm act reduced traditional safety nets. Since the bill's passage, Minnesota has lost thousands of family farmers due to depressed agricultural commodity prices, reduced agricultural exports, and other factors, and that the loss has a negative economic impact on all Minnesotans, the resolution states.

Because of depressed commodity prices and the lack of an adequate safety net, Congress has been forced to approve emergency farm aid packages over the past two years totaling \$14.6 billion, the resolution states.

The resolution calls on Congress to rewrite the 1996 farm bill with improved safety nets designed to protect small and mid-size farmers from low commodity prices and weather-related disasters. The new farm bill should contain provisions improving marketing loan and federal crop insurance programs, increasing opportunities for on-farm commodity storage, and breaking up economic concentration of the commodity industry, the resolution states.

The resolution also states that the cap on the Export Enhancement Program should be lifted to reduce surplus commodity stocks and that the U.S. should expand trade law to identify and take action against nations that deny fair access to U.S. agricultural exports.

Copies of the resolution are to be forwarded to the President of the United States, the President and Secretary of the U.S. Senate, Speaker and Clerk of the U.S. House of Representatives, the U.S. Secretary of Agriculture, and Minnesota's Congressional delegation.

## Three bills heard

Members of the Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples), met Tues., Feb. 29, and heard three bills, two of which were laid over and one that was approved.

S.F. 3246, authored by Sen. Keith Langseth (DFL-Glyndon), prevents implementation of proposed Minnesota Pollution Control Agency (MPCA) feedlot rules until 60 days after a Generic Environmental Impact Study (GEIS) for animal agriculture is completed. The bill also prevents implementation of the rules until July 1, 2002, even if the GEIS is completed earlier.

The bill is a "backup" in case proposed Senate and House changes to feedlot rules cannot be agreed upon, Langseth said. The bill was approved and referred to the floor.

S.F. 3513, authored by Sen. Gary Laidig (R-Stillwater), prohibits the use of phosphorous fertilizers in the seven county Metro Area. A recent University

of Minnesota study indicates that 74 to 85 percent of lawns in the Metro Area show medium to high levels of phosphorous when soil is tested. "Phosphorous runoff is becoming a big problem in area lakes," Laidig said. The bill applies to turf, or land planted in closely mown, managed grasses on residential or commercial property, golf courses and recreation areas. Under the bill, exceptions would be allowed when soil tests show there is an insufficient amount of phosphorous to support healthy turf growth or when turf is being established but only for the first growing season. The bill includes a \$25 penalty for violations.

However, a number of witnesses voiced opposition to the bill.

Bryan Lawrence, a turf grass producer, testified that turf grass is a filter that can help reduce runoff, and it's considered an agricultural commodity by the federal government. "Why are you singling out the golf course industry, if the concern is homeowners?" asked Paul Eckholm of the Minnesota Golf Course Association. He cited a Penn State University study showing that only 0.2 percent of the phosphorous that ends up in lakes comes from homeowners or the turf grass industry. The measure was laid over for discussion next session.

S.F. 3255, authored by Sen. Dave Kleis (R-St. Cloud), limits the decades-old partition fence laws to fences that separate two parcels of land that is in agricultural use.

John Larson, who owns a 40-acre woodlot, considered seasonal recreational land, in Todd County, testified in favor of the bill. Larson said he's had a long list of problems with an adjoining agricultural landowner, including having to pay for a survey and easement for his lot. If the land is fenced as the adjoining landowner wants, Larson will have to pay half, according to a 1952 state law.

Chris Raditz, of the Minnesota Farm Bureau Federation, and John Dooley, of the Minnesota Association of Townships, opposed the bill. They noted Larson's problem is a local one, but the fencing law is statewide. "The problem is, if we pass this bill, there'll be a thousand more just like it next session," said Sen. Charles Berg (IND-Chokio). The bill was laid over for further consideration next session.

# Committee update

## Commerce

### Paint ball bill okayed

"Paint ball guns are causing more eye injuries than fireworks," according to Dr. Ed Ryan, an ophthalmologist who testified before the Commerce Committee, Thurs, Feb. 24. Sen. John Hottinger (DFL-Mankato) said he was alerted to the alarming number of injuries caused by paint ball guns when his ophthalmologist asked for Hottinger's help in restricting sales of the toys. Ryan, who specializes in retinal surgery, told the panel that he conducted an informal survey among a group of colleagues at a conference and found that all except one had treated at least one person for serious eye damage as a direct result of being hit by a paint ball. Typically, the injuries he's seen have led to cornea transplants, cataracts, optic nerve damage and in one case, removal of the eye, Ryan said.

Mark Steffen, a 14 year old from St. Cloud, testified that his right eye was hit by a paint ball as he ran to help his friend who had been hit in the eye with a paint ball. According to Steffen, he's already had three eye surgeries resulting from the injury. Sen. Sam Solon (DFL-Duluth), chair of the committee, asked Steffen whether he thought his friends would respond if a law was passed to restrict use of the guns. Steffen said "yes."

In an effort to thwart the growing number of children's eye injuries caused by the toy, Hottinger authored S.F. 2417, a bill that prohibits a person from selling, renting, giving or lending a paint ball gun to a person under the age of 18 without parental consent. A provision also prohibits the discharge or possession of a paint ball gun on state lands. An amendment was adopted that prohibits discharge or possession of a paint ball gun in a school zone. The bill was recommended to pass and was sent to the Senate floor.

Hottinger also sponsored S.F. 2579, a bill that regulates prescription drug discount cards. With all of the publicity about drug pricing, said Hottinger, he wants people to get less expensive prescriptions, but he also wants protection for consumers.

Provisions in the bill require that discount cards not be promoted or sold

if they do not expressly state that they are not insurance. Also, discount cards that are not specifically authorized by a separate contract with each pharmacy listed with the card, are prohibited. Additionally, the bill prohibits the sale of misleading, deceptive or fraudulent discounts.

Another provision requires that a person who sells or markets the discount card must designate a resident of the state as an agent for service of process. The bill makes several exclusions, including eye or vision care services provided by an optometrist or ophthalmologist, a benefit administered by a health insurer or health maintenance organization, a benefit administered by or under contract with the state of Minnesota, or a discount card issued by a store buying club for use at that entity. The bill provides for the recovery of damages, set at \$100 per card or \$10,000, whichever is greater. An amendment was adopted to clarify language sent to the Senate floor concerning exemptions for health plans. The bill was recommended to pass and was sent to the full Senate.

Several witnesses provided testimony for and against S.F. 2803, also sponsored by Hottinger, a bill that sets new licensing requirements for Certified Public Accountants (CPAs). Hottinger told the panel that requirements for CPAs need upgrading because accounting practices have become more sophisticated due to changes in the world of business. Also, Hottinger said that Minnesota is not keeping pace with other states, a condition that is affecting reciprocity between business school programs and employment. Hottinger said that provisions in the bill require that on or after July 1, 2006, the CPA exam may only be administered to a candidate who has a baccalaureate or higher degree with a major in accounting or in business with an accounting emphasis. The completion of 150 semester or 225 quarter hours at an accredited college or university is required for a student to be eligible for a CPA license. Under the bill, the Board of Accountancy must establish criteria for assessing an equivalent education.

Testifying in favor of the bill, Scott Nelson, an accountant with Lommen and Nelson, said the reciprocity factor is important. He said the new standards

would enable accountants to cross state lines with comparable competence, and said that 45 states have already passed similar standards. Spear said the new credit requirement surpasses the requirement for a B.A. or B.S. degree, and he thought that was excessive. Kate Mooney, professor and accounting chair at St. Cloud State, said the requirement was driven by the market. She said that the body of knowledge has expanded, with globalization, technological adaptations and other changes, the complexity of the auditor's work has increased. In addition, she said she fears a "brain drain," situation whereby all of the brightest people choose schools and work environments in states that have the higher standards. Spear said that he wanted clarity concerning how such a program—one that was neither a B.A. nor Master's program—would be packaged.

John Corbid, MN Private College Council, said that policy should be made by the school administration, not by departments. He said he was opposed to the bill. CPA Richard Starleaf was also opposed to the bill because, he said, there is a shortage of accountants. He said that small firms would be punished by having to pay higher rates for accountants who had exorbitant student loans to repay. Nancy Olson, Academy of Accountants, said she was also opposed to the bill because the standards are excessive and the fifth year of education doesn't qualify for student aid. The bill was recommended to pass and was re-referred to the Children, Families and Learning Committee.

### Holocaust insurance bill heard

Sen. Sam Solon (DFL-Duluth) chaired the Tues, Feb. 29 meeting of the Commerce Committee. Members met to discuss the holocaust victim insurance bill along with several other measures.

Sen. Allan Spear (DFL-Mpls.) authored S.F. 3423, a bill that establishes the Holocaust Victims Insurance Relief Act. The bill requires the commissioner of commerce to assist holocaust victims and their heirs to resolve or recover proceeds from insurance policies effective between 1933-1945 that were improperly denied or processed. Spear said that European

insurers are beginning to investigate some of the claims related to World War II holocaust victims. The bill provides incentives for insurance companies to honor claims, according to Spear. He said 200-300 holocaust victims who might benefit from the legislation are currently living in Minnesota.

Under provisions of the bill, the commissioner is authorized to cooperate and exchange related information with other states and to work toward establishing a single processing office to accommodate information sharing between several states. Also, the bill requires that the commissioner establish and maintain a central registry that contains records and information provided by insurers and to establish standards that will make information obtained available to the public, while protecting the privacy of policy holders.

Speaking in opposition to the bill, representatives from the insurance industry said that it would be impossible to substantiate claims, since company records do not go back that far and most of the companies involved exist in Europe. The bill was recommended to pass and sent to the Judiciary Committee.

In other action, Sen. Claire Robling (R-Prior Lake) sponsored S.F. 2686, a bill that establishes requirements for the sale of funeral goods and services. The bill was drafted in response to many complaints by consumers who had purchased funeral plots and services only to find that they were not getting what they counted on, Robling said. Also, many consumers complained of being pressured into buying at inappropriate times during bereavement when they were most vulnerable, said Robling.

A consumer task force established in 1999 determined that funeral-related purchases were the third largest expenditure for consumers, ranking behind the purchase of a house and a car, said Robling. Most of the problems with the funeral industry arose out of "pre-need" purchasing, goods and services purchased ahead of time that were not honored as agreed upon. In several instances, according to Robling, consumers were charged a finance fee of up to 12 percent on the total of pre-need purchases, in essence resulting in a cost penalty for pre-acquired purchases,

rather than the expected savings.

Under the bill, the commissioner of health is authorized to issue a cease and desist order, under specified circumstances, to prohibit a provider from selling pre-need goods or services. The bill requires the establishment of a trust fund or insurance fund for depositing money provided by pre-need purchasers and requires providers to give purchasers itemized written financial receipts of goods and services sold. Providers are prohibited from visiting individuals at hospitals, grave sites, and nursing homes to solicit business without a request from the consumer. The bill also prohibits telephone solicitations to people who have the right to make a funeral arrangement for a person within ten days after the person's death and prohibits providers from assessing finance charges on pre-need arrangements. Additionally, the bill requires ownership disclosures by funeral establishments and makes allowances for monument providers who operate separately from funeral establishments. The bill was recommended to pass and sent to the Senate floor.

S.F. 2568, authored by Sen. Pat Pariseau (R-Farmington), makes an allowance for a bank to operate its principal office in Cannon Falls, while also establishing and maintaining a detached facility in Vasa township. The bill was amended into S.F. 2870, the Department of Commerce omnibus banking bill. The omnibus banking bill regulates loan charges and payments and also makes many technical changes to current law. The bill was recommended to pass and sent to the Senate floor.

Sen. Edward Oliver (R-Deephaven) provided an overview of S.F. 3092, the omnibus commerce enforcement bill. The measure authorizes the commissioner of commerce to release data relating to the conduct of insurance business by federally regulated entities to certain federal agencies. The bill expands the commissioner's enforcement authority with respect to licensees, subject to an order of a national securities exchange or national securities association. The bill also clarifies language, defines terms, outlines duties and relates to procedural issues. The committee voted to recommend the bill to pass. It was sent to the Senate floor.

## Convenience stores discussed

Chaired by Sen. Sam Solon (DFL-Duluth), the Commerce Committee met Weds, Mar. 1, to discuss three bills. The first item was S.F. 3447, a bill prompted by the Katie Poirier Task Force, following investigations into safer security systems for security stores. Sponsored by Sen. Becky Lourey (DFL-Kerrick), the bill provides technical specifications considered by the task force to be minimum security standards for convenience stores. The bill originally provided for a convenience store tax credit of up to \$5,000 to help defer security systems costs. The credit was configured as the amount equal to 50 percent of the cost incurred to purchase and install video security equipment that meets or exceeds specifications in the bill. Lourey said it became apparent that offering a grant rather than a tax credit was more equitable, since some stores are under the income level for which a tax credit would be useful. Lourey offered an amendment to change the incentive from a tax credit to a grant proposal. Under her proposal, the commissioner of trade and economic development is required to provide grants to convenience store owners for costs incurred, to comply with the bill. The grant, she said, could not exceed 50 percent of the cost incurred, to a maximum of \$5,000 per convenience store. The amendment was adopted.

Sen. Deanna Wiener (DFL-Eagan) offered an amendment to allow store owners more flexibility in choosing and implementing security camera systems. The amendment was adopted. Sen. William Belanger (R-Bloomington) also offered an amendment to delete some of the security measures outlined in the bill, including the requirement that each convenience store owner must employ a minimum of two employees between the hours of 11 p.m. and 5 a.m. The amendment also deletes a bullet-proof safety glass enclosure requirement. The amendment was also adopted and the bill was recommended to pass and sent to the Economic Development Budget Division.

Sen. Linda Berglin (DFL-Mpls.) carried S.F. 3156, a bill related to patient protection. Provisions in the bill require the commissioners of health and commerce to divide any civil



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penalties imposed on a health plan company among enrollees affected by the violation. The bill also makes modifications to continuity of care requirements and makes access to specialty care changes. In addition, the bill requires that health plan companies cover patient costs incurred by an enrollee in a clinical trial, and requires the commissioner of health to develop a plan to collect data on quality patient care.

Susan Stout, representing the Minnesota Nursing Association, said her organization supports the bill, "but it doesn't go far enough."

Opposition to the bill was voiced by representatives from the insurance industry who said the bill will increase costs to insurance companies, and ultimately, to the insured. A motion to recommend passage of the bill failed.

Berglin also carried S.F. 2545, a bill that modifies the collection of the MinnesotaCare tax by requiring third-party purchasers to withhold taxes from payments made to providers, hospitals and surgical centers. Provisions in the bill require that a provider tax is imposed on health care revenue over \$5,000 at hospitals and surgical centers. The bill also requires third-party purchasers to deduct and withhold from payments made to a hospital, surgical center or health care provider for health care services provided to an enrollee. The bill specifies that two percent of the total amount of the deductible, co-payment or co-insurance be withheld. According to Berglin, the bill costs individuals a little, supplemented by federal money, but would raise enough to cover insurance costs for those unable to afford health care. The bill failed to gain approval.

## Crime Prevention

### Eight crime bills heard

Chaired by Sen. Allan Spear (DFL-Mpls.), the Crime Prevention Committee met Mon, Feb. 28, to consider several bills.

Sen. Dave Johnson (DFL-Bloomington) sponsored S.F. 3338, a bill that makes changes to the current law that authorizes all federally recognized Indian tribes to establish law enforcement agencies. According to

Johnson, a 1991 law was enacted to give certain tribal police the authority to set arrest powers under specified circumstances. Under current provisions, tribal police departments exercising arrest powers are required to employ only POST licensed officers, waive sovereign immunity, and agree to be liable for the torts of their officers to the same extent as a municipality. State law requires a \$1 million per occurrence liability limit on municipalities, but no annual cap on liability for all occurrences within a given year. Municipalities are self-insured through the League of Minnesota Cities, but tribes are not eligible to participate in that self-insurance pool and cannot purchase a private insurance policy without an annual policy limit. According to Johnson, the bill sets an annual cap at three times the single occurrence limit—\$3 million—set forth in Minnesota for municipalities.

Another provision adds the Mille Lacs Band of Chippewa Indians, the Lower Sioux Indian Community, and the Fond du Lac Band of Lake Superior Chippewa to the current definition of "tribe." The bill was recommended to pass and sent to the Senate Floor.

S.F. 2302, carried by Sen. Thomas Neuville (R-Northfield), changes definitions in the criminal vehicular operation law. Under current law, if another person is injured, it is a criminal act to operate a motor vehicle in a "grossly negligent" way. Also under current law, "motor vehicle" is defined by a cross reference to its definition in theft law and "grossly negligent manner" is not defined. The bill expands the meaning of "motor vehicle" to include attached trailers. Under the bill, the definition of operating a motor vehicle in a "grossly negligent manner" includes operating a vehicle with very great negligence or without even scant care, or while knowing or having reason to know that it is maintained in a manner that creates a significant risk of death or great bodily harm to another person.

Following testimony from family members who told the committee about the loss of loved ones due to a tragic trailer accident, Sen. Randy Kelly (DFL-St. Paul) said he thought the bill should include a provision for educating the public concerning safety guidelines when hauling trailers. Members dis-

cussed the possibility of providing safety information pamphlets along with boat and other registration renewals, in an attempt to alert motorists of specific dangers. A motion to that effect was adopted and the bill was recommended to pass and sent to the Senate Floor.

Neuville also sponsored S.F. 3330, a bill that authorizes the commissioner of corrections to establish and operate alternative juvenile residential programs. Under the bill, the programming is made available to court and social service agencies for placement of juveniles to act as an early intervention strategy. Also, the bill gives the commissioner the authority to require participating units of government to pay the cost of the programming. The bill provides for the handling and dispersing of the money received from programming, and addresses several administrative details. The bill was recommended to pass and sent to the Senate Floor.

Kelly gave an overview of S.F. 3310, a bill that provides support for search and rescue operations to the Department of Natural Resources. The bill also requires the superintendent of the BCA and the commissioner of natural resources to develop criteria for determining the types of search and rescue to be undertaken. The bill was recommended to pass and re-referred to Environment and Natural Resources Committee.

Kelly authored S.F. 2470, a bill that requires private counsel retained for appeal or post-conviction matters, to make arrangements with the state public defender before funding may be used for transcript fees. Kelly moved the adoption of the division report which added technical changes and specified that the State Board of Public Defense must include in its budget request to the administration, information on the amount of money that the state public defender's office has spent on transcripts for appellate and post-conviction cases. The amendment was adopted and the bill was recommended to pass and sent to the Senate Floor.

Sen. James Metzen (DFL-South St. Paul) sponsored S.F. 3178, a bill that addresses public safety issues. S.F. 3179, a bill authorizing the commissioner of public safety to award public safety grants, was amended into S.F. 3178. The bill authorizes the commissioner of

public safety to award public safety grants, continues to rule the authority of the commissioner, changes per diem payments to members of the Board of Private Detectives and Protective Agents and requires changes in rules regarding training programs. The bill also strikes the requirement that private detectives and protective agents must include the use of carotid neck restraints in training procedures, since the devices resulted in fatalities in another state, according to one member. Further, an amendment was adopted that expands the duties of the commissioner to include the publication and award of grant contracts with state agencies, local units of government, and other entities for programs that will benefit the safety of the public. The bill was recommended to pass and sent to the Senate Floor.

Finally, S.F. 2931, authored by Sen. Ember Reichgott Junge (DFL-New Hope), was discussed. The bill specifies the duties of the director of the Minnesota Center for Crime Victim Services with regard to battered women shelters. A provision defines terms within the bill and sets forth the procedures for shelters to obtain reimbursement for costs associated with providing services to battered women and their children. The bill provides that the purpose of the per diem program is to provide reimbursement in a timely manner to local programs for maintenance and security costs, and forbids the use of per diem funding for other purposes. Sen. Linda Berglin (DFL-Mpls.) offered an amendment to appropriate money for fiscal 2001 and to increase the allocation by four percent each year, adjusted based on the rate of client growth. The amendment was adopted. The bill was recommended to pass and sent to the Crime Prevention and Judiciary Budget Division.

### **Infrastructure bill discussed**

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), met the evening of Mon, Feb. 28, to continue a discussion of S.F. 2974. The bill is sponsored by Sen. Jane Ranum (DFL-Mpls.). Sen. Randy Kelly (DFL-St. Paul), began the discussion with the announcement that he and Ranum had come to a consensus

regarding several issues presented in the bill. The bill concerns the design and implementation of an extensive criminal information system infrastructure project, to add to, or replace, outdated or insufficient systems. In designing the bill, Ranum said she incorporated recommendations from the Minnesota Heals task force, created to evaluate a county/state technology integration.

Kelly said he was concerned about the structure of the policy group as outlined in the bill and wanted a structure that clearly indicated a position of accountability. Members discussed revisions and adopted amendments to include the restructuring of the policy group. Under the amendment, the policy group is comprised of the commissioner of corrections, the commissioner of public safety and two members of the judicial branch appointed by the chief justice of the Supreme Court. Also, the data group was amended to consist of two additional members, a chief information officer of the Board of Public Defense and a chief information officer of the Department of Administration.

Under the bill, the data group makes recommendations to the policy group in evaluating the needs of state, county and municipal government agencies for electronic fingerprint capture technology, electronic photographic identification technology, and related criminal justice information system technologies. Following the decisions regarding placement of the technologies, the commissioner of public safety is required to purchase and distribute the infrastructure improvements under the direction of the policy group. The bill specifies a distribution goal of 100 locations, and specifies that no more than 30 percent of the improvements be distributed in one county. Other provisions include specifications for reports on grant spending and use, and the development of standards to measure the effectiveness of the technological improvements.

The bill appropriates \$15 million to the commissioner of public safety for the fiscal year ending June 30, 2001. Kelly said that the \$15 million is a down payment on a system that may eventually total \$100 million. The bill was recommended to pass and sent to the Governmental Operations and Veterans Committee.

### **Confinement bill heard**

The Crime Prevention Committee met Weds, Mar. 1, to discuss issues related to the confinement of juveniles and the creation of a new DWI felony standard. Sen. Allan Spear, who chairs the committee, asked Sen. Steve Murphy (DFL-Red Wing) to present S.F. 3226, which Murphy authored. The bill authorizes the commissioner of corrections to confine juvenile delinquents in the same facility as adult offenders, when consistent with state and federal law.

The bill requires that the per diem cost of confinement paid by counties and other jurisdictions that refer the juveniles to state facilities. Under the bill, the cost of confinement is determined according to projected facility population, pricing incentives, market conditions and the need to balance expenses and revenues over a four-year period. Current law uses a formula that determines the actual cost of confinement annually.

An amendment was offered by Sen. Randy Kelly (DFL-St. Paul), to add a statement of legislative intent to the bill, which discourages the placement of juvenile offenders at non-state-operated facilities within Minnesota. The amendment provides changes to the per diem cost of confinement by counties to one-half of the cost of confinement, excluding educational costs and non-billable services at the Red Wing facility. The other half of the per diem cost, according to the amendment, must be paid by the Department of Corrections. The amendment was adopted.

When local resources have been exhausted, the bill requires that the commissioner use established criteria to consider placement at the MCF facility at Red Wing, where education and treatment for serious and chronic juvenile offenders is provided. The bill specifies that confinement at the facility applies to youthful offenders over 19 but under 21 years old. Under the bill, the commissioner of corrections is required to make juvenile residential treatment grants available, within the limits of appropriations, to non-Community Corrections Act counties to defray the cost of juvenile residential treatment. The bill reduces the FY 2001 appropriation for juvenile residential treatment grants by \$5 million and calls for a study of the state's juvenile

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correctional system as it relates to serious and chronic offenders.

Kelly said the Red Wing facility is doing a better job with treating substance abuse problems than out-of-state programs. He also said that the bill makes better programming feasible. Sen. Jane Ranum (DFL-Mpls.) said she was concerned that the bill did not offer a reporting mechanism. Kelly said he agreed with Ranum but thought the issue could be addressed in the upcoming Crime Prevention and Judiciary Budget Division meeting.

The bill was recommended to pass as amended and sent to the Crime Prevention and Judiciary Budget Division.

Sen. Dave Johnson (DFL-Bloomington) sponsored S.F. 2659, a bill requiring incarceration and intensive probation under new DWI felony conviction provisions. Under the bill, persons convicted of a fourth impaired driving offense within a ten year period must be charged with felony, instead of a gross misdemeanor offense. At that point, the bill requires imprisonment for not less than five, nor more than seven years, including the possibility of a fine of up to \$14,000. According to Johnson, repeat drunk driving offenders are involved in 37 percent of fatal car crashes. Once convicted of felony DWI charges, Johnson said, all additional DWI's are treated as felonies under the bill. The bill was laid over for discussion at the evening meeting.

## Felony DWI's considered

Chaired by Sen. Allan Spear (DFL-Mpls.), the Crime Prevention Committee held an evening meeting Weds. Mar. 1. The committee continued its discussion of S.F. 2659, a bill sponsored by Sen. Dave Johnson (DFL-Bloomington). The bill creates a felony penalty for persons convicted of a fourth DWI offense.

Under the bill, a mandatory sentence of not less than five years nor more than seven years of imprisonment is required. The bill specifies the range of fines that may be charged and limits the "innocent owner" defense in DWI forfeiture law, which provides that a vehicle is subject to forfeiture if the owner knew that the offender did not have a valid license at the time the offender used the vehicle, and gave the offender explicit or implicit permission to use the vehicle. Under current law, forfeiture occurs

only if the owner knew or should have known of the offender's unlawful use or intended use of the vehicle.

The bill also provides an identical felony-level DWI penalty when a person commits an aggravated DWI crime within ten years of three or more prior alcohol-related license revocations—or after having been previously convicted of a felony-level DWI crime. "Aggravated DWI crime" is defined in the bill as a crime committed when a person commits a DWI crime while the person's license is revoked for an alcohol-related driving offense.

Sen. Leo Foley (DFL-Coon Rapids) said he doesn't believe the stricter sentencing will significantly deter DWI offenders. He said the bill will likely result in busier courtrooms, more crowded jails and more broken families. Foley said he thought a study group was needed to determine what other options and resources might be considered.

Sen. David Knutson (R-Burnsville) offered an amendment that broadens the mandatory penalties currently set at five to seven years, to one to ten years. The amendment also specifies requirements and conditions related to electronic alcohol monitoring for at least one year following release from imprisonment, as well as specifying other conditions for release. The amendment provides for a plan to address how the department could supervise felony-level impaired driving offenders committed to the commissioner's custody. Under the amendment, the plan must include a comprehensive budget, including the cost of housing, supervising, caring for and treating offenders. Knutson said that the plan deadline and the effective date for implementing the outcome of the plan are Nov. 1, 2000 and Jan. 1, 2002, respectively. The amendment was adopted.

The panel discussed the problems related to crowded jail facilities and costly imprisonment factors in relation to the DWI deterrent expectations. Sen. Jane Ranum (DFL-Mpls.) said that alcohol has been treated as a legal substance rather than as an illegal drug, resulting in disparities in sentencing and jail populations. She also said that the white population is well represented in alcohol-related imprisonment, compared to the disproportionately high black population incarcerated for illegal

"drug" use. Ranum said that she finds the patterns disturbing, but doesn't yet know how to address them. She also said she thought it was premature to pass the bill without knowing how much money will be required.

The bill was recommended to pass and sent to the Crime Prevention and Judiciary Budget Division.

## Crime Prevention and Judiciary Budget Division

### Crime appropriations bills heard

The Crime Prevention and Judiciary Budget Division met Fri. Feb. 25, to discuss three bills related to appropriations. S.F. 3310, sponsored by Sen. Randy Kelly (DFL-St. Paul), chair of the committee, said that the bill is an outgrowth of the Katie Poirier Task Force and addresses systemic issues. The bill provides that at the request of an emergency response agency, trained forestry wildfire fighting resources may be contacted to support search and rescue operations. Under the bill, the commissioner of natural resources may contract for or accept the services of persons to assist in forestry or wildfire prevention work. The bill amends the appropriation to the commissioner for presuppression and suppression costs of emergency firefighting contained in the 1999 omnibus environmental, natural resources and agricultural funding bill.

The bill also requires the Board of Public Defense to be responsible for payment in cases when a public defender has been appointed by the court, and includes investigative, expert and other services necessary in providing an adequate defense. Current law requires that the court determine a reasonable compensation for the services and directs the county in which the prosecution originated to pay it.

Under the bill, the superintendent of the Bureau of Criminal Apprehension and the commissioner of natural resources are required to develop criteria for determining types of search and rescue operations that may be supported by contracts. The provision requires that the criteria be reported to the Legislature.

In addition, the bill requires that \$100,000 be appropriated for reimbursement of local costs for long-term



multi-jurisdictional criminal investigations. The bill was recommended to pass and sent to the Judiciary Committee.

Authored by Sen. Dave Knutson (R-Burnesville), S.F. 2790 appropriates \$150,000 to Dakota County to establish a pilot project to develop an integrated criminal justice information system. Under the bill, the system must provide for the exchange of criminal justice data between law enforcement, courts, prosecution, public defense, corrections, probation and parole agencies in Dakota County. Under the bill, the project must facilitate the electronic sharing of data between all agencies managing criminal justice data in the county, create a framework for integrating criminal justice information, and define a core of criminal justice data that is needed by agency partners and that can be shared among agencies. The bill also provides that the project establish a set of standardized terms, policies, and procedures for data collection, entry, storage and retrieval, create and make the technology improvements necessary for an integrated criminal justice information system, and improve the effective use of technology for law enforcement and the criminal justice system by providing training in the application of technologies created.

The county is required to share the results of the project with other counties, cities and the state. Knutson said that Dakota County was chosen for the project due to its long record of successful programs. He also stated that the funding was sought to insure that adequate appropriations were made available for the project. The bill was laid on the table for further consideration.

Sen. Jane Ranum (DFL-Mpls.) carried S.F. 2974, a bill dealing with improving criminal justice information systems and related issues. The bill includes a statement of purpose recognizing a vital need for improved statewide criminal justice information technology and integration among criminal justice agencies. A provision in the bill changes the membership of the criminal and juvenile justice information policy group to include two executive branch members, two Legislators (serving in a non-voting advisory capacity), two members of the judicial branch and two

members of the private business community. The policy group is required to study and make recommendations to the governor, the Supreme Court and the Legislature regarding the development of integrated criminal justice information systems and the responsibilities of each entity within the system. The bill also provides for a task force, consisting of the policy group plus an array of officials representing judges, police enforcement, probations officers, the county attorney's office, private business, and other related offices. In addition, a data group, consisting of seven individuals, will assist the policy group in carrying out its responsibilities.

Under the bill, the policy group must review the recommendations of the data group and direct the commissioner of public safety to purchase and distribute the technology infrastructure improvements. An appropriation of \$15 million is specified as the amount needed to begin implementing improvements.

Kelly asked Ranum about the structure of the policy group, data group and task force. He said that he was concerned that there was no person to hold accountable, under the specifications of the bill. The policy group should be used in an advisory capacity, Kelly said, but they shouldn't be making all the decisions. Kelly further stated "This is a \$15 million down payment on what, down the road, could cost \$100 million, and we want to be sure the structure is properly designed."

Ranum said that the structure outlined in the bill "is key to the implementation of the system." Considering the complexity of the project, Ranum said, "We're creating a new paradigm."

The committee adopted an amendment, offered by Knutson, that adds a chief information officer to the policy group, appointed by the Department of Administration. Members also discussed how appropriations should be distributed. The bill was laid over for further discussion.

## Economic Development Budget Division

### Business climate reported

The Economic Development Budget Division, chaired by Sen. Jerry Janezich (DFL-Chisholm), met Thurs., Feb. 24, to

hear funding proposals and a report from the Department of Trade and Economic Development (DTED).

Janezich presented S.F. 2883, an \$8 million bonding package for the Iron Range Resources and Rehabilitation Board (IRRRB). The proposal contains \$2 million for the Do.I.T! Technology Center, \$1 million for the Iron Range Interpretive Center, \$1 million for the Warm Weather Testing Facility, \$1 million for the Iron Range Motorplex and \$3 million to develop highway 169 between Hibbing and Chisholm. John Swift, commissioner of the IRRRB, said the on-going mission of the IRRRB is to develop economic diversity and come up with employment options beyond mining. Janezich offered an amendment to include \$500,000 for training center facilities improvements and renovation at Giants Ridge golf and ski resort. The amendment was adopted.

S.F. 2791 provides \$9 million in funding to Minneapolis for infrastructure improvements in three areas of the federally designated empowerment zone. Author, Sen. Linda Berglin (DFL-Mpls.), said the empowerment zone provides tax incentives, funding and other resources to make the area economically successful. Kim Havey, empowerment zone director, said Minneapolis is one of 15 urban empowerment zone communities chosen from 119 applicants nationwide. The bill provides funding for three projects. The Great Lake Center receives \$3 million to help build a 1,250 space parking ramp. The Near North Redevelopment Project receives \$3 million for road, sewer and related infrastructure. The Southeast Minneapolis Industrial Area receives \$3 million to open access to 30 acres of undeveloped land. Jackie Cherryhomes, president of the Minneapolis City Council, said the empowerment zone is Minneapolis's number one priority for bond funding. Havey said the state will benefit from new jobs, an increased tax base and investments from the private sector in the empowerment zone.

Sen. Steven Novak (DFL-New Brighton), authored S.F. 2635, which appropriates \$15 million for the redevelopment account. Novak said the statewide program uses funds to help older cities recycle land and prepare the land for redevelopment. He said 25 percent of the funds must be awarded to

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cities in Greater Minnesota. Meredith Udoibak, program administrator (DTED), gave a history of the projects that have been completed. She said the program has awarded 27 applicants a total of \$5.5 million. According to Udoibak, the results have been 6000 new jobs and an increase in the tax base of \$4.5 million. The committee will consider the three bonding bills for funding.

Charles Schaffer, director of the Small Business Assistance Office (DTED), gave a report on review of Minnesota business regulations. Schaffer said the Legislature authorized DTED to review regulations and determine their impact on the business climate in Minnesota. He said six public meetings were held, press releases were sent to all newspapers in the state and mailings were sent to all the chambers of commerce and many other organizations. Despite the DTED's efforts, only 20 public comments and 6 responses from state agencies were received, Schaffer reported. Sen. Mark Ourada (R-Buffalo) said the study seems like a waste of time. "It sounds like the department didn't get much of a response and gave up," he said. Schaffer gave some reasons for the low level of response. He said businesses may not feel the pinch of regulations in good times, may rely on trade organizations to advance specific issues for legislative action or may secure their own representation or counsel to pursue remedies.

## Project cancellations discussed

Members of the Economic Development Budget Division, chaired by Sen. Jerry Janeczich (DFL-Chisholm) and the Human Resources Finance Committee, chaired by Sen. Linda Berglin (DFL-Mpls.), met for a joint hearing Tues., Feb. 29, to discuss the cancellation of 1998 bonding projects by the governor. Lee Merkhens, of the Dept. of Finance, was on hand to explain the cancellations and the effect on the state's debt capacity forecast. Merkhens said the projects that were canceled had appeared to be languishing so bond authorization for the projects was canceled. Berglin said, "The cancellations set a new precedence. It is my understanding that some projects are ready to go and that the communities were unaware they were on the list for

cancellation." Merkhens said the department relied on agencies to contact the projects and, as a consequence some new information has been received.

Two of the canceled projects were discussed in depth. A \$500,000 appropriation for the Red Lake Manufacturing Center, authorized in 1998, was canceled because the original business slated for the center pulled out of the project. However, another business has indicated willingness to locate in the center. Because the original business was not named in the legislation, both the Dept. of Finance and the Dept. of Trade and Economic Development have agreed that the new business meets the original intent of the law. However, because of the governor's recommendation, the Dept. of Finance cannot withdraw the recommended cancellation. In the other project, a \$1 million appropriation for the city of Hutchinson to complete a convention center, representatives from the city said they were taken completely by surprise by the cancellation. Sen. Steve Dille (R-Dassel) said, "It is very disappointing for citizens to come up here, get an appropriation, get everything done and signed and then have another governor redline the project. It penalizes the city for doing a good job."

Merkhens responded that the appropriations must be made again for the projects to move forward, but that there would be an effect on the state's debt capacity.

In other action, members heard several bonding proposals. S.F. 2423, authored by Sen. Don Samuelson (DFL-Brainerd), provides for a grant to the city of Little Falls for the Minnesota Fishing Museum. Steve Lund, director of the museum, said the museum has been open for two years and has received national recognition. "It is important to preserve the heritage and history of fishing in Minnesota," Lund said.

S.F. 1163, carried by Sen. Charles Berg (IND-Chokio), provides for a grant to the city of Madison for infrastructure for the Madison historic preservation and downtown redevelopment program. Dan Elwood, city manager, said the entire project is estimated at \$2.797 million and that the bonding request is for half that amount, about \$1.4 million.

S.F. 764, sponsored by Sen. Sam Solon (DFL-Duluth), provides for a grant of \$750,000 to the city of Duluth for repair and restoration of the aerial lift bridge. Solon said that the bridge work is underway and that the city has secured part of the funding for the project from other sources. S.F. 2330, authored by Sen. Dick Day (R-Owatonna), authorizes an appropriation of \$2 million from the bond proceeds fund for a grant to the city of Owatonna for city infrastructure improvements. Day said that last session, the governor vetoed a \$300,000 appropriation for the same purposes.

S.F. 2422, sponsored by Berglin, provides funding for creating a senior assisted housing grant program. Berglin said the program is targeted at low income seniors. Currently, she said, middle and upper income individuals are able to rely on the marketplace to provide assisted living facilities, but the marketplace does not support facilities for low income individuals because of the limits on rent. Berglin added, "This is a good policy. If we don't help low income individuals, the higher income will go into assisted living, lower income will go into nursing homes and the state will end up paying more for nursing home care."

All of the bills were laid over for consideration in the divisions portion of the bonding bill or the supplemental budget bill.

## Election Laws

### Size reduction proposed

The Election Laws Committee, chaired by Sen. John Marty (DFL-Roseville), met Mon., Feb 28, to discuss several bills, including proposals to reduce the size of the Legislature.

Sen. Richard Cohen (DFL-St. Paul), presented S.F. 158, a bill which reduces the size of the Legislature to 45 members in the Senate and 90 members in the House in 2003 and thereafter. Cohen said the geographic size of districts is a concern but technology helps Senators communicate effectively with constituents. He said a fewer number of Legislators will allow Legislators to be closer to the issues.

Sen. Dick Day (R-Owatonna), said people feel the Legislature is too large. Day authored S.F. 190, an identical bill to S.F. 158. Day said an effective date

of 2007 would be preferable to an effective date of 2003.

S.F. 2611, sponsored by Sen. Dan Stevens (R-Mora), also calls for a reduction in the size of the Legislature. The bill states the Senate must be composed of six times as many members as the number of representatives in Congress apportioned to Minnesota, the House 12 times as many members under the same provision. The bill goes on to say Senators serve a six-year term followed by a four-year term and Representatives serve two four-year terms followed by a two-year term. The terms are staggered so only half of a body is up for election at one time. The bill also states a member may serve as a chair of the same committee no more than two successive sessions. A further provision provides for proportional caucus and geographic membership of committees. "If we are going to reform the size of the Legislature there are other things we should reform as well," Stevens said. Sen. Dean Johnson (DFL-Wilmar) said now one Senator represents about 65,000 constituents. "How do we compare to other states?" he asked. Cohen said compared to states with the same population, Minnesota has a low number of constituents per Senator. There was no motion on the three bills.

Sen. Dave Kleis (R-St. Cloud) presented S.F. 3075, a proposal to remove and replace elected officials who move from their districts. The bill states the proposed amendment must be submitted to the people at the 2000 general election. However, Kleis offered an amendment which puts the bill in a form that doesn't require a constitutional amendment. Rather, it simply clarifies what's in statute and provides an avenue for resolution in a dispute over whether or not an office has become vacant. The amendment was adopted. The bill was approved and sent to the floor.

Marty presented S.F. 2457, which imposes spending limits on legislative party caucuses as a condition of participating in the political contribution refund program. The bill doubles the maximum refund from \$50 to \$100 per person. The bill also limits soft money expenditures by excluding some of the spending by political parties that now qualifies as multi candidate expendi-

tures. Marty said the bill creates a level playing field because a caucus will lose contributions from the refund program if the caucus doesn't voluntarily follow the spending limits. "A lot of people are frustrated because we haven't put caps on spending," Marty said. Sen. Carol Flynn (DFL-Mpls.) made a motion to amend the bill to include only the provision increasing the maximum political contribution refund for an individual from \$50 to \$100 and for a married couple from \$100 to \$200. The motion was adopted. The bill was approved and referred to the Governmental and Operations and Veterans committee.

S.F. 2968, authored by Sen. Mark Ourada (R-Buffalo), states after a lake improvement district is established an election must be held for persons to serve as an initial board of directors for the district. The bill deletes language stating the board of directors are to be appointed. "The body has taxing authority. It's appropriate to have those officials more accountable," Ourada said. The bill was approved and referred to the Local and Metropolitan Government Committee.

### **Campaign finance bills heard**

On Weds., Mar. 1, the Election Laws Committee, chaired by Sen. John Marty (DFL-Roseville), met to discuss campaign finance reform bills.

Sen. Ember Junge (DFL-New Hope) presented S.F. 1498, which creates a new public financing system for the political campaigns of the governor and other state constitutional officers. The bill contains a provision for higher spending limits, but gives the candidate an option to be released from the spending limit based on the opponent's conduct in the primary election. The bill states candidates receive 80 percent of the spending limit as a public subsidy, half of the subsidy is received after filing for office, half after the primary. An additional provision makes the tax checkoff a negative checkoff, \$5 goes to the general account unless the taxpayer directs otherwise. Junge said the bill is a good start on campaign finance reform. "You have to walk before you run," she said.

Sen. John Hottinger (DFL-Mankato) said the only way to restore public trust in government is with full public

campaign financing. His bill, S.F. 3040, provides candidates for constitutional office or the Legislature with public money equal to 100 percent of the campaign spending limit if candidates agree to forego nearly all private contributions. The bill places limits on the size of contributions individuals and political action committees can give to political parties and legislative caucuses. Under the bill, participating candidates receive an additional public subsidy to match independent expenditures made against them, up to three times the spending limit. Money from the general fund is used to pay the public subsidies.

Marty presented a bill that provides an appropriation from the general fund to pay 80 percent of a candidate's spending limit. The bill, S.F. 2623, provides spending limits, contribution limits and public subsidies for political parties and legislative party caucuses. The bill states in order to receive the public subsidy, a candidate must agree to limit contributions to no more than \$100 a year from an individual and to accept no contributions from a political committee, political fund, party unit or a lobbyist. The bill also makes provisions to increase the public subsidy to match excess spending and independent expenditures. Marty said current campaign spending is more than just a perception problem. Real reform is needed he said.

Dean Barkley, director of Minnesota Planning, said candidates need to receive public money sooner. Currently, candidates receive public subsidies in December, after the election, he said. Barkley also said candidates should be required to participate in debates to receive public subsidies and independent expenditures should be limited.

Marcia Erickson, representing Associations, Communities, Organizations Reform Now, said the influence of money in the system is the single most damaging thing to democracy.

Beth Fraser, of the Minnesota Alliance for Progressive Action, said previous reform efforts haven't caused money to leave the system. "It's just been rerouted to parties and caucuses," she said.

David Schultz, professor at Hamline University, suggested the governor appoint a blue ribbon commission to



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study and make recommendations on campaign finance reform. He said Minnesota can no longer rest on its reputation when it comes to regulation of money in politics.

Judy Duffy, president of the MN League of Woman Voters, said voter participation has been on the decline in part because citizens feel it's only the big money interests that decide elections. She said the league has signed on in support of S.F. 3040.

Jackie Schweitz, executive director of Minnesota Citizens Concerned for Life, said the bills limit free speech. She also pointed out that limits on independent expenditures were struck down by the courts. No action was taken on the bills.

## Environment and Natural Resources Committee

### Six bills heard

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), met Fri., Feb. 25, and heard six bills, one of which allows Department of Natural Resources (DNR) conservation officers to confiscate firearms and other property in certain situations.

S.F. 3036, authored by Dave Johnson (DFL-Bloomington), provides that an officer must seize firearms possessed in violation of state or federal law. The bill provides a means to dispose of miscellaneous property, such as rods, reels and traps, associated with violations of game and fish laws when no one comes forward to claim them to avoid being prosecuted for the violation. The bill expands the citation authority of officers to include trespass violations of operating a snowmobile, ATV, or other recreational vehicle on another person's property without permission in the Metro Area and other areas of the state where the property is posted. The bill allows the DNR to use funds gained from sales of DWI-forfeited vehicles to offset costs incurred for any other DWI actions. The bill also provides that conservation officers can make DWI arrests for persons in motor vehicles.

The measures were requested by officers in the field to give them more tools to use in their peace-keeping roles, said Mike Hamm of the DNR, speaking

in support of the bill.

Supported by the Minnesota Sheriff's Association, the bill was approved and referred to the Crime Prevention Committee.

The committee also heard a bill proposing changes in the way Lake Improvement Districts (LID's) are organized.

S.F. 2968, authored by Sen. Mark Orouda (R-Buffalo), specifies that groups who want to form LID's, a local unit of government that allows land-owners greater involvement in lake management activities, must first have a petition to do so signed by 51 percent of the property owners within the LID. Previously, 21 percent was required. In addition, the bill specifies board membership and election procedures.

Robert Stockstead, of Maple Lake, said the change in language provides for a more equitable representation of property owners in establishing an LID.

Gary Botzek, representing the DNR, voiced opposition to the bill. "With 51 percent of property owners required to petition for an LID, there won't be any," he said, noting that only 14 LID's have been approved since the 1976 law permitting their formation. "The intent is not to prevent any future LID's, only to change the threshold for establishing them," said Orouda.

An amendment, offered by Sen. Jane Krentz (DFL-May Township), deleted the section that proposes the change to 51 percent. The amendment was adopted. The bill was approved and referred to the Election Laws Committee.

The committee also approved four bills relating to the sale of public lands.

S.F. 2897, authored by Sen. Roger Moe (DFL-Erskine), authorizes the public sale of tax-forfeited land that borders public water in Polk County. S.F. 2881, also authored by Moe, authorizes the public sale of tax-forfeited land that borders public water in Norman County. S.F. 2563, authored by Sen. Donald Ziegler (R-Blue Earth), authorizes the private sale of tax-forfeited land that borders public water in Martin County. S.F. 2638, authored by Krentz, authorizes the private sale of tax-forfeited land that borders public water in Washington County.

Three of the land sale bills were amended to Moe's S.F. 2897, which was approved and sent to the floor.

### Five bills approved

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), met Tues., Feb. 29, and approved five bills, including a measure to preserve and protect Big Woods Heritage Forest areas in South Central Minnesota.

S.F. 2949, authored by Sen. John Hottinger (DFL-Mankato), is designed to protect the area's forests from urbanization by establishing partnerships between state and local governments and private landowners. Under the bill, incentives are offered to continue and increase private stewardship efforts. The bill provides that the Department of Natural Resources (DNR) will administer the program and specifies that individual landowners who participate can continue to own and manage their lands. "It's simply a way to help land-owners protect what they have," said the DNR's Richard Peterson.

S.F. 2735, authored by Sen. Leonard Price (DFL-Woodbury), modifies the drycleaner response and reimbursement law. Under the law, the owner of a drycleaning facility must register on or before Oct. 1 of each year with the commissioner of revenue and pay a registration fee of from \$500 to \$1,500, depending on the number of employees, for the facility. The bill also lowers from \$800,000 to \$650,000 the cap on the fund, effective through July 1, 2001.

S.F. 3361, authored by Sen. Linda Higgins (DFL-Mpls.), modifies reporting requirements for solid waste and wastewater treatment plants and also extends the exemption period for certain toxics in packaging. Under the bill, a permittee for a wastewater treatment facility must evaluate and submit "in every odd-numbered year" the condition of its system to the Minnesota Pollution Control Agency (MPCA), making state law compatible with federal laws. Also, until Jan. 1, 2010, packages that have a controlled distribution and reuse, but exceed total toxic concentration levels, may be exempted if manufacturers or distributors petition for and receive approval from the MPCA.

S.F. 3378, authored by Lessard, extends authorization to take one deer by firearms and one deer by archery during the 2001 and 2002 hunting seasons in Kittson, Lake of the Woods,

Marshall, Pennington and Roseau Counties. S.F. 3174, also authored by Lessard, modifies a land conveyance in Itasca County. All five bills were approved and referred to the floor.

### **Omnibus bill approved**

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), met Weds., Mar. 1, and approved an omnibus natural resources bill.

S.F. 3071, authored by Sen. Twyla Ring (DFL-North Branch), covers policy issues and is technical in nature, said Michelle Beeman of the Department of Natural Resources (DNR). Along with minor changes in 16 other policy areas, the bill eliminates obsolete language in legislative directives on leasing of mineral lands to reflect advancements in mining technology and to reduce bureaucracy and streamline the leasing process, she said. The changes should create a slight increase in lands available for leasing, she said.

Committee members offered several amendments to the bill. Sen. LeRoy Stumpf (DFL-Thief River Falls), offered an amendment permitting one deer to be taken by firearms and one to be taken by archery in Kittson, Lake of the Woods, Marshall, Pennington and Roseau Counties. Ring offered an amendment allowing the DNR commissioner to make replacement deer licenses available for firearms hunters, allowing them to change zones or seasons, if the applicant submits the original license being replaced. Ring also offered an amendment clarifying that certified mail may be used to notify a person having ownership, possession or security interest in forfeited motor vehicles.

Sen. Charles Berg (IND-Chokio) offered an amendment stating that the DNR commissioner must conduct a separate selection for 20 percent of moose licenses issued each year, giving preference to individuals who have applied at least 10 times and who have never received one. Sen. Dan Stevens (R-Mora) offered an amendment allowing the DNR commissioner to conduct a separate selection for up to 20 percent of the wild turkey licenses to be issued for persons who are owners or tenants of at least 40 acres of noncontiguous agricultural or grazing land.

Stevens also offered an amendment allowing the DNR commissioner to collect a fee of \$5 to administer and defray costs from each person who successfully completes the snowmobile safety and education training course.

Stevens also offered an amendment stating that the DNR commissioner may not adopt a rule that results in a daily limit of yellow perch that is less than 20 or a possession limit of less than 50 per day on inland water until Dec. 1, 2001. All amendments were adopted and the omnibus bill was approved and referred to the floor.

The committee also heard five other bills. S.F. 2514, authored by Stevens, limits the daily taking of yellow perch to 15 per day and the total possession limit to 45, effective Dec. 1, 2000. DNR representatives said they preferred the "step down" approach in Stevens' omnibus amendment. S.F. 3283, authored by Sen. Linda Runbeck (R-Circle Pines), allows conservation officers to issue civil citations to a person who operates a snowmobile in violation of metal traction device sticker laws. S.F. 936, authored by Sen. Gen Olson (R-Minnetrista), restricts water quality cooperatives from conducting activities within two miles of any home rule charter or statutory city. S.F. 3379, authored by Ring, authorizes the public and private sale of tax-forfeited lands that border public waters in Isanti County. S.F. 2720, authored by Runbeck, authorizes the private sale of tax-forfeited lands that border public water in Ramsey County. The bills were approved and referred to the floor.

## **Environment and Agriculture Budget Division**

### **Three bills heard**

Members of the Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), met Thurs., Feb. 24, and heard three bills, one designed to continue a federal conservation program in the Minnesota River basin and two others to continue a state subsidy program for ethanol plants.

S.F. 2389, authored by Sen. Dennis Frederickson (R-New Ulm), appropriates \$60 million from bonding proceeds - \$45 million for this year - to the Board of Water and Soil Resources (BWSR) to

continue the Conservation Enhancement Program (CREP) in the Minnesota River basin. The joint federal-state program, which matches 2.5 federal dollars for every one state dollar, allows farmers to take environmentally sensitive lands along the river out of production and implement various clean-up and protection programs in return for eventual compensation of up to \$2,200 per acre.

A number of witnesses, including U.S. Rep. Dave Minge (DFL-Montevideo), testified how important the program is to farmers and how critical the bonding measure is.

The federal government has designated up to \$163 million to purchase 15-year easements on up to 100,000 acres of land in the basin, provided the state appropriates \$60 million to complete the match, Minge said. The administration has recommended about \$30 million for the program, and the federal appropriation expires Sept. 30, 2002, he said. That means time is growing short to act, he said. "The money's on the table," Minge said.

Walnut Grove farmer, Jim Dallenbach, enrolled some of the first acres in Renville County, which leads the state in CREP participation, in the program. He now has 210 acres in the program, which has allowed him to get income off land that's flooded 8 out of the last 10 years, he said. Wildlife is flourishing in the area, he said, and, longer-term, the program will help improve water quality in the river and its tributaries.

"We're taking this sensitive land out of production just once, but we're benefitting generations to come," said BWSR's Ron Harnack.

No action was taken on the bill.

The committee also heard two bills designed to expand ethanol payment eligibility for several new and existing ethanol plants in Greater Minnesota and one in the Metro Area. The bills also raise the production cap on the plants to 15 million gallons a year.

S.F. 2522, authored by Sen. Jim Vickerman (DFL-Tracy), expands payments to four Greater Minnesota plants and S.F. 3127, authored by Sen. Sandra Pappas (DFL-St. Paul), expands payments to the recently converted Minnesota Brewing Company in St. Paul. "I want the committee to under-

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stand that this is not just aimed at helping plants in Greater Minnesota," said Vickerman, referring to Pappas' bill.

Under the bills, cash payments of 20 cents per gallon will be made to producers of ethanol, anhydrous alcohol and wet alcohol. Payments will extend to those plants that have begun production by June 30, 2000, or 10 years after the start of production, whichever is later. For each gallon produced before June 30, 2000, or 10 years after the start of production, whichever is later, a payment is calculated by a formula, but specifies payments of not less than 11 cents per gallon. Once a plant's production capacity reaches 15 million gallons per year, no additional increment will qualify for payments.

Payments of 1.5 cents per kilowatt hour also extend to producers of ethanol and wet alcohol for electricity generated using closed-loop biomass cogeneration facilities that begin operation by June 30, 2002, according to an amendment, offered by Krentz, and adopted by the panel.

Representatives from eight ethanol plants spoke in support of the bills. One was Dick Anfang speaking for the converted brewing company in St. Paul. "It's been a wonderful thing for St. Paul," Anfang said.

The bills appropriate \$3.9 million from the general fund for expanding payment eligibility. The bills were laid over for consideration for the capital budget bill.

## Environmental legacy bills heard

The Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), met Tues. Feb. 29, and heard a package of bills designed to preserve and protect Minnesota's environmental legacy. The package was supported by a broad-based coalition of rural and Metro, agricultural and environmental groups.

S.F. 2527, authored by Sen. Jerry Janezich (DFL-Chisholm), appropriates \$199 from bond proceeds funds to specific agencies until certain projects are completed or abandoned.

The bill includes \$16 million for an agriculture department grant program to purchase conservation easements to protect agricultural lands, \$6 million of which is for loans to counties for the agricultural best management practices

program. The bill provides \$40 million for the Board of Water and Soil Conservation's (BWSR) watershed conservation easement program. The bill provides \$10 million for the conservation reserve program, \$3 million to the Department of Natural Resources (DNR) for deposit into critical habitat matching funds account, \$1 million for removal of two dams on the Canon and Zumbro rivers, \$11 million for office development, including a new facility in Fergus Falls, to complete a design in St. Cloud and renovate other facilities in accordance with federal law. The bill provides \$2 million to acquire and develop aquatic management areas, \$2 million for acquisition and development, \$2 million to provide funding to protect and restore Metro Area trout streams and \$9.5 million to restore natural habitats in the Red River Valley. The bill provides \$3 million for Reinvest in Minnesota (RIM) fisheries and \$2 million to acquire, restore and improve RIM wildlife management areas and \$2 million to acquire, restore and improve scientific and natural areas. The bill appropriates \$2.2 million for various state forest projects and \$10 million for state parks projects, \$3 million for state trails, \$2 million for asset preservation, \$1 million for trust fund lands, \$14 million in local initiative grants, \$1 million for water access on rivers and lakes, \$3 million for wildlife management areas and \$300,000 for acquisition for the Cannon River Link Trail. The bill provides \$2 million for the Minnesota Pollution Control Agency (MPCA) to provide clean water partnership assistance to local governments and \$26 million to the Public Facilities Authority (PFA) to provide wastewater infrastructure programs.

Several bills were amended into S.F. 2527.

S.F. 1837, authored by Sen. Deanna Wiener (DFL-Eagan), appropriates \$5 million for a Shoreland Conservation Pilot Project for the Board of Water and Soil Resources (BWSR) to purchase conservation easements for contracts with shoreland owners and establish buffers in a five-county pilot project area. S.F. 3546, authored by Sen. Keith Langseth (DFL-Glyndon), appropriates \$2 million for acquisition of prairie bank easements. S.F. 2696, authored by Sen. Leonard Price (DFL-Woodbury),

appropriates \$11.2 million for Metro Area parks acquisition.

S.F. 2706, also authored by Price, appropriates \$10 million for Metro greenways and natural areas.

## Lifetime licenses approved

Members of the Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), met Weds., Mar. 1, and approved a bill allowing lifetime hunting and fishing licenses.

S.F. 4, authored by Sen. Pat Pariseau (R-Farmington), specifies that revenues from a surcharge on lifetime hunting and fishing licenses be credited to the Department of Natural Resources (DNR) wildlife acquisition account to acquire, develop and maintain wildlife lands. Under the bill, resident lifetime hunting and fishing licenses will be available by Mar. 1, 2001 and non-resident licenses by Mar. 2002.

Under the bill, cost of the licenses are based the Senate's proposed increases in annual license fees. An annual fishing license for 16 to 50-year-olds is \$370, cost of a lifetime small game license for this age group is \$350 and cost of a lifetime deer license is \$560. According to the bill, the commissioner of the DNR may require the holder of a lifetime license to notify the department each year that the license is used. Further, notification can be done by telephone or the Internet.

Notification "gives people a chance to become updated on rules and regulations, and we can use it to track usage," said Deputy DNR Commissioner Steve Morse, who argued for a notification provision to be included in the bill. "Electronic licensing is easy," said Morse. "It shouldn't be that burdensome to do annually."

While Morse argued for a 10 percent "comfort margin" and a surcharge for administering the electronic notification system added to the price of the licenses, only a surcharge of from \$7 to \$13 was added. Total cost of a fishing license is therefore \$383, small game license \$363, and a deer license \$573. Tom Kelliher, representing the Minnesota Deer Hunters Association, said he was "wholeheartedly supportive" of the bill. The bill was approved and referred to the State Government Finance Committee.



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## Family and Early Childhood Education

### After school bill heard

Chaired by Sen. Pat Piper, the Family and Early Childhood Education Budget Division met Fri, Feb. 25, to consider appropriating money for After-School Enrichment Programs and to discuss amending the MFIP Child Care Assistance Program.

Laura Johansson, executive coordinator of the Enrichment Program, Lyndale Neighborhood Association, accompanied by a score of neighborhood youth, said that the Lyndale neighborhood would like to be included in the targetted area for enrichment funds. Johansson said that based on crime and poverty rates Lyndale should be included on the list of priority neighborhoods, along with Central, Powderhorn Park, Cleveland, and Harrison. She said that 90 percent of the students who attend the Lyndale School, grades k-6, are eligible for free or reduced lunches, 38.3 percent of families in Lyndale are living in poverty, and 10 percent of all child protection cases in Hennepin county for 1998 were in Lyndale. Johansson said that the Lyndale neighborhood ranks third out of five neighborhoods having the highest crime rates, but added that those numbers are declining as the Lyndale neighborhood has implemented successful youth groups through previously funded enrichment programs.

Jane Lindquist, Project Leader, Lyndale Program Fund, said that program partnering has been successful. The neighborhood integrates various goals suggested by social service representatives, students, teachers, and the community. Lyndale, she said, offers a broad range of after school and weekend activities, including tutoring, arts, gardening, and athletics, among others.

Michelle Hall, board member, social service provider, Lyndale Neighborhood Association and mother, said that when she first moved into the Lyndale neighborhood she wouldn't allow her children to leave the backyard, fearing for their safety. Now, she said, her children are actively leading several of the successful youth programs. She said that program funding resulted in trust

and cohesion between neighborhood families, and with the youth focused on positive activities, drug use and other crimes are beginning to decline.

David Brant, executive director of the youth farm, said the children he works with really enjoy being involved with producing vegetables that sell locally. "The children learn how to make change and keep track of money," according to Brant, and they get the satisfaction of providing more affordable quality food for the community. The youth farm also provides fresh produce to seniors in the neighborhood, who might not otherwise have easy access to quality vegetables, Brant said. One young member of the group, Grant Grays, said "We gain leadership skills," which provides a feeling of having a productive place in the community.

Sen. Linda Berglin (DFL-Mpls.) authored S.F. 2715, a bill that adds Lyndale to the list of priority communities qualifying for after school enrichment grants. Of the \$5.410 million appropriated, \$200,000 is specified for programs that make state armories available to communities for youth recreational and enrichment activities. An amendment was adopted to appropriate \$500,000 to reinstate funding for after school enrichment grants to the Whittier and Phillips neighborhoods. The bill was laid over for further discussion.

Berglin also sponsored S.F. 2922, a bill revising the MFIP child care statute, clarifying that MFIP care is available for MFIP participants who are involved with work activities. The bill further provides that child care assistance must be available to MFIP families who are participating in work activities as required in their job search support or employment plan. The bill was laid over for further consideration.

### Child care worker bill heard

Chaired by Sen. Pat Piper (DFL-Austin), the Family and Early Childhood Education Budget Division met Tues, Feb. 29, to discuss three appropriations bills and one bill that establishes a new classification for child care workers.

Sen. Linda Higgins (DFL-Mpls.) authored S.F. 3333, a bill that creates a child care retention initiative. Higgins said the bill was written to address the

high turnover rate of child care professionals and family home care providers. The bill authorizes a supplemental payment, ranging from \$750 to \$3,500 total per year, depending on experience, to child care workers as an incentive to continue working in a home or center licensed by the commissioner of human services, or in a public school child care center. Under the bill, the child care provider must have worked in that capacity for at least one year and must be working at the same location when applying for the supplemental payment. Further, the bill requires that the child care provider must be making an hourly wage that is less than the hourly wage equivalent of elementary teachers in the school district.

Members heard testimony from Margaret Boyer, executive director of the Minnesota Alliance of Early Childhood Professionals, who said the child care provider situation is in crisis. Worker retention is low because of the poor pay, long work days, fatigue and stress. She said there is a perceived lack of respect concerning the work they do, and although they are trained for the work, they're not considered professionals. The bill was laid on the table and may become part of the supplemental budget bill.

Sen. Claire Robling (R-Prior Lake) authored S.F. 2755, a bill that creates a new category for child care aides. An amendment was adopted that changed the level of responsibility for child care aide. Under the bill, a child care aide employed at a child care center may work with children without direct supervision for up to 25 percent of the individual's daily work shift, with restrictions. One restriction involves the requirement that a teacher be in the building. Also, aides are required to take first aid emergency training within the prior three years and have at least 4,160 hours of child care experience. A subsequent amendment requires that a child care center that utilizes experienced aides under the provisions of the bill must notify the parents or guardians of the children involved to provide the parents with the number of classroom hours per month worked by the aide without direct supervision. The amendments were adopted and the bill laid over.

Sen. John Hottinger (DFL-Mankato)

# Committee update

carried S.F. 3141, a bill that provides a State Prevention Council for Early Childhood Development. The bill establishes a 24-member state prevention council to develop a unified strategy to ensure that all young children and their families have access to comprehensive early childhood development and family support services and resources. Provisions detail criteria for the legislative appointments, county appointments and public appointments to the council membership. The bill also establishes that the commissioner of Children, Families and Learning (CFL) must provide office space, equipment, supplies and technical assistance. The bill appropriates \$49,500 to the department for FY 2001, for the purpose of creating the prevention council. The bill was recommended to pass and referred to the Children, Families and Learning Committee.

## Three bills discussed

The Family and Early Childhood Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin) met Weds. Mar. 1.

Sen. Claire Robling (R-Prior Lake) offered an amendment to make changes to S.F. 2755, the bill related to child care licensing that establishes a new classification of child care worker. Under the amendment a child care center must provide a letter to parents or guardians of the children notifying them of the number of hours per classroom month that the child care aid works. In addition, the bill requires that a duplicate letter must be sent to the commissioner of human services. The minimum age requirement for child care aides was raised from 18 to 20 years old.

Robling told the panel that the bill is intended to offer some flexibility during the time of critical shortage of early childhood teachers and assistants, but added that she considers the bill a short term solution. Robling also said the administration was supportive of the measure. The bill was recommended to pass and will be included in the omnibus bill.

Piper sponsored S.F. 3112, a bill providing data classification for Community Action, Head Start and Foodshelf programs. Under the bill, data collected on individuals involved

with the programs are classified as private data. The bill amends the definition of income in the child care programs by specifying that a student must be 19 years of age or younger in order for income to be excluded for purposes of determining eligibility for child care. The bill also changes the way school districts provide learning readiness program plans, requiring them to submit a plan by May 1 biennially, with one-half of the school districts submitting plans for one year, and the other half in the following year. The bill was recommended to pass and referred to Children, Families and Learning Committee.

Sen. Leo Foley (DFL-Coon Rapids) authored S.F. 2532, an adult basic education (ABE) bill that changes the funding formula and appropriates money. Sen. Arlene Lesewski (R-Marshall) said that setting up the policy review board, as described in the bill, was one important difference between S.F. 2532 and a similar proposal by the administration. Under the bill, the policy review board must recommend a mission to the Legislature detailing outcomes, services, eligibility, instructor licensing, progress requirements and use of technology.

Director of ABE, Barry Shaffer gave an overview of both bills and said that the decline in ESL funding represented a decrease in funding and not a decrease in need. He estimated that a 20-25 percent growth rate would continue. The bill was laid over for further consideration.

## Governmental Operations and Veterans

### Eight bills heard

The Governmental Operations and Veterans Committee, chaired by Sen. James Metzen (DFL-South St. Paul) met Tues., Feb 29, to consider several bills.

S.F. 3230 establishes procedures and standards for state agencies contracting with private entities. Sen. Dave Johnson (DFL-Bloomington), author, said the bill provides better oversight and clarifies the contracting process. Proponents testified that the bill gives a needed legal framework and improves accountability. Opponents testified that the bill disrupts existing contracts

and causes difficulties in establishing new contracts. The bill was approved and sent to the floor.

Sen. John Hottinger (DFL-Mankato) presented S.F. 2821, which allows charitable organizations to have an extension on filing an annual report to the state if the organization has received an extension at the federal level. The bill was amended to give the attorney general flexibility to make determinations on extensions. The bill was approved and sent to the floor.

S.F. 2848 expands the list of employees who may be represented by the same exclusive representative that represents employees who are not supervisory or confidential. Sen. Steve Kelley (DFL-Hopkins), who authored the bill, said the bill expands the list to include emergency medical service employees and 911 system public safety dispatchers. The bill was approved and sent to the full Senate.

Sen. Martha Robertson (R-Minnetonka) sponsored S.F. 3229, a housekeeping bill which modifies several provisions administered by the Department of Administration. The bill was approved and sent to the full Senate.

Under S.F. 3160, the Department of Public Safety is authorized to conduct a pilot program for the use of a ignition interlock device by a person whose driver's license has been canceled because of an alcohol or controlled substance-related incident. The bill states the program will run from Oct. 1, 2000 to Dec. 31, 2001. Sen. Thomas Neuville (R-Northfield) said he authored the bill to allow the pilot program from 1991 to occur. He said the program was never carried out because of rulemaking. The bill exempts the department from the rulemaking requirements in statute for purposes of the pilot program. The bill was approved and sent to the floor.

S.F. 3285, authored by Sen. Shelia Kiscaden (R-Rochester), appropriates \$400 million from the general fund to pay the cost of maintenance of state buildings that has been deferred due to lack of state revenue to make repairs as needed. Sen. Lawrence Pogemiller (DFL-Mpls.) offered an amendment to raise the amount to \$500 million to include \$100 million in funds for school districts. The amendment was adopted.

The bill was referred to the Governmental Operations Budget Division. Sen. John Hottinger (DFL-Mankato) presented S.F. 3257, which modifies legislative employment provisions by cleaning up old language and eliminating the use of the term "permanent employee." The bill was approved and placed on the Consent Calendar.

Sen. Leroy Stumpf (DFL-Thief River Falls) authored S.F. 3386, a proposal to allow Minnesota State Colleges and Universities (MnSCU) to offer additional benefits to presidents and the chancellor. The bill states the compensation could be provided by MnSCU or foundations associated with MnSCU. After hearing testimony for and against the proposal, Sen. Deanna Wiener (DFL-Eagan) said she was concerned about inequalities that could develop between large and small universities. The bill was laid on the table.

## Governmental Operations Budget Division

### Funding requests considered

Fine arts funding requests were presented at the Governmental Operations Budget Division meeting, chaired by Sen. Leonard Price (DFL-Woodbury), Thurs., Feb. 24.

The city of Luverne receives a \$100,000 appropriation in S.F. 2885, authored by Sen. Arlene Lesewski (R-Marshall). David Smith, executive director of the Chamber of Commerce of Luverne, said the funds, with a local match, are for improvements at the Carnegie Cultural Center. He said the building needs to be brought into code compliance with the American With Disabilities Act.

Sen. Kenric Scheevel (R-Preston) sponsored S.F. 3166, a proposal for \$4 million to build a new theater and arts center in Lanesboro. Harold Cropp, executive director of the Commonweal Theater, reported that last year, 43,000 people attended the Commonweal Theater and Cornucopia Art Center. Scheevel said like a young family, the organizations have outgrown their facilities. Eric Lorentz Bunge, artistic director for the Commonweal, said 70 percent of the patrons come from outside a 30-mile radius of Lanesboro. Scheevel said, "The arts community has

returned a vibrancy to the community. Lanesboro has become a destination point."

The Rooftop Perspectives Exhibit at the Minnesota Children's Museum receives \$1.124 million under S.F. 2297, authored by Sen. Martha Robertson (R-Minnetonka). Carleen Rhodes, president of the MN Children's Museum, said the funds will be matched by nearly \$3 million to be raised from the private sector. In 1999, the museum had 372,000 visitors, including 82,000 who were members of school groups from 49 counties, according to Rhodes.

One of the four remaining atmospheric theaters in Minnesota, the Historic Paramount Atmospheric Theater in Austin, receives a \$550,000 appropriation in S.F. 2403, sponsored by Sen. Pat Piper (DFL-Austin). According to the proposal, the total cost of improving the theater is \$1.47 million with \$920,000 coming from local sources. Janet Anderson, president of the Austin Area Commission for the Arts, said local volunteers have hundreds of hours of sweat equity in the project. Sen. Linda Scheid (DFL-Brooklyn Park) asked for a definition of an atmospheric theater. Anderson said the theater has stars in the ceiling and is designed with a theme to give the audience a sense of a different time and place.

Sen. Lawrence Pogemiller (DFL-Mpls.), sponsored S.F. 3504, which appropriates \$25 million for a new Guthrie Theater on the Mississippi riverfront in Minneapolis. Joe Dowling, artistic director for the Guthrie, said more than 70,000 students attend annually with nearly 40 percent of those from Greater Minnesota. Pogemiller said under an endowment program, annually 10,000 students attend the Guthrie at no cost. The \$25 million from the state will be matched by \$50 million raised by the Guthrie in addition to land donated by the city, according to Pogemiller.

Lastly, Price presented S.F. 2819, a \$1.5 million appropriation for the city of Woodbury to construct the Woodbury Center for the Arts. Nora Slawik testified that the total funding package is \$6 million. Michael Charron, a professor at Concordia University, said the center will be a self-sustaining multi-use facility. According

to Charron, the facility will include a theater, dance studio, meeting rooms, banquet rooms and a catering kitchen.

Price said the committee will consider all the bills for inclusion in the bonding bill.

### Contracts ratified

The primary focus of the Weds., Mar. 1, meeting of the Governmental Operations Budget Division was the consideration of a bill that ratifies the actions taken by the Legislative Coordinating Commission Subcommittee on Employee Relations regarding state labor contracts. S.F. 2826, sponsored by Sen. Carol Flynn (DFL-Mpls.), ratifies the actions of the subcommittee's interim approval of collective bargaining agreements and compensation plans for state employees. Flynn said the bill also modifies several statutory provisions. One of the key provisions, Flynn said, deals with the salary limit for heads of state agencies. Current law sets the salary limit at 85 percent of the governor's salary. The bill raises the limit to 95 percent of the governor's salary. Under the bill, the maximum salary for commissioners of smaller agencies increases from 75 percent of the governor's salary to 85 percent. In addition, the bill contains a provision increasing the maximum salary of the director of the Minnesota Zoo from 85 percent of the governor's salary to 130 percent, but specifies that any salary over 85 percent must be paid using nonstarter funds. The bill was approved and referred to the State Government Finance Committee.

In other action, the division, chaired by Sen. Leonard Price (DFL-Woodbury), reviewed a number of bills for capital bonding projects. S.F. 2402, authored by Sen. Pat Piper (DFL-Austin), provides for a grant to the city of Austin for expansion and remodeling of the Riverside Arena. S.F. 3078, carried by Sen. Sam Solon (DFL-Duluth), authorizes the issuance of bonds for the construction of improvements to the Spirit Mountain Recreation Authority. S.F. 3080, also sponsored by Solon, authorizes bonds for designing, constructing, and equipping a multipurpose recreation complex to be jointly administered by the city of Duluth and Lake Superior College. S.F. 2802, authored by Sen. Charles Wiger



# Committee update

(DFL-North St. Paul), authorizes funds for 24 soccer fields throughout Ramsey County. S.F. 2925, provides funding for the Minnesota Amateur Sports Commission to construct a sports conference center on the campus of the National Sports Center. S.F. 2926, also authored by Krentz, provides funding for grants for recreational programs for children and adolescents. S.F. 2438, carried by Sen. James Metzen (DFL-South St. Paul), requires the Amateur Sports Commission to develop a plan to stimulate the development of new amateur sports facilities throughout the state. S.F. 2930, also sponsored by Metzen, authorizes grants for development of new soccer fields and ice arenas throughout the state. All of the bills were laid over for consideration in the division's omnibus bill.

## Health and Family Security

### Medical privacy discussed

Testimony concerning medical records privacy was heard by the Health and Family Security Committee, chaired by Sen. John Hottinger (DFL-Mankato), Thur., Feb. 24. Sen. Dave Johnson (DFL-Bloomington) sponsored S.F. 2866, a bill requiring the patient's consent before a group purchaser, employer, state agency, or provider can release identifying data.

Dr. Barbara Rudolph, director of the Bureau of Health Information for the state of Wisconsin, addressed the committee. Rudolph said that Wisconsin, which has 26 health registries, began collecting a 100 percent sample of hospital discharge data in 1989. Collection of data, she said, does not require patient consent. Over 10 million hospital and ambulatory records have been collected, Rudolph said, and to date no handling problems have occurred. She attributes the program's success to comprehensive staff training.

A number of witnesses testified against the bill. Stewart Hanson, of Park Nicollet, said that physicians are supportive of a 100 percent patient data sample, because it provides accurate, valid, and useful public data. He also said that reliable economic data is needed. Larry Schwanke, of the Minnesota Health Data Institute (MHDI), said data collection is most effective through MHDI, as provided for in the bill, but

would like to ensure full patient participation in the data collected. Deb Hess, Redwood County commissioner, spoke against the bill, saying that she wants the reliability of a 100 percent data sample. Members took no action on the bill.

Sen. Don Samuelson (DFL-Brainerd) authored S.F. 2699, a bill modifying major spending commitment reports for certain providers by adding additional criteria for the commissioner of health to consider. The bill also adds additional penalties for the commissioner to consider if a provider is required to seek a prospective review and fails to do so. Samuelson said that the bill just tightens current law to correct issues which arose in 1992 concerning insurance investments. The bill, he said, is designed to address facilities, not equipment.

After a members discussed the bill, it was sent to the Senate floor with a recommendation to pass.

S.F. 3133, authored by Sen. Linda Berglin (DFL-Mpls.), extends the application deadline for essential community provider (EPC) status for several facilities providing culturally competent health care and establishes a renewal process for ECP designation. Berglin offered an amendment establishing acceptance criteria for applicants.

Sen. Martha Robertson (R-Minnetonka) offered an amendment to Berglin's amendment extending the application criteria to nonprofit providers of mental health, child development, and family services to children with physical and mental health disorders. Robertson's amendment was adopted. Members adopted Berglin's amendment and moved the bill to the Senate floor with a recommendation to pass.

Berglin also authored S.F. 3157, a bill creating an employer-subsidized insurance program. The bill identifies a group of children who do not qualify for MinnesotaCare and makes them eligible for certain programs operating on a sliding scale premium equaling one half of the MinnesotaCare premium or less. Members moved the bill to the Health and Family Security Budget Division with the recommendation of the division to be the recommendation of the committee.

The panel moved to reconsider S.F.

3133 and moved the bill to the Health and Family Security Budget Division with the recommendation of the division to be the recommendation of the committee.

Members then moved to take S.F. 2583 off of the table. Authored by Sen. Sheila Kiscaden (R-Rochester), the bill changes the time period from the date of MinnesotaCare ineligibility to disenrollment from 18 to six months. After a brief discussion on the bill, the panel moved to table S.F. 2583 again.

### MinnesotaCare tax debated

Two bills pertaining to MinnesotaCare tax payments came before the Health and Family Security Committee when the panel was called to order on the evening of Thur., Feb. 24. Sen. John Hottinger (DFL-Mankato) chairs the committee.

Sen. Linda Berglin (DFL-Mpls.) authored S.F. 2545, a bill requiring third party purchasers to pay the MinnesotaCare tax by withholding it from payments to health care providers. Providers currently pay the tax, which is two percent of the health care services payment and two percent of the enrollee's copayment or deductible. Berglin said the bill provides tax relief for those who pay for health care services personally rather than through a third party payer, and alleviates administrative burdens for health care providers.

Opponents of the bill said that it creates complex administrative burdens for third party payers and costly legal expenses for the state, health plans, employers, and healthcare organizations, without adding any benefits. Michael Scandrett, of the Council of HMOs, told members that costs for third party payers to implement the tax administration will inevitably be passed on to program enrollees in the form of higher premiums. This will have a detrimental effect on small business owners, he said, who already face complications from premium costs.

Carolyn Jones, of the Minnesota Chamber of Commerce, told members that two thirds of Minnesota businesses are making changes to their practices as a result of insurance premium costs. Jones also raised concerns about the bill's constitutionality under the Employee Retirement Income Security

Act of 1974 (ERISA). Administration changes relating to payment of a bifurcated claim by third party payers could result in costly and time consuming litigation, she said. Scandrett said ERISA litigation would funnel time and resources away from the much needed reform of health care taxes. After discussing the bill, members re-referred the bill to the Commerce Committee with a recommendation to pass.

Sen. Sheila Kiscaden (R-Rochester) authored S.F. 2565, a bill crediting onetime and ongoing tobacco settlement revenue to the health care access fund and modifying the MinnesotaCare tax. Under the bill, the commissioner of finance determines the premium tax rate for health maintenance organizations according to the health care access fund. There will be no tax if the fund does not have a deficit, and the commissioner is required to set the tax at the lowest rate to eliminate the deficit if there is one, she said.

Dan Salomone, of the Tax Payers Association, said that people, not entities, pay health care taxes, and health care taxes boost the cost of health care and insurance. Salomone told members that health care taxes are regressive, because not only does one pay more when one is sick, but also, in proportion to their income, low income payers pay two to five times more in health care taxes than the highest income taxpayers. Doug Davis, of the American Association of Retired People, said that he would rather have his health care needs met than receive a tax rebate.

After members discussed the bill, Kiscaden offered an oral amendment deleting the onetime payment from Phillip Morris, leaving the ongoing payments from the same company to supply fund revenue. The amendment was adopted and the bill was re-referred to the Committee on Taxes with a recommendation to pass.

### **Patient protection discussed**

The Health and Family Security Committee met Fri., Feb. 25, to discuss patient protection. Sen. John Hottinger (DFL-Mankato) chairs the committee.

S.F. 953, authored by Sen. Don Samuelson (DFL-Brainerd) with support from Attorney General Mike Hatch, regulates health care coverage and the

classification of treatment, and specifies the duties of carriers and providers. Highlights of the bill include prohibiting a health carrier that has given preauthorization approval for a service from subsequently denying payment for that service, requiring that a health carrier must inform a recipient, when a service is regarded as medically necessary or not, if the service is covered, and requiring health plan companies (HPC) to provide a prospective employee, upon request, a copy of the evidence of coverage required to be filed with either the commissioner of health or commerce.

The bill also specifies that an HPC cannot take adverse action against an enrollee for making a complaint against the HPC, states what qualifies as medically necessary care, requires an HPC to make or provide for a referral to a specialist if needed by the enrollee, and states that a health carrier is liable for damages for harm caused by a failure to exercise ordinary care.

Assistant Attorney General Stephen Warch and scleroderma patient Kathleen Barlage spoke in support of the bill. Barlage described complications with her insurance company that prohibited her from receiving time sensitive treatment, which cost her the full use of her hands. The loss of hand use would have been prevented had she received treatment when first diagnosed, she said. Dr. Paul Sanders, of the Minnesota Medical Association, said the bill is a positive addition to the ability for health care workers to represent patients.

Michael Scandrett, of the Minnesota Council of Health Plans, said that the bill provides for ineffective, unnecessary care. The bill increases health care costs for small employers and those who buy individual coverage, Scandrett said. He said that under the bill, small employers face an 18 percent increase in health plan costs. Sen. Roy Terwilliger (R-Edina) said that as a small employer, he has experienced health plan costs rise in excess of 18 percent within the past year. Carolyn Jones, of the Minnesota Chamber of Commerce, said the real crisis in health care is not patient protection, but health care costs.

Sen. Linda Berglin (DFL-Mpls.) offered an amendment stating that one must exhaust the external review

process before a claim can be brought against a health carrier. Members adopted the amendment. The panel also adopted an amendment offered by Sen. Martha Robertson (R-Minnetonka) exempting the right to treatment in cases of patient fraud or ineligibility and one by Samuelson establishing an effective date, before sending the bill to the State Government Finance Committee with a recommendation to pass.

Sen. Anthony "Tony" Kinkel sponsored S.F. 2631, a bill clarifying the admissions criteria for the Ah-Gwah-Ching center in Walker, MN. Mike Nethercutt, of Ah-Gwah-Ching, said that the bill establishes a role for the center, making it a place for geriatric and other residents whose aggressive or difficult to manage behavior needs cannot be met in their home communities. After making technical amendments, the panel moved the bill to the Senate floor with a recommendation to pass.

### **Patient protection moved**

The Health and Family Security Committee, chaired by Sen. John Hottinger (DFL-Mankato), discussed patient protection at the Tue., Feb. 29 meeting. Sen. Linda Berglin (DFL-Mpls.) sponsored S.F. 3156, a bill that requires the commissioners of health and commerce to divide any civil penalties imposed on a health plan company among enrollees affected by the violation, makes modifications to continuity of care and access to specialty care, requires health plan companies to cover patient costs incurred by an enrollee in a clinical trial, and requires the commissioner of health to develop a plan to collect data on quality patient care.

Mary Jo George, of the Minnesota AIDS Project, testified on behalf of continuity of care. Treatments for AIDS patients are very complex and greatly assisted by knowledge of the patient, she said. Metro Community Clinical Oncology Program Director Ann Deshler supported clinical trial funding. New and better treatments are found at the same cost as routine care, she said. Michael Scandrett, of the Minnesota Council of Health Plans, said that the bill is broader than what proponents had intended. Anybody in ongoing treatment can continue to see

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the same provider for the rest of their life, increasing administrative costs, Scandrett said.

Sen. Sheila Kiscaden (R-Rochester) offered an amendment repealing the bill's sections requiring the commissioners of health and commerce to award health care enrollees one half of settlements. The amendment also makes continuation of ongoing coverage optional for the enrollee when a plan is unjustly terminated. Berglin's motion to divide the two main parts of the amendment prevailed, and Kiscaden's amendment was adopted without the language repealing award settlements. Members recommended the bill to pass and re-referred it to the Commerce Committee.

Sen. LeRoy Stumpf (DFL-Thief River Falls) authored S.F. 2622, a bill providing, for rural or under-served areas, an educational loan forgiveness program for pharmacists who agree to practice there and financial incentives to pharmacies that operate in them. The bill also requires managed care contractors to pay pharmacies at or above the Medical Assistance fee, and establishes pilot program for drug therapy management.

Berglin's motion to fund the bill from the general fund instead of the Health Care Access Fund prevailed. Sens. Martha Robertson (R-Minnetonka) and Leo Foley (DFL-Coon Rapids) questioned the bill's ability to sustain rural pharmacies. The committee re-referred the bill to the Health and Family Security Budget Division with a recommendation to pass.

S.F. 1038, authored by Sen. Sam Solon (DFL-Duluth), codifies the current rule that requires registration for occupational therapists and occupational therapy assistants and changes the regulation from registration to licensure. Hottinger stated that members had already heard testimony on the bill, and the committee recommended the bill to pass and re-referred it to the Governmental Operations and Veterans Affairs Committee.

Sponsored by Sen. Pat Piper (DFL-Austin), S.F. 1042 establishes a registration system for massage therapists and Oriental bodywork therapists. The bill addresses issues of legitimacy though voluntary registration for insurance claims, Piper said. The bill was recommended to pass and sent to the Senate floor.

## MFIP bills heard

The Health and Family Security Committee reconvened in the evening Tue., Feb. 29, to hear bills relating to the Minnesota Family Investment Program (MFIP). Sen. John Hottinger (DFL-Mankato) chairs the committee.

Sen. Don Samuelson (DFL-Brainerd) sponsored S.F. 2767, a bill requiring prompt payment by health plan companies and third-party administrators of claims for health care services or prompt denial of claim payment. Samuelson offered an amendment deleting interest payments. The amendment was adopted and the bill was re-referred to the Commerce Committee with a recommendation to pass.

Samuelson also sponsored S.F. 3341, a bill making MFIP modifications. Under the bill, modifications are made to the definition of "income" for MFIP and Temporary Assistance to Needy Families (TANF), the Minnesota Food Assistance Program (MFAP) qualifications will not change in July of 2000, grant funding is established for after-school programs assisting low income children, and the commissioner of the Department of Human Services is required to provide information on MFIP participants with 30 percent sanctions for three months or more and reasons for the sanctions. The bill also amends MFIP sanctions, creating 50 percent and 100 percent sanction levels for noncompliance with program provisions.

Hottinger offered an amendment removing sanction increases from the bill. In interviews with county authorities, many reported favoring 10 to 30 percent sanctions, he said. Samuelson told the committee that other counties favored 100 percent sanctions. The amendment was adopted.

Sen. Pat Piper (DFL-Austin) offered an amendment stating that grants for the extended learning initiative must not supplant any existing program funding. Members adopted the amendment. Members also adopted an amendment, offered by Sen. Becky Lourey (DFL-Kerrick), stating that the commissioner of human services must emphasize the importance of not separating or stigmatizing children who are participating in learning initiative programs.

Lourey also offered an amendment requiring the appointment of a workgroup to conduct research and study evaluation findings to develop recommendations for MFIP program modifications. The amendment was adopted on a voice vote.

Sen. Linda Berglin (DFL-Mpls.) offered an amendment establishing a supported work program pilot project in the three counties that have the largest MFIP caseload and requiring a report for the pilot project. The amendment was adopted.

An amendment, offered by Sen. Sheila Kiscaden (R-Rochester), requires that a county agency determine if a family has a special needs child for MFIP benefits and establishes that awards to families are equivalent to the care that would otherwise be provided by a personal care attendant or a home health aid. The amendment was adopted.

Lourey offered an amendment increasing diversionary assistance eligibility from once every 36 months to once every 12 months and increasing the household income level qualification from 140 percent of the poverty level to 200 percent. The amendment was adopted.

S.F. 2945, a bill authored by Berglin, allowing MFIP participants to enroll in approved educational programs for up to 24 months, was offered as an amendment to S.F. 3341. Berglin offered an amendment changing the time allotment for educational programs from 24 months to 48 months. The amendment was adopted and S.F. 2945 was adopted into S.F. 3341. Berglin also offered an amendment outlining procedures for MFIP counselors to follow in order to contact noncompliant participants before issuing sanctions. The amendment was adopted. Berglin also offered S.F. 3106, a bill requiring the food and access portions of the MFIP grant to be made available simultaneously, as an amendment to S.F. 3341. The amendment was adopted.

The committee re-referred S.F. 3341 to the Health and Family Security Budget Division with the recommendation of the division being considered the recommendation of the committee.

Samuelson authored S.F. 3107, a bill modifying recovery of MFIP payments, disqualifying participants from the food stamp program upon disqualification



from MFIP, clarifying eligibility for Minnesota supplement aid (MSA), requiring review of alternative employment plans of participants failing to comply with the plans due to family violence issues, imposing a caregiver requirement for minor child assistance unit inclusion purposes, and providing exemptions and modifications to the 60 month time limit for MFIP recipients.

Lourey offered an amendment reinstating exemption from employment and training requirements for single parents and one parent in a two parent family who are employed at least 35 hours per week. The amendment was adopted. Lourey also offered an amendment deleting a section requiring foster child care to prevent caregivers from obtaining employment before the caregiver is exempt from job search requirements. The bill was recommended to pass and moved to the Senate floor.

S.F. 3103, authored by Sen. Deanna Wiener (DFL-Egan), requires the establishment of an MFIP diversionary assistance pilot project in Dakota County to encourage rapid entrance into the work force. Berglin offered an amendment striking language that permits 100 percent sanctions of MFIP participants. The amendment was adopted. Piper offered an amendment requiring the county to monitor the well-being of children in households with 100 percent sanctions and produce a report on the number of participants who have received sanctions. Berglin also offered an amendment to the amendment deleting language about 100 percent sanctions. The amendment was adopted. Piper's amendment, as amended, was adopted.

## Health and Family Security Budget Division

### Department forecast

George Hoffman, director of the Reports and Forecast Division of the Department of Human Services (DHS), presented the November 1999 and February 2000 DHS expenditure forecasts to the Health and Family Security Budget Division Tue., Feb. 29. Sen. Dan Samuelson (DFL-Brainerd) chairs the division.

Hoffman said that whereas general

fund costs for DHS medical and economic support programs were forecasted to total \$4.214 billion for the 2000-2001 biennium in November of 1999, the February 2000 reports spending to total \$4.196 billion, 0.4 percent less than projected. Projections for Temporary Assistance to Needy Families (TANIF) and MinnesotaCare made in November 1999 were also higher than February 2000 expenditures.

TANIF spending was \$41 million, or 14 percent, lower than November 1999 projections due to reductions in the Minnesota Family Investment Program (MFIP) and maintenance of effort spending. Costs for the MinnesotaCare program were \$10 million, or 3.8 percent, lower than November 1999 projections due to the elimination of projected costs from shifting certain General Assistance Medical Care (GAMC) recipients to MinnesotaCare.

Planning estimates for the DHS general fund in the February 2000, 2002-2003 biennium projections increased slightly, 0.3 percent, from the projections made in November of 1999. Projections for TANIF and MinnesotaCare expenditures are both lower in the February 2000 report, 18.4 percent and 5.9 percent, respectively.

Members heard testimony on the governor's budget. Pauline Walker-Singleton, of the Minnesota Board of Psychology, came before the panel. The board is requesting \$150,000. Walker-Singleton said that because of unexpected costs associated with three case proceedings involving violations of the Psychology Practice Act, the board will not be able to continue operating until the end of the fiscal year without assistance. The board receives no revenue from the state's general fund, she said, all revenue is generated by licensure and other agency fees.

Department of Health Assistant Commissioner Gayle Hallin testified on behalf of a \$790,000 increase in funding for the Minnesota Poison Control System (MPCS). Until June of 1999, she said, the system was operated by Hennipen County Medical Center (HCMC) and Regions Hospital. However, Regions has terminated funding for the MPCS and HCMC cannot fully subsidize the MPCS. "The MPCS is an essential part of Minnesota's statewide public health safety net," Hallin said.

Erin Sullivan-Sutton, of DHS, told members about the status of adoption rates in Minnesota and the possibility of receiving further federal funds of \$541,316 for adoption programs in addition to the award of \$480,684 received by the state last fall. Minnesota received the first award for increasing the adoption rate from foster care systems by 66 percent, she said. Sullivan-Sutton told the division that future awards will be based on Minnesota's adoption rate in relation to other states.

Sen. Becky Lourey (DFL-Kerrick) sponsored S.F. 2758, a bill appropriating \$1.3 million to build a youth alcohol treatment wing at the Mash-Ka-Wisen treatment center. U.S. Sen. Paul Wellstone has secured \$1 million of federal funding for the project to be matched with state funds, Lourey said. No action was taken on the bill.

S.F. 3079, authored by Sen. Sam Solon (DFL-Duluth), appropriates \$250,000 to improve facilities housing a domestic abuse intervention program in Northeastern Minnesota. The funds would need to be matched by non-state resources before awarding the money, Solon said. The division took no action on the bill.

Solon also authored S.F. 2776, a bill establishing a new property reimbursement rate for a St. Louis County nursing facility. The new rate, Solon said, will take effect following completion of a moratorium exception project, which must commence by July 1, 2000. The bill was re-referred to the Health and Family Security Committee with a recommendation to pass.

Sen. Linda Berglin (DFL-Mpls.) sponsored S.F. 3133, a bill extending the application deadline for essential community provider (ECP) status for facilities providing culturally competent health care and establishing a renewal process for EPC designation. The bill was recommended to pass and sent to the Senate floor.

Berglin also authored S.F. 2734, a bill requiring the Minnesota Home Care Association, in collaboration with the commissioner of Human Services, to report to the Legislature by December 15, 2000, on reimbursements to home care and personal care service providers for transportation costs. Members recommended the bill pass and sent it to

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the Senate floor.

S.F. 3117, authored by Sen. John Hottinger (DFL-Mankato), modifies reporting requirements for health-related boards and repeals the requirement for the health professionals services program committee that no more than half plus one of the members be of one gender. Hottinger offered an amendment providing an effective date of July 1, 2001 for the bill. Members adopted the amendment and moved the bill to the Senate floor with a recommendation to pass.

## Higher Education Budget Division

### Nine bills heard

The Higher Education Budget Division met Tues., Feb. 29, and heard nine bills, ranging from the establishment of a non-profit corporation to help the University of Minnesota leverage the U's research capabilities into economic development results to a deficiency spending measure for higher education to meet increases in enrollment.

S.F. 3284, authored by Sen. Steve Kelley (DFL-Hopkins), creates a non-profit, tax-exempt corporation to leverage the U's research capabilities. Similar to laws enacted in at least four other states, the bill specifies that the corporation, known as the Northstar Research Coalition, will fund projects to establish endowed faculty chairs in technology-based research, purchase equipment for research laboratories, and fund research projects according to the priorities established by the private industry-University partnership.

Under the bill, the coalition's board consists of 12 members - 6 appointed by the Board of Regents and 6, representing private interests, appointed by the governor. The bill also provides for an appropriation for the University's contribution to the coalition.

The bill was laid on the table for consideration in the omnibus bill.

S.F. 2892, authored by committee chair Sen. LeRoy Stumpf (DFL-Thief River Falls), appropriates \$5.8 million in FY 2000 and \$5.8 in FY 2001 to the board of trustees of the Minnesota State Colleges and Universities (MnSCU) system as a deficiency appropriation to fund increased enrollment at the

institutions. Considered along with S.F. 2892, S.F. 2977, authored by Sen. Steve Murphy (DFL-Red Wing), also provides an appropriation to the MnSCU board of trustees for FY 2000 and FY 2001 for costs associated with increased enrollments in those years.

The bills were approved and laid on the table for inclusion in the omnibus bill.

The division also heard a bill increasing bonding authority of the Higher Education Facilities Authority (HEFA). S.F. 3150, authored by Sen. Cal Larson (R-Fergus Falls), raises HEFA's aggregate principle on revenue bonds from \$500 million to \$650 million to provide funds for acquiring, constructing, reconstructing, enlarging, remodeling, renovating, improving, furnishing or equipping one or more HEFA projects.

S.F. 2803, authored by Sen. John Hottinger (DFL-Mankato), calls for raising accreditation requirements for Certified Public Accountants (CPA's) in Minnesota. The measure is necessary because CPA's are dealing more and more with multinational companies, Hottinger said.

Mandy Wick, chairperson of the accounting program at Bemidji State University, spoke in support of the bill. "Minnesota needs to raise its standards, along with the 48 other states that support proposed federal standards, to make it easier and more efficient for graduates to work between states," Wick said.

### Accountant bill fails

The Higher Education Budget Division continued their discussion of a bill to modify the licensing requirements for accountants when the panel met for the late afternoon portion of the Tues., Feb. 29, meeting. The bill specifies that after July 1, 2006, the CPA exam may only be administered to candidates who have a baccalaureate or higher degree, with a major in accounting, or a major in business with accounting emphasis, from a college or university that is fully accredited by a recognized accrediting agency. In addition, the bill requires CPAs to have completed at least 150 semester hours and have completed at least one year of experience.

Division Chair LeRoy Stumpf (DFL-Thief River Falls), gave opponents to

the bill an opportunity to testify. Opponents said that the 150 hour requirement means that students must take an extra year to complete their degree. In addition, Nancy Olson of the Minnesota Career College Association, said the association opposes the baccalaureate degree requirement. She said that there is no evidence that graduates of two year programs have not been able to perform as CPAs. John Corbid, representing the Minnesota Private College Council, said curricula should be set by collections and that requiring the extra year increases costs for students in terms of tuition, living expenses and lost opportunity. In addition, Corbid said that most financial aid runs out after the fourth year, which places an additional burden on students.

Sen. Deanna Wiener (DFL-Eagan) offered the motion to move the bill to the full Children, Families and Learning Committee. The motion failed on a tie vote.

In other action, the panel considered several additional bills that were laid on the table for inclusion in the division's omnibus bill.

S.F. 3012, authored by Sen. Douglas Johnson (DFL-Tower), provides for an \$80,000 appropriation for the Cook County higher education project. The measure requires the project to submit a report delineating the goals of the project, the number of students served and the number of credits earned. S.F. 3051, sponsored by Sen. Dallas Sams (DFL-Staples), provides funding of \$247,000 for increased tuition subsidies for farm business management programs. Stumpf offered an amendment providing for an appropriation for the rapid agricultural response fund. Stumpf said the fund was set up to respond to emerging issues affecting agriculture, such as the turkey respiratory disease that struck Minnesota turkey farms. Stumpf said the funding for the program has been depleted and that a supplemental appropriation is necessary. The amendment was adopted. Sen. Anthony "Tony" Kinkel (DFL-Park Rapids) offered an amendment appropriating \$400,000 for farm support centers to provide counseling support to farm families and business operators. Members said that the proposal had merit, but that the amendment should more

properly be funded through the human resources finance committee. Kinkel withdrew the amendment.

Members also discussed an urban teacher initiative. The bill, S.F. 2742, is an attempt to attract teachers of color to urban schools, said Wiener, the bill's chief author. The measure provides for a cooperative program between Metropolitan State University, Inver Hills Community College and Minneapolis Community and Technical College to offer teacher preparation. Under the bill, the program is to focus on preparing teachers to meet the specific needs of urban and inner-ring suburban schools and must emphasize direct classroom teaching experience and mentoring throughout each student's preparation. Wiener said that the institutions mentioned in the bill have already laid the groundwork for the program and have responded with enthusiasm to the proposal. Kinkel offered an amendment to broaden the number of institutions that could be involved in the final two year portion of the program to include private colleges and the University of Minnesota. However, Wiener argued that because the institutions named in the bill have already begun preparations for the program and, because there is a pressing need for urban teachers of color, it would cause unnecessary delay to start from scratch with other institutions. Kinkel withdrew the amendment and the proposal was laid on the table for inclusion in the omnibus bill.

Members did advance a measure, S.F. 3118, aimed at alleviating the shortage of workers in the health care industry. Sen. Sheila Kiscaden (R-Rochester), chief author of the bill, said the measure appropriates funds from the state temporary assistance for needy families reserve fund to provide tuition waivers to employees of health care and human services providers. Kiscaden said that there is a rapidly growing need for nursing assistants in Minnesota and that the bill is aimed at providing the education needed in order to attract people to careers. The measure is a solid investment, Kiscaden said, in getting people off of assistance and into jobs.

The bill was approved and advanced to the full Children, Families and Learning Committee.

## Jobs, Energy and Community Development

### Biomass bill okayed

The Jobs, Energy and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), met Thurs., Feb. 24, and okayed a bill extending by three years the date by which biomass generated electricity must be on-line in Minnesota. A 1994 Legislative mandate states Northern States Power (NSP) company's Prairie Island power plant is to be operating, purchasing or contracting for a total of 125 megawatts of biomass generated energy by Dec. 31, 2002.

S.F. 2614, authored by Novak, provides that the first 50 megawatts of electric energy generated by farm-grown closed-loop biomass be operational by Dec. 31, 2004, and the additional 75 megawatts capacity be operational by Dec. 31, 2005.

No more than 50 megawatts of the 125 megawatt capacity is to be provided by a facility that uses poultry litter as its fuel source, according to an author's amendment. The amendment requires that the utility must have entered into such a contract by Dec. 31, 2000.

The measure was debated over a three-week period. One of the supporters is Fibrowatt, a U.K.-based company whose technology has been turning poultry litter into electricity in England for eight years. Fibrowatt officials are hopeful of locating a plant in Western Minnesota's turkey producing area.

Novak reiterated that he was convinced there is an "over-abundance" of poultry litter in the state, that the technology is available to turn it into electricity and that a plant like Fibrowatt's will help create jobs in rural Minnesota and help Minnesota farmers find a use for their manure.

However, one Minnesota farm group came forward to oppose the idea.

"Our policy opposes the burning of poultry manure," said Andy Steensma of the Minnesota Farmers Union (MFU). "We think the litter could be better used as a raw fertilizer and we disagree that there's an oversupply of it."

Sen. Ellen Anderson (DFL-St. Paul) said she saw some "real upsides and some real downsides" to bill. For

example, what are retail costs of the electricity produced? she asked.

The electricity is more expensive than that generated from either coal-fired or nuclear energy plants, said Novak, but so is the electricity produced from wind energy. Plus, biomass generates "base load" electricity, while wind energy remains a supplemental source, he said.

The bill was approved and referred to the floor.

The committee also approved two other employment-related bills.

S.F. 2809, authored by Sen. Linda Higgins (DFL-Mpls), clarifies certain state safety requirements for public and private business employing 25 or fewer workers. Under the bill, employers are required to establish and administer a safety committee if the employer is in a standard industrial classification.

S.F. 2812, also authored by Higgins, modifies certain wage payment provisions and prohibits employers from charging employees or job applicants for background checks and certain types of training. Under the bill, an employer of a commission salesperson may not alter the method of payment, timing of payment, or procedures of payment after the employee has resigned or been terminated. The bill requires that the employer of a migrant worker to pay wages at least every two weeks, except in the case of termination when the employer must pay within 24 hours instead of two weeks. The bill also prohibits a prospective employer from charging an applicant for criminal or background checks, credit checks, testing, orientation or training, unless the training is required to obtain or maintain a license for the employer.

Both bills were approved and referred to the floor.

### Telecom task force approved

The Jobs, Energy and Community Development Committee, chaired by Sen. Steve Novak (DFL-New Brighton), met Fri., Feb. 25, and approved a bill forming a task force to study the complex issue of telecommunications regulation, rather than pass legislation this session.

S.F. 2919, authored by Sen. Steve Kelley (DFL-Hopkins), provides for an administrative law judge to appoint a work group to prepare proposed legisla-



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tion reforming the state's telecommunications laws. Under the bill, major reform proposals should come out of the 2001 legislative session.

"It's not my intention that the working group should go all the way back to square one, but should build on what we've already done," said Kelley.

Under the bill, the group must be convened by June 1, 2000, and operate informally. The bill requires that the group provide drafts of proposed legislation supported by a substantial portion of the group. The bill also requires the cooperation of the Department of Commerce and the Department of Revenue. In addition, the measure requires the commissioner of public service, upon request of the administrative law judge, to assess costs incurred by the Office of Administrative Hearings in providing services. Costs cannot exceed \$25,000 and the assessment collected is appropriated to the Office of Administrative Hearings. The bill requires the group to submit copies of proposed legislation to the Legislature by Nov. 1, 2000.

"I'm really quite disappointed with your action this morning," said Bob Ryan, a Renville County Commissioner. "I don't think Minnesota, especially Greater Minnesota, has another year to wait" for reforming telecommunications regulations.

Mike Bradley, of the Ramsey-Washington County Cable Commission, said the task force would be a huge one and suggested separating cable TV from other forms of telecommunications. "I'm also not comfortable with having an administrative law judge appointing the group," Bradley said. "How many administrative law judges are experienced in telecommunications?" he asked.

Tony Mendoza, assistant commerce commissioner, said the administration has a "philosophical disagreement" with the process, too. "We think reformation can happen through a voluntary process," he said.

Dan Lipschultz, of the Attorney General's office, said the office "supports and endorses" the bill, and appreciates an approach using a collaborative effort.

The bill was approved and sent to the floor.

The committee also approved two

other bills.

S.F. 3427, authored by Sen. Dave Johnson (DFL-Bloomington), transfers certain powers and duties relating to the administration of an energy assistance program from Children, Family and Learning (CFL) to the Department of Economic Security (DES).

Originally, the energy assistance program, which has provided an average of 90,000 residents with \$370 per year over the last five years, was administered by the DES. Several years ago, along with a number of other programs, it was transferred to the CFL, despite concerns about whether CFL had the expertise to administer the program. Under the bill, original DES employees are simply transferred back from CFL to DES, Johnson said.

Along with getting new software offered by Northern State Power (NSP) company, the shift could mean a reduction in administration costs, said Pam Perry Weaver, of the governor's office. "Basically, we're spending \$75 (to process applications) to give people a \$370 energy assistance grant," Weaver said. "We think we can cut that to \$25."

The bill was approved and re-referred to the Governmental Operations and Veterans Committee.

S.F. 3292, authored by Sen. Randy Kelly (DFL-St. Paul), permits the St. Paul Port Authority to perform its duties and activities anywhere within its port district, with respect to recreational facilities, instead of limiting it to along navigable rivers and lakes, and on lands abutting rivers and lakes. The bill was approved and referred to the floor.

## Four bills approved

The Jobs, Energy and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), met Tues., Feb. 29, and approved four bills, one of which creates a new review and selection process for commissioners of the Public Utilities Commission (PUC).

S.F. 1048, authored by Sen. Dave Johnson (DFL-Bloomington), creates an advisory committee to oversee oral or written off-the-record communications by the commissioner. The committee's powers will be similar to a judicial review process, only more formal, according to Johnson.

The bill also creates a new process for appointing PUC commissioners. Although the governor's ability to appoint a candidate of his choice remain unchanged, the governor is required to activate a 16-member advisory committee prior to filling the vacancy. The bill specifies that the committee recommend four candidates to the governor. If an incumbent desires reappointment, the incumbent is deemed the fifth candidate.

"It's an extra tool to help attract the most qualified candidates," said Johnson.

The bill was approved and re-referred to the Government Operations and Veterans Committee.

S.F. 3554, authored by Novak, clarifies requirements for a limited real estate license for mobile home park owners. The bill permits the park owner/licensee to sell used mobile or manufactured homes in his or her home park as principal. The bill also permits the owner to sell up to five homes per license. Limiting the number of homes sold per license provides consumer protection, Novak said. The bill was approved and referred to the floor.

S.F. 3554, authored by Sen. Kenric Scheevel (R-Preston), modifies certain nonprofit organization provisions for re-employment insurance. The bill makes it less costly for nonprofit organizations that elect to change payment methods by having to pay 125 percent of its benefits charged instead of what it might owe under a taxing employer status. Under the bill, a nonprofit may make payments for not less than two calendar years instead of three. The bill provides that if a nonprofit pays taxes and voluntary payments that are in excess of 125 percent of the amount of benefit charges during the experienced rating period, the excess will be applied against any further benefit claims. Supported by the United Way, the bill was approved and recommended for the Consent Calendar.

S.F. 3355, authored by Sen. Sam Solon (DFL-Duluth), authorizes electronic disbursement of port authority funds. Supported by the Duluth Seaway Port Authority, the bill was approved and recommended for the Consent Calendar.

S.F. 2893, authored by Sen. John Hottinger (DFL-Mankato), amends the

business subsidy law enacted in the 1999 legislative session. The bill was laid over for further discussion.

### **Workers comp bill okayed**

A bill making the first major changes in the workers compensation system since the overhaul of the system in 1995, was approved at the Weds., Mar. 1, evening hearing of the Jobs, Energy and Community Development Committee. S.F. 3644, authored by Committee Chair Steven Novak (DFL-New Brighton), increases benefits, clarifies language, provides for a transfer of the assigned risk plan surplus to the special compensation fund for purposes of reducing the liabilities of the second injury and supplementary benefits programs, provides for a reduction in the assessment made on insurers and self-insured employers by the special compensation fund and modifies various other workers compensation provisions. Novak said the bill encompasses changes amounting to about \$355 million.

Bernard Brommer, president of the Minnesota AFL-CIO, and David Olson, president of the Minnesota Chamber of Commerce, spoke in support of the bill. Brommer said the bill is the work of the Workers Compensation Advisory Council, of which he and Olson are co-chairs, and represents a good faith process to come up with a bill upon which both labor and employers could agree. "We look at this as a win-win situation," Brommer said, "there are benefit increases for workers and cost savings for employers." Olson said he wanted to emphasize the business community's support of the Advisory Council process. "Each year we agree to recommend one bill. It is an arduous process to get to this point, and we urge support of the bill, Olson said.

Members adopted two amendments offered by Novak. The first clarifies the nonseverability provisions in the bill. The second makes changes to the limits on attorney's fees contained in the measure. The bill was approved and advanced to the Senate floor.

In other action, the panel approved two addition bills relating to worker safety. S.F. 295, authored by Sen. John Marty (DFL-Roseville), provides a civil remedy to injured workers if an employer violated safety laws. Currently,

workers' compensation remedies usually exclude recovery for damages in a civil lawsuit. Marty said the bill addresses an issue that shouldn't be part of the workers compensation system—those instances where employers have broken the law. A number of witnesses spoke in support of the bill. Elizabeth Lambrecht told of one of her sons being seriously injured at a job site where there were violations in safety procedures and then, a week later, of another son being killed at the same site under the same unsafe conditions. Under current law, there are no remedies available to the family. "It is not about money," Lambrecht said, "but instead about employers having safe working conditions."

Tom Hesse, representing the Minnesota Chamber of Commerce, spoke in opposition. He said, "The bill undoes the very foundation of the workers compensation system." Hesse added, the system was developed to compensate workers injured on the job without having to file a lawsuit.

Randy Danielson, an injured worker, said that the bill levels the playing field for workers and allows those who have been severely injured because of safety violations to have a remedy.

Members approved the bill and advanced the measure to the full Senate.

The second bill, S.F. 3095, authored by Sen. Mark Ourada (R-Buffalo), provides for a presumptive penalty for occupational safety violations related to the death of an employee. An amendment, offered by Sen. Steve Kelley (DFL-Hopkins), raises the maximum penalty of the fine for serious, willful, or repeated violations that cause or contribute to the death of an employee from \$70,000 to \$200,000. The amendment was adopted. The bill specifies a minimum total fine of \$50,000 for an incident involving a willful or repeated violation or \$25,000 for an incident that is not willful or repeated. Members debated a sentence relating to the factors the commissioner must consider when reducing the minimum \$25,000 fine for a serious violation. As a result, members adopted an amendment, offered by Sen. Linda Runbeck (R-Circle Pines), including negligence of the employee as one of the factors. The bill was approved and advanced to the Senate floor.

## **Judiciary**

### **Data sharing bills heard**

The Judiciary Subcommittee on Data Privacy and Information Policy met Thurs. evening, Feb. 24, to consider three bills. Betzold, who chairs the committee, explained that the panel would focus only on policy issues contained in the bills.

The first bill under consideration was S.F. 2891, carried by Sen. Randy Kelly (DFL-St. Paul). Kelly said he wanted to expand the authority of educators and probation officers to allow the transfer of court dispositions regarding juvenile offenders. Provisions allow for the transfer of a court disposition order from the juvenile's probation officer to the juvenile's school, sent to either the principal or chief administrative officer. The measure also allows for ongoing discussion about the juvenile by the probation officer and the school official, in order to ensure compliance with the disposition order. The bill specifies which crimes fall under the auspices of the provisions, including an illegal act committed on school property, or committing certain types of acts ranging from controlled substance crimes to criminal sexual assaults to first-degree murder. The bill was recommended to pass and sent to the Judiciary Committee.

Sen. Anthony "Tony" Kinkel (DFL-Park Rapids) sponsored S.F. 3000, a bill that incorporates privacy provisions of the new federal financial services law, the Gramm-Leach-Bliley Act. Under provisions in the bill, financial institutions are required to comply with regulations mandated by federal law. One of the provisions states that a financial institution may not disclose nonpublic personal information to a nonaffiliated third party except with the consent of the consumer, pursuant to exceptions authorized under federal law, or for the purpose of reporting a suspected violation of law. Another provision specifies the form requirements for a valid consent. Kinkel said, "The key to the bill is that the bill uses an "opt in" and federal law requires an "opt out" consent strategy. The consent form must be written, signed and must specify the time period under which the consent remains valid, with a limit of five years. The bill refers to definitions

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set forth in the federal legislation, including references to “consumer,” “financial institution,” “nonaffiliated third party,” and “nonpublic personal information.” Betzold recommended that the bill also provide definitions within the text of the state bill, rather than making reference to the federal bill.

Attorney Lori Swanson, Attorney General’s Office, said that her office has been notified of many cases whereby nonpublic personal information, including credit line information, account balances and mortgage information, had been shared with telemarketers, resulting in harm to consumers and the subsequent filing of civil suits.

Testifying on behalf of Legal Services Advocacy Project, Ron Elwood said that the opt out choice in the federal bill places the burden on the consumer. He said that an opt in, as put forth in S.F. 3000, is more equitable since consumers generally assume that their financial information is protected, unless they make express consent to allow disclosure to outside businesses.

Steve Johnson, manager of Government Relations, Minnesota Banker’s Association, said the “opt in” would be costly for banks to implement because of the added paperwork and more complicated customer transactions. Members of the panel questioned why banks considered the opt in more expensive than implementing an opt out, since a consent form would be needed in either case. Kinkel said that normal banking transactions would not be affected at all.

Sen. Deanna Wiener (DFL-Eagan) said the committee did not intend to make a hardship for the banking industry, and said it might be a good idea to postpone the effective date of the bill to June 30, 2002, to allow more time for discussion. Sen. Dave Knutson (R-Burnsville) said he agreed with Wiener and wanted to wait to see what the federal law will do. An amendment was adopted to that effect. The bill was recommended to pass and sent to the Judiciary Committee.

Sen. Jane Ranum (DFL-Mpls.) presented an amendment to S.F. 2806, the Data Practices Omnibus Bill--a bill relating to government data and codifying classifications for new law.

The amendment deals with rights of action in cases of noncompliance. The revision states that a person seeking to enforce rights or obtain access to data may bring an action in District Court to compel compliance. Under the amendment, a provision specifies a civil penalty of up to \$1,000 against a government entity that is responsible for noncompliance as specified by law. The penalty is payable to the person bringing the action and is in addition to damages that may be imposed. The bill was adopted and was re-referred to the Judiciary Committee.

## UCC bill advanced

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), met Fri., Feb. 25, and advanced several bills relating to child support, custody and one measure adopting Article IX of the Uniform Commercial Code.

The UCC bill, S.F. 1495, authored by Sen. John Hottinger (DFL-Mankato), adopts the article relating to the regulation of personal property finance secured transactions. Gene Hennig, representing the Minnesota State Bar Association Business Law Section, said the current UCC article has not been updated since 1965 and is, therefore, very out of date. Hottinger said that up until the last few days he was unaware of any opposition to the bill. However, he said, since that time, concern has been expressed about a portion of the bill relating to contract for deed transactions. Sen. Thomas Neuville (R-Northfield) offered an amendment addressing the issue, but the amendment failed. Hottinger said that he would continue to work with interested parties to resolve the points of conflict as the measure progressed through the process. The bill was approved and re-referred to the Governmental Operations and Veterans Committee.

The panel also advanced three bills to the full Senate. S.F. 2794, authored by Sen. Leo Foley (DFL-Coon Rapids), modifies provisions under the expedited child support process. The bill changes the kind of information required, specifies that the party initiating the action provide the information and clarifies that the public authority is still responsible for providing additional information not included in the pleadings, Foley said. A second bill, S.F.

2742, authored by Foley, also deals with the expedited child support process. The measure establishes rules for determining the controlling support order in cases where multiple orders exist for the same obligor and child, requires the commissioner of human services to implement procedures to notify a payer of funds of the income withholding limits imposed by the federal Consumer Credit Protection Act, requires a study and recommendations for changes to the medical support statutes and eliminates some reports dealing with statistics on dissolutions. Neuville offered an amendment to provide a mechanism for the service of process on individuals whose addresses are not known. However, Foley and Janice Allen, assistant Anoka County attorney, said the amendment said there is an existing procedure and that, the public authority does not always know if domestic abuse has occurred. Neuville withdrew the amendment. Both bills were approved and sent to the Senate floor.

S.F. 2473, authored by Sen. David Knutson (R-Burnsville), alters the standards for modifying sole physical custody of a child. The measure allows parents to agree to a standard for modification that is different from the statutory standards in the circumstances under which a custodial parent may move the residence of the child to another state. Under the bill, parents could agree to a “best interest of the child” standard. The bill also allows the court to change a custody arrangement if the parties agreed in a writing approved by a court to apply a standard, such as the “best interest of the child standard,” other than those provided in statute.

Steve Arnot, representing the Family Law Section of the Minnesota Bar Association, and Maria Pastoor, an attorney, both opposed the second portion of the bill allowing a change in custody arrangement if the parties agreed to apply a different standard. They argued that, in cases of domestic abuse, coercion could be involved in the agreement. However, Hennepin County Judge Mary Davidson and Judge Stephen Aldrich countered that the bill gave individuals to make decisions for themselves. The bill was approved and advanced to the floor.



Finally, members also approved a bill, S.F. 2858, authorizing the automatic transfer of persons committed as a psychopathic personality or sexually dangerous to a corrections facility. The bill, authored by Sen. Allan Spear (DFL-Mpls.), removes the Special Review Board appeal process for civilly committed sex offenders who are sentenced for new crimes or who violate the conditions of their release from the Dept. of Corrections while in a Dept. of Human Services facility. The measure was approved and re-referred to the Crime Prevention Committee.

### Telemarketing bill gains

A bill, S.F. 2421, regulating telemarketing practices was advanced by members of the Judiciary Committee at their Mon., Feb. 28, hearing. The measure, sponsored by Sen. Ember Junge (DFL-New Hope), provides for the establishment of a "do not call" list, prohibits telemarketers from calling numbers on the list and requires written authorization before a solicitor could electronically charge an account of a consumer, if the solicitor had the account information prior to making the call.

The committee, chaired by Sen. Jane Ranum, discussed the judiciary policy issues within the measure. According to Ranum, the data privacy provisions in the measure received a thorough examination in subcommittee. Junge presented several amendments, that panel members offered, to address concerns raised at previous hearings on the bill. One amendment exempts calls by a nonprofit organization or political party to its own members or to individuals who have contributed time or money to the organization or party from the "do not call list" prohibitions. An amendment was offered to the amendment setting a five year time limit. Both the amendment to the amendment and the amendment were adopted. Another amendment allows individuals' numbers for mobile phones or paging devices to be placed on the "do not call list" for an additional charge. A third amendment added another method for gaining authorization for charging a preacquired account. Specifically, the amendment specifies that an authorization may be obtained through an oral or written statement from the account holder disclosing the last four digits of the

account number, if the telephone solicitor has reasonable procedures to verify that the last four digits provided by the account holder match the last four digits of the account to be charged. All three amendments were adopted.

A fourth amendment, though, generated considerable debate. The amendment, offered by Sen. Deanna Wiener (DFL-Eagan), specifies that violations of the provisions of the bill do not give rise to a private cause of action, but rather limits the right to pursue a cause of action to the attorney general. However, members heard testimony that the supporters of the amendment wanted the cause of action to be limited to consumers, rather than the attorney general. The amendment was withdrawn.

The bill was approved and re-referred to the Jobs, Energy and Community Development Committee.

Members also considered a bill, S.F. 3005, relating to Dept. of Human Services licensing provisions. The panel concentrated on a provision of the bill that changes an immunity provision that governs licensing activities. Under current law, counties are immune from liability based on the failure of a day care provider to meet standards for a license, unless the county had actual knowledge of a failure to meet standards that resulted in a dangerous condition. The bill provides that counties conducting licensing activities that have been delegated to the county by the state would be covered under state immunity from liability. Ranum, chief author of the bill, said the change eliminates differences in licensing immunity for all licensing done under the Dept. of Human Services.

Malorie and Rick Loftus, and their attorney Cynthia Bartel, testified against the provision. Bartel said the Loftus' have filed a wrongful death suit against Hennepin County for the death of their son. Under current law, Bartel said, counties are immune from liability except when the county has knowledge of violations that result in dangerous conditions. However, Bartel said, the bill give blanket immunity and prevents people, like the Loftus', from filing suit. Malorie Loftus said, "Day care licenses should mean something-counties should be held accountable for the failure to remedy dangerous situations." Ranum

said the opponents raised a broader issue than the scope of the bill. Sen. Allan Spear (DFL-Mpls.) moved to delete the section of the bill changing the immunity from liability to the general state immunity law. The amendment was adopted. The bill was then approved and sent to the full Senate.

Members approved two additional bills. S.F. S.F. 2381, authored by Sen. John Hottinger (DFL-Mankato), modifies mechanics' lien requirements, enhances penalties and creates a civil cause of action. The measure was re-referred to the Crime Prevention Committee.

S.F. 3016, sponsored by Sen. David Knutson (R-Burnsville), makes changes in child support enforcement provisions relating to the federal financial data match program. Knutson offered, and the panel approved, an amendment deleting a provision reversing the priority in revenue recapture that placed child support ahead of state and local taxes. Members also adopted an amendment providing that individuals who are in compliance with a written payment agreement are not subject to the summary execution of support judgement upon funds at a financial institution. The bill was approved and advanced to the Health and Family Security Committee.

### ISP bill okayed

The Judiciary Subcommittee on Data Privacy and Information Policy met Tues., Feb. 29, and advanced a bill regulating the use of personally identifiable information on consumers by interactive services providers (ISPs). S.F. 1716, authored by Sen. Steve Kelley (DFL-Hopkins), specifies that ISPs may not disclose consumer's personally identifiable information without the consumer's informed consent. Kelley said the bill uses an "opt-in" procedure in which the information may not be disclosed without consent. The bill outlines the circumstances under which information may be disclosed such as pursuant to a court order, for law enforcement purposes or in an action brought by the provider or to enforce collection of fees. Kelley said that the bill does not apply to web sites, but to entities with which the consumer has a contractual relationship.

# Committee update

In addition, Kelley said, the bill contains provisions designed to curb false or misleading e-mail messages. Under the bill, the transmission of commercial electronic mail messages that uses another person's Internet domain name without permission or otherwise misrepresents information identifying the origin of the message is prohibited. Further, the bill authorizes ISPs to block the receipt or transmission of false or misleading e-mail. Kelley said the provisions relating to false and misleading e-mail are aimed at the so-called "spam" messages that flood the Internet.

The subcommittee, chaired by Sen. Don Betzold (DFL-Fridley), approved the bill and advanced the measure to the full committee.

A second bill, sponsored by Kelley, S.F. 3038, contains similar provisions except the bill is aimed at telecommunications customer information. Kelley said that both bills were modeled on the laws regulating customer information relating to video rentals. Specifically, the bill provides that except as required by law or with the specific, express, prior consent of the customer, a telecommunications service provider that receives or obtains customer information about a customer by virtue of its provision of a telecommunications service may not disclose or permit access to that customer information. Kelley said the bill is also uses an "opt in" procedure in which the information is private unless consent is given.

A provision of the bill, added in another committee, generated considerable discussion. The provision specifies that if the Public Utilities Commission finds that access is necessary to promote fair and reasonable competition for local telecommunications services, the commission may require the telecommunications service to provide aggregate information regarding telecommunications services provided in a market and the characteristics and capabilities of telecommunications facilities used to provide services to the customer to a competitive service provider. Kelley said the language was added to encourage competition in the marketplace. However, Sen. David Knutson (R-Burnsville) said that it is a contradiction to make information about customers private and then, on the other hand,

compel a company to give information to a competitor. Knutson moved to delete the section from the bill. Phyllis Harvin, representing U.S. West, spoke in support of Knutson's motion. "The language in the bill forces an incumbent company to give out information to a competitor. Under the law now, we are required to allow competition, but we are not required to hold their hand," Harvin said. The amendment was adopted. The bill was approved and advanced to the full Judiciary Committee.

Members also debated a third bill, S.F. 3180, authored by Sen. Randy Kelly (DFL-St. Paul), authorizes the release of driver's license photographs for use in systems designed to prevent financial transaction and identity fraud. Kelly said the system allows businesses to check identities quickly and accurately. Under the bill, the use in systems designed to prevent fraud is allowed provided that the systems are audited by the Dept. of Public Safety, the subject of the photo consents to the use of the photo in the system, the consent of the subject is not a mandated requirement of the transaction, the subject is provided a way to withdraw consent and no further use of the photo occurs.

Cort Holten, of Chestnut and Cambronne, representing Image Data, spoke in support of the bill and explained how the process works. According to Holten, the consumer chooses to have a credit card, for example, protected by the system and authorizes the use of the driver's license photo in the system. A security firm, such as Image Data, scans the photo into their system. Thereafter, when the consumer presents the credit card to a bank or retailer in the system, the bank or retailer can confirm the consumer's identity without any other form of identification.

Subcommittee members, though, expressed concerns about the security of the data, the lack of remedies in the bill for abuse of the data and the costs to the department of auditing the system. The panel took no action on the bill.

## Alternate custodian bill okayed

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), met Weds., Mar. 1, to consider bills ranging from providing for the designation of alternate custodians of children to

authorizing a pilot project using photographic evidence in the enforcement of traffic signal laws.

The alternate custodian bill, S.F. 3018, authored by Ranum, replaces the current law that allows parents to designate a caregiver. The measure provides for standby and alternate custodians to be named by parents with court approval. Under the bill, a parent with legal and physical custody—or a legal custodian—may designate a standby or temporary custodian by means of a written designation. Ranum said the designation constitutes a presumption that the designated custodian is capable of serving in that capacity. The measure specifies the authority of the custodian and provides that the custodian could act upon the occurrence of a triggering event such as death or disability. Ranum said the bill establishes a clear process for parents to name caregivers so that they have assurance of a safe, secure future for their children. The bill was approved and sent to the Senate floor.

Members also approved a bill, S.F. 3346, authored by Sen. Steve Kelley (DFL-Hopkins), requiring the secretary of state to establish a task force to study and make recommendations on the electronic filing of real estate documents. The measure was advanced to the full Senate. S.F. 3154, authored by Ranum, allows public defenders to have access to criminal and juvenile justice databases for purposes of criminal defense activities. Ranum said that currently, public defenders have access to the information, but the bill allows access more quickly. The bill was approved and sent to the full Senate. S.F. 2627, sponsored by Sen. Leo Foley (DFL-Coon Rapids), establishing a time limit for certain revenue recapture claims was also approved and sent to the Senate floor. The final bill gaining the panel's approval, S.F. 2929, authored by Sen. Ember Junge (DFL-New Hope), makes technical changes to the Human Rights Act. The measure was advanced to the full Senate.

A bill, S.F. 1009, authored by Foley, authorizing the commissioner of transportation to conduct a pilot project using photographic evidence in the enforcement of traffic signal laws, did not gain the committees' approval. Members expressed concerns about the

process owners who were not driving would have to go through to get a citation removed and about the possibility of identifying other occupants of the car with the photos. Sen. Don Betzold (DFL-Fridley) moved to lay the bill on the table. The motion was adopted on a 10-2 roll call vote.

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

### **Profiles of Learning evaluated**

The K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Fri., Feb 25 to discuss bills regarding the Profiles of Learning.

Sen. Jane Krentz (DFL-May Township) presented S.F. 2886, which reduces the requirements for graduation from 24 standards to 19 standards.

"This allows more flexibility for students," Krentz said. The bill allows districts to develop a plan for implementation reflecting local programs and needs. A further provision retains all content standards required at primary and intermediate levels, but only requires assessment of reading, writing and math at the primary level. Sen. Leonard Price (DFL-Woodbury) authored an identical bill, S.F. 2991.

S.F. 2451, sponsored by Sen. Linda Runbeck (R-Circle Pines), call for destruction of the state test of the basic requirement for written composition administered on Jan., 26, 2000. The bill requires students to be retested and requires legislative approval of the test prompt for the basic requirement of written composition. Runbeck also referenced the House companion to her bill, H.F.2720, saying she wants her bill to include a requirement that school districts must not implement the Profiles of Learning as a graduation requirement. "The Profiles of Learning remain controversial and no outside review has been done yet," she said.

Sen. Gen Olson (R-Minnetrista) presented S.F. 3561, a proposal to repeal the existing learning areas and state standards and implement the North Star standards. According to the bill, the North Star standards include 10 high school learning areas and 8 preparatory learning areas. Course credits, A-F letter grades and district development and implementation of courses are a few

features of the North Star standards. "Schools ought to have choice. Public schools should be allowed to use the North Star standards," Olson said. Sen. Kenric Scheevel (R-Preston) said the current standards don't allow enough local control. "Our job is not to micromanage," he said. Krentz said she supports the current standards and that her bill addresses implementation problems districts are facing. Pogemiller said the committee needs to discuss proposals, vote and send a bill regarding Profiles of Learning to the floor.

S.F. 3216, authored by Pogemiller, is the K-12 education repealer bill. The bill covers 11 articles of statute and deletes obsolete, encouraging and permissive language and eliminates purpose statements. In comparing the Senate and House versions of the bill, members raised questions about an item in the House version that repeals prohibition of secret societies and fraternities. Pogemiller said Senate staff will consult with House staff about the provision.

### **Increased equalization proposed**

Members of the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Tues., Feb 29. Three of the six bills heard deal with the debt service equalization program.

S.F. 3627, authored by Pogemiller, increases equalization for school districts with debt by raising the equalization factor from \$4,000 to \$5,000. The result is an increase of \$11.46 million in funding from the state for FY 2001.

Sen. James Metzen (DFL-South St. Paul) sponsored S.F. 2861, which raises the equalization factor from \$4000 to \$6000. The bill also lowers the threshold rate from 12 to 10 percent reducing the amount of local effort school districts must pay. The proposal increases state funding \$33.73 million for FY 2001.

Sen. Kenric Scheevel (R-Preston) presented S.F. 3165, which raises the equalization factor from \$4,000 to \$8,000. However, the bill states districts must be levying 20 percent or more of their adjusted net tax capacity to qualify for enhanced debt service equalization. State funding increases by \$9.49 million in FY 2001 under the bill.

Tom Melcher, of the Children, Families and Learning Department (CFL), said with the expansion of the debt service equalization program, fewer districts will need maximum effort capital loans. Scheevel said the bill makes sense from a policy standpoint. All three bills were placed on the "W" list.

S.F. 2815, authored by Sen. Charles Wiger (DFL-North St. Paul), requires the commissioner of CFL to provide districts with procedures for monitoring outdoor airflow and total airflow of ventilation systems in new school facilities. The bill also requires a school board seeking a review and comment to demonstrate that the facility's heating, ventilation and air conditioning systems meet or exceed code standards and that the facility's design will allow monitoring of outdoor airflow and total airflow of ventilation systems in new school facilities. The bill includes provisions for portable classrooms as well. Following testimony about difficulties with the review and comment process, the bill was placed on the "W" list.

Wiger also sponsored S.F. 3274, which appropriates \$995,000 in 2000 and \$275,000 in 2001 for the establishment of a voluntary accreditation program for school districts and other educational organizations. Victor Niska testified on behalf of Five Star Schools, a non-profit corporation that administers the program and sets standards for school districts. Robertson questioned why a third party is needed. Pogemiller said providing funds for a non-profit corporation in a bonding year is unlikely. The bill was placed on the "E" list.

Lastly, Wiger presented S.F. 3377, a proposal to appropriate \$200,000 for a grant to the Eritrean community center of Minnesota for predesign of a community center. The bill requires an equal amount from nonstate sources. Asres Tsehay, president of the board of directors of the Eritrean community, said the center will help growing numbers of Eritrean immigrants adjust to life in Minnesota. Tsehay said the Eritrean community is interested in purchasing a seemingly vacant building owned by the state. The bill was placed on the "W" list.

### **Bills heard**

On Weds., Mar. 1, the K-12 Education Budget Division, chaired by Sen.



# Committee update

Lawrence Pogemiller (DFL-Mpls.), met to discuss several bills.

Three fund transfer bills were incorporated into the K-12 omnibus bill. S.F. 3430, authored by Sen. Dallas Sams (DFL-Staples), authorizes a \$71,000 transfer for the Staples-Motley School District. S.F. 3474, sponsored by Sen. Charles Berg (IND-Chokio), authorizes a \$121,000 transfer for the Chokio-Alberta School District. S.F. 3484, authored by Sen. David Knutson (R-Burnsville), authorizes a \$1 million transfer for the Lakeville School District.

Sen. Dick Day (R-Owatonna) presented S.F. 3456, which allows districts to include costs of replacing flooring in the district's health and safety plan. Jim Schultz, superintendent for the Triton School District, said the district recently spent \$400,000 to deal with moldy carpet. The bill was placed on the "W" list.

Sen. Anthony "Tony" Kinkel (DFL-Park Rapids) presented S.F. 2372, which removes the expiration date on the school bank pilot projects in the Bemidji and St. Peter School Districts. A similar bill, S.F. 2414, authored by Sen. Bob Lessard (DFL-Int'l Falls), permits the Greenway-Coleraine School District to operate a school bank project. The committee approved allowing Greenway-Coleraine to establish a school bank project, but both bills were placed on the "W" list.

Lessard also presented S.F. 3049, a proposal to provide for enhanced pairing cooperation and combination aid for Grand Rapids, Greenway, Nashwauk-Keewatin and Deer River School Districts. The bill was placed on the "C-W" list.

The committee heard four bills that deal with increasing the school district levy for crime prevention. S.F. 3530, authored by Sen. Randy Kelly (DFL-St. Paul), S.F. 2316, authored by Paula Hanson (DFL-Ham Lake), S.F. 3059, authored by Sen. Ember Junge (DFL-New Hope) and S.F. 2637, authored by Sen. Steve Murphy (DFL-Red Wing). The committee approved provisions in S.F. 3059 that double the crime levy from \$1.50 to \$3 multiplied by the population of the school district and that expand the levy to include schools beyond middle and secondary schools in the districts. The bills were set aside for

further consideration.

Five bills proposing additional funds for all-day kindergarten were presented to members. S.F. 2550 and S.F. 2571, identical bills authored by Sen. Sandra Pappas (DFL-St. Paul) and Sen. Jane Ranum (DFL-Mpls.) respectively, fund voluntary all-day kindergarten with a \$120 million appropriation for FY 2001.

S.F. 2339, sponsored by Sen. Don Betzold (DFL-Fridley), funds class size reduction or all-day kindergarten with an appropriation of \$87.48 million for FY 2001. S.F. 2807, authored by Sen. Leonard Price (DFL-Woodbury), appropriates \$87 million in FY 2001 for school districts to reduce class sizes or offer all-day kindergarten. Sen. Linda Runbeck (R-Circle Pines) sponsored S.F. 3556, which establishes a pilot grant program for full-day enrichment kindergarten. Pappas suggested using funds from the budget surplus to fund all-day kindergarten. Sen. Kenric Scheevel (R-Preston) said equalized levies could be used to fund all-day kindergarten. Pogemiller said current funding is skewed toward higher grades and more funds should be directed towards lower grades. The five bills were placed on the "C-W" list with the exception of S.F. 3556 which was placed on the "D" list.

Lastly, the committee considered bills that reinstate funding for secondary vocational education. S.F. 3098, sponsored by Sen. Gen Olson (R-Minnetrista), appropriates \$12.9 million for FY 2001. Scheevel's bill, S.F. 2390, appropriates \$11.3 for FY 2001. S.F. 2405, authored by Sams, appropriates \$12.9 in FY 2001 and through an amendment, provides that a district may not receive less \$125,000 in aid. A fourth bill, S.F. 3265, authored by Sen. Michelle Fischbach (R-Paynesville), extends funding for secondary vocational education for one year with a \$11.3 million appropriation in FY 2001. The four bills were placed on the "C-W" list.

## Local and Metropolitan Government

### Hennepin design-build gains

A bill allowing Hennepin County to use the design-build method with county financed projects, including

roads and bridges, was approved at the Fri., Feb. 25, meeting of the Local and Metropolitan Government Committee. The committee also approved bills concerning county coroner services, insurance coverage for staff of the Metropolitan Inter-County Association, and adding the town of Silver to the Moose Lake Fire District.

The Hennepin County bill, S.F. 2983, sponsored by Sen. Linda Higgins (DFL-Mpls.) authorizes Hennepin County to use the design-build method on public works projects. The committee adopted an amendment, offered by Higgins, specifying the process by which Hennepin County may award design-build contracts.

Vern Genzlinger, Hennepin County Engineer and Director of Public Works, said that the design-build method uses the same contractor to both design and build a project. In contrast, he said, the conventional method uses one firm to design a project and another firm to build it. Design-build results in a faster construction process, better cost control and early completion, Genzlinger said.

However, Richard Thomas, of Associated General Contractors (AGC), spoke in opposition to the bill. He said that although his association supports the design-build method, they fear that every county and city will have their own design-build authority. Thomas said that the industry is going in the direction of more widespread use of design-build, but they prefer that there be more comprehensive and uniform regulations. He added that the AGC is working with the Dept. of Transportation to come up with comprehensive road and bridge design-build regulations.

Tom Murphy, of Leonard, Street and Deinard, also spoke against the measure. He said that there aren't many firms out there that have experience with design-build in road construction and the bidding process wouldn't be very competitive. But Sen. Gen Olson (R-Minnetrista) argued that the bill provides opportunities for putting together design-build teams for road construction projects so that the industry will have more experience. She added that the experience Hennepin County gains will be helpful in formulating regulations for the entire state. Sen. The bill was approved and sent to

the Senate floor.

Earlier, the committee resumed consideration a bill left unfinished at the preceding meeting. The bill, S.F. 2789, carried by Sen. William Belanger (R-Bloomington), as it came to the committee, provided to county coroners and their staff an exemption from the prohibition against receiving compensation for services from a corporation under contract with the county. The panel previously adopted an amendment allowing county boards the option to appoint coroners, deputy coroners and investigators as a way to provide coroner services in a county. However, because concerns were expressed as to how the amendment would affect Hennepin and Anoka Counties, which already have similar authority, the panel removed the amendment and approved the bill as introduced. The bill now goes to the Senate floor.

Later, Sen. Claire Robling (R-Prior Lake) presented S.F. 2685. She said the bill allows counties to offer employees of the Metropolitan Inter-County Association (MICA) group insurance benefits. Robling said that previously the staff of MICA have been receiving benefits through Dakota County, but they don't have the joint powers agreement necessary to make that legal. The bill was approved and sent to floor.

Finally, the panel considered S.F. 3064, sponsored by Sen. Becky Lourey (DFL-Kerrick). The bill places the entire town of Silver in the Moose Lake Fire District. Curt Yort, chair of the district, said that a problem developed when it was discovered in current law that Silver can designate portions of town to be included in the district. He said that passing a referendum or levy could be problematic because only people that live in the designated areas could vote on it. The bill was recommended to pass and sent to the Senate floor.

### County EDA bill advances

A bill authorizing the formation of county Economic Development Authorities (EDAs) was approved at the Mon., Feb. 28, meeting of the Local and Metropolitan Government Committee. The committee also granted approval to two other bills, one requiring the permission of the Dept. of Natural Resources before the Metropolitan

Mosquito Control Commission sprays state land within the Metro Area, and the other authorizing a new deputy sheriff position in Hennepin County.

Committee Chair Jim Vickerman (DFL-Tracy), sponsor of the county EDA bill, S.F. 1226, said it is the product of negotiations between cities, counties and Housing and Redevelopment Authorities (HRAs) outside of the Metro Area. Carol Lovro, from the Minnesota Association of Counties, said that if a county wants to have an EDA, the bill gives it the option to create one, add the authority to an existing agency, or come to Legislature for special legislation. She said that the coalition that came up with the bill is seeking blanket authority to create economic development agencies it at the county level. An array of representatives from various local government associations also spoke in favor of the bill.

However, Troy Gilchrist of the Minnesota Association of Townships voiced concern with a provision in the bill prohibiting a county EDA from operating within two miles of a city or an area proposed for annexation by a city. Sen. Becky Lourey (DFL-Kerrick) offered an amendment removing the provision. Gilchrist said it's bad policy to exclude a county EDA from the two mile radius because it may lead to two development authorities being in conflict over the same area. Opposition to the amendment was voiced by Remi Stone of the League of Minnesota Cities. She said the bill is a delicately balanced deal between all the municipality organizations and the deal will collapse if the amendment is adopted. Explaining why the two mile exclusion is needed, she cited an example of a township that zoned a feedlot within two miles of a city. "We're concerned about what guides development around cities when they don't have any control over it," she said.

Sen. John Hottinger (DFL-Mankato) supported the amendment, saying that without it the bill opens the door to sprawl. "Farmland shouldn't be wasted," he said. Sen. Kenric Scheevel (R-Preston) also supported the amendment, saying that negotiating the bill might have been an opportunity to resolve annexation issues with townships. He said that he is concerned about the erosion of township rights. However,

the amendment failed on a divided vote. The bill was recommended to pass and sent to the Senate floor.

The panel also considered a bill heard previously in the Environment and Natural Resources Committee. The bill, S.F. 2857, sponsored by Sen. Bob Lessard (DFL-Int'l. Falls), requires the Metropolitan Mosquito Control Commission (MMCC) to obtain the permission of the Dept. of Natural Resources (DNR) before treating DNR lands in the Metro Area. Lessard said that for several years there was an agreement between the MMCC and the DNR to not treat DNR lands because people were concerned about ducks. However, he said, the MMCC treated the areas in 1999 without consulting the DNR. Kathleen Wallace, speaking for the DNR, said that private land owners can refuse treatment and the bill gives the DNR the same right.

Wy Spano, representing the MMCC, said that although the MMCC had the authority to treat the lands, they chose not to for several years because of the popular perception that pesticides are bad and kill everything. He said that the DNR lands were treated last year because of complaints from nearby residents.

However, Vickerman urged members to focus the discussion on the local control issue. He said that the MMCC has umbrella authority over the issue, but that the bill gives that authority to the DNR.

Wallace stated that the DNR is not seeking superior authority over all local governments or the MMCC, just their land. She added that the DNR land amounts to eight-tenths of one percent of the Metro Area.

Sen. Leonard Price (DFL-Woodbury) questioned how treating DNR lands is crucial to controlling mosquitoes and said that the MMCC had not proved that the complaints resulted from mosquitoes that originated there. He said that the DNR should have the authority to control their own lands. The committee adopted an amendment, offered by Sen. Sandra Pappas (DFL-St. Paul), making the bill effective the day following final enactment. The bill was approved and now goes to the Senate floor.

Earlier, the committee heard S.F. 3212, carried by Sen. Linda Higgins

# Committee update

(DFL-Mpls.). Hennepin County Sheriff Patrick McGowan said the bill adds a chief detention deputy sheriff to the unclassified county civil service, and that the position is needed to better manage the county jail operation. The bill was approved and placed on the Consent Calendar.

## Boundary dispute bill heard

A bill changing the procedure for making municipal boundary adjustments was heard at the Tues., Feb. 29, meeting of the Local and Metropolitan Government Committee. The committee also heard a bill on non-profit public corporations created by political subdivisions, two bills concerning the Metropolitan Council, and a bill about aggregate resources management.

The boundary adjustment bill, S.F. 2951, carried by Committee Chair Jim Vickerman (DFL-Tracy), clarifies provisions authorizing the director of the Office of Strategic and Long-Range Planning to refer boundary adjustment matters to alternative dispute resolution (ADR) methods or the Office of Administrative Hearings. Such matters were formerly resolved by the Minnesota Municipal Board which was abolished last year on the governor's recommendation.

The committee adopted an amendment, offered by Vickerman, clarifying cost responsibilities for the procedures and requiring an assessment report to the Legislature in 2002 on the transfer of authority. Sen. Pat Pariseau (R-Farmington) offered an amendment specifying that if a boundary dispute cannot be resolved using ADR, then the matter will be referred to an administrative law judge for final orders. She said the amendment allows another level of appeal if it is not resolved through the normal process. The amendment was adopted, and the bill was recommended to pass and re-referred to the Governmental Operations and Veterans Committee.

The committee also considered one other bill authored by Vickerman, S.F. 2521, relating to corporations created by political subdivisions. The panel adopted two amendments offered by Vickerman, one prohibiting political subdivisions from forming corporations unless authorized by law, and the other clarifying the application of the provi-

sions. The bill was recommended to pass as amended and sent to the Senate floor.

Sen. Charles Wiger (DFL-North St. Paul) presented two bills to the committee, both relating to the Metropolitan Council. The first, S.F. 2827, authorizes the council to use electronic approval methods, eliminates two required reports, and repeals several obsolete rules. Wiger said the bill increases the council's effectiveness and efficiency. However, Sen. Carol Flynn (DFL-Mpls.) said that under Senate rules, a bill that repeals administrative rules is required to go to the Governmental Operations and Veterans Committee. Because of the short time remaining before the first committee deadline, the committee adopted Wiger's motion to delete the rule repeal section and sent the bill to the Senate floor.

Wiger's other bill, S.F. 2829, modifies the formula used to determine the services availability fee charged to new users of the regional wastewater treatment system in the Metro Area. The bill was approved and sent to the Senate floor.

The panel also began consideration of S.F. 3332, sponsored by Sen. Leo Foley (DFL-Coon Rapids). The bill provides for the management of aggregate resources based on the recommendations of a task force established in 1998. However, Vickerman said that it was late in the session to be working on a major piece of legislation like this. Foley said the bill still had several committees to go through before the deadline. The committee decided to lay the bill on the table so that it could receive full consideration next year.

## Airport mitigation plan gains

A bill providing for mitigation of noise resulting from a new runway at the Minneapolis-St. Paul Airport was approved at the Weds., Mar. 1, meeting of the Metropolitan and Local Government Committee. Also considered were bills restricting truck traffic on Hennepin County Rd. 1, providing for lake improvement districts, and expanding membership of the Dakota County Board of Personnel Appeals.

Sen. Dave Johnson (DFL-Bloomington), sponsor of S.F. 2937, the airport expansion impact mitigation bill, said it was determined in 1996 that

the current location of the Minneapolis-St. Paul airport (MSP) is best. Because of that determination, a new runway is being built parallel to Cedar Avenue and will be complete in 2003, Johnson said. The airport is an economic engine and generates revenue, Johnson continued, but there will be a burden from the new runway and it shouldn't be borne solely by the people who live next to it. The governor's task force came up with recommendations for creative ways to deal with noise, and the bill contains the recommendations.

Phil Riveness, the Metropolitan Council representative on the task force, said the Metropolitan Airports Commission has spent \$1.403 billion renovating MSP in recent years. He said that in 1996, \$12 million in sales tax was generated at MSP, and that amount is expected to increase. One recommendation of the task force contained in the bill is the use of that increment above \$12 million for mitigation, Riveness said. In addition, the bill contains a direct state appropriation of \$2 million and requires cities to have formalized mitigation plans.

Sen. Gen Olson (R-Minnetrista) expressed concern about a provision appropriating money in future biennia, and said that the Legislature cannot bind future Legislatures. Johnson said the provision was to show intent to make the payment, but the bill would survive without it. The committee adopted Olson's motion to remove the provision.

Sen. Claire Robling (R-Prior Lake) questioned a provision providing a school population decrease mitigation payment and asked if it could be put into the K-12 education funding formula. Johnson said that had been tried, but it didn't go through and this was another way of getting that passed. Sen. Steve Kelley (DFL-Hopkins) said that even though the airport contributes to the state's economy, it is contributing to the decline of nearby school populations. Robling clarified that she was concerned that Richfield would get double population decline funding. Kelley replied that population decline around the airport is different than rural school population declines. "It would be premature to remove it from bill," he said. The bill was recommended to pass as amended.



The panel also heard S.F. 2768, carried by Sen. William Belanger (R-Bloomington). He said the bill restricts truck traffic on Pioneer Trail, also known as Hennepin County Rd. 1. Belanger said Pioneer Trail is currently a two lane road but Hennepin County plans to expand it to 4 lanes with paved bike lanes. However, Sen. Jim Vickerman (DFL-Tracy), chair of the committee, said he received a tremendous amount of e-mail and calls from truckers about the bill. He added that he was not sure the committee could take away the county's authority by restricting truck traffic.

Todd Iverson, of the Minnesota Trucking Association, said that County Rd 1 is designated as a "minor arterial" route and nowhere do statutes say that such a route could be limited to truck access. Kelley suggested the county could set the speed limit at 30 m.p.h. rather than restricting truck access.

Sen. Linda Higgins (DFL-Mpls.) said she was concerned about taking away local control from the county and said the committee ought not to be doing this. "This is county road 1, not state road 1," she added. Belanger countered, saying that Legislators represent the people, not the special interests. "The people want this," he said. However, a motion to approve the bill failed on a voice vote.

The committee approved S.F. 2968, carried by Sen. Mark Ourada (R-Buffalo), providing for the establishment of lake improvement districts. Ourada said that under the bill a petition signed by 26 percent of the people within a proposed district may initiate the district creation process by proposing a majority vote. Sen. Anthony "Tony" Kinkel (DFL-Park Rapids) asked how non-resident property owners could participate in the process. Ourada replied that the bill specifies that the petition be signed by "property owners" and not residents. The bill now goes to the Senate floor.

The panel also approved S.F. 3167, sponsored by Sen. Pat Parseau (R-Farmington). The bill increases the membership of the Dakota County Personnel Board of Appeals from 3 to 4 and provides that a panel of three members of the board may hear appeals. The bill now advances to the Senate floor.

## Property Taxes and Local Government Budget Division

### LGA, levy limit bills heard

A variety of bills providing increases in Local Government Aid (LGA) to specific communities and increasing local levy limits for specific purposes were heard at the Tues., Feb. 29, meeting of the Property Taxes and Local Government Budget Division. Sen. Sandra Pappas (DFL-St. Paul) chairs the division.

A total of five LGA bills were heard. Sen. Don Betzold (DFL-Fridley) presented S.F. 2334, a bill that authorizes a \$300,000 increase of LGA to Osseo each year. Betzold said there are many demands on the city, but it has little tax base. Dave Callister, Osseo city administrator, said that the city elected the same clerk for 44 years who didn't spend much money. Callister said that because the LGA formulas in the 1970s were based on the previous years expenditures, Osseo's aid grew slowly. He added that, after analyzing similar communities, a base aid increase of \$300,000 is in line.

An increase in low income housing aid is proposed under S.F. 2808, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park). According to the bill, cities with class 4d property will receive an aid increase equal to the city's reduced tax capacity that exceeds one percent of the city's total taxable net tax capacity if the city has at least 250 multi-family rental housing units of which at least 25 percent are class 4d, and 1.5 percent of the city's total taxable net tax capacity for cities that don't meet the multi-family housing unit requirements. A Dept. of Revenue analysis anticipated an additional \$925,000 distribution of aid under the bill.

The city of Darwin receives an additional \$7,200 in LGA under S.F. 2782, carried by Sen. Steve Dille (R-Dassel). "They have been extraordinarily frugal," said Dille, and added that the city gets \$19 per capita in aid. Gary Huhn, the Darwin public works director, said the sewer system is 31 years old and needs to be expanded, but the residents can't afford it.

Sen. Roger D. Moe (DFL-Erskine) presented S.F. 2359. He said the bill

increases aid base for the city of Kelliher by \$32,000 in 2001. Pappas said that thrifty cities are at a disadvantage under the current LGA formula.

Counties with a large percentage of publicly owned land will receive an increase in state payment in lieu of taxes aid under S.F. 2519, sponsored by Sen. Douglas Johnson (DFL-Tower). He said the last adjustment in the amount was made in 1979. Johnson said the public lands are used by people from all over the state but the counties have to provide services using local tax resources, hence the need for the aid. Steve Morse, deputy commissioner of the Dept. of Natural Resources, said that the money needs to come through the agency that administers wildlife programs in order to qualify for federal matching money.

Sen. John Hottinger (DFL-Mankato), proposed an across the board increase in LGA for most cities under S.F. 3316. The bill proposes a 30 percent increase for cities other than those of the first class. Hottinger said that LGA has been going down in terms of real dollars. Under the bill, LGA will increase by \$108 million in FY 2002 and \$110 million in FY 2003.

The panel also heard several bills dealing with levy limits. Another bill authored by Dille, S.F. 2681, seeks a special levy for social services costs, particularly detoxification services, hold orders for mentally ill adults in crisis and the county share of regional treatment center costs. Dille said that part of the reason the state has a surplus is because it's been squeezing the local units of government.

Sen. Cal Larson (R-Fergus Falls) presented S.F. 3510 to the panel. The bill allows counties to assess a special levy for the cost of providing assessment services. The bill also provides for a reduction of city levies resulting from not performing the assessment work.

A special levy is authorized to pay for the costs of operating a regional jail under S.F. 3045, carried by Sen. Jim Vickerman (DFL-Tracy). Vickerman said that the attorney general is of the opinion that regional jails are not exempt from levy limits and thus the special levy is necessary.

Another bill authored by Moe, S.F. 2824, increases the levy limit for Polk County by \$500,000 in 2001 and 2002.

# Committee update

Moe said that during the farm crisis of the mid-80s, Polk County spent down its reserve fund, then they cut back dangerously on their levy. Because of the levy limit, they've not been able to catch up, Moe said. The division adopted an amendment, offered by Sen. Steven Novak (DFL-New Brighton), providing a means for local governments to appeal for an adjustment to their levy limit base. Novak said the amendment addresses the situation that will occur if limits are not allowed to expire in 2001.

Throughout the discussion of the levy limit bills, several Senators said that the state should honor the sunset on the levy limits. Sen. Gen Olson (R-Minnetrista) said that levy limits are counter intuitive. She said that municipalities will spend to the max out of fear that they will lose aid in the future. Without limit, Olson added, they will spend what they need to.

One other bill was heard by the panel. S.F. 2467, carried by Sen. Sam Solon (DFL-Duluth), expands the allowable purposes of capital improvement to include a "historical society, museum, cultural and art center." Solon said the bill is needed in order to do some work on the St. Louis County Heritage and Arts Center, commonly known as "the depot."

No formal action was taken on any of the bills. They will be considered for inclusion in the property tax article of the omnibus tax bill.

## Committee on Taxes

### Revenue up, spending down

Finance Commissioner Pamela Wheelock came before the Committee on Taxes Weds., Mar. 1, to present the state budget forecast for the 2000-2001 biennium. Sen. Douglas Johnson (DFL-Tower) chairs the committee.

No change in the state's beginning revenue balance exists between the November 1999 and February 2000 forecasts of \$1.921 billion, Wheelock said. Revenue in the 2000 forecast is up \$222 million from the 1999 forecast of \$24.373 billion to \$24.595 billion, she said. Wheelock said that spending is down \$12 million in the February 2000 forecast to \$23.581 billion from \$23.593 in the November 1999 forecast.

Thomas Stinson, state economist, said February 2000 broke the state's record for longest period of economic growth. "The economy has so much momentum that it will be hard to slow down," Stinson said, "ensuring that this growth record will be substantial." He said Minnesota's economy is better than the rest of the United States. Inflation, Stinson said, is at incredibly low levels, indicating that current economic growth is sustainable. Minnesota also has a very diverse economy, increasing stability, he said.

Members also considered two bills. S.F. 2655, authored by Sen. Linda Scheid (DFL-Brooklyn Park), updates language recodifying insurance tax laws. Scheid moved an amendment clarifying the use of the term "gross premiums." The amendment was adopted. Scheid said the bill brings all insurance provisions together to make them more readable and accessible, and it changes penalty provisions. Members approved the measure and re-referred the bill to the Crime Prevention Committee.

Sen. Steve Murphy (DFL-Red Wing) sponsored S.F. 2654, a department of revenue policy bill. The bill defines "domicile" for corporate tax purposes, modifies the definition of alternative minimum taxable income, updates Minnesota's tax provisions to coincide with federal tax changes, clarifies the provision for providing notice of overpaid property taxes, and expands the definition of "stamp" for tobacco tax purposes.

Members discussed the provision requiring that counties must notify taxpayers of overpayment for property taxes, and how the provision affects the rights of tax payers to appeal for previous overpayments. Murphy's motion to strike the language pertaining to overpayment of property taxes was adopted.

Sen. Don Betzold (DFL-Fridley) offered an amendment making courts responsible for determining that goods seized as contraband are contraband. The amendment was adopted.

Scheid offered an amendment stating that the need to file a certificate of value for property deeds does not apply to deeds issued on or before December 31, 1997. The amendment was adopted.

Members moved the bill to the Senate floor with a recommendation to pass.

## Transportation

### Bills okayed

The Transportation Committee met Tue., Feb. 29, to hear a number of bills. Sen. Carol Flynn (DFL-Mpls.) chairs the committee.

Sen. Don Betzold (DFL-Fridley) sponsored S.F. 2813, a bill removing the size requirements for the identifying letters on tax exempt vehicles. Dan Oehmke, from the Department of Administration, said that the current requirements, not less than one half inch wide and two and one half inches tall for each letter, cannot be met. Detailing, contouring, and dimensions of vehicles prevent the use of regulation size letters for all vehicles, he said. The committee moved the bill to the Consent Calendar with a recommendation to pass.

Sen. Becky Lourey (DFL-Kerrick), authored S.F. 2749, a bill issuing "support family farms" vehicle license plates and creating an agribusiness investigative fund. Under the bill, license plates with a special logo will be available to motorists for an extra cost and a minimal annual contribution of \$30 to an agri-business investigative fund under the direction of the attorney general. The fund, Lourey said, will be used by the attorney general to cover the costs of expert witnesses in proceedings involving family farms. Members moved the bill to the Transportation Budget Division for consideration.

S.F. 2956, sponsored by Sen. Sheila Kiscaden (R-Rochester), adopts the Midwest Interstate Passenger Rail Compact, states the purpose of the compact, specifies conditions for the commission's membership, and establishes a financing structure. The compact, supported by Mn/DOT, provides for a unified voice to advocate at the federal, state, and local levels for frequent, convenient, cost-effective passenger rail service, she said. Five states have introduced rail compact legislation this session, Kiscaden said, and once three states approve the compact, it will be established.

Sen. Mark Ourada (R-Buffalo) said that there is a growing need for capacity at the Twin Cities airport, and rail service to Chicago could greatly relieve current congestion. The bill was recommended to pass and re-referred to

the Governmental Operations and Veterans Affairs Committee.

The omnibus school bus bill, S.F. 3184, authored by Sen. Dennis Frederickson (R-New Ulm), removes the requirement that a school district's transportation safety policy must itemize planned safety activity expenditures, changes the collection process for school bus license endorsement fees, modifies driver requirements, clarifies who can give a physical examination to school bus drivers, and requires a district's transportation safety director to report to school officials rather than the commissioner of public safety to certify bus driver competency. Sen. Steve Murphy (DFL-Red Wing) offered an amendment stating licensed medical examiners shall provide a medical examination for school bus drivers. Members adopted the amendment and re-referred the bill to the Children, Families and Learning Committee.

Sen. William Belanger (R-Bloomington) authored S.F. 2768, a bill prohibiting trucks from driving on Hennepin County Road #1 between Highway 169 and Flying Cloud Drive. Belanger said that the curvy two lane road, scheduled to be rebuilt as a divided four lane road, is in a residential neighborhood. Joan Ludwig, of Pioneer Trail Neighborhoods, said the road's expansion will bring it within 10 feet of some homes. The committee re-referred the bill to the Local and Metropolitan Government Committee with a recommendation to pass.

### **Driver ed modified**

Sen. Carol Flynn (DFL-Mpls.) chaired a short meeting of the Transportation Committee when it convened Weds., Mar. 1, to hear S.F. 3373. The bill, authored by Sen. Sandra Pappas (DFL-St. Paul), allows the department of public safety to issue a driver's instruction permit to an applicant who is enrolled in a secondary school or community driver education program that utilizes simulation or behind-the-wheel instruction integrated with a classroom instruction phase. Under current law, applicants for the driver's instruction permit must have completed the classroom phase of the program.

Pappas offered an amendment requiring that a driver's instruction permit

applicant must present a certificate from an education program that states they are currently enrolled and that they have completed a minimum of 15 instruction hours. The amendment also allows the certificate to be withdrawn should the applicant not complete the program within six months of the certificate being issued.

Members adopted the amendment and referred the bill to the Senate floor with a recommendation to pass.

## **Transportation Budget Division**

### **Balanced spending discussed**

On Mon., Feb 28, the Transportation Budget Division met to hear local and state bonding requests and hear testimony on bills pertaining to the motor vehicle transactions filing fee. Sen. Dean Johnson (DFL-Willmar) chairs the division.

Ed Cahoon, of Mn/DOT, came before the panel to discuss trunk highway bonding requests. Cahoon said that although bonds for trunk highway construction have not been sold since the early 1980's, and the governor did not recommend trunk highway bonding in his plan, right of way costs for purchasing future highway land has made Mn/DOT rethink their position. Some proposed highway corridors are increasing in price by 12 to 16 percent per year, he said, while the interest rate on bonds is only five percent per year.

Cahoon also said that spacing highway projects out incrementally is an inconvenience to motorists. With bonding funds, \$100 million in proposed projects to be completed over a number of years could be finished much sooner, Cahoon said. He added that spending would be balanced between rural and metro areas.

Sen. Dallas Sams (DFL-Staples) authored S.F. 2823, a bill appropriating money for the reconstruction of trunk highway 10 to bypass the city of Wadena. Accidents and extended travel time for trucks are caused by the current path of highway 10 through the city, Sams said. The mayor of Wadena, James Lindquist, said the decades old proposal puts Wadena "at the crossroads of progress." No action was taken on the bill.

Members then discussed three bills pertaining to an increase in the motor vehicle transaction filing fee. S.F. 3162, authored by Johnson, increases the filing fee by \$1.50 for motor vehicle transactions. Sen. Sam Solon (DFL-Duluth) sponsored S.F. 2557, a bill increasing the motor vehicle filing fee by one dollar, and Sen. Anthony "Tony" Kinkel authored S.F. 2586, a bill increasing the motor vehicle filing fee by fifty cents.

Kinkel came before the division to testify on behalf of his bill. Deputy registrars provide a much needed service to rural communities, he said, because they offer access to registration services in many places where the state does not have a registrar located. Bob Rinner, of the Minnesota Department of Registration, said that deputy registrars receive a flat fee regardless of the transaction's complication. The last filing fee increase, he said, was in 1989. No action was taken on the bill.

### **Bonding requested**

The Transportation Budget Division met for a short meeting Wed., Mar. 1, to discuss bonding requests. Sen. Dean Johnson (DFL-Willmar) chairs the division.

Natalio Diaz, of the Metropolitan Council, testified on behalf of S.F. 2935, authored by Sen. Sandy Pappas (DFL-St. Paul), providing for additional bonding authority for the financing of Metropolitan Area transit expenditures. Diaz said \$16 million was omitted from the Metropolitan Council's \$52 million request last session. The funds will be used to pay for regional fleet replacement, as matching federal funds for the Metro Transit fleet and I-35W transit hubs, for payments of leased vehicles, and for purchasing three busses for North East Suburban Transit, he said.

Art Leahy, of the Metropolitan Council, said service reductions or fare increases will have to be implemented to balance the council's budget should the bill not pass. Ridership is at the highest level since 1986, he said, climbing faster than any other city except Philadelphia. Raising fares or reducing service will result in lower numbers of riders, Leahy said.

Diaz said that \$20 million is being requested from the state in bonding to fund the construction of a \$45 million



# Committee update

bus garage to maintain and house 200 buses. The governor has not recommended any funds for the project, he said. Bonding funds for transitways, including commuter rail, light rail, and dedicated busways, are also being requested, Leahy said. The Metropolitan Council has requested \$50 million, and the governor has recommended \$10 million, he said.

The committee discussed the proposed multimodal transportation fund. The fund, receiving revenue from the motor vehicle excise tax and other sources, provides more funding flexibility to address bottlenecks, corridor connections, high activity, and other transit issues, because money is appropriated by the Legislature, Diaz said.

Members informally discussed S.F. 3306, a bill sponsored by Johnson, authorizing \$52 million in funding for transit expenditures. One million dollars is earmarked for grants to public transit systems for the construction of bus hubs and other facilities. No action was taken on the bill.

## Floor action

### Safe Haven bill passed

The members of the Senate met in floor session Mon., Feb. 28, and granted final passage to a measure that outlines the procedures for leaving an unharmed newborn at a hospital. The "Safe Haven" bill, S.F. 2615, authored by Sen. Leo Foley (DFL-Coon Rapids), provides that a person who leaves an unharmed newborn child at a hospital may not be prosecuted and provides immunity from liability for hospitals and their personnel when carrying out the duties to be undertaken when accepting an unharmed newborn child.

Foley said the bill is an attempt to save the lives of newborns. He added, "It is important to enact this bill quickly, because every day that goes by there is a chance that the abandonment of a newborn will occur."

The bill requires any licensed hospital to receive any unharmed newborn baby, prohibits the hospital from inquiring about the identity of the mother and prohibits the hospital from calling the police. In addition, the measure bars criminal prosecution of a person who leaves a newborn at a hospital if the

baby is less than 72 hours old, the baby is unharmed and, in cases where the person leaving the baby is not the mother, has the mother's permission to do so.

Sen. Bob Kierlin (R-Winona) asked, "What if the baby is four or five days old; the hospital is left in the position of having to make the determination?" Foley responded that the position of the hospitals is that they can make the determination. "If the hospitals acted in good faith, I'm not sure anyone would fault them," Foley said, "the idea is to get the child into a safe environment."

Sen. Pat Parisseau (R-Farmington) said, "I understand the need for the bill, it is very compassionate. But what is the education component that keeps people from having children and then not taking care of them? The bill will encourage people's discarding their responsibilities by abandoning their children. I'm not sure a bill without a good education program will do much good." Foley said that he agreed there is a need for education, but the feeling was that we should target that young mother who felt she had no alternative. I want to save that young child; after that I'll worry about education."

Sen. Thomas Neuville (R-Northfield) said that he would support the bill but, "I think it's important to understand this bill is flawed. While it is intended as a way for desperate mothers to drop off children, father's rights are not addressed. This bill is still a balancing test between the rights of unborn children and the rights of fathers and the rights of the unborn child should prevail."

The bill was granted final passage on a 59-0 roll call vote.

In other action, members also granted final passage to several bills on the Senate Calendar. S.F. 2444, authored by Sen. Cal Larson (R-Fergus Falls), authorizes the conveyance of surplus state land in Stearns County. S.F. 2541, sponsored by Sen. Bob Lessard (DFL-Int'l. Falls) authorizes public sale of tax-forfeited land that borders public water in Aitkin County. S.F. 2033, sponsored by Sen. Roger D. Moe (DFL-Erskin), authorizes the public sale of tax-forfeited land in Norman County. S.F. 2346, sponsored by Sen. Jane Krentz (DFL-May Township), authorizes the use of motor vehicles in wildlife management areas by disabled hunters. S.F.

2783, authored by Sen. David Knutson (R-Burnsville), regulates the filing of annual registrations by corporations and other business entities with the secretary of state. S.F. 2554, carried by Sen. Dallas Sams (DFL-Staples), provides a one-time exemption from penalty for omission of the public advertisement requirement of the truth-in-taxation process for Wadena County.

In addition, members granted preliminary passage to three bills on the General Orders Calendar. S.F. 613, authored by Sen. Don Betzold (DFL-Fridley), increases the penalties for cruelty to animals. Under the bill, the maximum penalty is a 2 year felony and or \$5,000 fine. Betzold said that the bill has minimal impact on correction facility bed space. In addition, Betzold said that a key component of the bill is that lawful acts are not included. "Public sentiment is strong for increasing penalties for animal cruelty. It is important, not only for animals but also for society," Betzold said, "there have been many instances of individuals who have a history of cruelty to animals who went on to commit heinous crimes against people."

S.F. 2725, authored by Sen. Allan Spear (DFL-Mpls.), limits representation by public defenders and court-appointed counsel to minors who are ten years of age or older. Spear said, "Right now the rules require guardians ad litem to represent the best interest of the child. An attorney, though, who represents a very young child has no way to communicate with the child. In cases of a slightly older child, the attorney must represent what the child wants but often, what a child wants may not be in the best interests of the child. It makes no sense."

The final bill, S.F. 2570, sponsored by Sen. Jerry Janezich (DFL-Chisholm), increases the authorized number for a position in the classified service in St. Louis County.

### Brief session held

The Senate met for a brief floor session Tues., Feb. 29, to process committee reports and bill introductions. However, the Senate did take final action on S.F. 86, authored by Sen. Lawrence Pogemiller (DFL-Mpls.). Pogemiller said the bill makes technical

corrections to several K-12 education provisions. The Senate adopted his motions to take it from the table and concur with amendments made by the other body. The bill was repassed on a 60-0 roll call vote.

## Six bills passed

The Senate granted final passage to three bills on the Calendar and three bills on the Consent Calendar at the Thurs., Mar. 1, floor session. In addition, the Senate gave preliminary approval to six bills on General Orders as well processed committee reports and bill introductions.

Bills passed on the Calendar were S.F. 613, carried by Sen. Don Betzold (DFL-Fridley), increasing the penalties for cruelty to animals; S.F. 2725, carried by Sen. Allan Spear (DFL-Mpls.), limiting representation by public defenders and court-appointed counsel of minors who are under 10 years of age; and S.F. 2570, carried by Sen. Jerry Janezich (DFL-Chisholm), adding an administrative assistant to the St. Louis County unclassified civil service.

Bills passed on the Consent Calendar were S.F. 2465, carried by Sen. Sam Solon (DFL-Duluth), authorizing party treasurers to sign political contribution refund receipts; H.F. 2722, carried by Sen. LeRoy Stumpf (DFL-Thief River Falls), allowing Kittson County to dissolve a township; and S.F. 3355, also carried by Solon, allowing electronic disbursement of port authority funds.

While working on General Orders, the Senate approved S.F. 2397, authored by Sen. Linda Higgins (DFL-Mpls.). The bill sets standards for employers to reduce injuries to health care workers from needle sticks. Members adopted an amendment, offered by Higgins, specifying that an employer may form a subcommittee of their safety committee to comply with other provisions of the bill. The bill was recommended to pass as amended.

Sen. Linda Scheid (DFL-Brooklyn Park) said that her bill, S.F. 2569, allows insurance companies to issue policies for coverage of punitive damages for vicarious liability. Sen. Jane Ranum (DFL-Mpls.) was concerned that the bill may become a vehicle for amendments dealing with other kinds of liability, but Scheid clarified that the bill is only about vicarious liability. The Senate

recommended passage of the bill.

H.F. 2815, authored by Sen. Dave Johnson (DFL-Bloomington), provides for distribution of fine proceeds in Hennepin County. Members adopted a technical amendment offered by Johnson and approved the bill.

Other bills receiving approval include S.F. 3195, authored by Sen. Kenric Scheevel (R-Preston), changing penalties for first and subsequent violations of the adulterated dairy products law; S.F. 11, authored by Betzold, extending the statute of limitations for bringing domestic abuse actions to six years; and S.F. 2408, authored by Sen. Linda Berglin (DFL-Mpls.), providing that a crime victim who has been disabled is eligible for remuneration beyond 26 weeks up to the cap of \$50,000.

Members also adopted committee reports to facilitate the movement of bills in advance of the first committee deadline Fri., Mar. 3.

## Legislative session online

The Minnesota Senate and House of Representatives have entered into an agreement with The Dept. of Administration's InterTechnologies Group to provide the public with live Internet video streaming of gavel-to-gavel coverage of the 2000 Legislative Session. This new Unicast service begins on Feb. 1, 2000 and continues until the end of session.

The Minnesota Senate and House of Representatives provide unedited, live and recorded coverage of floor sessions and selected committee hearings. Legislative programming is available on several broadcast television stations, on many cable television systems in various areas of the state and now available to the world via this new Internet streaming service. Additional programming beyond that provided on the television feed will be available on these Unicast Internet streams.

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# Preview

## Monday, March 6

### **Joint Human Resources Finance Committee and Economic Development Budget Division**

*Chairs: Sen. Linda Berglin and Sen. Jerry Janezich*

8 a.m. Room 123 Capitol

**Agenda:** S.F. 3382-Kelly, R.C.: Phalen Corridor. S.F. 3460-Berglin: Minneapolis Hiawatha Corridor. S.F. 3596-Berglin: Air conditioning infrastructure for publicly owned residences housing low-income elderly and disabled persons. S.F. 2973-Novak: Fort Snelling International Hostel. Additional bills may be added.

**The Senate is in Session at 10 a.m.**

### **Economic Development Budget Division**

*Chair: Sen. Jerry Janezich*

12 noon Room 123 Capitol

**Agenda:** To be announced.

### **Election Laws Committee**

*Chair: Sen. John Marty*

12 noon Room 112 Capitol

**Agenda:** S.F. 3585-Novak: Ethical requirements for constitutional officers.

### **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. 2944-Scheid: Modifying mortgage release certificate language to include assignment of rents and profits. S.F. 2464/H.F. 2749-Betzold: Revisors bill. S.F. 2728/H.F. 2911-Lesewski: Providing venue for actions against foreign and domestic corporations. S.F. 2094/H.F. 1865-Anderson: Jury service; excusing from service certain nursing mothers. S.F. 3291-Pappas: Clarifying the extent of motor vehicle liens; notice to the owner of towing, sale and right to reclaim.

### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 887-Cohen: Enhanced penalties for certain crimes motivated by bias. S.F. 2677-Johnson, D.H.: DWI recodification and simplification. S.F. 2858-Spear: Dept. of Human Services/ Dept. of Corrections management of civilly committed sex offenders. S.F. 3455-Johnson, D.H.: Check fraud penalties. S.F. 3580-Kelly, R.C.: Harassment definition, restraining order procedures.

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

*Chair: Sen. Sandra Pappas*

2 p.m. Room 107 Capitol

**Agenda:** S.F. 3239-Johnson, DJ: Commissioner of revenue to study the taxation of forest land and report to the Legislature. S.F. 2380-Moe, R.D.: Extending definition of ag homestead. S.F. 2872-Langseth: Family farm co-op homestead classification. S.F. 2985-Langseth: Increasing ed ag credit. S.F. 304-Langseth: Reducing the class rate for certain property. S.F. 3110-Frederickson: Allowing certain shareholders of a family farm corp/partnerships to reside off of homestead property. S.F. 3374-Sams: Extending time limit for exempted property. S.F. 3417-Cohen: Eligibility for senior citizens property tax deferral. S.F. 2671-Novak: Limiting increases in market value. S.F. 3536-Kierlin: Internet truth-in-taxation. S.F. 3422-Janezich: Joint rec. board tax in School Dist. 2154, Eveleth-Gilbert.

### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*

5:30 p.m. Room 123 Capitol

**Agenda:** Completion of MnSCU capital budget request presentation. S.F. 3551-Kinkel: Increase MnSCU revenue bond capacity. S.F. 3592-Langseth: MnSCU land and buildings technical bill. S.F. 3220-Janezich: Mesabi/Range firefighting, rescue and EMS projects. S.F. 3320-Janezich: Debt service exemption for certain projects. S.F. 2642-Kleis: St. Cloud State University

Centennial Hall planning money. S.F. 2643-Kleis: St. Cloud State University Lawrence Hall remodel project. S.F. 3237-Kleis: St. Cloud State University Lawrence Hall, Riverview Hall, Eastman Hall and athletic facility projects.

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

*Chair: Sen. Dallas Sams*

6 p.m. Room 112 Capitol

**Agenda:** S.F. 2840-Murphy: Delaying the implementation and enforcement of certain animal feedlots. S.F. 3402-Sams: Omnibus agriculture and rural development funding bill. Confirmations the following: Board of Animal Health: Sharon Baker, Todd Searles, Darrell Zehrer. Minnesota Rural Finance Authority: Leslie Anderson, Jim Molenaar.

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

*Chair: Sen. Randy Kelly*

6:30 p.m. Room 15 Capitol

**Agenda:** To be announced

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

*Chair: Sen. Don Betzold*

7 p.m.. Room 318 Capitol

**Agenda:** S.F. 2396-Junge: Sex offender omnibus bill. Other bills that have met first deadline in the House.

## Tuesday, March 7

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

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** S.F. 3633-Janezich: Appropriating money to the Citizenship Promotion Program. S.F. 3516-Janezich: Directing the commissioner of children, families and learning to request a waiver from federal law. S.F. 3601-Hanson: Appropriating TANF funds for the early childhood family education program. S.F. 3676-Hanson: Appropriating TANF funds for the Head Start program. S.F. 3672-Higgings: Creating a child care program for adolescent parents who are attending school.



### **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*

8 a.m. Room 107 Capitol

**Agenda:** S.F. 2501-Murphy: Fond du Lac library, offices, classrooms. S.F. 3551-Kinkel: American Indian History Center and Museum. S.F. 2507-Kiscaden: University Center Rochester horticultural facilities. S.F. 2329-Foley: Facilities at Anoka-Hennepin Technical College.

### **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.

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

*Chair: Sen. Steven Novak*

10 a.m. Room 123 Capitol

**Agenda:** S.F. 2512-Ring: Creating Northern Technology Initiative. S.F. 2810-Higgins: Repealing laws governing entertainment agencies. S.F. 2894-Higgins: Occupational safety and health - classifying certain communications regarding discrimination. S.F. 2851-Pappas: Increasing penalties for violations of child labor laws. S.F. 3439-Janezich: Energy conservation measures in cities discontinuing district heating systems.

## **Wednesday, March 8**

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

*Chair: Sen. Pat Piper*

8 a.m. Room 15 Capitol

**Agenda:** S.F. 3464-Hottinger: Proposing an amendment to the Minnesota Constitution to create a children's development fund. S.F. 3630-Lourey: Appropriating money for family service collaboratives. S.F. 3563-Robling: Allowing churches or religious organizations to operate child care programs under the rules governing family day care or group family day care.

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

*Chair: Sen. Lawrence Pogemiller*

8 a.m. Room 112 Capitol

**Agenda:** To be announced.

### **Transportation Budget Division**

*Chair: Sen. Dean E. Johnson*

10 a.m. Room 112 Capitol

**Agenda:** To be announced.

### **The Senate is in Session at 11:45 a.m.**

### **Election Laws Committee**

*Chair: Sen. John Marty*

12 noon Room 112 Capitol

**Agenda:** H.F. 484/S.F.678-Terwilliger: Initiative and referendum.

### **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:** To be announced.

### **Crime Prevention Committee**

*Chair: Sen. Allan Spear*

2 p.m. Room 15 Capitol

**Agenda:** S.F. 1952-Berg: Providing warrant authority for DPS alcohol and gambling agents. S.F. 2701-Wiener: Creating the crime of gambling fraud. S.F. 2828-Wiger: Gambling penalties and regulations. S.F. 2830-Wiger: Escape from custody extended to period between arrest and commencement of trial proceedings. S.F. 2845-Knutson: Criminal and driver's license penalties for use of false ID for purchase of alcohol or tobacco by underage persons; authorizing retailer seizure of false ID. S.F.2863-Fishbach: Removing the 30-day limit in the definition of misdemeanor trespass relating to returning to property of another after being told not to return. S.F. 3046-Lourey: Clarifying that the definition of peace officer in the fleeing a peace officer crime includes tribal peace officers. S.F. 3566-Foley: Clarifying application, penalty for certain tax crimes. S.F. 3108-

Lesewski: Regulating telephone access of persons held in local and state correctional facilities.

### **Governmental Operations Budget Division**

*Chair: Sen. Leonard Price*

2 p.m. Room 125 Capitol

**Agenda:** To be announced.

### **Commerce Committee**

*Chair: Sen. Sam Solon*

4 p.m. Room 112 Capitol

**Agenda:** S.F. 3203-Oliver: Department of Commerce NAIC statutory accounting principles. S.F. 2933-Wiener: Department of Commerce insurance technical bill. S.F. 2934-Wiener: Department of Commerce insurance policy bill. S.F. 3441-Sams: Regulating auto glass repair.

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

*Chair: Sen. Jane Krentz*

4 p.m. Room 107 Capitol

**Agenda:** S.F. 2231-Sams: Eagle Bend wastewater. S.F. 2248-Sams: Clarissa wastewater. S.F. 2308-Vickerman: Lewis & Clark rural water project. S.F. 2491-Johnson, D.E.: Green Lake wastewater. S.F. 2526-Dille: Dassel wastewater. S.F. 2607-Vickerman: Funding for state revolving fund and wastewater infrastructure fund. S.F. 2697-Berg: Clara City wastewater. S.F. 2797-Limmer: Dayton wastewater. S.F. 317-Johnson, D.J.: Duluth/North Shore sanitary district. S.F. 3503-Sams: New York Mills wastewater. S.F. 3557-Samuelson: Garrison - Kathio - West Mille Lacs wastewater.

### **Taxes Subcommittee on Income and Sales Tax**

*Chair: Sen. Steve Murphy*

4 p.m. Room 15 Capitol

**Agenda:** S.F. 1935-Murphy: Exempting certain machinery and equipment used by ski areas; exempting sales of lift tickets. S.F. 1936-Sams: Providing that municipalities may use the Revenue Recapture Act to collect delinquent payments for ambulance services. S.F. 2439-Vickerman: Reducing the rates of

# Preview

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tax on lawful gambling. S.F. 2632-Kelley, S.P.: Providing that sales of certain fruit, vegetables, milk, milk products, juice, juice products, and other items sold through vending machines are exempt from the sales tax. S.F. 3091-Murphy: Recodifying the sales and use tax laws. S.F. 3094-Scheid: Sales of patent drawings and documents are exempt from sales and use tax. S.F. 3129-Murphy: Providing a direct sales tax exemption for materials and supplies used to construct certain correctional facilities. S.F. 3589-Scheid: Exempting construction materials used for qualified low-income housing projects.

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

*Chair: Sen. Lawrence Pogemiller*  
7 p.m. Room 112 Capitol  
**Agenda:** To be announced.

## **Thursday, March 9**

The Senate will be in Session at 8 a.m.

## **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. 3132-Lesewski: Providing funding for the E business institute. H.F. 3132/S.F. 2890-Metzen: Providing for interest rates on security deposits. S.F. 3337-Johnson, D.H.: Requiring electric utilities to provide cost and fuel source information to utility customers.

## **Transportation Committee**

*Chair: Sen. Carol Flynn*  
12 noon Room 112 Capitol  
**Agenda:** Senate bills that met deadline, House bills and referrals.

## **Agriculture and Rural Development Committee**

*Chair: Sen. Dallas Sams*  
2 p.m. Room 107 Capitol  
**Agenda:** To be announced.

## **Commerce Committee**

*Chair: Sen. Sam Solon*  
2 p.m. Room 112 Capitol  
**Agenda:** S.F. 3699-Wiener: Enacting the Uniform Electronic Transactions Act. S.F. 3626-Wiener: Minnesota Comprehensive Helath Association eligibility and coverage adjustments. S.F. 2753-Novak: Regulating unfair practices by vehicle manufacturers. S.F. 619-Kleis: Regulating collection agencies.

## **Local and Metropolitan Government Committee**

*Chair: Sen. Jim Vickerman*  
2 p.m. Room 107 Capitol  
**Agenda:** To be announced.

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

*Chair: Sen. Sandra Pappas*  
4 p.m. Room 15 Capitol  
**Agenda:** To be announced.

## **Friday, March 10**

## **Higher Education Budget Division**

*Chair: Sen. LeRoy Stumpf*  
8 a.m. Room 107 Capitol  
**Agenda:** Final action on capital project recommendations by Higher Education Budget Division.

## **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.

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

*Chair: Sen. Steven Novak*  
10 a.m. Room 123 Capitol  
**Agenda:** S.F. 3130-Kelley, S.P.: Providing catalyst grants to promote internet access in Greater Minnesota. S.F. 3281-Kiscaden: Requiring a plan for locating workforce centers on state campuses. S.F. 2804-Novak: Abolishing Department of Public Service responsibilities.

## **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:** To be announced.

## **Economic Development Budget Division**

*Chair: Sen. Jerry Janezich*  
2 p.m. Room 123 Capitol  
**Agenda:** S.F. 2045-Johnson D.H.: Commerce; regulating securities and modifying filing fees. S.F. 3517-Sheid: Board of architecture and engineering license fee increases. S.F. 2421-Junge: Regulating certain telephone sales calls; providing remedies. S.F. 3632-Janezich: Board of electricity fees. More bills to be added.

## **Local and Metropolitan Government Committee**

*Chair: Sen. Jim Vickerman*  
2 p.m. Room 107 Capitol  
**Agenda:** To be announced.

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

*Chair: Sen. Sandra Pappas*  
2 p.m. Room 107 Capitol  
**Agenda:** To be announced.

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DFL	296-3219	Paula E. Hanson	328 Cap.	50	DFL	296-7809	Lawrence J. Pogemiller	235 Cap.	59
DFL	296-9246	Linda I. Higgins	226 Cap.	58	DFL	297-8060	Leonard R. Price	235 Cap.	57
DFL	296-6153	John C. Hottinger	120 Cap.	24	DFL	297-8061	Jane B. Ranum	306 Cap.	63
DFL	296-8017	Jerry R. Janezich	328 Cap.	5	DFL	296-5419	Twyla Ring	G-9 Cap.	18
DFL	296-9261	Dave Johnson	111 Cap.	40	R	296-4314	Martha R. Robertson	125 SOB	45
DFL	296-3826	Dean E. Johnson	124 Cap.	15	R	296-4123	Claire A. Robling	151 SOB	35
DFL	296-8881	Douglas J. Johnson	205 Cap.	6	R	296-1253	Linda Runbeck	107 SOB	53
DFL	296-2889	Ember Reichgott Junge	205 Cap.	46	DFL	297-8063	Dallas C. Sams	328 Cap.	11
DFL	297-8065	Steve Kelley	321 Cap.	44	DFL	296-4875	Don Samuelson	124 Cap.	12
DFL	296-5285	Randy C. Kelly	323 Cap.	67	R	296-3903	Kenric J. Scheevel	129 SOB	31
R	296-5649	Bob Kierlin	127 SOB	32	DFL	296-8869	Linda Scheid	317 Cap.	47
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R	296-4848	Sheila M. Kiscaden	135 SOB	30	DFL	296-4191	Allan H. Spear	120 Cap.	60
R	296-6455	Dave Kleis	143 SOB	16	R	296-8075	Dan Stevens	105 SOB	17
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DFL	296-7061	Jane Krentz	235 Cap.	51	R	296-6238	Roy Terwilliger	115 SOB	42
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DFL	296-3205	Keith Langseth	122 Cap.	9	DFL	297-8073	Deanna L. Wiener	303 Cap.	38
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R	296-4125	Arlene J. Lesewski	131 SOB	21	R	296-5713	Donald N. Ziegler	149 SOB	26
DFL	296-4136	Bob Lessard	111 Cap.	3	<b>Capitol address: 75 Constitution Avenue, State Office Building</b>				
R	296-2159	Warren Limmer	25 SOB	33	<b>Address: 100 Constitution Avenue, St. Paul, MN 55155. All</b>				
DFL	296-0293	Becky Lourey	G-9 Cap.	8	<b>phone numbers are area code 651.</b>				



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# *Senate Briefly*

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*The Senate Retiring Room.  
Photo by Andrea G. Murrill.*

*March 10, 2000*

# Senate Highlights

## Constitutional amendment gains

The Family and Early Childhood Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin), met Weds., Mar. 8, to discuss four bills that address child care and related issues. Sen. John Hottinger (DFL-Mankato) carried S.F. 3464, a bill that amends the Minnesota Constitution to create a children's development fund using proceeds from the tobacco lawsuit. Hottinger said the tobacco money totals approximately \$220 million per year and will be available on or after July 1, 2001. The assets of the fund are reserved by law for purposes that enhance the physical, emotional and intellectual development of children through the age of eight years. A provision in the bill states that the development fund must not be used as a substitute for traditional sources of funding activities for young children and their parents, or for activities designed to prevent youth from smoking. Instead, the money is to be initially utilized to begin a universal early care and childhood development pilot program in the year 2002. Under the bill, the pilot program must include an urban county, suburban county, rural county and one tribal reservation, with

the goal of statewide expansion in the year 2004. The program aims to enhance public education and understanding of what augments and stimulates child development.

Hottinger said that the engrossed version of the bill was still pending, therefore, the panel voted to recommend that the amended bill be passed when it goes to the Committee on Children, Families and Learning.

Sen. Becky Lourey (DFL-Kerrick) carried a bill, S.F. 3630, that appropriates money for family service collaboratives. Lourey introduced former Representative Kathleen Vellenga, who represents the St. Paul/Ramsey County Children's Initiative, a group that envisioned the concept of a family services collaborative. Vellenga said that since the early 1990's when the collaborative idea was implemented--which coordinates family services between city, county and school districts--the various agencies and departments have worked together to provide services more efficiently, partly due to a reduction in the duplication of services. Vellenga said that in some counties, 79-90 percent of the young children are in child care situations, and the numbers are increasing.

Lourey said her bill makes provisions for salaries or wages for family service collaborative coordinators or directors. Catherine Sampson, Carlton County Collaborative, said that there are presently 45 collaboratives and there is a great need for more. The bill was recommended to pass and will remain in the division to be incorporated into the budget bill.

Sen. Claire Robling (R-Prior Lake) sponsored S.F. 3563, a bill that allows child care licensing for programs to operate in churches or religious organization facilities. Robling said "The bill adds a provision to the statute to expand facilities where child care can take place." The bill addresses the critical need for quality child care by permitting nonresidential child care programs serving 14 or fewer children, to apply for licensing. The bill was recommended for inclusion in the omnibus budget bill.

Sen. Roy Terwilliger (R-Edina) sponsored S.F. 3631, a bill that appropriates money to support the Kids Capacity Initiative. The Kids Capacity Initiative Pilot Program in Hennepin County that tests the use of transition homes and circles of support for children in place of the current system of foster homes and treatment teams. The bill was recommended to pass and referred to the full Children, Families and Learning Committee.

## Initiative and referendum fails

A bill authorizing a question on next November's ballot to amend the Constitution to allow initiative and referendum failed to gain approval at the Weds., Mar. 8, meeting of the Election Laws Committee.

Sen. Roy Terwilliger (R-Edina), sponsor of the measure, H.F. 484, said that the populist party movement of the 1880s was borne out of resentment with the political process. The movement proposed giving women the right to vote, secret ballots, direct election of U.S. Senators, and initiative and referendum. He said that none of those ideas seem very radical today. Terwilliger argued in favor of the bill, saying that 24 states provide for initiative and referendum and that citizens participate when they think they can make a difference. He cited a study that found that voter participation is five to

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seven percent higher in states that have initiative and referendum. Among the features of the bill, he said, is a geographic balance requirement for signatures. Terwilliger added that the issue has been on the Minnesota ballot three times before and received a majority of votes from all those voting on the issue, but not a majority of all those who voted in the election.

The bill provides two ways for voters to decide matters of public policy: initiative and referendum. An initiative requires a petition signed by at least five percent of the voters in the last gubernatorial election in at least six of the eight congressional districts to put a question on the ballot. A referendum is a question placed on the ballot by the Legislature for voters to decide.

Several witnesses offered testimony in support of the bill. Norm Coleman, mayor of St. Paul, said that online voting is coming and the bill provides a way for Minnesota to get ahead of that curve.

Dean Barkeley, a founding member of the Reform party, said the governor favors initiative and referendum as long as there are limits. He said that the governor may wish that the unicameral issue could get on the ballot as a referendum because no legislature has voluntarily put it on. Sen. Carol Flynn (DFL-Mpls.) countered, saying that the Minnesota Legislature has passed some of toughest campaign finance and disclosure laws in country and it's not fair to say it can't be done without initiative and referendum. She added that she is concerned about the use of demagoguery to undo votes of the Legislature. As an example, Flynn suggested that the House of Representatives could use a referendum to repeal light rail funding.

Dane Waters, president of the Initiative and Referendum Institute in Washington, D.C., said that initiative and referendum is just a tool to correct abuses of the legislative branch. He said that initiative and referendum is not a tool of special interests because it is more difficult to convince thousands of voters when they get nothing in return from the special interests. Waters said it is the only tool the people can use to get around the special interests that dominate the state Legislature.

However, Sen. Mark Ourada (R-

Buffalo) said he was offended at Waters' statement that "voters get nothing in return" from the special interests, implying that Legislators do. Ourada said that special interests are people such as nurses, snowmobilers, lawyers and farmers. "Those special interests are us," he said. Ourada added that special interests contribute to his campaign because they think he already supports the issues they are interested in, not to persuade him to vote to their liking.

Sen. John Marty (DFL-Roseville), chair of the committee, said he was concerned that there are no spending limits on initiative and referendum campaigns. However, Sen. Roger D. Moe (DFL-Erskine) addressed the other side of the spending issue. He said that proponents of initiative and referendum argue that money is not good in politics yet, he said, an initiative campaign needs a well-financed effort to reach the threshold to be placed on the ballot.

Sen. Linda Scheid (DFL-Brooklyn Park) questioned the statement that initiative and referendum increases voter participation. "I thought Minnesota led the way in voter participation and we don't have initiative and referendum," she said. Waters replied that people feel empowered with initiative and referendum and that voter participation in Minnesota would be even higher with it.

Other witnesses spoke against the bill. Jane McWilliams, League of Women Voters of Minnesota, said the league previously opposed initiative and referendum and had no wish to change their position. She said that complex issues need a broad cross-section of the citizenry, like the Legislature, to make decisions. She added that citizens rarely have access to as much information as do Legislators.

Bill Blazer, Minnesota Chamber of Commerce, said his organization opposes it for three reasons: the shaping of initiative proposals is out of the public eye, it reduces the need to compromise because a small group puts the proposal together, and it takes elected leaders off the hook for making difficult decisions.

Bernard Brommer, president of the Minnesota AFL-CIO also spoke against the measure. He said that public employees and their families are

frequently the targets of initiatives. In addition, he said, it fundamentally alters representative government. Initiative and referendum could lead to "governing by hysteria," he said. There is a check on elected officials, Brommer said, "it's called an election."

The committee rejected a motion made by Sen. Cal Larson (R-Fergus Falls) to approve the bill and send it to the Governmental Operations Budget Division. A subsequent motion made by Larson to send the bill to the same division without recommendation also failed.

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# Committee update



*A pair of fruit bats were shown to members of the Environment and Agriculture Budget Division as they heard a funding request for a construction project at the Como Park Zoo.*

Photo by David J. Oakes

## Agriculture and Rural Development

### Omnibus policy bill approved

The Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples), met Thurs., Mar. 2, and approved an omnibus agricultural policy bill.

S.F. 3223, authored by Sams, makes a number of changes to policy, including repealing the 2001 sunset date for the farmer-lender mediation program begun in 1986. Jerry Schoenfeld, representing the Independent Bankers of Minnesota, spoke in opposition to continuing the program. "Farmers now have a number of tools, such as Chapter 13, that weren't available when the law was passed," Schoenfeld said. Sen. Charles Berg (IND-Chokio) offered an amendment that would discontinue the program. The amendment failed.

The bill also provides time lines for

the Minnesota Pollution Control Agency (MPCA) to respond to feedlot applications and calls for the implementation of MPCA's rules to be delayed from July 1, 2000, to July 1, 2001.

Eight other policy areas, recommended by the Minnesota Department of Agriculture, are included in the bill. One section allows the Commissioner of Agriculture to establish a pilot program to certify agricultural production methods and products grown or processed within the state to assure the integrity of claims made by participating businesses. The measure also delegates to local boards of health licensing and inspection duties for grocery or convenience stores. This section also allows the use of the label "Minnesota Approved" meats, meat products, poultry, and poultry products inspected by the Minnesota Department of Agriculture or U.S. Department of Agriculture and covers a number of other updated food standards, such as

defining "adulterated" and "mis-branded." Another section of the bill updates certain food standards and gives the Commissioner of Agriculture authority to make and amend rules for the administration and enforcement of a wide range of food, fish and pesticide laws. Another section establishes a value-added product processing and marketing grant program, which makes up to \$50,000 available for feasibility and marketing analysis, to help farmers finance new cooperatives that organize to process or market processed agricultural products. The bill also authorizes a grant program to replace trees lost to disease or natural disasters. Another section pertains to changes to the Minnesota Board of Grain Standards, such as changing its meeting to an as needed basis rather than annually on July 15. Another section updates egg handling standards.

Another section contains eligibility and loan amount changes in the Rural

Finance Authority (RFA) loan program. Under the provision a prospective participant must have less than \$400,000 in assets and liabilities for 1999. Another section makes changes in livestock dealer and grain buyer provisions, such as raising from \$5,000 to \$10,000 the livestock dealer bond and stating that a grain transaction that does not meet the provisions of a voluntary extension of credit, including issuance and signing of a voluntary extension of credit contract, is a cash sale. A final section changes agricultural chemical provisions, such as requesting an inspection within 45 days from the Department of Agriculture when a pesticide application is alleged to have damaged a crop or vegetation. Under an amendment, offered by Sen. Kenric Scheevel (R-Preston), and adopted by the panel, the bill also defines a wholesale producer dealer as "a person who contracts with a producer to grow, raise or provide produce in Minnesota." The bill was approved and referred to the floor.

The committee also approved a bill that eases certain inspection, reporting, licensing and transportation procedures for fish farmers.

S.F. 3260, authored by Sen. Dan Stevens (R-Mora), exempts artificial structures and waters of less than 10 acres from mandatory inspection requirements before a license can be granted. The bill restricts the discretion of the commissioner of the Department of Natural Resources (DNR) to deny an aquatic farm license for waters containing game fish of significant public value and requires the commissioner to elect whether to remove the waters for other state use by the DNR or make the waters available to the licensees. The bill allows the licensee to remove, transport and dispose of rough fish. The bill eliminates an annual inspection requirement, an annual reporting requirement, requirements for submittal of bills of lading for non-public waters at least 72 hours before transport and requires the commissioner to include evidence of "irreparable biological damage" to public waters in writing if a permit is denied. Further, the bill includes an aquatic farm vehicle endorsement within the aquatic farming license instead of requiring separate licenses, allows a licensee to take brood stock by

angling without a fee under certain conditions, prohibits a person not licensed as a minnow dealer or private fish hatchery from using traps exceeding 18 inches in width or length or 12 inches in height. The bill also provides an exemption from the game and fish law prohibition on the transportation of live carp fingerlings.

Officials from the Minnesota Aquaculture Association spoke in support of the bill, while DNR officials opposed parts of it.

Steve Hirsch, of the DNR, arguing against the inspection exemption for lakes 10 acres and less, said resource concerns about possible escapes into connected waters aren't "diminished by the size of the lake."

Likewise, restricting the commissioner's authority to deny permits for releasing private aquatic life to circumstances where releases would cause "irreparable biologic damage" was particularly problematic, he said. The word "irreparable" was struck under an amendment, offered by Sen. Becky Lourey (DFL-Kerrick), and adopted by the panel.

An amendment, offered by Sen. Jim Vickerman (DFL-Tracy) and adopted by the committee, eliminated the restrictions on minnow trap size. And an amendment, offered by Kenric Scheevel (R-Preston) removed the section relating to annual license fees (\$275, including an aquatic farm vehicle endorsement). The amendment was adopted and the section was laid over for further discussion because of fiscal considerations.

The bill was approved and referred to the floor.

### **Omnibus finance bill approved**

The Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples), met Mon., Mar. 6, and approved an omnibus agricultural finance bill that provides, among other items, for a low-interest agroforestry loan program for farmers who convert agricultural land to agroforestry.

S.F. 3402, authored by Sams, establishes the loan program under the Rural Finance Authority (RFA) to help farmers finance the production of short-rotation woody crops, such as hybrid poplars and other woody plants that are harvested for fiber within 15 years of

planting. Under the bill, eligible borrowers must be residents of Minnesota, be a grower of short-rotation woody crops on agricultural land, be a member of a producer-owned cooperative that will contract to market the crop, demonstrate an ability to repay the loan and not receive assistance under the program of more than \$150,000 in a lifetime. Under the bill the loan may be disbursed over a period of not more than 12 years, and borrowers may receive loans for planted areas up to 160 acres, in an amount not to exceed the total amount necessary to establish the crop. Security for the loan must be the crop, a personal note executed by the borrower, an interest in the land on which the crop is growing, and whatever other security is required by the RFA, the bill states. Under the bill, an agroforestry revolving loan fund is also established.

Debbie Letosky, of the Minnesota Agro-Forestry Co-op of Alexandria spoke in favor of the bill. Five Minnesota paper mills that would be potential users of the crop are expected to sign a memorandum of understanding to that effect in the near future, she said.

The omnibus bill also includes a section allowing ethanol producers approved for at least 12 million but less than 15 million gallons to receive approval for the ethanol payments on the full 15 million gallons. This section also increases the overall cap on ethanol payments from \$34 million to \$37 million to reflect inclusion of the recently converted St. Paul ethanol plant under the cap on payments (the St. Paul plant is not currently included in the overall program cap). A requirement that any increase in capacity at an approved ethanol plant must begin by June 30, 2000, is removed. The bill also provides for payments to ethanol or wet alcohol producers in the amount of 1.5 cents per kilowatt hour of electricity generated through closed-loop biomass in a cogeneration facility at an ethanol plant located in the state and that begins operation by June 30, 2002. Another change also raises the cap from \$68.447 million to \$72.416 million in ethanol development account payments to all producers for the biennium ending June 30, 2001.

The bill also appropriates \$1.568 million from the general fund to the



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Minnesota State Colleges and Universities (MnSCU) system for a rural life support program - \$400,000 is for four farm support centers to provide counseling support to farm families and business operators; \$900,000 is for scholarships of up to \$450 per farmer for tuition at state colleges and universities; \$268,000 for staff training, material and recruitment costs.

The bill also appropriates \$200,000 from the general fund to the commissioner of agriculture for the farm advocates program.

Four amendments were also added to the bill. One amendment, offered by Sen. Jim Vickerman (DFL-Tracy) and adopted by the committee, appropriates \$400,000 from the general fund to the commissioner of agriculture to establish an agricultural water quality and quantity management program, with half going for projects at the Lamberton Research Station and the other half going to the Waseca Research Station. An amendment, offered by Sen. Kenric Scheevel (R-Preston) and adopted by the committee, sets annual fees for aquatic farming licenses at \$275 and includes an aquatic farm vehicle endorsement. A third amendment, offered by Sen. Pat Piper (DFL-Austin) and adopted by the committee, appropriates \$278,000 to expand the concept of the Minnesota Grown pilot program. Another amendment, offered by Sen. Steve Dille (R-Dassel) and adopted by the committee, appropriates \$245,000 for the state's pseudorabies control program. A fifth amendment, offered by Sen. Steve Murphy (DFL-Red Wing), calls for the formation of a "carbon sequestration" advisory committee to investigate the potential for developing a system or systems of carbon emissions trading or markets for carbon sequestered on agricultural and silvicultural lands. The amendment was later withdrawn by Murphy.

The bill was approved and referred to the Environment and Agriculture Budget Division.

The committee also approved a bill, S.F. 2840, also authored by Murphy, that delays implementation of proposed Minnesota Pollution Control Agency (MPCA) feedlot rules from July 1, 2000, until after June 30, 2001. The bill was referred to the floor.

The committee also approved three

appointments to the Agriculture Department's Board of Animal Health and two appointments to the RFA. Approved to the Board of Animal Health were Sharon Baker, Todd Searles and Darrell Zehrer. Approved to the RFA were Leslie Anderson and James Molenaar.

## Children, Families and Learning

### Accountant bill okayed

Members of the Children, Families and Learning Committee, chaired by Sen. Pat Piper (DFL-Austin), Sen. Lawrence Pogemiller (DFL-Mpls.) and Sen. Leroy Stumpf (DFL-Thief River Falls), met Fri., Mar. 3.

Sen. John Hottinger (DFL-Mankato) presented S.F. 2803, a bill that modifies license requirements for accountants. Senators questioned hearing the bill at all since the motion to forward the bill failed in the Higher Education Budget Division on a tie vote. Pogemiller said the situation was unusual but not unprecedented. He said there is a lot of interest in the bill and the issue needs to be decided by a large group of Senators. The bill specifies that on or after July 1, 2006, CPAs must have completed 150 semester hours and have completed at least one year of experience to be licensed. Sharon Jenson, of Carver, Moquist and Associates, said 46 states have the 150-hour requirement. Jenson said CPAs from those states can practice public accounting across state lines more easily than Minnesota CPAs because of the different requirements in Minnesota. Dr. Kate Mooney, chair of the Accounting Department at St. Cloud State University said the big accounting firms recruit from states that have the extra requirement. John Corbid, of the Private College Council, said the 150-hour requirement is costly to students and deters students from pursuing an accounting degree. Sen. Sheila Kiscaden (R-Rochester) offered an amendment that requires the board to implement a voluntary registration of accounting practitioners by July 1, 2004. Kiscaden said there is a need to address other kinds of practitioners. The amendment was adopted. The bill was approved on a divided vote and sent to the floor.

S.F. 3141, sponsored by Hottinger, creates a state prevention council to develop a strategy to ensure that all young children and their families in Minnesota have access to comprehensive high quality early childhood development and family support services and resources. The bill contains a \$1.05 million appropriation for home visiting programs. Dr. Karen Effrem, parent and pediatrician, testified about the inefficiency of the home visiting program. She said several studies show no reduction in child abuse because of home visits. The bill was approved and sent to the Governmental Operations and Veterans Committee.

Sen. Cal Larson (R-Fergus Falls) authored S.F. 3150, which increases the Higher Education Facilities Authority bonding authority from \$500 million to \$650 million. The bill was approved and sent to the floor.

Kiscaden presented S.F. 3118. The bill appropriates \$250,000 to the board of trustees of the Minnesota State Colleges and Universities for tuition waivers for employees of certain health care and human service providers. Kiscaden said the funds will be used to address high turnover and vacancies in the industry. The bill was approved and sent to the Health and Family Security Committee.

S.F. 3112, sponsored by Piper, provides for data classification for the community action, Head Start and foodshelf programs. The bill was approved and re-referred to the Judiciary Committee.

## Commerce

### Violent video games considered

The Commerce Committee, chaired by Sen. Sam Solon (DFL-Duluth), met Thurs., Mar. 2, to discuss three bills. Sen. Sandra Pappas (DFL-St. Paul) gave an overview of a bill, S.F. 2549, prohibiting the sale or rental of restricted video games to persons under 17 years of age. A provision prohibits displaying restricted video games that are visible from a public place and prohibits those under age 17 to patronize a place of business where restricted video games are shown. A discussion of the bill resulted in an amendment offered by Sen. Dave Kleis (R-St. Cloud) to delete the provision penaliz-

ing businesses for displaying restricted video games and disallowing admittance to those under age 17. The amendment was adopted. Sen. Linda Runbeck (R-Circle Pines) offered, and the panel adopted an amendment that lowers the age restrictions to 13.

Lieutenant Colonel Dave Grossman, U.S. Army, an expert in the area of human aggression and violence, testified that based on extensive research, violent video games are harmful to children. He proposed that legislation rate the videos and enforce the penalties for non-compliance in an effort to protect children from the violent images. According to Grossman, video games are more harmful to children than other forms of violent media, such as books or motion pictures, because they permit a child to hold and aim a gun and fire it at "virtual humans," making them active participants in the violence.

Sen. Allan Spear (DFL-Mpls.) said he opposed the bill on grounds of censorship. He said, "In the 1950's there was panic over comic books—they were blamed for the rise in juvenile delinquency, but no one believes that today." He also said that the bill treats the symptoms, but doesn't address the real problem of youth violence. The committee voted not to approve the bill.

Solon carried the omnibus liquor bill, S.F. 3581, which authorizes special provisions to the city of Minneapolis to issue an on-sale wine and malt liquor license to the Illusion Theater. The bill amended several related bills into the omnibus bill, authorizing liquor sales in other locations as specified, including an authorization allowed in Anoka, S.F. 3674, sponsored by Sen. Leo Foley (DFL-Coon Rapids); one in Minneapolis, S.F. 2377, sponsored by Sen. Linda Higgins (DFL-Mpls.); one in Bemidji, S.F. 2364, sponsored by Solon; one in Springfield, S.F. 3542, sponsored by Sen. Dennis Frederickson (R-New Ulm); one in Eveleth, S.F. 2869, sponsored by Sen. Jerry Janezich (DFL-Chisholm); and one in Duluth, S.F. 3581, sponsored by Solon. Another provision specifies that a commercial establishment in which individuals make wine on the premises for personal and family use only and not for resale, is not required to be licensed. The bill was recommended to pass as amended and sent to the Senate floor.

S.F. 2767, sponsored by Sen. Don Samuelson (DFL-Brainerd), requires health plan companies and third-party administrators to make prompt payments to health care providers and health care facilities on claims that meet the criteria established in the bill, or promptly deny the claims. The bill requires that third-party payers must pay within 30 days or pay interest. Provisions in the bill establish payment requirements, set an interest rate of 1.5 percent per month on claims not paid or denied on time and sets an effective date of Jan. 1, 2001. An amendment offered by Sen. Deanna Wiener (DFL-Eagan) was adopted that prohibits the commissioner from assessing a financial administrative penalty against a health plan company if the delay is due to the review of potentially fraudulent or abusive billing practices. The bill was recommended to pass and advanced to the Senate floor.

### **Auto glass repair bill okayed**

The Commerce Committee approved a bill changing laws regarding the repair of automobile glass and payment for that work by insurance companies at its Weds., Mar. 8, meeting. The committee, chaired by Sen. Sam Solon (DFL-Duluth), also considered a number of other bills on a variety of topics including accounting standards, electronic transactions, health care insurance contract stacking and dental insurance coverage.

Sen. Dallas Sams (DFL-Staples), sponsor of the auto glass repair bill, S.F. 3441, said it prohibits repair services from offering incentives, such as a small box of steaks, of value greater than \$35 or coupons for half off the price of the service. He said that most people don't choose a glass repair service until they need it, so the service vendors try to market directly to auto insurance policy holders by offering the incentives. However, many insurance companies think that the costs charged for the glass repair service is excessive and they are trying to control costs.

Sen. Cal Larson (R-Fergus Falls), who has authored similar legislation in the past, said that auto glass repair costs are 69 percent higher in Minnesota than the national average and that practices allowed in Minnesota are illegal in nine states. Larson added that the insurance

companies and auto glass repair industry came to an agreement with the proposal.

Sen. John Marty (DFL-Roseville) asked why the incentives aren't eliminated altogether. He said that in the long run, policy holders have to pay for the incentives in insurance premiums. Larson replied that it was tough to get the two parties to that point.

However, Mark Anderson, of the Minnesota Auto Glass Association, said the bill doesn't address the underlying problem of insurance companies steering policy holders toward specific vendors. He said that auto insurance companies usually send their customers to one of the big national auto glass chains and they denigrate independent glass vendors. He added that the giveaways are an abuse, but the cap in the bill will end it. Sen. Linda Runbeck (R-Circle Pines) said that the Legislature needs to be sympathetic to independent glass vendors because they are the competition. She suggested that they should come back with proposal next year. The bill now advances to the Senate floor.

Discussion was also generated by S.F. 3055, carried by Sen. Sheila Kiscaden (R-Rochester). Kiscaden said that there are three categories of insurance coverage for which health care providers may sign contracts: health, no-fault auto and workers' compensation. She said that some providers attempt all three, but most providers go to insurance companies seeking a contract to provide services for one kind of insurance. However, she said, the insurers tell the health care providers that they must also accept patients under other coverages as well. The problems health providers have, Kiscaden said, is that patients covered by different types of insurance may have a different profile and may require more costly medical attention. Under the bill, insurance companies may not "stack" insurance contracts or require "shadow contracts" with health care providers for other types of coverage. That way, Kiscaden said, the provider has predictable costs. She added that last year chiropractors were given an exception from having to honor shadow contracts and the bill broadens that exception to other health care providers.

Sen. William Belanger, Jr. (R-Bloomington) offered a substitute

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amendment establishing a task force to study the issue and make recommendations to the Legislature. Douglas Franzen, representing Blue Cross and Blue Shield of Minnesota, supported the amendment and said that all the parties need to sit down and talk it over. He said that there are many competing interests and a task force is a reasonable way to get a balanced solution that is good public policy. Kiscaden said she would support the task force in addition to, rather than instead of, her proposal. Franzen replied that the task force discussions would be biased if her proposal passed before they happened. However, the Belanger amendment failed on a divided vote. The panel approved the bill and re-referred it to the Health and Family Security Committee.

Sen. Deanna Wiener (DFL-Eagan) presented the Uniform Electronic Transactions Act bill, S.F. 3699. Wiener said the bill facilitates electronic commerce by declaring electronic transactions as the equivalent of their written counterparts. The bill was approved and now advances to the Senate floor.

A second bill sponsored by Sams, S.F. 2363, clarifies disclosure requirements that apply to dental services. Dominic Sposeto, representing the Minnesota Dental Association, said the bill is a response to a program initiated by Delta Dental. He said that dental insurers engage in "economic credentialing" of dentists to profile their utilization patterns of various procedures and use the information to regulate their reimbursement to dentists. He said the bill is not trying to eliminate the data collection, they just want insurers to disclose how it affects the dentist. Ted Grindal, of Delta Dental, said the bill is a balance between the proprietary need of the insurance company and dentists need. The bill was approved and referred to the Senate floor.

Sen. Linda Scheid (DFL-Brooklyn Park) presented S.F. 3488, a bill that changes the way assessments are charged by the Dept. of Commerce to credit unions. Cindy Jepsen, from the department, said the bill fixes a distortion created by state chartered credit unions having different examiners at the federal level. She said that even though the Commerce Dept. pays for examiner

hours, it is calculated in a different way and is about double of what a state chartered bank would pay. The bill was approved and re-referred to the Economic Development Budget Division.

The panel also approved S.F. 3203, sponsored by Sen. Edward Oliver (R-Deephaven). The bill adopts the National Association of Insurance Commissioners (NAIC) statutory accounting principles. Oliver said the bill conforms Minnesota to new uniform accounting principles for the insurance industry so that state regulators can better understand insurance company financial statements. He added that the bill does not usurp any state authority. The bill now proceeds to the Senate floor.

Wiener sponsored another bill before the panel, S.F. 2933, the Dept. of Commerce insurance technical bill. Gary Levasseur, assistant deputy commissioner, said the bill authorizes the department to restrict an insurer in certain circumstances, specifies when an affiliated insurance company may be included in a consolidated financial statement, clarifies that the rights of spouses is also applicable to children if the insured dies, deletes certain mandated benefits that are not applicable to dental insurance, puts non-profit companies on the same audit schedule as others, clarifies that insurance coverage continuation rights are not dependent on the terms of a divorce, specifies that refunds of unearned premiums must be returned within 30 days of surrender of the policy, recodifies discrimination provisions with other similar provisions, and repeals obsolete provisions. The panel adopted a number of technical amendments offered by Wiener, and one that clarifies which major medical policy holders must receive a notice if the policy has a lifetime benefit limit of less than \$1 million. The bill was approved and now goes to the Senate floor.

## Crime Prevention

### Juvenile prostitution bills gain

Two bills aimed at the problem of juvenile prostitution were advanced at the Fri., Mar. 3, meeting of the Crime Prevention Committee. S.F. 2771, authored by Sen. Randy Kelly (DFL-St.

Paul), establishes a grant program to provide shelter and counseling for homeless, runaway or thrown-away youth at risk of being prostituted or presently being used in prostitution. The bill also contains provisions to increase the penalties for pimps and patrons of juvenile prostitutes and establishes a grant program to educate and train police officers relating to juvenile prostitution. The second bill, S.F. 2852, also carried by Kelly, contains the same enhanced penalty provisions for pimps and patrons of juvenile prostitutes.

Attorney General Mike Hatch, former Minneapolis Mayor Al Hofstede, Minneapolis Police Sgt. Andrew Schmidt, and Suzanne Peterson, PRIDE Family and Children Service, all spoke in favor of the bill. Hatch said, "About a thousand kids are homeless in the state. It is vitally important to intervene within 30 hours of a child leaving home in order to prevent the child winding up as a juvenile prostitute." Hofstede said that the average age for entry into prostitution is 14. "These are young people with little education, skills or money," he said. Peterson said, "It is important to impress upon you the need for emergency shelter—currently there are only 65 beds statewide. If we don't provide shelter, the pimps will."

S.F. 2771, the bill containing appropriations for emergency shelter, was approved and referred to the Crime Prevention and Judiciary Budget Division. S.F. 2852, the bill containing the enhanced penalties was approved and advanced to the Senate floor.

In other action, the committee, chaired by Sen. Allan Spear (DFL-Mpls.), heard several additional bills. S.F. 3210, authored by Sen. Linda Higgins (DFL-Mpls.), provides penalties for anhydrous ammonia theft and tampering. Higgins said that anhydrous ammonia is used in producing methamphetamine and is frequently being stolen for use in "meth labs" in people's homes. An amendment, brought to the panel by Higgins, adds provisions from a bill that was passed last year but failed to be signed into law. The additional language imposes criminal penalties for placing a booby trap in locations where controlled substances are manufactured and specifies that a conviction for neglect or endangerment of a child is



not a bar for a conviction of another offense committed as part of the same conduct. Higgins said that the child neglect or endangerment portions of the bill arise from situations in which children are present on the premises of meth labs. The bill was approved and sent to the full Senate.

Members also approved a bill, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), making the criminal penalties for failing to file a tax return, report, or other document, or failing to pay or collect and remit a tax or surcharge, applicable to all taxes and surcharges covered under the insurance tax provisions of Minnesota law. S.F. 2655 was advanced to the full Senate. S.F. 3036, authored by Sen. Dave Johnson (DFL-Bloomington), authorizes DNR conservation officers to make DWI arrests, provides for the seizure and administrative forfeiture of firearms and abandoned property and makes other changes to DNR enforcement provisions. Johnson said the bill allows conservation officers to be used more effectively in rural and remote areas of the state because they are fully licensed peace officers. The bill was approved and sent to the Crime Prevention and Judiciary Budget Division.

The panel also approved a bill modifying mechanics' lien penalties, creating a civil cause of action, and providing criminal penalties. S.F. 2381, authored by Sen. John Hottinger (DFL-Mankato) was approved and advanced to the Senate floor.

A bill establishing an affirmative defense for a person who possesses or provides a small amount of marijuana solely for use with a debilitating medical condition failed to gain the committee's support. S.F. 3326, authored by Sen. Pat Piper (DFL-Austin), failed on a voice vote. Similarly, S.F. 2486, providing for community notification for certain high-risk juvenile sex offenders was laid on the table after members determined the bill contains data privacy provisions that had not been examined by the appropriate subcommittee. In addition, the committee members said that since there was no companion legislation in the other body there wasn't enough time before the deadlines for the bill, sponsored by Sen. Charles Wiger (DFL-North St. Paul), to go to the Judiciary Committee.

## **Bias crimes considered**

The Senate Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.) met Mon., Mar. 6. The first bill, S.F. 887, carried by Sen. Richard Cohen (DFL-St. Paul), was one that passed the Crime Prevention Committee last year, but was not acted on by the House, according to Spear. The bill provides for enhanced penalties for bias motivated offenses. Under current law, enhanced penalties are used for assault, criminal damage to property, and harassment/stalking if the crime was motivated by bias. The bill addresses bias-motivated crimes by placing bias crimes in one section of law where it also specifies penalty enhancements as additional crimes. Language in the bill defines "bias-motivated offense" as an offense committed when the offender intentionally selects the victim or the property against which the offense is committed, in whole or in part, because of the victim's, the property owner's, or another's actual or perceived race, color, religion, sex, sexual orientation, national origin, or disability. The bill adds penalty enhancements to current law for interfering with religious observance, fourth and fifth-degree arson, trespass, civil disorder, unlawful assembly, third-degree riot, disorderly conduct, public nuisance, obscene or harassing phone calls and harassing letters, telegrams or packages.

The bill requires mandatory education and community service for juveniles adjudicated delinquent for committing bias crime offenses. In addition, the bill recommends that the Sentencing Guidelines Commission consider modifying the sentencing guidelines to include bias as an aggravating factor to justify a sentencing departure in cases of felony offense due to bias.

Attorney Scott Johnson opposed the bill. He said the bill functions to expand the background of the perpetrator in addition to that of the victim, shifting the emphasis from criminal conduct to the judgement of "motive." Johnson further stated that the mandatory instruction of offending juveniles on bias issues would be counter productive.

Sen. Thomas Neuville (R-Northfield) said that he opposes the bill because he feels that all crimes are hate crimes and are already addressed under current law.

Written testimony in support of the bill was provided by Henry Oertelt, a survivor of the Holocaust. He stated, "The traumatic emotional and physical feeling I still have about my experiences during the Holocaust are made much worse when I read or hear in the news about Neo-Nazi groups spreading flyers in Bloomington or when I personally receive hate letters in the mail. Some say that the horrific events of the Holocaust could never happen here. I disagree. All you need is that slippery slope and it can lead to disaster."

The bill was approved and advanced to the Senate floor.

Sen. Dave Johnson (DFL-Bloomington) sponsored S.F. 3455, a bill that provides immunity from liability for employees or company agents of financial institutions to provide good faith disclosure on stolen, forged, or fraudulent checks in the course of an investigation. The bill also makes it a crime to falsely report stolen checks to a financial institution, or to possess, sell, receive, or transfer stolen or counterfeit checks. Another portion of the bill creates a new crime applicable to those who possess, sell, receive or transfer stolen or counterfeit checks. Also, the definition of "criminal act" in the racketeering crime law is changed to define a person who may be prosecuted for racketeering if their criminal activity fits an organized pattern fitting the racketeering definition. The bill was advanced to the Senate floor.

Johnson also sponsored S.F. 2677, a bill that restructures and attempts to simplify laws related to impaired driving. The bill creates a new chapter of Minnesota Statutes, known as the Impaired Driving Code, which reorganizes existing laws in a more logical manner, according to Johnson. The impaired driving laws are organized into sections that include general provisions (citation, definitions, application, etc.), criminal provisions, procedural provisions, administrative provisions, and miscellaneous provisions.

Under the bill, three degrees of impaired driving crime are specified. "Third degree driving while impaired" is the core provision and includes driving while impaired under any of the circumstances recognized by current law. The new third degree crime is a misdemeanor offense. "Second degree driving

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while impaired” involves impaired driving, but with one aggravating factor present at the time the crime was committed. The new second degree crime, under the bill, is a gross misdemeanor offense and a person convicted of it is subject to the administrative penalty of plate impoundment and may be subject to mandatory minimum sentencing provisions. “First degree driving while impaired” includes impaired driving with two or more aggravating factors present at the time the crime was committed. The new first degree crime is also a misdemeanor offense, under the bill. A person convicted of a first degree crime is subject to custodial arrest and administrative sanctions of plate impoundment and vehicle forfeiture and other provisions. The bill was advanced to the Senate floor.

Sen. Randy Kelly (DFL-St. Paul) carried S.F. 3580, a bill that amends the definition of “harassment” in the harassment restraining order law. The bill clarifies that a single incident may qualify as harassment as opposed to current law which defines harassment to include repeated incidents of intrusive or unwanted acts, words, or gestures that are intended to adversely effect the safety, security or privacy of another. However, the bill also specifies that the incident or incidents are intended to have a significant adverse effect on the safety, security or privacy of another. Sen. Ember Junge (DFL-New Hope) proposed deletion of a section of the bill dealing with filing fees and cost of service. The amendment was adopted. The bill was recommended to pass as amended and re-referred to the Judiciary Committee.

## **Eight bills considered**

The Crime Prevention Committee, chaired by Sen. Allan Spear (DFL-Mpls.), met Weds., Mar. 8, to discuss eight bills. The first bill under consideration was S.F. 1952, carried by Sen. Charles Berg (IND-Chokio). The bill clarifies the warrant authority of alcohol and gambling agents. Under current law, judges are required to issue signed warrants to peace officers in the judge’s county or to an agent of the Bureau of Criminal Apprehension (BCA) when grounds exist for a warrant. The bill designates special agents assigned to the

Alcohol and Gambling Enforcement Division as persons to whom a warrant may be issued. The bill was approved and advanced to the Senate floor.

S.F. 2770 is carried by Sen. Randy Kelly (DFL-St. Paul). The bill increases the maximum fines for petty misdemeanor offenses from the current \$200, to \$300; and for misdemeanor offenses, from \$700, to \$1,000. According to Kelly, it’s been 17 years since the misdemeanor fines have been revised, he said, “Current expenditures on public safety by counties has risen 36 percent from 1992 to 1996.” The bill was approved and advanced to the Senate floor.

Sen. Charles Wiger (DFL-North St. Paul) sponsored S.F. 2828, a bill that regulates and prohibits gambling activities. Under the bill, persons who cheat at gambling are subject to felony charges if they are owners or employees of a gambling operation. Under the bill, most other cheating offenses committed by gambling establishment patrons, such as “placing, canceling, increasing, or decreasing a bet after acquiring knowledge not available to other players of the outcome of the game or subject of the bet, or of events affecting the outcome of the game or subject of the bet,” are considered gross misdemeanor offenses. Exceptions include the use or possession of a probability-calculating or outcome-affecting device, which are felonies under the bill. Sen. Leo Foley (DFL-Coon Rapids) and Kelly said they thought the felony charge was too severe. Sen. William Belanger (R-Bloomington) said that considering the potentially high stakes, he did not think a felony charge was too severe. The bill was recommended to pass and advanced to the Senate floor.

S.F. 2830, is also carried by Wiger. The bill provides that a person may be charged with escape from custody when they escape after lawful arrest prior to the commencement of trial proceedings. The bill was recommended to pass and advanced to the Senate floor.

Sen. Arlene Lesewski sponsored S.F. 3108 (R-Marshall), a bill that regulates telephone access of inmates at local and state correctional facilities. The bill regulates an incarcerated person’s right to a private interview with his or her attorney. According to Lesewski, the bill attempts to make a distinction

between incarcerated persons serving executed sentences and those who are not, with regard to telephone access with their attorneys. The bill was recommended to pass and advanced to the Senate floor.

S.F. 2858, authored by Spear, addresses the management of civilly committed sex offenders. One portion of the bill changes the law governing the transfer of persons committed as sexual psychopathic personalities or sexually dangerous persons to and from a correctional facility. The bill also specifies that persons committed under current law, who are later committed to the custody of the commissioner of corrections for any reason, including being sentenced for a crime or revocations of the person’s supervised release, be transferred to a facility designated by the commissioner of corrections without regard to procedures, such as analyzing the person’s unamenability to treatment, as is specified under current law. The bill also provides that after a sexual psychopathic personality/sexually dangerous person has served the sentence, the person must be transferred to a treatment program designated by the commissioner of human services. The bill was approved and referred to the Senate floor.

Sen. Becky Lourey (DFL-Kerrick) carried S.F. 3046, a bill that clarifies the definition of a “peace officer.” The bill pertains to the crime of “fleeing a peace officer in a motor vehicle” and specifies the authority of tribal police officers, licensed by the POST Board, to police according to law. The bill was recommended to pass and referred to the Consent Calendar.

S.F. 2845, sponsored by Sen. David Knutson (R-Burnesville), increases the criminal penalties and driver’s license sanctions for underage persons who use any type of false identification to purchase, or attempt to purchase, alcohol or tobacco. The bill authorizes liquor retailers who think a false ID has been used to purchase illegal products, to seize the ID and deliver it to a law enforcement agency. The bill also provides penalties for using false forms of ID’s and specifies procedures for the commissioner of Public Safety and the Juvenile Court in processing underage persons who purchase illegal products. Members discussed the problem of

requiring retailers to confiscate ID's in these situations. Sen. Ellen Anderson (DFL-St. Paul) objected to the portion of the bill that authorizes a retailer to seize a form of ID and return it to the person, or the person's guardian, within 48 hours of seizing it. Anderson said she objected to the 48-hour stipulation, saying that it was unreasonable to keep ID's for so long. The bill was laid over for further consideration.

## Crime Prevention and Judiciary Budget Division

### Three budget bills discussed

The Crime Prevention and Judiciary Budget Division, chaired by Sen. Randy Kelly (DFL-St. Paul), met Mon., Mar. 6, to consider a number of budget proposals. The first bill under consideration, S.F. 3608, carried by Sen. John Hottinger (DFL-Mankato), deals with a regional training facility for peace officers, firefighters and emergency medical responders. The Mankato regional area was chosen to support existing program opportunities at Minnesota State University, Mankato and South Central Technical College. The bill appropriates \$8 million for the project, which includes \$6 million to design, construct and equip the facility and \$2 million to design, construct, expand and equip the firearm and tactical training facilities. Funding for the facility would be through a combination of local, state and federal funding. The bill was laid over for further consideration.

Sen. Steve Murphy (DFL-Red Wing) sponsored S.F. 3226, a bill that deals with confining juvenile offenders. Murphy said that the intent of the bill is to encourage courts to place juvenile offenders at MCF-Red Wing who would otherwise be located at out-of-state facilities, which are more expensive, less effective in treating offenders and typically located at a great distance from family members. The bill requires the commissioner of corrections to use established admissions criteria in determining the appropriateness of placing juvenile offenders at the facility, while considering that the MCF-Red Wing's purpose is to serve juvenile offenders for whom the county has exhausted local resources.

The bill changes the requirement that the commissioner of corrections charge counties for the full per diem cost of confining juvenile offenders and instead requires they be charged for one-half of the costs. The bill also changes the formula for determining per diem costs and makes changes to a grant program that helps counties defray the costs of juvenile residential placements. Under the bill, the commissioner must compute costs based on projected population at the facility, pricing incentives, market conditions, and the need to balance revenue and expenses over a two-year period.

Members adopted an amendment that requires the commissioner to make juvenile residential treatment grants to counties to defray the cost of juvenile residential treatment. The commissioner is required to distribute 80 percent of the money appropriated to noncommunity corrections act counties and 20 percent to community corrections act counties. The bill also proposes a prohibition on placement at out-of-state facilities and deals with other juvenile commitment guidelines and reports to the sentencing guidelines commission.

The bill also requires the commissioner of corrections to study the state's juvenile correctional system as it relates to serious and chronic offenders. The bill will be incorporated into the supplemental bill.

S.F. 3642, a bill that changes current law relating to pedestrian crosswalks, is carried by Kelly. In explaining the need for the bill, Kelly said that California and Washington have stricter pedestrian laws and fewer pedestrian injuries and fatalities per capita. He cited several recent examples of local pedestrian fatalities due to careless driving. Members adopted an amendment that specifies that drivers must remain stopped until the pedestrian has passed the lane in which the vehicle has stopped. The bill also specifies that when a vehicle is stopped to allow a pedestrian to cross the roadway with or without a marked crosswalk, the driver of any other vehicle approaching from the rear must not overtake and pass the stopped vehicle. However, pedestrians crossing a roadway at any point other than within a marked crosswalk or intersection with no marked crosswalk

shall yield the right-of-way to all vehicles. Finally, the bill appropriates \$300,000 to continue its safety awareness program. The bill was laid over for further consideration.

### Felony DWI bill considered

The Crime Prevention and Judiciary Budget Division, chaired by Sen. Randy Kelly (DFL-St. Paul, met Weds. evening, Mar. 8, to discuss six bills. Sen. Dave Johnson (DFL-Bloomington) carried S.F. 2659, a bill that imposes a felony penalty on persons convicted of a fourth impaired driving offense within a ten-year period. Under the bill, a person convicted as such is sentenced to both incarceration and intensive probation supervision. The bill provides for a mandatory sentence of not less than five years nor more than seven years imprisonment and a maximum fine of \$14,000. The court is allowed to stay its execution in certain cases, which includes the condition that the person enter a program of intensive probation supervision, following incarceration, that includes electronic monitoring and intensive chemical dependency treatment.

The bill also limits the "innocent owner" defense in DWI forfeiture law, which penalizes vehicle owners who had reason to know that they were allowing use of their vehicle while the driver was intoxicated. The bill includes a requirement that persons convicted of DWI offenses must refrain from the use of alcohol or drugs as a condition of a stayed sentence. A provision also requires the commissioner of corrections prepare and submit to Legislature a plan for supervising felony-level impaired driving offenders.

Following discussion of the bill, several amendments were adopted including the removal of the mandatory minimum sentence. The minimum sentence was lowered from 180 consecutive days of incarceration to 100 days. Also, an amendment creates a working group to study and create guidelines for sentencing. Under the amendment the bill takes effect Aug. 1, 2000 and sunsets Aug. 1, 2001. The panel agreed to have Senate counsel put the bill as amended into written form by Fri. Mar. 10, at which point members will review the bill before taking a final vote.

Kelly sponsored S.F. 2771, a bill that enhances penalties for pimps and



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patrons of juvenile prostitutes, ages 16 and 17, and establishes a grant program for educating and training police officers in areas related to juvenile prostitution crime. The bill appropriates \$500,000 for juvenile prostitution law enforcement and officer training grants. The bill also establishes a grant program to provide shelter and counseling for homeless, runaway, or thrown-away youth at risk of being prostituted or presently prostituted. Under the bill, \$500,000 is appropriated for shelter and counseling. The bill was recommended to pass and incorporated into the supplemental appropriation bill.

Sen. Ember Junge (DFL-New Hope) sponsored S.F. 2931, a bill that establishes guidelines for the administration of battered women's shelter per diem funding by the Minnesota Center for Crime Victim Services (MCCVC). The bill appropriates \$3.04 million to provide reimbursement to local programs for maintenance and security costs to assure the availability of safe shelter for battered women. An amendment was adopted calling for a study to analyze the impact of law enforcement practices in relation to domestic violence. The bill was laid over for incorporation into the omnibus budget bill.

Johnson also sponsored S.F. 3036, a bill that provides for the seizure and administrative forfeiture of specified firearms and abandoned property by Dept. of Natural Resources enforcement officers. Under the bill, when property is seized the enforcement officer must present the owner with written notice of the seizure and intent to forfeit the property. A provision details an appeals process for seizure claims and makes provisions for the disposition of forfeited property. The bill was recommended to pass and referred to the Senate floor.

S.F. 3296, carried by Kelly, is a bill dealing with the abolition of Tax Court. The bill was laid over.

Sen. Jerry Janezich (DFL-Chisholm) sponsored S.F. 3320, a bonding bill for public safety training facilities and equipment. The bill appropriated \$9.202 million for projects at the Mesabi Range Community and Technical College and \$2.559 million for the Mesabi Range Community and Technical College. The bill was laid over to be considered with the budget bill.

## Economic Development Budget Division

### Bonding requests heard

Funding requests for museums, historic sites, and visitor centers were heard Thurs., Mar. 2, by the Economic Development Budget Division and the Human Resources Finance Committee. Sens. Jerry Janezich (DFL-Chisholm) and Linda Berglin (DFL-Mpls.) co-chaired the committee.

S.F. 2495, authored by Sen. Dan Stevens (R-Mora), appropriates \$150,000 for the construction of an elevator at the Mora Workforce Center to bring the building into compliance with the Americans with Disabilities Act. Terry Dalbey, the center's manager, said that whereas unemployment in Ramsey and Hennepin Counties is 1.6 percent or better, counties served by the center, such as Kanabec, face up to 6.38 percent unemployment.

Sen. Sandra Pappas (DFL-St. Paul) sponsored S.F. 2887, a bill appropriating \$1.5 million for construction of the Gibbs farm interpretive and visitor center. Quinn Tierney, director of development for the Ramsey County Historical Society, said that the center provides educational opportunities for children and visitors about the "middle ground," a time in Minnesota history when Native Americans and Euro-Americans coexisted peacefully in the area. Tierney also said that matching funds will be secured before the state funds can be used.

A bill sponsored by Sen. Dean Johnson (DFL-Willmar), S.F. 2597, appropriates money to the city of Lake Lillian to construct a community center. Jeff Wallenta, a Lake Lillian area resident, said that in the absence of a community building, township meetings are held in private homes. Problems finding adequate space for attendees during discussions about high profile topics causes problems, Wallenta said.

S.F. 2524, sponsored by Sen. Steve Dille (R-Dassel), authorizes a grant to the city of Dassel to complete renovations and accessibility improvements in the Ergot Museum. Museum proponent Ken Skalberg said the 1939 building produced ergot, a fungus disease of grain used for blood clotting, after European supplies ended during World War II.

Universal Laboratories, the building's business name, had an important function in history, Wallenta said.

Pipestone County Museum representatives Rebecca Ostrom and Chris Roelfema-Hummel testified on behalf of S.F. 2537. The bill, authored by Sen. Arlene Lesewski (R-Marshall), appropriates \$125,000 for the construction of an elevator for the museum when matching non-state funds have been raised.

Lesewski also authored S.F. 2963, a bill appropriating money for a visitor center and railroad depot in Lake Benton. Lake Benton Mayor Marlin Thompson said that four weekly passenger train stops make the project worthwhile.

A bill sponsored by Sen. Twyla Ring (DFL-North Branch), S.F. 3477, appropriates funds for permanent exhibits at the North West Company Fur Post Interpretive Center. Rachel Tooker, head of historical sights for the Minnesota Historical Society, said current funding will only allow the building's construction. Sen. Randy Kelly (DFL-St. Paul), who spoke about former Senator Janet Johnson's relationship to the area, offered an amendment naming the building the "Senator Janet B. Johnson exhibit hall." Members unanimously adopted the amendment.

Sen. Dennis Frederickson (R-New Ulm) sponsored S.F. 3329, a bill appropriating money to the Minnesota Historical Society for county and local preservation projects. Funds must be matched by non-state sources of at least an equal amount before grants are awarded, Frederickson said.

S.F. 1314, a bill authored by Sen. Gary Laidig (R-Stillwater), appropriates \$2 million in state funds, to be matched by \$2 million in funds from Stillwater, to rebuild and fortify the historic territorial prison wall. The prison has a rich history, Laidig said, including the establishment of Minnesota as a state and scandals over contract prison labor.

Sen. Linda Higgins (DFL-Mpls.) authored S.F. 3340, a bill appropriating \$3.75 million for the mill ruins historic site and museum at St. Anthony Falls. The state's contribution is part of a \$24 million project that includes money from the McKnight Foundation and the Federal government, Higgins said.

No formal action was taken on any of the bills.

## Bonding requests continue

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No formal action was taken on any of the bills.

## Spending requests heard

The Joint Economic Development Budget Division and Human Resources Finance Committee met Mon., Mar. 6, to hear a number of funding bills. Sens. Linda Berglin (DFL-Mpls.) and Jerry Janezich (DFL-Chisholm) co-chair the committee.

Said to provide more bang for the buck by Phalen Corridor Initiative Project Director Curt Milburn, S.F. 3382 appropriates \$10 million for financing construction to connect Phalen Boulevard from I-35E to Payne Avenue. The bill's author, Sen. Randy Kelly (DFL-St. Paul), said that \$12 million dollars in federal funds, \$7.2 million from St. Paul, and \$2.5 million from Ramsey County have already been secured. Members adopted an amendment, offered by Kelly, earmarking the funds for right of way acquisition.

Milburn said that six businesses offering 670 jobs already inhabit the 26 acres on William's Hill, the project's location. Twelve more businesses are looking at the last section to be developed, Milburn said. The East Metro bus garage also plans to be located on Phalen Boulevard once construction is complete, he said.

Berglin sponsored S.F. 3596, a bill appropriating money for air conditioning infrastructure for publicly owned high rise residences housing low-income elderly and disabled persons. Evelyn Hamre, a resident, said that sleeping during the summer months is almost impossible due to heat and humidity. Berglin said that the appropriation amount will be left blank until the committee decides what amount can be given to the project.

Berglin also authored S.F. 3460, a bill appropriating money for affordable housing and mixed commercial and residential development, as well as new streets and infrastructure, in the Hiawatha corridor. James Graham, project manager and resident of Ventura Village, said that there is a 0.04 percent housing vacancy in the Phillips neighborhood. The bill provides rental carriage houses and other development along proposed light rail stations on the Hiawatha corridor to address the situation, Graham said.

A bill appropriating \$4.425 million to restore a former calvary barracks at Fort Snelling, S.F. 2973, was heard by the

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committee. Sen. Steven Novak (DFL-New Brighton) authored the bill. Hosteling International of Minnesota must enter into a lease with the state to operate the hostel, Novak said. He added that state funds are not to be used for the operation and maintenance.

S.F. 3499, sponsored by Sen. Dean Johnson (DFL-Willmar), provides funding for the historic Grimm farm program and support facility located 30 miles west of Minneapolis. "The program holds a great significance for suburban children," Johnson said. He said visitors will learn about rural Minnesota life in the latter part of the nineteenth century at the farm. In addition to a restored farmhouse, the site plan calls for re-establishment of kitchen gardens, heirloom apple trees, historic fence lines, crop land, and pastures.

The committee took no formal action on any of the bills.

## Housing program requests heard

The Economic Development Budget Division heard several grant requests at its Mon., Mar. 6, meeting. Three of the requests addressed various housing issues, while the balance concerned economic development projects and programs.

Sen. Jerry Janezich (DFL-Chisholm), chair of the division, presented S.F. 3389, and said it is the governor's housing initiative. Tanya Orr, assistant commissioner of the Housing Finance Agency (HFA), said the bill transfers \$54.5 million of the Dept. of Human Services Temporary Assistance to Needy Families (TANF) money to the HFA. Of that amount, she said, \$15 million is a grant for Habitat for Humanity and \$39.5 million goes to the affordable rental investment fund. Orr said the fund is used to rehabilitate rental housing and build new housing. Under the bill, the housing must be occupied by Minnesota Family Investment Plan (MFIP) recipients, or those that recently left MFIP because their employment income exceeded the limit.

Steve Seidel, Twin Cities Habitat for Humanity, said that in 2000 they will build 130-140 units of affordable housing, and there are plans for even more per year in the future.

Sen. Deanna Wiener (DFL-Eagan) said she was concerned about getting

local communities to participate. She said that mixed use housing development has been used in some areas, but asked if "we need a carrot for some communities?" Many businesses need labor but don't have it because of a lack of housing in the community, Wiener said.

Another housing related bill, S.F. 2406, sponsored by Sen. Ellen Anderson (DFL-St. Paul), appropriates \$2 million for the family homeless prevention and assistance program. Anderson said it is a quality program with a good track record, but the need is much greater than the Legislature has been able to fund. Michael Dahl, of the Minnesota Coalition for Homelessness, said that 16,000 people are homeless each night in Minnesota. He said the program helps people make the transition from temporary to permanent housing. Dahl added that the program is not available in half the state, and local agencies are turning people away where it does exist.

Sen. Linda Berglin (DFL-Mpls.) presented S.F. 3252 to the division. Berglin said that under the bill, loans are made available to nursing homes to convert to a different use, especially assisted living. She said that nursing home populations are declining and it is nearly impossible for nursing homes to get financing through the private sector for conversion. Berglin said there is not much assisted living capacity for low to moderate income people and assisted living services in nursing homes is more expensive.

The panel also considered four economic development bills. Sen. Sam Solon (DFL-Duluth) sponsor of S.F. 3599, said the bill is asking \$400,000 for the Natural Resources Research Institute (NRRI). He said that in previous years the NRRI received as much as \$900,000 per year. However, Solon said, last year it received \$850,000, and only \$450,000 for this year. He said the NRRI uses the state appropriation to leverage a substantial amount of federal and private grant money. Robert Boden, of the NRRI, said the institute aids small businesses with research to develop new products and new industries and they usually require a matching investment from the company being helped.

Sen. Linda Runbeck (R-Circle Pines) said it was her understanding that much

of the NRRI's research involves wood and asked why the major wood and paper companies in the area don't conduct their own research. Boden replied that the NRRI looks at the wood processing waste stream for product ideas. He said that when they have an idea, they approach the wood processor to participate in the product development. Boden said that the NRRI develops prototypes of new products and conducts cost analyses of the production processes.

Heritage Halls, a transportation and history museum in Owatonna, is slated to receive a total of \$525,000 over three years under S.F. 2387, sponsored by Sen. Dick Day (R-Owatonna). Roger Gomoll, the museum director, said the museum is the dream of local businessman Buzz Kaplan, but the original plan was overly optimistic in anticipating visitors. To insure the future of the museum, Gomoll said they are soliciting donations from private contributors and forging partnerships with other organizations. However, the museum needs some short term funding to develop educational programs and hire staff until the museum becomes self-sufficient, he said. Under the bill, \$225,000 is appropriated to fund educational program development, and \$300,000 is appropriated over three years to transfer the museum to a nonprofit foundation and to help solicit private donations.

Sen. Dave Johnson (DFL-Bloomington) presented S.F. 2957, a bill that appropriates \$372,000 to the Minnesota Council for Quality. Bob Killeen, chair emeritus of the council, said it was founded in 1976 to increase productivity and improve the quality of manufacturing processes because Minnesota businesses were not competitive with Japanese businesses and that it was an issue of job security. Since that time, Killeen said, the council has had a role in helping 6 Minnesota business win Baldrige awards. Runbeck asked why the businesses that receive the assistance -aren't willing to pay for it. Killeen replied that many organizations helped by the council are small and can't afford consultants. He said the council trains people from within the organization to go back in and be the consultants. "Many companies are not aware of the business that's out there," Killeen added.



The division also heard S.F. 2458, sponsored by Sen. Steven Novak (DFL-New Brighton). Novak said the bill appropriates \$200,000 for a grant to Project Innovation, Inc. He said Project Innovation helps to get start up funds and federal procurement contracts for Minnesota businesses.

No formal action was taken on any bill, however, the division will consider each request for inclusion in the division's omnibus appropriation bill.

## Election Laws

### Executive definition okayed

The Election Laws Committee, chaired by Sen. John Marty (DFL-Roseville), met Mon., Mar. 6, to consider S.F. 3585. The bill clarifies that "employee in the executive branch" includes executive branch constitutional officers.

Marty, who presented the bill, said the bill is not an attempt to punish the governor. Marty said the bill addresses a lack of clarity in current law. "It's clear there is a question about interpretation of the law," he said. Sen. Carol Flynn (DFL-Mpls.) said voters won't make that distinction. "The bill will be viewed as an attempt to get even with the governor," she said. Marty offered an amendment that states elected constitutional officers may not receive any other compensation for services performed during their tenure in office or for the sale of their intellectual property during their tenure in office. The amendment does not prevent an elected officer from receiving retirement benefits or from receiving income from investments. The amendment was adopted. Marty said the bill deals with the question of loyalty. "If you're paid by the taxpayers, you have to be loyal to them," he said. Sen. Ember Junge (DFL-New Hope) said the amendment raises different issues than the bill. Sen. Douglas Johnson (DFL-Tower) said the governor's activities haven't affected his ability to do his job as governor. Sen. Linda Scheid (DFL-Brooklyn Park) said the language of the amendment seems restrictive. Marty said large royalties from book sales or other types of compensation cause a conflict of interest. Flynn said regulating outside income is a sticky issue. "We're getting into an area we don't belong," she said.

Junge made a motion to reconsider the amendment. The motion was adopted. Marty withdrew the amendment.

Junge offered an amendment to change the effective date of the bill to the first Monday in Jan., 2003. "We shouldn't change the rules in the middle of the game," she said. Sen. Dean Johnson (DFL-Willar) said the change clarifies the issue isn't a personal thing but a public policy matter. Sen. Roger D. Moe (DFL-Erskine) said the bill simply applies the same standards to constitutional officers as state employees. Flynn pointed out that if the bill becomes law, current law doesn't have a good mechanism for resolution of conflict of interest cases. The bill was approved and re-referred to the Governmental Operations and Veterans Committee.

## Environment and Natural Resources

### Forestry bill approved

The Dept. of Natural Resources (DNR) forestry bill was approved at the Fri., Mar. 3, meeting of the Environment and Natural Resources Committee. The committee also heard a presentation of the DNR's revised gray wolf management plan and approved two bills, one funding an emergency response in the event of a major wildfire and the other providing for drainage management districts use of funds.

The forestry bill, S.F. 2878, sponsored by Sen. Bob Lessard (DFL-Int'l. Falls), the committee chair, contains the Heritage Forests language developed in S.F. 2949. In addition, Lessard said it contains provisions amending the procedures for the sale of timber in lots of no more than 3,000 cords, changes timber auction sales procedures, authorizes a 120 day extension to remove cut timber, changes bond posting requirements, changes timber sale transaction provisions and revises procedures for rescaling, recounting and re-estimating the original appraiser's determination. Finally, the bill authorizes a change in DNR rules relating to the use of motor vehicles in state forests.

Sen. Twyla Ring (DFL-North Branch) offered an amendment requiring the DNR to involve the public in the timber

sale process. This will improve the management of forests she said. However, Bob Tomlinson of the DNR spoke against the amendment. He said that the department already posts their timber harvest plans on their web site and tries to involve the public in the planning of harvests. Tomlinson added that the language in the amendment is too prescriptive and the process needs to evolve over time. Ring withdrew the amendment. Later however, Sen. Jane Krentz (DFL-May Township) re-offered the amendment after making some modifications. Under Krentz's motion, the DNR must describe the public involvement process, post it on the department's web site, and report to the Legislature on the effectiveness of the process. The amendment was adopted on a 7-6 divided vote.

Members also adopted a motion, made by Sen. Dan Stevens (R-Mora), clarifying the differences between permanent and limited term easements for lands receiving the Heritage Forest designation.

Additionally, Gene Larimore, of Minnesotans for Responsible Recreation, spoke in favor of the bill's provisions that change rules regarding motor vehicles in forests. He said that his organization released a report in December on the irresponsible use of off highway vehicles on state lands. "This bill is a small step toward regaining management of those lands," Larimore said.

The committee also heard a presentation from Sen. Gary Laidig (R-Stillwater) on the revised DNR wolf management plan found in S.F. 2984. Laidig said that last year there was legislation for the state to takeover management of the gray wolf in preparation of the U.S. Fish and Wildlife Service (USFWS) removing it from the endangered species list, or "delisting." He said the bill that passed the other body favored the agricultural interests but the Senate bill didn't pass. The new bill, Laidig said, is a direct response by the DNR to the shortcomings of the roundtable agreement found in S.F. 1543. The DNR wants to insure survival of species, but listened to the concerns about last year's bill, Laidig said.

Laidig said he preferred to send a bill similar to S.F. 1543 over to the House

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so that the compromise agreement from the conference committee will be similar to the new bill, S.F. 2984. He said it is unlikely that the USFWS will delist the gray wolf until Minnesota comes up with a management plan that protects the species for the next five years. Laidig said the difference between the two bills is that the new bill recognizes the most suitable habitat for the gray wolf and provides maximum protection within that zone. In the agricultural areas, Laidig said, the new bill allows the taking of wolves. No formal action was taken on S.F. 2984.

Earlier the committee approved S.F. 3678, sponsored by Sen. Dennis Frederickson (R-New Ulm). Frederickson said the bill clarifies a drainage authority's allowable use of funds that were derived from an affected area. He said the bill authorizes the drainage authority to use the funds anywhere within the district. The bill now advances to the Senate floor.

The panel also approved S.F. 3357, carried by Sen. Douglas Johnson (DFL-Tower). The bill appropriates \$227,000 to Lake County, \$430,000 to Cook County, and \$802,000 to St. Louis County for emergency wildfire equipment and preparation because of timber blown down in a windstorm last summer. The bill now goes to the State Government Finance Committee.

## MTBE bill okayed

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), met Mon., Mar. 6, and approved four bills, including one that calls for the elimination of MTBE and two other fuel oxygenates from gasoline sold in Minnesota by 2005.

S.F. 2946, authored by Sen. Jim Vickerman (DFL-Tracy), calls for phasing out methyltertiarybutylether (MTBE), ethyltertiarybutylether (ETBE) and tertiaryamylmethylether (TAME) over a five-year period. Under the bill, the three oxygenates must be reduced to one-half of 1 percent by July 1, 2001 and eliminated by July 1, 2005.

"This is terrible stuff," said Vickerman. "We shouldn't have it anywhere, but it's in the pipeline" in small amounts. That's why the bill contains the five-year phase-out period, he said.

Mark Schmidt, of the Minnesota Pollution Control Agency (MPCA), spoke in support of the bill. "Getting down to zero may be problematic," he said. "But the lower the amount of MTBE, the better. And the sooner it goes down, the better."

Koch Refinery officials testified that neither Koch nor Ashland Refinery blend with MTBE anymore, but that small amounts get into the fuel stream through out-of-state sources.

The panel debated the one-half of 1 percent limit on MTBE and the date the reduction and the total elimination would go into effect.

"We need some limit, like one-half of 1 percent, on MTBE soon," said Huel Scherrer, of the Society of Automotive Engineers. "As phase-outs occur [around the country], the price of MTBE will drop and some distributors may start to blend with it" rather than ethanol.

An amendment to the bill, offered by Sen. Charles Berg (IND-Chokio), proposed moving the date on the one-half of 1 percent limit from July 1, 2000 to Aug. 1, 2001 and the elimination to Aug. 1, 2005. The amendment failed and dates for the reduction and elimination remained at July 1, 2000 and July 1, 2005, respectively. The bill was approved and referred to the floor.

The committee also approved three other bills.

S.F. 3323, authored by Sen. Claire Robling (R-Prior Lake), encourages public entities, such as counties, to encourage recycling of construction debris by making recycling the preferred waste management method. An amendment, authored by Sen. Jane Krentz (DFL-May Township), adds conditions for handling arsenic-treated lumber to the bill. Under the amendment, a person may not use treated lumber infused with arsenic for mulch or animal bedding, and a waste hauler or a person operating a construction debris recycling facility may not knowingly send or transport treated lumber to a resource recovery facility or to an unlined solid waste disposal facility.

No lumber would go into landfills if the amendment were passed, Lessard said. "This is turning into a major amendment because we don't know what it's going to do," he said.

Joe Paul, who operates a demolition debris landfill in Scott County, testified

that there is only a very small amount of green-treated lumber coming into his facility, not "loads and loads." The amendment was defeated. The bill was approved and referred to the floor.

S.F. 2289, authored by Sen. Martha Robertson (R-Minnetonka), modifies the effective period of state park permits to a 12-month, annual permit. An amendment, offered by Sen. Lawrence Pogemiller (DFL-Mpls.) and adopted by the panel, allows the commissioner of the Department of Natural Resources (DNR), with the approval of the executive council, to lease for restoration, preservation, historical, recreational, educational and commercial use and development purposes the portion of Fort Snelling State Park known as the Upper Bluffs. The bill was approved and referred to the consent calendar.

S.F. 3014, authored by Sen. Douglas Johnson (DFL-Tower), authorizes the public sale of tax-forfeited land that borders public waters in Lake County. The bill was approved and referred to the consent calendar.

## Three bills approved

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), met Weds., Mar. 8, and approved three bills, including a measure allowing the shipment of wild animals taken from the Northwest Angle portion of the Red Lake Indian Reservation.

S.F. 173, authored by Sen. Roger Moe (DFL-Erskine), recognizes the unique geographical location and factual circumstances underlying the Red Lake Band of Chippewa's jurisdiction over hunting on its lands in the Northwest Angle. According to the bill, the state acknowledges that wild animals taken and tagged in accordance with the Red Lake Band's conservation code on reservation lands north of the 49th parallel are to be considered lawfully taken and possessed. Under the bill, a hunter must buy one tribal deer license from the Chippewa Tribe, rather than two as required under the last year's proposal.

Since last year, when the bill was first introduced, language changes acceptable to the Department of Natural Resources (DNR) have been worked out, according to Deputy DNR Commis-

sioner Steve Morse.

Kris Hyden, of the Attorney General's office, said special circumstances in the case of the Red Lake Reservation, such as its geographic isolation and economic development issues, make the area unique and unlike other reservations in the state.

Likewise, Tom Kelliher, of the Minnesota Deer Hunters Association, said his organization had "no concerns with the way the bill is drafted."

The bill was approved and sent to the floor.

The committee also approved a bill aimed at cleaning up the Pig's Eye dump in St. Paul. S.F. 3290, authored by Sen. Randy Kelly (DFL-St. Paul), allows the Minnesota Pollution Control Agency (MPCA) to enter into a remediation agreement with the city of St. Paul to implement a portion of an action plan to provide a grant to implement the agreement. MPCA estimates the total cost for cleaning up the 300-acre dump near the Mississippi River at \$9 million and \$2.1 million is needed this year to start the process, Kelly said. Cathy Moeger, of the MPCA, said little if any public health risk is associated with the dump, but significant environmental hazards, including a threat to a blue heron rookery near the site, exist. The bill was approved and sent to the floor.

S.F. 3369, authored by Sen. Twyla Ring (DFL-North Branch), provides for grants for special purpose districts, such as Lake Improvement Districts (LID's) and watershed management organizations and other joint powers boards. The bill allows the issuing of grants across lines previously prohibited, such as across township and county lines in cases where special purpose districts exist. The bill was approved and sent to the floor.

## Environment and Agriculture Budget Division

### Bear center bills heard

Members of the Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), met Fri., Mar. 2, and heard six bills, including two which vie for funding to establish a bear interpretive center in Northern Minnesota.

S.F. 276, authored by Sen. Bob

Lessard (DFL-Int'l. Falls), appropriates \$5.76 million to construct a North American bear interpretive center, called the Big Bear Education Center, in Northome. Mary Lukenbill, vice president of Big Bear County Inc., noted that the state's largest black bear, weighing 687 pounds, was once taken near Northome. The community's bear center would try to capture some of the tourist traffic, some 1,600 cars a day, and some of the state's \$10 billion a year tourist industry, she said. The center will focus on education, collaborating with two local colleges, she said. "We don't have a lot of funding to work with. We're a very small community" of about 290 residents, she said.

S.F. 3013, authored by Douglas Johnson (DFL-Tower) appropriates \$6.186 million to design, construct, furnish and equip a North American Bear Center in the Ely/Orr area. Ely already has a wolf center and a wildlife sanctuary in Orr already feeds bears, noted city officials who propose a loop to link the wolf center and the wildlife sanctuary.

Both proposals include purchasing and installing the Science Museum of Minnesota's bear exhibit, "Bears: Imagination or Reality," at the centers.

S.F. 2399, authored by Sen. Cal Larson (R-Fergus Falls), appropriates \$2.3 million to the Office of Environmental Assistance (OEA) for a grant to the Pope/Douglas Counties solid waste board. The appropriation is to be used to construct a materials recovery facility to be used in conjunction with the counties' waste to energy facility. The bill also appropriates \$2.6 million for the biennium beginning June 30, 2001, to the OEA for grant to Olmsted County to construct a recovery facility to serve Olmsted and Dodge Counties. Neither project was included in the administration's bonding recommendations.

S.F. 2778, authored by Johnson, provides \$3.1 million to the commissioner of the Department of Natural Resources (DNR) to develop the harbor of refuge and marina at Two Harbors, including public access improvements, marina slips, parking facilities, utilities, a fuel dock, and an administration building. Under the bill, \$2.1 million is needed for the project.

S.F. 3357, also authored by Johnson,

provides \$1.164 million to the DNR for grants to Lake, Cook and St. Louis Counties for emergency communications and response equipment and emergency planning and training to respond to a major wildfire. Of this amount, \$134,000 is for a grant to Lake County, \$350,000 is for a grant to Cook County, and \$680,000 is for a grant to St. Louis County. Under the bill, St. Louis County must use a portion of the grant to purchase a NOAA warning system that can be used by all the counties receiving grants.

S.F. 2356, authored by Sen. Charles Berg (IND-Chokio), appropriates \$750,000 to the DNR to develop a campground area at Lac Qui Parle State Park. The administration's recommendation is \$500,000 for the project.

No action was taken on any of the bills, pending further discussion.

### Como Zoo bill heard

Members of the Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), got a first-hand look at some of the exotic animals housed at Como Park Zoo and Conservatory at the division's Mon., Mar. 6, meeting. Giant fruit bats, a chameleon and a tomato frog were among the animals and insects presented by zoo officials in conjunction with a capital budget funding bill for the zoo.

S.F. 962, authored by Sen. Ellen Anderson (DFL-St. Paul), appropriates \$21 million from the bond proceeds fund to the Metropolitan Council to complete construction of the Como Park Education Resources Center. Anderson said this is the third year in a row for a funding request (phase one was funded for \$3.9 million two years ago), and the project keeps growing, Anderson said. Chiron Middle School students who have attended classes at the conservatory told the division the classes are an invaluable experience that could only be improved with improved facilities, such as a proposed cafeteria. No action was taken on the bill, pending further discussion.

S.F. 2719, authored by Sen. Sandra Pappas (DFL-St. Paul), appropriates \$9.39 million from bond proceeds fund to the commissioner of the Department of Natural Resources (DNR) to "complete some missing links" in the St. Paul



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Capital City Connections Project near the Mississippi River. Under the bill, \$1.1 million is to acquire 27 acres of abandoned railroad yards and build 2.4 miles of trail to connect the Willard Munger Trail to the capital city core, \$3 million is to match federal authorization for developing the Upper Landing Park, \$4.917 million is for open space improvements on Raspberry Island and \$380,000 is for capital planning of linkages to the Mississippi River Regional and Dakota County Big River Regional Trails and to study the development of East Bank Trails. No action was taken on the bill, pending further discussion.

S.F. 2801, authored by Sen. Charles Wiger (DFL-North St. Paul), calls for depositing all of the deed and mortgage transaction fees (\$5 apiece) collected by Ramsey County in the special conservation account in the county's revenue fund. Under the bill, none of the fees may be transferred to the state Revenue Department, which currently gets half. Wiger withdrew the bill so it can be considered further next session.

S.F. 3290, authored by Sen. Randy Kelly (DFL-St. Paul), modifies reimbursement provisions for settlements made under the Minnesota Pollution Control Agency's (MPCA's) Environment Response and Liability Act. Under the bill, MPCA may use its authority to enter settlement agreements and provide reimbursement for implementation of a portion of an approved response action plan until June 30, 2001. The bill relates to clean-up of the Pig's Eye dump, a 300-acre dump located along the Mississippi River that poses a significant environmental risk, Kelly said. Total estimated clean-up cost is \$9.1 million, and \$2 million has been granted this year for phase one of the project. Under an amendment, offered by Sen. LeRoy Stumpf (DFL-Thief River Falls) and adopted by the division, the Western Lake Superior Sanitary District is allowed to operate its landfill one more year before having to choose another site for a permitted dump. The bill was approved and referred to the Environment and Natural Resources Committee.

S.F. 3310, also authored by Kelly, modestly expands the Department of Natural Resources (DNR) authority to support search and rescue operations at

the request of another emergency response agency, such as the Bureau of Criminal Apprehension, and to be reimbursed for the assistance. Because the bill shows a fiscal impact of \$193,000, the DNR didn't support the bill, which was laid over for further discussion next session.

## Twelve bills heard

Members of the Environment and Agriculture Budget Division met Weds., Mar. 8, and heard a dozen bonding requests for various wastewater treatment projects around the state. The division is chaired by Sen. Jane Krentz (DFL-May Township).

S.F. 2607, authored by Sen. Jim Vickerman (DFL-Tracy) appropriates \$297 million to the Public Facilities Authority (PFA) for deposit in the water pollution control revolving fund. Of the appropriation, \$100 million is for the agricultural best management practices loan program. Under the bill, \$100 million is appropriated from the general fund to the PFA for supplemental assistance to municipalities, \$1 million to the PFA for planning grants, and \$2 million to the Minnesota Pollution Control Agency (MPCA) for administration of the wastewater infrastructure fund construction program.

Three amendments were added to the bill.

One amendment, offered by Sen. Steve Dille (R-Dassel) and adopted by the panel, states that before the MPCA can issue a permit for a new wastewater treatment system requiring a National Pollutant Discharge Elimination System (NPDES) permit, and before construction can begin, the MPCA must evaluate the alternatives to the project, considering environmental and cost factors, and make written findings regarding its determination. The amendment also calls for an annual report tracking the location and capacity of each new wastewater treatment system requiring a NPDES permit built after May 1, 2000, and requires the report to be submitted to the legislative committee overseeing environmental policy and finance by Feb. 1 of each year.

A second amendment, offered by Sen. Ellen Anderson (DFL-St. Paul) and adopted by the panel, specifies that by

Jan. 15, 2001, the MPCA, in consultation with a number of other agencies, such as the Environmental Quality Board (EQB), report to the legislative committee overseeing environmental policy and finance on which agency should be responsible for a comparison evaluation for proposed and existing wastewater treatment systems.

A third amendment, offered by Vickerman and adopted by the division, directs the PFA and MPCA to evaluate wastewater treatment alternatives to the project and make written findings of its evaluation before financial assistance is received. Under the amendment, the PFA and MPCA may not approve a project for funding unless they find that the proposed project will be less expensive than using, modifying, or expanding an existing system. The amendment applies to all projects eligible to receive funding after May 1, 2000.

While the Coalition for Greater Minnesota Cities supported the amendments, the MPCA did not.

Requests for funding for 11 wastewater systems were also heard. S.F. 2308, authored by Vickerman, appropriates \$610,000 to the DNR for a grant to the Lewis and Clark Joint Powers Board to provide 50 percent of the non-federal share of funding for the first phase of a rural water system in Southwestern Minnesota. The entire project is expected to take 12 years to complete.

S.F. 2697, authored by Sen. Charles Berg (IND-Chokio), appropriates \$2.2 million to the PFA for a grant to Clara City to construct and upgrade capital improvements necessary to meet mandatory water quality standards and provide adequate water to the city. S.F. 3177, authored by Sen. Douglas Johnson (DFL-Tower), appropriates \$11.3 million to the Department of Trade and Economic Development (DTED) for a grant to Duluth for the extension of water and sanitary sewer service to the Duluth/North Shore Sanitary District to prevent discharge of untreated sewage into the Lake Superior basin.

S.F. 2503, authored by Sen. Dallas Sams (DFL-Staples), appropriates \$2 million to the PFA for a wastewater infrastructure grant to New York Mills. S.F. 2331, also authored by Sams, appropriates \$2.452 million to the PFA for a water pollution revolving fund

loan for Eagle Bend. S.F. 2242, also authored by Sams, appropriates \$2.48 million to the PFA for a drinking water revolving loan fund for Clarissa. Of the amount, \$465,000 goes to DETED for a small cities block grant to Clarissa for development of a drinking water system and \$535,000 is appropriated to the PFA for a wastewater infrastructure grant.

S.F. 3557, authored by Sen. Don Samuelson (DFL-Brainerd) provides \$2 million to the PFA for a wastewater infrastructure for the Garrison, Kathio, and West Mille Lacs Lake Sanitary Sewer District. S.F. 2797, authored by Sen. Warren Limmer (R-Maple Grove), provides \$4 million to the PFA for a grant to Dayton for a wastewater infrastructure funding project. S.F. 3081, authored by Sen. Sam Solon (DFL-Duluth), provides \$2.5 million to DETED for a grant to Duluth for water and sanitary sewer service to the Fond du Lac area to prevent discharge of untreated sewage into the Lake Superior basin.

S.F. 2491, authored by Sen. Dean Johnson (DFL-Willmar), appropriates \$4 million to the PFA for a grant to the Green Lake Sanitary Sewer and Water District for wastewater infrastructure funding. S.F. 2526, authored by Dille, appropriates \$1 million to DETED for a grant to Dassel to acquire, design, construct, furnish and equip an addition to the Dassel wastewater treatment plant.

## Family and Early Childhood Education Budget Division

### Community programs reviewed

Violent crimes by juveniles—murder, violent sexual assault, robbery and aggravated assault—peak between 3 p.m. and 4 p.m., the hour at the end of the school day, according to the National Center for Juvenile Justice. The center also determined that the rate of juvenile violence during the after-school period from 3 p.m. to 7 p.m. is four times the rate during standard curfew hours of 10 p.m. to 6 a.m. In response to this, the Family and Early Childhood Education Budget Division met Fri., Mar. 3, to discuss increasing appropriations for youth and general community programs. Committee Chair, Pat Piper (DFL-

Austin) invited youth program leaders from the New London/Spicer Community School District and the Montevideo School District to talk about programming in their areas.

Doug Spray, community education recreation director for the Montevideo Public Schools, told the panel that community education programs are being asked to fund more and more programs for k-12 youth during non-school hours, including the time before school, after school and during the summer months. Spray said that rural communities are struggling to keep pace with a growing demand for youth programs while local funding has not increased in ten years. Spray also said that his community education budget is in deficit spending and the deficit will be over \$100,000 by the end of this fiscal year. Tom Searcy, director of Community Education and youth programs for the New London/Spicer Community School District said that youth programming is traditionally a program provided by cities. He said that when he has asked for increased funding from the cities in his area, they, in turn, tell him to ask the townships for money, and the townships frequently say that they don't have the financial resources for youth programming.

In response to the growing need for youth programming, Sen. Dean E. Johnson (DFL-Willmar) authored S.F. 3288, a bill that allows districts to establish youth programs in community education and to expand participation by school-age youth in supervised activities during nonschool hours. The bill provides a population-based formula for determining the amount of money each district may receive. The bill also allows districts to levy the amount raised by .003 times the adjusted net tax capacity of the district. Under the bill, an additional appropriation of \$10 million is made to the commissioner of Children, Families and Learning (CFL) for youth programs in community education aid. The bill was recommended to pass and laid over to be included in the budget bill.

The committee also considered S.F.3258, sponsored by Sen. Deanna Wiener (DFL-Eagan). The bill makes an appropriation of \$14.136 million to CFL to increase funding for general community education programs for FY

2000. An appropriation of \$19.322 million for FY 2001 is also established under the bill. The bill was recommended to pass and laid on the table to be included in the budget bill.

### TANF bills heard

Sen. Pat Piper (DFL-Austin) chaired the Tues., Mar 8 meeting of the Family and Early Childhood Education Budget Division. Sen. Paula Hanson (DFL-Ham Lake) carried S.F. 3601, a bill that appropriates \$5 million from the Temporary Assistance for Needy Families (TANF) to fund early childhood family education programs each year for FY 2001-2003. The bill requires that the funds be used for competitive grants to increase services for low-income families that are below 200 percent of the federal poverty rate. Under the bill, grants must be awarded to programs that cooperate with local Head Start programs, with preference to areas of the state with the highest concentration of unserved or underserved children from eligible families. The bill was recommended to pass and laid over to be incorporated into the omnibus bill.

S.F. 3676 was also sponsored by Hanson. The bill appropriates \$2.5 million from the federal Temporary Assistance for Needy Families (TANF) block grant funds. The money is given to the commissioner of human services to expand full-year programming for Head Start programs serving children from 0-3 years of age. Hanson said there are currently 252 children receiving age 0-3 Head Start program services, leaving 35,000 unserved eligible children in Minnesota. The bill was laid over to be incorporated in the omnibus budget bill.

Sen. Jerry Janezich (DFL-Chisholm) carried S.F. 3633, a bill that appropriates \$1 million for the citizen promotion program. The citizen promotion program provides a Basic Citizen class for immigrants who want to take the U.S. citizenship test. He said that local classes are conducted through the Jewish Family Services in Highland Park and that classes meet four times a year for seven weeks. The bill was recommended to pass and laid over to be incorporated in the omnibus budget bill.

S.F. 3672, authored by Linda Higgins (DFL-Mpls.), establishes a child care

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program for adolescent parents who are 19 years of age or younger, who do not have a high school or general equivalency diploma, but are attending school. A provision outlines the criteria for eligibility, including the requirement that the adolescent parent maintain satisfactory school attendance, maintain satisfactory progress toward the degree and enroll the child in a licensed child care facility based in or linked with a school program.

Katrina Richards Perez, a high school senior, told the panel that continuing her education would be impossible without the child care program. She said her child is thriving and is learning things—the program is more than babysitting. Another witness, Mayra Lara, said that her child is also doing well in the program. She said the program provides a learning environment whereby her child also gains the advantage of learning appropriate social skills. The bill was laid over for further consideration.

## Governmental Operations and Veterans

### Increased security proposed

The Governmental Operations and Veterans Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Thurs., Mar. 2, to hear several bills.

S.F. 2918, sponsored by Sen. Randy Kelly (DFL-St. Paul), creates the Minnesota Capitol Police Department with the addition of four peace officers, creates a Capitol Complex security oversight committee and increases, by four, the complement of state troopers assigned to provide security to the governor. Kelly said threats against the Legislature have been increasing. “I’m convinced we need sworn officers here year-round,” he said. Tom Beer, representing the American Federation of State, County and Municipal Employees Public Safety Local 3142, said the creation of a capitol police force is not the best option. He said it’s better to strengthen the system in place by adding additional troopers and capital security officers. An author’s amendment added the director of the Minnesota Historical Society and the president of a statewide association representing government relations professionals to the oversight

committee membership. Sen. Linda Runbeck (R-Circle Pines) offered an amendment to delete all portions of the bill dealing with the creation of the Minnesota Capitol Police Department. The motion was approved. The amended bill creates the oversight committee and directs the commissioner of the Department of Public Safety to assign four additional state troopers to provide security for the capital complex. The bill was referred to the Transportation Committee.

Kelly also sponsored S.F. 3346, which requires the secretary of state to establish a task force to study and make recommendations on electronic filing of real estate documents. The bill was approved and sent to the floor.

S.F. 3386, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), was again considered by the committee. The bill allows Minnesota State Colleges and Universities to offer additional benefits to presidents and the chancellor. The bill was amended to delete the provisions allowing compensation from foundations. The bill was approved and sent to the full Senate.

S.F. 2653, sponsored by Steven Novak (DFL-New Brighton), requires state agencies to provide grant information on the Internet and provide a link to the grant application. The bill further states that the commissioner of the Department of Administration must develop a system to file grants electronically. The bill was approved and sent to the floor.

S.F. 3412, also sponsored by Novak, allows the state fund mutual insurance company to continue to operate as a corporate mutual insurance company. The bill was approved and sent to the floor.

Sen. Ember Junge (DFL-New Hope) presented S.F. 3385, which authorizes the Board of Government Innovation and Cooperation to consider approval of charter schools and appeals of decisions affecting charter schools. Junge said making the move from the Department of Children, Families and Learning (CFL) preserves the independence of charter schools and puts decision-making back in the hands of a board. Sen. Leonard Price (DFL-Woodbury) said the board is not set up to deal with charter schools and the idea of CFL is to keep children’s issues in one

area. The bill was referred to the Children, Families and Learning Committee without recommendation.

S.F. 2974, sponsored by Jane Ranum (DFL-Mpls.), changes the membership of the Criminal and Juvenile Justice Information Policy Group, creates a data group to assist the policy group and authorizes the purchase and distribution of criminal justice technology infrastructure improvements. The bill was approved and sent to the full Senate.

Sen. Charles Wiger (DFL-North St. Paul) presented S.F. 2326, a proposal to designate the Monarch butterfly as the state butterfly. The bill was approved and sent to the floor.

Sen. John Hottinger (DFL-Mankato) presented S.F. 1495, which enacts a revised Article Nine of the Uniform Commercial Code as adopted by the National Conference of Commissioners on Uniform State Laws. The bill was referred to the Governmental Operations Budget Division.

Sen. Jim Vickerman (DFL-Tracy) sponsored S.F. 2668, which appropriates \$450,000 from the general fund to the director of the Office of Strategic and Long-Range Planning for regional planning grants. The bill was referred to the Governmental Operations Budget Division.

Vickerman also sponsored S.F. 2951, a bill that clarifies the use of alternative dispute resolution in certain proceedings and exempts the Office of Strategic and Long-Range Planning from adopting or amending rules governing boundary adjustment procedures until after May 1, 2002. The bill was approved and sent to the full Senate.

S.F. 3427, authored by Sen. Dave Johnson (DFL-Bloomington), directs the commissioner of the Department of Economic Security to establish policies and procedures to address the findings in the Department of Administration’s evaluation of Minnesota’s energy assistance program. The bill states the commissioner must develop outcome measures, methods to identify the eligible population, procedures to improve program consistency and develop improved internal management practices. Runbeck offered an amendment that requires the commissioner to include proposals for the use of technology to provide the most cost efficient



delivery of service. The amendment was adopted. The bill was approved and re-referred to the Jobs, Energy and Community Development committee.

Johnson also authored S.F. 1048, which creates an advisory selection process for commissioners and regulates ex parte communications with commissioners. The bill was approved and sent to the full Senate.

### **Bleacher bill defeated**

A second meeting was held by the Governmental Operations and Veterans Committee, chaired by Sen. James Metzen (DFL-South St. Paul) Thurs., Mar. 3.

Sen. Deanna Wiener (DFL-Eagan) presented S.F. 3272, which exempts existing bleachers with open spaces not exceeding nine inches from conforming to the four-inch opening required by law. Weiner said her bill is a reasonable compromise given the difficulty and expenses school districts are facing in retrofitting or replacing bleachers. Tom Deans, attorney with the Minnesota School Board Association, presented a survey of school districts that estimated the cost of complying with the four-inch requirement at \$36 million. The results don't include 54 districts. Sen. Gen Olson (R-Minnetrista) said the repair estimates seem high. She said retrofits at some schools have been done cheaply by using volunteers and inexpensive materials. Rod Cosgriff, representing the Minnesota Bleacher Safety Committee, said he is sympathetic to the cost and time involved but he urged Legislators not to relax the standards. "The evidence is compelling that a nine-inch gap is not safe," he said. The bill was defeated.

S.F. 2675, also presented by Wiener (DFL-Eagan), makes the state of Minnesota a contributing member of the comprehensive health association in respect of self-insured employee health plans. Under the bill, \$65 million must be paid into the state treasury and credited to the Minnesota Comprehensive Health Association endowment account. The money must be used to fund current and future deficits of the Minnesota Comprehensive Health Association. The bill was approved and sent to the Governmental Operations Budget Division.

Sen. Richard Cohen (DFL-St. Paul)

authored S.F. 3119, which authorizes court reporters in certain judicial districts to organize under the Public Employment Labor Relations Act. Sen. Dan Stevens (R-Mora) pointed out court reporters will have the right to strike if the bill is enacted. The bill was approved and sent to the full Senate.

S.F. 3544, also authored by Cohen, removes the authority of the governor to control the sale of state bonds and certificates of indebtedness. Peter Wattson, Senate counsel, said that after researching the issue, he isn't sure exactly why the governor's approval was added to the bond sale process. Cohen said the governor can use the veto to stop spending but shouldn't be allowed to stop spending by controlling bond sales. Sen. Bob Kierlin (R-Winona) offered an amendment to allow the governor to control the sale of certificates of indebtedness but not the sale of bonds. The motion was defeated. The bill was approved on a roll call vote and sent to the floor.

S.F. 2237, authored by Sen. Don Betzold (DFL-Fridley), changes several provisions with regards to government data practices. The bill was approved and sent to the Governmental Operations Budget Division.

Sen. Bob Lessard (DFL-Int'l. Falls) sponsored S.F. 3173, which proposes an amendment to the Minnesota Constitution. The bill dedicates sales tax receipts equal to a general sales tax of 3/16 of one percent to a wildlife and fish enhancement account. The account must be spent on activities that improve, enhance or protect wildlife and fish resources. A provision in the bill creates a review committee of nine members. The bill was amended to make the Legislative members of the committee advisory only and remove the power of the committee to approve spending plans. The bill was approved and re-referred to the Committee on Taxes.

A bill, presented by Sen. Shelia Kiscaden (R-Rochester), makes Minnesota part of the Midwest Interstate Passenger Rail Compact. A few of the stated purposes of the compact in S.F. 2956 are to promote development of intercity passenger rail service and high speed rail passenger service in the Midwest and among other regions of the United States. The compact becomes

effective when enacted into law by three eligible states. The bill was approved and sent to the full Senate.

Sen. Lawrence Pogemiller (DFL-Mpls.), presented S.F. 2796, the omnibus pension bill. After several author's amendments, the bill was approved and sent to the floor.

S.F. 2594, authored by Pogemiller, modifies criteria for membership in the local government employees correctional plan. An author's amendment deleted everything and inserted provisions with a financial impact from S.F. 2796. The bill was approved and sent to the Governmental Operations Budget Division.

### **Appointments approved**

The Governmental Operations and Veterans Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Tues., Mar. 7.

The committee approved the appointments of Kirsten Giese, Penelope Haru Snipper and Benjamin Vander Kooi, Jr. to the Board of the Arts. The appointments of George Ross and Wayne Sletten to the Minnesota Veterans Home Board of Directors were also approved.

Sen. Sam Solon (DFL-Duluth) presented S.F. 1038. The bill establishes licensing requirements for occupational therapists and occupational therapy assistants. Tom Keliher, representing the Minnesota Occupational Therapy Association, said 41 states license occupational therapists. He said the current registration procedure is a de facto licensing system. "Our main concern is conformity with the other 41 states," he said. The bill was approved and sent to the full Senate.

S.F. 3577, authored by Sen. Steve Murphy (DFL-Red Wing), authorizes homeless and disabled veterans programs for the Hastings Veterans Home. Murphy said federal dollars are available so there is no cost to the state. The bill was placed on the Consent Calendar.

S.F. 3562, sponsored by Sen. Bob Lessard (DFL-Int'l. Falls), establishes a Legislative Advisory Commission on Minnesota-Ontario Matters. Under the bill, three members of the House, three members of the Senate and six private citizens make up the commission. The bill appropriates \$150,000 for expenses

# Committee update

of the commission. The bill was approved and sent to the Environment and Natural Resources Committee.

Lessard also sponsored S.F. 3703, which recognizes the Sandy Lake Band of Mississippi Chippewa as an independent tribe. Monroe Skinaway, vice chairman of the Sandy Lake Band, said achieving state recognition will help the band get federal recognition which is necessary to receive federal funds. He said recognition as an independent tribe will help honor and preserve the history of the Sandy Lake Band. Skinaway added that a legal statement from the Bureau of Indian Affairs supports the Sandy Lake Band's position. Sen. Deanna Wiener (DFL-Eagan) asked if there were plans by the Sandy Lake Band to open a casino. Skinaway said efforts to gain federal recognition began many years ago, before the popularity of casinos. He said the Sandy Lake Band has no plans to start a casino. The bill was approved and sent to the floor.

Sen. Charles Wiger (DFL-North St. Paul) presented S.F. 2676, which removes the sunset on provisions authorizing local governments to petition to amend or appeal a rule. The bill was approved and sent to the full Senate.

## Online bid process bill gains

A bill authorizing a "reverse auction" for bidding on state purchases was approved at the Weds., Mar. 8, meeting of the Governmental Operations and Veterans Committee. Under the bill, S.F. 2972, state agencies may request vendors to submit bids for providing specific goods on-line. Sen. David Knutson (R-Burnsville), chief sponsor of the measure, said the term reverse auction means that the prices for the goods would keep going down until all vendors stopped submitting bids. Sen. Don Betzold (DFL-Fridley) questioned whether the term "reverse auction" as used in the bill conveyed the process accurately. Knutson said he would work with the department to refine the terminology in the bill. The measure was approved and advanced to the full Senate.

The committee, chaired by Sen. James Metzen (DFL-South St. Paul), also advanced a bill providing for grants to noncommercial television stations to the Governmental Operations Budget

Division. The bill, S.F. 721, authored by Sen. Richard Cohen (DFL-St. Paul), specifies that the grants are to assist the stations with conversion to a digital broadcast signal.

Members also discussed two additional bills. One bill, carried by Sen. Leo Foley (DFL-Fridley), creates an Adult Basic Education Policy Review Board. Foley said the proposal, which did not have a Senate File number, was part of a larger adult basic education bill that was currently in the Children, Families and Learning Committee. A representative from the Dept. of Children, Families and Learning said the department does not support the creation of the policy review board. Committee members declined to act on the measure because it was not technically in the committee's possession.

A bill providing an exemption to the bid solicitation process for architects and engineers sparked considerable discussion. S.F. 1843, authored by Knutson, specifies that an agency must select contractors on the basis of qualifications for the type of professional service required. Further, the bill specifies that the agency may only solicit pricing information after the agency has selected a contractor. Members questioned the prohibition on considering price as part of the selection process. Kent Allin, representing the Dept. of Administration, spoke in opposition to the bill. He said the bill removes architects and engineers from other oversight provisions contained in the procurement statutes and that the department did not like the provision prohibiting the consideration of price when selecting a contractor. Sen. Dan Stevens (R-Mora) offered an amendment that specifies that price as well as qualifications be considered when selecting a contractor. Members adopted the amendment. However, Knutson withdrew the bill and no further action was taken.

## Governmental Operations Budget Division

### Deficiency requests heard

The Governmental Operations Budget Division, chaired by Sen. Leonard Price (DFL-Woodbury), met Weds., Mar. 8. The committee first

heard supplemental budget requests.

Dave Fisher, commissioner of the Department of Administration, requested \$1.268 million for plant management rent deficiency. He said the deficiency was due to an error. Jeanne Olson, executive director of the Campaign Finance and Public Disclosure Board, said the board needs \$38,000 to cover a lawsuit deficiency. She said the amount covers legal fees requested by and granted to the challenging party. Harold Baltzer, director of the Gambling Control Board, requested \$90,000 to cover an ongoing workers compensation claim. Bill Dean, executive director of the Metro Radio Board, reported a deficiency of \$249,000. Bill Eisele, of the Department of Finance, reported an excess of \$3.22 million in the Minneapolis Employees Retirement Fund. He said \$1.33 million is a hard number for FY2000 and \$1.89 million is an estimate for FY 2001.

Sen. Lawrence Pogemiller (DFL-Mpls.) presented S.F. 2594, which contains funding provisions from the omnibus pension bill. The bill establishes a state employees health care reimbursement fund. Dave Bergstrom, executive director of the Minnesota State Retirement System (MSRS), said members can't afford to retire because of health care premiums. Bergstrom said active members who retire after the effective day of July 1, 2000 who have 15 or more years of MSRS service credit are eligible for benefits. He said the proposal to the Legislature is one-half of one percent employer contribution and one-half of one percent employee contribution. He added that the plan also provides health insurance reimbursement to former state retirees who are currently receiving retirement benefits. Eisele testified that the Department of Finance doesn't support the health insurance reimbursement proposal. He said the department considers it a fringe benefit and that the plan was proposed outside of the bargaining process. He pointed out the expense of the plan, over \$9 million in the first year alone, and said it would be precedent-setting for other retirement systems. Tom Beer, representing ASCME, said 70 percent of other states provide similar benefits. "Minnesota is catching up," he said. Pogemiller said

the Legislative Commission on Pensions and Retirement considers the reimbursement proposal attractive because of the tax savings involved.

S.F. 2675, sponsored by Deanna Wiener (DFL-Eagan), makes the state of Minnesota a contributing member of the comprehensive health association in respect to self-insured employee health plans. Under the bill, \$65 million must be paid into the state treasury and credited to the Minnesota Comprehensive Health Association endowment account. The bill states that the money must be used to fund current and future deficits of the Minnesota Comprehensive Health Association.

Sen. Jim Vickerman (DFL-Tracy) authored S.F. 2668, which appropriates \$450,000 from the general fund to the director of the Office of Strategic and Long-Range Planning for regional planning grants. Sen. Martha Robertson (R-Minnetonka) said a provision that provides for purchase of hardware and software is not a planning expense, but an operating expense. The language was struck by the committee.

S.F. 1495, authored by Sen. John Hottinger (DFL-Mankato), enacts a revised Article Nine of the Uniform Commercial Code as adopted by the National Conference of Commissioners on Uniform State Laws. Under the bill, the office of the Secretary of State will serve as a central filing office. The bill carries a \$4.46 million cost to the state for programming and imaging conversion, salaries, supplies and general overhead. Price questioned why the bill wasn't in the governor's recommendations. Robertson said she is struggling with the timing of the request. The committee considered alternative financing options. A proposed amendment advances \$4.4 million to the secretary of state to be repaid with extra funds resulting from the implementation of the revised Article Nine. A second proposed amendment imposes a \$12 surcharge on all filings of financing statements received and all searches performed from July 1, 2000 through June 30, 2001. Mary Kiffmeyer, secretary of state, said she doesn't want to impose the surcharge. She said the extra fees would be especially burdensome for farmers.

The bills were laid over for further consideration.

## Health and Family Security

### Bills advanced

Members of the Health and Family Security Committee sent a number of bills to the Senate floor Thur., Mar. 2. Sen. John Hottinger (DFL-Mankato) chairs the committee.

Sen. Steve Kelley (DFL-Hopkins) sponsored S.F. 3428, a bill modifying supervisory and disciplinary requirements, providing for postdegree supervised employment, and modifying supervisory qualifications for psychologists. The bill was recommended to pass and moved to the Senate floor.

A bill requiring foster care providers to be competent in the operation of medical equipment, S.F. 3025, was sponsored by Sen. Sandra Pappas (DFL-St. Paul). Sharon Morrissey, a mother whose daughter died because of improper medical equipment operation by a care provider, testified on behalf of the bill. The bill was recommended to pass and sent to the Senate floor.

S.F. 3034, a bill sponsored by Sen. Dallas Sams (DFL-Staples), increases the medical assistance pharmacy dispensing fee to \$4.65 for pharmacies with ten or fewer employees located outside of the seven-county Metropolitan Area. Sams said that the one dollar increase will help struggling pharmacies in rural Minnesota. The bill was sent to the Health and Family Security Budget Division with a recommendation to pass.

Sen. Sheila Kiscaden (R-Rochester) authored S.F. 2941, a bill modifying health professionals employment disqualification determinations. A single medical error can trigger an investigation by the Department of Human Services (DHS), disqualifying a licensed practitioner from practicing, Kiscaden said. The bill was recommended to pass and sent to the Senate floor.

Sen. Allan Spear (DFL-Mpls.) authored S.F. 3028, a bill specifying rights for consideration and review of determinations regarding maltreatment of vulnerable adults. Current law does not give the same right to appeal court rulings for vulnerable adults as given to those who are charged and found guilty of maltreatment, Spear said. The bill was recommended to pass and sent to the Senate floor.

Hottinger authored S.F. 3465, a bill creating a trust account, administered by a spinal cord injury research board, to fund research projects. Peter Morton, of Minnesota Moves, spoke about human incentives for the research as well as financial motivations, including greater federal funding for states with expertise in the field. Sen. Roy Terwilliger (R-Edina) said that time is of the essence. He made a motion to divide the bill so that language establishing the fund and creating the advisory board could go to the Senate floor, and language specifying specific funding sources could be sent to the Health and Family Security Budget Division. Members approved Terwilliger's motion and sent each section to their respective destinations with a recommendation to pass.

S.F. 3161, a bill modifying provisions relating to health care purchasing alliances, was sponsored by Kiscaden. Under the bill, employer-member contributions to the cost of employee health coverage may be made, self-insured employers may participate as affiliate members of purchasing alliances without affecting the standing of the employer under the federal Employee Retirement Income Security Act (ERISA), and accountable provider networks are restricted to offering benefit plans to employer-members of the alliance. The bill was recommended to pass and sent to the Senate floor.

### Marijuana defense discussed

Sen. Pat Piper (DFL-Austin) sponsored S.F. 3326, a bill creating an affirmative defense for a person with a small amount of marijuana for use with a medical condition, at the Health and Family Security Committee evening meeting Thur., Mar. 2. Sen. John Hottinger (DFL-Mankato) chairs the committee.

Pharmacist and attorney Marc Kurzman said that under the bill, a person charged with possession of a small amount of marijuana, for the sole purpose of using it with a debilitating medical condition or providing it to someone with a condition, has an affirmative defense. The bill also defines a debilitating medical condition, he said. Kurzman said that the Mayo Clinic's website explains the uses of marijuana for such purposes.



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Drug Watch Minnesota representative Jeanette McDoogal testified against the smoking of marijuana. Pam Perry Weaver, policy manager for the office of Governor Ventura, stated that the governor supports the spirit of the bill.

The panel recommended the bill to pass and re-referred it to the Crime Prevention Committee.

S.F. 3415, authored by Sen. Anthony "Tony" Kinkel (DFL-Park Rapids), requires the state to reimburse counties for detoxification programs after the county has exhausted other possible sources of reimbursement for the programs and increases the liquor and beer sales tax to fund the bill. Sen. Sam Solon (DFL-Duluth) offered an amendment repealing the liquor and beer tax increase and decreasing the amount provided for detoxification programs from \$500 per day to \$300 per day.

The bill was re-referred to the Health and Family Security Budget Division with the recommendation of the division to be the recommendation of the committee.

Piper also authored S.F. 3111, a bill including a licenced marriage and family therapist with two years post-masters degree supervised experience in the treatment of mental illness, mental disorders, or emotional disturbances in the definition of mental health professional for purposes of Medical Assistance reimbursement. Licensed psychologist and marriage and family therapist William Dorn testified on behalf of the bill.

Members re-referred the bill to the Health and Family Security Budget Division with the recommendation of the division to be the recommendation of the committee.

Hottinger authored S.F. 3613, a bill relating to welfare prevention. The bill requires the Health Department to establish a telephone number and website to provide information to assist women and families through pregnancy, childbirth, and provide assistance in accessing community resources while the child is a dependant. The bill also appropriates money for family planning, local intervention services, and the targeted home visiting program as well as requiring the Department of Human Services to survey health plans that contract with the department to determine home visiting services

provided by the plan.

Hottinger moved an author's amendment allocating \$1.2 million to organizations that submitted applications for the 2000-2001 funding cycle, which were approved but not or only partially funded. The panel adopted the amendment and re-referred the bill to the Health and Family Security Budget Division with the recommendation of the division to be the recommendation of the committee.

## Nine bills advanced

A variety of bills came before the Health and Family Security Committee Fri., Mar. 3. Sen. John Hottinger (DFL-Mankato) chairs the committee.

S.F. 3016, authored by Sen. David Knutson (R-Burnsville), modifies child support enforcement provisions. Under the bill, the Department of Human Services (DHS) is required to distribute earned federal child support incentive payments to counties with instructions for distribution, county agencies are required to reinvest incentive funds in the county's child support enforcement program, and DHS is required to send a notice to obligor who is two or more months overdue on support payments. The bill was recommended to pass and moved to the Senate floor.

Sen. Sam Solon (DFL-Duluth) sponsored S.F. 2776, a bill establishing a new property reimbursement rate for a St. Louis County nursing facility following completion of a moratorium exception project. Members recommended the bill to pass and sent it to the Consent Calendar.

Hottinger sponsored S.F. 2708, a bill requiring DHS to establish a supportive housing and managed care pilot project for homeless individuals. The pilot project, to be carried out in one metro county and one county in Greater Minnesota, will integrate employment services, supportive services, housing and health care into a single program, Hottinger said. The panel moved the bill to the Health and Family Security Budget Division with the decision of the division to be considered the decision of the committee.

A bill authored by Sen. Linda Berglin (DFL-Mpls.), S.F. 2734, requires the Minnesota Home Care Association and DHS to report to the Legislature on reimbursement of worker transportation

costs for home care and personal care services providers. Berglin offered an amendment clarifying program participation for persons with mental illness or retardation. Members moved the bill to the Consent Calendar with a recommendation to pass.

Berglin also authored S.F. 3623, a bill excluding income earned by a temporary census employee for purposes of public assistance eligibility. Berglin said that under the bill, members of under-represented communities will have an incentive to work in their communities to ensure an accurate 2000 United States Census in Minnesota. Berglin offered an amendment making the bill retroactive to January 1. The amendment was adopted and the bill was recommended to pass and moved to the Consent Calendar.

Sen. Pat Piper (DFL-Austin) sponsored S.F. 3485, a bill adding varicella (chickenpox) to the required immunizations for a child to enroll in elementary or secondary school or a child care facility. Piper offered, and the panel adopted, an amendment stating that the child must be at least 18 months old. Members recommended the bill to pass and moved it to the Senate floor.

S.F. 3236, authored by Sen. Sheila Kiscaden (R-Rochester), adds the grandparent and the third party responsible for filing the certificate of an individual eligible to receive a certified copy of a birth or death certificate. The bill was recommended to pass and moved to the Senate floor.

A bill authored by Sen. Roy Terwilliger (R-Edina), S.F. 3549, allows a residential hospice facility to house up to 8 patients, or up to 12 patients with the approval of the local governing authority. The bill also repeals the current law regarding the supervised living facility category of licensure and fire code requirements. Members recommended the bill to pass and moved it to the Senate floor.

Sen. Dick Day (R-Owatonna) sponsored S.F. 2376, a bill requiring participating pharmacies to charge Medicare beneficiaries a price for prescription drugs that does not exceed the Medical Assistance reimbursement rate. The bill was moved to the Health and Family Security Budget Division with the recommendation of the division to be the recommendation of the committee.

## Variety of bills okayed

The Health and Family Security Committee commenced Tues., Mar. 7, with a bill requiring the Department of Human Services (DHS) to develop legislative proposals that will allow for 30 days of respite care per year for family adult foster care providers. Sen. Martha Robertson (R-Minnetonka) authored the bill, S.F. 3060. The committee, chaired by Sen. John Hottinger (DFL-Mankato), recommended the bill to pass and moved it to the Consent Calendar.

Sen. Dallas Sams (DFL-Staples) authored S.F. 3253, a bill requiring DHS to study appropriate reimbursement levels for special transportation providers and report to the Legislature by Sept. 15, 2000. The study must include an analysis of the cost characteristics of special transportation, including cost differences for services provided to persons with varying service needs, he said. The bill was recommended to pass and sent to the Senate floor.

A bill regulating sale of funeral goods and services and pre-funeral arrangements, S.F. 2686, was authored by Sen. Claire Robling (R-Prior Lake). Under the bill, solicitors are prohibited from visiting individuals at hospitals, grave sites, nursing homes, and similar locations, focusing unrequested attention on individuals whose death is readily apparent, or using telephone solicitations within ten days of a person's death. Also in the bill, it is considered a deceptive act to require goods to be purchased when rental is an option. Members moved the bill to the Health and Family Security Budget Division with the recommendation of the division to be considered the recommendation of the committee.

"Hotdish defines who we are as a state; it's a part of our culture," said Sen. Dean Johnson (DFL-Willmar) when introducing S.F. 3348. The bill establishes an exemption for potluck events from the licensing, inspection, and other requirements for food, beverage, and lodging establishments. After the committee adopted an amendment prohibiting commercial establishments from having potluck events, the bill was sent to the Senate floor with a recommendation to pass.

S.F. 3089, authored by Sams, modifies the two-to-one ratio of pharmacy

technicians to pharmacists permitted in a pharmacy by allowing one additional technician to practice so long as at least one technician in the pharmacy is certified by a national certification organization. The bill was recommended to pass and sent to the Senate floor.

Hottinger authored a bill authorizing the Board of Optometry to impose disciplinary actions against a regulated person and issue a cease and desist order to stop an uncredited person from unauthorized practice from violating a statute, rule, or order. S.F. 1231 was recommended to pass and re-referred to the Governmental Operations and Veterans Affairs Committee.

Hottinger also authored S.F. 2566, a bill modifying the family support grant program for families with children who have developmental disabilities. Under the bill, families who are transferring from the family support program to the wavered services program can receive a one-time grant to finish paying for an environmental or vehicular modification previously being paid through the family support program. Members adopted an author's amendment making the bill effective the day following final enactment and sent the bill to the Senate floor with a recommendation to pass.

H.F. 1362, sponsored by Sen. Linda Berglin (DFL-Mpls.), makes various changes to the Human Services Licensing Act, the Community Social Services Act, and the Child Abuse Reporting Act. The bill prohibits the state of Minnesota, or agencies acting on behalf of county boards, from liabilities sustained through the purchase of services with community social services funds. The bill was recommended to pass and re-referred to the Judiciary Committee.

Sen. David Knutson (R-Burnsville) sponsored S.F. 3658, a bill specifying that a health maintenance organization (HMO) is prohibited from disclosing enrollee health data unless doing so impedes the Department of Health from regulating HMO's, the enrollee expresses consent, a statute or court order mandates doing so, or when the data is pertinent in litigation between the enrollee and an HMO. The committee recommended the bill to pass and re-referred it to the Judiciary Committee

after adopting an amendment stating any data obtained by the Department of Health under the bill be classified as private data.

S.F. 2732, authored by Sen. Thomas Neuville (R-Northfield), requires the Department of Children, Families, and Learning to use the Systematic Alien Verification for Entitlements (SAVE) program to verify immigration status of applicants for public assistance programs. The bill also requires that the Department of Children, Families, and Learning report to the Legislature on the usage and costs of the SAVE program over the previous year. The panel recommended the bill to pass and re-referred it to the Judiciary Committee.

Sen. Twyla Ring (DFL-North Branch) authored S.F. 689, a bill allowing complementary and alternative health care practitioners to practice in certain circumstances and creating requirements for informed consent. After making technical amendments, the bill was re-referred to the Judiciary Committee with a recommendation to pass.

## Higher Education Budget Division

### MnSCU requests continue

The presentation of bonding requests from the Minnesota State Colleges and Universities (MnSCU) was completed at the Mon. evening, Mar. 7, meeting of the Higher Education Budget Division. Bills associated with those requests were also heard at the meeting. Sen. LeRoy Stumpf (DFL-Thief River Falls), chair of the division, announced early in the discussion that the division does not yet have a budget target and the task of the hearing is to prioritize the requests.

Laura King, vice chancellor of MnSCU, presented the remainder of the requests. Items on the list include \$5.43 million for several remodeling projects throughout the system, each costing less than \$1 million; \$4.24 million for a fund to acquire land adjacent to campuses when the land becomes available for sale; \$1.26 million for remodeling and new construction of a health sciences facility at Northwest Technical College in Moorhead; \$300,000 for renovation of Riverview Hall at St. Cloud State University; \$5 million for a library and

# Committee update

developmental learning center at the combined Northland Community and Technical College; and \$9.9 million for renovation and construction of academic and athletic facilities at Mankato State University.

Also requested were \$800,000 for library renovation design work at Southwest State University; \$1.4 million for new instructional and parking facilities on the west campus of Metropolitan State University; \$2 million for infrastructural improvements at University Center in Rochester; \$4 million for design and construction of a new engineering/technology center and student housing at Itasca Community College; \$4.1 million to demolish vacant buildings and construct parking facilities at Moorhead State University; \$550,000 for renovation and repair of Eastman Hall at St. Cloud State University; and \$1.64 million for remodeling of high-bay garage space into academic facilities on two campuses of Hennepin Technical College.

Sen. Keith Langseth (DFL-Glyndon) presented S.F. 3592 to the division. The bill authorizes a 1998 appropriation to St. Cloud State University for design work to be used for pre-design work; authorizes Ridgewater Community and Technical College to build a kennel for its veterinary technology program; authorizes Moorhead State University to jointly build a campus security building with the city of Moorhead; and authorizes Minnesota West Community College to lease space from the Worthington YMCA.

A Dept. of Public Safety request was presented by Sen. Jerry Janezich (DFL-Chisholm) in the form of S.F. 3320. Janezich said the department has a master plan for public safety training facilities and the bill appropriates \$9.2 million for a regional training center on the Iron Range. Therese Elverum, firefighting training coordinator, said the facility will be the training center for 104 fire departments in the area. She said the new facility is a high tech operation that can accommodate hazardous materials and chemicals and industrial safety training and said it is needed to insure the delivery of public safety services.

The division considered two bills sponsored by Sen. Dave Kleis (R-St. Cloud) for projects on the campus of St.

Cloud State University. S.F. 3237 appropriates out of the bond sale proceeds fund \$3.865 million for renovation of Lawrence Hall, \$300,000 for pre-design work in preparation for renovations to Riverview Hall, and \$550,000 for design work in preparation for renovation of Eastman Hall. The other bill, S.F. 2642, appropriates an unspecified amount to design renovations to Centennial Hall. The first bill also authorizes bonding money for pre-design work for a new athletic facility. Kleis said that bonding authority for the Central Minnesota Event Center that is unused because of the failure of a sales tax referendum could be reallocated for that purpose.

Sen. Anthony "Tony" Kinkel (DFL-Park Rapids) said his bill, S.F. 3416, cancels bonds authorized for the Battle Point Cultural Education Center and reallocates that authority for the American Indian History Center and Museum. Eli Hunt, chair of the Leech Lake band of Ojibwe, said the Battle Point Cultural Education Center required the band to relinquish sovereignty over the site so the council recommended against it.

No formal action was taken on the bills. They will be considered for inclusion in the division's recommendations for the bonding bill.

## Bonding bills heard

The Higher Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), met Tues., Mar. 7, and heard five capital budget bills, all of which were approved and recommended for consideration in the division's omnibus bill.

S.F. 3551, authored by Sen. Anthony "Tony" Kinkel (DFL-Park Rapids), increases the aggregate principal amount of revenue bonds issued by the board of trustees of the Minnesota State Colleges and Universities (MnSCU) system. Under the bill, the board may issue revenue bonds of up to \$135 million, instead of the previous \$40 million, and use the proceeds together with other public or private money that may become available to acquire land, and to acquire, construct, complete, remodel, and equip structures or portions of structures, including dormitories, residence halls, student unions, food service, and related parking

facilities. The bonds may be issued to refund previously issued bonds, and such refunding may be issued in addition to the bonds otherwise authorized, according to the bill.

S.F. 2501, authored by Sen. Steve Murphy (DFL-Red Wing), appropriates \$7.34 million to the MnSCU Board of Trustees to remodel and construct library, classroom, lab, office, and recreational space at Fon Du Lac Tribal and Community College. The appropriation is available if matched by \$3 million from nonstate sources, according to the bill. The institution recently received \$3 million from the American Indian College Fund, officials said.

S.F. 2507, authored by Sen. Sheila Kiscaden (R-Rochester), appropriates \$4.5 million to MnSCU's Board of Trustees to design and construct a greenhouse, and to renovate associated instructional, office, and maintenance space to help improve the horticulture program at Rochester Community Technical College.

S.F. 3722, authored by Sen. Deanna Wiener (DFL-Eagan), appropriates \$3 million to the University of Minnesota's Board of Regents to complete the design, construction, equipping and furnishing of a law school addition, which was originally begun in the middle 1970's and never finished.

S.F. 2329, authored by Sen. Leo Foley (DFL-Coon Rapids), appropriates \$14.67 to MnSCU's Board of Trustees to repair and remodel facilities at the Anoka-Hennepin Technical College, rather than close it, as the board recommended. Under the bill, the board must continue to operate the Anoka-Hennepin Technical College after using the appropriation to complete repairs.

## Jobs, Energy and Community Development

### Oxygenate bill okayed

Members of the Jobs, Energy and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), met Thur., Mar. 2, and approved four bills, including one that calls for the elimination of a chemical-based fuel oxygenate by 2005.

S.F. 2946, authored by Sen. Jim Vickerman (DFL-Tracy), calls for the reduction to one-half of 1 percent of



methyltertiarybutylether (MTBE in gasoline by July 1, 2000, and for eliminating MTBE completely by July 1, 2005. Under the bill, the oxygenates, ethyltertiarybutylether (ETBE) and tertiaryamylmethylether (TAME) face the same restrictions.

These oxygenates exist only in tiny amounts in the state's fuel stream, possibly from out-of-state sources, hence the phase-out period, Vickerman said.

The bill was approved and referred to the Environment and Natural Resources Committee.

The committee also approved three other bills. S.F. 3343, authored by Sen. Arlene Leseewski (R-Marshall), appropriates \$2 million from the workforce development fund to create a distressed rural job training and telecommuting program. The bill was approved and referred to the Economic Development Budget Division. S.F. 2575, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), regulates farmers in the state's dislocated workers program. The bill was approved and referred to the floor. S.F. 2942, authored by Sen. Dave Johnson (DFL-Bloomington), provides grant-in-aid for distance work projects in rural areas. The bill was approved and referred to the Economic Development Budget Division.

### Minimum wage increase okayed

Members of the Jobs, Energy and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), met in an evening session, Thur., Mar. 2, and approved a minimum wage hike to \$1 an hour above the federal level.

S.F. 734, authored by Sen. Randy Kelly (DFL-St. Paul), increases on Jan. 1, 2001, the minimum wage to \$6.15 and \$5.90 per hour for large and small employers, respectively, compared with \$5.15 and \$4.90 under federal law. The bill also indexes wages annually based on the Consumer Price Index (CPI).

"If we do this, we'll be the 11th state to do so," said Kelly, noting that the last time the state raised the minimum wage was in Sept. 1997.

Kris Jacobs, of Jobs NOW Coalition, spoke in support of the bill, as did Bernard Brommer, of the AFL-CIO, and Kathleen Tomlin, of the Archdiocese of St. Paul.

However, Tom Hesse, of the Minnesota Chamber of Commerce, opposed the bill. "We've had a long-standing policy opposing raising the minimum wage above the federal level," Hesse said. Hesse and Tom Newcomb, of Hospitality Minnesota, representing hotels and restaurants, called for a "tip credit" for employers of tipped employees as a matter of "equity and fairness."

Peggy Rasmussen, a Hamil restaurateur, also spoke against the bill "If the minimum wage goes up without a tip credit, I'll have to raise my prices," she said.

An amendment, offered by Sen. Linda Runbeck (R-Circle Pines), proposed adding the tip credit. Under the amendment, every large employer would continue to pay each tipped employee at a rate of at least \$5.15 per hour and every small employer to pay each tipped employee at a rate of \$4.15 per hour. The amendment failed on a 7 to 5 role call vote.

The bill was approved and referred to the floor.

The committee also approved a bill clarifying the 1999 business subsidy law governing those subsidies given to businesses by public entities.

S.F. 2893, authored by Sen. John Hottinger (DFL-Mankato), contains 21 different definitions. Under the bill, federal assistance until it's been repaid to and reinvested by the state or local government is not a subsidy and neither are funds from dock and wharf bonds issued by a seaway port authority, under new language added to the bill.

Other new language prohibits granting agencies from evaluating each proposed subsidy on a case-by-case basis and requiring specific criteria before recipients are eligible to receive subsidies. The criteria include specific wage floor for wages being paid for the jobs created and sets specific levels the floor must be set at.

An amendment, offered by Sen. Dennis Frederickson (R-New Ulm), allows the grantor to deviate from its criteria if it documents in writing the reason for the deviation and attaches a copy to its next annual report to the Department of Trade and Economic Development (DTED). Also, that the grantor may extend the period for meeting other goals if it documents in writing the reason for the extension in

its next report to the DTED. The amendment was adopted.

The bill was approved and sent to the floor.

The committee also approved a bill establishing a workforce development task force.

S.F. 3708, authored by Sen. Dave Johnson (DFL-Bloomington), forms a 10-member job training program task force to study federal and state job training programs and to make recommendations for consolidation, modification or elimination of state job training programs. Under the bill, the task force must submit recommendations to the Legislature by Dec. 1, 2000. The bill was approved and referred to the Economic Development Budget Division.

### Parental leave bills approved

The Jobs, Energy and Community Development Committee met Fri., Mar. 3, and approved four bills, two of which establish parental leave programs for new parents. The committee is chaired by Sen. Steven Novak (DFL-New Brighton).

S.F. 3541, authored by Sen. Jerry Janezich (DFL-Chisolm), creates a voluntary parental leave program for employers of new natural or adoptive parents. The bill provides that the leave must be at least six weeks and must be used within the first year in which the employee becomes a parent. The bill requires that a participating employer pay the employee at least \$100 a week, and employers with more than 50 employees must provide at least 26 weeks of paid and unpaid leave. Under the bill, the Commissioner of Economic Security is to adjust amounts annually according to the U.S. All-Items Consumer Price Index (CPI).

The bill would cost the state about \$16 million, Janezich estimated, and participating employers and the state would pay benefits jointly. Combined, the payments would amount to about 1/2 of the employees' regular salary, he said.

Jim Koppel, of the Children's Defense Fund, spoke in support of the bill. "Parents can afford to stay home with infants and the bill takes pressure off of our day care system," he said.

Jim Painter, of ECM Industries, a printing company, also spoke in favor of the bill. Painter said his company has such a program in place. Providing up to

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one year of leave, the program began as pilot project and now is an automatic benefit to all employees after three years service, he said.

However, Sen. Dave Johnson (DFL-Bloomington) said he was concerned that the bill unfairly singles out larger employers, which are already subject to federal parental leave laws.

The bill was approved and referred to the Economic Development Budget Division.

S.F. 2996, authored by Sen. Ellen Anderson (DFL-St. Paul), creates a birth and adoption fund to provide a paid parental leave program. The bill is similar to the intent of a U.S. Department of Labor rule, which permits states unemployment or reemployment insurance funds to provide parental leave for six weeks for eligible employees, Anderson said. Under the bill, the amount of the reemployment insurance employer tax is reduced by 3/100 of 1 percent to establish the fund, which would raise about \$10 million a year from the \$670 million reemployment insurance tax fund, Anderson said. The bill requires the employer to reimburse the birth and adoption leave fund for paid parental leave benefits and establishes a minimum tax rate schedule based on balances on June 30 of the previous calendar year.

"There are no new taxes, no new appropriations, and the program sunsets in two years," Anderson said.

Steve Hunter, of AFSCME, representing state employees, supported the bill, saying "It's significant and important step for new parents."

However, Tom Hesse, representing the Minnesota Chamber of Commerce, spoke against the bill. "The financing mechanism raises concerns. It diverts money from the unemployment insurance trust fund," he said. If demand outstrips the supply of money, it'll eventually increase taxes on employers, he said.

The bill was approved and re-referred to the Human Services Budget Division.

The committee also approved a bill making seasonal "smokechasers" eligible for reemployment insurance. S.F. 3529, authored by Sen. Bob Lessard (DFL-Int'l. Falls), excludes seasonal firefighters from the definitions of noncovered federal and state employees. In Minnesota, the Department of

Natural Resources (DNR) hires about 800 seasonal smokechasers, according to the DNR. Because they aren't eligible for reemployment insurance, seasonal firefighters are "leaving the state in droves" for states where benefits are offered, according to the Minnesota Wildfire Fighters Association. "Although the concept is a good one, such benefits are not funded at this point in time," noted the DNR's Bob Tomlinson. The bill was approved and referred to the floor.

The committee also approved S.F. 2552. Authored by Sen. Randy Kelly (DFL-St. Paul), the bill allows a waiver of a surety bond in certain cases. The bill provides that for a search firm previously licensed as an employment agency, the bond is required only until the firm has met the bond requirement as an agency or a search firm for at least five years. The bill was approved and referred to the consent calendar.

## Technology initiative gains

A bill creating a public corporation to engage in a jointly planned economic development effort was advanced at the Tues., Mar. 7, meeting of the Jobs, Energy and Community Development Committee. S.F. 2512, authored by Sen. Twyla Ring (DFL-North Branch), is designed to focus on encouraging growth among existing businesses and attracting technology companies to Carlton, Chisago, Isanti, Kanabec and Pine Counties. The Northern Technology Initiative, Inc. is created, under the bill, and the powers and duties of the corporation are specified. The measure was approved and re-referred to the Governmental Operations and Veterans Committee.

The committee, chaired by Sen. Steven Novak (DFL-New Brighton), also advanced four additional bills. S.F. 2851, authored by Sen. Sandra Pappas (DFL-St. Paul), increases the penalties for violations of child labor laws. Under the bill, most penalties that are currently \$50 are increased to \$500 and penalties that are currently \$100 are increased to \$1,000. However, the penalty for a minor under the age of 18 injured in hazardous employment is raised from \$500 to \$5,000. The bill was approved and re-referred to the Human Resources Finance Committee.

S.F. 3439, sponsored by Sen. Jerry

Janezich (DFL-Chisholm), provides for replacement heating systems and related energy conservation measures in cities discontinuing district heating systems. The bill was approved and re-referred to the Local and Metropolitan Government Committee.

S.F. 2894, authored by Sen. Linda Higgins (DFL-Mpls.), provides that in cases relating to occupational safety and health, communications between discrimination complainants and attorneys representing the commissioner are privileged as would be communications between an attorney and client. The bill was approved and re-referred to the Judiciary Committee. S.F. 2810, also carried by Higgins, repeals laws governing entertainment agencies. The measure was approved and recommended for placement on the Consent Calendar.

## Judiciary

### Data privacy bills discussed

The Judiciary Committee met Thurs., Mar. 2, to discuss seven bills related to data privacy issues. Chaired by Sen. Jane Ranum (DFL-Mpls.), the meeting opened with consideration of S.F. 2806, the omnibus data privacy bill, sponsored by Sen. Don Betzold (DFL-Fridley). The bill classifies data on suggested evaluation topics submitted to the Legislative Auditor by Legislators as private or nonpublic. The bill defines "government entity" and allows the courts to impose civil penalties of up to \$1,000 against government entities that fail to comply with provisions outlined in the bill. An amendment was adopted to develop public access procedures to guarantee the rights of data subjects. The amendment also specifies the procedures must ensure that data on individuals are accurate and complete, and adds a provision to safeguard data security.

Other provisions include changes in court services data to specifically authorize the release of information concerning persons under their supervision, and provide for the classification of data on individuals who are receiving services under the community action, Head start, and foodshelf programs operated by the Department of Children, Families and Learning. The bill authorizes counties to establish a system

under which they will send property owners notice that personal information may be disclosed for nongovernment purposes, including surveys, marketing and solicitation. Several provisions in the bill relate to domestic fatality review teams, giving the teams authorization to access specified nonpublic data, in investigating the causes and manner of domestic violence deaths. Other provisions deal with economic assistance data of the City of St. Paul and the Department of Economic Security data, allowing for release of private data on individuals and employers to the Immigration and Naturalization Service, if the individual or employer is the subject of an investigation by that agency. Following lengthy discussion, the bill was recommended to pass and sent to the Senate floor.

Authored by Sen. Randy Kelly (DFL-St. Paul), S.F. 2891 addresses the sharing of data between probation officers and school officials in cases involving juveniles on probation. The committee adopted the subcommittee report, outlining the process for data sharing. Other amendments to the bill require that a disposition order must be destroyed when the juvenile is discharged from probation, and specify that the probation officer is required to notify the principal or chief administrative officer when the juvenile is discharged from probation. Also, an amendment was adopted that specifies that data on the behavior of the juvenile be disclosed to the juvenile justice system to the extent necessary to serve the student or protect other students and staff. The bill was approved and sent to the Senate floor.

Kelly also carried S.F. 2854, a bill that allows the county attorney or a designee to petition the court for access to private or confidential data related to a proposed patient who has been convicted of a sexual offense, if access to the data is necessary for purposes of determining whether good cause exists to file a civil commitment petition. An amendment was adopted that allows courts to grant access to the data if the Department of Corrections refers the case for commitment as a sexual psychopathic personality or a sexually dangerous person, or the court determines that there is good cause basis for the county attorney to consider filing a

petition for the commitment. The bill was recommended to pass and sent to the Senate floor.

Sen. Anthony "Tony" Kinkel (DFL-Park Rapids) sponsored S.F. 3000, a bill that aims to incorporate privacy provisions of the new federal financial services law into state law. The bill also requires that express consent be obtained from consumers before consumer information may be released to nonaffiliated third parties.

The bill was written in response to numerous claims by individuals, whose financial information, including mortgage and credit card account numbers and other data, were obtained from financial institutions. In many cases, telemarketers who had consumers credit card account numbers, charged for fees and services without consumer consent. One witness testified that following her purchase of a house through Norwest Bank in Minneapolis, unexplained charges were included on her mortgage statements. After a lengthy search, she finally determined that her mortgage information had been sold to a telemarketing company that began charging fees for services not consented to. Under the bill, a financial institution may not disclose nonpublic personal information to a nonaffiliated third party without the consent of the consumer, other than the exceptions authorized under federal law. The bill specifies that nonaffiliated third parties may have access to personal information when the third party is performing services or functions on behalf of the financial institution, but in all other cases an opt-in waiver giving consent must be received from consumers before personal financial information can be released.

S.F. 1716, carried by Sen. Steve Kelley (DFL-Hopkins), regulates the use and dissemination of consumer information by interactive service providers, including provisions concerning false or misleading electronic mail messages. The bill specifies that an interactive services provider must not disclose personally identifiable information concerning a consumer. Certain exceptions apply, such as in cases related to a grand jury investigation. The bill outlines provisions by which an interactive services provider may disclose personally identifiable informa-

tion. Such information may be released upon the written or electronically-sent informed request of the consumer.

Under the bill, a consumer who prevails in action brought against interactive services provider is entitled to the greater of \$500 or actual damages, plus costs, disbursements and reasonable attorney fees. The bill was approved and sent to the Senate floor.

Kelley also sponsored S.F. 3038, a bill that enacts the Telecommunications Consumer Privacy Act. Provisions in the bill require that a telecommunications service provider may only disclose or permit access to customer information with the express consent of the consumer. The bill specifies that customer information obtained by a government entity from a telecommunications service provider is classified private data. A provision outlines the process for providing customer notice and consent requirements. The bill was recommended to the Senate floor.

Sen. Jane Ranum (DFL-Mpls.) carried S.F. 3307, a bill that provides for claims by persons incurring an injury while operating a recreational vehicle on a trunk highway right-of-way. The bill exempts the state and its employees from liabilities arising out of loss of property or injury due to the operation of a recreational motor vehicle, including snowmobiles. The bill makes an exception for conduct that would entitle a trespasser to damages against a private person. The bill was recommended to pass and sent to the Senate floor.

## Six bills heard

Chaired by Sen. Jane Ranum (DFL-Mpls.), the Judiciary Committee met Fri., Mar. 3, to review several bills. Sen. Arlene Lesewski (R-Marshall) carried S.F. 3158, a bill that adjusts provisions dealing with the aid offset for court costs and levy limit bases for counties included in the 1999 state takeover of court administration costs. According to Lesewski, the changes are intended to reflect increases in the projected fine revenues being transferred to the state, above the projections that were based on the 1998 calendar year. The bill was recommended to pass and was referred to the Committee on Taxes.

S.F. 3300, sponsored by Sen. Richard Cohen (DFL-St. Paul), extends the



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combined jurisdiction program established in Ramsey County in 1966. Cohen said that the program, implemented by the Second Judicial District seeks to improve the resolution of family problems by assigning related family, probate and juvenile court matters to a single judge or referee.

Authored by Sen. Steve Murphy (DFL-Red Wing), S.F. 3031 makes changes to the definitions used in the Corporate Farm Law. The bill also specifies allowable transfers and distribution of ownership interests in family farm partnerships, in addition to other changes.

The measure authorizes the commissioner of agriculture to allow a corporation, pension or investment fund, trust or limited partnership to apply for exemption from the Corporate Farm Law if the exemption does not contradict the purposes of the statute and does not have a significant impact on the agriculture industry and the economy. The bill was recommended to pass and sent to the Senate floor.

## Vehicle towing notice bill gains

Several bills were advanced at the Mon., Mar. 6, meeting of the Judiciary Committee. One of the measures, S.F. 3291, sponsored by Sen. Sandra Pappas (DFL-St. Paul), provides that the owner of a vehicle that has been towed, at the request of law enforcement, may reclaim the contents of the vehicle even if the owner cannot pay to reclaim the vehicle. The bill provides that the lien on the vehicle does not extend to the contents. In addition, the bill requires the person who towed the vehicle to give notice of the towing and storage within five days. Further, the bill spells out the information the notice must provide and specifies that if a vehicle remains unclaimed after 30 days from the date the notice was sent, a second notice must be sent. Under the bill, if the owner does not claim the towed vehicle by paying the towing and storage costs within 45 days, the owner waives the right to reclaim the vehicle and it may be sold at auction or sale or disposed of as scrap metal. The bill was approved and sent to the full Senate.

S.F. 2944, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), modifies mortgage release certificate language to include the assignment of rents and

profits. The measure also adds a definition of "partial release" and modifies provisions dealing with payoff statements. Finally, the bill raises the cap on the amount of a mortgage covered by the law from \$500,000 to \$1 million. The measure was also approved and advanced to the full Senate.

The committee, chaired by Sen. Jane Ranum (DFL-Mpls.), also approved two additional bills and recommended the measures be placed on the Consent Calendar. S.F. 2094, authored by Sen. Ellen Anderson (DFL-St. Paul), requests the Supreme Court Jury Reform Task Force to study and make recommendations for changes in the jury management rules to accommodate the needs of nursing mothers who are summoned for jury duty. The second bill, H.F. 2749, carried by Sen. Don Betzold (DFL-Fridley), is a revisor's bill that makes numerous technical changes throughout the statutes.

Members also considered but took no action on a bill specifying that Conciliation Court has jurisdiction to determine a civil action commenced by a plaintiff residing in the county against a foreign or domestic corporation regardless of whether the cause of action arose in that county or the corporation has a place of business in that county. Chief author, Sen. Arlene Lesewski (R-Marshall), said that when constituents in her district want to file a case in Conciliation Court against a large multi-national corporation, they must travel to the Twin Cities in order to do so. In cases where the amount in dispute is \$50 to \$100, Lesewski said, the cost of traveling to file the suit is more than the award. Members laid the bill over in order to gather more information about the implications of changing the venue for Conciliation Court cases.

## Covenant marriages discussed

Sen. Leo Foley (DFL-Coon Rapids) chaired the Mon., Mar. 6, meeting of the Judiciary Subcommittee on Family Law. The committee met to consider two bills. The first bill, S.F. 1955, was sponsored by Sen. Steve Dille (R-Dassel). The bill establishes a framework under which couples may choose to enter into a covenant marriage and changes the marriage license applications to include the covenant marriage option. The bill specifies that couples

may enter a covenant marriage after completing 12 hours of premarital education, including use of a premarital inventory and the teaching of communication skills as well as conflict management skills. The bill also limits the dissolution of covenant marriages.

Under the bill, the court administrator or county designee must give parties applying for a marriage license a copy of an informational packet on the covenant marriage option developed by the attorney general. A provision specifies that both parties applying for the covenant marriage be examined under oath and must declare their intention to enter a covenant marriage. An affidavit verifying that the couple has received marital counseling from a licensed or ordained minister of any religious denomination must accompany the application. The bill specifies that a covenant marriage "is a marriage entered into by one male and one female who agree that the marriage between them is a lifelong relationship."

Dr. Bill Doherty, director of the marriage and family therapy programs at the University of Minnesota, said that the strategies named in the bill really help. "Pre-marital counseling is the key," according to Doherty. During the counseling, couples are given a compatibility test to determine how well they can expect to get along, Doherty said. He also said that when test scores are unfavorable, approximately 10 percent of the couples back out of the decision to marry.

The bill specifies five grounds for dissolution, including, adultery, a felony committed by the other spouse resulting in imprisonment, abandonment for a period of one year and a refusal to return, physical or sexual abuse by the spouse, or, the abuse of a child by the spouse, or if the couple has been living apart for three years or at least one year from the date the decree of legal separation was entered. The bill also specifies requirements for separation, including counseling that involves both spouses and emphasizes the principles of reconciliation.

Child Psychologist, Mindy Mitnick, said that she opposes the bill because covenant marriages are harder to dissolve--and more costly. She also said that covenant marriage partners wanting out of the marriage might feel

encouraged to engage in adultery or abuse to get out of the covenant. She said that government is not the vehicle with which to address marital problems. The bill failed the motion to be approved.

The second bill, S.F. 3169, also pertains to family law and was sponsored by Sen. Shelia Kiscaden (R-Rochester). The bill provides for parenting plans, granted at the request of both parents in lieu of an order for child custody and parenting time. Under the bill, the court is authorized to reject parenting plans that are not in the best interests of the child or children. According to the bill, a parenting plan must include a schedule for the time each parent spends with the child, a designation of decision-making responsibilities regarding the child, and the plan must include a method of dispute resolution. The bill does not require a listing of the duties of each parent concerning the child's upbringing, but recognizes that a plan may include transportation arrangements, restrictions concerning supervised parenting, participation in religious activities, education, health care and other designations. The court may require the parents to jointly or separately submit a parenting plan at any time before entry of the final judgment and decree. Other provisions specify restrictions regarding acceptance of a parenting plan, restrictions on decision-making by a parent in particular circumstances, restrictions on moving the child to another state and a process for modification of parenting plans.

In addition, the bill calls for an appropriation for the state court administrator to develop and implement a plan for dealing with the administrative and other changes proposed in the bill. The bill requires the commissioner to issue a request for proposals from existing nonprofit, nongovernmental, or governmental organizations to use existing facilities as parenting time centers which may also be used for parenting time exchanges. Under the bill, the commissioner is authorized to make grant awards of up to \$50,000 for creating or maintaining the parenting time centers, for the purpose of reducing children's vulnerability to violence or trauma related to parenting time in cases where there has been a history of

abuse within the family.

Members considered whether or not this was the time to address the funding aspects of the bill. The bill failed to gain the subcommittee's approval.

### **Holocaust insurance bill gains**

The Judiciary Subcommittee on Data Practices and Information Policy met Mon., Mar. 6, to consider two measures. The panel, chaired by Sen. Don Betzold (DFL-Fridley), first considered a bill requiring the commissioner of commerce to assist Holocaust victims in settling claims and recovering proceeds from insurance policies. Chief author, Sen. Allan Spear (DFL-Mpls.), said the bill, S.F. 3423, deals with Holocaust survivors and their heirs who held insurance policies in the 1930s. Normally, Spear said, when a claim is made on a life insurance policy a death certificate is needed, however no death certificates are available for victims of the Holocaust. There is an international commission working to establish a registry and recover proceeds from insurance policies written during that era, Spear said. The bill is an alternative in case the international commission is unsuccessful, he said. The measure establishes a registry within the Dept. of Commerce and provides for the cooperative exchange of information in order to establish a single registry to serve several states. Steve Hunegs, president, Jewish Community Relations Council, said, "The goal of the legislation is to provide an incentive for uncooperative European insurance companies to provide the necessary information on unpaid policies." The bill was approved and advanced to the full committee.

Members also considered the predatory offender bill, S.F. 2396. The bill, sponsored by Sen. Ember Junge (DFL-New Hope), makes a number of changes to the predatory offender registration law, the community notification law, the name change laws, the expungement law and various other criminal laws. The bill increases the penalty for violating the predatory offender registration law, provides a mandatory sentence for violating the registration law, requires lifetime registration for some predatory offenders, requires that predatory offenders register the addresses of their secondary residences and recreation

property, their work address and provide information about their automobiles and requires that the Bureau of Criminal Apprehension maintain a database containing information about predatory offenders.

Much of the discussion on the bill revolved around a provision that specifies that when a person is informed of the duty to register as a predatory offender, the person must also be informed that failure to comply may result in information about the person being made available to the public through electronic, computerized or other accessible means. Several members said that the measure needed to have incremental levels for failure to register before having information posted on the internet. Sen. Sheila Kiscaden (R-Rochester) offered an amendment providing that the BCA may make information available to the public about offenders who are 16 years of age or older and who are out of compliance with the registration law for 30 days or longer for failure to provide the address of the offenders primary or secondary residences. The amendment was adopted. In addition, members adopted an amendment providing that if an offender believes the information made public about the offender is inaccurate or incomplete, the offender may challenge the data under the Data Practices Act. The bill was approved and advanced to the full committee.

### **Joint and several bill gains**

A bill changing the percentages for joint and several liability was approved at the Weds., Mar. 8, meeting of the Judiciary Committee. H.F. 90, authored by Sen. John Hottinger (DFL-Mankato), specifies that when two or more persons are jointly liable, contributions to awards shall be in proportion to the percentage of fault attributable to each, except that a person, other than the state or a municipality, whose fault is 40 percent or greater, is jointly and severally liable for the whole award. The bill goes on to specify that if the state or a municipality is 50 percent or greater at fault, the state or municipality may be jointly and severally liable for the whole award. In addition, two or more persons who act in a common scheme or plan that results in injury, a person who commits an intentional tort

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or a person whose liability arises from environmental laws may also be held jointly and severally liable for the whole award.

The changes in the bill are the raising of the percentage of fault from 15 percent to 40 percent and specifying that the state and municipality percentage of fault must be 50 percent before being held liable for the entire award.

Proponents of the measure said the bill is needed because often cities or counties are named in lawsuits, even though the percentage of fault is very small, because units of government are seen to have "deep pockets." Opponents, on the other hand, argued that by raising the percentage of fault, some injured parties may not be compensated for their injuries.

The bill was approved and advanced to the full Senate on a divided voice vote.

In other action, the committee, chaired by Sen. Jane Ranum (DFL-Mpls.), also approved the bill designed to assist Holocaust victims in the settlement of claims from insurance policies that were never paid. S.F. 3423, authored by Sen. Allan Spear (DFL-Mpls.), requires the commissioner of commerce to establish and maintain a Holocaust insurance company registry and to establish procedures needed to make the information available in order to determine the existence of policies and identify beneficiaries. Spear said there is an international commission working to resolve the Holocaust insurance issue and the bill is an alternative plan in case the international commission is unsuccessful. Shepard Harris, representing the Jewish Community Relations Council, said the bill is to provide an incentive for insurance companies to cooperate in the settlement of policies. The bill was approved and advanced to the full Senate.

Members also approved two additional bills. S.F. 2634, authored by Sen. Don Betzold (DFL-Fridley), provides for notice to relatives of patients receiving or hospitalized for psychiatric or mental health care and modifies consent provisions for voluntary mental health treatment for minors. S.F. 1326, carried by Sen. Linda Berglin (DFL-Mpls.), provides immunity from liability for state, county boards and

agencies acting on behalf of county boards in the implementation of the community social services plan. Both bills were advanced to the Senate floor.

## Alternative health care bill gains

The Judiciary Committee met for the second time Weds., Mar. 8, to consider a bill providing regulation for complementary and alternative health care practitioners. The bill, S.F. 689, sponsored by Sen. Twyla Ring (DFL-North Branch), establishes an office of unlicensed complementary and alternative health care practice within the Dept. of Health. Ring said that the bill parallels the law covering unlicensed mental health practitioners.

Sen. Allan Spear (DFL-Mpls.) said he was concerned that if the bill is passed consumers will have the impression that the state is giving tacit approval to sometimes questionable practices. Sen. Linda Berglin (DFL-Mpls.) responded that the unlicensed mental health providers bill, that the alternative health care bill is patterned on, was enacted as a consumer protection measure. The bill gives consumers a place to find out information and to report complaints, Berglin said.

The alternative health care bill provides that the office established in the measure must investigate complaints against unlicensed practitioners, discipline practitioners and serve as a clearinghouse for information on complimentary and alternative health care practices. The bill was approved and re-referred to the Governmental Operations and Veterans Committee.

Members, chaired by Sen. Jane Ranum (DFL-Mpls.), also approved the omnibus predatory offender bill. S.F. 2396, sponsored by Sen. Ember Junge (DFL-New Hope), makes changes to the predatory offender registration law, the community notification law, the name change laws and the expungement law. The bill increases penalties for violating the predatory offender registration law, requires that predatory offenders register the addresses of their secondary residences and recreation property and requires the Bureau of Criminal Apprehension (BCA) to maintain a computerized database containing information about predatory offenders. The committee focused their discussion on the judiciary issues contained in the bill,

which had been examined by the Data Practices and Information Policy Subcommittee earlier in the week.

Members adopted two amendments offered by Ranum. The first removed an immunity from liability provision that specified the BCA is immune from any civil or criminal liability that might otherwise arise, based on the accuracy or completeness of any information made public, if the bureau acts in good faith. Ranum said the deletion of the language means that the current law regarding immunity from liability applies. The second amendment clarifies language relating to treatment of information about an offender after the offender complies with the registration laws. The bill was approved and advanced to the Human Resources Finance Committee.

The committee also approved and sent to the floor a bill providing an exception to tort liability for geographic information systems information. S.F. 2761, carried by Sen. John Hottinger (DFL-Mankato), provides immunity from claims arising from alleged or actual inaccuracies in the information, if the municipality provides a disclaimer of accuracy of the information. S.F. 3082, sponsored by Sen. Sam Solon (DFL-Duluth), was also approved and sent to the full Senate. The bill authorizes the Duluth City Council to establish or grant additional powers to the Duluth Human Rights Commission.

A bill authorizing lap and shoulder belts on school buses was also approved and re-referred to the Children, Families and Learning Committee. Chief author, Sen. Mark Ourada (R-Buffalo) said the bill, S.F. 1238, was before the committee because of a provision specifying that school districts and school bus operators are not liable solely because an injured party was not wearing a seat belt. In addition, the bill provides that a parent or guardian may notify the school district in writing that a child has their permission to not wear a seat belt.

Members also approved a bill, S.F. 1733, establishing a cause of action against persons who are responsible for providing alcohol to minors. Sen. Don Betzold (DFL-Fridley), chief author of the bill, said that the measure is aimed at preventing parents and other adults from serving or giving alcohol to



minors. The bill is closely patterned after the existing dram shop law, Betzold said. The bill was approved and sent to the full Senate.

## K-12 Education Budget Division

### CFL policy bill heard

The K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Fri., Mar. 3, to discuss the Department of Children, Family and Learning administrative bill, S.F. 3217. The bill makes changes to several education articles.

The first article considered by the committee relates to general education. The committee approved a provision in the bill that specifies that the general revenue for a charter school in its first year of operation must be computed using adjusted pupil units for the current year instead of marginal cost pupil units. Several technical changes were also approved. Changes dealing with integration revenue and integration plans were placed on the "W" list. A change to one section, which increases class size reduction funding for grades kindergarten through grade three by \$50 per adjusted marginal cost pupil unit was not approved. Another provision, repealing the Minnesota Finance Act of 1992, was also not approved.

Another article, dealing with special programs, contains changes that were incorporated into the K-12 omnibus bill with the exception of one change adding the superintendent of Duluth Public Schools to the Desegregation Advisory Board. The change was placed on the "W" list.

Several technical changes were approved to the articles covering lifework development and facilities and technology.

The bill contains changes to the charter school article. All the provisions were placed on the "W" list with the exception of a provision that corrects a fiscal year reference. Portions of an amendment dealing with the Profile of Learning graduation requirements were also placed on the "W" list.

New language in the article relating to nutrition programs, amends the Fast Break to Learning Program to change

first priority for schools in which at least 33 percent of the lunches served at the school during the second preceding year instead of the first preceding year. The provision was placed on the "W" list.

A change to the library article, makes the FY 2000 appropriation for the Library for the Blind available until June 30, 2001. The provision was incorporated into the K-12 omnibus bill.

Several technical changes to the article on education policy were approved by the committee. New language in one section changes reference from compensatory revenue to basic skills revenue, was placed on the "W" list.

Lastly, a provision that makes a technical change to the article relating to state agencies, was approved and incorporated into the K-12 omnibus bill.

### Several bills presented

A number of bills were heard by the members of the K-12 Education Budget Division, Sat., Mar. 4. The hearing was chaired by Sen. Lawrence Pogemiller (DFL-Mpls.)

Sen. Sandra Pappas (DFL-St. Paul) presented S.F. 3366, which contains several provisions including provisions to increase state aid for special education services. Based on committee projections, appropriations for special education increase by \$75.6 million under the bill. The bill was placed on the "C-W" list.

Pappas also presented S.F. 2292, a \$300,000 appropriation for school administrator recruiting efforts in FY 2000. The bill was placed on the "C-W" list.

Pappas presented a third bill, S.F. 2551, which establishes the Minnesota new teacher project in order to retain new teachers and provide models for supporting the professional development of first and second-year teachers. The proposal was placed on the "C" list. The bill also establishes a teacher loan forgiveness program. Those provisions were placed on the "W" list.

Sen. Jerry Janezich (DFL-Chisholm) authored S.F. 3438, a proposal to establish declining pupil unit aid for schools. The bill was placed on the "E" list.

S.F. 2509, sponsored by Janezich,

expands the Minnesota talented youth math project. The bill appropriates \$203,000 in FY 2001. The bill was placed on the "C" list.

S.F. 2459, authored by Janezich, authorizes a severance levy for Mesabi East School District. The bill was placed on the "C" list.

S.F. 3454, sponsored by Sen. Jane Krentz (DFL-May Township), increases general education revenue to fund teacher mentorship programs. The bill was placed on the "C-W" list.

Krentz also presented S.F. 3475, which modifies the definition of marginal cost pupil units. The bill was placed on the "E" list.

S.F. 2543, authored by Krentz, increase the equity revenue program. The bill was placed on the "C" list.

S.F. 2679, sponsored by Krentz, repeals a provision relating to participation in Minnesota Amateur Sports Commission exhibitions. The bill was approved and referred to the full Children, Families and Learning Committee.

S.F. 3534, authored by Sen. Martha Robertson (R-Minnetonka), provides for student scholarships and teacher stipends under the advanced placement and international baccalaureate program. The bill was placed on the "C" list.

S.F. 3570, authored by Robertson, increases the percent reimbursement for special education base revenue from 68 percent of salaries to 85 percent. The change is effective in FY 2001. The bill was placed on the "C-W" list.

Robertson also sponsored S.F. 2730, which restricts the phaseout of training and experience revenue. The bill was placed on the "C-W" list.

Sen. Charles Wiger (DFL-North St. Paul) authored S.F. 3029, which establishes a scholarship grant program for students enrolled in accredited post-secondary Minnesota school guidance counseling training institutions. The appropriation is \$250,000 for FY 2000 and \$250,000 for 2001. The bill was placed on the "C-W" list.

S.F. 2367, presented by Wiger, removes expiration of the commissioner's referendum date authority. The bill was placed on the "W" list.

Sen. Jane Ranum (DFL-Mpls.) presented S.F. 3185, which provides for

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airport runway impact pupil unit aid for the Richfield School District. The bill was placed on the "A" list.

Ranum also presented S.F. 3211. The bill authorizes additional general education revenue to fund a portion of the deficiency in special education funding. The bill was placed on the "C-W" list.

S.F. 3325, sponsored by Linda Scheid (DFL-Brooklyn Park), applies marginal cost funding only to school districts with declining enrollment. The bill was placed on the "E" list.

Scheid also authored S.F. 3424, a proposal to provide property equity for school districts. The bill was placed on the "C-W" list.

S.F. 3164, sponsored by Scheid, authorizes additional general education revenue for intervention programs. The bill was placed on the "E" list.

Sen. Gen Olson (R-Minnetrista), authored S.F. 3568. The bill provides for an intensive English language program for pupils of limited English proficiency. According to the bill, once a student achieves competency in English, the student may enroll in and attend any class and receive instruction in any curriculum subject for which the pupil is otherwise eligible. The bill was placed on the "W" list.

Olson also presented S.F. 3397, which dampens the annual changes in the sales ratio study conducted by the Department of Revenue. The bill was placed on the "W" list.

Sen. John Hottinger (DFL-Mankato) presented S.F. 3464, which proposes an amendment to the Minnesota Constitution creating an education article. The bill creates a children's development fund consisting of the settlement proceeds from the tobacco lawsuit received by the state after July 1, 2001. The bill was placed on the "W" list.

Pogemiller authored S.F. 3652, a proposal to establish a task force on school governance and management. The task force must examine the existing constitutional and statutory provisions that dictate the governance responsibilities and authority of the respective components of the state's public education system. The bill was placed on the "W" list.

Pogemiller also authored S.F. 2382. The bill proposes an amendment to the Minnesota Constitution by adding a new article. The question to the voters

at the 2000 election reads as follows: Shall the Minnesota Constitution be amended to create a new article on education and to require the Legislature to establish a system of public schools that educates every student to be an informed and productive citizen and prepares and motivates them to reach their highest potential? The bill was placed on the "W" list.

S.F. 3681, authored by Pogemiller, clarifies the equity revenue formula to be consistent with the original intent of the legislation. The bill was placed on the "A" list.

Pogemiller sponsored S.F. 3286, a bill that allows students to take the basic skills test beginning in grade five. The bill was incorporated into the K-12 omnibus bill.

Lastly, the committee heard S.F. 3216, authored by Pogemiller. The bill modifies and expands certain provisions of the kindergarten through grade 12 education code. The bill was approved and referred to the full Children, Families and Learning Committee.

## Charter school bills heard

The K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Tues., Mar. 7.

Sen. Bob Kierlin (R-Winona) sponsored S.F. 2388, which allows foundations with a \$1 million end of year fund balance to sponsor a charter school. The bill was amended to raise the amount to \$3 million. A further provision allows parents to serve on the board of charter schools. Sen. Ember Junge (DFL-New Hope) said many states allow parents to serve on charter school boards. Pogemiller said the purpose of charter schools is to have teacher control and that having parents who aren't elected on the board raises an accountability issue. Kierlin said teachers should be able to delegate authority. The bill was placed on the "A" list.

Kierlin also sponsored S.F. 2504. The bill provides an alternative to the Profile of Learning for charter schools. Jen Woyke, graduation standards technician at Anoka PACT Charter School, said the Profile requirements reduce class options for students and place a burden on staff. She said the Profile limits innovation and the ability to develop curriculum. Sen. Sandra

Pappas (DFL-St. Paul) said there is a waiver process in place. Woyke said the school applied but wasn't granted a waiver. The bill was placed on the "E" list.

Sen. Arlene Lesewski (R-Marshall) presented S.F. 3344, a proposal to provide grants for rural charter schools of excellence. The grant amount is \$35,000 and Lesewski said the program can start with 10 grants a year. She said schools that do an excellent job should be rewarded. Larry Schaeffer, teacher at ECHO Charter School, said the school is growing and students' test scores have improved dramatically. However, he said teachers haven't had a salary increase for three years. Lesewski said it's difficult for charter schools in rural areas to raise funds. The bill was placed on the "C-W" list.

S. F. 3247, authored by Lesewski, provides for contracts between private facilities and certain educational entities for programs for special education. The bill was placed on the "W" list.

S.F. 3607, presented by John Hottinger (DFL-Mankato), limits the time for appeal of a school board decision not to sponsor a charter school. The bill states the appeal must be made not later than 60 days after the school board's decision. The committee amended the time period to 90 days. The bill was placed on the "A" list.

Hottinger also sponsored S.F. 2879, which creates district-sponsored choice magnet schools. The bill was placed on the "E" list.

S.F. 3559 modifies several charter school provisions including lease aid for charter schools. The bill makes charter schools eligible for lease aid and deletes language stating that charter schools must apply to the commissioner for building lease aid. Junge, who authored the bill, said the Legislature should determine criteria for lease aid. Junge said the amount appropriated for lease aid last year by the Legislature has proven insufficient. Sen. Linda Scheid (DFL-Brooklyn Park) said the committee has an obligation to fully fund last year's legislation. Sen. Thomas Neuville (R-Northfield) offered an amendment that gives students living in a town where the charter school is the only school in town first priority for enrollment. The amendment also states that if

a student lives within two miles of a charter school and the next closest public school is more than five miles away that student must also be given priority. The amendment was adopted. The bill was placed on the "C-W" list.

Sen. Linda Runbeck (R-Circle Pines) presented S.F. 3445, which provides for an alternative license for teachers who received training in other states. Rosemary Hunt, teacher, said Minnesota doesn't have reciprocity with other states and that it's difficult for teachers who come from out of state to get licensed in Minnesota. The bill was placed on the "W" list.

S.F. 2394, authored by Kenric Scheevel (R-Preston), establishes a rural loan forgiveness program. According to the bill, teachers must be employed in a school district that serves an average of 100 or fewer pupils per grade. Teachers of agricultural education, English as a second language, math, science, technology, world language and cultures and special education are eligible. Vernae Hasbargen, of the Minnesota Rural Education Association, said teachers are being recruited out of smaller districts. Scheevel said rural districts need incentives to attract teachers.

Sen. Donald Ziegler (R-Blue Earth) authored a similar bill, S.F. 3022. The bill establishes a loan forgiveness program to assist Minnesota schools in recruiting and retaining excellent teachers in science, math, industrial technology and special technology. Teachers employed outside the Metropolitan Area receive extra loan forgiveness. Both bills were placed on the "W" list.

Junge presented S.F. 2286, which modifies the composition of the school site decision-making team. The bill was placed on the "A" list.

## Profile of Learning discussed

Bills on the Profile of Learning were considered by members of the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), Weds., Mar. 8.

A reduction to a minimum of 18 standards for high school students is one provision contained in S.F. 3358, presented by Sen. Steve Kelley (DFL-Hopkins). The bill delays implementation of the Profile until the commissioner of children, families and learning (CFL), after reviewing advisory group

recommendations, has certified record keeping practices and scoring criteria. The commissioner of CFL must work with school districts to develop and implement a uniform system of measuring and reporting student performance. Kelley suggested a secure internet site run by the state would be a good resource for districts and teachers.

S.F. 3391, sponsored by Sen. Paula Hanson (DFL-Ham Lake), reduces the minimum number of learning areas to six, and standards to 12, for high school students. The bill requires districts to implement at least two learning areas per year starting in 2001/2002 until all six are implemented. The bill directs the commissioner of CFL, after reviewing advisory group recommendations, to certify to all districts that the software needed to record and report performance levels is available by July 1, 2001. The bill also specifies that the state model performance package is intended to serve only as a guideline for a teacher or district to use in developing content standard specifications that the teacher or district can embed in local curricula.

S.F. 3564, presented by Linda Scheid (DFL-Brooklyn Park), makes students exempt from the Profile requirements until the department has completed modifications recommended by a state-funded, independent, expert analysis of the standards. The bill states modifications must clearly address implementation of the graduation standards for all students, particularly students with unique needs. The bill goes on to say the department must ensure sufficient computers, software, training and other support are in place for record keeping and must ensure consistent communication between schools and school districts. Scheid said, "We all think it's an implementation issue. My concern is how students are affected."

Sen. Gen Olson (R-Minnetrista) said too much complexity has been added to the education system. "We're trying to micro manage," she said. Sen. David Knutson (R-Burnsville) said teachers who have embedded standards into local curriculum have had success. "We need to allow teachers to have control," he said.

Pogemiller presented S.F. 3286. The bill contains proposals for changes to the Profile of Learning. The bill allows faculty and school board members to

determine the number of standards required at each public high school site. The bill requires the commissioner of CFL to ensure that the record keeping software is capable of transferring student records between schools and school districts. A further provision requires districts to choose the methods used to assess student achievement of a content standard. The bill allows districts to waive a content standard if a student is participating in a course of study more rigorous than the one required. The bill allows districts to incorporate more than one content standard in a single course. Under the bill, the commissioner of CFL must maintain a high standards tool library that offers teachers examples of assessment tools, lesson plans, best practices methods, research on proven methods and examples of exemplar work aligned to the content standards. Pogemiller said the bill keeps the number of standards in place but allows school boards and teachers to implement standards at their own pace. The bills were placed on the "W" list.

## Bills evaluated

The K-12 Education Budget Division met for a second time, Weds., Mar. 8. The hearing was chaired by Sen. Lawrence Pogemiller (DFL-Mpls.).

Sen. Dallas Sams (DFL-Staples) presented S.F. 3524, which modifies the general education revenue isolation index. The bill increases the percent of attendance area used in the formula from 55 to 95 percent. The bill also changes the distance factor to use the average distance to high schools in bordering districts. The bill was placed on the "D" list.

S.F. 2493, sponsored by Sen. Mark Ourada (R-Buffalo), clarifies the definition of a Metro Area school district. Under the bill, ten school districts move from the rural equity region to the metro equity region. The bill was placed on the "W" list.

S.F. 3414, authored by Sen. Linda Runbeck (R-Circle Pines), modifies pupil units for a pupil in grade six to the same number as pupils in grades 7-12. The bill was placed on the "E" list.

S.F. 2370, presented by Sen. Anthony "Tony" Kinkel (DFL-Park Rapids), modifies pupil units in a similar fashion to S.F. 3414. The bill also requires



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districts to reserve revenue for young adolescent programs to ensure students are prepared for learning in a secondary school environment. The bill was placed on the "E" list.

Runbeck authored S.F. 2448. The bill appropriates \$40,000 for the department to determine the number of Minnesota school children diagnosed with attention deficit disorder or attention hyperactivity disorder currently taking amphetamine prescription drugs, such as Ritalin.

The bill was placed on the "C-W" list.

S.F. 3449, presented by Runbeck, clarifies a valid excuse for student absences from school. The bill specifies a valid excuse must include a child diagnosed with a chronic illness who is absent from school because of the illness or conditions associated with the illness. The bill was placed on the "D" list.

Sen. Becky Lourey (DFL-Kerrick) sponsored S.F. 3619, a proposal to modify the definition of equity revenue. The bill appropriates \$30.2 million for FY 2001. The bill was placed on the "D" list.

Lourey also sponsored S.F. 2738, which allows youth works grant funds to be used for administrative costs, not to exceed five percent of total program costs. The bill also appropriates \$272,000 in additional funds for FY 2001. The bill was placed on the "W" list.

Kinkel presented S.F. 2727. The bill prohibits schools from starting prior to Labor Day for the 2000-2001 school year. Sen. David Knutson (R-Burnsville) said the division should help districts in the Northern part of the state that have been hurt by a poor winter tourism season. Sen. Jane Krentz (DFL-May Township) said it's an issue of local districts having control. The bill was placed on the "A" list.

Krentz authored S.F. 2544, which establishes permanent funding for gifted and talented programs as a component of general education revenue. Under the bill, each district receives \$10 times the district's adjusted marginal cost pupil units. The bill was placed on the "C" list.

Sen. Paula Hanson (DFL-Ham Lake) authored S.F. 2317. The bill allows districts to dispose of surplus school computers. The bill was placed on the "A" list.

S.F. 3104, presented by Sen. Steve Murphy (DFL-Red Wing), prohibits an expelled student from participating in the enrollment options program during the term of expulsion. The bill was amended to include only students expelled because of possession of a dangerous weapon, possession or use of an illegal drug at school or a school function, possession or solicitation of the sale of a controlled substance while at school or a school function or students expelled because of committing a third-degree assault. The bill was placed on the "A" list.

Sen. Sheila Kiscaden (R-Rochester) authored S.F. 3659, a proposal that authorizes school nurses to administer nonprescription drugs or medications. The bill was placed on the "A" list.

Sen. Don Samuelson (DFL-Brainerd) sponsored S.F. 3653, which authorizes \$300,000 in funds for full-day kindergarten programs in the Little Falls School District. The bill was placed on the "W" list.

S.F. 3184, authored by Sen. Dennis Frederickson (R-New Ulm), modifies school bus transportation, driver's license endorsement and school bus driver training provisions. Provisions relating to physical examinations for school bus drivers were placed on the "W" list. The bill was placed on the "A" list.

S.F. 3526, presented by Sen. Donald Ziegler (R-Blue Earth), modifies adjusted pupil units. Tom Collins, superintendent of Blue Earth Area School District, testified about the hardships created by loss of funding occurring in districts with declining enrollment. He said the funding proposal in the bill slows down the cuts the district will have to make. The bill was placed on the "E" list.

S.F. 2650, also presented by Ziegler, exempts Blue Earth from the age requirement for Type III school vans. The bill was placed on the "W" list.

S.F. 3517, sponsored by Sen. Jerry Janeczich (DFL-Chisholm), appropriates \$400,000 for a grant to the Northland Learning Center. Dr. Don Langan, superintendent of the St. Louis County School District, said the center serves students with special needs from several school districts. The bill was placed on the "C-W" list.

Pogemiller again presented S.F. 2382,

a proposal for a constitutional amendment. The bill states the duty of the Legislature is to establish a general system of education that provides an equal opportunity for every student to become an informed and productive citizen and prepares them to reach their highest potential. After discussion by the committee, the bill was set aside.

Sen. John Hottinger (DFL-Mankato) again presented S.F. 3464, which also proposes a constitutional amendment. The bill directs the state to create a permanent endowment fund to assist in the physical, emotional, moral, intellectual and healthy development of children through the age of eight years. The fund consists of proceeds from the settlement of the tobacco lawsuit. The bill was approved as amended and sent to the full Children, Families and Learning Committee.

Pogemiller offered an amendment to S.F. 3286, the division's Profile of Learning bill. The amendment states in the case of high school content standards completed before the 2000-2001 school year, students may request that the transcript show a score of complete or incomplete instead of the numeric score recorded in an earlier school year. The amendment also allows a board to waive content standards for student who transfers from an outside district. The amendment was adopted.

Witnesses testifying about the Profile bill included Sandra Peterson, co-president of Education Minnesota. She said having the school site determine the number of standards required gives local districts control but may be difficult for some districts if there is a not a good working relationship between teachers and the school board.

Bob Meeks, representing the School Board Association, said not allowing standards to be lowered in subsequent years once teachers, administrators and the school board have reached a decision, may cause districts to start with a low number of standards. The language was deleted by the committee.

Jessie Montano, assistant commissioner of CFL, expressed concern about sites determining the number of standards. She said there is a lack of consistency and students don't have equal opportunity. The bill was approved and referred to the full Children, Families and Learning Committee.

## Local and Metropolitan Government

### Five bills heard

In an effort to finish the committee's work for the 2000 legislative session, the Local and Metropolitan Government Committee considered five bills at its Weds., Mar. 8, meeting. Four of the bills were approved.

Two bills were recommended for placement on the Consent Calendar. Sen. Steve Dille (R-Dassel), author of one of the two non-controversial bills, H.F. 2723, said that state law requires county offices be in the county seat. He said that in 1995 the Legislature allowed McLeod County a six year exception so the offices could be just outside the city limits of Glencoe. The city is now in the process of extending sewer service beyond the boundary in preparation for annexation, Dille said, but they need a one year extension.

The other bill, S.F. 2756, sponsored by Sen. Michelle Fischbach (R-Paynesville), expands a hospital district's annexation authority so that it may annex territory that is contiguous to a municipality that the district is contiguous to, even if the municipality is not included in the district.

Sen. Edward Oliver (R-Deephaven), sponsor of S.F. 3145, said the city of Minnetonka had two newspapers distributed throughout the city, one that could be picked up at stores and the other that was delivered to homes. The city chose the home delivered paper as it's official newspaper. However, Oliver said, that paper moved its primary office outside of city. Thus, he said, Minnetonka would have to choose pick-up paper for official publications under current law. The bill provides an exception to Minnetonka so they may continue to use the home delivered paper. The bill was approved.

The six month probationary period for new firefighters in the city of Rochester is clarified under S.F. 3478, carried by Sen. Sheila Kiscaden (R-Rochester). Kiscaden said that Rochester is unusual in that it has a professional fire department and a firefighting academy that all new firefighters must go through. The bill clarifies that the six month probationary period begins after firefighters complete their academy

training and are placed with a firefighting company.

The bill that failed to gain the committee's approval, S.F. 3727, sponsored by Sen. Linda Higgins (DFL-Mpls.), establishes a task force to examine the roles of the Metropolitan Council. Sen. Pat Pariseau (R-Farmington) said she served on the last task force to study the Metropolitan Council but said the recommendations were not considered. The panel agreed that a similar task force could be set up informally by the chairs of the legislative committees with jurisdiction over the Metropolitan Council and there was no need for the bill. The panel rejected Higgins' motion to approve the bill and send it to the Governmental Operations and Veterans Committee.

## Property Taxes and Local Government Budget Division

### Homestead taxes discussed

Fri., Mar. 3, the Property Tax and Local Government Budget Division heard S.F. 2530, a bill allowing the city of Luverne to receive the tax reductions given to boarder cities such as Moorhead and Ortonville. Sen. Arlene Lesewski (R-Marshall) authored the bill. Luverne Mayor William Weber said South Dakota uses a video outlining tax disparities to attract businesses. The recent move to Sioux Falls, South Dakota for more favorable tax laws by Tri-State Insurance exemplifies the disparity's reality, Weber said.

Lesewski also authored S.F. 3109, a bill providing for homestead status for property owned by a trustee. Under the bill, if a grantor, a grantor's spouse or immediate relative, or a partner of a family farm corporation use the property as a homestead, the property can be classified as a homestead. Lance Staricha, of the Department of Revenue, said that the bill's cost to the state is negligible.

The division, chaired by Sen. Sandra Pappas (DFL-St. Paul), then heard S.F. 3158, also authored by Lesewski. The bill provides for the state takeover of court administration costs, such as fines and fees. Judy Rehak, of the Association of Minnesota Counties, said the proposed legislation is an easier way to reimburse counties for revenue going to

the state than having both the county and the state keep individual bookkeeping systems.

S.F. 2723, sponsored by Sen. Don Betzold (DFL-Fridley), allows residential real estate held by a trustee of a trust to be eligible for homestead classification if the grantor's spouse or immediate relative occupies the property as a homestead. The bill has a negligible fiscal impact, he said. Betzold offered an amendment deleting the qualifications for residential real estate held in trust, leaving provisions making appeal periods consistent and making technical changes. Members adopted the amendment and moved the bill to the Local and Metropolitan Government Committee.

Sen. Edward Oliver (R-Deephaven) authored S.F. 2442, a bill changing the second tier of residential property from \$76,000 to \$80,000 and lowering the class rate on the upper tier from 1.65 percent to 1.5 percent. The bill also makes a change in homestead and agricultural credit aid (HACA) to reflect the reduction in class rates. Decreases in total homestead net taxes result in a property tax refund decrease of \$4.35 million in 2001 and thereafter, Oliver said.

A bill reducing the class rate for rental property, S.F. 3249, was authored by Pappas. Under the bill, the class rate for all unsubsidized apartments and residential non-homesteads less than \$76,000 of market value will be lowered to 1 percent, and a change in HACA is authorized to reflect the reductions in class rates. Changes in homestead net taxes result in a property tax refund increase of \$1.7 million in 2001 and thereafter, Pappas said.

S.F. 3444, sponsored by Sen. Steven Novak (DFL-New Brighton), reduces the class rate on manufactured home parks. Novak said that under current law, the class rate is 1.65 percent, which his bill would change to 1.2 percent, along with appropriate changes to HACA. The estimated cost is approximately \$2.8 million, Novak said. He offered an amendment, which the division adopted, changing the tax base differential from 0.35 percent to 0.45 percent of the 1999 market value.

Novak also sponsored S.F. 3400, a bill providing exemption for leased or privately owned noncommercial aircraft

# Committee update

hangars and the land they are situated on when the hangars are located at an airport owned by a city, town, county, or the Metropolitan Airports Commission. The exemption applies only if no commercial activity is performed at the hangar, and if the owner or lessee pays an in-lieu fee for public provided public services, Novak said. He said the bill has a negligible impact on state revenue.

Aside from S.F. 2723, members took no formal action on the bills.

## Homestead bills heard

Sen. Roger Moe (DFL-Erskine) came before the Property Tax and Local Government Budget Division Mon., Mar. 6, to testify on behalf of a bill he authored, S.F. 2380, extending the definition of a homestead for agricultural property to grandchildren. Currently, the application of the relative homestead treatment to agricultural land is restricted to sons, daughters, fathers, and mothers of the owner or spouse. Moe said the bill has a negligible cost. Members incorporated S.F. 2380 into the property tax omnibus bill.

The division, chaired by Sen. Sandra Pappas (DFL-St. Paul), also heard S.F. 3239, authored by Sen. Douglas Johnson (DFL-Tower). The bill requires a study to review current tax policies of forest lands and make recommendations for changes in tax policy that would encourage forestry productivity, maintain land and forest cover, encourage the application of sustainable site level forest management guidelines, address the impacts on local government revenues, and suggest changes in tax rates. Johnson offered an amendment appropriating \$50,000 for the study. The amendment was adopted.

S.F. 2671, authored by Sen. Steven Novak (DFL-New Brighton), includes all property under the market value limitation, which states that increases in assessment are limited to 8.5 percent of the previous assessment, or 15 percent of the difference between the current and previous assessments, whichever is greater. Novak said the bill will help seniors living on fixed incomes keep their homes and help alleviate class distinctions.

A bill, S.F. 2872, providing homestead classification for property owned by a family farm corporation share-

holder or a partner in a family farm partnership if the individual lives off the land, but the residence is within four townships or cities from the property, provided that the owner is actively farming the agricultural property and does not claim another agricultural homestead in Minnesota, was authored by Sen. Keith Langseth (DFL-Glyndon).

Langseth also sponsored S.F. 2985, a bill raising the credit against net taxes to 80 percent of general purpose education levies for farm homestead and nonhomestead land. The current levels are 54 percent for homestead land and 50 percent for nonhomestead land.

The panel also heard S.F. 3041, authored by Langseth, which changes the assessment of agricultural homestead property. Under the bill, the first tier farm homestead land bracket would rise from \$115,000 to \$250,000, the second tier class rate would be lowered from 0.8 percent to 0.6 percent, and the third tier class rate would be lowered from 1.2 percent to 1.0 percent. A change in homestead and agricultural credit aid (HACA) reflecting reductions in class rates is included in the bill as well.

Sen. Richard Cohen (DFL-St. Paul) authored S.F. 3417, a bill expanding the eligibility criteria for the senior citizens property tax deferral. Under current law, property is eligible if the total unpaid balance of debts secured by mortgages and other liens does not exceed 30 percent of the assessor's estimated market value. The bill changes the qualifying criteria by raising the unpaid balance to 75 percent of the estimated market value and stating that deferral will terminate with the death of all qualifying homeowners, as opposed to the death of one of multiple homeowners under current law.

Pappas sponsored S.F. 2935, a bill increasing bonding authority for Metropolitan Area transit and paratransit expenditures, excluding light rail, from \$36 million to \$52 million. Sen. Edward Oliver (R-Deephaven) offered an amendment appropriating an additional \$3.4 million for suburban park and ride lots. Members adopted the amendment but took no further action on the bill.

A bill, authored by Sen. Bob Kierlin (R-Winona), allows taxing authorities subject to the truth-in-taxation process to provide information on the internet

regarding property tax information instead of holding public hearings as required by current law. If the taxing authority elects to post the information on the internet, Kierlin said, the advertisement that would otherwise provide information on the hearing would instead provide notice of an internet web site and a phone number to call for assistance. No one attended the Winona area informational meeting in 1998, and only one person attended in 1999, he said.

Sen. Jerry Janeczich (DFL-Chisholm) sponsored S.F. 3422, a bill authorizing the Eveleth-Gilbert joint recreation board to levy a property tax within the territory of Independent School District No. 2154 if the governing body or town board where the property is located agrees. The board is likely to levy a debt service tax of \$140,000 per year for five years, he said.

Sen. Dennis Frederickson (R-New Ulm) sponsored S.F. 3110, a bill providing homestead classification to property owned by a shareholder of a family farm corporation or a partner in a family farm partnership actively farming the property, even if the individual lives off of the land but resides within four townships or cities from the property.

Furthermore, the committee heard S.F. 3374, a bill authored by Sen. Dallas Sams (DFL-Staples) extending from 8 to 15 years the length of time during which property may be held by a political subdivision for later resale for economic development purposes and remain exempt from property taxation.

Aside from S.F. 2380, the committee took no formal actions on the bills.

## Committee on Taxes

### Sales tax exemptions heard

The Committee on Taxes Subcommittee on Income and Sales Tax, chaired by Sen. Steve Murphy (DFL-Red Wing), met Weds., Mar. 8, to consider a number of bills providing exemptions from the sales tax for various purposes. S.F. 2142, authored by Sen. Douglas Johnson (DFL-Tower), prohibits local units of government from imposing a sales tax on motor vehicles greater than \$20. An amendment phasing down over four years current taxes under the bill that exceed \$20 was adopted. The bill was recommended for inclusion in the



omnibus tax bill and was forwarded to the full committee.

Sen. Linda Scheid (DFL-Brooklyn Park) authored S.F. 3094, a bill exempting sales and use of drawings and diagrams under the condition that the item is produced and sold by a patent drafter for a patent or the item is used in judicial proceedings, such as mediations and arbitrations. The bill, providing \$196,000 in tax reductions, was moved to the Committee on Taxes and recommended for inclusion in the omnibus tax bill.

Scheid also sponsored S.F. 3589, a bill exempting construction materials used for qualified low-income housing projects owned by a public housing agency of a political subdivision. An amendment narrowing the bill's application to ensure application only to government housing was adopted before the bill was moved to the full committee with a recommendation to be included in the omnibus tax bill.

A bill providing a checkoff box on the income tax form to be used for the Children's Trust Fund for the prevention of child abuse, S.F. 2051, was sponsored by Sen. Randy Kelly (DFL-St. Paul). "It is especially frustrating that we know how to prevent child abuse, but do not have the resources to do so," Kelly said. He added that the fund has \$11 in requests for every dollar given out. Members moved the bill to the Committee on Taxes with a recommendation to include the measure in the omnibus bill.

S.F. 2632, a bill exempting fresh, canned, and juiced fruit, milk, vegetables, and granola bars sold in vending machines from sales tax, was authored by Sen. Steve Kelley (DFL-Hopkins). Dennis Bjonfald, of Vendstar, said the sales tax has to be absorbed by vending machine operators in order to compete with convenience stores. The committee adopted an amendment clarifying what kind of granola and energy bars qualify before recommending that the bill be included in the omnibus tax bill and sending it to the full committee.

Sen. Mark Ourada (R-Buffalo) authored S.F. 3773, a bill allowing the city of Buffalo to impose a 0.5 percent sales tax and a \$20 purchase tax on motor vehicles to finance a health and education center. The panel moved the bill to the full committee with a recommendation that it be included in the

omnibus tax bill.

Sen. Jim Vickerman (DFL-Tracy), authored S.F. 513, a bill exempting gravel, motor vehicle leases, machinery, equipment and accessories purchased by counties solely for road and bridge maintenance from the sales tax.

Vickerman offered an amendment also exempting materials for a road or bridge purchased by contractors for a county from sales tax. He said that the bill cuts taxes by \$1.63 million, and \$3.14 million with the amendment. The amendment was adopted and the bill was sent to the full committee to be considered for inclusion in the omnibus tax bill.

Vickerman also authored S.F. 2439, a bill reducing the tax rates on lawful gambling from 9 percent to 7.5 percent, and from 1.8 percent on pulltabs and tipboards to 1.5 percent. The committee moved the bill to the Committee on Taxes to be considered for inclusion in the omnibus tax bill.

A bill sponsored by Sen. Dallas Sams (DFL-Staples), S.F. 1936, allows municipal ambulance services to use the Revenue Recapture Act to collect delinquent payments for their services. The bill was sent to the Committee on Taxes to be considered for the omnibus tax bill.

S.F. 1935, authored by Sen. Steven Murphy (DFL-Red Wing), exempts machinery and equipment used for tramways or snow making related to skiing, as well as lift tickets from the sales tax. Sams offered an amendment removing the exemption for lift tickets from the bill. The committee adopted the amendment and referred the bill to the full committee for consideration for the omnibus tax bill.

Murphy also authored S.F. 3129, a bill providing a sales tax exemption for materials and supplies used to construct correctional facilities. Currently, the contractor must pay sales tax on materials and document to the local government the amount of taxes paid, after which the governmental unit can claim a tax refund from the Department of Revenue. Members adopted an amendment including emergency response and fire training centers in the exclusion. Members also adopted an amendment making the bill retroactive until Jan. 1, 1999 before referring the bill to the full committee for consideration in the omnibus tax bill.

Finally, Murphy sponsored S.F. 3091,

a bill recodifying the sales and use tax laws for better clarity. The non-controversial bill was sent to the Senate floor with a recommendation to pass.

## Transportation

### Multimodal fund discussed

Sen. Randy Kelly (DFL-St. Paul) sponsored S.F. 3642, a bill pertaining to the pedestrian right-of-way at intersections, when the Transportation Committee met Thur., Mar. 2. Sen. Carol Flynn (DFL-Mpls.) chairs the committee. Under the bill, display periods for "Walk" and "Don't walk" signals are prescribed, pedestrian right-of-way intersections are clarified, and money is appropriated for a pedestrian safety awareness campaign.

A law was passed in 1996 stating that motorists must stop, not yield, for pedestrians in a crosswalk, Kelly said. He said that in 1997 and 1998, the state spend \$50,000 each year to raise public awareness. However, in 1998 1,400 accidents involving pedestrians took place, Kelly said, which is not a significant decline from previous years. A period of time over several years is needed to reeducate the population, Kelly said.

After adopting an amendment Kelly offered appropriating \$300,000 from the general fund for crosswalk safety grants, members re-referred the bill to the Crime Prevention and Judiciary Budget Division.

S.F. 2678, authored by Flynn, creates a multimodal transportation fund using the motor vehicle excise tax (MVET), prohibits dedicated highway fund spending for non-highway purposes, requires a recommendation for performance-based funding for Metropolitan Transit, and redirects revenues and costs from the trunk highway fund to the multimodal fund. The bill also reduces the MVET tax.

The bill reduces the vehicle registration tax by lowering the tax rate from 1.25 percent of the vehicle's base value to 1.1 percent, changing the depreciation schedule to reduce the base value of the vehicle by 10 percent each year, and reducing the minimum tax from \$35 to \$30. "This will be a \$125 million tax reduction," Flynn said.

In the bill, \$260 million is transferred in FY 2001 from the general fund to the

# Committee update

multimodal fund for \$188 million in new transportation spending, replacing \$69.4 million in existing general fund appropriations, and replacing \$2.8 million existing trunk highway fund appropriations for non-trunk highway purposes, Flynn said. Members discussed the bill but took no action.

## Transportation Budget Division

### Bonding requests heard

The Transportation Budget Division, chaired by Sen. Dean Johnson (DFL-Willmar), met Tues., Mar. 7, heard four bills requesting bonding funds. No formal action was taken on any of the bills.

Sen. James Metzen (DFL-South St. Paul) authored S.F. 2328, a bill appropriating \$48 million for the I-494 Wakota Bridge project. Metzen told members that the current bridge offers only four lanes, severely constricting traffic flow and causing traffic to back up for miles on each side of I-494. A cost estimate for the full project, not including right-of-way acquisition, is \$168 million, he said, of which \$129 million has been gathered thus far. Concerns were raised about what effects the construction will have on the city of Newport's economy. Members discussed what implications will result from restricted access to business areas.

S.F. 2818, authored by Sen. Jerry Janezich (DFL-Chisholm) provides a \$24 million grant to the Itasca County Railroad Authority for railroad access and right-of-way acquisition for a gas pipeline, and \$16 million for highway construction. Also in the bill is a \$4 million grant for wells and wastewater treatment facilities in the city of Nashwauk. The bill also provides for the construction of a county road to access a new steel mill being built by Minnesota Iron and Steel.

Janezich said that the construction of the largest flat roll steel mill in the world by Minnesota Iron and Steel will provide approximately 3,000 new jobs, with 900 new mining jobs alone. Annual returns to the state will reach \$20 million, he said.

Ray Skelton, environmental and government affairs director of the Duluth Seaway Port Authority, spoke on

behalf of S.F. 2875, a bill appropriating \$4.9 million for the construction of a warehouse at the Clure Public Marine Terminal. Skelton said that a 322 percent increase of general cargo through the port has occurred since 1991, leaving the facility without sufficient storage space. Potential customers have been turned away, using ports in Wisconsin or Canada, he said. Sen. Sam Solon (DFL-Duluth), the bill's author, said that because of a \$250,000 Legislative appropriation in 1998, the project's plan and design is complete.

Sen. John Hottinger (DFL-Mankato) sponsored S.F. 3353, a bill authorizing \$50 million in grants to cities along the Dakota, Minnesota and Eastern (DM&E) railroad for disturbance mitigation purposes and providing a charge against major private construction projects to help fund the mitigation measures. Hottinger said that cities along the railroad, including Lake Benton, Tracy, New Ulm, Mankato, Owatonna, Rochester, and Winona, anticipate 34 trains per day of approximately 1.5 miles in length resulting in traffic congestion, substantial increases in noise levels, and depressed valuations of adjacent property. Kevin Schieffer, president of the DM&E railroad, said traffic would start with six trains per day in 2004 and reach a maximum of 16 trains per day sometime after 2010.

Hottinger offered an amendment providing the funding in the bill after construction of the DM&E project has begun. He also offered an amendment requesting the Departments of Public Safety, Trade and Economic Development, Agriculture, and Transportation to develop recommendations for maximizing opportunities to move Minnesota products to market while minimizing environmental, social, and other public costs. Both amendments were adopted.

### MVET discussed

The Transportation Budget Division, chaired by Sen. Dean Johnson (DFL-Willmar), began Wed., Mar. 8, by hearing S.F. 2992. Authored by Sen. Don Betzold (DFL-Fridley), the bill amends Minnesota Statutes to conform to federal law regarding release of motor vehicle and drivers license records. Betzold said that federal laws regarding who has rights to drivers license infor-

mation are somewhat ambiguous, however noncompliance with federal laws could result in sanctions against the state. The law is scheduled to take effect, Betzold said, on the date that the United States Attorney General imposes a penalty for finding the state in noncompliance with federal law. The bill was recommended to pass and re-referred to the State Government Finance Committee.

The committee heard, but took no formal action on, four bills relating to a reduction of the motor vehicle excise tax (MVET). A bill sponsored by Sen. James Metzen (DFL-South St. Paul) reduces the passenger vehicle registration tax rate from 1.25 percent of base value to .625 percent of base value. Metzen said the tax modification saves taxpayers \$103.575 million in 2001 and \$216, 471 million in 2002. Sixty-two percent of the proceeds from the sales tax is directed to the general fund, and thirty-eight percent is for the highway user fund, he said.

S.F. 2342, authored by Sen. Charles Wiger (DFL-North St. Paul), establishes a maximum passenger vehicle registration tax of \$65 and specifies that the annual additional tax must not be more than \$55. Under the bill, taxpayers save \$296.557 million in 2001 and \$312.879 million in 2002.

Sen. Douglas Johnson (DFL-Tower) authored S.F. 2822, a bill reducing the passenger vehicle registration tax rate from 1.25 percent of base value to 1.2 percent of base value, changing the depreciation schedule to provide a 10 percent per year reduction in the vehicle's base value for the first ten years of a vehicle's life, and reducing the total minimum additional tax from \$35 to \$30. The bill saves taxpayers \$71.8 million in 2001 and \$100.04 million in 2002.

Sen. Dick Day (R-Owatonna) authored S.F. 2483, a bill lowering the passenger vehicle registration tax to 1 percent, crediting 50 percent of MVET revenue to the highway user tax distribution fund and 50 percent to the general fund, and proposing a constitutional amendment to dedicate at least 50 percent of annual MVET revenue to the highway user distribution fund. Day said his bill would save taxpayers \$83.073 million in 2001 and \$86.81 million in 2002.

Sen. Douglas Johnson also sponsored S.F. 3356, a bill attributing one percent of gasoline sold in the state to snowmobile use. Under the bill, the snowmobile fund will continue to receive one percent of gasoline taxes collected, which will be approximately \$1.235 million in 2001. Because the percentage includes gasoline used for the transportation of snowmobiles on public roads by passenger vehicles, members and the Minnesota Department of Transportation questioned the constitutionality of a law that dedicates revenues in excess of the amount attributable to snowmobile use.

Finally, members also considered S.F. 2749, authored by Sen. Becky Lourey, providing for the issuance of a "support family farms" license plate. The bill requires a yearly donation of at least \$30 to fund an agri-business investigative unit, established by the Minnesota attorney general, to investigate and prosecute corporate violations of law. A motion to recommend the bill to pass and be re-referred to the Governmental Operations and Veterans Affairs Committee was rejected. The committee also rejected a motion to recommend the bill to pass and re-refer it to the Transportation Budget Division.

## Floor action

### DOC unit okayed

Senators devoted the Mon., Mar. 6, floor session to processing bills on General Orders. Bills on General Orders have been reported out of one or more standing committees and are considered by the Senate acting as one large Committee of the Whole. Bills gaining approval of the Committee of the Whole are then placed on the Senate Calendar for final passage.

Members debated several bills on General Orders. S.F. 3097, authored by Sen. Allan Spear (DFL-Mpls.), authorizes the Dept. of Corrections to create a special fugitive apprehension unit. Spear said, "At any given time there are approximately 250 to 300 fugitives who are unaccounted for. Mostly, the fugitives are people on probation or supervised release who haven't reported as required. Some are dangerous and they need to be apprehended and returned to the corrections facility." He added, currently there are five people in the department who are tracking down

the fugitives—this is dangerous and they need to be armed. Spear said that the individuals now apply individually for permits to carry firearms. Under the bill, the unit is converted into a peace officer unit and authorized to carry firearms. "They do police work and they ought to be licensed as police officers," Spear said. The measure was approved.

A resolution, sponsored by Sen. Charles Wiger (DFL-North St. Paul), sparked considerable discussion. The resolution, S.F. 2348, memorializes the President and the Congress of the United States to take whatever action is necessary to obtain the release of Americans who may be held against their will in North Korea, China, Russia and Vietnam. Sen. Steve Murphy (DFL-Red Wing) offered an amendment that made the clauses of the resolution findings of the Senate. Sen. Don Betzold (DFL-Fridley) spoke in opposition to the amendment because the Senate has not studied the statements in the resolution. Murphy, citing the U.S. Senate Select Subcommittee on POW/MIAs Report, said that the statements are based on the report's findings. The amendment was adopted on a 53-8 roll call vote. The resolution was then approved on a voice vote.

A bill providing that landlords may apportion utility payments among residential units also sparked debate. H.F. 979, authored by Sen. William Belanger (R-Bloomington), allows landlords to add utility service payments to a unit's rent. The bill specifies that if the owner bills for utility charges separately from the rent, the method of apportionment must be predetermined and a good faith estimate of future utility costs provided to the tenant. Further, the bill specifies that both the estimate and apportionment method be made a part of the oral or written lease. Sen. Linda Higgins (DFL-Mpls.) spoke against the measure. She said that landlords have had the utilities included in the rent, but that under the bill, landlords are asking to have utilities paid on top of the rent. "It is opening the door to unfairness," Higgins said. Belanger countered that the requiring that the estimate of costs and apportionment method be part of the lease provided the necessary safeguards. Sen. Ellen Anderson (DFL-St. Paul) also said that the bill was not good for tenants. "People who can't pay their bill

can be evicted—that's not right," Anderson said. Belanger said that tenants would be able to work out a payment schedule or qualify for assistance. The bill was given preliminary passage on a voice vote.

Members also granted preliminary passage to three additional bills. S.F. 2407, authored by Sen. Linda Berglin (DFL-Mpls.), clarifies the treatment of crime victims reparations for purposes of Medical Assistance eligibility determinations. S.F. 2474, sponsored by Sen. Sheila Kiscaden (R-Rochester), modifies provisions for speech-language pathologists, audiologists, unlicensed mental health practitioners, alcohol and drug counselors and hearing instrument dispensers. H.F. 3338, carried by Sen. Claire Robling (R-Prior Lake), authorizes the Scott County Board to reorganize and delegate the duties of certain county offices.

Two bills were granted final passage on the Consent Calendar. H.F. 2535, sponsored by Sen. Edward Oliver (R-Deephaven), allows the city of Shorewood to provide for election of council members from wards. S.F. 3257, carried by Sen. John Hottinger (DFL-Mankato), clarifies legislative employment provisions.

Several bills received final passage on the Senate Calendar. S.F. 11, authored by Betzold, provides for a six-year statute of limitations for causes of action based on domestic abuse. S.F. 2408, carried by Berglin, extends the time for crime victims to receive reparations. H.F. 2815, sponsored by Sen. Dave Johnson (DFL-Bloomington), provides for the distribution of certain fine proceeds in Hennepin County. S.F. 2397, authored by Higgins, establishes standards for employer activities to reduce occupational exposure to bloodborne pathogens through sharps injuries. S.F. 3195, sponsored by Sen. Kenric Scheevel (R-Preston), changes penalties for adulteration of dairy products. S.F. 2569, carried by Sen. Linda Scheid (DFL-Brooklyn Park), authorizes insurance coverage for vicarious liability for punitive and exemplary damages.

Senators also met for a brief floor session Weds., Mar. 8, in order to process committee reports and facilitate the movement of bills between committees.



# Committee update

## Pay limit exemptions debated

Senators met Thurs., Mar. 9, for a floor session to grant final passage to bills on the Calendar and the Consent Calendar and to debate bills on General Orders. Two bills on General Orders sparked considerable debate.

S.F. 2385, authored by Sen. Mark Ourada (R-Buffalo), exempts specific public hospital employees such as administrators, psychologists and pharmacists from the compensation limit. Currently, public hospitals are having a difficult time recruiting employees for these positions, Ourada said, because the job market is so tight. He said that because of the current job market, public hospitals are competing against the private sector for the employees and that the compensation limit-based on a percentage of the governor's salary—is limiting the ability of public hospitals to recruit employees.

Sen. Dan Stevens (R-Mora) offered an amendment limiting the consideration of compensation to salary and providing that compensation for employees of political subdivisions be limited to 95 percent of the governor's salary. Stevens said the amendment provided a more uniform method of comparing compensation by limiting the comparison just to salaries and not considering other forms of compensation. He said, "I think we should do away with compensation limits altogether, but the amendment puts the positions on a level playing field with agency heads and avoids carving out exceptions. Sen. Martha Robertson (R-Minnetonka) opposed the amendment. Robertson said, "The concern I have is the games that could be played with other forms of compensation. I think it would be more valuable to compare all forms of compensation." Sen. Deanna Wiener (DFL-Egan) also opposed the amendment, "This amendment is a very broad solution to problems local governments are having, the issue needs to be resolved by the Legislative Coordinating Commission Subcommittee on Employee Relations. The amendment failed to be adopted.

Sen. Carol Flynn (DFL-Mpls.) spoke against the bill. She said, "The piecemeal approach is inappropriate. We need to know what the impact is. This is something that needs to be looked at system wide." Ourada countered that

the bill carves out small exceptions to the compensation limits to solve the problem public hospitals are having. The bill was granted preliminary passage on a 33-30 roll call vote.

The other measure touching off debate was a bill renaming the Metropolitan Airports Commission the Minnesota Airports Commission. Flynn, the chief author of S.F. 2688, said the bill acknowledges the fact that the commission has members from outside the Metro Area and that the Mpls.-St. Paul airport is a statewide resource. Several members, though, said the name change has wider implications. Flynn said the name change is simply reflecting the reality of the commissions membership. The bill was approved on a voice vote.

Several additional bills were granted preliminary passage. S.F. 2193, authored by Sen. Dallas Sams (DFL-Staples), regulates contracts for the sale of wood and defines terms. S.F. 2737, sponsored by Sen. Becky Lourey (DFL-Kerrick), allows an applicant for a driver's license to donate \$1 for public information and education about anatomical gifts. S.F. 2691, carried by Wiener, transfers the authority to develop the energy portions of the building code from the commissioner of public safety to the commissioner of administration. S.F. 2500, sponsored by Sen. Edward Oliver (R-Deephaven), adds an international option to the six charities and the United Way that state employees contribute to through payroll deductions.

S.F. 2511, authored by Sen. Jim Vickerman (DFL-Tracy), allows entry on property for examination and survey and allows towns to recover costs incurred in establishing cartways. H.F. 2873, carried by Sen. Steven Novak (DFL-New Brighton), clarifies the effect of certain requirements on an appointed Anoka County department head. S.F. 2748, authored by Lourey, modifies ambulance service and EMT provisions. S.F. 2652, sponsored by Novak, modifies an electric power generating plant exemption from the Minnesota Power Plant Siting Act.

Senators also granted final passage to several bills on the Senate Calendar. H.F. 979, authored by Sen. William Belanger (R-Bloomington), provides that landlords may apportion utility payments among residential units. S.F.

2407, authored by Sen. Linda Berglin (DFL-Mpls.), clarifies the treatment of crime victims reparations for purposes of Medical Assistance eligibility determinations. H.F. 3338, sponsored by Sen. Claire Robling (R-Prior Lake), authorizes the Scott County Board to reorganize and delegate the duties of certain county offices. S.F. 3097, carried by Sen. Allan Spear (DFL-Mpls.), authorizes the creation of a fugitive apprehension unit within the Dept. of Corrections. S.F. 2348, carried by Sen. Charles Wiger (DFL-North St. Paul), is a resolution memorializing the President and the U.S. Congress to take whatever action is necessary to obtain the release of Americans who may be held against their will in North Korea, China, Russia and Vietnam.

Ten bills on the Consent Calendar were also granted final passage. S.F. 2776, sponsored by Sen. Sam Solon (DFL-Duluth), extends the deadline for commencing construction for a previously approved moratorium project. H.F. 2749, carried by Sen. Don Betzold (DFL-Fridley), is a revisor's bill correcting erroneous, ambiguous and omitted text. H.F. 2642, sponsored by Sen. Steve Kelley (DFL-Hopkins), provides a waiver of bond requirement in certain circumstances when employment agencies convert to search firms. S.F. 2734, sponsored by Berglin, Directs the Minnesota Home Care Association to study reimbursing home care and personal care providers for transportation costs. S.F. 3623, also authored by Berglin, excludes income earned by a temporary census employee for purposes of public assistance eligibility.

H.F. 1865, authored by Sen. Ellen Anderson (DFL-St. Paul), requests that the Supreme Court Jury Reform Committee consider the needs of nursing mothers. S.F. 2810, carried by Sen. Linda Higgins (DFL-Mpls.), repeals laws governing entertainment agencies. S.F. 3300, sponsored by Sen. Richard Cohen (DFL-St. Paul), extends the streamlined dissolution procedure project in Ramsey County. S.F. 3014, authored by Sen. Douglas Johnson (DFL-Tower), authorizes the sale of public land in St. Louis and Lake Counties. S.F. 3577, sponsored by Sen. Steve Murphy (DFL-Red Wing), authorizes certain homeless and disable veterans programs at the Minneapolis and Hastings Veterans Homes.

# Preview

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## Monday, March 13

The Senate will be in Session at 9 a.m.

### Economic Development Budget Division

Chair: Sen. Jerry Janezich  
2 p.m. Room 123 Capitol  
Agenda: To be announced.

### Governmental Operations Budget Division

Chair: Sen. Leonard Price  
2 p.m. Room 107 Capitol  
Agenda: To be announced.

### Health and Family Security Budget Division

Chair: Sen. Don Samuelson  
2 p.m. Room 15 Capitol  
Agenda: Bonding issues.

### Crime Prevention and Judiciary Budget Division

Chair: Sen. Randy Kelly  
4 p.m. Room 15 Capitol  
Agenda: To be announced.

### Environment and Agriculture Budget Division

Chair: Sen. Jane Krentz  
4 p.m. Room 107 Capitol  
Agenda: S.F. 2300-Neuville: Milltown Trail. S.F. 2425-Stumpf: Red River State Recreation Area. S.F. 2476-Stumpf: Ring dikes. S.F. 2488-Langseth: DNR district office, Pelican Rapids. S.F. 2639-Kleis: St. Cloud Joint Powers Board trail grant. S.F. 2664-Kinkel: Headwaters Science Center. S.F. 3287-Johnson, D.J.: Lake Superior Safe Harbor. S.F. 3573-Langseth: Flood hazard mitigation.

## Tuesday, March 14

The Senate will be in Session at 9 a.m.

### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf  
12 noon Room 107 Capitol  
Agenda: Higher education capital budget allocations.

### Economic Development Budget Division

Chair: Sen. Jerry Janezich  
2 p.m. Room 123 Capitol  
Agenda: To be announced.

### Governmental Operations Budget Division

Chair: Sen. Leonard Price  
2 p.m. Room 107 Capitol  
Agenda: To be announced.

### Health and Family Security Budget Division

Chair: Sen. Don Samuelson  
2 p.m. Room 15 Capitol  
Agenda: Health and Family Security supplemental budget proposal.

### Property Taxes and Local Government Budget Division

Chair: Sen. Sandra Pappas  
2 p.m. Room 112 Capitol  
Agenda: Property tax article of the omnibus bill.

### Crime Prevention and Judiciary Budget Division

Chair: Sen. Randy Kelly  
4 p.m. Room 15 Capitol  
Agenda: To be announced.

## Wednesday, March 15

The Senate will be in Session at 9 a.m.

### Higher Education Budget Division

Chair: Sen. LeRoy Stumpf  
12 noon Room 107 Capitol  
Agenda: Higher education supplemental budget allocations.

### Economic Development Budget Division

Chair: Sen. Jerry Janezich  
2 p.m. Room 123 Capitol  
Agenda: To be announced.

### Crime Prevention and Judiciary Budget Division

Chair: Sen. Randy Kelly  
4 p.m. Room 15 Capitol  
Agenda: To be announced.

## Thursday, March 16

The Senate will be in Session at 9 a.m.

### Economic Development Budget Division

Chair: Sen. Jerry Janezich  
2 p.m. Room 123 Capitol  
Agenda: To be announced.

## Friday, March 17

The Senate will be in Session at 9 a.m.

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# Minnesota Senate 2000

Party	Phone	Name	Room	District	Party	Phone	Name	Room	District
DFL	296-5537	Ellen R. Anderson	G-24 Cap.	66	DFL	296-5645	John Marty	325 Cap.	54
R	296-5975	William V. Belanger, Jr.	113 SOB	41	DFL	296-4370	James P. Metzen	303 Cap.	39
IND	296-5094	Charles A. Berg	G-51 SOB	13	DFL	296-2577	Roger D. Moe	208 Cap.	2
DFL	296-4261	Linda Berglin	309 Cap.	61	DFL	296-4264	Steve Murphy	301 Cap.	29
DFL	296-2556	Don Betzold	306 Cap.	48	R	296-1279	Thomas M. Neuville	123 SOB	25
DFL	296-5931	Richard J. Cohen	317 Cap.	64	DFL	296-4334	Steven G. Novak	322 Cap.	52
R	296-9457	Dick Day	147 SOB	28	R	296-4837	Edward C. Oliver	117 SOB	43
R	296-4131	Steve Dille	103 SOB	20	R	296-1282	Gen Olson	119 SOB	34
R	296-2084	Michelle L. Fischbach	15 SOB	14	R	296-5981	Mark Ourada	145 SOB	19
DFL	296-4274	Carol Flynn	120 Cap.	62	DFL	296-1802	Sandra L. Pappas	120 Cap.	65
DFL	296-4154	Leo T. Foley	G-9 Cap.	49	R	296-5252	Pat Pariseau	109 SOB	37
R	296-8138	Dennis R. Frederickson	139 SOB	23	DFL	296-9248	Pat Piper	G-9 Cap.	27
DFL	296-3219	Paula E. Hanson	328 Cap.	50	DFL	296-7809	Lawrence J. Pogemiller	235 Cap.	59
DFL	296-9246	Linda I. Higgins	226 Cap.	58	DFL	297-8060	Leonard R. Price	235 Cap.	57
DFL	296-6153	John C. Hottinger	120 Cap.	24	DFL	297-8061	Jane B. Ranum	306 Cap.	63
DFL	296-8017	Jerry R. Janezich	328 Cap.	5	DFL	296-5419	Twyla Ring	G-9 Cap.	18
DFL	296-9261	Dave Johnson	111 Cap.	40	R	296-4314	Martha R. Robertson	125 SOB	45
DFL	296-3826	Dean E. Johnson	124 Cap.	15	R	296-4123	Claire A. Robling	151 SOB	35
DFL	296-8881	Douglas J. Johnson	205 Cap.	6	R	296-1253	Linda Runbeck	107 SOB	53
DFL	296-2889	Ember Reichgott Junge	205 Cap.	46	DFL	297-8063	Dallas C. Sams	328 Cap.	11
DFL	297-8065	Steve Kelley	321 Cap.	44	DFL	296-4875	Don Samuelson	124 Cap.	12
DFL	296-5285	Randy C. Kelly	323 Cap.	67	R	296-3903	Kenric J. Scheevel	129 SOB	31
R	296-5649	Bob Kierlin	127 SOB	32	DFL	296-8869	Linda Scheid	317 Cap.	47
DFL	296-4913	Anthony G. "Tony" Kinkel	G-24 Cap.	4	DFL	296-4188	Sam G. Solon	303 Cap.	7
R	296-4848	Sheila M. Kiscaden	135 SOB	30	DFL	296-4191	Allan H. Spear	120 Cap.	60
R	296-6455	Dave Kleis	143 SOB	16	R	296-8075	Dan Stevens	105 SOB	17
R	296-4120	David L. Knutson	133 SOB	36	DFL	296-8660	LeRoy A. Stumpf	G-24 Cap.	1
DFL	296-7061	Jane Krentz	235 Cap.	51	R	296-6238	Roy Terwilliger	115 SOB	42
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R	296-5655	Cal Larson	153 SOB	10	DFL	296-6820	Charles W. Wiger	325 Cap.	55
R	296-4125	Arlene J. Lesewski	131 SOB	21	R	296-5713	Donald N. Ziegler	149 SOB	26
DFL	296-4136	Bob Lessard	111 Cap.	3	<b>Capitol address: 75 Constitution Avenue, State Office Building</b>				
R	296-2159	Warren Limmer	25 SOB	33	<b>Address: 100 Constitution Avenue, St. Paul, MN 55155. All</b>				
DFL	296-0293	Becky Lourey	G-9 Cap.	8	<b>phone numbers are area code 651.</b>				

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# *Senate Briefly*

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*One of many touring school groups winds its way down the cantilevered staircase at the Capitol.*

*Photo by Andrea G. Murrill*



*March 17, 2000*

# Senate Highlights

## Wolf bill passed

The Senate passed a bill implementing state management of the gray wolf Wed., Mar. 15. Final passage was also given to numerous bills on the Calendar and Consent Calendar.

Discussion began on the wolf management issue when the Senate approved a motion by Sen. Gary Laidig (R-Stillwater) to take the proposal from last year, H.F. 1514, from the table. Laidig had been chief author of the measure before transferring it to Sen. Jane Krentz (DFL-May Township). Laidig said that he believes state management of the gray wolf is superior to federal management of the species, and that the U.S. Fish and Wildlife Service (USFWS) will not remove the gray wolf from the endangered species list, or "de-list" it, until the state enacts an acceptable management plan. Laidig explained that in 1998, a citizens' roundtable group composed of representatives from the entire spectrum of opinions on wolf management came up with a plan to take over management of the gray wolf. His bill originally reflected that proposal, but amendments added last year made it unlikely to result in de-listing of the species. Laidig said an acceptable plan must include

provisions to reduce the threat of illegal taking of wolves and to protect the species for at least the next five years. He added that the roundtable agreement is a delicately balanced proposal that gives state residents the right to protect their property, pets and livestock from wolves, but prohibits harassment of wolves that don't pose a threat. Laidig offered an amendment to substitute the roundtable agreement for language currently in the bill.

Sen. LeRoy Stumpf (DFL-Thief River Falls) said the current language of the bill includes amendments he put on last year. He said the concern he had with Laidig's amendment is that it doesn't take care of depredation in livestock areas as his bill does. Laidig replied that it is expensive and tragic when livestock is killed by a wolf, but the livestock owner has no recourse if the wolf remains under federal management.

Krentz spoke in favor of the Laidig amendment. She said the Senate will have to negotiate with the other body in conference committee and their proposal is unacceptable to the USFWS. Laidig echoed the sentiment, saying the House proposal is much more extreme and the Senate has historically taken more moderate and reasonable positions

on issues. The amendment was adopted on a 46-20 roll call vote.

Sen. Bob Lessard (DFL-Int'l. Falls) offered an amendment to Laidig's amendment authorizing a hunting season on wolves beginning in three years if the Dept. of Natural Resources (DNR) determines it is necessary for management of the species. Laidig spoke against the amendment, saying it will impede the de-listing process. Lessard's amendment failed on a 23-42 roll call vote.

Sen. Dan Stevens (R-Mora) offered an amendment raising the limit on compensation for livestock killed by wolves from \$750 to full market value beginning in the next fiscal biennium. Laidig said that the roundtable had recommended full market value compensation, but he had set the limit lower out of fiscal concerns. Krentz, the chair of the Environment and Agriculture Budget Division said she supported the amendment since it didn't affect the current fiscal biennium. Stevens added that since there is a public good from restoration of the wolf population, the public should pay for the depredation. The amendment was adopted on a voice vote. The bill was given its third reading and passed on a 45-21 roll call vote.

In other action, the Senate passed 55 bills on the Calendar that were previously considered on General Orders, with the exception of bills being compared to the House companions and those that were laid over, and six bills on the Consent Calendar.

## Profile bill passed

Sen. Lawrence Pogemiller (DFL-Mpls.) presented the Profile of Learning bill, S.F. 3286, at the Thurs., Mar. 16 floor session. The bill was designated as a special order. "Teachers want the high standards. All we can do is create an environment for teachers to solve the implementation problems. The bill ends top-down decision making," said Pogemiller. He said the bill allows teachers, administrators and school board members to vote to determine the number of standards required for graduation at each public high school site. He went on to say that the same group also determines the number of standards required at the preparatory

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level. "This creates the ability for faculty to determine the time frame for implementation," Pogemiller said. He said districts must continue to fully implement the Profile as required by applicable laws and rules. "We are staying the course but giving local districts flexibility," said Pogemiller. He added that the legislation is generally supported by all the stakeholder groups and the governor's office. "We're starting to build a consensus," said Pogemiller.

Pogemiller offered an amendment specifying districts must continue to provide learning opportunities for all students in preparatory content standards in learning areas one to nine and learning opportunities sufficient to meet graduation requirements in high school content standards in all ten learning areas. The amendment also says a district must offer at least one foreign language in learning area ten. The amendment was adopted.

Sen. Thomas Neuville (R-Northfield) offered an amendment requiring the commissioner to waive all the Profile rules for districts that pass a resolution to provide instruction reflecting rigorous academic standards, distinguishable from the minimum competencies reflected in the basic requirements assessment. According to the amendment, the requirement for high school graduation must include the basic requirements and rigorous academic standards which meet or exceed state standards and assessment methods adopted by the district. The amendment goes on to say which subject areas must be covered. Neuville said the Profile will fail if teachers haven't bought into it. He said there needs to be flexibility at the local level and that standards don't need to be the same across the state. Pogemiller said the amendment doesn't include a mechanism to determine if local standards are high enough. Neuville said the amendment allows local districts to set the bar. The amendment failed on 32 to 31 roll call vote.

Sen. Don Ziegler (R-Blue Earth) also said districts need local control. He said students are paying the price for problems with the Profile of Learning. He offered an amendment placing a moratorium on the Profile of Learning. Sen. Deanna Wiener (DFL-Eagan) said

the Profile needs to be fixed, not thrown out. Sen. Jane Krentz (DFL-May Township) said the Profile bill allows local control and addresses problems with the Profile of Learning. "Having a moratorium doesn't solve the problem," she said. Pogemiller said a moratorium would send a message that the state isn't willing to stay the course. Ziegler said a moratorium should at least be enacted until an assessment of the Profiles has been done. The amendment failed on a 35 to 26 roll call vote.

Sen. Leonard Price (DFL-Woodbury) offered an amendment relating to scoring group projects. He said that telling teachers how to score projects is micro-managing. Krentz said the language in the bill is the result of teachers assigning the same score to all students in a group. Price said the language doesn't allow for scoring students as a team on a project. He said such a restriction shouldn't be put into law. "This is overstepping our authority," he said. The amendment was adopted.

Sen. Anthony "Tony" Kinkel (DFL-Park Rapids) offered an amendment providing that before each school site determines the required content standards, the school board and the majority of teachers at the site must adopt a policy that prohibits students in fifth grade from entering sixth grade if they do not perform at a level II or higher on two of the three Minnesota comprehensive assessments. The amendment excludes students with an individual education plan. Kinkel said the amendment prevents social promotion in a responsible way. Sen. Jane Ranum (DFL-Mpls.) said social promotion is a complex issue and that the amendment doesn't make provisions for interventions. The amendment was defeated.

An amendment, offered by Price, specifying that transcripts don't have to include content standards the student hasn't done anything on was adopted. The body also adopted an amendment offered by Neuville which clarifies language in the bill.

Sen. Linda Runbeck (R-Circle Pines) offered an amendment requiring school districts to return to students their response to the Jan. 26, 2000 test prompt, from the state's basic skills test for written composition. The amend-

ment specifies that district personnel must not have access to the students' responses for any purpose except to return the responses to the students. Runbeck said a question asked about what students would like to change about themselves was too personal and tests should be given back to students. Pogemiller said the test should only be returned to students who ask for the test back. Pogemiller offered a motion to that effect. The motion was adopted. Runbeck offered a motion to have the tests unreturned destroyed. The motion was adopted. The amendment passed on a 59 to 6 roll call vote.

The bill was granted final passage on a 44 to 22 roll call vote.

## Tab fee reduction approved

Chair of the Transportation Budget Division, Sen. Dean Johnson (DFL-Willmar), held a brief meeting Thurs., Mar. 9. The panel moved two bills to the Transportation Committee, S.F. 2822, authored by Sen. Douglas Johnson (DFL-Tower) and S.F. 2749, authored by Sen. Becky Lourey (DFL-Kerrick).

Johnson's bill reduces the passenger vehicle registration tax rate from 1.25 percent of the vehicle's base value to 1.2 percent of the base value, changes the depreciation schedule to provide a 10 percent per year reduction in the base value for the first ten years of a vehicle's life, and reduces the total minimum additional tax from \$35 to \$30. The bill, recommended to pass and sent to the Transportation Committee, saves taxpayers \$71.8 million in 2001 and \$100.04 million in 2002.

S.F. 2749, authored by Sen. Becky Lourey, provides for issuance of a "support family farms" license plate which vehicle owners can purchase for \$10. Mike Ryan, from the Department of Public Safety, said the \$10 fee covers the cost of making the special license plate.

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# Committee update



Actress Linda Kelsey appears before the Governmental Operations Budget Division on behalf of the University of Minnesota Centennial Showboat.

Photo by David J. Oakes

## Agriculture and Rural Development

### GMO informational hearing

Members of the Agriculture and Rural Development Committee, chaired by Sen. Dallas Sams (DFL-Staples), met Thurs., Mar. 9, for an informational hearing on genetic modified organisms (GMO's), which promises to be an issues facing the panel next session.

The hearing began with an overview of the new genomic technology, which holds significant implications for both crop and livestock production, presented by two University of Minnesota deans. The hearing ended with testimony from witnesses speaking on behalf of and against GMO's.

"Many people have questions about the new technology, particularly about what risks it poses," said Charles Muscoplat, dean of the College of

Agriculture, Food and Environmental Science and vice president of agriculture policy. "The risk-benefit analysis is a real challenge."

While Muscoplat and Robert Elde, dean of the College of Biological Science, acknowledged there may be risks associated with GMO plants and animals, they said there are also risks associated with traditional biological science.

The new technology has already unlocked answers to previously unanswered medical questions, such as the recently identified genes that promote wound healing, they said. When applied to production agriculture, GMO technology has already or could result in herbicide, heat and cold tolerant and disease-resistant crops, such as wheat varieties resistant to scab, and higher-yielding, superior quality crops. In livestock production, the technology could mean problems like E-coli could

be treated with GMO feeds, they said.

The first GMO product, a biotech-produced insulin, came on the market in 1985, they said. There are now 40 agricultural biotech products, such as herbicide tolerant soybeans and corn containing the B.t. gene to combat European corn borers, on the market, they said. And there will be 30 more on the market within the next five years, they said.

GMO technology, noted Sen. Steve Dille (R-Dassel), is considered by some scientists to be the third most important discovery in the history of mankind, the first being the discovery of fire and the second being the discovery of ways to grow and produce food.

Among witnesses to speak in favor of GMO's were representatives of Minnesota commodity and farm policy groups.

Warren Formo, representing the Minnesota Corn Growers Association, said that, by the fourth year of commer-

cial production, U.S. corn farmers planted one-third of their acres with biotech seed. "While we recognize the potential benefits of biotechnology, we also recognize that this technology has become a concern for some people," he said. "Unfortunately, I fear that these concerns may prompt state legislation banning or restricting the use of biotechnology. This would, in effect, make Minnesota an agricultural island unto itself. It would take away one of the most significant production tools available to Minnesota farmers. Such legislation would put us at a great disadvantage in the marketplace. And, frankly, it would put our customers at a disadvantage as well."

Kevin Paap, representing the Minnesota Farm Bureau Federation, echoed Formo's sentiments. "Biotechnology will have a critical role to play in our future," he said. "Every one of us should be advocates for the careful and deliberate advancement of this crucial area of 21st Century science. We support increased efforts to educate the public regarding the safety and benefits of products developed through biotechnology. It is through this technology we will see products with enhanced nutritional value and improved food safety characteristics to help feed the growing global population."

Among opponents was Jim Riddle, representing both the Genetic Engineering Action Network, a coalition representing Twin Cities food coops, consumer groups, environmental organizations, and rural activists, and the Organic Consumers Association. "We support bills introduced in the Legislature that call for a moratorium on genetically engineered crops, hold biotech corporations, instead of farmers, liable for potential damages, and require that genetically engineered foods be labeled," he said. He called on the Legislature to take on the GMO issue this session because GMO's are bad for the economy, with "U.S. corn exports to Europe dropping by 96 percent in 1999 because the U.S. can't provide non-GMO corn," he said. He also said GMO's are bad for family farmers because "seed costs more, yet may yield less," he said.

Likewise, Andy Steensma, of the Minnesota Farmers Union, said the organization supports labeling of GMO

foods, like the labeling law for milk from RBGH-treated dairy cows several years ago, so consumers can decide for themselves whether or not to purchase such foods.

Sen. Ellen Anderson (DFL-St. Paul), sitting in on the hearing, responded to opponents' concerns by citing a bill she introduced on the floor earlier in the week. S.F. 3638 prohibits the sale of genetically engineered foods unless labeled.

## Children, Families and Learning

### Profile bill okayed

Members of the Children, Families and Learning Committee, chaired by Sen. Pat Piper (DFL-Austin), Sen. Lawrence Pogemiller (DFL-Mpls.) and Sen. Leroy Stumpf (DFL-Thief River Falls), met Fri., Mar. 10.

Pogemiller presented S.F. 3286. He said the bill addresses implementation issues of the high standards. The bill requires at least three additional days for staff development training related to implementing the Profile of Learning. The bill allows the faculty and school board members to determine the number of standards required at each public school site but districts must continue to fully implement the Profile as required by applicable laws and rules. The bill requires the commissioner of CFL to ensure that the record keeping software is capable of transferring student records between schools and school districts. A further provision requires districts to choose the methods used to assess student achievement of a content standard. The bill allows districts to waive a content standard if a student is participating in a course of study more rigorous than the one required. The bill allows districts to incorporate more than one content standard in a single course. Under the bill, the commissioner of CFL must maintain a high standards tool library that offers teachers examples of assessment tools, lesson plans, best practices methods, research on proven methods and examples of exemplar work aligned to the content standards. Pogemiller said the bill keeps the number of standards in place but creates local flexibility.

Jessie Montano, assistant commissioner of CFL, said the bill is a workable compromise. She expressed concerns that school districts may choose to do fewer standards and schools' implementation of standards may take longer than the department would like.

Sen. Paula Hanson (DFL-Ham Lake) offered an amendment that states districts are not required to adopt specific provisions of any federal education program, including the Goals 2000 program and federal School-to-Work. The amendment was adopted on a divided vote.

Sen. Thomas Neuville (R-Northfield) offered an amendment that gives the commissioner the ability to waive the Profile of Learning rules if a district passes a resolution to provide instruction reflecting rigorous academic standards equivalent to or exceeding the state standards. The second part of the amendment allows the teachers of a district to petition the school board to pass a waiver resolution. If the school board does not pass the waiver resolution, the waiver request must be submitted to the voters of the district at the next school board election. Neuville said the amendment adds local control to the Profile bill. He said the Profile won't work if teachers don't accept it. Pogemiller said the state has a constitutional duty to be involved at the local level. "This is not the right thing to do for our state," Pogemiller said. Sen. Shelia Kiscaden (R-Rochester) offered a motion to remove the second part of Neuville's amendment. The motion failed on a 24 to 7 roll call vote. The amendment failed on a 20 to 11 roll call vote. The bill was approved and sent to the full Senate on a 24 to 5 roll call vote.

S.F. 3216 was also presented by Pogemiller. The bill modifies and expands provisions of the kindergarten through grade 12 education code. Pogemiller said the bill removes unnecessary language. The bill was approved and referred to the full Senate.

S.F. 2679, sponsored by Sen. Jane Krentz (DFL-May Township), repeals a provision relating to high school participation in Minnesota Amateur Sports Commission (MASC) exhibitions. Krentz said last year the MASC was authorized by the Legislature to sanction high school athletic competi-

# Committee update

tions. She said some high school hockey coaches were interested in having more games. She said it has been acknowledged that the games are best handled by the Minnesota State High School League. "At this point we have a consensus," said Krentz. The bill was approved and sent to the floor.

Sen. John Hottinger (DFL-Mankato) presented S.F. 3464, which proposes an amendment to the Minnesota Constitution creating an education article. The bill creates a children's development fund consisting of the settlement proceeds from the tobacco lawsuit received by the state after July 1, 2001. The bill directs the funds to be used to supplement, not supplant, traditional sources of funding for activities for young children and their parents or activities designed to prevent youth from smoking.

Neuville offered an amendment to change the wording of the question to the voters. The new wording is: Shall the Minnesota Constitution be amended to create a children's development fund with funds dedicated from the annual proceeds of the Minnesota tobacco lawsuit? The amendment was adopted.

Kiscaden said she wasn't comfortable supporting the bill because of the funding source. She said there are other proposals for use of the tobacco funds. "It's premature to do it this year," she said.

Sen. Bob Kierlin (R-Winona) asked what percentage of funds will go to anti-smoking efforts and what percentage will go to other programs. Hottinger said the percentage is not specified in the bill. He said the best smoking prevention is to give children a good start so they can make better choices. The bill was approved and re-referred to the Rules Committee.

S.F. 3631, sponsored by Sen. Roy Terwilliger (R-Edina), appropriates \$100,000 to support the Kids Capacity Initiative pilot program. The program is testing the use of transition homes and circles of support for children in place of the current system of foster homes and treatment teams. The staff of the Kids Capacity Initiative must make a report to the commissioner of CFL and the Legislature by Feb. 1, 2001. The program has raised \$740,000 from private sources, said Terwilliger. The bill was re-referred to the Health and Family Security Committee.

## Commerce

### Disaster insurance bill heard

The Commerce Committee met Thurs., Mar. 9 to consider several bills. Sen. Sam Solon (DFL-Duluth), chair of the committee, said the only controversial bill on the agenda was S.F. 3020, authored by Sen. John Hottinger (DFL-Mankato). The bill regulates failure by the insured to provide insurers with timely proof of loss or damage caused by fire or other policy-covered hazards. Hottinger said the concept for the bill began forming in 1991 following a court decision to honor an insurance company's decision not to reimburse a policyholder for damages from fire because the signed claim was not made available to the company within the time limitation specified in the policy. Under the bill, failure to comply with the 60-day proof of loss requirement does not act as a bar to recovery unless the company's rights were prejudiced by the failure to receive a completed proof of loss within that time period.

Beverly Turner, representing the St. Paul Companies, said that arson is the number one cause of fires in the state--and insurers need prompt notification of a fire claim to allow investigators to determine cause. Turner said she opposed the bill because insurers need prompt loss notification to determine whether or not fraud was at issue. Hottinger offered an amendment requiring the insurer to notify the insured that the insurer may deny the claim unless a completed sworn proof of loss is received by the insurer within 60 days of receiving written notice of a claim. A provision requires that the notice be sent to the insured by certified mail, return receipt requested, and must include a proof of loss form and accompanying instructions. The amendment was adopted. The bill was recommended to pass and advanced to the Senate floor.

Sen. Jane Ranum (DFL-Mpls.) sponsored S.F. 3673, a bill requiring pawnbrokers who provide law enforcement agencies with electronic records of transactions to use a specified interchange file specification format. Ranum said that although pawnbrokers are not required to provide transaction information, many do, and putting the information into a compatible format

makes sharing of information between law enforcement agencies effective. Sen. William Belanger (R-Bloomington) offered an amendment, which was adopted, that changes the word "electronically" in the bill to "in a computerized format." The amended bill was recommended to pass and referred to the Consent Calendar.

S.F. 2436 is carried by Sen. Linda Scheid (DFL-Brooklyn Park). The bill regulates auto rental vehicle insurance coverage. Under the bill, the insurance policy or self-insurance plan covering a repair shop loaner vehicle is in "excess" of the liability insurance covering the driver of the loaner vehicle. Scheid said the bill establishes that insurance coverage on loaner cars does not totally cover the driver of the loaner car, making that person's insurance pay for any loss. The repair shops coverage only pays to the extent that the driver's coverage is not enough to pay for the loss. The bill was recommended to pass and advanced to the Senate floor.

Sen. Steve Kelley (DFL-Hopkins) carried S.F. 981, a bill authorizing a dormancy charge for money orders. The bill allows holders to annually deduct from a money order presumed abandoned, a charge imposed by reason of the owner's failure to claim the property within a specified time. The holder may deduct the charge only if there is a valid and enforceable written contract between the holder and owner, under which the charge is permissible, if the holder regularly imposes the charge, and if the charge is not canceled. The bill was recommended to pass and advanced to the Senate floor.

Sen. Dave Kleis (R-St. Cloud) sponsored S.F. 619, a bill exempting out-of-state collection agencies from Minnesota regulations. Under the bill, "collection agency" is defined as a collection agency engaged in collection from a Minnesota creditor. "Collector" is defined to apply to a collection agent collecting from Minnesota creditor. The bill provides that no person be considered engaged in the business of collection for others if that person's activities within Minnesota are limited to collecting debts by means of interstate communications for out-of-state creditors from debtors residing in Minnesota. Kleis said the bill helps agencies compete across state borders



and that the collection industry was in favor of the bill since Minnesota is so tightly regulated. The bill was recommended to pass and advanced to the Senate floor.

Hottinger carried S.F. 1870, a bill that adds the definition "motor vehicle franchise" to include situations in which the franchisee receives at least 85 percent of its motor vehicle fuel requirements from the franchiser. The provision excludes a person selling motor vehicle fuel at wholesale cost, who is not an affiliate of a person owning or controlling trademark or other franchise mark. Under the bill, a motor vehicle fuel franchiser is required to make a bona fide offer to the franchisee before selling, transferring, or assigning interest in the marketing premises. A right of first refusal of at least 45 days' duration is specified.

The bill also requires a motor vehicle fuel franchiser or affiliate, who has an option to purchase or an option to lease, or extend a lease, of marketing premises occupied by the franchisee, who determines not to exercise the option, to offer to assign or transfer the option to the franchisee. The bill allows the franchiser the right to charge the franchisee a reasonable legal and administrative cost for transfer of the option. The bill was recommended to pass and advanced to the Senate floor.

Sen. Deanna Weiner (DFL-Eagan) authored S.F. 3626, a bill that adjusts aspects of eligibility and coverage in the Minnesota Comprehensive Health Association (MCHA). The bill calls for a study of premium rates. Currently, there are two health care plans offered under the MCHA. The bill adds a third plan so that \$1,000 deductible, \$500 deductible, and \$2,000 deductible plans are available. The bill specifies various administrative changes related to policies and provides for a study to assess the impact of increasing the maximum premium rate range of the plans. The study will also address the feasibility of establishing a sliding scale premium program. The bill was recommended to pass and advanced to the Senate floor.

Sen. Dave Johnson (DFL-Bloomington) carried S.F. 1122, a bill that provides that for the purposes of the unclaimed property law, intangible property does not include gift certi-

cates, gift cards, or layaway accounts issued or maintained by retailers. The effect of the bill is that retailers are not required to report and turn over such property to the state. The bill was recommended to pass and referred to the Economic Budget Division Committee.

Finally, S.F. 2753, sponsored by Sen. Steven Novak (DFL-New Brighton), provides that a manufacturer, distributor, or factory branch having an ownership interest in an automobile dealership of the same line constitutes competing with a dealer, unless the ownership interest is a passive interest held for investment purposes. Also, the bill makes it an unfair practice for a manufacturer not to make all models in a line, other than alternative fuel vehicles, available to a franchised dealer. In addition, the bill allows 30 days, rather than the current 15 days, to bring a civil action to challenge establishing or relocating a new dealership. The bill also requires that manufacturers are subject to the law in providing notice rights for dealer competition when establishing or approving a new service or parts location. The bill was recommended to pass and sent to the Senate floor.

## Crime Prevention

### Gambling fraud bill okayed

The Crime Prevention Committee met Fri., Mar. 10, to wrap up work for the session. Members, chaired by Sen. Allan Spear (DFL-Mpls.), advanced three bills to the Senate floor.

S.F. 2701, authored by Sen. Deanna Weiner (DFL-Eagan), creates the new crime of charitable gambling fraud and establishes penalties. Charitable gambling includes pull-tabs, tip boards, paddlewheels, raffles and bingo. Weiner said the penalties set under the bill are graduated according to the dollar amount involved. If the dollar amount is \$500 or less, the person is guilty of a misdemeanor, if the amount is more than \$500, but less than \$2,500, the person is guilty of a gross misdemeanor and if the dollar amount is more than \$2,500, the person is guilty of a felony. King Wilson, executive director, Allied Charities of Minnesota, said the bill is designed to deter those who might be tempted to cheat, provide an adequate

tool for law enforcement officials and prosecutors to use against those who cheat and punish those who do cheat.

Members also finished work on a bill setting criminal and driver's license penalties for the use of a false ID for purchasing alcohol or tobacco by underage persons. The bill, S.F. 2845, authored by Sen. David Knutson (R-Burnsville), had been heard at a previous meeting, but members had expressed concern over a provision authorizing a retailer to seize the false ID and retain it for up to 48 hours.

Knutson offered an amendment specifying that a retailer that seizes a form of identification must deliver it to a law enforcement agency within 24 hours of seizing it. The amendment was adopted. The panel also adopted an amendment, offered by Sen. Randy Kelly (DFL-St. Paul), specifying that when a peace officer or probation officer has probable cause to believe that a child is truant, the officer may transport the child from the child's home to the child's school or to a truancy service center. Current law specifies that the officer may transport the child to the child's home, to the school or to a truancy center, but nothing in current law makes it clear that a child may be transported from home to school or truancy center, Kelly said.

The final bill before the committee, S.F. 3566, sponsored by Sen. Leo Foley (DFL-Coon Rapids), creates a new criminal penalty for failure to pay over sales tax on motor vehicles collected from a purchaser.

The committee approved all three bills and forwarded them to the full Senate.

## Crime Prevention and Judiciary Budget Division

### Funding package discussed

The Crime Prevention and Judiciary Budget Division met Mon., Mar. 13, to discuss the criminal justice supplemental appropriations bill. Chair Randy Kelly (DFL-St. Paul), presented an overview of the bill, S.F. 7357, which contains appropriations totaling \$24 million. The bill includes funding for the judicial branch, public safety, criminal justice, crime prevention, public defense and related purposes.

# Committee update

The bill contains appropriations of \$200,000 for civil legal services for low-income clients, \$2.8 million to restore judge unit vacancies and to restore judicial branch infrastructure funding. In addition, \$1 million is appropriated for youth shelter prostitution prevention grants, \$500,000 for public defender costs relating to obtaining expert witnesses and related services, and \$400,000 for per diem payments for battered women shelter facilities. A portion of the bill reduces the appropriation in the 1999 omnibus Criminal Justice Appropriations Act for juvenile residential treatment grants by \$5 million and requires the commissioner of finance to reflect the reduction in the Department of Corrections' base budget for the next biennium. The reduction is attributed to the new policy of charging counties for one-half of the expenses for housing juvenile offenders.

Sen. Ellen Anderson (DFL-St. Paul) offered an amendment that changes the \$100,000 appropriation for civil legal services for low-income clients--to \$75,000. The amendment also adds a \$25,000 appropriation to print and distribute educational materials for contract for deed vendors and vendees, informing them of the requirements of state law affecting contracts for deed. According to Anderson, low-income first-time buyers often don't understand the differences between contracts for deed and mortgages, which frequently result in civil actions. The panel adopted the amendment.

The bill repeals a section of law that created an auto theft prevention board. In its place, Kelly offered an amendment to require all courts and state and local correctional facilities to consider implementing an automated victim notification system. Under the amendment, the commissioner of public safety, in cooperation with the commissioners of children, families and learning, commissioner of corrections, and the commissioner of economic security are required to provide financial assistance to implement the systems. Also, the amendment, which was adopted by members, requires that the commissioners determine the extent of financial assistance needed and the manner in which it will be provided. It also requires local governments to provide a cash or in-kind match as determined by

the commissioner of public safety.

Kelly also offered an amendment to delete a section of the bill requiring the director of the Minnesota Center for Crime Victim Services to consult with the Battered Women Advisory Council when performing specified duties. Sen. Ember Junge (DFL-New Hope) requested that the panel not act on the amendment until they look at the House bill. The amendment was temporarily withdrawn.

Kelly then offered an amendment that appropriates 1.5 percent of the total annual appropriation for public defender costs, retained by the commissioner of revenue. Reimbursements must be made to the commissioner of finance to defray the additional costs associated with court-ordered counsel and costs of services other than counsel. Kelly said the amendment allows the Board of Public Defense to access criminal justice funds for the expert witness fund. Any amounts not used for reimbursements in a year must be included in the next distribution of county criminal justice aid that is certified to the county auditors for the purpose of property tax reduction for the next tax year. The amendment also provides that private counsel representing a defendant who has an annual income not greater than 125 percent of the poverty line, and public defenders in districts that are not fully state funded, may file an ex parte application requesting investigative, expert, or other services necessary to provide an adequate defense in a case. Compensation for services in such cases may not exceed \$1,000, except for reasonable expenses, unless payment is certified by the court. The amendment further clarifies that the provisions do not apply to representation by a public defender appointed by the court in districts that are fully state funded. The amendment allows for special circumstances, such as when sufficient funds are not available to the Board of Public Defense. The amendment allows county criminal justice aid retained by the commissioner of revenue to make up the difference. The committee adopted the amendment.

Kelly offered an amendment to require the commissioner of corrections to develop a uniform method to calculate the average department-wide per diem

cost of incarcerating offenders at state correctional facilities. The calculation must include an appropriate percentage of capital costs for all correctional facilities and 65 percent of the department's management services budget. Also under the amendment, which was adopted by the committee, the commissioner is required to report the information obtained to the chairs and ranking minority members of the Senate and House committees and divisions having jurisdiction over criminal justice funding by January 15, 2001.

Another amendment, offered by Kelly, prohibits the director of the Capital Police Department and employees from voting on issues related to the department's budget or evaluating its effectiveness on other matters in which they have a conflict of interest. The amendment was adopted.

Under the bill, the responsibilities of the Capitol Complex Security Division are transferred to the Capital Police Department, meaning that present employees of the security division must be trained according to recommendations from the January 2000 Capitol Complex security study. Kelly said that because of the increased threats to public officials and the increased threat to public buildings, it is prudent to increase the number of appropriately trained Capitol Police personnel. Sen. Allan Spear (D.L.-Mpls.) questioned the need for additional security. Sen. Jane Ranum (DFL-Mpls.) asked why the officers assigned to protect the governor weren't sufficient personnel to cover the Capital. Kelly said that the governor's officers follow him when he leaves the Capital, guarding him at the governor's mansion, on his travels and elsewhere, leaving the Capital with very limited security personnel. Kelly said that last year, when a pie-throwing incident occurred, a member and a lobbyist had to restrain the offender because there wasn't an officer on the premises. The bill provides that fees received for contracted security services provided by the Capital Police Department are to be credited to a special account in the treasury and appropriated annually to the commissioner to be used for the operation of the department.

The bill was recommended to pass as amended and referred to the Human Resources Finance Committee.

## Bonding proposal okayed

The Crime Prevention and Judiciary Budget Division, chaired by Sen. Randy Kelly (DFL-St. Paul), met Tues., Mar. 14, to discuss a capital improvements proposal. Kelly said the proposal addresses two concerns, the maintenance of current infrastructure and future infrastructure plans. The appropriation totals \$97.820 million for public safety and corrections spending.

The public safety portion of the proposal includes a \$58 million appropriation for the Bureau of Criminal Apprehension (BCA) Headquarters, ranked as the number one spending priority. The money is needed to construct, furnish and equip a new BCA building, including offices and a forensic laboratory. The public safety section of the proposal also includes appropriations for the design and construction of three public safety training facilities, located in the East Metro (\$5 million), Northeast (\$2.9 million) and Southeast Minnesota (\$4.5 million).

A \$5 million appropriation to fund the construction of a law enforcement training facility, the Northwest Public Safety Training Center, in Hennepin County was not included in the bonding proposal. Sen. Jane Ranum (DFL-Mpls.) asked Kelly whether he thought the administration would veto the proposal. Kelly said that he had just met with the governor and the governor was beginning to see the need for additional spending.

Under the corrections portion of the proposal, which total \$27.420 million, \$10.636 million is appropriated to design, repair and replace sections of the MCF-Fairbault sanitary and storm sewers. The design, construction, furnishing and equipping of a 60-bed high security control facility was proposed for MCF-Oak Park Heights, totaling \$855,000. The proposal specifies that federal matching funding of up to \$13.124 million may also be available. The facility is needed to house high risk, violent and dangerous inmates. The funds are to replace a computerized building operating system at the facility. An appropriation of \$1.476 million is proposed to implement a phase I security improvement system at MCF-Stillwater. The proposal includes the design and repair of the

interior surface of the perimeter wall. A MCF-Lino Lakes proposal for a phase 3 food service building remodeling project totals \$3.923 million. The renovation, furnishing and equipping of a mental health support and living unit at MCF-Red Wing is proposed for \$801,000, which includes up to 14 beds for an inpatient treatment ward. The appropriation may also be used for security improvements at the Dayton Security Detention Cottage.

Other corrections appropriations include \$1.829 million to fund a health services conversion at MCF-Stillwater and a \$1.9 million grant to the city of Bayport to act as fiscal agent for the Middle St. Croix River Watershed Management Organization. The appropriation funds the replacement of an antiquated state storm sewer system extending from the prison pond in Bayport through the Stillwater Prison grounds to the St. Croix River. A \$5 million appropriation is specified for regional adult correctional and criminal justice system facility grants. Of that amount, \$3 million is appropriated from the bond proceeds fund and \$2 million is appropriated from the general fund. For the expansion of inmate bed units, \$455,000 is appropriated for MCF-Fairbault and for pre-design of changes to accommodate an 800-bed expansion. In response to the expansion proposal, Sen. Thomas Neuville (R-Northfield) offered an amendment, which was adopted, requiring that public hearings be held in Faribault prior to project expenditures, to determine how the community feels about the proposed expansion.

An appropriation of \$500,000 was proposed to design a consolidation of the Department of Corrections and the Department of Public Safety Headquarters Building and \$45,000 was proposed for the pre-design of a vocational building at MCF-St. Cloud.

Under the proposal, the commissioner of corrections may make grants to counties, groups of counties, or a county or group of counties and a tribal government, for up to 30 percent of the construction cost of local facilities. Grants may only be used for capital expenditures to acquire, design, construct, renovate, equip and furnish facilities. In addition, the commissioner must require a combined local match of

at least 70 percent. Construction grants for Hennepin County and Ramsey County criminal justice system facilities may be awarded at the discretion of the commissioner, as specified under the proposal.

The proposal was recommended to pass and re-referred to the Human Resources Finance Committee.

## Economic Development Budget Division

### Omnibus proposals okayed

The Economic Development Budget Division heard S.F. 3632, sponsored by the division chair, Sen. Jerry Janezich (DFL-Chisholm), Fri., Mar. 10. The bill codifies the electricity boards electrical inspection fee rules, the only funding for providing the service. The bill also raises the fees, the first time since 1988, by 15 to 20 dollars. Members recommended the bill for inclusion in the omnibus bill.

Sen. Steve Kelley (DFL-Hopkins) authored S.F. 3130, a bill appropriating \$1 million for catalyst grants to promote internet access in rural Minnesota. The panel recommended the bill for inclusion in the omnibus bill.

A bill authored by Sen. Bob Lessard (DFL-Int'l. Falls), S.F. 2415, creates the Kooching County Economic Development Commission. Under the bill, the seven member board consists of county commissioners, members of the International Falls City Council, residents of the county, and one Legislator. After the panel amended the bill by reducing the number of members from seven to six by removing the position for a Legislator, the bill was recommended to pass and re-referred to the Jobs, Energy and Economic Development Budget Division.

Sen. Don Samuelson (DFL-Brainerd) authored a bill, S.F. 3500, providing additional re-employment insurance benefits for individuals laid off from the closing of the Hennepin Paper Company in Little Falls. Samuelson also authored S.F. 3501, a bill bringing dislocated worker program spending amounts in line with the federal program by removing a 10 percent spending cap implemented in the 1999 Legislative Session. The committee moved both bills into the jobs, energy and economic develop-



# Committee update

ment omnibus bill for consideration.

Members grouped together, for consideration in the omnibus bill, S.F. 2942, authored by Sen. Dave Johnson (DFL-Bloomington), and S.F. 3343, authored by Sen. Arlene Lesewski (R-Marshall). Johnson's bill grants Minnesota Job Skills Partnership the authority to make specialized grants for rural distance work projects, and Lesewski's bill creates a distressed rural county job training and telecommuting program administered by the Job Skills Partnership Board.

Johnson also sponsored S.F. 2045, a bill modifying filing fees for securities issued by open end management companies and unit investments trusts, and S.F. 3708, a bill providing oversight and regulation of a state job training coordination center. Both bills were recommended for inclusion in the omnibus bill.

The panel then laid over for further discussion S.F. 3132, authored by Lesewski. The bill makes a blank appropriation to Minnesota Technology, Inc. for funding the e-Business Institute, a joint venture with the University of Minnesota-Crookston to address the need for technological competency in Minnesota.

Sen. Linda Sheid (DFL-Brooklyn Park) sponsored S.F. 3517, a bill increasing the licensing fees for professionals regulated by the Board of Architecture from \$104 to \$120. The bill was sent to the Jobs, Energy and Community Development Committee.

In response to constituent complaints about telemarketing calls, Sen. Ember Reichgott June (DFL-New Hope) authored S.F. 2421, a bill establishing a voluntary list of individuals whom telemarketers would be prohibited from calling. Members sent the bill to the Human Resources Finance Committee.

Sen. Becky Lourey (DFL-Kerrick) authored S.F. 3447, a bill creating a tax credit equal to 50 percent of the cost, up to \$5,000, for installing video security equipment in a convenience store. The bill was recommended to pass and re-referred to the Committee on Taxes.

## Appropriations presented

The Economic Development Budget Division, chaired by Sen. Jerry Janezich (DFL-Chisholm), unveiled the amounts

of its supplemental appropriation bill Tues., Mar. 14. In addition, the division also considered two appropriation requests.

A spreadsheet indicating the appropriations and recipients was distributed. Dave Jensen, Senate fiscal analyst for the division, reviewed each line of the spreadsheet. The package appropriates a total of \$15.8 million to the Dept. of Trade and Economic Development (DTED) for the current biennium, including a \$5 million appropriation from the general fund for the current fiscal year for the tourism program. Second year appropriations include \$225,000 from the Legislative Commission on Minnesota Resources fund for infrastructural improvements in Virginia, MN; \$2.45 million from the workforce development fund for the Life Track Resource Center (formerly the St. Paul Rehabilitation Center) and distance workforce grants; and \$8.15 million from the general fund for various pass-through grantees and projects.

The package also appropriates \$900,000 in FY 2001 to Minnesota Technology, Inc. for grants to the e-Business Institute, Minnesota Project Innovation, the Natural Resources Research Institute and the Minnesota Council for Quality.

The Dept. of Economic Security receives a total of \$5.15 million in the FY 2001 for various programs. Temporary Aid to Needy Families grant money is appropriated in the amount of \$250,000 to MACRO-employment support; \$1.77 million of General Fund money is appropriated for the incentive grant, alien certification and parenting leave support programs; and \$3.13 million of the workforce development fund is appropriated to the Advocating Change Together and summer youth employment programs.

The Housing Finance Agency receives a total of \$56.5 million from the general fund for various housing assistance and development programs, including \$1 million for nursing home conversion grants, and \$1 million for the family homelessness prevention program. The Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design receives an additional \$130,000 in the second year from the general fund. The

Minnesota Historical Society receives an appropriation of \$1.15 million in the second year – \$850,000 for administration and operations, and \$300,000 for local historic preservation grants – in FY 2001. The Secretary of State's Office receives \$50,000 in the current year to implement the Kids Voting program, and Minnesota Planning receives \$15,000 next year for the Job Training Program Task Force. Both appropriations are from the general fund.

Overall, the package appropriates \$5.05 million in the current year and \$74.667 million in the next fiscal year.

Earlier, the division heard two funding requests. Sen. Steve Kelley (DFL-Hopkins) presented S.F. 3130. The bill appropriates \$1 million for catalyst grants to fund internet access in Greater Minnesota. Kelley offered an amendment removing a controversial provision in the bill requiring the Public Utilities Commission to propose rules requiring cable TV systems to provide access to their lines to internet service providers. Kelley said he couldn't get the opponents to agree to the provision and he didn't want the catalyst grants held hostage by the provision. The division approved his amendment on a voice vote.

The other bill, S.F. 3053, sponsored by Sen. Richard Cohen (DFL-St. Paul), appropriates \$1 million in bonding money for landscaping and historic lighting along Highway 5, West 7th street and I-35E in St. Paul. Cohen said the appropriation will be used to leverage federal ISTEA money. He said the project area is the first exposure that many have to St. Paul when they arrive from the airport or southern Minnesota. Both bills will be considered for funding recommendations by the division.

## Supplemental recs okayed

The language portion of the Economic Development Budget Division supplemental appropriations recommendations as well as the division's bonding recommendations were approved at the Weds., Mar. 15, meeting.

One provision in the bill, language from the "no call" telemarketing bill, S.F. 2421, carried by Sen. Ember R. Junge (DFL-New Hope), generated much discussion. Molly Sigel, repre-

senting the Direct Marketing Association, said the provision is extremely controversial and much of it is non-financial, especially the violations and penalties. She added that the provision hasn't passed in the other body. Sen. Linda Runbeck (R-Circle Pines) said the provision will have a negative impact on small businesses and moved to delete it. Sen. Jerry Janezich (DFL-Chisholm), chair of the division, said there are fiscal implications and the provision needs to stay in the package. The motion failed on a voice vote.

More controversy erupted with an amendment offered by Sen. Dave Johnson (DFL-Bloomington) exempting school district food service contract workers from ineligibility for unemployment insurance during summer months in three named school districts. Lee Nelson, of the Dept. of Economic Security, said the department's position is that there should be no special exceptions for a small group of people and the issue has not gone through the unemployment insurance advisory board. Runbeck also spoke against the amendment, saying it opens up a huge hole. Nelson said that the department believes the provision applies to about 15 people, although there are about 120 people in a similar situation. Johnson amended his amendment by deleting the school district names, thus making it applicable statewide. Sen. Ellen Anderson (DFL-St. Paul) spoke in favor of the amendment, saying the unemployment insurance fund balance is high and the amendment affects some of lowest paid workers in the state. However, Runbeck objected further, saying there are 144,000 unfilled jobs in Twin Cities and now the state is paying people to not work. "They have to choose between having a vacation or working," she said. The amendment was adopted.

Sen. Mark Ourada (R-Buffalo) objected to funding of the Kids Vote program, saying it did not go through the proper process. Two motions made by Ourada, one to delete the provision and the other to send the entire package to the Election Laws Committee to hear the provision failed on voice votes. The bill was approved as amended and forwarded to the Human Resources Finance Committee.

The division also approved a spread-

sheet of bonding recommendations. The recommendation allocates \$91.453 million from the bond proceeds fund and \$250,000 from the general fund for a variety of projects. Under the recommendations, bonding appropriations are allocated as follows: \$33.8 million for economic and community development projects; \$26 million for housing programs; \$16.65 million for asset preservation, utilization and infrastructure; \$7.6 million for tourism and marketing; and \$7.7 million for other projects. The recommendations were advanced to the Human Resources Finance Committee.

## Environment and Natural Resources

### Lighted fishing lure bill okayed

The Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l. Falls), met Fri., Mar. 10, and okayed a bill permitting the use of lighted fishing lures.

S.F. 3586, authored by Sen. Pat Pariseau (R-Farmington), permits an angler to use a lighted fishing lure, while prohibiting the use of artificial lights to lure or attract fish or to see fish in the water while spearing.

Dan Foss, of Apple Valley, invented a small plastic jig with a battery-operated light inside that glows when the head is twisted. Called the GloJig, the device is designed to attract fish. However, the device is illegal in Delaware, Wyoming and Minnesota, said Foss, who hopes to have the jig on the market by the May 13 fishing opener and expects it to sell for \$3.95.

The bill was approved and moved to the Consent Calendar.

The committee also approved a bill that calls for a review of the use of pesticides and integrated pest management techniques as they apply to the use and storage of pesticides in and around buildings owned by the state and buildings and grounds used for K-12 public education.

S.F. 3624, authored by Sen. Gary Laidig (R-Stillwater), directs agencies, such as the Department of Agriculture, the Minnesota Pollution Control Agency and the University of Minnesota Extension Service, to review pesticide and integrated pest manage-

ment practices in relation to K-12 public education. Under the bill, recommendations by the commissioner of agriculture on the use of pesticides and comprehensive integrated pest management practices in state buildings and K-12 public school buildings, including the training of building managers and school personnel, must be presented to the environmental policy and finance committees by Dec. 15, 2000.

The bill was approved and re-referred to the Agriculture and Rural Development Committee.

## Environment and Agriculture Budget Division

### Elk hunting bill okayed

The Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), met Thurs., Mar. 9, and heard nine bills, including a measure that allows the hunting of elk on licensed game preserves.

S.F. 720, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), permits the harvesting of farmed cervidae on licensed shooting preserves. Under the bill, elk may be taken by firearms or archery on a licensed preserve. The bill specifies that the license fee for a cervidae shooting preserve is \$900 annually and that fees are to be deposited in the Department of Natural Resources (DNR) game and fish fund. The bill allows the DNR to license up to 10 preserves in the state, specifies that only farmed cervidae from herds in the accredited program of the Board of Animal Health may be transported to and released in a licensed preserve, and sets the season at April 15 through March 31. A shooting preserve must be contiguous and contain at least 240 acres for elk, including any water area, and must have areas of cover to provide for concealment so that the cervidae aren't visible in all parts of the preserve at one time. The bill also specifies that the cervidae have the chance of escape from pursuit by patrons of the preserve.

Stumpf said the bill limits the definition of cervidae to elk to alleviate concerns raised last session by the DNR about the potential inclusion of white-tail deer in such hunting programs.

# Committee update

Minnesota Deer Hunters Association officials said the organization didn't have a position on the bill, but representatives of the Humane Society of the United States opposed it on grounds that game ranch hunts are unfair and unsportsman-like.

An amendment, offered by Sen. Bob Lessard (DFL-Int'l. Falls) and adopted by the division, expands the size of shooting preserves to 320 acres and replaces all references to cervidae with the word elk. The bill was approved without recommendation and referred to the State Government Finance Committee.

The division heard eight other bills, all of which were laid aside for later consideration.

S.F. 2373, authored by Sen. Jim Vickerman (DFL-Tracy), raises the maximum amount of reimbursement from the Agricultural Chemical Response and Reimbursement Account (ACRRA). Under the bill, a person who is eligible for reimbursement or payment under the act is eligible for 90 percent of total corrective action costs greater than \$1,000 but less than \$10,000; 100 percent of costs greater than \$100,000 but less than \$200,000; 80 percent of costs greater than \$200,000 but less than \$300,000; and 60 percent of costs greater than \$300,000 but less than \$350,000. The bill was supported by representatives of the Minnesota Crop Retailers Association.

S.F. 2947, also authored by Vickerman, appropriates \$400,000 to the commissioner of agriculture to establish an agricultural water quality and quantity management, research, demonstration and education program, with one-half of the appropriation for projects at the Lamberton Research Station and the other half for projects at the Waseca Research Station.

S.F. 2876, authored by Sen. Roger D. Moe (DFL-Erskine), appropriates \$4.045 million to the DNR to establish the "Big Bog" Recreation Area in Beltrami County, including construction of a visitor center, interpretive display development, interpretive wayside development, bog trail development, campground upgrades and enhancements, and road and snowmobile trail upgrades. Under the bill, \$192,000 is appropriated for Fiscal Year 2001 for operating costs.

S.F. 2353, also authored by Moe, appropriates \$1.75 million to the DNR for construction of a 96-bed dormitory for the Agassiz Environmental Learning Center near Fertile.

S.F. 3137, authored by Sen. Donald Ziegler (R-Blue Earth), appropriates \$472,000 to the Department of Agriculture for a grant for accessibility and security improvements at Farmamerica, an agricultural interpretive center at Waseca.

S.F. 3649, also authored by Ziegler, appropriates \$70,000 for Farmamerica for operating expenses associated with opening all year long instead of 30 days a year.

S.F. 2593, authored by Stumpf, appropriates \$500,000 to the Department of Agriculture for grants to organizations participating in the Farm Wrap Network and the Rural Help Network. Under the bill, the grants may be used for outreach services, legal and accounting services, and informal mediation support for farmers.

Bills that were not heard but laid aside because of time constraints were S.F. 3402, authored by Sen. Dallas Sams (DFL-Staples), the omnibus agricultural funding bill, S.F. 3443, also authored by Sams, proposed changes in feedlot regulations, and S.F. 2695, authored by Sen. Steve Dille (R-Dassel), alternative feedlot penalty orders.

## Feedlot bills approved

Members of the Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), met Fri., Mar. 10, and approved two bills specifying legislative directives to the Minnesota Pollution Control Agency (MPCA) for modifying feedlot rules. The bills are designed to give farmers, especially small farmers, more leeway in complying with MPCA's pending rules and to provide financial assistance to farmers to do so.

S.F. 3443, authored by Sen. Dallas Sams (DFL-Staples), makes changes to some animal unit definitions, including implementing a new category - 0.25 animal units - for swine weighing between 55 and 300 pounds. Under the bill, cost-share money is made available for 75 percent of the cost of upgrades to existing feedlots and the commissioner of agriculture must develop criteria for determining when an individual Na-

tional Pollutant Discharge Elimination System (NPDES) permit is transferred to general permit status. The bill also specifies that livestock facilities are exempt from state ambient air quality standards while manure is being removed and for seven days afterward, limits a facility with over 1,000 animal units to 21 days cumulative exemption in one calendar year, and prevents the MPCA from requiring air emission modeling for a type of livestock system that does not have the potential to exceed the hydrogen sulfide ambient air quality standard.

The bill further removes restrictions on the pasturing of animals and removes manure management plans, except in the case of feedlots with over 1,000 animal units or a feedlot construction permit. The bill also creates a Small Feedlot Upgrade Task Force to identify a funding mechanism similar to the Petroleum Tank Release Cleanup Act for required upgrades for feedlots of less than 100 animal units and prevents the MPCA from requiring the operator of such a feedlot to upgrade the facility until the funding proposal is enacted and the funding is available. Under the bill, the commissioners of agriculture and the MPCA are to convene a work group to review and propose design standards for liquid manure storage facilities in areas susceptible to soil collapse and sink holes, such as the Karst soils region of Southeastern Minnesota, and to evaluate whether the standards should be volume or animal unit-based. The bill directs the commissioners to submit findings and recommendations to the Senate and House Agriculture and Rural Development Committees by Oct. 31, 2000.

Under an amendment, offered by Sen. Steve Dille (R-Dassel) and adopted by the division, private industry and nonprofit organizations that have successful manure application and training programs, such as the Minnesota Pork Producers Council, may be considered in MPCA's manure application training program. Another amendment, also offered by Dille and adopted by the division, extends from July 1, 2001, to October 1, 2001, the date by which feedlot permits from the agency or the county are issued.

In a compromise with the MPCA, Dille also offered an amendment



lowering the upper threshold, from 1,000 animal units to 500, as the criteria for existing feedlots to spend \$10,000 to upgrade facilities, unless cost-share money is made available. The amendment was adopted.

MPCA's Rod Massey said the bill has some fiscal implications, some of which the agency will absorb the first year. Estimated cost of the Small Feedlot Upgrade Funding Task Force, for example, is expected to cost MPCA \$12,000 in technical staff, management, review and support staff, he said. The work group to investigate appropriate manure storage construction standards for facilities in Southeastern Minnesota's Karst soils region is expected to cost \$18,000, he said. Likewise, the change in animal units will result in a 25 percent loss in revenue for NPDES permits for the Department of Agriculture, he said.

The bill was approved by the division. A second feedlot bill also gained the division's endorsement.

S.F. 2695, authored by Dille, specifies alternative uses for feedlot penalty orders. The bill exempts the owner of a feedlot who has written plans to close the feedlot within five years and exempts from a "direct discharge pollutants" category a discharge caused by an extraordinary natural event. The bill also specifies that the MPCA must process applications in 60 days and gives the agency 15 days to review, suspend, modify, or reverse the issuance of a permit. The bill also appropriates \$10 million in 2001 to the Board of Water and Soil Resources (BWSR) for state cost-share grants for water and air quality management for feedlots. The appropriation includes financial assistance to meet feedlot runoff, odor, and other air quality mitigation and manure storage requirements. Under the bill, \$1.1 million is appropriated in 2001 to BWSR for engineering assistance to design, construct, and monitor cost-shared feedlot runoff, air quality and manure storage practices to manage air and water quality.

An amendment, offered by Dille, and adopted by the division, calls for a 10-year strategy to address non-point pollution abatement needs at small feedlots in the state. The plan, which provides cost-share and technical assistance for water quality protection

at feedlots of under 500 animal units, is consistent with proposed new state feedlot rules and a recent USDA-EPA draft strategy for animal feeding operations, said BWSR's Al Kean.

Dille offered two more amendments, both of which were adopted by the panel. The first appropriates \$1 million in 2001 to BWSR for state cost-share pilot program grants to manage nutrients where manure is land-applied and provides technical and financial assistance to meet manure management objectives. The second appropriates \$125,000 to the Department of Agriculture to develop a certification process for public and private nutrient management specialists.

The bill was amended to S.F. 3443 and referred to the State Government Finance Committee.

The division also heard eight capital bonding requests.

S.F. 3312, authored by Sen. Gary Laidig (R-Stillwater), appropriates \$1 million to the Department of Natural Resources (DNR) for a grant to the Raptor Center at the University of Minnesota. Under the bill, the grant will be used for predesign and design costs of a proposed expansion of the center.

S.F. 2962, authored by Sen. Arlene Lesewski (R-Marshall), appropriates \$88,000 to the Department of Administration for a grant to Rock County to acquire land, design and construct a bicycle and pedestrian trail near the Blue Mount State Park near Luverne.

S.F. 2745, authored by Sen. Kenric Scheevel (R-Preston), appropriates \$517,000 to the DNR to complete a portion of the Shooting Star Trail between Taopi and Lake Louise State Parks. Scheevel also offered an amendment, which was adopted by the division, appropriating \$636,000 for acquisition and development of the Chatfield/Eyota Trail.

S.F. 3392, authored by Sen. Pat Piper (DFL-Austin), appropriates \$800,000 to the DNR to build a bridge over Albert Lea Lake on the Blazing Star State Trail in Freeborn County.

S.F. 2736, authored by Sen. Becky Lourey (DFL-Kerrick), appropriates \$1.5 million to the DNR to construct a Minnesota Rock, Gem and Mineral Interpretive Center at the Moose Lake State Park in Carlton County. The money is to be used for the interpretive

center building and exhibits, and road, park and sewer work.

S.F. 3575, also authored by Lourey, appropriates \$120,000 in Fiscal Year 2000 and \$374,000 in Fiscal Year 2001 to the Department of Agriculture to expand the state meat inspection program.

S.F. 3469, authored by Laidig, appropriates \$7 million to the Metropolitan Council for grants to acquire and develop nature trail connections in the Metropolitan Area and connect them with existing state and regional trails.

S.F. 3071, authored by Sen. Twyla Ring (DFL-North Branch), is a technical bill relating to certain DNR duties and authority. The bill was approved and sent to the floor.

S.F. 3402, authored by Sams, the omnibus agricultural funding bill, was laid over for discussion at a later date.

## Capital budget requests heard

The Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), met Mon., Mar. 13, and heard nine capital budget requests. Among the requests there was a proposal offering a Northwestern Minnesota power cooperative facility to the Department of Natural Resources (DNR) for a district office.

S.F. 2488, authored by Sen. Keith Langseth (DFL-Glyndon), appropriates \$1 million from the general fund to the DNR to purchase a building in Pelican Rapids for the office.

Dan Elton, of Lake Region Electric Coop, said the DNR needs a new office in Otter Tail County and that the coop has a facility to accommodate that need. The coop's 35,000-sq. ft., two-story facility in Pelican Rapids would be "easy to remodel and reshape" to suit the DNR's needs, he said. A proposed new facility in Fergus Falls would cost an estimated \$5 million and would have significantly less space, he said.

However, DNR officials said they had some concerns with the offer, including asbestos in the 41-year-old building.

Another problem, said DNR Budget Director Peggy Adelman, is moving the district office from Fergus Falls to Pelican Rapids, some 20 miles away. Most office staff live in the Fergus Falls area, she said.

Also, there are an estimated \$900,000 deferred maintenance expenses in the

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building and grounds and an estimated \$1 million in capital improvement expenses, such as upgrading the 18-year-old roof and making the building Americans with Disabilities Act (ADA) accessible, she said.

S.F. 3573, also authored by Langseth, appropriates \$13.3 million to the DNR for flood mitigation hazard grants in the Red River basin. Of the amount, \$6.9 million is for implementation of projects consistent with the Red River basin mediation agreement approved by the Red River Flood Damage Reduction Work Group.

S.F. 3287, authored by Sen. Douglas Johnson (DFL-Tower), appropriates \$4 million to the DNR for a grant to the Joint Powers Board of St. Louis County, Duluth and Lakewood to develop a public access for a safe harbor area on Lake Superior. The bill specifies that the grant may be used for design and development of the McQuade Road public access.

S.F. 2425, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), appropriates \$4 million to the DNR for predevelopment and development costs of the Red River State Recreation Area. The appropriation also provides for construction costs of a visitors center and campground in East Grand Forks.

S.F. 2476, also authored by Stumpf, appropriates \$2.025 million to the DNR for construction of ring dikes around farms in the Red River Valley. Under the bill, state, local and landowner funds can be used to build the dikes, which have become popular since the 1997 flood.

S.F. 2664, authored by Sen. Anthony "Tony" Kinkel (DFL-Park Rapids), appropriates \$7.929 million to the Department of Administration for grant to Bemidji to acquire, design, construct, furnish, and equip a Headwaters Science Center.

S.F. 2639, authored by Sen. Dave Kleis (R-St. Cloud), appropriates \$9.87 million to the DNR for a grant to the St. Cloud Joint Powers Board for Parks and Trails. Under the bill, \$500,000 is designated for Benton County to acquire 260 acres along the Mississippi River, \$500,000 to Sauk Rapids to acquire Mississippi River frontage for Island View Park, \$1.013 million to Stearns County for Quarry Park and Nature Preserve improvements and land

acquisition, \$692,000 to Stearns County for Lake Wobegone Trail Phase 2 development, \$30,000 to Stearns County for Mississippi River Park trail improvements, \$5 million to St. Cloud for Eastman Park and Lake George improvements, \$115,000 to Sherburne County to develop trails and access to Cox Park, \$75,000 to St. Joseph for the Lake Wobegone Trail Welcome Center, and \$1.495 million for other projects determined by the board.

S.F. 2300, authored by Sen. Thomas Neuville (R-Northfield), appropriates \$350,000 to the DNR for grants to the Rice County Joint Powers Board for acquisition and betterment of the Milltown Trail between Dundas and Faribault.

S.F. 2412, authored by Sen. Bob Lessard (DFL-Int'l. Falls), appropriates \$150,000 to the DNR to construct a trail head building at the beginning of the Taconite Trail in Itasca County.

## Capital budget requests continue

The Environment and Agriculture Budget Division met Mon. evening, Mar. 13, and continued hearing capital budget requests from three groups. The division is chaired by Sen. Jane Krentz (DFL-May Township).

S.F. 2731, authored by Sen. Dean Johnson (DFL-Willmar) appropriates \$1.078 million to the Department of Agriculture for Olivia to establish the "Minnesota Center for Agricultural Innovations" to promote agricultural innovation by providing a place for experts to gather and study agricultural technology.

Members of the Corn Capitol Trust, a group working to establish the facility, said the center would be located on five acres on the west edge of Olivia, at the junction of Highways 212 and 71. Plans for the center include a large reception area, a 216-seat presentation/fine arts theater and several exhibit halls.

Total cost of the project is estimated at \$2.2 million, the Olivia delegation said. The remainder of the money will be raised through other sources, such as grants and possible exhibit hall sponsorships by national and multinational agricultural companies who have expressed interest in the project, they said.

S.F. 3140, authored by Sen. Jim Vickerman (DFL-Tracy), allows the

limited expansion of the Petro Fund Reimbursement Act for a certain small retailer with two underground petroleum storage tanks registered with the MPCA and used predominantly for farming purposes. The bill allows the retailer to be eligible for reimbursement for tank removal, closure, backfill, resurfacing and utility restoration costs. The program expired in Jan. 2000 but, under the bill, the party would remain eligible for 90 percent of the total reimbursable costs.

S.F. 3574, authored by Sen. Becky Lourey (DFL-Kerrick), permits the DNR to use up to 50 percent of a snowmobile maintenance and grooming grant that was available as of Dec. 31, 1999, to reimburse snowmobile trail grooming clubs for the cost of grooming equipment for grant-in-aid trails. Under the bill, costs must be incurred in 2000 and recipients must provide documentation of expenses to the DNR, with applications received no later than Sept. 1, 2000. The measure is necessary, Lourey said, because of three years with no snow yet in the face of fixed costs in equipment payments and equipment depreciation each year.

## Supplemental budget approved

The Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), met Tues., Mar. 14, and approved a draft of a supplemental budget proposal totaling \$40.2 million in new general fund spending. The measure also includes \$4.3 million in new Department of Natural Resources (DNR) game and fish fund spending, reflecting revenues from increases in license fees.

The measure appropriates \$410,000 for administration of the Minnesota Pollution Control Agency (MPCA) Wastewater Infrastructure Fund (WIF); \$1.565 million for operations from hunting and fishing license increases to the game and fish fund; \$5.156 million from the game and fish fund for fish and wildlife management; \$825,000 for enforcement of DNR laws; and \$60,000 from the game and fish fund for administration and marketing of lifetime hunting and fishing licenses. The measure also allows the DNR to use up to 50 percent of snowmobile maintenance and grooming grants to reimburse intended recipients for the cost of

snowmobile trail grooming equipment. Under the measure, \$1.459 million is provided for grants to Lake, Cook and St. Louis Counties for emergency communications and response equipment and emergency and emergency planning and training to respond to a major wildfire; \$12.304 million is provided from the fish and game fund for improvement, enhancement and protection of fish and wildlife resources; \$4.537 is provided from the natural resources fund for state park operations; \$1 million is for state trail operations; \$5.537 million is for payment of a grant to the Metropolitan Council for Metro Area parks and trail maintenance; \$738,000 for local trail grants; and \$492,000 for grants to the Minnesota Zoologic Gardens, Como Zoo and Conservatory and the Duluth Zoo.

While not funded in the measure, it also creates a "Big Bog" Recreation Area in Beltrami County and a Red River Recreation Area in Polk County and specifies administrative guidelines for the DNR to use in administering them.

As for agriculture, the bill provides \$400,000 to the Board of Water and Soil Resources (BWSR) for technical and professional services for an agricultural drainage program; \$200,000 for the farm advocates program; \$287,000 to expand the concept of the Minnesota-Grown pilot program; \$400,000 to establish an agricultural water quality and quantity management, research, demonstration and education program at the Lamberton and Waseca Research Stations; \$120,000 in 2000 and \$374,000 in 2001 for expansion of the state meat inspection program; and \$245,000 to the Board of Animal Health for pseudorabies control.

The division also adopted a number of amendments to the draft.

Sen. Charles Berg (IND-Chokio) offered an amendment that cancels \$25,000 annual appropriation for activities of the Stearns County Dairy Producers Board and moves it into the general fund. Another amendment, offered by Sen. Jim Vickerman (DFL-Tracy), extends the date to June 30, 2001, for which the Petroleum Tank Release Compensation Board can reimburse owners for tank clean-up. An amendment, offered by Sen. Steve Dille (R-Dassel), provides at least \$1.5

million for the first and \$1.5 million for the second year for state cost-share grants for water quality management at feedlots. Sen. Dennis Frederickson (R-New Ulm) offered an amendment providing that the lease or leases may provide capital improvements by the tenant in lieu of all or some rent payments for facilities at the Upper Bluff area of Ft. Snelling State Park. Another amendment, offered by Sen. Bob Lessard (DFL-Int'l. Falls), calls for the legislative auditor to consider updating the Feb. 1997 report on "Ethanol Programs" by Nov. 15, 2000.

The draft was approved and sent to the State Government Finance Committee.

### **Bonding proposal approved**

The Environment and Agriculture Budget Division, chaired by Sen. Jane Krentz (DFL-May Township), met Wed., Mar. 15, and approved priority bonding recommendations totaling more than \$274.715 million.

The measure compares with \$122.013 million recommended by the administration and \$713.122 million in total capital budget requests. Priorities were organized on an A, B, or C basis, with the A list receiving top consideration.

Under the measure, the Minnesota Department of Agriculture (MDA) receives a total of \$24 million in A list priorities. The measure appropriates \$20 million to the Rural Finance Loan Authority (RFLA) to make loans under the beginning farmer program, \$3 million for agricultural best management practice loans for water, odor and air quality for livestock facilities and \$1 million to the agroforestry revolving loan fund. A new laboratory building requested by MDA was not funded, and a \$10 million request for agricultural land conservation easements was placed on the C list of priorities.

Under the measure, the Department of Natural Resources (DNR) receives more than \$96.272 million in A list priorities. The measure appropriates \$2 million to statewide asset preservation, \$5.048 million for office facilities development at Fergus Falls, \$12.497 million for field office renovation and improvement, \$3 million for Americans with Disabilities Act (ADA) compliance, \$2 million for State Park and Recreation Area rehabilitation,

\$500,000 for Lac Qui Parle State Park and Recreation Area development, \$1.7 million for dam repair, reconstruction and removal, including Mazeppa and \$1.5 million for state park and recreation betterment and rehabilitation. The measure also appropriates \$13.3 million for flood mitigation projects, \$400,000 to construct ring dikes on farms in the Red River basin, \$610,000 for the Lewis and Clark Rural Water project, \$500,000 to acquire trust fund lands, \$1.3 million for state forest roads and bridges, \$500,000 for fisheries acquisition, \$1 million for Reinvest in Minnesota (RIM) fisheries, \$2 million for scientific and natural area acquisition and improvement, \$2 million for prairie bank easements, \$2 million for stream protection and restoration, and \$2 million for the RIM critical habitat match.

The measure also provides \$10 million for Metro greenways and natural areas, \$2 million for RIM wildlife development and habitat, \$1 million for state forest land acquisition, \$1 million for state parks and recreation area acquisition, \$3 million to develop a "Big Bog" State Recreation Area in Beltrami County and \$500,000 for state forest recreation area facility rehabilitation. The measure provides \$1.4 million for acquisition and development of the Paul Bunyan Trail, \$1.6 million for the Gitchi Gami Trail, \$800,000 for the Blazing Star Trail Bridge, \$517,000 for the Shooting Star Trail, \$4 million for a Lake Superior safe harbor, \$2.1 million for a marina at Two Harbors, \$5 million for Metro Parks capital improvements, \$4 million for Metro Trails, \$1 million for state trail connection grants, \$8 million for natural and scenic area grants, \$2 million for regional trail grants, \$7 million for a Mississippi River Whitewater Trail, and \$6.5 million for a public access on Lake Minnetonka.

The measure appropriates \$3 million to the Office of Environmental Assistance (OEA) for the Capital Assistance Program (CAP). The measure provides a total of \$55.893 million to the Public Facilities Authority (PFA), with \$12.893 million designated for the wastewater and drinking water (WW/DW) revolving fund, \$40 million for the wastewater infrastructure fund (WIF), \$2 million for the clean water partnership program and \$1 million for indi-



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vidual sewage treatment system grants.

The measure appropriates a total of \$66.6 million to the Board of Soil and Water Resources, with \$45 million designated for the Conservation Reserve Enhancement Program (CREP), \$5.5 million for RIM easements, \$1 million for local roads wetland banking, \$3 million for feedlot cost-share grants, \$1.5 million for Lazarus Creek, and \$3 million for a shoreland conservation pilot program. The measure also provides a total of \$5.1 million to the Minnesota Zoo and a total of \$23.85 million for a half dozen A list local grant programs.

A number of amendments were added to the bill, many of them providing more money to projects or programs for which federal funds are available.

Representatives from the Minnesota Association of Counties said the BWSR's local roads wetlands banking program needs at least \$2.3 million, rather than the \$1 million appropriated, to continue. An amendment, offered by Sen. LeRoy Stumpf (DFL-Thief River Falls) and adopted by the division, shifts \$1.3 million to the program. An amendment, offered by Sen. Gary Laidig (R-Stillwater) and adopted by the division, shifts \$6 million from the B to the A list of priorities for a Lake of the Isles flood mitigation project. Another amendment, also offered by Stumpf and adopted by the division, shifts \$2.4 million of \$4 million on the B list to the A list for a Red River State Recreation Area. Another amendment, offered by Sen. Leonard Price (DFL-Woodbury) and adopted by the division, shifts \$6.2 million from the B to the A list for capital improvements at Metro Area parks.

Two more amendments, both offered by Sen. Jim Vickerman (DFL-Tracy) and adopted by the division, relate to the Minnesota Pollution Control Agency (MPCA) and wastewater treatment systems. The first amendment defines "essential project components" in disposal systems as those that are necessary to convey or treat a municipality's existing wastewater flow and loading. The second amendment requires the MPCA, beginning with its 2001 intended use plan (IUP), to include whether a community has a development moratorium when prioritizing wastewater projects.

## Family and Early Childhood Education Budget Division

### Supplemental budget discussed

The Family and Early Education Budget Division, chaired by Sen. Pat Piper (DFL-Austin), met Tues., Mar. 14, to discuss and make amendments to the supplemental budget bill. The bill modifies the formula for the adult basic education program (ABE), establishes priority neighborhoods for awarding grants, creates a new category of childcare worker, changes the law in relation to child care provisions and makes appropriations. The total appropriation for ABE aid for FY 2001 is \$30.155 million. The bill specifies that a consortium or district is prohibited from spending more than five percent of the consortium or district's total ABE aid on administrative costs. The early childhood and family education aid totals \$20.109 million for FY 2000 and \$21.107 million for FY 2001; MFIP child care appropriations total \$66.524 million for FY 2000 and \$78.606 million for 2001; the appropriation for community education aid is \$14.136 million for FY 2000 and \$15.274 for FY 2001. Other programs are funded, including programs jointly funded with federal Temporary Assistance for Needy Families (TANF) dollars.

Sen. Linda Higgins (DFL-Mpls.) offered an amendment that would provide funding for child care for adolescent mothers or fathers who are enrolled in an eligible education program leading to a GED. Sen. Roy Terwilliger (R-Edina) said he was opposed to the amendment because he thinks it encourages children to have children. Terwilliger also said he opposes giving child care assistance to families in which one of the child's parents is at home with the child. Higgins said she was trying to address families with one parent in school and the other parent working a night shift, because "a person can't work all night and properly care for a child during the day." Sen. Claire Robling (R-Prior Lake) asked whether parents of minor-aged mothers shouldn't be held responsible for supporting their children who have children. The amendment failed to be adopted on a 3-3 vote.

Sen. John Marty (DFL-Roseville),

offered an amendment to transfer the energy assistance and weatherization responsibilities from the Department of Children, Families and Learning to the Department of Economic Security. The amendment requires a report by the commissioner of economic security to the legislature, detailing the costs and benefits of operating the energy assistance program. Piper said she heartily opposed the amendment because the timing for the shifting of departments was inappropriate, given the short session. Robling said she supported the amendment because the energy assistance program fits better with the department of economic security. The amendment was adopted on a 6-2 vote.

Marty also proposed an amendment to appropriate \$41.107 million for early childhood and family education aid, rather than the \$21.107 million specified in the bill.

Piper said she opposed the bill since the committee was given a much lower target number, around \$13 million. Marty said that other committees were appropriating over and above target numbers and that the state has a surplus that could be made available if the state doesn't provide a tax refund. The amendment was not adopted.

Higgins presented another amendment that establishes child care assistance for eligible non-MFIP families who do not have a high school or GED diploma, and who want to pursue employment or education. According to the amendment, sliding fee child care assistance for persons in this category receive first priority status. The amendment establishes additional categories of prioritization for sliding fee funding and specifies income criteria for those applying to the program. The amendment also requires that school districts submit to CFL, a program plan detailing the needs of children and families within their districts. The panel adopted the amendment.

Finally, Higgins offered an amendment to require that consortiums receiving additional funding based on population aid must proportionately distribute the additional funding to non-education institution members of the consortium based upon the percentage of contact hours each non-education institution member provides, effective June 30, 2001. The amend-

ment was adopted.

The proposal was approved and referred to the Education Finance Committee.

## Governmental Operations and Veterans

### Bleacher bill resurrected

The Governmental Operations and Veterans Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met Thurs., Mar. 9, to consider several bills.

Sen. Deanna Wiener (DFL-Eagan) presented S.F. 3272, which exempts existing bleachers with open spaces not exceeding nine inches from conforming to the four-inch opening required by law. The bill was amended to exempt only retractable bleachers. The amendment also requires a bleacher safety management plan and amortization schedule to be on file. The bill was approved and sent to the floor.

S.F. 3284, presented by Sen. Steve Kelley (DFL-Hopkins), requests that the Board of Regents of the University of Minnesota establish a partnership with private industry to leverage the university's research capabilities into economic development results through the creation of a nonprofit, tax-exempt corporation known as the NorthStar Research Coalition. The bill was approved and re-referred to the Children, Families and Learning Committee.

S.F. 3259, sponsored by Sen. Warren Limmer (R-Maple Grove), delays statewide implementation of new energy codes until 2002. According to the bill, the Department of Administration must issue a report to the Legislature by Dec. 1, 2001 addressing the need, expense and cost-benefit analysis regarding implementation of the new codes. Limmer said for the time being, the 1994 category I standards will be used. The bill was approved and sent to the full Senate.

S.F. 2490, authored by Sen. Keith Langseth (DFL-Glyndon), delays implementation of new energy codes in border cities. No action was taken on the bill.

S.F. 3701, authored by Wiener, adds members to the designer selection board. The bill specifies that one member must be a representative of the user agency, the University of Minne-

sota or the Minnesota State Colleges and Universities, designated by the user agency. The bill also directs the board to select at least two primary designers for projects at the University of Minnesota or the state colleges and universities. The bill was approved and sent to the floor.

H.F. 3633, presented by Sen. Roy Terwilliger (R-Edina), designates the week of October 8 to 14, beginning in the year 2000, as Mighty Air Force Week in honor of the Eighth Air Force. The bill was placed on the Consent Calendar.

Sen. Linda Higgins (DFL-Mpls.) authored S.F. 1441, which reclassifies certain positions as classified positions. After hearing testimony for and against the bill, Sen. Lawrence Pogemiller (DFL-Mpls.) said the bill needs to be considered by the LCC Subcommittee on Employee Relations and the Legislative Commission on Pensions and Retirement. The bill was laid over for consideration over the interim.

Sen. Dan Stevens (R-Mora) presented H.F. 118. The bill states persons designated as permanent commissioners serve as acting commissioners until the Senate has consented to their appointment. The bill also specifies that no single term of service as a temporary or acting commissioner may exceed 18 months. The bill was approved and sent to the full Senate.

Public employee long-term care insurance advisory committee modifications and an overall program implementation delay are proposals contained in S.F. 3677, authored by Edward Oliver (R-Deephaven). Oliver said more time is needed to look at the issue of long-term care insurance because a statewide program affects so many employees and their families. Liz Houlding, of the Department of Employee Relations, said the issue has been worked on since 1996 and a contract will be signed in April if no delay is imposed. She added that about 150,000 people will be eligible for long-term care insurance under the program. Sen. Leonard Price (DFL-Woodbury) said there is no reason to delay implementation. The bill was laid over.

S.F. 3006, sponsored by Price, requires the commissioner of the Department of Administration to consult with interested parties before updating specifica-

tions for environmental factors in state purchasing. Under the bill, each year the department must issue a public report listing environmentally preferable products and the products' key environmental attributes, establish benchmarks for recycled content or other environmentally preferable products and discuss progress by state agencies in achieving the benchmarks. Sen. Dan Stevens (R-Mora) objected to the use of the word establish. "We should be doing that in the Environment and Natural Resources Committee," he said. The bill was set aside.

### Rules task force okayed

The Governmental Operations and Veterans Committee, chaired by Sen. James Metzen (DFL-South St. Paul), met a second time, Thurs., Mar. 9.

S.F. 3234, authored by Sen. John Hottinger (DFL-Mankato), authorizes legislative governmental operations committees to formally object to administrative rules. The bill also creates an eight-member rules task force. The bill specifies the task force must study and make recommendations to the governor and the Legislature by Jan. 15, 2001, on issues relating to the review of agency rules. The bill was approved and sent to the full Senate.

Hottinger also presented S.F. 1231, which modifies provisions relating to optometrist licensing. Hottinger said the legislation insures that the current requirement of a post graduate doctoral degree remains and offers the Board of Optometry a range of options in disciplining optometrists who violate statute. He also said the legislation helps protect the public. The bill was approved and sent to the floor.

S.F. 3465, sponsored by Hottinger, creates the Spinal Cord Injury Research Board and the spinal cord injury research trust account. Hottinger acknowledged the bill has a poor chance of passing, but said he wanted to get a discussion started on the topic. No action was taken on the bill.

Sen. Leo Foley (DFL-Coon Rapids) authored S.F. 3762, a bill that creates a nine-member Adult Basic Education Policy Task Force. Under the bill, the task force must recommend program and funding policies for adult basic education programs by Jan. 2, 2001. The bill was approved and re-referred to

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the Children, Families and Learning Committee.

Sen. Twyla Ring (DFL-North Branch) authored S.F. 2512. The bill creates the Northern Technology Initiative, Inc. According to the bill, the purpose of the corporation is to engage in an integrated, jointly planned economic development effort with a focus on encouraging growth among existing businesses and attracting technology companies to the region served by the corporation. Ring said the effort is a wonderful collaboration and has a lot of support. Robert Musgrove, president of Pine Technical College, said the corporation will leverage resources and address rural issues in a collaborate fashion. Sen. Deanna Wiener (DFL-Eagan) suggested a better fit might be a regional development commission. Sen. Roy Terwilliger (R-Edina) said operating under state rules may prove restrictive. Musgrove said the 501 3C is a good vehicle for all the groups involved. No action was taken on the bill.

S.F. 689, presented by Ring, establishes the Office of Unlicensed Complementary and Alternative Health Care Practice to investigate complaints and take disciplinary actions against unlicensed complementary and alternative health care practitioners for violations of prohibited conduct. Ring said the bill was consumer-driven. An amendment, offered by Wiener, clarifies that an unlicensed complementary and alternative health care practitioner is a person who is licensed or registered by a health-related licensing board or the commissioner of health, is not licensed by the Board of Medical Practice or the Board of Dentistry and does not hold oneself out to the public as being licensed or registered by a health-care related licensing board or the commissioner of health when engaging in complementary and alternative health care practices. The amendment was adopted. The bill was approved and referred to the Human Resources Finance Committee.

S.F. 3006, sponsored by Leonard Price (DFL-Woodbury), requires the commissioner of the Department of Administration to consult with interested parties before updating specifications for environmental factors in state purchasing. Price addressed an earlier objection raised by Sen. Dan Stevens (R-Mora)

that the department should not establish benchmarks for recycled content or other environmentally preferable products. The bill was amended to read that the department must report benchmarks. The bill was approved and sent to the full Senate.

## Governmental Operations Budget Division

### Budget bill okayed

The Governmental Operations Budget Division met Fri., Mar. 10, to assemble the division's supplemental appropriations proposal. The members, chaired by Sen. Leonard Price (DFL-Woodbury), also reviewed several bills for inclusion in the proposal.

The meeting began with discussion of five bills, all or some of which were slated for inclusion in the budget proposal. S.F. 2237, authored by Sen. Don Betzold (DFL-Fridley), a data practices bill contains authorizing administrative, rather than judicial, remedies for persons who believe that a government entity is not in compliance with the Data Practices Act. Betzold said use of the Office of Administrative Hearings to arbitrate or mediate a dispute has fiscal implications of the office in the future. In addition, there is a provision in the bill calling for a study on current practices of state agencies and political subdivisions with respect to the release of lists of public data containing personal information.

S.F. 2838, authored by Price, contains the approval for the Office of Technology's long range plan. A provision in the 1999 omnibus funding bill required the Office of Technology to submit the long range plan to the Legislature before proceeding with funding for the second year of the biennium. S.F. 3331, also sponsored by Price, changes the name of the Office of Technology to the Technology Policy Bureau. S.F. 2837, carried by Price, requires budgetary information and reports on internal service funds for the legislative budgeting process. S.F. 2836, carried by Price, corrects the misplacement of language in last year's omnibus bill.

The panel set about assembling the supplemental budget bill. Included in the proposal are the funding provisions

from the data practices bill, S.F. 2237, and the language of the four bills sponsored by Price. The division adopted a spread sheet and a draft bill as working documents for the budget proposal. The net general fund spending contained in the proposal is \$7.72 million. The draft documents provides \$4.4 million to the Secretary of State for systems costs associated with adopting the revised Article 9 of the Uniform Commercial Code, \$38,000 to the Campaign Finance and Public Disclosure Board for costs associated with an ongoing lawsuit, \$450,000 to Minnesota Planning for regional planning grants, \$1.268 million to the Dept. of Administration for plant management rent deficiency, \$60,000 to the Dept. of Administration for the costs of the data practices study outlined in the data practices bill, \$90,000 to the Gambling Control Board for costs associated with workers compensation claim deficiency, and \$20.2 million to the Dept. of Commerce for Minnesota Comprehensive Health Association—\$15 million of which is offset because it is a transfer from the workers compensation assigned risk plan surplus. The proposal also includes \$1.892 million reduction of future obligations for the MERF pension fund. There is also a special revenue fund appropriation of \$249,000 to the Dep. of Administration for a Metro Radio Board deficiency included in the proposal. The draft also contains \$4.640 million for a bill, S.F. 2237, authorizing an MSRS health care reimbursement plan and a postretirement health care task force.

Members adopted two amendments. One amendment, offered by Sen. Dan Stevens (R-Mora), requires the Legislative Coordinating Commission to study and make recommendations on how to streamline the bill introduction process. The second amendment, offered by Price, requires the Dept. of Administration to regularly update the department's specifications for recycled content and other environmentally preferable products consistent with other state procurement requirements.

The entire proposal was approved and a motion to introduce the draft as the division's supplementary budget proposal was adopted.

Members then advanced S.F. 1495, authored by Sen. John Hottinger (DFL-



Mankato), adopting article 9 of the UCC, to the full Senate. S.F. 2594, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), providing for the MSRS health care reimbursement plan and postretirement health care task force, was advanced to the State Government Finance Committee.

### **Showboat request heard**

The Governmental Operations Budget Division, chaired by Sen. Leonard Price (DFL-Woodbury), devoted the afternoon portion of the Mon., Mar. 13, meeting to hearing requests for funding a variety of projects. Leading off the hearing was a proposal to help fund the restoration or replacement of the University of Minnesota's Centennial Showboat. S.F. 3352, authored by Sen. Sandra Pappas (DFL-St. Paul), contains a request for \$500,000 to be used in conjunction with private funds already raised and insurance proceeds from the fire which recently burned the Showboat down to the hull. Pappas said the Showboat was brought to Minnesota in 1958 in celebration of the state's centennial and has had over 500,000 visitors from all over the country. Pappas also said that the Showboat is the only floating theater on the Mississippi and is considered a national treasure. The project to restore the Showboat began in 1994 and supporters had raised \$2.2 million. However, on January 27 of this year a fire destroyed the boat. Pappas said that plans were underway to either repair or replace the theater.

Actress Linda Kelsey spoke in support of the bill. She said that the Centennial Showboat provided invaluable training, not only for actors, but for theatrical crafts persons and technicians. Kelsey said that she performed at the Showboat for three years while attending the University of Minnesota. Tom Swain, one of the original founders of the Showboat, also spoke in support and urged members to approve the measure.

Members also heard a proposal, to be included as rider language in the final bill, for the state to convey the Armstrong Quinlin House in St. Paul to the city of St. Paul by quit claim deed. Pappas, who described the proposal, said the Armstrong Quinlin House is on the National Historic Register but on a site slated for a parking facility. The

conveyance of the property to the city allows the city to take over and move the house to another location.

Sen. Sheila Kiscaden (R-Rochester) sponsored a bill, S.F. 3285, calling for a portion—\$500 million—of the budget surplus to be used to pay for deferred maintenance of state buildings. Kiscaden said that the need for state building repair and maintenance is critical and using the surplus to pay for the projects is an effective use of the surplus.

S.F. 3420, authored by Sen. Sam Solon (DFL-Duluth), provides for an appropriation of \$2.3 million for health, safety and structural renovations to the State Office Building in Duluth. Solon said the government services building houses both state and St. Louis County offices. Proponents of the measure said the building has HVAC problems that have led to employees experiencing health difficulties. Nick Turner, from the Dept. of Administration Plant Management Division, said that the department has done a great deal of work on the building and that the department has tried to be very proactive in the building.

Members also considered a proposal for an \$8 million appropriation for the Minnesota Shubert Arts and Education Center. The bill, S.F. 3617, carried by Sen. Linda Higgins (DFL-Mpls.), provides that the appropriation is not available until the commissioner has determined that the necessary additional financing has been committed by nonstate sources. The total cost of the project is estimated to be \$27.5 million, Higgins said. Higgins said that the project will link the Hennepin Center for the Arts to the Shubert Theater with a building designed for multiple performing and educational activities.

S.F. 3777, authored by Sen. Don Betzold (DFL-Fridley), authorizes a \$5 million appropriation for sound abatement made necessary by the Minnesota Orchestra's proposed Outdoor Performing Arts Center. The outdoor performance area is to be on a 130 acre park site in Brooklyn Center, Betzold said. Supporters of the measure, including the president of the Minnesota Orchestra, said that the majority of Brooklyn Park city officials support the project. However, two residents from Brooklyn Park spoke against the bill. Peg Snesrud

and Sandy VonDeLende said that they objected to the bill because the orchestra has said that no public funds would be used. VonDeLende said the proposed site is zoned residential and that the bill is asking the state to fund something that is a variance from state standards.

All of the bills were laid over for consideration for inclusion in the division's bonding proposal.

### **Wilkins Auditorium bill heard**

Members of the Governmental Operations Budget Division met for the second time Mon., Mar. 13, to continue hearing capitol bonding requests. In addition, the panel, chaired by Sen. Leonard Price (DFL-Woodbury), also heard the Dept. of Administration's capital budget requests and the governor's capital budget language request presented by the Dept. of Finance.

S.F. 3452, authored by Sen. Richard Cohen (DFL-St. Paul), authorizes \$1 million for planning and preliminary design for the redevelopment of the St. Paul RiverCentre's Roy Wilkins Auditorium. Eileen MacMahon, of the St. Paul Visitors and Convention Bureau, said the opening of the RiverCentre Convention Center has resulted in a three-fold increase in conventions. However, she said, the city is losing business because of the deterioration of the Roy Wilkins Auditorium. She emphasized that RiverCentre is interested primarily in attracting mid-size conventions. Jim O'Leary, interim director for RiverCentre, also spoke in support of the bill.

Members also heard a second bill sponsored by Cohen, S.F. 721. The bill provides an appropriation to public television to assist in the conversion to digital broadcast signal as mandated by the federal government. Al Harmon, president of the Minnesota Public Television Association, said that smaller stations in Greater Minnesota are facing a critical situation in making the conversion. "The time is running because of the federal deadline of 2003," he said, "Some stations may be in danger of losing their licenses if they do not get assistance in making the conversion." Bill Strusinski, speaking for public television stations, said that the stations are requesting \$21 million from the state; \$11.5 million this year and

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\$9.5 million next year.

S.F. 2981, authored by Price, increases the bonding limit for the State Armory Building Commission. Price said that the measure raises the limit from \$7 million to \$15 million. According to Price, the last increase was in 1988 and building construction costs have increased considerably since then.

Members also heard from Assistant Commissioner Kath Ouska, Dept. of Administration. She outlined the department's capital budget requests. Members questioned the appropriations for updating the Strategic Plan for Locating State Agencies and the funding for general predesign/schematic design requested by the agency. Sen. James Metzen (DFL-St. Paul) said that the strategic plan appropriation is yet another in a string of appropriations for planning. Ouska responded that the plan is necessary to consider all the elements in determining the location of state agencies. Sen. Richard Cohen (DFL-St. Paul) questioned an appropriation for property acquisition. He said that acquiring land without having a concrete reason made little sense. Ouska said that the agency has already acquired several buildings in the Capitol Area and that the funds are for future acquisitions.

Members also discussed several appropriations that had been canceled by the Department of Finance. The department had canceled bonding appropriations for the Jungle Theatre, the African-American Performing Arts Center/ Penumbra Theatre and the Austin public television tower. Representatives for the department said the projects had not been moving forward. Cohen, however, questioned whether the department had communications with the projects.

## Panel discusses priorities

Members of the Governmental Operations Budget Division, chaired by Sen. Leonard Price, (DFL-Woodbury), devoted the entire Tues., Mar. 14, hearing to a discussion of priority items for the division's capital budget proposal.

Price said that the division did not have a target and invited members to join in a round table discussion of the projects the division should consider funding in the capital budget bill.

Members reviewed all of the proposals that have come before the panel and designated the various projects as having a high, medium or low priority.

The division first considered the governor's recommendations, then the various departmental recommendations and then the Senate bills requesting funding for various projects. At the conclusion of the hearing, Price summarized the process and said, "From the rankings we have given, it looks like the division sets a very high priority on the arts, children and asset preservation and maintenance."

The members ranked several bills relating to the arts as having a high priority. In addition, the members indicated that most of the projects having to do with health and safety requirements for various state buildings were also high on the priority list. An exception was the discussion about the Dept. of Health Building. Members agreed that something needs to be done about the electrical and ventilation systems, but said that there was uncertainty about how long the department will remain in the building. Another high priority, according to division members, are projects associated with asset preservation. The division also agreed that funding to complete projects for the Mighty Ducks ice arenas is a high priority. In addition, the division also indicated that funding for soccer field development grants is a high priority.

Price said that the staff would order the priority lists and set dollar figures in preparation for assembling the actual bill at the next hearing.

## Bonding recommendations made

The Governmental Operations Budget Division met Weds., Mar. 15, to finalize their recommendations for capital bonding projects. The division, chaired by Sen. Leonard Price (DFL-Woodbury), gave their approval to a package containing general fund appropriations of \$23.37 million and bonding appropriations of \$66.15 million.

At a previous hearing members had designated priority items. The working document the panel used to finalize the amounts appropriated either general fund or bond proceeds monies according to the priorities set forth by the committee. For the Dept. of Administration

requests, the proposal recommends appropriations from the bond proceeds fund of \$2.5 million for electrical utility infrastructure, \$1 million for Capitol Security renovation, \$1 million for predesign work for a possible building for the Dept. of Health and the Dept. of Human Services, \$10 million for statewide capital asset preservation, \$350,000 to replace the chiller at the Duluth Government Services Building and \$545,000 for Capitol lighting for security and access.

In addition, the proposal recommends general fund appropriations of \$4.2 million for asset preservation, \$506,000 for relocation of Capitol Security and Plant Management, \$7 million for property acquisition, \$11.5 million to assist public television stations with conversion to a digital broadcast signal and \$400,000 for Capitol Area predesigns. The document, as presented to the division, did not include the \$400,000 appropriation for Capitol Area predesigns. However, Sen. Dennis Frederickson (R-New Ulm) successfully offered an amendment to appropriate the funds in order to begin moving forward in the process of siting agencies.

In the area of amateur sports, the proposal recommends appropriations from the bond proceeds fund of \$2 million to finish up the Mighty Ducks ice arena grants program, \$6 million for Mighty Kicks soccer field development grants, and \$300,000 for predesign work for a conference center at the National Sports Center. Sen. James Metzen (DFL-South St. Paul) offered an amendment to add \$2 million for the soccer field development grants. Metzen argued that there is a demonstrated need for the facilities and that the original bill had specified \$8 million. The amendment was adopted.

Members also approved significant funding for arts projects. The proposal recommends appropriations from the bond proceeds fund of \$550,000 for the Paramount Theatre restoration in Austin, \$1 million for the Root River Center for the Arts in Lanesboro, \$100,000 to comply with ADA requirements for the Carnegie Cultural Center in Luverne, \$25 million for the Guthrie Theater, \$8 million for the Shubert Theater in Minneapolis, \$1.240 million for the St. Paul Children's Museum Rooftop Perspectives, \$500,000 for the

St. Paul RiverCentre Roy Wilkins Auditorium and \$1.5 million for the Woodbury Center for the Arts. The proposal also recommends a \$500,000 general fund appropriation to the University of Minnesota Centennial Showboat.

The proposal also contains recommends appropriations of \$1.265 million for armory kitchen renovations, \$1.5 million for asset preservation and \$125,000 for the Minnesota Military Museum at Camp Ripley to the Dept. of Military Affairs. The measure also provides a \$25,000 general fund appropriation for the national Monument to Women Veterans.

The proposal also incorporates cancellations of \$1.140 million and an appropriation for the expense of selling bonds. The proposal was approved and forwarded to the State Government Finance Committee.

## Health and Family Security

### Contract stacking discussed

The Health and Family Security Committee, on Thurs., Mar. 9, heard S.F. 3055, a bill expanding the scope of provisions regulating network shadow contracting to include dentists and occupations regulated by the Board of Medical Practice. The bill also eliminates the exemption of nonprofit health plan corporations from shadow contracting provisions. Sen. Sheila Kiscaden (R-Rochester), the bill's author, explained that in shadow contracting, or contract stacking, health plan companies require health care providers to participate in a category of coverage that differs from the category applied to without the provider's consent.

Sen. Dallas Sams (DFL-Staples) offered an amendment including hospitals under the bill's protection and Sen. Linda Berglin (DFL-Mpls.) offered an amendment requiring the Department of Health to determine the effects of the bill on the cost of health care coverage premiums. Both amendments were adopted before the panel sent the bill to the Senate floor with a recommendation to pass.

Kiscaden also offered a bill, S.F. 2865, establishing a comprehensive initiative for runaways and youth that are, or are at risk of being, homeless. The initiative includes contracting with organiza-

tions that provide outreach services and contracting for drop-in service centers, basic shelter programs, and transitional living programs.

Kiscaden offered an amendment deleting a section of the bill that states the findings and purpose of the program. Members adopted the amendment and sent the bill to the Senate floor with a recommendation to pass.

The committee, chaired by Sen. John Hottinger (DFL-Mankato) then heard S.F. 2850. The bill, authored by Sen. Bob Lessard (DFL-Intil. Falls), extends the Itasca County Medical Care project (IMCare) for an additional five years, by establishing a new sunset date of July 1, 2005. Lessard told members that IMCare contracts with the Department of Human Services to provide prepaid managed care to Medical Assistance, General Assistance, and MinnesotaCare eligible recipients. After adopting an amendment by Sen. Martha Robertson (R-Minnetonka) establishing July 1, 2002, as the sunset date, the panel moved the bill to the Consent Calendar.

Sen. Thomas Neuville (R-Northfield) authored a bill, S.F. 2732, requiring immigration status verification for child care or public assistance purposes. Under the bill, applicants for public assistance programs, such as the Minnesota food assistance program or group residential housing, must have their immigration status verified through the Alien Verification for Entitlements (SAVE) program. The bill also requires the Department of Human Services to report to the Legislature on the usage and costs of the SAVE program.

Members moved the bill to the Health and Family Security Budget Division with the recommendation of the division to be considered the recommendation of the committee.

A bill allowing a nursing facility's employee pension benefit costs to be treated as Public Employee Retirement Association (PERA) contributions, S.F. 2978, was authored by Sen. Steve Murphy (DFL-Red Wing). An amendment, moved by Sen. Leo Foley (DFL-Coon Rapids), increasing the number of beds from less than 32 to less than 45 for qualifying the director of nursing services to serve as the licensed nursing home administrator, was adopted by the committee. The bill was recommended to pass and moved to the Senate floor.

## Health and Family Security Budget Division

### Nursing home bills heard

A number of bills addressing nursing homes were heard by the Health and Family Security Budget Division Thurs., Mar. 9. Sen. Don Samuelson (DFL-Brainerd) chairs the division, which discussed facility rate increases, property rate increases, and recertification of decertified beds for nursing facilities.

Seven bills relating to facility rate increases were heard. S.F. 2585, authored by Sen. Pat Pariseau (R-Farmington), provides a rate increase of \$4 per day for an 84-bed facility in Goodhue County. Sen. Dallas Sams (DFL-Staples) authored S.F. 3612, a bill providing a daily rate increase ranging from \$3 for case mix level A to \$12.36 for case mix level K for a 78-bed facility in Todd County after determination of the inflationary increase due to occur under current law. Sen. Gen Olson (R-Minnetrista) sponsored S.F. 3498, a bill providing a daily rate increase of \$1 for a 192-bed facility in Hennepin County.

A bill increasing the yearly bed rate to a range from \$74,280 to \$111,420 for an 80-bed Redwood County nursing facility, S.F. 3308, was authored by Sen. Jim Vickerman (DFL-Tracy). S.F. 3294, a bill providing a rate increase of \$10.50 for a 154-bed facility in Wright County to be used for employee wage benefits, was authored by Sen. Mark Ourada (R-Buffalo). Sen. Linda Berglin (DFL-Mpls.) authored a bill, S.F. 2307, providing a \$9 rate increase for a nursing facility in Hennepin County. Berglin offered an amendment deleting the \$9 rate increase and substituting a 10 percent per diem operating cost increase, if the facility decertifies 90 beds. The amendment was adopted. A bill offered by Sen. LeRoy Stumpf (DFL-Thief River Falls), S.F. 2577, provides a rate increase of \$5.69 for a nursing facility in Roseau County. Sams offered an amendment appropriating \$660,000 for mental health programs focusing on farm families. The amendment failed.

Members heard two bills relating to property rate increases authored by Sen. Charles Berg (IND-Chokio) and Sen. Twyla Ring (DFL-North Branch). The bill authored by Berg, S.F. 3263, provides a property rate increase of



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\$2.89 for a 55-bed facility in Traverse County prior to the annual inflation adjustment for facilities in the alternate payment system. Ring authored S.F. 3715, a bill providing a property tax payment rate increase of \$2.06, effective July 1, 1999, for a facility in Pine City that decertified 22 beds during 1999.

Sen. Allan Spear (DFL-Mpls.) authored one of two bills that re-certify nursing facility beds. S.F. 3518, a bill creating an exception to the nursing home moratorium to license and certify four beds in a facility to replace four beds that were voluntarily delicensed and decertified. A bill authored by Sen. Jerry Janezich (DFL-Chisholm), S.F. 3494, creates an exception to the nursing home moratorium to license and certify a new 44-bed facility in St. Louis County to replace an existing 31-bed facility with safety concerns related to an antiquated elevator.

Sen. Sheila Kiscaden (R-Rochester) authored S.F. 3072, a bill providing a rate increase of \$6.63 for case mix class A and an weighted increase for other case mix classes for a Rochester nursing facility. The bill also provides that the facility may spread its allowable property costs if it reduces its bed capacity after June 1, 2000.

Sams also offered S.F. 3044, a bill establishing per-bed construction cost limits for nursing home building projects authorized as an exception to the nursing home moratorium. Under the bill, the reimbursable per-bed cost limits for a relocation, renovation, upgrading, or conversion authorized after July 1, 2000, are the same as the per-bed limits for a total replacement. Sams offered an amendment, adopted by the committee, making the bill fiscally neutral.

## Nursing homes discussed

The Health and Family Security Budget Division, chaired by Sen. Don Samuelson (DFL-Brainerd), met Mon., Mar. 13, to hear bills relating to nursing homes and funeral services. Members took no formal action on the nursing home bills.

S.F. 2520, authored by Sen. Dan Stevens (R-Mora), creates an exception to the nursing home moratorium to license and certify 72 beds in an existing 80-bed facility in Mille Lacs County and

appropriate \$123,000 as part of a renovation project. Facility renovations will repair fire damage and bring the building up to date, such as making restrooms compliant with provisions of the Americans with Disabilities Act, said Lynn Donek, of Mille Lacs Health System. Samuelson said the committee will consider the bill for inclusion in the omnibus bill.

A bill sponsored by Sen. Jerry Janezich, S.F. 3494, also creates an exception to the nursing home moratorium to license and certify a new 44-bed facility in St. Louis County. Denise Santeramo, director of nursing for the Mesabi Nursing Home, said that the declining nursing home occupancy taking place statewide is not affecting the Iron Range as significantly. Facilities on the Iron Range have a zero to ten percent vacancy rate, she said. The new facility will replace a current building with safety concerns that include an antiquated elevator, Santeramo said.

In response to the number of nursing homes permanently closing, Sen. Dallas Sams (DFL-Staples) authored S.F. 3240, a bill permitting nursing homes to place beds on layaway status for up to five years with adjusted reimbursement rates to reflect the lower capacity. Sams said that the bill is estimated to cost \$224,000 in 2001 and \$700,000 over the next biennium. Members discussed ramifications of the bill relating to when, how often, and what number of beds may be placed on layaway before laying the bill over for further consideration.

Sen. Linda Berglin (DFL-Mpls.) sponsored S.F. 3198, a bill establishing a process to approve closure plans under which one or more jointly owned or operated nursing facilities would close and the resulting savings could be allocated to other jointly owned or operated facilities. Members adopted an amendment, authored by Berglin, requiring a state report on nursing homes to include recommendations for making state financial and technical assistance available to nursing facilities considering closing or downsizing. The panel laid the bill over for further discussion.

A bill, S.F. 2686, authored by Sen. Claire Robling (R-Prior Lake), establishes requirements for the sale of funeral goods and services and

preneeded funeral arrangements. Robling and Jennifer Mohlenhoff, of the State Auditor's Office, testified before the panel on the need for the proposed legislation. Robling said that because next of kin are often solicited without consent by funeral service providers during the time of a loved one's death, the bill prohibits uninvited solicitation of goods and services by funeral providers at hospitals, grave sites, nursing homes, and similar locations. The bill also requires that preneeded service arrangements be lucidly written in easy to read type and that prices for each service and good be listed separately, with indication if the price is fixed or not.

Mohlenhoff told the division that additional staff will be needed for mortuary investigations. Members adopted an amendment appropriating \$75,000 to the Department of Health for costs associated with the bill before sending it to the Senate floor with a recommendation to pass.

## Bonding bill reviewed

The Health and Family Security Budget Division, chaired by Sen. Don Samuelson (DFL-Brainerd) convened Tues., Mar. 14, to present their bonding recommendations for the next biennium. The division's total recommendation, \$99.452 million, is \$30.471 million more than the governor's \$68.981 million recommendation. The total requested from the Department of Health and the Department of Human Services (DHS) was \$346.026 million, \$277.045 million more than the governor's recommendation.

Major funding in the bill is provided for the Gillette Children's Hospital, the St. Peter Regional Treatment Center, the Hastings Veterans Home, and the Brainerd Regional Human Services Center. The proposal specifies that once an equal amount of matching non-state funds are secured, the Gillette Children's Hospital receives \$13 million of the original \$15 million requested for an addition. The governor did not recommend any funding for the hospital. Pexton Hall at the St. Peter Regional Treatment Center is appropriated \$6.5 million to securely house individuals committed as sexual psychopathic personalities and sexually dangerous persons. Under the proposal, the

Hastings Veterans Home is appropriated \$7.084 million for infrastructure repair and renovation. A facility at the Brainerd Regional Human Services Center to be used for treating persons with serious and persistent mental illnesses is slated to receive \$5.2 million.

The bill also includes appropriations from the general fund. The measure provides that a grant to Minnesota Program Development, Inc. for \$250,000 will be awarded to improve facilities at a domestic abuse intervention program when one-to-one matching funds have been committed from non-state sources. A \$1.3 million grant will be awarded to the Minnesota Indian Primary Residential Treatment Center, Inc., to be matched by a \$1 million federal grant, for construction of a youth alcohol treatment wing at the Mash-Ka-Wisen treatment center. A \$135,000 grant to a Minnesota organ procurement organization for the creation of an interactive mobile learning center about organ donation will be awarded when at least \$135,000 of non-state funds have been committed.

Agencies that did not receive appropriations from either the governor or the Senate were the Minnesota Extended Treatment Options, DHS, and the Dawson Nursing Home. A \$22.229 million request by DHS for a new facility received no funding recommendations. The Minnesota Extended Treatment Options request for \$1.14 million to renovate an administration building was left unfunded. A request by the Dawson Nursing Home for funds to convert current nursing home facilities into assisted living facilities was also left unfunded.

### **Omnibus budget amended**

Discussion of S.F. 3198, authored by Sen. Linda Berglin (DFL-Mpls.), resumed Wed., Mar. 15, by the Health and Family Security Budget Division. The bill, laid over from a previous meeting, provides for a special rate adjustment process under Medical Assistance for downsizing or closing nursing facilities. Berglin offered two amendments that make the bill budget neutral. The first amendment allows up to \$75,000 of savings attributed to the closing of a facility to be used for county relocation

costs, and the second makes technical changes. Both were adopted by the division and the bill was sent to the Senate floor with a recommendation to pass.

The division, chaired by Sen. Don Samuelson (DFL-Brainerd), then discussed the \$190 million health and human services omnibus budget proposal. Of the total spending, \$77.794 million will come from federal funds. The governor's recommendation was \$199 million. Major portions of the proposal are dedicated to Medical Assistance, nursing homes, and assistance to families grants. Both the governor and the Senate recommended \$22.751 million for Medical Assistance for families and children, providing a higher base income level for recipients and increasing compensation to rural pharmacies. Various nursing homes throughout the state received a total recommendation of \$20.79 million for compensation rate adjustments from the Senate and the governor. The Senate recommended \$35.428 million for grants to disadvantaged families, whereas the governor had recommended only \$9.628 million.

An amendment offered by Sen. Pat Piper (DFL-Austin) was adopted by the panel. Under the amendment, caregivers with a disabled individual in their household are exempted from employment services requirements. The Department of Human Services (DHS) gave support for Piper's amendment.

Sen. Sheila Kiscaden (R-Rochester) offered an amendment transferring, of \$1 million in yearly federal funds, \$750,000 to the Job Skills Partnership Board for health care worker training, and \$250,000 to Minnesota State Colleges and Universities to provide tuition waivers for health care and human services employees. Kiscaden also offered an amendment allowing an individual between 19 and 23 years, who is living with their parents, to be eligible for MinnesotaCare. Members adopted both amendments.

Sen. Linda Berglin offered a number of amendments to the budget proposal. An amendment providing a 3 percent reimbursement increase to living skills training programs for persons with epilepsy was offered. Berglin also offered amendments making special compensation rates to nursing homes in

1999 permanent, and transferring grants appropriation authority for on-site coordination housing to the DHS from the Minnesota Board on Aging. Members adopted the Berglin amendments.

Members also adopted a number of other amendments offered by Berglin. She offered an amendment allocating at least \$500,000 of after school enrichment grants to the Whittier and Phillips neighborhoods and \$200,000 to the Lyndale neighborhood. Amendments requiring counties reimbursing non-licensed child care to send notices to parents and providing assistance program recipients an option for 24 months of education were offered by Berglin. She also offered an amendment, adopted by members, creating a child only Temporary Assistance to Needy Families (TANIF) program.

The panel also rejected a number of amendments offered by Berglin. Berglin offered an amendment removing child only recipients, those who work at least 35 hours per week, and families with a special needs child from the 60 month TANIF limit. Berglin also offered an amendment removing only families with a special needs child from the 60 month TANIF limit. Both amendments failed. An amendment requiring counties to offer intensive employment support to Minnesota family intervention program (MFIP) participants with barriers to employment also failed.

## **Higher Education Budget Division**

### **Bonding allocations approved**

The Higher Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), met Tues., Mar. 14, and approved capital budget allocations totaling \$303 million for the Minnesota State Colleges and Universities (MnSCU) system and the University of Minnesota (U of M).

The division's recommendation is less than the \$467.671 million of separate request bills from the systems but greater than \$128.261 million recommended by the administration.

Among the allocations is \$14.7 million for repairs at the Anoka-Hennepin Technical College, a project the administration had not recommended for funding. MnSCU's Board of Trustees

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had recommended closing the facility in a realignment plan, but a coalition of Anoka business and other groups argued that the community would be better served by repairing and maintaining the existing facility. School officials met recently with the division and requested \$14.67 million for roof repairs and replacement, heat, ventilation and air conditioning improvements, remodeling and demolition. Along with appropriating \$14.67 million for the repair project, a bill, S.F. 2329, authored by Sen. Leo Foley (DFL-Coon Rapids) and approved by the division, specifies the Board of Trustees must continue to operate the facility after using the appropriation to complete repairs. An amendment, offered by Sen. Sam Solon (DFL-Duluth) and adopted by the division, calls for an evaluation of the programs, program placement, and space needs by the board by June 30, 2001.

The \$49.048 million designated for specific major Higher Education Asset and Preservation and Replacement (HEAPR) projects include \$6.1 million for boiler replacement at Winona State University; \$12 million for construction of a science building at Normandale Community College; \$11.161 million for to renovate a science building into general education classrooms at North Hennepin Community College; \$7.992 million for wing remodeling and storage at St. Cloud Technical College; \$11.7 million for an information technology center at Minneapolis Community and Technical College; and \$16 million for a library at Metro State University.

Systemwide allocations included \$1.258 million for constructing and renovating a health facility at Northwest Technical College at Moorhead; \$5 million to construct a developmental learning center at Northland Community College and Technical College; \$8 million for land acquisition for Northwest Technical College to relocate to Bemidji State University; \$4.1 million to demolish houses and construct parking lots at Moorhead State University; \$6.907 million to renovate the student athletics facility at Mankato State University; \$1 million for land acquisition and \$1.6 million for design of a science building at Winona State University; and \$1.6 million for design of a science building at Moorhead State University.

Other recommendations included \$300,000 to design the Riverview building at St. Cloud State University; \$4.5 million for offices and classrooms at Fond Du Lac Library; \$800,000 for design and renovation of the library at Southwest State University; \$1.4 million for Minneapolis campus design at Metro State University; \$1 million for site development at Rochester Community College and Technical College; \$4 million to design and construct an engineering technology center at Itasca Community College and \$1.638 million to remodel bay areas at Hennepin Technical College.

U of M HEAPR allocations include \$35 million for construction of a molecular and cellular biology building; \$21 million for replacement of the art building; \$10 million for construction of a microbial and plant genomics building at the St. Paul Campus; \$8.2 million to renovate the science and math building at the Morris Campus; \$10.9 million to replace and renovate greenhouse facilities at the St. Paul Campus; \$6.1 million for construction of a music performance lab at the Duluth Campus; \$4 million for research and outreach center improvements; and \$65 million for a renovation and addition project of the Kiehle Building at the Crookston Campus. Design and construction of a Bulldog Sports Center at the Duluth Campus was funded for \$2 million, compared with the system's request for \$10.4 million.

In addition to the recommendations, the division also approved several bills and adopted several amendments.

S.F. 3551, authored by Sen. Anthony "Tony" Kinkel (DFL-Park Rapids), allows the Board of Trustees of MnSCU to issue additional revenue bonds of up to \$100 million and to use the proceeds to acquire, construct, complete, remodel and equip structures or portions of them for dormitory, residence hall, student union, food service and parking purposes. Under the bill, the bonds may be used to refund previously issued bonds, and refunding bonds may be issued in addition to the bonds otherwise authorized by the division.

S.F. 3592, authored by Sen. Keith Langseth (DFL-Glyndon), appropriates \$1 million to MnSCU to design and construct an addition and remodeling of graphic arts and dentistry space at St.

Cloud Technical College and construction of a security building at Moorhead State University. The measure also authorizes Minnesota West Community and Technical College in Worthington to lease land to the YMCA and the city.

An amendment, offered by Sen. Sheila Kiscaden (R-Rochester), directs the commissioner of economic security to develop a 10-year plan for the location of workforce centers on MnSCU campuses. An amendment, offered by Solon, appropriates \$2 million for the Bull Dog Sports Center and specifies that it must be a multiple-sheet arena. Another amendment, offered by Sen. Cal Larson (R-Fergus Falls), specifies that the portion of the student housing project at Itasca must be 100 percent user financed debt service. An amendment, offered by Kinkel, reduces by \$1.7 million the \$8 million allocated to Northwest Technical College for labs because of land donated by the school district for the planned relocation to Bemidji State University. Another amendment, offered by Kinkel, allocates \$2 million for construction of a Museum and Center for American History at Bemidji State University. Another amendment, offered by Kinkel, relates to bleacher improvements, exempting from the definition of a "place of public accommodation" facilities owned or operated by MnSCU, the U of M, or any private college or university. An amendment, offered by Stumpf, authorizes MnSCU's Board of Trustees to lease state property at Moorhead State University to a private developer for the construction of various buildings. Another amendment, offered by Sen. Deanna Wiener (DFL-Eagan), appropriates money to design, construct, equip and furnish an unfinished addition at the U of M law school. The appropriation is contingent on obtaining \$6 million in non-state money.

All amendments were adopted, as were the division's budget allocations.

## Supplemental budget approved

Members of the Higher Education Budget Division, chaired by Sen. LeRoy Stumpf (DFL-Thief River Falls), met Wed., Mar. 15, and approved a draft of a supplemental budget bill totaling \$29 million.

The measure provides \$1.25 million for the development and implementa-



tion of an Urban Teacher Preparation Program. Under the measure, the program, designed to attract teachers of color, will involve Metropolitan State University, Inver Hills Community College and Minneapolis Community and Technical College and will focus on preparing teachers to meet specific needs of urban and inner-ring suburban schools. An amendment, offered by Sen. Sheila Kiscaden (R-Rochester, sets out expectations for enrollment and graduation targets contingent on continued funding for the program. The amendment also calls for a percentage of the students to be students of color, a percentage to be first-generation or low-income students, and a percentage to have urban backgrounds. The amendment also requires that the Minnesota Colleges and Universities (MnSCU) system's Board of Trustees report to the Higher Education Budget Division on progress and development of the program by Feb. 15, 2002. The amendment was adopted.

The measure also appropriates \$11.6 million for MnSCU system budget shortfalls due to unanticipated increases in enrollment and \$250,000 to provide expanded educational and management services to farmers in the Farm Wrap and Farm Help Network service areas in Northwestern Minnesota. The measure appropriates \$600,000 to the Rapid Agricultural Response Fund established last year to combat a widespread virus in turkey flocks and \$15 million for the University of Minnesota's contribution to a proposed Northstar Research Coalition, a non-profit, tax-exempt corporation to fund research projects that have the potential to create significant opportunities for economic development and industrial growth in the state. The measure also appropriates \$80,000 to the Cook County Higher Education Project for delivery of educational services electronically and \$220,000 to provide child care in the newly renovated Kirby Center at the University of Minnesota-Duluth.

An amendment, offered by Sen. Steve Murphy (DFL-Red Wing), provides for the early termination and replacement of non-student members of MnSCU's Board of Trustees. Under the amendment, board members are terminated Dec. 31, 2000, and the candidate advisory council shall submit replace-

ment members to the governor, who must appoint replacements by Jan. 1, 2000. Murphy later withdrew the amendment, as division members said it could create more problems than it might solve. However, the division did agree to schedule a public hearing to address performance concerns members have with the board.

## Human Resources Finance

### Bills okayed

The Human Resources Finance Committee heard S.F. 1038, authored by Sen. Sam Solon (DFL-Duluth), Weds., Mar. 15. The bill codifies the current rules requiring registration for occupational therapists and occupational therapy assistants, and changes the regulation form registration to licensure. Under the bill, the scope of practice for the two professions is restricted by the licensing system and the use of protected titles is formalized. Members sent the bill to the Senate floor with a recommendation to pass.

Sen. Sandra Pappas (DFL-St. Paul) sponsored a bill, S.F. 2851, increasing the penalty amounts assessed to employers for violations of child labor laws. Pappas said that the current penalties are extremely low and provide little deterrent. The bill was recommended to pass and sent to the Senate floor.

A bill allowing unlicensed complementary and alternative health care practitioners to practice if they disclose specific information to clients and receive consent, S.F. 698, was sponsored by Sen. Twyla Ring (DFL-North Branch). The bill, which Ring said is no longer opposed by the Board of Medical Practice, also defines conditions for disciplinary actions. The panel sent the bill to the Senate floor with a recommendation to pass.

Members then discussed the ramifications of S.F. 2396, a bill making changes to the predatory offender registration law, the community notification law, and other laws. Sen. Ember Reichgott Junge (DFL-New Hope), the bill's author, said that under the bill, sex offenders are required to register all residence and property addresses and vehicles, the Bureau of Criminal Apprehension (BCA) is required to verify sex offender's addresses four times a year, and failure to comply will result

in a statutory minimum felony sentence of one year and a day, up to five years and a \$10,000 fine. Stephanie Goode, of the BCA, said that Minnesota has a 30 percent non-compliance rate for sex offender registration for 9,800 offenders in the system.

"There are going to be some unintended consequences to what we do," said Sen. Thomas Neuville (R-Northfield). Neuville explained that the registration laws may cause offenders to congregate in selected areas because few landlords rent to offenders. Sen. Linda Berglin (DFL-Mpls.), the committee chair, said that many sex offenders relocate to her district, often with multiple offenders living in the same building, because of housing availability. Sen. Becky Lourey called the bill a "feel-good tent with nothing inside." Members adopted the bill onto S.F. 2974.

Sen. Jane Ranum (DFL-Mpls.) authored S.F. 2974, a bill appropriating \$15 million to the Department of Public Safety (DPS). The bill contains appropriations for electronic fingerprint capture technology, \$10.388 million, grants to government agencies to transfer and access data, \$1 million, a pilot project to use the statewide statute table to insure uniform charging on criminal complaints, \$100,000, and to begin redevelopment of the court information system, \$3.512 million. Ranum said that the bill does not create one giant computer system for the state, but allows current silos of information to talk to each other. The bill, with S.F. 2396 attached, was sent to the floor with a recommendation to pass.

"We ought not to pay claims on a case by case basis and establish policy de facto," said Sen. Dave Johnson (DFL-Bloomington) in response to S.F. 3533. The bill, authored by Sen. Randy Kelly (DFL-St. Paul), appropriates \$27,330 to the Department of Corrections (DOC) for pending and paid claims, and \$105,790.87 for reimbursement to the Lyon County Co-Op Oil Company, Inc. Kelly said that the oil company lost revenue during a 1998 road reconstruction project. After deleting appropriations for the oil company, members sent the bill to the floor with a recommendation to pass.

S.F. 3410, authored by Berglin, amends the definition of neglect in the

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child maltreatment reporting act by striking language, creates a new "child exposed to domestic violence" law, and requires proposals for services to children eligible for alternative response programs. Sen. Sheila Kiscaden (R-Rochester) called the bill "a step backwards," because of the stricken language relating to child neglect. "It is important that we look at child protection as a preventive measure," she said, "it is unbelievably shortsighted that we do not do more in this area." The panel sent the bill to the Senate floor with a recommendation to pass.

## Jobs, Energy and Community Development

### Electric cooperative bill okayed

Members of the Jobs, Energy and Community Development Committee, chaired by Sen. Steven Novak (DFL-New Brighton), met Thurs., Mar. 9, and approved a bill revoking the merger of a Northern Minnesota electric cooperative.

S.F. 3297, authored by Sen. Douglas Johnson (DFL-Tower), provides that a merger or consolidation of an electric cooperative can be revoked and that the former electric cooperative can then be re-established. Under the bill, the revocation vote must be initiated by a petition signed by 1 percent of members or stockholders of an existing electric cooperative. The bill specifies that the petition must be prescribed by the Department of Commerce and that the petition must include a statement that signers are requesting a vote of cooperative members or stockholders within the service territory on the question of revocation of the merger or consolidation and re-establishment of the former electric cooperative.

The bill refers to a "particular electric cooperative," which means Lake Country Power (LCP) of Grand Rapids. LCP is the result of a merger of three Northern Minnesota electric cooperatives - Northern Electric, Dairyland Electric and Carlton County electric - in 1996.

One potential advantage alluded to at the time of the merger was stable or possibly lower rates, according to Johnson, who is a member of the cooperative. However, members were

notified in January that rates were going up - 21 percent for residential customers, 19 percent for cabin owners, and 7 percent for businesses, he said.

Mable Forsberg, a cooperative member, said she was distressed by the situation. "It seemed like the consolidation was a done deal [before the vote] because it all happened so fast, in in about seven months," she said.

Lee Sundberg, of the Minnesota Rural Electric Association, spoke in opposition to the bill. The measure is aimed at LCP, he noted, but it could set a bad precedent, discouraging mergers among other power cooperatives throughout the state. "There are less drastic measures," he said.

Jerry Ketola, president of LCP, conceded the cooperative did not do a good job in communicating with its members. However, he urged the committee to "reject this provincial and punitive legislation."

An amendment, offered by Sen. Linda Runbeck (R-Circle Pines), specifies that a cooperative must provide a full return of a former member's capital credit by the end of the fiscal quarter following a request for the return and termination of membership. The amendment failed.

The bill was approved and sent to the floor.

The committee also heard two other bills.

S.F. 3130, authored by Sen. Steve Kelley (DFL-Hopkins), provides \$1 million to the Department of Trade and Economic Development (DTED) for catalyst grants to local governments to expand telecommunications capacity in areas of Minnesota that have limited capacity. Under the bill, the grants are for capital expenditures to provide Internet access to residences and businesses using either traditional fiber optic cable or wireless technology, including nonpoint microwave distribution. The bill specifies that DTED award grants for at least one rural and one urban wireless project and that eligible capital expenditures include equipment and construction costs, but not planning, engineering, or preliminary design. Under the bill, DTED must award catalyst grants according to a competitive process and create criteria for the award of grants. The bill was laid over for further discussion.

S.F. 3132, authored by Sen. Arlene

Lesewski (R-Marshall), appropriates money to Minnesota Technology Inc. for the e-Business Institute, a partnership between Minnesota Technology Inc. and the University of Minnesota-Crookston. The institute will provide services throughout the state with a focus on Greater Minnesota, Lesewski said. It will serve three sets of customers - small businesses, individuals and communities - and will develop infrastructure and technologic competencies necessary to participate in the new economy being created by information technology and the Internet, she said. The bill was approved and referred to the Economic Development Budget Division.

### ISP access to cable gains

A bill authorizing "catalyst grants" to expand telecommunications capacity in underserved areas of the state was approved by the Jobs, Energy and Community Development Committee Fri., Mar. 10, but not before a lengthy discussion on an amendment about internet service provider (ISP) access to cable television systems. The committee, chaired by Sen. Steven Novak (DFL-New Brighton), also approved bills dealing with housing development assistance, the location of work force development centers, interest rates paid on rental security deposits and the creation of a propane education and research council.

The telecommunications catalyst grant bill, S.F. 3130, authored by Sen. Steve Kelley (DFL-Hopkins), authorizes a \$1 million appropriation to the Dept. of Trade and Economic Development to award grants to local governments in areas of the state that have limited telecommunications capacity. However, most of the discussion centered on an amendment offered by Kelley, requiring the Public Utilities Commission (PUC) to adopt rules permitting ISPs to deliver high-speed internet service through cable TV systems. The amendment applies only to cable TV systems with at least 15,000 customers.

Kelley said that the amendment provides access to cable systems by small ISPs. He said that the two largest cable systems, Time Warner/America Online (TW/AOL) and AT&T are committed to spending the money to make the hardware upgrades so that

computers can have cable modem access to the internet. The problem, Kelley said, is that without the amendment, the two large companies will be the only ISPs offering cable modem service. Smaller ISPs without affiliated cable systems will go out of business if they don't have access to cable because their customers will switch over to the faster cable internet service, he said. Kelley added that the PUC had the issue before it, but unexpectedly closed the docket about two weeks ago, thus creating the need for the amendment.

However, several cable industry representatives spoke against the amendment. Mike Martin, of the Minnesota Cable Communications Association, said it's a federal issue and the amendment adds another layer of bureaucracy. David Seykora, of Media One, said his company is investing \$2 million to upgrade cable equipment to increase service, but the amendment hinders that and will stifle access. Kim Roden, of TW/AOL, said they will offer consumers a choice by forming partnerships on a national, regional or local basis with other ISPs.

Support for the measure was voiced by Diane Johnson, of Envoy, Inc. She said it's time for Minnesota to create a level playing field and to protect consumers rather than anyone's market share. Mike O'Connor, a local ISP operator, said he emphatically supported the provision. He said that many other operators put much personal capital into building the internet in Minnesota. O'Connor said that if ISPs have to wait three or four years for access to cable, they may be gone. He added that many "geeks" are leaving Minnesota for California, Boston, and other areas because of better opportunities.

Sen. Linda Runbeck (R-Circle Pines) argued against the measure and asked "why not let the customers decide?" She added that the industry and technology is evolving and it is premature to pass the provision.

Tony Mendoza, assistant commissioner, Dept. of Administration, said the department asked the PUC for a generic investigation of the open access issue. He said he was surprised and disappointed at the PUC's decision to close the investigation and the department will file a motion for the PUC to reconsider.

Burl Haar, executive secretary of the PUC, said the commission decided against it for two reasons: the technology is evolving and will address the access concerns as it develops, and there is insufficient evidence that there's a monopoly in cable internet access. In addition, Haar said that the commission is trying to encourage the cable TV industry to provide expanded services and thought that their layer of regulation would interfere with that. The PUC also thought the policy decisions should come from federal level, he said.

Sen. Randy Kelly (DFL-St. Paul) suggested a middle ground option would be to order the PUC to reopen the docket, saying that it would punctuate the Legislature's concern on the issue. He said it was too big of a decision for the committee to make in too little time. Runbeck moved to amend the amendment by requiring the PUC to reopen the docket and adopt rules by March of 2001. However, the motion failed on a divided vote.

A compromise was found when Sen. Edward Oliver (R-Deephaven) offered to change the requirement on the PUC be to "consider" rather than "adopt" rules on the issue. Kelley made a counter offer to use the word "propose" rather than "consider" which Oliver accepted and the committee adopted. The bill was approved and re-referred to the Economic Development Budget Division.

Sen. Arlene Lesewski (R-Marshall) presented the housing development assistance bill, S.F. 3769, to the committee. Tanya Orr, assistant commissioner of the Housing Finance Agency (HFA), said the bill allows for-profit entities access to the community rehabilitation fund. Sen. Ellen Anderson (DFL-St. Paul) said she was hesitant about supporting the bill out of concern that some of the funds may be funneled off to shareholders of for-profit builders when housing funds are so limited. Orr said the bill increases the probability that a for-profit entity will come in and develop affordable housing in municipalities that don't have a housing and redevelopment authority. The program needs more participation in Greater Minnesota, she said. Orr said the bill also contains a provision to maximize the recycling of money in the fund. The panel also adopted an amendment,

offered by Lesewski, allowing the HFA to engage in "interest swap" transactions. Orr explained that in an interest swap, the HFA sells bonds at a variable rate, and then swaps those bonds with another entity for bonds at a lower variable or fixed rate. The bill was approved and sent to the Senate floor.

The establishment of the Propane Education and Research Council is the purpose of S.F. 2200 said Sen. Steve Murphy (DFL-Red Wing), sponsor of the measure. Cort Holten, representing the Minnesota Propane Gas Association, said the bill also creates the mechanism by which the industry can assess itself to create a fund for research and education about propane. The bill also provides for a referendum vote of industry members for assessment purposes. Holten said that creation of the council by the industry without the legislation would invite anti-trust action. In addition, Holten said, the bill allows the state to supervise the referendum vote and allows the commissioner of public safety to be on the council as an ex officio member. Holten said the council will use their fund to pay for research projects and will not seek appropriations from the state. Sen. Dennis Frederickson (R-New Ulm) said the measure is similar to others enacted for various agricultural commodities. The committee adopted an amendment adding a representative of firefighters or fire chiefs as a member of the council, approved the bill, and advanced it to the Senate floor.

Earlier, the panel heard H.F. 3132, sponsored by Sen. James Metzen (DFL-South St. Paul). The bill sets the interest rate to be paid by landlords on deposits paid by renters at three percent simple interest until May 1, 2004, and four percent thereafter. Metzen said that renters come and go so landlords can't pool deposits to get a higher rate. He added that the Legal Aid Society supports the bill. The bill was recommended to pass and sent to the floor.

The committee also approved S.F. 3281, sponsored by Sen. Sheila Kiscaden (R-Rochester). Kiscaden said the bill requires the development of a plan to co-locate workforce development centers on Minnesota State College and University (MnSCU) campuses. She said that she discovered that the workforce centers function better when



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they are co-located with MnSCU facilities. In addition, Kiscaden said, the Dept. of Economic Security uses federal funds to lease space for the centers that are not on MnSCU campuses and the Dept. of Administration has recommended that the state decrease the amount of leased space it uses. The committee made minor grammatical changes to the bill before re-referring it to the Economic Development Budget Division.

## Judiciary

### Parenting plan bill approved

The Judiciary Subcommittee on Family Law met Thurs., Mar. 9, to reconsider S.F. 3169.

The bill, sponsored by Sen. Sheila Kiscaden (R-Rochester), provides for parenting plans. Sen. Leo Foley (DFL-Coon Rapids), who chairs the committee, said the committee would hear the bill again, even though it failed to gain member approval at an earlier meeting. Prior to the second meeting, Kiscaden said she had prepared amendments to address concerns raised by members at the previous hearing. Under the bill, parenting plans are available by request from both parents, created in lieu of an order for child custody and parenting time, unless the court makes findings that the proposed plan is not in the best interests of the child. The amended bill specifies what constitutes "best interests of the child" considerations, and includes the wishes of the child's parent or parents as to custody, the reasonable preferences of the child, the intimacy of the relationships between each parent and the child and the mental and physical health of all individuals involved, including the rebuttable presumption that a perpetrator of domestic abuse should not have sole legal or sole physical custody of the child. The bill was amended to define "parenting time" as the time a parent spends with a child regardless of the custodial designation regarding the child.

Judge William Howard, District Court, Hennepin County, testified that his family court caseload is approximately 3,000 cases per year. Howard said, "We need to open the door for permissive change." Howard also said he agrees with the recommendations of the Parental Cooperation Task Force,

which was formed during the 1998 Legislative Session. The task force was charged with evaluating methods of reducing conflict in dissolution, annulment and legal separation and paternity cases, and to specifically evaluate the use of parenting plans. Howard said he agrees that the courts need to maintain a "best interests of the child" standard that gives judges more flexibility in determining conditions favorable to the well-being of the child.

Suzanne Born, attorney at law, said that parenting plans have three aspects: they schedule time; they designate decision-making; and they determine a method of dispute resolution. She said that she served on the task force and that the provisions in the bill stem from the task force report. Provisions concerning accusations of domestic abuse included in the bill were also in the task force report. Born said that under the bill, modifications can be made, but both parties must agree. She also said the "best interests of the child" standard supplants the "endangerment" standard, which requires that a parent prove that the child will be mentally, physically or emotionally injured by remaining with the other parent.

Another witness from the task force, family lawyer Maria Pastoor, said she opposes the bill because it didn't incorporate all the recommendations from the task force. She also said that in other states, such as Tennessee, where parenting plans are used, divorce costs were higher.

An author's amendment was adopted that allows the court to make a parenting plan on its own if the proposed plan is not in the best interests of the child, at which time the court may order that custody and parenting time be entered under general provisions of the law. Sen. David Knutson (R-Burnsville) offered an amendment that was adopted to establish a neutral exchange location for parenting time. Members discussed modification procedures—and provisions for cases involving domestic abuse. The bill was recommended to pass as amended and referred to the Judiciary Committee.

### Eleven bills heard

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.) met Fri., Mar. 10, to consider eleven bills. The

first bill on the agenda was S.F. 3539, sponsored by Sen. Ember Reichgott Junge (DFL-New Hope). The bill regulates the recovery of costs and attorney fees from the state and conforms state law to federal law in allowing individuals, nonprofits and cooperatives to recover fees. Amendments were adopted to cap the recovery amount at \$7 million and change fee regulations in civil action or contested case proceedings involving the state. The amended bill was recommended to pass and referred to the Senate floor.

S.F. 2894, authored by Sen. Linda Higgins (DFL-Mpls.), amends the Occupational Safety and Health Act to provide that communications between discrimination complainant and attorneys representing the commissioner are privileged in the same manner as communications between an attorney and client. The bill was recommended to pass and recommended to the Consent Calendar.

Sen. Linda Scheid (DFL-Brooklyn Park) sponsored S.F. 2655, a bill that recodifies insurance tax laws, provides for civil and criminal penalties and makes provisions related to examinations, audits and collections. Following the adoption of technical amendments, the bill was recommended to pass as amended and referred to the Senate floor.

S.F. 3580 was carried by Sen. Randy Kelly (DFL-St. Paul). The bill amends the definition of harassment to include a single incident of physical or sexual assault or repeated incidents of intrusive, or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another. The bill provides that nothing in the statute requires a hearing on a matter than has no merit.

A provision also amends the temporary restraining order statute to require a petition to allege an immediate and present danger of harassment before the court may issue a temporary restraining order, with exceptions. An amendment set the filing fee at \$50. The bill was recommended to pass as amended and referred to the Senate floor.

Sen. Dave Johnson (DFL-Bloomington) authored S.F. 3455, a bill that contains provisions related to

check fraud, including a provision that limits liability for financial institutions that provide information to the Crime Alert Network. The bill was recommended to pass and advanced to the Senate floor.

Sen. Arlene Lesewski (R-Marshall) sponsored S.F. 3108. The bill regulates the telephone access of inmates restrained in local and state correctional facilities and provides criminal and civil penalties for persons or officers acting in defiance of regulations. The bill was recommended to pass and advanced to the Senate floor.

S.F. 3410, authored by Sen. Linda Berglin (DFL-Mpls.), defines the circumstances under which exposure to domestic violence may be considered neglect. The bill adds conditions for the local welfare agency to consider in determining the appropriate protective action, and services to be offered, in cases involving exposure to domestic violence. The change to the definition of neglect becomes effective, under the bill, July 1, 2001. The bill was recommended to pass and referred to the Human Resources Finance Committee.

Authored by Sen. David Knutson (R-Burnsville), S.F. 3658 relates to the disclosure of data by health maintenance organizations. The bill specifies when health maintenance organizations are permitted to disclose health data or health information about enrollees or applicants. Knutson offered an amendment that offers an exception to disclosure of individually identifiable data or information in cases where it is necessary to meet contract requirements for prepaid medical services with the commissioner of human services. The amendment was adopted. The bill was recommended to pass as amended and advanced to the Senate floor.

Sen. Sheila Kiscaden (R-Rochester) carried S.F. 3169, a bill that provides for parenting plans and adds a definition of "parenting time" to the marriage dissolution statute. The committee adopted the subcommittee report, which adopts the "best interests of child" standard for purposes of custody determinations to create a rebuttable presumption that a perpetrator of domestic abuse should not have sole legal or physical custody. The bill specifies the role of the court in overseeing parenting plans, provides for

modification of parenting plans, and contains provisions related to terminology, visitation and child support. The bill was recommended to pass as amended and advanced to the Senate floor.

S.F. 3116, a bill that makes changes in the laws governing creditor's remedies, was carried by Sen. David Knutson (R-Burnsville). The bill regulates garnishments, executions revising forms and levies. An amendment was offered and adopted to raise attorney's execution levies from \$5,000 to \$10,000. The bill was recommended to pass as amended and advanced to the Senate floor.

Sen. Charles Berg (IND-Chokio) carried S.F. 191, a bill that expands the definition of family farm partnerships and removes limitations on ownership and use of lands by limited liability companies. The organization of a business as a limited liability partnership provides legal entities beyond the traditional business corporation, to limit the personal liability of individual owners and retain beneficial partnership tax status. According to Berg, every state but Minnesota allows farmers a transfer of business rights under limited liability provisions.

There were several opposing views presented, including that of Paul Sobocinski, representing the Land Stewardship Project, who said the 1,500-acre land limitation doesn't address the corporate farmers who may own less than the legal limit of acreage, but who may rent additional acres of land. Following a 7-5 roll call vote, the bill was laid on the table.

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

### **14 bills considered**

Members of the K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Fri., Mar. 10 to hear several bills.

A proposal presented by Sen. Roger D.Moe (DFL-Erskine), provides for a fund transfer up to \$125,000 between Mentor School District and Win-E-Mac School District. The bill was placed on the "A" list.

S.F. 2496, authored by Sen. Kenric Scheevel (R-Preston), alters the definition of marginal cost pupil units.

Districts that have declining enrollment need an adjustment of the formula, Scheevel said. The bill was placed on the "C" list.

Sen. Deanna Weiner (DFL-Eagan) sponsored S.F. 2752, which creates a teacher preparation program. According to the bill, the program must focus on preparing teachers to meet the specific needs of urban and inner-ring suburban schools and must emphasize significant direct classroom teaching experience and mentoring throughout each student's preparation. The bill appropriates \$1.5 million in FY 2001 to the Board of Trustees of the Minnesota State Colleges and Universities for development and implementation of the program. The bill was placed on the "C" list.

S.F. 2880, presented by Pogemiller, appropriates funds for a task force on post retirement health care. Under the bill, the task force must identify strategies for providing post retirement health care coverage for public employees and make recommendations regarding the most appropriate and efficient manner for providing post retirement health care. The bill was placed on the "A" list. The funding portion was placed on the "C" list.

Pogemiller also presented S.F. 3772, which clarifies consolidation revenue. The bill was placed on the "A" list.

S.F. 3567, sponsored by Sen. Gen Olson (R-Minnetrista), provides aid for special education costs of students who open enroll. The bill was placed on the "C-W" list.

Olson also presented S.F. 3569. The bill requires legislative approval for all contracts entered into by a state agency on the topic of transitional or employment-related training or education including at least school-to-work and vocational educational programs. The bill goes on to say no school district must be required to participate in a local education and employment transitions system and may only participate pursuant to adoption of a resolution by the school board. After discussion by the division, the bill was set aside.

S.F. 3655, sponsored by Sen. Dean Johnson (DFL-Wilmar), amends the language of a grant already awarded to the McLeod West School District. The bill allows the grant to be used to

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remodel an educational facility. The bill was placed on the "C" list.

Sen. Jim Vickerman (DFL-Tracy) presented S.F. 3717, which replaces marginal cost funding with declining pupil aid. The bill also makes equity revenue equal for Metropolitan and Greater Minnesota school districts. The bill was placed on the "D" list.

Sen. Linda Runbeck (R-Circle Pines) authored S.F. 3719. The bill extends the refurbished computer program by appropriating \$1 million for FY 2001. The bill was placed on the "C" list.

S.F. 3731, sponsored by Sen. David Knutson (R-Burnsville), permits the Board of Teaching to pre-approve community experts for eligibility to teach in schools. Knutson said the individuals approved will still have to go through the hiring process with districts. The bill was placed on the "A" list.

S.F. 3737, presented by Thomas Neuville (R-Northfield), allows teachers and other district agents to use reasonable force when it is necessary under the circumstances to restrain a student or to prevent bodily harm or death to another. The bill also has provisions relating to civil liability and criminal prosecution. The bill was placed on the "A" list.

Sen. Dallas Sams (DFL-Staples) sponsored S.F. 3756, which amends residential academies grants. Under the bill, if grant funds are reallocated, the funds must go for a grant to a residential academy in Greater Minnesota. The bill was placed on the "W" list.

S.F. 3758, authored by Sen. Cal Larson (R-Fergus Falls), authorizes a fund transfer up to \$200,000 for the Fergus Falls School District. The bill was placed on the "A" list.

S.F. 3636, sponsored by LeRoy Stumpf (DFL-Thief River Falls), alters the definition of marginal cost pupil units. The bill was placed on the "C" list.

## Charter school bill heard

Sen. Lawrence Pogemiller (DFL-Mpls.) chaired a meeting of the K12 Education Budget Division on Tues., Mar. 13.

The hearing began with a proposal for a flood loan interest appropriation. S.F. 3590, presented by Sen. LeRoy Stumpf (DFL-Thief River Falls) appropriates \$761,096 to the East Grand Forks

School District and \$208,467 for the Ada-Borup School District. Stumpf said construction has taken longer than planned so the appropriation for the interest expense is insufficient. Representatives from the districts said the districts are still waiting for federal reimbursement. The bill was placed on the "C" list.

S.F. 3559, a bill modifying several charter school provisions, was presented by Sen. Ember Junge (DFL-New Hope). Junge offered an amendment that creates a Charter School Resource Center Task Force. Junge said the resource center will provide support for charter schools and training for sponsors. Pogemiller said he doesn't support creating additional state structures and more bureaucracy. He said the focus needs to be on results. No action was taken on the amendment. The committee considered the bill section by section. A section allowing certain types of charitable organizations to be sponsors of charter schools was placed on the "A" list. Provisions removing commissioner approval of charter schools were placed on the "W" list. A section relating to charter school contracts was placed on the "W" list. A section allowing assessments by the sponsor for monitoring and evaluating charter schools was placed on the "A" list. Provisions permitting the commissioner to terminate a charter school contract under certain conditions were placed on the "A" list. A section dealing with building lease aid was placed on the "C-W" list. Changes to desegregation and integration eligibility and grant application guidelines to be determined by the commissioner were placed on the "A" list. Free or reduced lunch provisions were placed on the "C" list. A section relating to funding start-up grants was placed on the "D" list. Several other technical changes were also approved or placed on the "W" list. The committee also placed a section from S.F. 3217, authored by Pogemiller, on the "A" list. The provisions allow a charter school's aid to be reduced if the school employs a teacher who is not appropriately licensed or approved by the Board of Teaching.

Sen. Mark Ourada (R-Buffalo) presented S.F. 1238, which authorizes lap and shoulder belts on school buses. After discussion about provisions passed

into law last year, the committee put the portions of the bill addressing liability issues and usage waivers on the "W" list.

S.F. 3463, sponsored by Dennis Frederickson (R-New Ulm), restores levy authority for the Glencoe-Silver Lake School District. Mary Ann Straley, superintendent, said the district didn't levy the full amount possible and now wants \$340,068 in levy restoration for FY 2002-FY 2004. The bill was placed on the "W" list.

S.F. 3778, authored by Roy Terwilliger (R-Edina), allows the Eden Prairie School District to exceed the total levy limit. According to Superintendent Bill Gaslin, the additional levy will be used to fund administrative office needs. The bill was placed on the "W" list.

Pogemiller presented S.F. 3782, which requires districts to reserve at least \$5 in FY 2001, 2002 and 2003 per adjusted marginal cost pupil unit for telecommunications access costs. Under the bill, districts must submit specified on-going telecommunications access costs to the commissioner for reimbursement of 80 percent of costs, adjusted for e-rate revenue. The committee discussed the appropriateness of paying a portion of actual costs. The bill also contains technology appropriations for charter and nonpublic schools. The bill was set aside for further consideration.

Sen. Kenric Scheevel (R-Preston) presented an author's amendment to S.F. 2391. The bill appropriates money for an alternative facilities design grant to Grand Meadow School District. The amendment allows a \$300,000 fund transfer for the Grand Meadow School District. The amendment was adopted and placed on the "C" list.

Lastly, Pogemiller presented S.F. 3602. The committee placed funding requests from the Perpich Center for the Arts on the "C" list. The committee will also consider provisions that cancel appropriations for Southwest Metropolitan Integration Magnet School and Detroit Lakes Community Center. Pogemiller said his intention is to place maximum effort school loan program appropriations in the K-12 omnibus bill.

## Appropriation approved

A one-time appropriation for training and experience revenue was approved at the K-12 Education Budget Division



meeting, Tues., Mar. 14. The meeting was chaired by Sen. Lawrence Pogemiller (DFL-Mpls.).

S.F. 2730, presented by Martha Robertson (R-Minnetonka), outlines a formula to provide additional training and experience revenue to districts for FY 2001. Pogemiller said the appropriation is one-time money to help districts deal with a large number of teacher retirements. The bill provides an increase of \$23.88 million in training and experience revenue for FY 2001. The committee also discussed the difference between district and state data. Tom Melcher, representing the Department of Children, Families and Learning, said the state calculations use more current data and that state figures are closer to the actual funds districts will receive. The committee decided to continue to use state data. The bill was placed on the "A" list.

The committee discussed proposed changes to interdistrict desegregation or integration transportation aid. The proposal has its origin in the recent settlement of the NAACP lawsuit against the state of Minnesota. The proposal allows districts to receive interdistrict desegregation or integration transportation aid based on the forecasted cost of fully reimbursing districts rather than districts receiving a fixed sum appropriation. The proposal also establishes a base budget of \$1.05 million for magnet school grants for FY 2003 and each year thereafter. The proposal was approved and placed on the "A" list.

The committee also discussed including appropriations for professional development and telecommunications access costs in the K-12 omnibus bill.

### **Omnibus proposal outlined**

The K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Wed., Mar. 15, to consider a draft of the K-12 omnibus bill.

The committee first considered an amendment that allows teachers who are members of cooperatives or other teacher-controlled professional associations to be a part of the Teacher Retirement Association. The amendment applies to teachers who teach in charter or public schools. The amendment was incorporated into the draft.

Committee staff presented an overview of the proposal. The proposal contains provisions relating to building lease aid for charter schools. Currently, charter schools receive 90 percent of approved cost or the product of the pupil units served for the current school year times \$1500. The draft changes the amount to \$750 per pupil unit. The draft also requires existing charter schools to apply for aid by January 15 of the fiscal year in which the lease applies to be considered for the program. Pogemiller said the \$750 per pupil amount is the governor's recommendation. Sen. Ember Junge (DFL-New Hope) said there is still a deficiency in funding from last year. She said the deficiency needs to be addressed in the omnibus bill. "Schools have gone forward relying on promised funds," she said. Pogemiller said if the cost had been known, lease aid probably wouldn't have been funded last year. He said public schools deal with funding shortages on a regular basis. Junge pointed out that some charter schools have opened recently and are relying on building lease aid. Sen. Linda Scheid (DFL-Brooklyn Park) agreed that the deficiency needs to be addressed. "We should honor what we did last year," she said.

The draft of the omnibus bill provides special education cross-subsidy revenue for FY 2001 only. Pogemiller said the amount will be \$50-52 multiplied by the district's adjusted marginal cost pupil units. The proposal specifies that special education cross-subsidy revenue must be used to pay for a district's unfunded special education costs that are currently cross-subsidized by a district's general education revenue. Pogemiller said the special education cross-subsidy revenue will free up money in districts for other purposes. His proposal is that next year the additional funding be built into the special education formula.

The committee also discussed secondary vocational funding. Pogemiller said the draft contains a proposal that districts must continue to designate money for secondary vocational funding. He said if a district wants local control, an amendment can be offered to exempt the district from the requirement.

The draft of the omnibus bill contains

authorizations for fund transfers. The proposal also contains new language that allows districts to permanently transfer funds without a levy reduction if at least 30 days prior to the transfer, a district adopts a board resolution authorizing the action and informs each taxpayer in the district by first-class mail of the amount transferred. The notice must indicate that state law requires the district to otherwise reduce school levies and that levies will be higher by the amount.

### **Omnibus draft discussed**

The K-12 Education Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met a second time Weds., Mar. 15, to work on a draft of the K-12 omnibus bill.

The K-12 omnibus proposal has a total appropriation of \$244 million including \$144 million in permanent funding and \$100 million in one-time money. The permanent funding includes tentative amounts of \$32 million for guaranteed high speed bandwidth internet access to school buildings, \$39 million for Best Practices and professional development at schools, \$50-52 million for special education funding and \$10 million for declining pupil aid. The proposal dedicates one-time money of approximately \$24 million for training and experience revenue, \$13 million for secondary vocational set aside, \$51 million for facilities including maximum effort loans and \$15-20 million for deferred maintenance for small and property-poor suburban and rural districts. There is also \$10 million contained in the tax bill for facilities equalization for property-poor suburban and rural school districts.

An amendment, offered by Pogemiller, earmarks funds for several smaller projects. The amendment provides \$500,000 for assistance to immigrant families, \$1 million for matching grants for education programs serving homeless children, \$100,000 for a grant and administrative expenses to facilitate planning for a cooperative secondary facility, \$1 million for an arts via the internet project, \$4 million for Best Practices seminars, \$1.2 million for magnet school facilities grants and \$300,000 to the Ely School District to determine the feasibility of establishing a joint secondary and higher education

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environmental studies magnet school. The amendment was adopted.

The committee took testimony from Linda Taylor, assistant commissioner of the Department of Commerce. She presented information about the Energy Loan Program. She said the program provides a source of money for school districts to make energy improvements to school buildings. She said the governor has recommended \$2.5 million for the program. Janet Streff, manager of the State Energy Office, said the program is user-financed since savings from energy bills are used to pay the loans. The committee put the request on the "C" list.

Several amendments were incorporated into the draft, including a proposal by Pogemiller that CFL must only prescribe technology standards that include provisions for interoperability of computer systems and cross-platform access to computer programs.

Sen. David Knutson (R-Burnsville) offered an amendment that the joint powers agreements between the Intermediate School Districts and the Minnesota State Colleges and Universities Board for the use of space in the technical colleges must not expire earlier than July 1, 2010 unless otherwise mutually agreed to by all parties. Knutson said the amendment creates an opportunity for continued discussion.

Sen. Kenric Scheevel (R-Preston) offered an amendment that authorizes a \$105,000 fund transfer for the Parkers Prairie School District.

Scheevel also proposed allowing the Mabel-Canton school district to start the school year up to five weekdays before Labor Day. He said the school needs the extra days in order to schedule a January term.

Sen. Charles Wiger (DFL-North St. Paul) offered an amendment that provides \$150,000 in funds for a building lease start-up grant for an Eritrean Community Center.

An amendment, offered by Martha Robertson (R-Minnetonka), contains a resolution that the Legislature supports the governor's efforts to have Congress speedily enact legislation to fund at least 40 percent of the cost of special education services provided as a result of the federal mandate to provide a free and appropriate public education for students with disabilities.

A motion by Sen. Jane Krentz (DFL-May Township) makes changes to secondary vocational aid. The amendment allows a school board, by a majority vote of its members, to vote not to reserve secondary vocational aid. She said the measure gives control to local districts.

The committee also adopted an amendment that makes a clarification to the statewide testing requirement. The motion defines passing scores of the state test in reading and mathematics as the equivalent of 70 percent correct for students entering grade nine in 1996 and 75 percent correct for students entering grade nine in 1997 and thereafter, as based on the first uniform test administration in Feb., 1998. Jessie Montano, assistant commissioner of CFL, said the language makes test scores consistent across the years. She said other state and national tests use the definition as well.

The debate on charter school funding carried over from the afternoon meeting. Steve Dess, executive director of the Minnesota Association of Charter Schools, said virtually all the charter schools are growing. He said CFL has given a stringent review of lease aid and landlords haven't been over compensated. He stressed the need for more funds for charter school lease aid.

Pogemiller said the governor's recommendation includes an additional \$6.3 million above the funding authorized by the Legislature. He said the governor has shown tremendous flexibility by nearly doubling the appropriation the Legislature approved. "We need to keep this issue in perspective," he said. Sen. Ember Junge (DFL-New Hope) said if lease aid is based on the \$1,500 per pupil in the original legislation there is still a \$3.8 million deficiency. She said charter schools don't have other resources to make up for a loss of lease aid funds. "It's an urgent need, schools have signed leases," she said. Pogemiller said if the committee doesn't follow the governor's recommendation, the end result could be less funds for lease aid. Junge said she is not willing to go back on the promise made last year. The committee voted to include an additional \$3.8 million in lease aid funding in the omnibus bill for the current biennium only. Sen. Thomas Neuville (R-Northfield) offered language

clarifying that future lease aid appropriations could be subject to proration. The committee also approved provisions establishing \$750 per pupil as the amount of lease aid available for the future, subject to the proration clause. The draft gives the commissioner of CFL the authority to approve the amount of lease aid given to individual charter schools. The committee approved the overall draft of the K-12 omnibus bill subject to final review after revisions by staff.

## Local and Metropolitan Government

### Kondirator bill approved

A bill requiring the city of Minneapolis to issue all necessary permits for the operation of a metal shredder known as the "kondirator" was approved by the Metropolitan and Local Government Committee Fri., Mar. 10. In addition, the committee recommended confirmation for appointees to the Metropolitan Council, the Minnesota Racing Commission and the Gambling Control Board. The panel also heard a bill providing for the replacement of the district heating system in Virginia, Minnesota.

The committee spent the bulk of their time discussing S.F. 3740, carried by Sen. Paula Hanson (DFL-Ham Lake). John Isaacs, CEO of American Iron and Steel, related the history of the issue to the committee. He said that in 1994, the Legislature, at the request of the city of Minneapolis, required his company to go through an environmental review by the Pollution Control Agency before the city could issue permits. The review was very expensive, but we passed, Isaacs said. The city said they would end the legal roadblocks, he continued, but now the city is saying that the process has just started and eight more permits are needed. "We are asking the Legislature to end the process that they started," Isaacs said. Walter Rockenstein, the attorney for American Iron, said a special permit issued by the city in 1990 for the shredder is still good and supercedes the others the city now says are required.

However, Chuck Ballantine, planning director for the city of Minneapolis, said that under the 1990 permit, American

Iron agreed to comply with all regulations in effect at the time and any subsequent modifications to those or additional regulations. He said that because the business is located in the Mississippi floodplain critical area, a public hearing is required in order to grant variances in order to issue the additional permits.

Sen. Carol Flynn (DFL-Mpls.) said the riverfront area has not been developed in a beneficial way for the city and there is an Upper River Plan to redevelop that part of the city. She said that many other cities have redeveloped their riverfront areas, such as St. Paul, and they are experiencing a revitalization. Isaacs countered that the area neighborhoods have asked to not adopt the Upper River Plan. Sen. Linda Higgins (DFL-Mpls.) joined the debate, saying that a few people in the neighborhood don't like the Upper River Plan, "but that doesn't mean they favor your plan."

Matthew Ramadan, the area's representative on the Metropolitan Council, said residents feel like they get dumped on with projects like this and they don't want it. He said the residents are looking at revitalizing the riverfront to make it pedestrian friendly. Ramadan added that many area businesses are old and dying. Sen. Dick Day (R-Owatonna) observed that there are many industrial operations in the area and asked where the residents will work. Ramadan replied that the businesses actually incur a cost to the city because of the subsidy to operate the lock and dam. Higgins added that housing would pay more in property taxes than the businesses. Higgins concluded her remarks by saying she was appalled by the bill. She urged members to think about their neighborhoods. Hanson said the reason she sponsored the bill is because employees of American Iron and Steel live in her district. Her motion to approve the bill prevailed and it now advances to the Senate floor.

Prior to action on S.F. 3740, the committee acted on several gubernatorial appointments. Recommended for confirmation as members of the Metropolitan Council were John Conzemius, Caren Dewar, Natalie Haas Steffen, Marc Hugunin, Carol Kummer, James Nelson, Todd Paulson, Fred Perez, Matthew Ramadan, Phillip Riverness, Carolyn Rodriguez, Julius Smith, Mary

Smith, Sandra Spigner, Roger Williams and Lee Pao Xiong. The committee also recommended confirmation for Dennis J. Flaherty, Irving Olsen and Howard Register to the Gambling Control Board and as Arnold Palmer, Barbara Halper, Thomas Brownell and Camille McArdle to the Minnesota Racing Commission.

Earlier, the committee approved S.F. 3439, carried by Sen. Jerry Janezich (DFL-Chisholm). Terry Leoni, the administrator for the city of Virginia, said the city has the largest district steam heating system in country and it needs to be replaced. The estimated cost to replace the whole system is \$28 million, he said, so the city wants to abandon some areas of the system and install heating systems in the homes in those areas. First, Leoni said, the city needs to assess homes to see if it's worthwhile to replace the heating systems. Some homes aren't worth \$15,000 but installation of a heating system costs about \$8,000, he said. The bill authorizes several different financing methods, including a special assessment so that the heating system cost can be put on the property taxes, according to Leoni.

The panel also briefly considered S.F. 2723, carried by Sen. Don Betzold (DFL-Fridley). Betzold said the bill as introduced provided that homes that are owned by a trust would qualify for homestead treatment, but that part of the bill was removed in the Judiciary Committee. The bill was approved and sent to the Senate floor.

## Property Taxes and Local Government Budget Division

### TIF bills heard

The Property Tax and Local Government Budget Division met Thurs., Mar. 1, and heard a number of bills relating to tax increment financing (TIF) districts. A majority of the bills received no formal action. Division Chair Sen. Sandra Pappas (DFL-St. Paul) sponsored S.F. 3351, a bill amending the definition of redevelopment districts to include "tank facilities adjacent to rail facilities" for TIF districts. Members adopted an amendment, offered by Pappas, stating that facilities falling under the bill's definition must have a capacity of 1 million gallons or more. The bill allows a 65 acre brownfield site

in St. Paul to receive TIF status for redevelopment into a new residential neighborhood. Pappas said the project calls for 606 housing units, of which at least twenty percent will be for low income residents.

Pappas also offered S.F. 3736, a bill authorizing a TIF housing district in St. Paul. The bill specifies that 20 percent of the housing be occupied by individuals with incomes not exceeding 50 percent of the area median gross income and an additional 60 percent must have family incomes that do not exceed 115 percent of the area median gross income.

Sen. Kenric Scheevel (R-Preston) sponsored a bill extending the TIF duration for the city of Fountain through Dec. 31, 2008. Currently, the TIF status, started on May 15, 1999, should end on April 15, 2008, because TIF districts are limited to a duration of nine years from inception or eleven years from approval of the plan, whichever is less.

Bills affecting TIF districts were also offered by Sen. Allan Spear (DFL-Mpls.), Sen. Carol Flynn (DFL-Mpls.), and Sen. Deanna Wiener (DFL-Egan). S.F. 3425, sponsored by Wiener, authorizes a 1981 TIF district in Mendota Heights to continue in effect, as long as all future expenditures not earmarked for preexisting obligations are limited to the city's freeway road project. A bill authored by Flynn, S.F. 3605, authorizes the establishment of a 30 year redevelopment TIF district to finance the construction of the Minneapolis Central Library. Spear authored S.F. 3771, a bill authorizing the establishment of 215 Oak Grove Street in Minneapolis as a TIF district. The original tax capacity is set at zero, Spear said, making the full value of the property in the district "incremental value" that will produce tax increments.

Sen. Dave Johnson (DFL-Bloomington) authored S.F. 2937, a bill establishing TIF zones to provide noise mitigation funding related to the expansion of the Minneapolis-St. Paul International Airport. Affected cities include Bloomington, Burnsville, Egan, Mendota Heights, Minneapolis, Richfield, and St. Paul, Johnson said.

In response to the growing need for affordable housing in Minnesota, Sen. Ellen Anderson (DFL-St. Paul) authored



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a bill, S.F. 3408, allowing the pooling of tax increment revenues spent exclusively to assist an affordable housing development. Anderson also offered a bill increasing the levy limit for the Capitol Region Watershed District (CRWD) to 0.02418 percent of taxable market value, or \$200,000, whichever is less. The current maximum level for the tax is \$125,000. Anderson said S.F. 3640, designed to help fund administrative expenses for the CRWD, will have a negligible effect on homeowner taxes.

Sen. Bob Kierlin (R-Winona) authored a bill, S.F. 3275, permitting the expansion of Winona's TIF district No. 2 to include expenditures prior to Jan. 1, 1998 that were used to finance the construction of improvements to the existing municipal water treatment plant.

Modifications to the definition of a "housing improvement area" are made in S.F. 3175. The bill, authored by Sen. Linda Scheid (DFL-Brooklyn Park), allows a city's governing body to establish more than one housing improvement area as well as repealing the sunset provision, allowing areas to be formed after Jun. 30, 2001. Scheid also offered S.F. 3335, a bill allowing district No. 18 in Brooklyn Park, a TIF district, to include green acres, open space, and agricultural preserves if the district is established for a manufacturing or distribution facility with certain wage agreements.

A bill modifying the reporting requirements that currently apply to TIF districts, S.F. 2610, was authored by Sen. John Hottinger (DFL-Mankato). Under the bill, a more detailed annual financial report from TIF districts must be given to the state auditor, and a more limited amount of financial information reported by TIF districts will be published in general circulation newspapers. However, the publication must state that additional TIF information is available from authorities.

Hottinger also sponsored S.F. 3407, a bill allowing for property tax abatement agreements to be made for property in TIF districts so long as the abatement does not start until after the TIF district is dissolved. A similar bill, S.F. 3261, sponsored by Sen. Dean Johnson (DFL-Willmar), states that abatement agreements may not be entered into on a parcel of land until after the TIF district

is decertified.

Sen. Roger D. Moe (DFL-Erskine), sponsored S.F. 2994, a bill allowing an in-lieu shelter tax of 5 percent of rental costs to be substituted for property taxes on tribally owned housing on fee land.

A bill authorizing a special levy to pay for the operation of a lake improvement district, S.F. 3620, was sponsored by Sen. Dallas Sams (DFL-Staples). Should the county make use of the special levy, Sams said, then the amount levied in the previous year must be reduced from the allowable limit.

S.F. 3743 is a bill increasing the appropriation for state aid to reduce the reliance of county criminal justice and corrections programs on local property taxes by \$10 million. Sen. Douglas Johnson (DFL-Tower) authored the bill, which will provide all taxpayers in counties receiving the aid a small tax reduction.

Due to a costly municipal incorporation proceeding for St. Augusta Township, Sen. Dave Kleis (R-St. Cloud) sponsored a bill, S.F. 4024, increasing local government aid by \$75,000. The increase is for 2000 only, Kleis said, and will not be included in the calculation of aids or limits.

S.F. 3687, authored by Sen. Arlene Lesewski (R-Marshall), adds \$284,000 per year, for the years 2001 through 2003, to the homestead and agricultural credit aid (HACA) for Lincoln County. The payment, Lesewski said, offsets a court judgement award.

A bill requiring a notice to property owners before an improvement is ordered to contain an estimate of the amount proposed to be assessed against each property owner, S.F. 3520, was authored by Sen. Twyla Ring (DFL-North Branch). Ring said that the bill has no effect on property taxes nor state costs.

Up to two additional commissioners may be appointed to a housing and redevelopment authority (HRA) and the per diem fee for commissioners is increased from \$55 to \$75 under S.F. 3339, authored by Sen. James Metzen (DFL-South St. Paul). An amendment, offered by Metzen and adopted by the committee, states that at least one of the additional commissioners must be appointed in accordance with federal regulations. A bill addressing the same

issue, S.F. 3183, offered by Sen. Leonard Price (DFL-Woodbury), allows Washington County to appoint seven, instead of five, members to the county HRA. The panel moved S.F. 3339 and S.F. 3183 to the Tax Committee for incorporation into the omnibus tax bill.

S.F. 1996, sponsored by Sen. Lawrence Pogemiller (DFL-Mpls.), includes the Middle Mississippi River Watershed Management Organization in the definition of special taxing districts. No taxpayers will be affected, Pogemiller said.

S.F. 3667, authored by Sen. Edward Oliver (R-Deephaven), provides an additional property tax refund for elderly homeowners. Oliver said that if homeowners have lived in the home for at least ten years and their household income does not exceed \$30,000, then the additional refund, which equals 6 percent of the net tax above the client's income, applies. A bill also offered by Oliver, S.F. 4392, allows an economic development district a duration of nine years from receipt of the first increment, or eight years if the request for certification was made before June 1, 1993. The bill also eliminates the eleven year limit from the date of approval.

## Property tax articles heard

The Property Tax and Local Government Budget Division, chaired by Sen. Sandra Pappas (DFL-St. Paul) met Weds., Mar. 15, to consider two property tax articles for inclusion in the omnibus bill.

The panel discussed a proposal to post property tax information on the Internet. Under the provision, taxing authorities that are subject to the truth-in-taxation process are not required to hold hearings that are currently required by law, if they elect to provide the property tax information on the Internet. The provision requires that if the taxing authority posts the information on the Internet in lieu of conducting a hearing, a notice must be published to that effect, detailing information about accessing the web site. The notice must include the name, mailing address, phone number and e-mail address of the individual who will provide the information. The web site must include information that compares the current year's budget with the amount that the taxing authority proposes to spend in the next year. The

site must also state the current property tax levy with the amount proposed to be levied in the next year. Pappas said the Internet allows for easier notification. She also said that citizens can receive the information in other formats upon request. Sen. Steve Kelley (DFL-Hopkins) offered an amendment specifying that a taxing authority that proposes to increase its levy over the tax payable in the current year by not more than the growth implicit price deflator, may elect to provide information on an Internet web site in lieu of conducting a hearing. Members adopted the amendment.

In a continuing effort to address the metropolitan-area housing shortage, the panel approved a reduction in the class rate on class 4a apartment property from 2.4 percent to 1.9 percent beginning with taxes payable in 2001. The class rate on apartments located in cities with populations of 5,000 or less was reduced from 2.15 to 1.95 percent and the class rate on mobile home park land was reduced from 1.65 to 1.2 percent. The class rate reductions are paid for with Homestead and Agricultural Credit Aid (HACA).

In other matters, members approved the expansion of eligibility criteria for the senior citizens property tax deferral. The provision changes current law specifying that property is eligible for the deferral program if the total unpaid balance of debts secured by mortgages and other liens on the property do not exceed 30 percent of the assessor's estimated market value of the property for the year. The provision increases the ceiling to 75 percent of the market value for the year.

A section of the article increases the amount of the bonding authority for the financing of Metropolitan Area transit and paratransit capital expenditures from \$36 million to \$55.4 million, applicable only in the seven-county Metropolitan Area. The funds are available for capital expenditures other than expenditures for light-rail purposes and must be spent proportionately on capital improvement projects recommended by the regional transit capital evaluation committee. The panel also approved a \$6.7 million appropriation increase in local government aid payable in 2001.

Restrictions on pooling in the tax

increment financing law were clarified under the article, specifying that increments spent exclusively to assist a housing development are exempt from the pooling restrictions. In this application, "housing development" refers to housing that meets the requirements for a low-income tax credit under federal tax law.

A section of the articles provides for the establishment of airport impact zones and tax increment financing in districts in the cities of Bloomington, Burnsville, Eagan, Mendota Heights, Minneapolis, Richfield and St. Paul.

Under the article, the Minneapolis Community Development Agency is authorized to establish a redevelopment tax increment financing district to finance the construction of a Minneapolis central library, subject to approval by the Minneapolis city council and contingent upon the council's determination that at least 60 percent of the profit costs will be paid for from nontax increment sources. Provisions define the geographic area of the district and specify that the district is classified as a redevelopment district, comprised of a single property located in the city of Minneapolis. The original net tax capacity of the district will be zero.

The panel also approved authorizing the St. Paul Housing and Redevelopment Authority to create a tax increment financing housing district that contains both owner-occupied and residential rental units for mixed income occupancy. The provision defines a specific geographic 15-acre area, currently used for parking purposes in the northeast quadrant of downtown St. Paul. Income requirements specify that 20 percent of the units in the housing district must be occupied by individuals whose family income is no more than 50 percent of the area median gross income.

An additional 60 percent of the units must be occupied by individuals whose family income is no greater than 115 percent of the area median gross income and 20 percent of the units in the development in the housing district are not subject to any income limitations.

Following a discussion of numerous related issues, members made a recommendation that the articles be passed and referred to the Committee on Taxes.

## State Government Finance

### Spending bills advance

The State Government Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Weds., Mar. 15, and advanced three of the supplemental appropriations bills. The measures, the product of work done by the Governmental Operations, Environment and Agriculture and Transportation Budget Divisions, are going to be assembled into a larger omnibus bill.

Sen. Dean Johnson (DFL-Willmar), chief sponsor of the transportation capital and supplemental appropriations bill, S.F. 3793, said, "The bill takes a long term approach to funding transportation needs by providing for \$100 million in bonding each year for 10 years." The bill specifies that the funds be used for the replacement and reconstruction of key bridges, improvement of interregional corridors, removal of bottlenecks and providing highway-related advantages for transit and right-of-way acquisition. Debt service for the bonds, Johnson said, will be paid from the trunk highway fund. In addition, the bill provides \$85.4 million from the trunk highway fund for state road construction, \$47.1 million from the county state-aid highway fund and \$12.470 million from the municipal state-aid street fund for local roads. Johnson said the bill contains an appropriation of \$12 million from the trunk highway fund for construction of the Wakota Bridge, one of the worst bottlenecks in the Metro Area.

In addition, the bill contains appropriations from the trunk highway fund for a variety of building projects, a \$12 million general fund appropriation for rail service improvement loans, a \$35 million general fund appropriation for a grant to Itasca County for improvements related to the construction of a new steel mill, a \$10 million appropriation for grants to cities along the DM& E rail corridor, a \$44 million general fund appropriation to replace and rehabilitate local bridges, a \$4 million appropriation for grants to transit systems in Greater Minnesota, a \$20 million general fund appropriation to construct bus garages, a \$10 million general fund appropriation for bus transitways. The bill also contains an appropriation of \$1.1 million from the trunk highway fund for

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a state patrol training center in Arden Hills, a \$1 million appropriation for snowmobile trails and a \$2 million appropriation for a grant to St. Paul to construct new roads in the Maxson-Dale business center.

The bill also contains a \$232,000 appropriation for four additional state troopers to provide security at the Capitol Complex and for executive protection and \$3.7 million for Metropolitan transit operations. Finally, the measure transfers \$119 million from the general fund to the multimodal transportation fund on June 30, 2001.

Johnson said that transportation policy issues in the bill center on the creation of a multimodal transportation fund, an increase in the filing fee for motor vehicle registration applications from \$3.50 to \$4.50, and a proposed constitutional amendment asking voters to approve an amendment specifying that 15 percent of the proceeds of the sales tax on motor vehicles be dedicated to the highway user fund and 15 percent be dedicated to a fund for transit purposes.

Sen. Mark Ourada (R-Buffalo) offered an amendment changing the fund from which the appropriation for the additional state troopers is made. Ourada successfully argued that the appropriation contained in the bill from the trunk highway fund is unconstitutional. Members adopted the amendment, which specifies the funding be from the general fund until after FY 2001, at which time the funding will be from the multimodal fund. The bill was approved and referred to the Rules and Administration Committee.

Members then considered the governmental operations supplemental appropriations bill. The bill, S.F. 3784, carried by Sen. Leonard Price (DFL-Woodbury), appropriates a total of \$18.08 million from the general fund and \$5.5 million from a special revenue fund, however \$15 million is offset by a transfer of part of the surplus in the workers' compensation assigned risk plan to the Minnesota Comprehensive Health Association (MCHA). Price said the bill includes a \$4.4 million appropriation to the Secretary of State in order to cover the costs associated with enacting Article 9 of the Uniform Commercial Code, a \$1.3 million appropriation for a Dept. of Administration Plant Manage-

ment rent deficiency, a \$450,000 appropriation for regional planning grants, a \$38,000 appropriation to the Campaign Finance and Disclosure Board for legal costs for the board's defense of a constitutionality challenge, a \$60,000 appropriation for a data practices study, a \$90,000 appropriation to the Gambling Control Board for workers' compensation claims, a \$249,000 appropriation for a Metro Radio Board deficiency. The measure also includes a reduction in obligations of \$3.226 million in payments to the Minneapolis Employees Retirement Fund. Price said the bill also contains an appropriation of \$5.2 million to MCHA to reduce the operating deficit. The provisions in the bill dealing with the MCHA transfer specify that \$65 million from the excess surplus in the assigned risk plan surplus fund be transferred to a MCHA endowment account and that \$15 million is appropriated for transfer to the general fund and then to the Dept. of Commerce for payment to MCHA.

Members added several amendments. Sen. Jane Krentz (DFL-May Township), offered an amendment providing that up to \$35,000 in costs associated with a boundary dispute in Forest Lake, begun before June 1, 1999, under an alternative dispute resolution process be paid by the Office of Strategic and Long Range Planning. Krentz said that Forest Lake was in the middle of a boundary dispute when the Municipal Board, which normally heard such disputes, was abolished last year. As a result, costs associated with the resolution would fall to the property tax payers unless the amendment is adopted. Members approved the amendment. The panel also approved an amendment, offered by Cohen, removing language throughout the statutes giving the governor extra statutory authority to prohibit the issuance of bonds. The effect of the amendment, Cohen said, is that cancellations of projects, approved by the Legislature but not funded because the bonds were never sold, will be nullified. Members also adopted an amendment, offered by Sen. LeRoy Stumpf (DFL-Thief River Falls), specifying that tribal chairs and members of the Indian Affairs Council are not public officials. Stumpf said that a recodification bill last year inadvertently defined tribal chairs as public officials.

The committee approved the bill and advanced the measure to the Human Resources Finance Committee.

The omnibus environment and agriculture supplemental appropriation bill, S.F. 3794, was the final measure considered. The bill, sponsored by Krentz, appropriates \$40.1 million for the Board of Water & Soil Resources (BWSR), the Pollution Control Agency (PCA), the Dept. of Agriculture, the Board of Animal Health and the Dept. of Natural Resources (DNR). Krentz said that \$31.149 million is appropriated to the DNR, \$400,000 is appropriated to BWSR, \$1.356 million to the Dept. of Agriculture, \$245,000 to the Board of Animal Health. The measure also contains language creating the Big Bog Recreation Area and the Red River State Recreation Area, however funding for the two recreation areas is found in another bill, Krentz said.

The measure also contains provisions establishing the lifetime hunting and fishing license program, setting fee increases for hunting and fishing licenses and specifying the use of revenues from the 6.5 percent in lieu of sales tax on lottery tickets. The use of the 6.5 percent in lieu of sales tax revenue provides additional funding for the game and fish fund, state parks and trails, metropolitan parks and trails, local trails and the Minnesota Zoological Garden, the Como Park Zoo and the Duluth Zoo, Krentz said. According to the bill, 50 percent of the proceeds are earmarked for fish and wildlife resources, 22.5 percent are dedicated for state parks and trails, 22.5 percent are for Metro Area parks, 3 percent are for local trails and 2 percent are earmarked for the three zoos.

Members adopted an amendment providing a \$300,000 appropriation from the general fund for grants to organizations participating in the Farm Wrap Network and the Rural Help Network. Stumpf said the organizations provide legal services, accounting services and informal mediation support for struggling farmers. Sen. Bob Lessard (DFL-Int'l. Falls) offered, and the panel adopted, an amendment authorizing the Hennepin County garbage burner to operate at full capacity.

The bill was approved and advanced to the Human Resources Finance Committee.



## Committee on Taxes

### Wildlife funding debated

A bill increasing hunting and fishing license fees and providing the revenue from the in lieu of sales tax on lottery tickets for various wildlife-related purposes, S.F. 2950, was heard in the Committee on Taxes Mon., Mar. 13. Sen. Jane Krentz (DFL-May Township), authored the bill. As stated in the Minnesota Constitution, sales tax cannot be applied to lottery tickets, however a 6.5 percent in lieu of sales tax charge on lottery tickets is dedicated to wildlife-related purposes. The bill appropriates the in lieu of sales tax revenue to the game and fish fund, 50 percent, state parks and trails, 30 percent, metropolitan parks and trails, 15 percent, and local trails, 5 percent. The bill also requires that the dedicated revenue supplement current revenue, not replace current sources.

Members adopted an amendment stating that at least 95 percent of the revenue in the game and fish fund for improvement of fish and wildlife resources must be allocated to regional and local offices. A second amendment, sponsored by Sen. Ellen Anderson (DFL-St. Paul), appropriates the in lieu of sales tax revenue to the game and fish fund, 45 percent, state parks and trails, 25 percent, metropolitan parks and trails, 25 percent, local trails, 3 percent, and Minnesota public zoos, two percent. "I think we can walk out of here today saying we did something for everyone," said Sen. Leonard Price (DFL-Woodbury) in response to the amendment. Sen. Douglas Johnson (DFL-Tower), who chairs the committee, offered an amendment to Anderson's amendment, changing appropriations to the game and fish fund to 50 percent and state and metropolitan parks and trails to 22.5 percent each.

The panel adopted Johnson's amendment to the amendment, before adopting the Anderson amendment. The bill was then recommended to pass and sent to the Environment and Agriculture Budget Division.

In response to increasing trans-state purchases, such as those enabled by the Internet, Sen. John Hottinger authored a bill, S.F. 3768, authorizing the commissioner of revenue to enter into discussions with other states regarding the

development of a multistate, streamlined system for sales and use tax collection. Sen. Lawrence Pogemiller (DFL-Mpls.) offered an amendment to state that the bill is a pilot project in its title. Members adopted the amendment and sent the bill to the Consent Calendar.

Pogemiller sponsored S.F. 3730, a bill making changes to public finance law, providing for state payment of county debt obligations upon potential default, authorizing cities to issue bonds under capital improvement plans, and exempting bonds from the definition of a business subsidy. Members adopted an amendment bringing an exemption from the definition of a business subsidy in line with other legislation.

An oral amendment, delaying the effective date for which the state must pay county debt, was adopted in response to the Department of Finance stating they do not have sufficient funds for the program. Members also adopted an amendment, offered by Johnson, deleting the authority for cities to issue bonds. Amendments allowing bonding for rehabilitation of non-residential buildings into rental housing and increasing transit funding for non-light rail purposes from \$36 million to \$55.4 million were adopted before the committee sent the bill to the Senate floor with a recommendation to pass.

Sen. Steve Murphy (DFL-Red Wing) sponsored the sales and use tax recodification bill, S.F. 3091. Murphy said that the bill had passed inspection by multiple reviewers and is non-controversial. The measure was approved and sent to the Senate floor.

## Transportation

### Capitol police formed

Sen. Carol Flynn (DFL-Mpls.) chaired the last Transportation Committee of her Legislative career Thurs., Mar. 9. Flynn announced last fall that she is not seeking re-election this year. The committee took action on a number of bills, sending most of them to the Senate floor with a recommendation to pass.

Sen. Randy Kelly (DFL-St. Paul) authored S.F. 2918, a bill establishing a 12 member Capitol Security oversight committee. The bill enumerates the committee's duties and appropriates money for four state troopers. Kelly offered an amendment reinstating

previously stricken language creating a four officer Capitol Police Department with the current Capitol Security Department under its authority. After adopting the amendment, members re-referred the bill to the Transportation Budget Division.

S.F. 3093, authored by Sen. Linda Higgins, requires that bicycles sold by a political subdivision be registered by the purchaser. H.F. 2502, sponsored by Sen. Don Samuelson (DFL-Brainerd) designates trunk highway No. 371 from Design Drive in Baxter to Barrows as C. Elmer Anderson Memorial Highway, once nonstate funds are secured to pay for sign costs. The bill was moved to the Senate floor with a recommendation to pass.

After confirming that requirements for non-state funds were met for sign expenses, the panel also sent H.F. 3142, sponsored by Sen. Dennis Fredrickson (R-New Ulm), to the Senate floor with a recommendation to pass. Fredrickson's bill designates highway No. 4 from Sleepy Eye to trunk highway No. 60 in St. James as the "Richard J. Mathiowetz Memorial Highway." H.F. 3156, designating trunk highway No. 390, I-35 from the Iowa border to Duluth as the "34th Infantry 'Red Bull' Division Highway," was sent to the Senate floor with a recommendation to pass. Sen. Steve Murphy (DFL-Red Wing) sponsored the bill.

Murphy also sponsored S.F. 2785, a bill exempting publicly owned utility vehicles not exceeding 20,000 pounds per axle from statutory road weight limitations. The bill also exempts public utility vehicles restoring, or preventing an imminent loss of, service from seasonal weight restrictions on trunk highways. An amendment, exempting recycling vehicles not exceeding 20,000 pounds per axle, was rejected. The panel forwarded the bill to the Senate floor with a recommendation to pass.

A bill allowing a collector-type vehicle to have a blue light of up to one inch in diameter as part of its brake light was also authored by Murphy. The bill was sent to the Senate floor with a recommendation to pass.

The committee considered a bill, S.F. 3695, requiring the Metropolitan Council to issue a report to the Transportation and Transportation Budget

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Division concerning the future of the Metro Mobility system. Sen. Dave Johnson (DFL-Bloomington), the bill's author, said that the report must also include options to increase and integrate service into expanded transit systems described in the council's regional transit master plan. Members adopted an amendments requiring the report to include options for taxi usage and appropriating \$60,000 for the study to the Metropolitan Council before sending the bill to the Senate floor with a recommendation to pass.

S.F. 2992, sponsored by Sen. Don Betzold (DFL-Fridley), allows owners of registered vehicles to have their name and address classified as private data. The measure was recommended to pass and re-referred to the State Government Finance Committee.

The Metropolitan Transit bonding bill, S.F. 2935, authored by Sen. Sandra Pappas (DFL-St. Paul), provides \$52 million for capital expenditures other than light rail. Members sent the bill to the Tax Committee with a recommendation to pass.

Sen. Douglas Johnson (DFL-Tower) authored a bill, S.F. 2822, reducing the passenger vehicle registration tax rate from 1.25 percent of base value to 1.2 percent of base value, changing the depreciation schedule to provide a 10 percent per year reduction in the vehicle's base value for the first ten years of a vehicle's life, and reducing the total minimum additional tax from \$35 to \$30. The bill, recommended to pass and sent to the Tax Committee, will save taxpayers \$71.8 million in 2001 and \$100.04 million in 2002.

The panel then moved two additional bills to the Senate floor with a recommendation to pass. S.F. 2749, authored by Sen. Becky Lourey, issues a "support family farms" license plate for a \$10 fee, and S.F. 2824, authored by Betzold, provides for one or two license plates to be displayed on collector cars at the owner's discretion.

## Transportation Budget Division

### Omnibus package unveiled

The Transportation Budget Division met Mon., Mar. 13, to consider its omnibus package of legislation for the

2000 legislative session. Sen. Dean Johnson (DFL-Willmar), chair of the division, presented the package.

Johnson said the bill is balanced both geographically and between highways and bridges on one side, and transit on the other. Listing the provisions of the bill, Johnson said it appropriates for road construction \$85 million from the trunk highway fund for state roads and a total of \$59 million for local roads, with \$47 million going for county roads and \$12 million for municipal streets; and \$12 million from the trunk highway fund for the Wakota bridge. The bill also authorizes spending \$100 million for each of the next 10 years from the trunk highway bond fund for a total of \$1 billion.

General fund appropriations include \$12 million for rail service improvement; \$35 million for infrastructure construction for a new steel mill in Itasca County; \$100,000 to study expanding the North Star rail line beyond Camp Ripley; \$10 million for mitigation grants for communities along the DM & E rail corridor; \$4 million for port authorities, \$4.5 million for the Duluth Seaway Port Authority; \$44 million for local bridge replacement; and \$5 million for transit systems in Greater Minnesota. The Metro Area receives \$30 million for transit with \$20 million appropriated for garages and \$10 million for bus transitways. A total of \$1.208 million is appropriated from the trunk highway fund for public safety, with \$1.1 million going for a new state patrol training center in Arden Hills and \$108,000 for drivers license photographic equipment, according to Johnson. Overall, the package appropriates \$438.4 million from the general fund and \$21 million from the trunk highway fund.

Policy provisions of the bill include a license tab filing fee increase of \$1 to \$4.50, but only for one year; establishment of a Capitol Police Department; and a proposed Constitutional amendment to dedicate 30 percent of the motor vehicle sales tax (MVET), evenly split between the highway user tax distribution fund and public transit purposes. Johnson said that every one percent of the sales tax yields \$50-52 million.

Following the initial presentation, several amendments were offered. The

division adopted amendments, offered by Johnson, that repeal the sunset on a law regarding the lighting on pizza delivery vehicles, authorize a study group to examine the impact of the DM & E rail line, require prompt payment of bills submitted to the Dept. of Transportation (MnDOT), and delete the Capitol Police Department. Johnson said that the police department provisions will go forward in the crime prevention and judiciary budget package. Sen. William Belanger (R-Bloomington) offered an amendment allowing the Metropolitan Council to sell the naming rights of light rail transit stations. Belanger said that there is currently a lawsuit in Denver on the issue. Sen. Carol Flynn (DFL-Mpls.) opposed the amendment, saying that the neighborhoods don't support it because they have plans for station names. However, the panel adopted the amendment.

Criticism of the package was voiced by Sen. Dick Day (R-Owatonna). He said that with the budget surplus the state has the opportunity of a lifetime. "This is the poorest transportation funding bill I've seen since I've been here. Some day the Transportation Dept. will do something for highways," Day said. Flynn was also critical of the package and said that neither roads nor transit would receive increased appropriations upon the adoption of the proposed constitutional amendment. Flynn offered a substitute amendment for the package that creates a multimodal transportation fund available for any transportation purpose, and proposes a constitutional amendment to dedicate 25 percent of the MVET to replace the Highway User Tax Distribution Fund lost due to a reduction of the registration tax, and a phased in dedication of the remaining 75 percent for transportation purposes. Flynn said her amendment provides more funding for the intended purposes of the MVET and that a 100 percent dedication is appropriate.

In addition, Flynn's amendment makes a one time transfer of \$260 million from the general fund to the proposed multi-modal fund, and provides for \$188 million in new transportation spending from the multimodal fund. It also authorizes \$1 billion in bonding over the next ten

years for highway construction, authorizes \$16 million in regional bonding for transit purposes, and reduces the motor vehicle registration tax from 1.25 percent of base value to 1.1 percent. Johnson said Flynn's bill is good, but it leaves nothing for anything else such as increased education spending or a rebate. "It depends on where your priorities are," Johnson said. Flynn's motion failed on a voice vote. The bill was laid over for further discussion at the next meeting.

### **Omnibus bill approved**

The \$1.335 billion omnibus transportation bill was reviewed by the Transportation Budget Division Tues., Mar. 14. The bill contains both capitol and supplemental appropriations. Provisions in the bill include authorization for bonding authority, the creation of a multimodal transportation fund, increases in the filing fee for vehicle transactions, authorization for the Metropolitan Council to sell or lease naming rights for light rail stations, and a requirement for the Department of Public Safety (DPS) to provide photo identification equipment for driver's license agents.

Included in the bill is \$100 million in bonding funds each year for the next ten years. The measure also contains a proposed amendment to the Minnesota constitution. At the 2000 general election, the bill requires submission of a question asking voters if 15 percent of the proceeds from the motor vehicle excise tax (MVET) be used for highway purposes and 15 percent be used for transit purposes.

Sen. Dick Day (R-Owatonna) offered an amendment requiring that vehicles on multi-lane roads be required to stay in the right hand lane except when overtaking another vehicle. The division Chair, Sen. Dean Johnson (DFL-Willmar), questioned the bill's germaneness in the division, because it is a policy issue, not a funding issue. Ed Cahoon, of the Minnesota Department of Transportation (Mn/DOT), supported Johnson. He said that the amendment, as passed in the House, requires no extra funding because Mn/DOT must absorb the \$44,000 associated with erecting road signs for the new law. No action was taken on the amendment.

The division then heard S.F. 2484, authored by Day, a bill requiring that vehicles on multi-lane roads be required to stay in the right hand lane except when overtaking another vehicle. Members sent the bill to the Senate floor.

Day also offered an amendment requiring all meters on access ramps to be turned off for the month of October so that Mn/DOT may conduct a study concerning ramp meter effects on traffic flow. In response to a question of the amendment's germaneness in the division, Day withdrew the amendment and members sent S.F. 2480 to the Senate floor after removing appropriations. The bill, authored by Day, requires all meters on access ramps to be turned off for the month of October so that Mn/DOT may conduct a study concerning ramp meter effects on traffic flow.

An amendment offered by Day reducing the motor vehicle excise tax (MVET) to 1 percent of the vehicle's base value from 1.25 percent, and dedicating 50 percent of MVET revenues to the general fund and 50 percent to the multimodal fund failed.

Johnson called an amendment offered by Day allowing only Mn/DOT to make recommendations for the use of the multimodal fund a "good idea." Previous to the amendment, the Metropolitan Council could also make recommendations for the fund's use. The amendment was unanimously approved.

Sen. Mark Ourada (R-Buffalo) offered an amendment moving the funding source for the Wakota Bridge and four state troopers for Capitol duties from the trunk highway fund to the general fund. The amendment failed.

An amendment offered by Sen. Steve Kelley (DFL-Hopkins) requires that sound abatement walls on the east and west sides of Highway 100 in St. Louis Park be built simultaneously was adopted before the division moved the bill to the State Government Finance Committee with a recommendation to pass.

## **Monday, March 13**

### **Several bills approved**

The Senate convened for a productive floor session Mon., Mar. 13, and granted final passage to several bills on the

Calendar and Consent Calendar, and one Special Order bill. In addition, the Senate granted preliminary passage to 26 bills on General Orders.

The Dept. of Public Safety housekeeping bill, S.F. 3063, sponsored by Sen. Dave Kleis (R-St. Cloud), was one bill receiving the Senate's endorsement. Among the provisions of the bill, all of which Kleis said are non-controversial, are a changing of the open bottle law prohibited substance definition from intoxicating liquor to alcoholic beverage. The Senate adopted an amendment, offered by Kleis, allowing the renewal of license plates on rental vehicles for the remaining period of the lease up to 11 months. The only controversy came from an amendment, offered by Sen. Steve Dille (R-Dassel), that extends the length limit on three vehicle combinations from 60 to 65 feet. Dille said that neighboring states have the longer limit. Sen. Leo Foley (DFL-Coon Rapids) opposed it, saying the longer length makes passing hazardous. However, Sen. Steve Murphy (DFL-Red Wing) spoke in favor of the measure. He said he didn't want to impose a hardship on communities that service people who come from out of state. The amendment was adopted on a voice vote. Another amendment, offered by Kleis, repealing a \$50 cap on motor vehicle inspection charges, was also adopted.

Kleis was also successful in garnering approval for S.F. 3075. The bill establishes a statutory process for resolving disputes about offices vacated by public officials.

Sen. John Hottinger (DFL-Mankato) gained Senate approval for a bill concerning prescription drug discount cards, S.F. 2579. He said that frequently the cards do not come with contracts with pharmacists, and it is not always disclosed that the cards are only good in certain locations. Hottinger said it is a consumer protection bill and is supported by the pharmacists. The bill prohibits the sale of prescription discount cards that do not state that the discount is not insurance, the discounts are not authorized by a contract, or when the offer is misleading, deceptive or fraudulent. Sen. Sheila Kiscaden (R-Rochester) said she was concerned about the bill because it was not heard in the Judiciary Committee, yet the bill



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contains penalties and damage awards. She asked why the bill contained such high penalties when the practice is not injurious to consumers. Hottinger countered that the sales practice is injurious to consumers for the cost of the card.

A second bill authored by Hottinger, S.F. 2821, was also approved. The bill allows charitable gambling organizations an extension to file information with state Attorney General or a federal report they must file to be filed with the Attorney General.

The administration's telecommunications bill, S.F. 2519, also received the Senate's approval. Sen. Steve Kelley (DFL-Hopkins), sponsor of the measure, said there wasn't enough time to enact a comprehensive telecommunications deregulation package, so the bill has an administrative law judge conduct interim task force study to look at the various deregulation bills introduced in the 2000 Legislative Session and make recommendations for 2001. Sen. Mark Ourada (R-Buffalo) said he was concerned that the task force would just recommend "a big fix" that may not be necessary when all that is needed is more detail in some regulations. Ourada said that one provision in the amendment requires the task force to find inconsistencies between state and federal law. Kelley said the bill already contains that requirement. Ourada argued that all the bills dealt with radical reform, but he was not convinced that a big fix was needed. With his amendment, Ourada said, the Legislature will have the option to either enact incremental change or a bigger package. With the various parties on the task force, they may not be able to agree on a comprehensive package so they can at least recommend the pieces that they do agree on, he said. However, the amendment failed on a 19-21 divided vote. An amendment, offered by Sen. Warren Limmer (R-Maple Grove), was adopted, which requires the task force meetings to be open and notice to be given to the public.

Another bill authored by Kelley, S.F. 2905, was also approved. It authorizes county employees to use credit cards to make purchases, raises the limit on municipal purchases that don't require competitive bidding, and allows municipi-

palities to make purchases through a national contract system if the contract was selected through a competitive bidding process.

Two bills, authored by Sen. Dan Stevens (R-Mora), received preliminary passage. S.F. 2868 provides time lines for the transition to a new case-mix system based upon the federal minimum data set. The other, S.F. 2546, authorizes the Dept. of Natural Resources to issue leases to raise submerged logs from lakes or rivers. Sen. William Belanger (R-Bloomington), also ushered two bills through the Committee of the Whole. They are S.F. 2693, the Dept. of Revenue technical bill, and S.F. 2789. The second bill provides an exception to the prohibition against public officials having a financial interest in an entity so that Dakota County can contract for coroner services.

Sen. Charles Wiger (DFL-North St. Paul) sponsored three bills favorably considered on General Orders. S.F. 3138 authorizes a memorial to wounded veterans on the Capitol Mall; S.F. 2829 modifies the Metropolitan Council's cost allocation system for expansion of the metropolitan disposal system; and S.F. 2827 allows the Metropolitan Council to use faxed or digital signatures and deletes obsolete reporting requirements.

Two bills authored by Sen. David Knutson (R-Burnsville) were approved. The first, S.F. 2473, overrides a Supreme Court decision that says that parties may not change child custody terms of a divorce when one party moves out of state and specifies the use of the "best interests of the child" standard. The other, S.F. 3019, is the school safety and data privacy bill. It specifies what data on juveniles in delinquency cases school officials may share to protect persons and property. Knutson said the bill gives immunity for sharing information when used as intended.

Three bills authored by Foley were approved. S.F. 2627 clarifies the Dept. of Revenue notification process of amounts due to spouses who do not owe. S.F. 2742 clarifies which child support court order is the controlling order when multiple orders exist. S.F. 2794 makes corrections to last year's bill on expedited child support.

The other bills receiving approval on General Orders were S.F. 2547,

authored by Sen. James Metzen (DFL-South St. Paul), directing the Capitol Area Architectural and Planning Board to find a location on the Capitol Mall for the firefighters memorial, currently located at the Minneapolis-St. Paul Airport; S.F. 624, authored by Murphy, establishing the board of firefighter training and education; S.F. 3120, authored by Sen. Paula Hanson (DFL-Ham Lake), allowing the commissioner of agriculture to select alternative dates for the expiration of terms of members of the dairy council; S.F. 2989, authored by Sen. Linda Runbeck (R-Circle Pines), establishing ethical standards for judges under the Office of Administrative Hearings and allowing judges to specialize; S.F. 3064, authored by Sen. Becky Lourey (DFL-Kerrick), amending the Moose Lake Fire District so the town of Silver may be included in whole but not in part; S.F. 2685, authored by Sen. Claire Robling (R-Prior Lake), allowing one member county of the Metropolitan Inter-County Association (MICA) to provide insurance benefits to employees of MICA; S.F. 3292, authored by Sen. Randy Kelly (DFL-St. Paul), expanding the authority of the St. Paul Port Authority to maintain parks so that they may be maintained anywhere within city; S.F. 3139, sponsored by Metzen, specifying that the sales tax rebate doesn't count as income for veterans home residency eligibility purposes; and S.F. 2982, authored by Sen. Dean Johnson (DFL-Willmar), changing a national guard eligibility requirement provision from "able bodied males" to "able bodied persons."

In other action, the Senate gave final passage to nine bills on the Calendar previously considered on General Orders. A single bill on the Consent Calendar, S.F. 3060, authored by Sen. Martha Robertson (R-Minnetonka) requiring the Dept. of Health to come up with rules to give respite care to adult care providers, was also passed. In addition, Sen. Linda Higgins (DFL-Mpls.) moved to reconsider the vote on her bill, S.F. 2810, that repeals entertainment licensing and regulation provisions. Higgins said she found that people do use those provisions in the law. After the Senate approved her motion, she successfully moved that the bill be returned to her, thus nullifying its passage.

## Tuesday, March 14

### Working session held

Senators spent the majority of the Tues., Mar. 14, floor session processing bills on General Orders. Several bills were granted preliminary passage.

S.F. 3005, authored by Sen. Jane Ranum (DFL-Mpls.), establishes the right to seek licensure for excluded adult foster care providers, changes requirements for background studies for licensed programs and establishes tribal licensing agency access to criminal history data.

S.F. 3330, authored by Sen. Thomas Neuville (R-Northfield), authorizes the commissioner of corrections to establish and operate alternative residential programs for juveniles. An author's amendment authorizes the commissioner of corrections to contract with entities, including health care management companies, to provide health care to inmates. The amendment goes on to say with respect to the contracts, the entities must not be regulated as, or otherwise considered to be, health plan companies. The amendment was adopted.

S.F. 3283, presented by Sen. Linda Runbeck (R-Circle Pines), provides for civil enforcement of metal traction device sticker requirements for snowmobiles. S.F. 3379, authored by Sen. Twyla Ring (DFL-North Branch), authorizes public and private sales of tax-forfeited lands that border public water in Isanti county.

S.F. 2720, presented by Runbeck, authorizes the private sale, by Ramsey county, of tax-forfeited land bordering public water. Runbeck said the land will be used to install aeration equipment. Sen. Deanna Wiener (DFL-Eagan) offered an amendment that a conservation easement must be reserved on the land. Wiener said a buffer is needed to help protect shorelines. Runbeck said a major policy issue should not to be addressed through an amendment. Sen. Dan Stevens (R-Mora) said the proposal should be brought before Environmental and Natural Resources Committee. Wiener withdrew the amendment.

Stevens presented S.F. 2514, which changes the daily limit for yellow perch on inland waters from 100 to 15 and the possession limit from 100 to 45 until

Dec. 1, 2001. Sen. Anthony "Tony" Kinkel (DFL-Park Rapids) offered an amendment changing the limits to 20 and 50 respectively. Kinkel said the numbers are a compromise worked out with the Department of Natural Resources. The amendment was adopted.

Sen. Linda Berglin (DFL-Mpls.) authored S.F. 3133. The bill extends the deadline for essential community provider status for a facility providing culturally competent health care and modifies termination and renewal of designation as an essential community provider.

S.F. 3354, sponsored by Sen. Steven Novak (DFL-New Brighton), clarifies the requirements for a limited dealer license. Novak said the bill gives owners of mobile home parks the ability to sell five mobile homes a year. Sen. Warren Limmer (R-Maple Grove) offered a verbal amendment to change the number to 10. The amendment was adopted.

S.F. 2575, sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls), expands the eligibility of farmers for the dislocated worker program. Under the bill, if farmers demonstrate a severe reduction in income even though they are still working, they can be eligible for the program. Stumpf said last year about 1,000 farms were lost and the bill is needed to help farmers.

Sen. Martha Robertson (R-Minnetonka) presented S.F. 3229, the Department of Administration house-keeping bill. Sen. James Metzen (DFL-South St. Paul) sponsored S.F. 2870, the omnibus banking bill. Metzen said the bill is mostly technical and non-controversial.

S.F. 3154, presented by Ranum, authorizes the district public defender, the state public defender, or an attorney working for a public defense corporation access to various criminal and juvenile justice databases for purposes of criminal defense. S.F. 3018, also presented by Ranum, provides for designation of stand-by and alternate custodians of children. Ranum said the bill addresses needed changes in family law and builds on the experience of other states. S.F. 2653, authored by Novak, requires state agencies to provide grant information on the internet and requires the commissioner of administration to develop a uniform

internet application for grants.

S.F. 2767, carried by Sen. Don Samuelson (DFL-Brainerd), requires prompt payment by health plan companies and third-party administrators of clean claims for health care services. An author's amendment clarifies that health care providers includes home health care providers. Novak presented S.F. 3412. The bill allows the state fund mutual insurance company to continue to operate as a corporate mutual insurance company.

Vickerman sponsored S.F. 2951, which clarifies the use of alternative dispute resolution in ceratin proceedings. The bill also exempts the Office of Strategic and Long-range Planning from adopting rules or amending rules governing boundary adjustment procedures until after May 1, 2002.

S.F. 1048, authored by Sen. Dave Johnson (DFL-Bloomington), creates an advisory selection process for public utility commissioners. The bill also regulates ex parte communications with commissioners. Metzen questioned why the process is being changed and why the bar association is entering the process. Johnson answered that the goal of the legislation is to get better applicants for commissioner positions.

S.F. 2326, authored by Sen. Charles Wiger (DFL-North St. Paul), designates the monarch butterfly as the state butterfly. S.F. 3307, presented by Ranum, allows claims by persons incurring injury to person or property while operating recreational vehicles on trunk highway right-of-ways. S.F. 3554, sponsored by Kenric Scheevel (R-Preston), modifies nonprofit organization provisions relating to re-employment compensation. Sen. Don Betzold (DFL-Fridley) presented S.F. 2813, a bill that modifies how state vehicles are identified by removing the size requirement for lettering. Betzold said logos can't fit on doors if the letter size requirement is followed.

S.F. 3028, carried by Sen. Alan Spear (DFL-Mpls.), establishes a review panel for purposes of reviewing lead agency determinations regarding maltreatment of a vulnerable adult. Spear said the bill addresses an imbalance in the appeal process. Sen. Cal Larson (R-Fergus Falls) sponsored S.F. 3150. The bill increases the bonding authority of the Higher Education Facilities Author-

# Committee update

ity from \$500 million to \$650 million.

S.F. 3161, sponsored by Sen. Shelia Kiscaden (R-Rochester), modifies provisions for health care purchasing alliances. S.F. 3428, authored by Sen. Steve Kelley (DFL-Hopkins), modifies supervisory and disciplinary requirements for psychologists. Kiscaden also presented S.F. 3236, which expands the list of those eligible to receive a copy of a certified birth or death certificate to include grandparents and grandchildren of the subject.

S.F. 3678, authored by Sen. Dennis Frederickson (R-New Ulm), allows a drainage authority to accept and use funds from sources other than, or in addition to, those derived from assessments based on the benefits of the drainage system for the purposes of wetland preservation or restoration or creation of water quality improvements or flood control.

Sen. Claire Robling (R-Prior Lake) sponsored S.F. 3323, which encourages public entities to recycle construction debris. S.F. 3529, sponsored by Sen. Bob Lessard (Int'l. Falls), excludes smokechasers from the definition of noncovered employment.

S.F. 2946, sponsored by Vickerman, limits the use of certain oxygenates in gasoline sold in Minnesota. According to the bill, after July 1, 2000, gasoline containing in excess of one-half of one percent, in total, of specified oxygenates may not be sold in Minnesota and after July 1, 2005, gasoline containing any of the specified oxygenates named may not be sold in Minnesota.

One bill discussed was laid over for consideration. S.F. 3773, authored by Sen. Sandra Pappas (DFL-St. Paul), allows issuance of instruction permits during the course of concurrent classroom and behind-the-wheel training. Pappas said theory needs to be augmented by practice. "The best learning takes place by putting practice with theory," she said. Robertson said students need to have enough knowledge before they start driving. Sen. Dave Kleis (R-St. Cloud) said the bill allows students to drive after 15 hours of classroom training. "I've taught driver's education for 15 years. Students need to finish the classroom phase first," Kleis said.

One bill received final passage on the Senate Calendar. S.F. 2691,

authored by Wiener, transfers authority to develop the energy portions of the building code from the commissioner of public service to the commissioner of administration.

## Thursday, March 16

### Hot dish bill okayed

In addition to debating the Profile of Learning bill, members also approved a variety of bills on General Orders at the Thurs., Mar. 16, floor session. One measure that has achieved some notoriety is the so-called "hotdish bill." The bill, S.F. 3348, authored by Sen. Dean Johnson (DFL-Willmar), exempts "potluck event" from licensed kitchen requirements. Johnson said that traditional potlucks are a cultural institution and need not be hampered by food licensing requirements. The bill was given preliminary approval on a voice vote.

In other action, Senators granted preliminary passage to 28 other measures. S.F. 1009, sponsored by Sen. Leo Foley (DFL-Fridley), requires the commissioner of public safety to propose a pilot program relating to the use of photographic evidence for enforcement of traffic signal laws. S.F. 702, carried by Sen. Jim Vickerman (DFL-Tracy), authorizes county review of plats on real property that borders existing or proposed county hospitals. S.F. 3549, authored by Sen. Roy Terwilliger (R-Edina), modifies the residential hospice program requirements. S.F. 3025, sponsored by Sen. Sandra Pappas (DFL-St. Paul), adds requirements for foster care agencies and foster care providers who care for individuals who rely on medical equipment to sustain life or monitor a medical condition. S.F. 3581, carried by Sen. Sam Solon (DFL-Duluth) is the omnibus liquor bill and provides for additional licenses for various cities and other entities. S.F. 2941, sponsored by Sen. Sheila Kiscaden (R-Rochester), modifies provisions dealing with medical errors and neglect and requires health licensing boards to make determinations regarding employment disqualifications.

H.F. 3222, carried by Sen. John Hottinger (DFL-Mankato), modifies reporting requirements for health

related boards and changes membership requirements for the health professionals services program. S.F. 2677, sponsored by Sen. Dave Johnson (DFL-Bloomington), recodifies provisions relating to driving while impaired. S.F. 2676, carried by Sen. Charles Wiger (DFL-North St. Paul), removes the sunset on provisions for authorizing local governments to petition to amend or repeal a rule. S.F. 2972, authored by Sen. David Knutson (R-Burnsville), authorizes state procurement through reverse auctions. H.F. 3113, carried by Sen. Dallas Sams (DFL-Staples), permits an additional pharmacy technician in a pharmacy if the technician is nationally certified. S.F. 3253, also sponsored by Sams, requires the commissioner of human services to study the Medical Assistance reimbursement rates for special transportation providers.

S.F. 3210, authored by Sen. Linda Higgins (DFL-Mpls.), prohibits tampering with anhydrous ammonia, specifies that conviction for neglect or endangerment of a child is not a bar for a conviction of another offense committed as part of the same conduct and imposes criminal penalties for placing a booby trap in locations where controlled substances are manufactured. S.F. 3174, carried by Sen. Bob Lessard (DFL-Int'l. Falls), modifies a land conveyance in Itasca County. S.F. 3369, authored by Sen. Twyla Ring (DFL-North Branch), provides for grants for special purpose districts with environmental responsibilities. S.F. 3260, sponsored by Sen. Dan Stevens (R-Mora), amends requirements for licensed aquatic farms. S.F. 3478, authored by Kiscaden, modifies the probationary period rules for city of Rochester firefighters.

S.F. 3082, carried by Solon, authorizes the Duluth City Council to establish or grant additional powers to a Human Rights Commission. S.F. 981, carried by Sen. Steve Kelley (DFL-Hopkins), regulates unclaimed property and authorizes a dormancy charge for money orders. S.F. 3291, sponsored by Pappas, clarifies the extent of the lien against motor vehicles towed at the request of law enforcement and provides for notice to the owner of towing, sale, and the right to reclaim. H.F. 1590, carried by Sen. Charles Berg (IND-Chokio), clarifies the warrant authority of alcohol and gambling agents. S.F. 3160,



authored by Sen. Thomas Neuville (R-Northfield), extends the ignition interlock pilot program. H.F. 118, sponsored by Stevens, provides that persons designated as permanent commissioners serve as acting commissioners until the Senate has consented to their appointment and limiting temporary service to 18 months.

S.F. 3036, carried by Sen. Dave Johnson, provides for seizure and administrative forfeiture of firearms and abandoned property, modifies the authority to issue trespass citations and modifies the definition of peace officer to include conservation officers. S.F. 3290, carried by Sen. Randy Kelly (DFL-St. Paul), provides grants for certain agreements made under the Environmental Response and Liability Act and extends landfill cleanup eligibility for the Western Lake Superior Sanitary

District. S.F. 3203, sponsored by Sen. Edward Oliver (R-Deephaven), conforms state law to the National Association of Insurance Commissioners model legislation providing uniform accounting principles. S.F. 2830, carried by Wiger, provides that a person may be charged with escape from custody when they escape after lawful arrest but prior to the start of trial proceedings. S.F. 1231, authored by Hottinger, modifies provisions relating to optometrist licensing.

Members also granted final passage to three bills on the Senate Calendar. H.F. 3332, carried by Sen. Paula Hanson (DFL-Ham Lake), allows the commissioner of agriculture to establish alternative term expiration dates for members of the Dairy Research and Promotion Council. H.F. 3433, sponsored by Sen. Randy Kelly, changes the

powers and jurisdiction of the St. Paul Port Authority with respect to recreation facilities. H.F. 2927, authored by Sen. Claire Robling (R-Prior Lake), authorizes group insurance protection for the Metropolitan Intercounty Association.

Finally, three bills were granted final passage on the Consent Calendar. H.F. 3633, carried by Terwilliger, designates Mighty Eight Air Force Week. H.F. 3766, sponsored by Sen. Jane Ranum (DFL-Mpls.), requires pawnbrokers who provide law enforcement agencies with electronic records of transactions to use a specified interchange file specification format. S.F. 3768, authored by Hottinger, authorizes the commissioner of revenue to enter into temporary agreements with other states to develop a pilot program for a multistate system for sales and use tax collection.

# Floor action

## **Bills granted final passage on the Consent Calendar Monday, March 13**

**S.F. 3060-Robertson:** Requires the commissioner of human services to develop proposals to for respite care for family adult foster care providers. 62-0

## **Bills granted final passage on the Senate Calendar Monday, March 13**

**S.F. 2193-Sams:** Regulates contracts for the sale of wood and defines terms. 60-0

**S.F. 2737-Lourey:** Allows an applicant for a driver's license to donate \$1 for public information and education about anatomical gifts. 61-0

**S.F. 2500-Oliver:** Changes definitions relating to charitable organizations. 61-0

**S.F. 2511-Vickerman:** Allows entry on property for examination and survey and allows towns to recover costs for establishing cartways. 60-0

**H.F. 2873-Novak:** Clarifies the effect of certain requirements on an appointed department head in Anoka County. 62-0

**S.F. 2688-Flynn:** Changes the name of the Metropolitan Airports Commission to the Minnesota Airports Commission. 36-25

**S.F. 2748-Lourey:** Modifies ambulance service and EMT requirements. 62-0

**S.F. 2652-Novak:** Modifies electric power generating plan exemption from the Minnesota Power Plant Siting Act. 62-0

**S.F. 2385-Ourada:** Exempts certain public hospital employees from the compensation limit. 38-25

## **Bills granted final passage on Special Orders Monday, March 13**

**S.F. 2896-Stevens:** Requires the commissioner to develop procedures for the nursing home survey process, allows nursing homes to train and employ resident assistants to assist residents with eating and drinking. 63-0

## **Bills granted preliminary passage on General Orders, Monday, March 13**

**S.F. 2547-Metzen:** Requires the Capitol Area Architectural and Planning Board to select a site in the Capitol Area for installation of the memorial to Minnesota firefighters that is now installed at Minneapolis-St. Paul International Airport.

**S.F. 624-Murphy:** Establishes the Board of Firefighter Training and Education.

**S.F. 3120-Hanson:** Allows the commissioner of agriculture to establish alternative term expiration dates for members of the Dairy Research and Promotion Council.

**S.F. 2989-Runbeck:** Authorizes the chief administrative law judge to establish a system of training in addition areas for judges and provides ethical standards for the chief administrative law judge, administrative law judges and compensation judges.

**S.F. 2868-Stevens:** Provides time lines for the transition to a new case-mix system based upon the federal minimum data set and requires education and training programs.

**S.F. 2546-Stevens:** Provides for the recovery of sunken logs in inland waters.

**S.F. 3019-Knutson:** Limits the immunity of a school district and others for good faith use and sharing of certain data on minors.

# Floor action

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**H.F. 2836-Johnson, D.E.:** Clarifies eligibility for membership in the National Guard.

**S.F. 3139-Metzen:** Provides that sales tax rebates are not income for the support test for residents.

**S.F. 3138-Wiger:** Makes technical changes regarding the duties of the commissioner of veterans affairs, extends the agent orange information and assistance program to include other veterans and other chemicals and authorizes the placement of a plaque in the Court of Honor on the Capitol Grounds to honor combat wounded veterans.

**S.F. 2905-Kelley, S.P.:** Increases dollar limits in the Uniform Municipal Contracting Law, provides an exemption for certain cooperative purchasing, authorizes county purchases on credit cards and provides for personal liability for county officers and employees for unauthorized credit card purchases.

**S.F. 2693-Belanger:** Makes technical and administrative changes and corrections to certain tax and revenue recapture provisions.

**S.F. 2579-Hottinger:** Regulates prescription drug discounts and provides remedies.

**S.F. 3292-Kelly, R.C.:** Changes the powers and jurisdiction of the St. Paul Port Authority with respect to recreation facilities.

**S.F. 2789-Belanger:** Authorizes certain compensation to coroners, deputy coroner, coroner's investigator or medical examiner.

**S.F. 2685-Robling:** Authorizes group insurance protection for the Metropolitan Intercounty Association.

**S.F. 3064-Lourey:** Clarifies that the town of Silver may elect to join the Moose Lake Area Fire Protection District in whole but not in part and authorizes issuance of equipment certificates by the fire protection district.

**S.F. 2742-Foley:** Changes the time for filing a notice to remove and requires a study of medical support statutes.

**S.F. 2794-Foley:** Modifies provisions under the expedited child support process.

**S.F. 2473-Knutson:** Alters the standards for modifying sole physical custody of a child.

**S.F. 2919-Kelley, S.P.:** Establishes a work group to discuss and propose changes in telecommunication law.

**S.F. 3023-Kleis:** Modifies vehicle registration and titling provisions, modifies interstate commercial vehicle registration provisions to conform to interstate registration plan, conforms the state open bottle law to federal law.

**S.F. 2821-Hottinger:** Amends charitable organizations report filing requirements.

**S.F. 2829-Wiger:** Modifies the cost allocation system for the metropolitan disposal system.

**S.F. 2827-Wiger:** Eliminates or modifies requirements that are obsolete, unnecessary or inefficient relating to the Metropolitan Council and authorizes the use of facsimile or digital signatures.

**S.F. 3075-Kleis:** Provides for resolution of disputes over whether an office has become vacant.

**S.F. 2627-Foley:** Establishes a time limit for certain revenue recapture claims.

## **Bills granted final passage on the Calendar Tuesday, March 14**

**S.F. 2691-Wiener:** Transfers authority to develop the energy portions of the building code from the commissioner of public service to the commissioner of administration. 60-0

## **Bills granted preliminary passage on General Orders Tuesday, March 14**

**S.F. 3005-Ranum:** Establishes the right to seek licensure for excluded adult foster care providers, changes requirements to background studies for licensed programs and establishes tribal licensing agency access to criminal history data.

**S.F. 3330-Neuville:** Authorizes the commissioner of corrections to establish and operate alternative residential programs for juveniles, changes the data collection date for the Interstate Compact for Supervision of Parolees and Probationers Report, deletes a reference to Sauk Centre, requires an offender in phase II of the challenge incarceration program to report to an agent or program staff, requires that pretrial diversion reports by county attorneys be submitted to the state court administrator.

**S.F. 3283-Runbeck:** Provides for civil enforcement of metal traction device sticker requirements for snowmobiles.

**S.F. 3133-Berglin:** Extends the application deadline for essential community provider status for a facility providing culturally competent health care and modifies termination and renewal of designation as an essential community provider.

**S.F. 2575-Stumpf:** Regulates the eligibility of farmers for the dislocated worker program.

**S.F. 2720-Runbeck:** Authorizes the private sale of tax-forfeited land that borders public water in Ramsey County.

**S.F. 2514-Stevens:** Establishes the daily limit and total possession limits for yellow perch to 20 and 50 respectively.

**S.F. 3229-Robertson:** Dept. of Administration housekeeping bill.

**S.F. 2870-Metzen:** Omnibus banking bill regulating certain loan charges and payments and makes various technical changes.

**S.F. 3354-Novak:** Clarifies the requirements for a manufactured homes limited dealer license.

**S.F. 3154-Ranum:** Authorizes public defenders access to various criminal and juvenile justice databases for purposes of criminal defense.

**S.F. 3379-Ring:** Authorizes public and private sales of tax-forfeited lands that border public water in Isanti County.

**S.F. 2653-Novak:** Requires agencies to provide grant information on the Internet and requires a uniform Internet application for grants.

**S.F. 3018-Ranum:** Provides for the designation of standby and alternate custodians of children.

**S.F. 2767-Samuelson:** Requires prompt payment by health plan companies and third-party administrators of clean claims for health care.

**S.F. 3412-Novak:** Removes certain state involvement with the State Fund Mutual Insurance Company.

**S.F. 2951-Vickerman:** Clarifies the use of alternative dispute resolution in certain proceedings and exempts the Office of Strategic and Long-Range Planning from adopting rules until a certain date.

**S.F. 2326-Wiger:** Designates the Monarch Butterfly as the state butterfly.

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**S.F. 3307-Ranum:** Provides for claims by person incurring injury to person or property while operating recreational vehicle on trunk highway right-of-way.

**S.F. 3554-Scheevel:** Modifies nonprofit organization provisions relating to reemployment compensation.

**S.F. 2813-Betzold:** Modifies how state vehicles are identified.

**S.F. 3028-Spear:** Specifies rights for reconsideration and review of determinations regarding maltreatment under the Vulnerable Adults Protection Act.

**S.F. 3150-Larson:** Increases the Higher Education Facilities Authority bonding authority.

**S.F. 3161-Kiscaden:** Modifies provisions for health care purchasing alliances.

**S.F. 3428-Kelley, S.P.** Modifies supervisory and disciplinary requirements for psychologists.

**S.F. 1048-Johnson, D.H.:** Creates an advisory selection process for public utility commissioners.

**H.F. 3236-Kiscaden:** Modifies provisions for issuing certified copies of vital records.

**S.F. 3678-Frederickson:** Allows the use of external sources of funding for certain drainage projects.

**S.F. 3323-Robling:** Encourages recycling of construction debris by public entities.

**S.F. 3529-Lessard:** Excludes smokechasers from the definition of noncovered employment for purposes of reemployment insurance.

**S.F. 2946-Vickerman:** Limits the use of certain oxygenates in gasoline sold in Minnesota.

### **Bills granted final passage on the Senate Calendar Wednesday, March 15**

**S.F. 2547-Metzen:** Requires the Capitol Area Architectural and Planning Board to select a site in the Capitol Area for installation of the memorial to Minnesota firefighters that is now installed at Minneapolis-St. Paul International Airport. 63-1

**S.F. 624-Murphy:** Establishes the Board of Firefighter Training and Education. 63-0

**S.F. 2989-Runbeck:** Authorizes the chief administrative law judge to establish a system of training in addition areas for judges and provides ethical standards for the chief administrative law judge, administrative law judges and compensation judges. 63-0

**S.F. 2868-Stevens:** Provides time lines for the transition to a new case-mix system based upon the federal minimum data set and requires education and training programs. 64-0

**S.F. 2546-Stevens:** Provides for the recovery of sunken logs in inland waters. 64-0

**S.F. 3019-Knutson:** Limits the immunity of a school district and others for good faith use and sharing of certain data on minors. 65-0

**H.F. 2836-Johnson, D.E.:** Clarifies eligibility for membership in the National Guard. 64-0

**S.F. 3139-Metzen:** Provides that sales tax rebates are not income for the support test for residents. 65-0

**S.F. 3138-Wiger:** Makes technical changes regarding the duties of the commissioner of veterans affairs, extends the agent orange information and assistance program to include other veterans and other chemicals and authorizes the placement of a plaque in the Court of Honor on the Capitol Grounds to honor combat wounded veterans. 63-1

**S.F. 2905-Kelley, S.P.:** Increases dollar limits in the Uniform Municipal Contracting Law, provides an exemption for certain cooperative purchasing, authorizes county purchases on credit cards and provides for personal liability for county officers and employees for unauthorized credit card purchases. 62-2

**S.F. 2693-Belanger:** Makes technical and administrative changes and corrections to certain tax and revenue recapture provisions and authorizes the attorney general to compromise certain fees, surcharges and assessments. 64-0

**S.F. 2579-Hottinger:** Regulates prescription drug discounts and provides remedies. 63-0

**S.F. 2789-Belanger:** Authorizes compensation to coroners, deputy coroner, coroner's investigator or medical examiner. 64-0

**S.F. 3064-Lourey:** Clarifies that the town of Silver may elect to join the Moose Lake Area Fire Protection District in whole but not in part and authorizes issuance of equipment certificates by the fire protection district. 65-0

**S.F. 2742-Foley:** Changes the time for filing a notice to remove and requires a study of medical support statutes. 65-0

**S.F. 2794-Foley:** Modifies provisions under the expedited child support process. 62-0

**S.F. 2473-Knutson:** Alters the standards for modifying sole physical custody of a child. 65-0

**S.F. 2919-Kelley, S.P.:** Establishes a work group to discuss and propose changes in telecommunication law. 63-0

**S.F. 3023-Kleis:** Modifies vehicle registration and titling provisions, modifies interstate commercial vehicle registration provisions to conform to interstate registration plan, conforms the state open bottle law to federal law and allows an exception to the requirement of school bus drivers to activate school bus stop signals. 65-0

**S.F. 2821-Hottinger:** Amends charitable organizations report filing requirements. 63-0

**S.F. 2829-Wiger:** Modifies the cost allocation system for the metropolitan disposal system. 65-0

**S.F. 2827-Wiger:** Eliminates or modifies requirements that are obsolete, unnecessary or inefficient relating to the Metropolitan Council and authorizes the use of facsimile or digital signatures. 65-0

**S.F. 3075-Kleis:** Provides for resolution of disputes over whether an office has become vacant. 64-0

**S.F. 2627-Foley:** Establishes a time limit for certain revenue recapture claims. 64-0

**S.F. 3005-Ranum:** Establishes the right to seek licensure for excluded adult foster care providers, changes requirements to background studies for licensed programs and establishes tribal licensing agency access to criminal history data. 66-0

**S.F. 3330-Neuville:** Authorizes the commissioner of corrections to establish and operate alternative residential programs for juveniles, changes the data collection date for the Interstate Compact for Supervision of Parolees and Probationers Report, deletes a reference to Sauk



# Floor action

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Centre, requires an offender in phase II of the challenge incarceration program to report to an agent or program staff, requires that pretrial diversion reports by county attorneys be submitted to the state court administrator. 66-0

**S.F. 3283-Runbeck:** Provides for civil enforcement of metal traction device sticker requirements for snowmobiles. 66-0

**S.F. 3133-Berglin:** Extends the application deadline for essential community provider status for a facility providing culturally competent health care and modifies termination and renewal of designation as an essential community provider. 65-0

**S.F. 2575-Stumpf:** Regulates the eligibility of farmers for the dislocated worker program. 66-0

**S.F. 2720-Runbeck:** Authorizes the private sale of tax-forfeited land that borders public water in Ramsey County. 64-1

**S.F. 2514-Stevens:** Establishes the daily limit and total possession limits for yellow perch to 20 and 50 respectively. 65-0

**S.F. 3229-Robertson:** Dept. of Administration housekeeping bill. 66-0

**S.F. 2870-Metzen:** Omnibus banking bill that regulates certain loan charges and payments and makes various technical changes. 66-0

**S.F. 3354-Novak:** Clarifies the requirements for a manufactured homes limited dealer license. 66-0

**S.F. 3154-Ranum:** Authorizes public defenders access to various criminal and juvenile justice databases for purposes of criminal defense. 66-0

**S.F. 3379-Ring:** Authorizes public and private sales of tax-forfeited lands that border public water in Isanti County. 66-0

**S.F. 2653-Novak:** Requires state agencies to provide grant information on the Internet and require the commissioner of administration to develop a uniform Internet application for grants. 66-0

**S.F. 3018-Ranum:** Provides for the designation of standby and alternate custodians of children. 66-0

**S.F. 2767-Samuelson:** Requires prompt payment by health plan companies and third-party administrators of clean claims for health care services. 66-0

**S.F. 3412-Novak:** Removes certain state involvement with the State Fund Mutual Insurance Company. 65-0

**S.F. 2951-Vickerman:** Clarifies the use of alternative dispute resolution in certain proceedings and exempts the Office of Strategic and Long-Range Planning from adopting rules until a certain date. 66-0

**S.F. 2326-Wiger:** Designates the Monarch Butterfly as the state butterfly. 54-12

**S.F. 3307-Ranum:** Provides for claims by person incurring injury to person or property while operating recreational vehicle on trunk highway right-of-way. 65-0

**S.F. 3554-Scheevel:** Modifies nonprofit organization provisions relating to reemployment compensation. 65-0

**S.F. 2813-Betzold:** Modifies how state vehicles are identified. 49-15

**S.F. 3028-Spear:** Specifies rights for reconsideration and review of determinations regarding maltreatment under the Vulnerable Adults Protection Act. 65-0

**S.F. 3150-Larson:** Increases the Higher Education Facilities Authority bonding authority. 64-0

**S.F. 3161-Kiscaden:** Modifies provisions for health care purchasing alliances. 64-0

**S.F. 3428-Kelley, S.P.** Modifies supervisory and disciplinary requirements for psychologists. 65-0

**S.F. 1048-Johnson, D.H.:** Creates and advisory selection process for public utility commissioners and regulates ex parte communications with the commissioners. 58-7

**H.F. 3236-Kiscaden:** Modifies provisions for issuing certified copies of vital records. 66-0

**S.F. 3678-Frederickson:** Allows the use of external sources of funding for certain drainage projects. 64-0

**S.F. 3323-Robling:** Encourages recycling of construction debris by public entities. 66-0

**S.F. 3529-Lessard:** Excludes smokechasers from the definition of noncovered employment for purposes of reemployment insurance. 64-0

**S.F. 2946-Vickerman:** Limits the use of certain oxygenates in gasoline sold in Minnesota. 66-0

## **Bills granted final passage on the Consent Calendar Wednesday, March 15**

**H.F. 2723-Dille:** Extends the authority for McCleod County to temporarily office in Glencoe Township. 64-0

**S.F. 2756-Fischbach:** Authorizes the annexation of a city of town that is contiguous to a contiguous city of town. 64-0

**S.F. 2850-Lessard:** Extends participation in the prepayment demonstration project for Itasca County. 64-0

**S.F. 3586-Pariseau:** Permits angling with a lighted fishing lure. 63-1

**S.F. 3046-Lourey:** Clarifies that the definition of peace officer in the fleeing a peace officer crime includes tribal peace officers and defines flee to include refusing to stop the vehicle. 65-0

**S.F. 2894-Higgins:** Classifies certain communications relating to occupational safety and health regarding discrimination complaints as privileged. 64-0

## **Bills granted final passage on Special Orders Wednesday, March 15**

**H.F. 1415-Laidig:** Gray wolf management plan. 41-25

## **Bills granted final passage on the Senate Calendar Thursday, March 16**

**H.F. 3332-Hanson:** Allows the commissioner of agriculture to establish alternative term expiration dates for members of the Dairy Research and Promotion Council. 62-0

**H.F. 3433-Kelly, R.C.:** Changes the powers and jurisdiction of the St. Paul Port Authority with respect to recreation facilities. 64-0

**H.F. 2927-Robling:** Authorizes group insurance protection for the Metropolitan Undercount Association. 64-0

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## **Bills granted final passage on the Consent Calendar Thursday, March 16**

**H.F. 3633-Terwilliger:** Designates the Mighty Eighth Air Force Week. 61-1

**H.F. 3766-Ranum:** Requires pawnbrokers who provide law enforcement agencies with electronic records of transactions to use a specified interchange file specification format. 63-0

**S.F. 3768-Hottinger:** Authorizes the commissioner of revenue to enter into temporary agreements with other states to develop a pilot program for a multistate system for sales and use tax collection. 58-2

## **Bills granted final passage on Special Orders Thursday, March 16**

**S.F. 3286-Pogemiller:** Amends the state graduation requirements and the graduation rules. 44-22

## **Bills granted preliminary passage on General Orders Thursday, March 16**

**S.F. 3174-Lessard:** Modifies a land conveyance in Itasca County.

**S.F. 3160-Neuville:** Extends the ignition interlock pilot program.

**S.F. 1009-Foley:** Requires the commissioner of public safety to propose a pilot program relating to the use of photographic evidence for enforcement of traffic signal laws.

**S.F. 3549-Terwilliger:** Modifies the residential hospice program requirements.

**S.F. 702-Vickerman:** Authorizes county review of plats on real property that is bordering existing or proposed county highways and authorizes dispute resolution between city and county.

**S.F. 2941-Kiscaden:** Modifies provisions concerning medical errors and neglect and requires health licensing boards to make determinations regarding employment disqualifications.

**S.F. 3025-Pappas:** Adds requirements for foster care agencies and foster care providers who care for individuals who rely on medical equipment to sustain life or monitor a medical condition.

**S.F. 2677-Johnson, D.H.:** Recodifies the driving while impaired crimes and related provisions.

**S.F. 3581-Solon:** Omnibus liquor bill—authorizes the issuance of liquor licenses to various cities and institutions.

**H.F. 3222-Hottinger:** Modifies reporting requirements for health-related boards, changes membership requirements for the health professionals services program committee and authorizes a diversion program for health professionals.

**S.F. 2676-Wiger:** Removes the sunset on provisions for authorizing local governments to petition to amend or repeal a rule.

**S.F. 2972-Knutson:** Authorizes a “reverse auction” for bidding on state purchases by allowing state agencies to request vendors to submit bids for providing specific goods on-line.

**H.F. 3113-Sams:** Permits an additional pharmacy technician in a pharmacy if the technician is nationally certified.

**S.F. 3253-Sams:** Requires the commissioner of human services to study the MA reimbursement rates for special transportation providers.

**S.F. 3348-Johnson, D.E.:** Modifies requirements for potluck events sponsored by organizations.

**S.F. 3210-Higgins:** Prohibits tampering with anhydrous ammonia, specifies that a conviction for neglect or endangerment of a child is not a bar for a conviction of another offense committed as part of the same conduct and imposes criminal penalties for placing a booby trap in locations where methamphetamine is manufactured.

**S.F. 3291-Pappas:** Clarifies the extent of the lien on motor vehicles towed at the request of law enforcement and provides for notice to owner of towing, sale and right to reclaim.

**S.F. 3369-Ring:** Provides for grants for special purpose districts with environmental responsibilities and authorizes pilot projects for the restructuring of the organization and operation of special purpose districts.

**S.F. 3260-Stevens:** Amends requirements for licensed aquatic farms.

**S.F. 3478-Kiscaden:** Modifies probationary period rules for the city of Rochester firefighters.

**H.F. 118-Stevens:** Provides that persons designated as permanent commissioners serve as acting commissioners until the Senate has consented to their appointment.

**S.F. 3082-Solon:** Authorizes the Duluth City Council to establish or grant additional powers to a Human Rights Commission.

**S.F. 3036-Johnson, D.H.:** Provides for seizure and administrative forfeiture of certain firearms and abandoned property by conservation officers, modifies the authority to issue trespass citations and modifies the definition of peace officer.

**H.F. 1590-Berg:** Clarifies the warrant authority of alcohol and gambling agents.

**S.F. 981-Kelley, S.P.:** Regulates unclaimed property and authorizes a dormancy charge for money orders.

**S.F. 3290-Kelly, R.C.:** Provides grants for certain agreements made under the Environment Response and Liability Act.

**S.F. 3203-Oliver:** Conforms state statutes to the National Association of Insurance Commissioners model legislation providing uniform accounting principles.

**S.F. 2830-Wiger:** Provides that a person may be charged with escape from custody when they escape after lawful arrest but prior to the commencement of trial proceedings.

**S.F. 1231-Hottinger:** Modifies provisions relating to optometrist licensing.

# Preview

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## Monday, March 20

The Senate will be in Session at 9 a.m.

### Human Resources Finance Committee

*Chair: Sen. Linda Berglin*

3 p.m. Room 123 Capitol or immediately after Session

**Agenda:** Bonding proposals.

## Tuesday, March 21

The Senate will be in Session at 9 a.m.

### Human Resources Finance Committee

*Chair: Sen. Linda Berglin*

3 p.m. or Immediately After Session  
Room 123 Capitol

**Agenda:** Bonding proposals.

### Committee on Taxes

*Chair: Sen. Douglas Johnson*

4 p.m. Room 15 Capitol

**Agenda:** S.F. XXXX-Johnson, D.J.:  
Omnibus tax bill.

## Wednesday, March 22

The Senate will be in Session at 9 a.m.

## Thursday, March 23

The Senate will be in Session at 9 a.m.

## Friday, March 24

The Senate will be in Session at 9 a.m.

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# *Senate Briefly*

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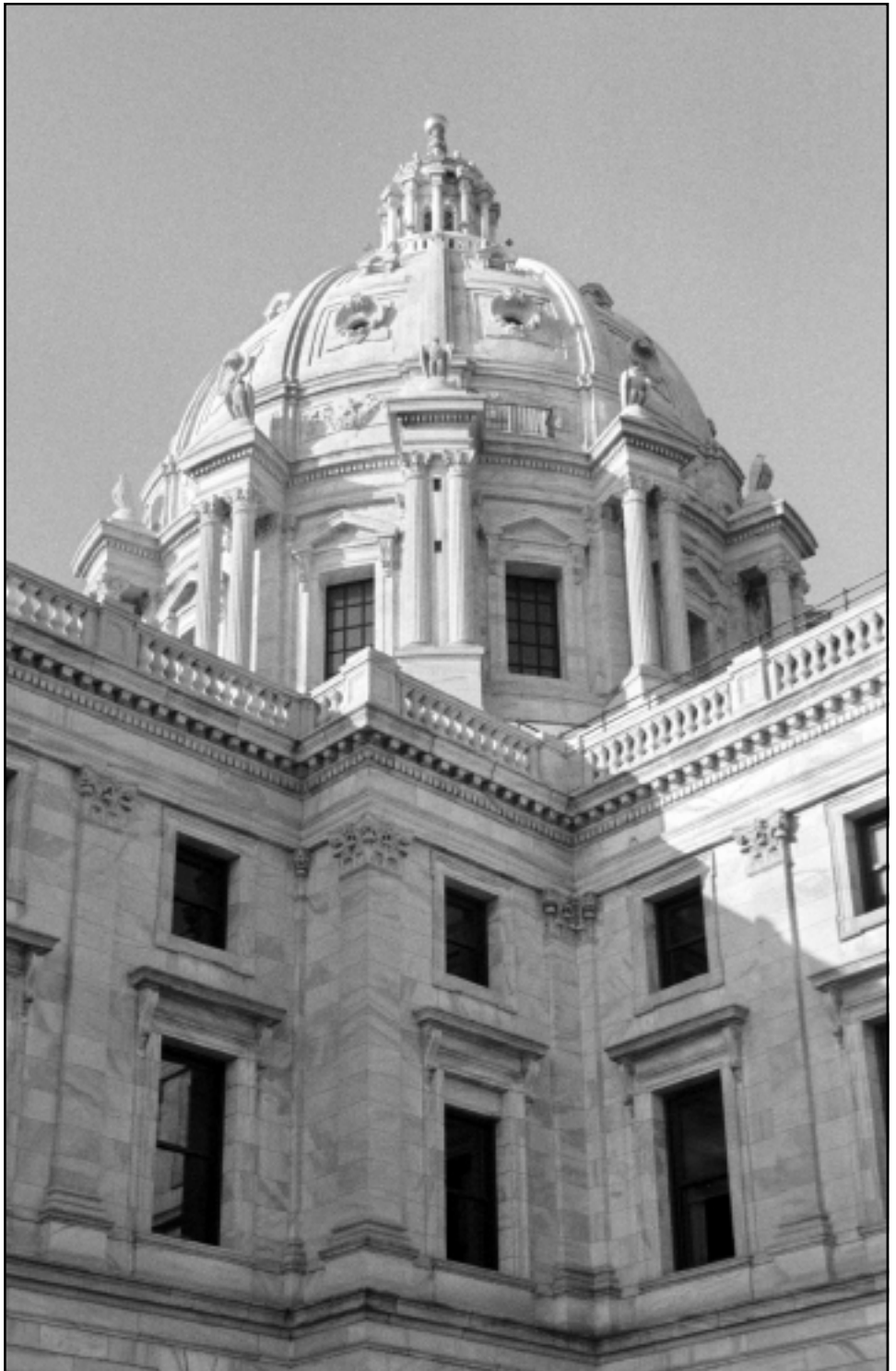
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*The Capitol as viewed from  
the Northeast.*

*Photo by Andrea G. Murrill*



*March 24, 2000*

# Senate Highlights

## Bonding package passed

The Thurs., Mar. 23, floor session was dominated by debate on the capital budget bill. The measure, S.F. 3811, contains the bonding provisions for improvements of a capital nature throughout the state. The bill, totaling \$563.78 million in bonding, was presented by the chairs of the three Senate finance committees, Sen. Linda Berglin (DFL-Mpls.), Sen. Keith Langseth (DFL-Glyndon) and Sen. Richard Cohen (DFL-St. Paul). Of the total amount, \$228 million is earmarked for education purposes; \$200 million for various state government purposes including environment and agriculture and economic development; and \$120 million for health and human services projects.

Debated centered on a series of amendments offered to the bill. Sen. Gen Olson (R-Minnetrista) offered an amendment deleting language exempting the U of M, MnSCU and private colleges from the requirement of upgrading bleachers to meet safety standards enacted last year. Olson argued that bleacher safety was important to prevent the injury or death of spectators. Opponents argued, though, that the costs for upgrading the bleach-

ers is prohibitive for the higher education institutions. The amendment was not adopted. Sen. Ellen Anderson (DFL-St. Paul) offered an amendment requiring that in the section of the bill relating to Minneapolis Empowerment Zones, the city of Minneapolis consult with other cities that have neighborhoods adjoining the projects about noise and traffic mitigation. The amendment was adopted.

Sen. Steve Kelley (DFL-Hopkins) offered an amendment requiring the development of resource efficiency standards for new construction and major renovations of buildings owned by the state of Minnesota or its agencies, including the Minnesota state colleges and universities and the University of Minnesota. The amendment was not adopted. The bill originally contained an appropriation of \$13 million for the Guthrie Theater, but an amendment, offered by Sen. Lawrence Pogemiller (DFL-Mpls.), reduced the appropriation by \$3 million and specified that the funds be used for a redevelopment account, for the Cold Weather Testing Center in Koochiching County and for Minneapolis Empowerment Zone projects. Pogemiller's amendment was adopted.

Sen. Dan Stevens (R-Mora) offered an amendment decreasing the \$4 million appropriation for renovation of the Schubert Theatre in Minneapolis by \$2.1 million and using the funds for wetland replacement due to public road projects. However, Sen. Linda Higgins (DFL-Mpls.) argued successfully against the amendment and said that the Schubert Theatre will be a statewide arts resource once renovation is complete. The amendment failed on a 30-36 roll call vote. Stevens also offered an amendment to delete an appropriation for a bust of former U.S. Supreme Court Justice Harry Blackmun. Stevens said that it was not appropriate to have a bust of Blackmun in the Capitol because he was chief justice at the time of *Roe v. Wade*. Sen. Allan Spear (DFL-Mpls.) successfully argued Blackmun's career must be considered as a whole and that he was a respected jurist and prominent Minnesotan. The Stevens' amendment failed on 45-22 roll call vote.

An amendment, offered by Sen. Deanna Wiener (DFL-Egan), decreasing the appropriation to the wastewater infrastructure fund and increasing, by the same amount, the appropriation for the shoreland conservation pilot project, was adopted.

Two amendments dealing with new wastewater treatment systems were also adopted. The first, by Sen. Dean Johnson (DFL-Willmar), requires the Pollution Control Agency to study and recommend which agency should be responsible for evaluating wastewater treatment alternatives in unsewered areas and to what extent state grant funding should be used as an incentive for municipalities seeking financial assistance. The second amendment, offered by Sen. Jim Vickerman (DFL-Tracy), sets forth notification requirements and requires, before a project may receive financial assistance, an evaluation of wastewater treatment alternatives to the proposed project.

Sen. Steve Dille (R-Dassel) successfully reinstated \$1 million in funding for the Hutchinson community civic center. Dille offered an amendment deleting language in the bill cancelling the project. He said that Hutchinson officials had been proceeding with the project when they were informed that the state had cancelled the bond sale. Dille said the actions of the administra-

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tion were unfair and that the project should be allowed to go forward. The amendment was adopted. An amendment, offered by Sen. Douglas Johnson (DFL-Tower), renaming the National Sports Center in Blaine the Rudy Perpich Sports Center, was also adopted.

In wrapping up discussion on the bill, Majority Leader Roger D. Moe (DFL-Erskine), said the bill emphasizes the two areas that are critical for the long term development of the state—natural resources and education. Moe said the bill contains significant investment in preserving higher education assets both through bonding and one time general fund appropriations. He said, “In coming years, there will be intense pressures on our natural resources so this bill contains significant investment in those resources.” Moe commended the architects of the proposal and urged that the body grant the bill final passage.

The bill was passed on a 60-6 roll call vote and then laid on the table to await passage of the House version of the bill.

### **Panel okays tax package**

The Committee on Taxes, chaired by Sen. Douglas Johnson (DFL-Tower), met Weds., Mar. 22, in order to take action on the tax package for this year. S.F. 2657, carried by Johnson, provides a total of \$1.313 billion in tax relief. A major focus of the bill is a \$453 million sales tax rebate for Minnesotans. Of that total, \$353.8 million is earmarked for this year and \$99.2 million is slated to provide a rebate to individuals who did not get a rebate last year. In addition, the package provides \$23 million for agricultural assistance in disaster areas and extends the deadline for 1999 claims. The bill provides a total of \$482 million in rebate and agricultural assistance.

In the area of income tax relief, the bill increases the personal exemption by \$360 with a refundable credit option to provide \$388.9 million in individual income tax relief. The bill also contains motor vehicle license tax reductions that total \$233 million. The license tax reduction, though, is contingent upon passage of a constitutional amendment that dedicates 15 percent of the motor vehicle excise tax to the highway user tax distribution fund. If the amendment

is not adopted the reduction in the registration tax is repealed. The provisions dealing with the registration tax also increase the depreciation applied to the base value for each year of vehicle life.

The measure also provides a total of \$214.4 million in property tax relief; \$158.6 million in on-going relief and \$55.8 million in one time relief. Specifically, the bill provides for indexing payments-in-lieu of tax for inflation, increasing the agricultural education homestead credit, reducing the regular apartment class rate, establishing an agricultural homestead class for farm stockholders/partners, reducing the manufactured housing park land class rate, increasing the senior deferral to 75 percent of market value and providing for school debt service levy equalization.

The measure also increases county criminal justice aid by \$10 million. Of the additional aid, \$5 million is earmarked to increase the number of probation officers managing intensive supervised release caseloads and to reduce caseloads for supervision of adult felony sex offenders on probation or supervised release. In addition, the bill provides increased aid to public hospitals providing a disproportionate share of uncompensated care. Finally the measure contains two historic preservation grants—\$1.5 million for the Brew House on the property designated by the National Register of Historic Places as the Minneapolis Brewing Company Historic District and \$350,000 for historic preservation of the Armstrong House in St. Paul.

Members adopted several technical amendments that did not have a revenue impact on the measure. An amendment, offered by Sen. David Knutson (R-Burnsville), sparked considerable discussion. The amendment changes the priority of claims under the Revenue Recapture Act to provide that child support payment claims be placed ahead of state revenue department claims. Knutson said the amendment has a revenue impact of an estimated \$3 or \$4 million per year. Jenny Engh of the Dept. of Revenue spoke against the amendment and said that the proposal would result in state claims being third in the priority list. The amendment was defeated on a

divided voice vote. However, Johnson urged Knutson and Sen. Steve Murphy (DFL-Red Wing) to investigate ways to offset the revenue loss the amendment would entail and offer an amendment later in the process.

The bill was approved and advanced to the full Senate.

### **Legislative session online**

The Minnesota Senate and House of Representatives have entered into an agreement with The Dept. of Administration's InterTechnologies Group to provide the public with live Internet video streaming of gavel-to-gavel coverage of the 2000 Legislative Session. This new Unicast service began Feb. 1, 2000 and will continue until the end of session.

The Minnesota Senate and House of Representatives provide unedited, live and recorded coverage of floor sessions and selected committee hearings. Legislative programming is available on several broadcast television stations, on many cable television systems in various areas of the state and now available to the world via this new Internet streaming service. Additional programming beyond that provided on the television feed will be available on these Unicast Internet streams.

Unicast Streaming was developed for distribution of multimedia clips across the Internet and can be successfully used to distribute live or recorded programs. Those using this service will need a RealPlayer 7™ Basic plug-in viewer to watch this programming. This plug-in is available to download, at no cost, from <http://www.real.com>. Citizens can access this streaming service via the Senate web site (<http://www.senate.leg.state.mn.us/>) or the House web site (<http://www.house.leg.state.mn.us/>). From those sites, citizens can choose Senate Media Services or House Television Services.

In addition to the Public Internet connections, Legislative programming is available through the State of Minnesota computer network. This Multicast service provides legislative programming to legislative offices, Minnesota State Colleges and Universities higher education campuses, all 87 counties and other public sector staff involved in the legislative process. Multicasting is capable of reaching 100,000 workstations.



# Committee update



**Members of the Committee on Taxes completed their work this week on the 2000 omnibus tax bill. Members are shown voting on a provision considered for inclusion in the bill.**

Photo by David J. Oakes

## Crime Prevention

### Katie Poirier bill referred

The Crime Prevention Committee, chaired by Sen. Alan Spear (DFL-Mpls.), met briefly Weds., Mar. 22 to discuss H.F. 2688, the bill commonly known as the Katie Poirier Bill.

The bill was re-referred to the Crime Prevention Committee following the floor session Mon., Mar. 20, when Rule 35 was employed, requiring that the committee reconsider the cost provisions. During the floor session, an amendment offered by Sen. Claire Robling (R-Prior Lake) had been adopted. The amendment included changes to sentencing provisions that significantly increase the total costs of the bill. The bill re-referred to the Crime Prevention and Judiciary Budget Division for further analysis and consideration before returning it to the floor.

## Crime Prevention and Judiciary Budget Division

### Katie Poirier bill reconsidered

The Crime Prevention and Judiciary Budget Division, chaired by Sen. Randy Kelly (DFL-St. Paul) met Weds., Mar. 22 to consider cost and other changes to H.F. 2688, the Katie Poirier bill, carried by Sen. Jane Ranum (DFL-Mpls.). Kelly said that the bill was revised to include an amendment offered by Sen. Claire Robling (R-Prior Lake), adopted during the floor session Mon., Mar. 20. The amendment increased mandatory penalties for second-degree as well as first-degree sexual conduct, with a potential cost to the state of \$100 million for a new prison to house the additional inmates. Kelly said the bill remained primarily a Senate bill with suggestions from the House included,

along with the major funding provision. During the floor session, Sen. David Knutson (R-Burnsville) spoke out in opposition to a \$5 million cost addition to the bill. He said the amount had not been discussed in the Crime and Judiciary Budget Division. Ranum said the cost change related to increased appropriations to reduce the caseload for probation officers supervising adult felony sex offenders, and resulted from meetings with House members involved with the companion bill.

Following an overview of the bill by Senate counsel, Sen. Gary Laidig (R-Stillwater) said his caucus wanted to emphasize the sentencing mandates over the technology provisions included in the bill. Laidig said the problem of victimization at the hands of repeat offenders deserves serious consideration as evidenced from the high recidivism rates. According to Robling, her

amendment was created to address concerns of her constituents who wanted sex offenders kept off the streets. Robling told the committee that she did not intend to kill the bill by offering her amendment, but she wanted the bill refined to better reflect the safety concerns of citizens.

Sen. Thomas Neuville (R-Northfield) offered an amendment that deleted the Robling amendment. However, Neuville's amendment increases prison terms for first degree criminal sexual conduct from about eight years to twelve years. Neuville said he was aiming for greater bi-partisan support. Estimating the number of cases affected each year, the panel determined that the stiffer penalties would cost the state approximately \$25 million over the next decade. Sen. Alan Spear (DFL-Mpls.) said that the committee has observed policies in other states such as California, where the enormous prison funding came at the expense of public schools and other programs. Attorney General Mike Hatch testified that his office could support this version of the bill. The amendment was adopted.

Neuville offered another amendment that deletes two of the commissioners, the commissioner of administration and the commissioner of finance, from the information policy group. Neuville said he thought the amendment would make the bill more acceptable to the House, but Kelly and other members disagreed. The amendment was not adopted. Kelly said he thought it was appropriate for those commissioners--and the administration--to fully understand the funding of the statewide system. Neuville then offered an amendment requiring the courts to sentence repeat violent offenders who are subject to registration to lifetime probation in addition to serving the full sentence. Sen. Don Betzold (DFL-Fridley) opposed the amendment. He said the purpose of probation is implemented in lieu of some prison time. Neuville said the added probation ensures that these offenders could not purchase firearms. Sen. Alan Spear (DFL-Mpls.) said the growing fiscal note concerned him, adding, "I don't think we should load up this bill further." The amendment was not adopted. The bill was recommended to pass and re-referred to the Senate floor.

## Education Finance

### Three bonding bills discussed

The Education Finance Committee, chaired by Sen. Keith Langseth (DFL-Glyndon) met Thurs., Mar. 16, to consider three education appropriations bills. Sen. Pat Piper (DFL-Austin) carried S.F. 2754, a bonding bill that appropriates \$5 million to the commissioner of children, families and learning. The money funds the construction, rehabilitation and expansion of early childhood learning and child protection facilities. Piper offered an amendment requiring that in order to be eligible to receive state or federal Temporary Assistance for Needy Families (TANF) matching funds in the family assets for independence initiative, a household must meet the eligibility requirements of the Federal Assets for Independence Act. The amendment also repeals part of a 1998 law that allows households with incomes exceeding 200 percent of the poverty level to make contributions to a savings account--and includes the repeal of a specification stating that the amount of any contribution made while a participating household's income is greater than 200 percent of the poverty level is not eligible for matching funds. The amendment was adopted.

Piper offered another amendment requiring that when funding increases are implemented within a calendar year, every county must receive an allocation at least equal and proportionate to its original allocation for the same time period. The amendment, which was adopted, further requires that the remainder of the allocation be recalculated to reflect the funding increase. A third amendment specifies that when a newly constructed prison uses online Adult Basic Education (ABE) programming, funding will be awarded according to the number of contact hours during the program year, times 1.08 times the established rate per contact hour. The amendment was adopted and the bill was laid over.

Piper also sponsored S.F. 3800, the early childhood supplemental appropriation. The bill appropriates \$42.6 million in TANF funds over a period of three years. The appropriation is \$1.9 million over the amount in the administration's proposal and includes funding for MFIP child care assistance,

ABE aid, adult high school graduation aid, community education and ECFE funding. Piper offered an amendment that changes details related to the establishment of the ABE policy review task force and makes minor changes to the amount of appropriations. The amendment was adopted and the bill was laid over.

Sen. LeRoy Stumpf (DFL-Thief River Falls) sponsored S.F. 3801, the higher education supplemental appropriations bill. The bill appropriates a total of \$29 million. Of that, \$13.180 million is for the Minnesota State Colleges and Universities (MnSCU) and \$15.820 million is allocated for the University of Minnesota. The MnSCU money is for funding unanticipated enrollment increases and for educational and management services for farmers facing financial hardship in the farm wrap and farm help network service areas. The money also funds a one-time appropriation for the development and implementation of an urban teacher preparation program and the Cook County higher education project for the delivery of electronic educational services. The University of Minnesota appropriation funds a one-time appropriation for the University's contribution to the North Star Research coalition, a newly created nonprofit corporation that will sponsor research projects. The appropriation also funds a child care facility in the Kirby Center at the University and increases the rapid agricultural response fund. The bill also modifies the 1999 omnibus higher education bill, which designates \$200,000 of University fund income from mining royalties allocated to the Department of Landscape Architecture, to develop a long range plan for the reclamation of taconite mining lands. The match is modified so that the money may be released in increments of \$50,000, as each \$50,000 is matched by nonstate sources. The bill was laid over.

### K-12 omnibus draft okayed

Members of the Education Finance Committee, chaired by Sen. Keith Langseth (DFL-Glyndon), met Fri., Mar. 17 to go over the K-12 omnibus supplemental appropriations proposal.

Sen. Lawrence Pogemiller (DFL-Mpls.) outlined the major provisions of the K-12 proposal which has a total

# Committee update

appropriation of \$244.2 million. The draft contains an additional one percent set-aside of the general education revenue for staff development, helps districts with declining pupils by counting 77 percent of current year pupils and 23 percent of previous year pupils, holding districts harmless for FY 2001, and provides additional revenue for districts that experienced a large drop in training and experience revenue. The proposal adds \$5 per pupil to districts' operating capital revenue for telecommunications access costs. The draft funds the changes out of a \$76.83 million appropriation for general education programs. The appropriation also includes \$1.54 million for sparsity correction revenue, \$4 million for marginal cost impact aid and \$9.28 million for metro equity aid. Sen. Claire Robling (R-Prior Lake) said the change in sparsity revenue hurts districts that are growing. Pogemiller said that one change needs to be kept in perspective. He said overall, the proposal provides more funds for all districts.

Under the proposal, a district's per pupil secondary vocational revenue received in FY 2000 is reserved permanently, but a school board is allowed to vote not to set aside the revenue. The proposal creates a formula that reimburses districts for up to 80 percent of the telecommunication access costs beyond what is covered by the \$5 per pupil and federal E-rate revenue. The draft contains a \$26.23 million appropriation for telecommunications access costs. The draft also provides \$2.5 million for regional library telecommunications aid. The proposal establishes a one-time aid payment to districts to pay for deferred maintenance projects with a \$26.7 million appropriation. The new revenue is \$11.50 per pupil to districts plus an additional \$25 per pupil to districts that do not qualify for alternative bonding.

The proposal also appropriates \$48.36 million for special education cross subsidy revenue. Districts receive \$15 multiplied by the district's adjusted marginal cost pupil units for FY 2000 which increases to \$35 in FY 2001. In FY 2002 and later, the draft increases the special education base revenue.

Maximum efforts loans funded by the proposal include \$11.16 million for Red Lake, \$7.5 million for Cass Lake, \$14.13

million for Caledonia, \$7.2 million for LaPorte and \$4 million for Ulen-Hitterdahl School District. Also contained in the proposal are grants of \$3 million for Grand Meadow and \$4.1 million for Pine Point School District.

The proposal allows for charter school building lease aid to be determined, for FY 2000 and 2001 only, under the current formula for leases entered into before March 15, 2000. A further requirement is that CFL work with charter school operators and other interested parties to create recommendations for criteria for charter school building lease aid and report the findings to the Legislature by Jan. 15, 2001.

The committee first incorporated S.F. 3800, the family and early childhood education supplemental appropriations bill into S.F. 3801, the higher education supplemental appropriations bill. The committee then approved the language of the draft and incorporated it into S.F. 3801, the education supplemental appropriations bill. The bill was referred to the Committee on Taxes.

## Capital budget approved

Members of the Education Finance Committee, chaired by Sen. Keith Langseth (DFL-Glyndon), met Tues., Mar. 21, and approved an education capital budget package totaling \$360.839 million, with \$230 million in bonding and \$68 million from the general fund.

Also, during the meeting, Sen. Roger D. Moe (DFL-Erskine) said overall Senate bonding targets had been determined. The Senate target is \$658 million - \$550 million in bonding and \$108 million in general fund appropriations, Moe said. "The emphasis is on education, environment and natural resources," he said.

The education measure includes a total of \$122.700 million for the University of Minnesota. The measure appropriates \$16 million for systemwide Higher Education Asset Preservation and Reconstruction (HEAPR) projects, \$35 million for the East Bank Molecular and Cellular Biology Building, \$21 million for design of the West Bank Art Building, \$10 million for the Microbial and Plant Genomics Building for the St. Paul Campus and \$8.2 million for phase 2 of renovation of the U of M-Morris

Science and Math Building. The measure provides \$10.9 million for replacement and renovation of plant growth facilities at the St. Paul Campus, \$6.1 million for a U of M-Duluth Music Performance Laboratory, \$4 million for facilities improvements at Research and Outreach Centers, \$6.5 million for U of M-Crookston Keihle Building renovation and addition, \$2 million for the U of M-Duluth Bulldog Sports Center and \$3 million for a West Bank law building addition.

The measure includes a total of \$174.247 million for the Minnesota State Colleges and Universities (MnSCU) system. The measure appropriates \$49.048 million for MnSCU systemwide HEAPR projects, \$6.1 million for boiler replacement at Winona State University, \$12 million for the science building at Normandale Community College, \$11.161 million for North Hennepin Community College general education building renovation and \$1.939 for wing remodeling at St. Cloud Technical College. The bill provides \$11.7 million for an information technology center at Minneapolis Community and Technical College, \$16 million for library construction at Metro State University in St. Paul, \$500,000 for classroom building at Alexandria Technical College and \$4.696 million for systemwide small projects.

The bill appropriates \$1.258 million for construction and renovation at Northwest Technical College in Moorhead, \$5 million for phase 2 of a learning center at Northland Community and Technical College, \$8 million for land acquisition and relocation of Northwest Technical College and Bemidji State University, \$4.1 million for parking area expansion at Moorhead State University, \$6.907 million for student athletic facility renovation at Mankato State University and \$1 million for systemwide land acquisitions. The bill provides \$1.6 million for design of a science building at Winona State University, \$1.6 million for design and remodeling of the science building at Moorhead State University, \$300,000 for the Riverview renovation and design at St. Cloud State University, \$4.5 million for construction of classrooms, labs and offices at Fond du Lac, \$800,000 for library renovation design



at Southwest State University, \$1.4 million for campus design at Metro State University in Minneapolis, \$1 million for site development at Rochester Community and Technical College, \$4 million for a technology/engineering center at Itasca Community College, \$1.638 million for Hennepin Technical College renovation, \$14.7 million for roof and HVAC repairs at Anoka-Hennepin Technical College, \$1.3 million for greenhouse construction at the University Center in Rochester and \$2 million for construction of an American Indian Center at Bemidji State University.

The bill includes \$1.449 million for the Perpich Arts Center. The measure appropriates \$296,000 for Delta dormitory upgrades, \$918,000 for asset preservation, \$123,000 for the repair and maintenance building, \$31,000 for air conditioning improvement at the East Building and \$81,000 for air conditioning improvements at the Gaia Building.

The bill appropriates \$56.127 million for CFL. The bill includes cancellations totaling \$5.894 million for two earlier bonds for Southwest Metro Magnet projects and appropriates \$17.7 million for East Metro Magnet projects, \$500,000 for West Metro Magnet projects, \$3 million for Southwest Metro Magnet planning, \$5.2 million for Achievement Plus program at ISD 625 in East St. Paul and \$1.350 million for statewide expansion of the Library for the Blind. The bill provides \$1.760 million, or 20 percent of the total, for a Minnesota Planetarium at the Minneapolis Library, \$2.511 million for multicultural development grants, \$10 million for library facility grants, \$1.5 million for library accessibility grants, \$5 million for early childhood learning facility grants, \$10 million for youth enrichment grants, \$1 million for school accessibility grants and \$2.5 million for school safety capital improvement grants.

The bill also provides \$3.816 million for the Faribault academies for the deaf. The bill appropriates \$1.750 million for asset preservation and \$2.066 million for phase 1 of the West Wing Noyes Hall project. Finally, the bill also includes \$2.5 million in energy investment loans.

The committee also adopted an

amendment, offered by Sen. Leo Foley (DFL-Coon Rapids), relating to the renovation, rather than closing of Anoka Technical College. The amendment calls on the college to complete an evaluation of programs, placement and space needs by June 30, 2000, and submit copies of the report to the chairs of the Senate and House higher education funding divisions as soon as possible after that.

## Health and Family Security Budget Division

### Modifications to MERC

The Health and Family Security Budget Division, chaired by Sen. Don Samuelson, met Fri., Mar. 17, to hear a bill authored by Sen. Sheila Kiscaden. The bill, S.F. 2847, makes minor changes to the Medical Education (MERC) trust fund by expanding the definition of accredited critical training to include clinical training programs that are accredited by an organization jointly approved by the Department of Health and the medical education and research advisory committee. The bill also extends the annual deadline for MERC grant funds from September 30 to October 31. Kiscaden said that the bill has no fiscal implications.

Members sent the bill to the Senate floor with a recommendation to pass.

## Human Resources Finance

### Omnibus bill completed

The Human Resources Finance Committee met Thurs., Mar. 16, to discuss the integration of various omnibus bills into the health and family security omnibus bill, S.F. 3798, carried by Sen. Don Samuelson (DFL-Brainerd). The governmental operations omnibus bill, S.F. 3784, sponsored by Sen. Leonard Price (DFL-Woodbury), the crime prevention and judiciary omnibus bill, S.F. 3792, sponsored by Sen. Randy Kelly (DFL-St. Paul), and the economic development omnibus bill, S.F. 3799, carried by Sen. Jerry Janeczich (DFL-Chisholm), were all amended, as amended in the committee, onto Samuelson's bill.

Members discussed the governmental operations omnibus bill before incorporating it into the health and family

security omnibus bill. Price explained that under the bill, \$18.08 million from the general fund, and \$5.5 million from a special revenue fund are appropriated to various entities. An appropriation of \$38,000 for legal costs related to a constitutionality challenge is made to the Campaign Finance and Disclosure Board, a data practices study will receive \$60,000, \$90,000 is appropriated to the Gambling Control Board for workers' compensation claims, the Metro Radio Board is appropriated \$249,000 for a deficiency, regional planning grants will receive \$450,000, the Dept. of Administration is appropriated \$1.3 million for a rent deficiency, and the secretary of state will receive \$4.4 million to cover administrative costs associated with enacting Article 9 of the Uniform Commercial Code.

Price told the panel that \$65 million in surplus funds from the Minnesota Comprehensive Health Plan (MCHA) assigned risk plan are transferred to an endowment account, and \$15 million is appropriated to the general fund for payments to MCHA.

The \$13.416 million crime prevention and judiciary omnibus bill was considered for incorporation into S.F. 3798. Members discussed several amendments offered by Kelly, including an amendment making four one time appropriations. In the amendment, \$2 million is appropriated to the local adult detention and criminal justice system facility grants, \$455,000 for predesign changes to accommodate an 800 bed expansion at MCF-Faribault, \$500,000 for predesign of a joint headquarters building for the Department of Corrections (DOC) and the Department of Public Safety, and \$45,000 for predesign of a vocational building at MCF-St. Cloud. Members adopted the amendment.

Members also adopted other Kelly amendments. Kelly offered an amendment transferring the cost of expert witnesses from the county to the state and an amendment establishing a joint domestic abuse prosecution unit administered by the Ramsey County Attorney's Office and the St. Paul City Attorney's Office. Kelly said the prosecution unit will recognize children as both victims and witnesses in domestic abuse situations and respect their interests in the prosecution of domestic abuse.

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Sen. Sheila Kiscaden (R-Rochester) offered an amendment appropriating \$4,000 to the Supreme Court for a one-half day judicial seminar on parenting plans. Sen. Becky Lourey (DFL-Kerrick) offered an amendment for a one-time \$79,000 appropriation to cover extraordinary prosecution costs in Carlton County. The panel adopted both amendments.

Members then adopted an amendment deleting a \$50,000 grant to Kids Voting Minnesota from S.F. 3799, the \$80.937 million economic development omnibus bill. The funds were transferred to grants for community rehabilitation projects. Members also deleted telephone solicitation "no call" list provisions from the bill, sponsored by Sen. Jerry Janezich (DFL-Chisholm).

An amendment, offered by Jane Ranum (DFL-Mpls.), authorizes a \$30,000 grant to both the city of Minneapolis for a local provider of services to high-risk populations and the community action organization Tri-County Action Programs, Inc. Samuelson offered an amendment stating that grants for the nursing home facility conversion loan program must not increase Medical Assistance or nursing home assistance supplements. All three amendments were adopted by the panel.

The committee then discussed the \$30 million health and family security omnibus bill and added a number of amendments. Samuelson offered an amendment, adopted by the committee, establishing a Dakota County pilot project to encourage rapid entrance into the workforce and improve employability for Minnesota Family Investments Program (MFIP) eligible families with no additional program costs for the MFIP program.

An amendment, authorizing the Department of Human Services (DHS) to audit and authorize changes in nursing homes to protect them from federal regulation on institutions for mental disease, was also offered by Samuelson. The panel approved the amendment and two additional amendments offered by Samuelson.

The first amendment earmarks a \$120,000 appropriation to DeafBlind Services Minnesota for hiring an orientation, mobility, and deaf-blind specialist. The second amendment

transfers \$15 million in Temporary Assistance to Needy Families (TANF) federal maintenance of effort funds over the next biennium to Habitat for Humanity and \$39.5 million for the Minnesota Family Investment Program (MFIP).

The committee then heard amendments offered by Sens. Dan Stevens (R-Mora), Kiscaden, and the committee chair, Sen. Linda Berglin (DFL-Mpls.). An amendment offered by Stevens requiring minor caregivers applying for MFIP programs to participate in 20 hours of orientation that includes individual counseling and information on adoption, child support, and parenting was withdrawn after considerable panel discussion.

However, two other amendments offered by Stevens were incorporated into the bill. The first amendment deletes a section establishing a grant program to prevent or reduce the incidence of out of wedlock pregnancies among homeless, runaway, or abandoned youth. The second amendment deletes a section authorizing DHS to establish a supportive housing and managed care pilot project to reduce public expenditures on homeless families with minor children, increase the employment rates of such persons, and provide a successful alternative to providing services to this population.

Three amendments offered by Berglin were then adopted by the panel. The first amendment eliminates the four months one must be uninsured before receiving MinnesotaCare for individuals who lost their jobs due to the closing of a nursing home. Berglin's second amendment establishes an employer-subsidized health insurance program for families with uninsured children between ages 2 and 18, whose gross income is between 150 and 200 percent of the federal poverty guidelines. The third amendment appropriates \$746,000 to the employer-subsidized health insurance program for administrative costs.

Kiscaden offered an amendment reinstating the 55 years or older age requirement for designated service areas to congregate housing sites and surrounding neighborhoods that have a concentration of persons age 60 or older. The panel adopted the amendment.

## Bonding requests heard

Capital improvement bonding requests were heard by the Human Resources Finance Committee on Mon., Mar. 20. Representatives from the Dept. of Public Safety (DPS), the Dept. of Human Services (DHS), the Dept. of Administration, regional jails, and the Gillette Children's Hospital testified before the committee, chaired by Sen. Linda Berglin (DFL-Mpls.).

James Haddican, of the Gillette Children's Hospital, explained the benefits of the institution to the panel. With 500 employees and thousands of patients, the hospital serves children from all 67 Minnesota Senate districts and 658 cities in the United States, Haddican said. He added that the amount of service the hospital provides has caused it to outgrow the current location, and that he is asking the state for \$15 million dollars of a \$25.154 million renovation project. Pending projects include remodeling an assistive technology department into a third inpatient unit to accommodate increasing patient volumes, increasing the number of surgical units from 3 to 5, and elevator renovations to meet code compliance, Haddican said. Haddican told members that 40 percent of the hospital's patients use Medicare, which does not provide generous reimbursements, necessitating outside funding for the projects.

Testifying for regional jail grants was Gary Waller, of Gary Waller & Associates, Inc. In the proposal, 32 counties in Minnesota are participating in regional jails, an investment in the state criminal justice program that encourages collaboration between counties, Waller told the committee. He said that citizens told the Legislature crime should have consequences, and as a result of new laws, local jails are full. Regional jails allow communities to share incarceration costs, he said. Whereas the original request was about \$50 million, the current Senate appropriation is at \$5 million.

Amy Caucett, of Olmstead County, testified on behalf of proposed public safety training facilities. DPS plans to work with the Bureau of Criminal Apprehension (BCA) to provide a firing range in its facilities, because the proposed BCA building had the firing

range removed from its design, she said. Caucett also said that DPS plans to build fire and emergency response training facilities for rural communities to use. Caucett told members that there will be matching local funds in response to state funds.

DHS representative Alan Van Buskirk came before the committee to testify on roof replacement and asset preservation of DHS facilities. In 2001, the six year roof replacement plan calls for \$1.795 million to replace 15 roofs and the asset preservation plan calls for \$3.618 million for various projects, Van Buskirk said. Requests in the roof plan include \$590,000 for the security hospital at the St. Peter Regional Treatment Center, \$390,000 for the electrical shop at the Fergus Falls Regional Treatment Center, and \$200,000 for a residential building at the Brainerd Regional Human Services Center, he said. Preservation projects include replacing asbestos pipe insulation, repairing water damage, and updating electrical systems. "The bottom line is that we have a lot of old buildings and if we want to avoid the cost of building new ones, we have to be careful," Berglin said.

David Johnson, representing Dept. of Health, presented the \$4.3 million request for renovation of the department's facility. A deficient heating system is causing condensation damage to the structure and an antiquated electrical system cannot support the demands of current computer equipment, Johnson said. He stated that the buildings proximity to the University of Minnesota allows the department to work with medical faculty and graduate students on the health concerns of Minnesota.

### **Bonding bill okayed**

The Human Resources Finance Committee met Weds., Mar. 22, to discuss the \$120 million bonding bill before sending the measure to the Senate floor. Appropriations in the bill include \$58 million for a Bureau of Criminal Apprehension (BCA) crime lab, \$7 million for preservation of the Hastings Veterans Home, \$8 million for an addition to the Gillette Children's Hospital, and \$2.8 million for a cold weather testing facility in International Falls.

Requests that were not funded include \$22 million for a new Department of Human Services facility, \$2.5 million for room renovations in the Dawson's Nursing Home, and \$4.3 million for electrical, heating, and air conditioning renovations for building used by the Department of Health.

An amendment, offered by Sen. Roy Terwilliger (R-Edina), requires a cost effectiveness study to be completed for any bonding project over \$5 million. The study will take place after the Legislature approves funding. The amendment was adopted.

Sen. Becky Lourey (DFL-Kerrick) told members that representatives of the Mash-Ka-Wisen Treatment Center can proceed with the construction of a wing for youth alcohol treatment with a \$600,000 appropriation. The project, which originally requested \$1.3 million, received no funding in the bill. Lourey told members that the facility would use private funds and scale back the project size to make up the difference.

Sen. Jerry Janezich (DFL-Chisholm) offered an amendment providing \$300,000 from an appropriation to the Iron Range Resources and Rehabilitation Board for a host technology center for the treatment center. Members adopted the amendment and sent the bill, as amended, to the Senate floor.

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

### **Bonding bill approved**

Members of the K-12 Budget Division, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), met Tues., Mar. 21, and approved a capital bonding bill totaling nearly \$59 million, compared with total requests of \$96.974 million.

The measure recommends \$14.271 million for community projects. The bill appropriates \$10 million for youth enrichment grants, \$1.760 million for planning for the Minnesota Planetarium at the Minneapolis Library and \$2.511 million for multicultural development grants at facilities in Pelican Rapids, St. James and Minneapolis.

The measure recommends \$12.850 million for statewide library projects. The bill provides \$1.350 million for Library for the Blind expansion, \$1.5 million for library access grants and \$10

million for library facility grants.

The bill also includes a number of individual school projects. Two projects, totaling \$5.894 million in the 1998 and '99 bills, at Southwest Metro Magnet School in Edina, were canceled, while \$17.7 million is appropriated for East Metropolitan Magnet School and \$500,000 is appropriated for the West Metropolitan Magnet School in Robbinsdale. The measure provides \$1.750 million for asset preservation at the Minnesota State Academy (MSA) for the Blind and Deaf and \$2.066 million for phase 1 of the MSA Noyes Hall west wing project. The measure appropriates \$296,000 for dormitory upgrades at the Perpich Center for Arts Education (PCAE), \$918,000 for asset preservation at PCAE, \$31,000 for air conditioning improvements at PCAE's east building, \$81,000 for air conditioning improvements at PCAE's Gaia building and \$123,000 for the repair and maintenance building at PCAE. The bill provides \$5.2 million for the Achievement Plus program at the East Side Community School in St. Paul, \$3 million for planning for the Southwest Metropolitan Magnet School, \$2.5 million for energy loans, \$1 million for school access grants and \$2.5 million for school safety capital improvement grants.

Pogemiller suggested to Sen. Keith Langseth (DFL-Glyndon), who chairs the Education Finance Committee, that if cuts need to be made, they should be made from the bottom of the list of recommendations. Langseth said the bill will likely conform to targets as it is. "Our bill will probably contain all these recommendations," he said.

The \$58.892 million measure was approved and referred to the Education Finance Committee.

### **Two bonding bills heard**

Members of the State Government Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Thurs., Mar. 16, and heard two bonding bills. The first was the governmental operations bill presented by Sen. Leonard Price (DFL-Woodbury). The second was the environment and agriculture bill presented by Sen. Jane Krentz (DFL-May Township).

Cohen noted that both bills total approximately \$383 million, compared



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with the administration's total recommendation of \$400 million.

The government operations bonding bill totals \$90.674 million, with \$23.374 coming from the general fund and \$66.157 million coming from bond funds, Price said.

The measure appropriates \$38.456 million for administration, with \$2.5 million designated for the fourth phase of electrical utility infrastructure improvements, \$1 million for Capitol Security renovations, \$4.2 million for asset preservation and \$1 million for predesign and schematic design for the planned co-location of the Departments of Health and Human Services and Agriculture. The measure appropriates \$10 million for capital asset preservation and replacement (CAPRA), \$7 million for property acquisition, \$350,000 for replacement of the chiller unit in the Duluth Government Services Building, \$11.5 million for the digital conversion of public television - a project that's expected to cost the state a total of \$20.8 million, and \$400,000 for Capitol predesigns of new office and parking facilities. The measure also appropriates \$545,000 to design an exterior lighting system at the Capitol.

The measure provides \$10.3 million to the amateur sports commission, with \$2 million for Mighty Ducks ice arena grants, \$8 million for Mighty Kicks soccer field development grants and \$300,000 for predesign of a national sports conference center in Blaine.

The bill designates \$38.390 million for the arts. Under the measure, \$550,000 is appropriated for restoration of Austin's Paramount Theater, \$1 million is appropriated for land acquisition for the Root River Center for the Arts in Lanesboro and \$100,000 is appropriated for a grant for improvements at the Carnegie Cultural Center in Luverne. The measure provides \$25 million for a grant to Minneapolis for design and construction of a new Guthrie Theater, \$8 million for a grant to Minneapolis to renovate and construct the Minnesota Schubert Arts and Education Center, \$1.24 million for a grant to St. Paul for new permanent exhibits for the Childrens Museum Rooftop Perspectives, \$500,000 for a grant to St. Paul for design and redevelopment of the RiverCentre's Roy Wilkins Auditorium, \$500,000 for a

grant to rebuild and replace the University of Minnesota Showboat, and \$1.5 million for a grant to Woodbury to construct a Woodbury Center for the Arts.

The bill appropriates \$2.890 million for military affairs, with \$1.265 million designated for kitchen renovations at National Guard training and community centers in 10 Minnesota communities, \$1.5 million for statewide asset preservation improvements at military affairs facilities and \$125,000 for improvements at the military history museum at Camp Ripley. The bill also appropriates \$25,000 for a grant to Women in Military Service for America Memorial Foundation for a women's memorial at Arlington National Cemetery.

The bill also cancels three earlier bond appropriations. A support services facility near the corner of Mississippi St. and University Ave in St. Paul, estimated to be \$383,000, is canceled to the state bond fund. An armory facility and ramp near the corner of Rice St. and University Ave. in St. Paul, estimated to be \$197,000, is canceled to the general fund. Demolishing the Capitol Square Building and restructuring the site as a temporary parking lot in St. Paul, estimated to be \$560,000, is canceled to the general fund.

Sen. Sam Solon (DFL-Duluth) argued that the bill should also include a \$3.9 million request for a grant to Duluth for improvements at Spirit Mountain Recreation Area because of the need for new snow-making equipment. The mayor of Duluth testified that while the area is a big tourist attraction, it doesn't make much money on its own. Solon said he planned to offer an amendment requesting \$2 million from the state to be matched locally by \$5 million from Duluth.

The environment and agriculture bonding bill appropriates \$291.415 million, with \$255.415 coming from bond funds and \$16 million coming from the general fund.

The bill appropriates \$24 million to the Minnesota Department of Agriculture (MDA), with \$20 million designated for the Rural Finance Authority (RFA) for loans for the beginning farmer program, \$3 million designated for agricultural best management practices (BMP) loans with regard to feedlots and \$1 million for an

agroforestry revolving loan fund. A request for a new \$2.5 million laboratory building for the MDA was not recommended for funding.

The bill appropriates \$105.672 million for the Department of Natural Resources (DNR) for a number of projects and programs. The measure provides \$2 million for statewide asset preservation projects, \$5.048 million for office development facilities at Fergus Falls, \$1.497 million for field office renovations and improvements, \$3 million for Americans with Disabilities Act (ADA) compliance, \$2 million for state park and recreation buildings rehabilitation, \$500,000 for state park and recreation development at Lac Qui Parle State Park and \$1.7 million for dam repair, reconstruction and removal. The bill provides \$1.5 million for state park and recreation betterment and rehabilitation, \$13.3 million for flood mitigation projects, \$400,000 for ring dikes on privately owned lands, \$610,000 for the Lewis and Clark Rural Water System in Southwestern Minnesota, \$500,000 for condemnation of trust fund lands, \$1.3 million for state forest roads and bridges, \$500,000 for fisheries acquisition, \$1 million for Reinvest in Minnesota (RIM) fisheries improvements, \$2 million for scientific and natural area acquisition and improvement, \$2 million for prairie bank easements, \$2 million for stream protection and restoration, \$2 million for RIM critical habitat match and \$10 million for acquisition or betterment of Metro greenways and natural areas. Further, the bill designates \$2 million for RIM wildlife development and habitat improvements, \$1 million for state forest land acquisition, \$1.8 million state park and recreation acquisition, \$2.4 million for a Red River State Recreation Area, \$3 million for the "Big Bog" State Recreation Area in Beltrami County, \$500,000 for state forest recreation facility rehabilitation, \$1.4 million for development and acquisition of the Paul Bunyan Trail, \$1.6 million for the Gitchi-Gami Trail, \$800,000 for a Blazing Star Trail bridge and \$517,000 for the Shooting Star Trail. The bill also appropriates \$4 million for a safe harbor at Lake Superior, \$2.1 million for a marina at Two Harbors, \$11.2 million for Metro Parks capital improvements, \$4 million for

Metro Area regional trails, \$1 million for state trail connection grants, \$2 million for regional trail grants, \$7 million for a Mississippi River Whitewater Trail and \$6.5 million for public access at Lake Minnetonka.

The bill provides \$1 million to the Minnesota Pollution Control Agency (MPCA) for independent sewage treatment system grants and \$3 million to the Office of Environmental Assistance (OEA) for capital assistance programs (CAP). The bill provides \$54.893 million to the Public Facilities Authority (PFA), with \$12.893 designated for the wastewater and drinking water (WW/DW) revolving fund, \$40 million designated for the wastewater infrastructure fund (WIF) and \$2 million for the clean water partnership. The bill provides \$67.9 million to the Board of Water and Soil Resources (BWSR), with \$45 million designated for the Conservation Reserve Enhancement Program (CREP), \$5.5 million for RIM reserve easements, \$2.3 million for local government roads wetland banking, \$3 million for feedlot cost-share grants, \$1.5 million for Lazarus Creek and \$3 million for a shoreland conservation pilot program.

The bill provides \$5.1 million for the Minnesota Zoo and \$29.850 million for seven local grant projects, including \$21 million for the Como Park Zoo and Conservatory.

Sen. Donald Ziegler (R-Blue Earth) argued that the bill should also include a \$470,000 request for capital improvements at FarmAmerica at Waseca, one of seven local grant projects not recommended for funding. Likewise, Sen. Gary Laidig (R-Stillwater) argued that projects, such as FarmAmerica, which the Legislature has funded in the past should not be ignored. Krentz agreed that the FarmAmerica project is worthwhile, but said other projects were simply given higher priority in the division's considerations.

Cohen noted that if the administration's \$400 million recommendation is maintained along with both the government operations and environment and agriculture bonding bills, there is little left over for any other division. However, Krentz defended every project included in the recommendation as justifiable, with the \$45 million CREP program and the \$40

million WIF program, which account for nearly one-third of the division's recommendation, as being particularly crucial.

Cohen said the committee didn't have its target yet, but that it's likely to fall somewhere between the administration's recommendation and, perhaps, a \$1.1 billion figure arrived at partly by using a traditional 3 percent debt service figure.

Sen. Steve Dille (R-Dassel) suggested a \$500 or \$550 million bonding bill might be prudent. Sen. Dean Johnson (DFL-Willmar) said the time was right, in view of the hot economy, for the Senate to "do what's right" and pass a more generous measure.

## State Government Finance

### Bonding proposal heard

On Weds., Mar. 22, members of the State Government Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), took up the governmental operations and the environment and agriculture bonding bills.

Cohen presented the combined bonding proposal. He said the total appropriation is \$260 million of which \$200 is bonds, \$40 million general fund and \$20 million user-financed. The overall geographic breakdown is 26.61 percent metro, 56.84 percent non-metro and 16.55 percent statewide according to the draft. Cohen said the division bills have total appropriations of \$381 million while the governor's budget is \$158 million. Compared to the division bills, some of the reductions in the combined proposal include no funding for Metro Regional Trails, Mississippi Whitewater Trail, Shooting Star Trail and state forest roads and bridges. Under the draft, funding for metro greenways & natural areas goes from \$10 to \$5 million, Como Zoo Park from \$21 to \$16 million, Wastewater Infrastructure Fund from \$40 to \$32.6 million, Conservation Reserve Enhancement Program (CREP) from \$52.6 to \$22 million, Guthrie Theater from \$25 to \$13 million and Shubert Theater from \$8 to \$4 million. Sen. James Metzen (DFL-South St. Paul) was critical of the loss of funding for metro trails. He said the longer the project is delayed the more it will end up costing. Sen. Steve Dille (R-Dassel) said he was disappointed by the reduction in

funding for the CREP program. Sen. Dennis Frederickson (R-New Ulm) said federal dollars will be lost.

Frederickson's original bill, S.F. 2389, calls for a \$60 million appropriation.

Several amendments offered by members were adopted including an amendment put forth by Cohen that the decision of the commissioner on when to sell bonds must be based on the funding needs of the capital projects, the timing of the bond issue to achieve the most favorable interest rates, managing cash flow requirements for debt service and other factors the state's bond counsel recommends be considered. Cohen also suggested changing language in the draft for projects with a requirement that additional funding to complete a project must be committed in order to release the state portion. Cohen said the funding should be released when an equal amount has been committed from non-state sources for projects with this requirement. He said the change is important for projects when the state doesn't fully fund the amount requested. Sen. Dean Johnson (DFL-Willmar) offered an amendment that increases the total allowable bond indebtedness of the State Armory Building Commission from \$7 to \$15 million. A new provision allows the commission to provide partnerships with federal and state governments and to match federal and local funds, when available. An amendment put forth by Sen. Steve Dille (R-Dassel), sets aside \$400,000 for the Innovation Technology Grants Program to provide 50 percent reimbursement for the cost of equipment and installation into an existing municipal wastewater treatment system. The funds will come out of the \$32.6 appropriation for the Wastewater Infrastructure Fund. Sen. Jane Krentz (DFL-May Township) offered an amendment to add a requirement for borrowers under the Agroforestry Loan Program. Borrowers must agree not to plant short-rotation woody crops within one-quarter mile of a state or federally protected prairie. An amendment, offered by Sen. Deanna Wiener (DFL-Eagan), deletes a condition that a borrower must be a member of a producer-owned cooperative that will contract to market the short-rotation woody crop to be planted by the borrower. Dille countered with an

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amendment requiring that at least 80 percent of the appropriation for the program is for members of producer-owned cooperatives that will contract to market the agroforestry crop. The committee adopted the 80 percent requirement. After failing as part of an earlier amendment, the committee also adopted an amendment by Sen. Gary Laidig (R-Stillwater) to add a new appropriation of \$250,000 for renovation of the Giants Ridge Nordic Center. The State Government Finance bonding proposal was approved and sent to the full Senate.

## Committee on Taxes

### Tax articles heard

The Subcommittee on Income and Sales Tax, chaired by Sen. Steve Murphy (DFL-Red Wing), met Fri., Mar. 17, to discuss six income and sales tax proposals. Sponsored by Sen. William Belanger (R-Bloomington), S.F. 3380 provides a sales tax rebate and reduces individual income tax rates. An author's amendment was adopted to allow individuals who file state income tax returns within six months of the due date, to pay at least 90 percent of the amount of tax due. In such cases, the individual is presumed to have reasonable cause for the late payment and no penalty is added. Under the bill, the personal income tax exemption was increased by \$360. The measure was laid over.

Sen. Stephen Novak (DFL-New Brighton) offered an amendment that conforms state law with federal law in regard to the importation of "gray market" cigarettes. Novak said that cigarettes are being imported from Switzerland and are being sold at a lower cost than other cigarettes currently for sale in Minnesota since the tobacco settlement. Murphy said that he is disturbed to learn that Minnesotans are actually paying for the cost of the tobacco settlement in the form of increased prices on cigarettes, which makes the identical imported product desirable from the consumer's point of view. Novak said the amendment requires the commissioner to design and furnish stamps that are applied to cigarette packages to identify the distributor. The amendment also makes it unlawful to import, sell, distribute,

acquire, possess or transport cigarettes that are not subject to law regarding payments into the cigarette fund. The amendment was adopted and the article was recommended to pass and re-referred to the Committee on Taxes for inclusion in the omnibus bill.

S.F. 2626 was carried by Sen. Thomas Neuville (R-Northfield). The bill provides a subtraction from federal taxable income equal to \$2,200 for each of the taxpayer's personal and dependent exemptions as allowed on the taxpayer's income tax return. The \$2,200 amount is adjusted for inflation beginning with tax year 2001. The bill was laid over.

Sen. Becky Lourey (DFL-Kerrick) sponsored S.F. 3447, a bill that provides a tax credit for convenience stores required to install security cameras and other security measures. Under provisions in the bill, convenience store owners can claim a credit against the corporate franchise tax or individual income tax equal to 50 percent of expenses related to meeting standards for security cameras. The maximum credit is \$5,000 per convenience store. An amendment was adopted that changes the compliance deadline from Jan. 1, 2001 to Jan. 1, 2002. The bill was recommended to pass as amended and re-referred to the Committee on Taxes.

S.F. 2315 was sponsored by Sen. John Hottinger (DFL-Mankato). The measure modifies the job training credit and allows the tax credit against the individual income tax in addition to the corporate franchise tax. Under current law, a refundable credit is allowed against the corporate franchise tax for placement fees and retention fees paid to a qualifying job training program upon hiring a qualified graduate of the program and for retaining the person. The credit is set to expire for taxable years beginning after Dec. 31, 2001. The maximum annual credit for retention fees is increased from \$6,000 to \$12,000 and is allowed for retention fees paid more than one year after hiring, with no limit on the number of years. The bill also modifies requirements for the program, for the level of wages paid and for reporting on the program. The bill was recommended to pass and re-referred to the Committee on Taxes.

Novak carried S.F. 3689, a bill that exempts sales of diesel fuel used to operate commuter rail systems from sales tax charges. The bill was recommended to pass and re-referred to the Committee on Taxes.

Sen. Linda Berglin (DFL-Mpls.) presented information related to S.F. 2545, a bill that requires third-party purchasers to withhold the MinnesotaCare tax from payment to hospitals, surgical centers and health care providers. Dennis Erno, representing the Department of Revenue, said that the first \$5,000 in revenues for each provider would be exempt from the tax. The tax base would be changed for hospitals and health care providers to include all payments received from third-party providers and deductibles, copayments, and coinsurance payments. Compared to current law, Medical Assistance, General Assistance Medical Care and MinnesotaCare program payments are among the payments that would be added to the base. Berglin's presentation was intended as informational only—no action was taken.

### Education bill okayed

Members of the Committee on Taxes, chaired by Sen. Douglas Johnson (DFL-Tower), met Mon., Mar. 20, to consider S.F. 3801, the education supplemental appropriations bill.

Sen. Lawrence Pogemiller (DFL-Mpls.) went over the levy provisions contained in the bill. The measure changes the calculation for districts' crime-related costs levies to be based on a district's adjusted marginal cost pupil units instead of a district's population. The measure also doubles the amount a district may levy and broadens the use of the revenue to include all grade levels and to pay for costs for security and student and staff safety. The crime levy totals \$14 million for the current biennium. The bill also includes funding for a severance levy for the Mesabi East School District, a library project levy for the Nashwauk-Keewatin School District, a health and safety levy for the Triton School District, and fund transfers for the Grand Meadow, Chokio-Alberta, Mahtomedi, Browerville, Fergus Falls, Staples-Motley, St. Francis, Norman County East and Parkers Prairie School Districts. A building lease cap increase is



also contained in the bill. The total K-12 education levy amount for the current biennium is \$17 million.

The measure also contains a \$2.4 million appropriation for facilities consolidation impact revenue. Under the measure, school districts that experience an overall increase in district levy as a result of facilities consolidation are eligible for aid equal to the amount of the increased levy for FY 2001.

Pogemiller offered an amendment which authorizes the Chisholm, Greenway-Coleraine, and Lake Superior School Districts to issue bonds. Pogemiller said 20 percent of the bonds are financed with a local levy with the remaining 80 percent coming from taconite funds. "We have done this before. No state money is involved," said Pogemiller. The amendment reduces the appropriation for the post retirement health care study from \$300,000 to \$150,000 and adds a new appropriation of \$100,000 for the Office of Strategic and Long-range Planning to enhance the office's use of geographic information systems for educational demographics and other purposes. The amendment also appropriates \$50,000 for a grant to the United South Central School District for its sobriety high program. Several technical changes are also included in the amendment. The committee adopted the amendment and approved the bill. The bill goes on to the full Senate.

## Friday, March 17

### Numerous bills approved

One highlight of the Fri., Mar. 17, floor session was the discussion generated around Sen. Allan Spear's (DFL-Mpls.) bill pertaining to recovering insurance funds for Holocaust survivors. The bill, S.F. 3423, requires the commissioner of commerce to assist Holocaust victims to settle claims and recover proceeds from applicable insurance policies. Those who lost family during the Holocaust have had significant problems pertaining to insurance claims because of lack of death certificates. Spear said, "There are two to three hundred survivors in Minnesota who, perhaps, are beneficiaries of insurance policies."

Members also discussed Spear's bill S.F. 2858. The bill sets forth procedures for transferring psychopathic personality offenders and predatory sexual offenders to the Department of Corrections for sentence violations while committed to the Dept. of Human Services.

The Senate also granted several bills preliminary passage on General Orders. S.F. 2753, authored by Sen. Steven Novak (DFL- New Brighton), regulates unfair practices by motor vehicle manufacturers, distributors, and factory branches. Sen. Edward Oliver (R-Deephaven) presented S.F. 3145, providing a variation from the general statutory priority for designation of a qualified newspaper for publication of its official proceedings and public notices. Oliver explained that currently there are no community publications for Minnetonka's residents to place legal notices. Sen. John Hottinger (DFL-Mankato) authored S.F.1495, revising article 9 of the Uniform Commercial Code as adopted by the National Conference of Commissioners. Hottinger said the article has not been revised since 1972. Oliver asked if the measure would void another bill. A temporary progress was asked for, and the research provided affirmed that it would not interfere with other bills. The bill was given preliminary passage.

S.F. 3055, authored by Sen. Sheila Kiscaden (R-Rochester), requires the commissioner of health to study the impact of regulating shadow contracting. Sen. Don Betzold (DFL-Fridley) presented S.F. 2634, which provides for notice to certain relatives of patients receiving or hospitalized for psychiatric or mental health care. The bill allows family of patients to be notified of in-care treatment.

In April, card playing will be an acceptable form of gambling at Canterbury Downs. However, the original bill did not state consequences for cheating. Sen. Charles Wiger (DFL-North St. Paul) authored S.F. 2828 to regulate and prohibit certain activities with respect to gambling. Under the bill, cheating is defined as monitoring odds or phony chips. Sen. Thomas Neuville (R-Northfield) proposed an amendment to clarify that social betting at home is not a felony and that the bill only pertains to cheaters in a commercial

setting. The amendment was adopted and the bill was approved.

Sen. Dave Johnson (DFL-Bloomington) authored S.F. 3455. The bill limits the liability of financial institutions that provide information in good faith on stolen, forged, or fraudulent checks in the course of an investigation. The bill also makes it a crime to falsely report stolen checks to a financial institution or to possess, sell, receive, or transfer stolen or counterfeit checks. S.F. 3108, authored by Sen. Arlene Lesewski (R-Marshall), regulates telephone access of persons restrained in local and state correctional facilities.

S.F. 3272, presented by Sen. Deanna Wiener (DFL- Eagan) modifies requirements for bleacher safety. Kiscaden's bill, S.F. 2865, requires the commissioner of human services to establish and support a comprehensive initiative for homeless youth, youth at risk of homelessness, and runaways to the extent that funding is provided. S.F. 3566, authored by Sen. Leo Foley (DFL-Coon Rapids), creates a new criminal penalty for failure to pay sales tax on motor vehicles collected from a purchaser. Foley added, "There is \$130,000 in sales tax not returned to state." S.F. 2363 presented by Sen. Dallas Sams (DFL-Staples) regulates dental benefit plans. S.F. 3234, authored by Hottinger, authorizes legislative governmental operations committees to formally object to administrative rules. Hottinger said the bill "restores Legislators to the oversight process."

S.F. 2779, sponsored by Sen. Douglas Johnson (DFL-Tower), regulates an electric cooperative's election to be regulated. Sen. Martha Robertson (R-Minnetonka) authored S.F. 2289, a bill that modifies the effective period of state park permits. S.F. 3207, carried by Sen. Don Samuelson (DFL-Brainerd), designates the Brainerd bypass as the C. Elmer Anderson Memorial Highway. Sen. Don Betzold (DFL-Fridley) authored S.F. 2578, a bill that provides for one or two license plates on collector vehicles at the owner's discretion.

S.F. 2709, authored by Sen. Steve Murphy (DFL-Red Wing), designates trunk highway No. 390 and marked as interstate highway I-35, the 34th Infantry (Red Bull) Division Highway. Also sponsored by Murphy was S.F.

# Floor update



**The Senate Chamber as viewed from the Front Desk. Senators are shown meeting during a daily Floor Session.**

Photo by David J. Oakes

2508, which allows collector vehicles to display a blue dot as part of brake light. Murphy also presented S.F. 2978, which allows a nursing facility's employee pension benefit costs to be treated as PERA contributions. Sen. Linda Scheid (DFL-Brooklyn Park) presented S.F. 2944, which modifies mortgage release certificate language to include assignment of rents and profits. S.F. 2890, authored by Sen. James Metzen (DFL-South St. Paul) provides for interest rates on security deposits.

Sen. Linda Higgins (DFL-Mpls.) authored S.F. 2812, a bill that prohibits employers from charging employees or job applicants for background checks and certain types of training. S.F. 2770, presented by Sen. Randy Kelley (DFL-St. Paul) increases maximum fines for

petty misdemeanor and misdemeanor offenses. Betzold carried S.F. 2723, which makes certain appeal periods consistent and changes provisions of the Uniform Probate Code. Wiener authored S.F. 2701, which creates the crime of gambling fraud and provides criminal penalties. S.F. 3701, also by Wiener, adds members to the designer selection board and provides the designation of at least two designers for projects at the University of Minnesota or the state colleges and universities.

## Monday, March 20

### Transportation bill passed

Saying that over the last two decades, the state of Minnesota has not paid attention to its transportation system as

it should have, Sen. Dean Johnson (DFL-Willmar) presented the 2000 supplemental transportation appropriation bill, S.F. 3793, on the Senate floor. "When we're enjoying a surplus of \$1.8 billion, we can afford to spend \$625 million on transportation without raising taxes," he added.

The bill makes a total of \$334 million of capital appropriations in FY 2001 from various funds. From the trunk highway fund, \$74.3 million is appropriated for state road construction; \$10 million for design and engineering; \$1.1 million for sound abatement walls; \$10.35 million for an addition to the St. Cloud Dept. of Transportation (Mn/DOT) headquarters; \$8.8 million for an addition to the Detroit Lakes Mn/DOT headquarters; \$6.7 million for the



Regional Transportation Management Center; \$1.6 million for the Moorhead Truck Station; and \$1.208 million to the Dept. of Public Safety with \$1.1 million for the Arden Hills State Patrol training center and \$108,000 for identification photographic equipment grants. For local roads, the bill appropriates \$47 million from the county state aid fund and \$12.5 million from the municipal state aid fund.

General Fund appropriations included \$12 million for the Rail Service Improvement Program; \$12 million for a transfer to the Trunk Highway Fund for construction of the Wakota Bridge; \$35 million for infrastructural improvements for a new steel mill in Itasca County; \$100,000 to study extending the North Star Corridor Rail Line from Little Falls to Camp Ripley; \$10 million for mitigation grants to communities that will have the new DM&E rail line; \$4 million for port development grants; \$4.5 million for a grant to the Duluth Seaway Port Authority; \$44 million for local bridge replacement and rehabilitation; \$1 million for a transfer to the snowmobile trails and enforcement account to construct snowmobile trails; \$5 million for public transit development in Greater Minnesota; \$145 million for transfer to the highway user tax distribution fund to offset appropriations for state and local highways; \$2.75 million to the Dept. of Trade and Economic Development with \$2 million of that amount for brownfield mitigation at the Maxson-Dale site in St. Paul and \$750,000 for regional tourism centers; and \$30 million to the Metropolitan Council with \$20 million designated for bus garages and \$10 million for bus transit ways.

In addition, the bill authorizes \$100 million in bonding for highway construction for each of the next ten fiscal years.

The bill also contained a number of transportation operations and policy provisions. Those provisions include the creation of a multi-modal fund to pay for any transportation purpose; a one dollar increase in the filing fee for motor vehicle registrations; a proposal for a Constitutional amendment dedicating 15 percent of the sales tax on motor vehicles to highway purposes and 15 percent to transit purposes; authorization for the Metropolitan Council to

issue \$40 million in bonds for transit capital; an appropriation of \$3 million to Mn/DOT from the trunk highway fund for highway maintenance and program delivery personnel; a \$232,000 appropriation for four state troopers to provide additional security at the Capitol and for the governor; a \$3.7 million appropriation to the Metropolitan Council in FY 2001 for transit operations; and numerous provisions that shift previous trunk highway fund appropriations to the general fund.

An amendment, offered by Johnson, reduced the \$100 million per year bonding authority from ten years to two. Johnson said the amendment makes the bill legally better because the current Legislature cannot bind future Legislatures and governors. The amendment was adopted.

An attempt to repeal previous appropriations for a light rail transit (LRT) system came in the form of an amendment offered by Sen. John Marty (DFL-Roseville). Under the amendment, unused appropriations would be used to construct an exclusive bus transit way between downtown Minneapolis and the Mall of America, reduce bus fare to 50 cents for all rides, improve the Metropolitan Transit Operations, provide transit improvements in Greater Minnesota, and develop a personal rapid transit system (PRT). Marty said the other options could have a greater impact on increasing the use of public transit systems.

The amendment was opposed by Sen. Carol Flynn (DFL-Mpls.). She said that only the \$100 million state bonding authorization could be re-appropriated, but the other appropriations were dedicated to LRT use. In addition, she said that bus transit costs \$2.40 per passenger to operate whereas LRT only costs \$1.60 and that PRT system probably works better in a smaller community. The LRT line will spur economic and housing development along its route and it is very responsible in that it passes by major employers, the University of Minnesota, the VA Hospital, the Minneapolis-St. Paul International Airport, and the Mall of America, Flynn said.

Others supported the amendment. Sen. Pat Pariseau (R-Farmington) said it makes transit available quicker to outlying suburban areas. Sen. Claire

Robling (R-Prior Lake) said that with escalating fuel costs, there will be more demand on the transit system, but the LRT is just a small leg. Sen. Gen Olson (R-Minnetrista) said she appreciated the PRT system and that the Twin Cities should be the first to use new technology. However, Flynn said that with a PRT system operating 14 feet overhead, she was concerned about the effect of the system on the urban forest in the Metro Area. The amendment was defeated on a 31-33 roll call vote.

Sen. Mark Ourada (R-Buffalo) initiated a discussion on non-highway uses of the trunk highway fund. He questioned the use of the fund to pay the debt service on the highway construction bonds rather than for ongoing transportation needs. Johnson thanked Ourada for his concern about "leakage" from the fund for non-highway purposes, and said the \$9.6 million savings to the fund resulting from transferring non-highway expenses to the general fund would be used to pay the bond debt service. Johnson added that now is not the time to raise taxes for highway purposes with the \$1.8 billion surplus. Ourada offered an amendment prohibiting non-highway uses of the fund, saying the bill contained appropriations from the fund that do not meet its constitutional purpose. Johnson replied that the bill moves in the direction with that goal, but the state can't afford to transfer the remaining items yet. The amendment was defeated on a 26-36 roll call vote.

Later, Ourada offered an amendment reducing license tab fees by 25 percent and reallocating the distribution of the motor vehicle sales tax in the proposed constitutional amendment. Under Ourada's amendment, 75 percent of the sales tax goes to the highway user tax distribution fund, and 25 percent goes for multi-modal transportation purposes. He argued that the state should spend more money on ongoing transportation needs to foster economic development, and that his amendment provides \$134 million to the multi-modal fund. Flynn opposed the amendment, saying the percentages should be reversed, otherwise transit advocates couldn't support it. The amendment failed on a 26-37 roll call vote.

Marty offered an amendment removing the motor vehicle registration filing



# Floor update

fee increase and the one year eligibility extension for a state program to reimburse driver's license agents for the cost of photographic equipment. He argued that the fees charged by some deputy registrars are too high while others are too low to meet their costs. Marty said the Driver and Vehicle Services Division is looking at the issue and will make recommendations next year, but increasing the filing fee now will interfere with that process. Sen. Leo Foley (DFL-Coon Rapids) also supported the amendment. He said that in 1997 a moratorium was set to only reimburse driver's license agents who were operating before Jan. 1, 1999. However, Johnson opposed the amendment, saying the fee has not increased since 1983 and the consumer price index has increased 59 percent since then. Johnson added that if the public registrars in county courthouses lose money from their operation, the county will have to raise property taxes to make up the difference. Marty removed the registration fee increase from his amendment, but urged adoption of the photographic equipment reimbursement provision. However, the motion failed on a 18-45 roll call vote.

Later, Sen. Deanna Wiener (DFL-Eagan) raised the registration fee issue again with an amendment allowing private registrars to raise their fee to \$4.75 but freezing the fee charged by public registrars at \$3.50. Wiener said it was a more thoughtful way of doing what Marty tried to do. She added that public registrars can raise money in other ways and the state should not be collecting more money with a budget surplus. The amendment was rejected on a 12-52 roll call vote.

An amendment authorizing freeway entrance ramp meters to be turned off during the month of October and a study of the effect was offered by Sen. Dick Day (R-Owatonna). Day said there has never been a study saying the meters work and they have cost \$70 million so far.

Johnson urged defeat of the amendment, arguing that traffic is more than what is seen locally at the ramp, and that movement in the whole Metro Area needs to be considered. He added that he didn't think Day's amendment was good management for the Metro Area. However, the amendment was adopted

on a 36-28 roll call vote.

Day offered another amendment requiring drivers to stay in the right lane unless passing another vehicle and requiring Mn/DOT to post signs with that information every 50 miles on freeways. Day said that Mn/DOT officials said the signs would cost \$40-50,000, but they could fit it into their budget. Robling offered an amendment to Day's amendment providing that the law did not apply to people driving at the maximum speed limit in the left lane. She said that if the driver is going at the maximum speed, no one should be going around them. Otherwise, Robling said, our freeways will turn into a European autobahn. Day eventually withdrew the amendment, saying the provision was moving in a separate bill.

The Senate adopted an amendment, offered by Sen. John Hottinger (DFL-Mankato), making technical changes to the DM&E rail line mitigation grant program after adopting an amendment to the amendment, offered by Sen. Kenric Scheevel (R-Preston), adding the commissioner of the Pollution Control Agency to a multi-agency work group authorized in the measure.

One final amendment, offered by Sen. Jane Ranum (DFL-Mpls.), removes the automatic annual increases in the Metropolitan Council's bonding authority for transit purposes. Ranum argued that the Metro Area pays a disproportionate amount of property taxes on transit. Sen. Sandra Pappas (DFL-St. Paul) opposed the amendment, saying that the Council needs a stable funding source to pay for bus replacement costs. She added that bonding authority results in only \$1 of property taxes on a \$100,000 home. The amendment was rejected on a divided vote.

The bill was given its final passage on a 61-3 roll call vote.

In earlier action, the Senate granted final passage to 25 bills on the Calendar that previously received preliminary passage on General Orders.

## Alternative health care bill passed

The late afternoon portion of the Mon., Mar. 20, floor session was devoted primarily to discussion of three major bills. S.F. 689, sponsored by Sen. Twyla Ring (DFL-North Branch), regulates complementary and alternative health care practitioners.

The measure sets up an Office of Unlicensed Complementary and Alternative Health Care Practice to investigate complaints and take and enforce disciplinary actions against all unlicensed complementary and alternative health care practitioners for violations of prohibited conduct, Ring said. She said the bill is a consumer protection measure because the office will also serve as a clearinghouse on complementary and alternative health care practices and unlicensed complementary and alternative health care practitioners through the dissemination of information to consumers and through the development and performance of public education activities, including outreach, regarding the provision of complementary and alternative health care practices and the practitioners who provide the services.

Under the bill, complementary and alternative health care practices are defined as including, but not limited to, acupuncture, aroma therapy, ayurveda, culturally traditional healing practices, folk practices, healing practices using food, food supplements and nutrients, Gerson therapy and colostrum therapy, healing touch, herbology, homeopathy, massage therapy and traditional Oriental practices such as Qi Gong energy healing.

Sen. Allan Spear (DFL-Mpls.) spoke in opposition to the measure. "I believe we are legitimizing some practices and giving the state's imprimatur on dubious practitioners." Spear argued, "I think the greatest achievements of the 20th Century are the advances in medical science and I'm a bit baffled why, at a time when so much progress has been made in medical science, we want to encourage our citizens to go back to more primitive practices. I feel we are being plunged back to the world of witchdoctors and shamans and I don't think we ought to be doing that."

Several members, though, rebutted Spear's statements. Sen. Sandra Pappas (DFL-St. Paul) countered, "The bill is not going to be the downfall of modern medicine as we know it. People are already using alternative and complementary practices and many of these practices such as acupuncture and acupuncture are already mainstream. The practices covered in the bill are pretty benign."

Sen. Dan Stevens (R-Mora) offered an amendment authorizing the commissioner to establish rules to establish minimum standards of education and experience for alternative and complementary health care practitioners. "Without some safeguards we are setting a very bad precedent," Stevens said. Ring, though, opposed the amendment and said, "We are not seeking the type of licensure or regulation that this amendment demands." Spear also argued against the amendment, "If anything, the amendment legitimizes the practices and I don't know if there are any minimum standards of training and experience. I think the concept of the bill is fatally flawed." The amendment failed on a voice vote.

Sen. Michelle Fischbach (R-Paynesville) spoke in support of the bill. The measure increases people's options, she said. Sen. John Hottinger (DFL-Mankato) also spoke in support, "A lot of research is going into alternative methods of treating people. The version of the bill before us provides a range of enforcement alternatives for consumer protection.

The bill was approved on a 47-13 roll call vote.

In other action, members also debated a bill making it a primary offense to not wear a seatbelt. The measure, S.F. 434, authored by Sen. Leo Foley (DFL-Coon Rapids), was amended to make seat belt violations a primary offense for violators who are younger than 18 years old. Foley said, "The amendment falls short of what I was originally trying to do; it essentially provides that for any person 18 or older it is a secondary violation." Foley pointed out that motor vehicle crashes are the leading cause of death among children under 15. "The bill is something that you can do that will save children's lives, even though we can't force the parents to use seatbelts," Foley said.

However, Sen. Thomas Neuville (R-Northfield) said, "I don't think this is workable. I think it will lead to people being stopped for the wrong reasons, particularly minorities. Officers are going to be stopping people just because they think someone might be a certain age."

Sen. Linda Berglin (DFL-Mpls.) responded, "Sometimes we have to take half a step, it is not unprecedented to

make special exceptions for children. Parents should buckle their children up or they should be punished."

Sen. Kenric Scheevel (R-Preston) offered an amendment to remove the primary offense portion that allows law enforcement to pull someone over for no other reason. Scheevel said the amendment protects children without increasing police powers. The amendment was adopted on a 33-28 roll call vote. Foley then asked that the bill be laid on the table.

A bill imposing additional registration requirements on predatory sex offenders and authorizing the purchase and distribution of criminal justice technology infrastructure also touched off considerable debate. According to chief author, Sen. Jane Ranum (DFL-Mpls.), the bill, H.F. 2688, contains two of the five recommendations of the Katie Poirier Abduction Task Force. The first recommendation deals with funding the state's blueprint for a statewide criminal justice information system and the second recommendation relates to funding to adequately staff the Bureau of Criminal Apprehension (BCA) and the Dept. of Corrections (DOC) to improve the predatory offender registration program.

Ranum said the bill has strong bipartisan support in the Legislature and communities across Minnesota. "We have 1,100 criminal justice agencies from all three branches of government in Minnesota that supply or consume important information, but can't talk with each other. In this high-tech era, the public has assumed we have an integrated system, but the reality is a nonsystem," she said. Ranum said that because of work done by the Task Force, the business community, Supreme Court Justice Kathleen Blatz, scores of criminal justice professionals and families of victims, the bill contains a blueprint for information communication.

Ranum said that members of the Senate had reached agreement with members of the other body—who passed a similar bill, Thurs., Mar. 16—to expedite the bill's progress through the process. To that end, Ranum offered an amendment containing the provisions agreed upon with the House. The amendment provides an appropriation of \$5 million for reducing the case load for probation officers dealing with sex

offenders, \$12 million for improvements to the criminal justice information system and \$1.3 million to adequately staff the BCA and DOC for registration of predatory offenders.

Sen. Ember Junge (DFL-New Hope) explained portions of the bill relating to the strengthening of the predatory offender registration program. Junge said the measure increases penalties and provides funding for enforcement of the registration law. Junge said, "There are 9,800 offenders subject to registration. The public assumes we know where they all are but in reality, the department found only one out of three living where they said they were." The measure increases penalties for failure to register from a gross misdemeanor to a felony, provides for lifetime registration for repeat offenders, requires the registration of secondary addresses, makes it more difficult for felons to change their names, provides for posting information on the Internet and eliminates the statute of limitations for kidnapping and other forms of homicide.

Sen. David Knutson (R-Burnsville) questioned the fact that authors of the measure had reached an agreement with members of the other body before the Senate had passed the bill. Knutson said the appropriation in the measure for reducing the case load of probation officers had not been discussed in committee. Sen. Dave Kleis (R-St. Cloud) said, "I strongly support this bill, but my concern is that I support the bill that came out of committee. The dollar amounts in the amendment are different than what came out of committee."

Junge responded that because of the hard work done over the last year and because of the urgency of the subject matter, it was important to get the bill passed as quickly as possible. "I don't want this bill to be tied up in a lengthy conference committee or with other budget bills. I want this bill on the governor's desk now," Junge said. Ranum echoed the statements, "The hard work the Senate did is borne out in this bill. It was important to get statewide funding for the information technology part of the bill and not let the costs fall back on property tax payers. The amendment increases the appropriation the House passed from \$7 million to \$12 million." The amendment was adopted.

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Kleis offered an amendment reinstating language setting forth procedures for individuals charged with a felony to follow when applying for a name change. Sen. Randy Kelly (DFL-St. Paul) argued that the language violated due process procedures because the individuals had not been convicted. The amendment failed on a 25-31 roll call vote.

Sen. Claire Robling (R-Prior Lake) offered an amendment providing for a mandatory 20 year sentence for criminal sexual conduct in the first and second degree. Robling said the amendment would get rapists off the street and stop the repeat offenses. Spear and Kelly argued against the amendment because of the cost implications for prisons. The amendment was adopted on a 31-26 roll call vote.

Spear then objected to the bill under Rule 35 of the Senate Rules. He argued that the budget implications of the Robling amendment necessitates the bill being review by the Crime Prevention and Judiciary Budget Division. Members adopted Spear's motion on a 34-23 roll call vote.

## Tuesday, March 21

### Appropriations bill passed

The Tues., Mar. 21, floor session was devoted almost entirely to debate on the omnibus supplemental appropriations bill. The measure contains supplemental appropriations for state government operations, environment and agricultural purposes, economic development purposes and health and family security purposes. Members discussed and considered amendments for each article of the bill separately.

At the outset of the session, Sen. Dave Kleis (R-St. Cloud) said he questioned the constitutionality of combining all of the omnibus items into one bill, citing the single subject rule. President Alan Spear (DFL-Mpls) said that he isn't qualified to rule on Constitutional Law, and that it would be up to the Courts to decide if the bill is challenged.

Members spent the early part of the day amending two articles. Sen. Leonard Price (DFL-Woodbury) presented an overview of the governmental operations portion of the bill that appropriates \$18 million for the general administrative expenses of state government. Of the \$18 million, \$15

million is a transfer of part of the surplus in the workers' compensation assigned risk plan to the Minnesota Comprehensive Health Association to fund its current and future deficits.

Sen. Mark Ourada (R-Buffalo) proposed an amendment addressing salaries of persons employed by political subdivisions of the state. Ourada said the shortage of pharmacists was the impetus for the creation of the amendment, which excludes public hospital pharmacists, public hospital executive directors and public hospital psychologists from the salary limitations designated in the bill. Sen. Carol Flynn (DFL-Mpls.) opposed the amendment because under the formula in the bill, she said, pharmacists would earn salaries of \$114,000 per year. Flynn said the amount is more than reasonable. Sen. Sheila Kiscaden (R-Rochester) also opposed the amendment, on the grounds that it was an inappropriate time and place for such a narrowly focused revision. The amendment failed to get member approval.

Sen. Dennis Fredrickson (R-New Ulm) offered an amendment, which was adopted, giving the commissioner of revenue the authority to decide when to sell bonds, based on the funding needs of capital projects, the timing of the bond issue to achieve the most favorable interest rates, managing cash flow requirements for debt service and other factors recommended by the state bond counsel.

The Environment and Agriculture supplemental appropriations include major funding for agricultural BMP loans related to feedlots, Metro greenways and natural areas, the Mississippi Whitewater Trail, the Como Park Zoo and the Wastewater Infrastructure Fund. Members considered the addition of riding and hiking trails in response to an amendment offered by Sen. Thomas Neuville (R-Northfield). In addition to the Sakatah Singing Hills Trail, Blue Earth, Le Sueur and Rice trails, a Goodhue County trail will be established. Under the amendment, which was adopted, additional trails may be established that extend the Sakatah Singing Hills Trail System to include connections to the cities of Dundas and Northfield in Rice County and Cannon Falls in Goodhue County.

An amendment offered by Sen. Dallas

Sams (DFL-Staples), incited lively debate. Sams' proposal called for a plan to relocate the principal offices of the department of agriculture to a location outside the metropolitan area. Sen. Deanna Wiener (DFL-Eagan) offered an oral amendment. Wiener said she would be more comfortable if the amendment was changed to convey that the commissioner of administration "consider the possibility" of developing a plan and time lines for the relocation of the department of agriculture. Wiener also moved to delete the second part of the amendment that establishes a June 30, 2003 deadline for the relocation, but both oral amendments failed to gain member approval.

Sen. Douglas Johnson (DFL-Tower), who strongly favored the amendment, said that a rural headquarters would be a more appropriate location for the Dept. of Agriculture. He also said that rural Minnesota is in crisis and in need of the jobs that the department might offer. Sen. Ellen Anderson (DFL-St. Paul), opposed the amendment, saying that the move requires the present employees to relocate and significant numbers of new jobs would not be created. Krentz said she was concerned about mandating the move, especially since the issue was not discussed in committee. A different perspective was offered by Sen. Cal Larson (R-Fergus Falls), who said, "This is the administration's purview" [to decide where the department is located]. Members voted to adopt the amendment.

Sen. Dan Stevens (R-Mora) offered three amendments. The first was adopted. It is related to fees for fish farm licenses and decreases the fee for an aquatic farming license from \$275 to \$70. The amendment allows the aquatic farming license to contain endorsements for the rights and privileges of the minnow dealer license, the minnow retailer license for sale of minnows as bait, the minnow exporting license and the aquatic farm vehicle endorsement and other related items. Another Stevens' amendment places the state "in compliance with the U.S. Supreme Court," according to Stevens. The amendment stipulates that as a condition to acceptance of payment from the appropriation, the Mille Lacs Band must agree to comply with all U.S. Supreme



Court decisions relating to the 1837 Treaty and the Mille Lacs Reservation. Krentz said she opposed the amendment since the state is already in compliance with the U.S. Supreme Court, making the amendment unnecessary. Majority Leader Roger Moe (DFL-Erskine) said the issue was dealt with years ago when counties were given the choice to accept a settlement. He said they should have settled then, adding, "The Court has made a decision and we need to get over this and move on." The amendment failed. The third amendment was also related to the 1837 Treaty and specified that \$452,000 is the amount of reimbursement for the counties that didn't accept the earlier offer from the treaty settlement, for Kanabec, Mille Lacs, Morrison, Benton, Crow Wing, Sherburne, Aitkin, Isanti, Chisago and Pine—totaling \$5.866 million. The amendment was not adopted.

The Senate proceeded to discuss the health and human services portion of the omnibus supplemental bill. Sen. Don Samuelson (DFL-Brainerd), chair of the division that assembled the package, reviewed many of the provisions of the bill. The package proposes supplemental appropriations of \$91.257 million from the general fund, \$4.773 million from the health care access fund, and \$248,000 from the lottery prize fund in FY 2001. Following the initial presentation, numerous amendments were offered.

Much of the discussion centered on two amendments. One of the amendments, offered by Sen. Michelle Fischbach (R-Paynesville), requires that specific information be provided to a woman before undergoing an abortion and that the woman must wait at least 24 hours after receiving the information before the procedure is performed. Sen. John Hottinger (DFL-Mankato) questioned the germaneness of the amendment and the President of the Senate, Sen. Allan Spear (DFL-Mpls.) ruled it was not. However, Sen. Thomas Neuville (R-Northfield) challenged the ruling. On a roll call vote of 32-34, Spear's ruling was overturned.

Fischbach said that among the provisions of the amendment, the name of the physician who will perform the abortion and information about the procedure must be provided to the

woman. Sen. Jane Ranum (DFL-Mpls.) noted that judicial penalties were provided for in the amendment and asked Hottinger if any other medical procedure had similar provisions. Hottinger said "no" and added that damages could be sought in court if there isn't rigorous adherence to the requirements. Ranum said she was also concerned about protecting the privacy of the doctor because some doctors have lost their lives because of radicals. Hottinger replied that only the plaintiff's privacy is protected under the amendment. Neuville defended the provision requiring the physician to be named, saying that the provision is not for harassment purposes and that the language specifies the name will only be disclosed to the woman seeking the abortion. Sen. Sheila Kiscaden (R-Rochester) questioned the necessity of providing the physician's name. She said that often medical procedures are performed by whatever doctor is available at the time. Sen. Ellen Anderson (DFL-St. Paul) remarked that it is not required that the name of the attending physician be provided to a woman for childbirth.

Hottinger offered an amendment to the Fischbach amendment that maintained the current statutory definition of abortion, reduces the waiting period to one hour, removes the special legal rights, and requires the Dept. of Health to maintain a toll-free telephone information line and web site to provide relevant information. Hottinger said his amendment maintains a consistent approach for civil liability purposes. He said that a 24 hour waiting requirement is insulting to women because it implies that they haven't given much thought to the matter and that a woman does not go through the procedure without reflecting on it.

However, Sen. Warren Limmer (R-Maple Grove) supported the approach in the Fischbach amendment, saying that it may be the last opportunity to provide information to a woman in a time of torment. He added that states that do require a 24 hour waiting period have seen a decrease in abortions. Hottinger countered that Limmer's claim was not presented in testimony in committee and added that Minnesota has seen a recent decrease in abortions without the waiting period, while

abortions increased in Mississippi after a 24 hour waiting period was enacted. Fischbach said that her amendment is not insulting and that she appreciates getting more information to make decisions. The Hottinger amendment was adopted on a 33-32 roll call vote, and the Fischbach amendment was adopted on a voice vote.

Later, Sen. Charles Berg (IND-Chokio) offered an amendment to extend the waiting period to 24 hours. Hottinger argued against the amendment, saying it makes the provision constitutionally suspect. The Senate adopted the amendment on a 35-30 roll call vote.

The other amendment that initiated a lengthy discussion was offered by Sen. Dan Stevens (R-Mora). Under his amendment, Minnesota Family Investment Plan (MFIP) recipients are fully sanctioned for one month for a fourth case of non-compliance with program requirements. Stevens said that the amendment provides a review process before sanctions are imposed and exceptions may be made for good cause. He added that a majority of Minnesota counties favor increased sanctions. In addition, he said Minnesota has the third lowest unemployment rate in the nation yet some people on MFIP refuse to work.

Sen. Linda Berglin (DFL-Mpls.) urged members to vote against the amendment. She said that with complete sanctions, MFIP participants will end up in child protection services, corrections, and other programs that cost county taxpayers more. Berglin stated that a majority of counties do not favor complete sanctions, and other counties are opposed to additional sanctions. Imposing complete sanctions makes Minnesota look good by certain standards, Berglin said, but added that the people who are not in compliance with MFIP are some of the hardest people to employ for various reasons.

Hottinger also opposed the amendment, saying that the commissioner of the Dept. of Human Services (DHS) recommended that the Legislature should look at the issue next year in conjunction with more intensive ways of helping out non-compliant individuals. He said that sanctions are being imposed that are erroneous, and a study found that individuals with legal

# Floor update

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representation get sanctions overturned 40 percent of the time. Imposing complete sanctions runs the risk of family disruption, children missing school, and other problems, Hottinger added.

Support for the amendment was voiced by Sen. Sheila Kiscaden. She said there is a social contract between MFIP recipient families and the larger community and that Minnesota has higher benefits to get families to a point of self-sufficiency. Kiscaden said that if a family has a work plan and doesn't fulfill it, then adjustments are made to the plan. She questioned if the non-compliance keeps going on, whether the state is getting the family to self-sufficiency, or just enabling them. Kiscaden reminded members that there is a 60 month lifetime limit on benefits, but the sanction is only for one month. "We're not doing a favor by letting the clock continue to tick," she added.

Sen. Becky Lourey (DFL-Kerrick) said the Health and Family Security Committee decided it was not time to impose sanctions, but rather to look at the barriers to getting the remaining participants into the workforce. The Stevens amendment was defeated on a 29-36 roll call vote.

Sen. Dave Kleis (R-St. Cloud) raised a concern about the prescription drug program. He noted that maximum asset and income levels for eligibility were raised for the senior drug program, but that his attempt to get a similar provision added making people with disabilities eligible was rejected. Kleis said that a previous \$15 million appropriation was not expended for that purpose and asked why that money couldn't still be used. Samuelson explained that the \$15 million would have to be re-appropriated, but it didn't fit into the budget division's target. Kleis then offered an amendment providing eligibility for the prescription drug program to people with disabilities. He said that medical costs have increased for them too, and that, if they don't take their medications, it costs the state more for health care. Samuelson said it was a good amendment, but he must oppose it because of its \$18 million price tag. The amendment was rejected on a 23-36 roll call vote.

Prescription drugs were the subject of another amendment offered by Sen.

Dick Day (R-Owatonna). The amendment requires pharmacies to accept the Medicare reimbursement rate for prescription drugs as a condition for participation in the Medical Assistance program. He said the requirement was passed in California where seniors are saving 20 to 40 percent on medicine costs as a result. Day said that some members may object to the amendment saying that it hurts rural pharmacies but, he said, the bill already has a \$1 increase in the dispensing fee charged to pharmacies. Samuelson opposed the amendment, for precisely that reason, but said that the proposal might work if small pharmacies were exempted. Samuelson offered an amendment exempting any pharmacy that is the only one within a zip code, saying it exempts small rural pharmacies. Day opposed Samuelson's amendment, arguing that it only protects 130 pharmacies. He said that small pharmacies are disappearing because large department store chains have moved into rural areas. Hottinger questioned the effect of the Samuelson amendment. He said some zip codes may only have one large chain drug store whereas other zip codes may have two independent pharmacies. "It was a good effort, but I don't think it'll work. The problem is unresolvable," Hottinger said. However, Samuelson's amendment was adopted on a voice vote. Sen. Arlene Lesewski (R-Marshall) spoke against the Day amendment, saying that many independent pharmacies in her district have closed and that many seniors can't get to the larger drug stores in the larger cities. Sen. John Marty (DFL-Roseville) also opposed the amendment, arguing that pharmaceutical companies are very profitable, but the amendment harms the corner pharmacists. The Day amendment was rejected on a 14-46 roll call vote.

Two amendments relating to residential care facilities met opposite fates. The first, offered by Sen. Don Ziegler (R-Blue Earth), raises the compensation related expense reimbursement rate for nursing homes in geographic group II to the reimbursement rate of geographic group I. He said that in rural areas, people are paid the same wage working in nursing homes as they are paid for working in fast food restaurants. However, Samuelson opposed the amend-

ment because of the cost. The amendment was defeated on a 27-38 roll call vote.

The other nursing home amendment was offered by Kiscaden. The provision authorizes licensing of residential facilities that can accommodate up to five residents who move in from a 43 bed group home. Kiscaden said the larger facility needs to downsize and a similar provision was passed for another facility in the same situation. The amendment was adopted on a voice vote.

Neuville offered an amendment requiring the DHS to verify the immigration status of resident aliens for assistance benefits. Neuville said the current department policy is to not call the Immigration and Naturalization Service (INS), unless person meets all other criteria and that person gives permission to call the INS. Berglin opposed the amendment, saying its impact will have a chilling effect on families with one member who doesn't have their immigration status papers in order. Berglin said the amendment shifts costs to counties for uncompensated care, that there will be increased demands on foodshelves, and that the policy may violate civil rights laws. Hottinger also spoke against the amendment, saying the only reason it saves money is because it stops legal children from getting benefits. Neuville withdrew the amendment.

Two other amendments to the health and human services article were adopted by voice votes. One, offered by Anderson, names the housing development fund program the "Bruce F. Vento Year 2000 Affordable Housing Program. The other, offered by Sen. Pat Piper (DFL-Austin), adds varicella, or chicken pox, to the list of required childhood immunizations.

The Senate moved on to consider the crime and judiciary portion of the omnibus bill. Sen. Randy Kelly (DFL-St. Paul) said the article appropriates a total of \$11 million. Of that amount, Kelly said, \$2.963 million is for the courts for a budget deficiency resulting from new health care contracts; \$3 million to the Dept. of Corrections (DOC) with \$2 million of that earmarked for local corrections and \$450,000 for pre-design money; \$3.8 million for the Dept. of Public Safety

(DPS) including \$280,000 for Capitol security, \$300 thousand for juvenile prostitution prevention, \$30,000 for drug detection dogs and \$300,000 for a cross walk safety awareness campaign program. Policy provisions in the bill, Kelly said, include a clarification to the crosswalk law; creation of a Capitol police force; transfer of the battered women's shelter program to the DPS; and a repeal of the Automobile Theft Prevention Board.

Most of the discussion revolved around the issue of Capitol security and the creation of the Capitol police force. Sen. Richard Cohen (DFL-St. Paul) asked how much of the proposed security protection goes beyond the protection provided to previous governors and is used by the current governor for purposes not intended. Kelly replied that it's hard to quantify, because, although the governor is a high profile individual and contributes to the need, executive protection has been understaffed since the Quie administration because of budget cutbacks.

Sen. Linda Runbeck (R-Circle Pines) offered an amendment deleting the creation of the Capitol police force. Runbeck said that Kelly hasn't made a case for the need for the department. Kelly opposed the measure and urged colleagues to think of the safety of the people in the Capitol. He cited an interim study that found that the Capitol has an insufficient response capacity for emergencies. "It's a more dangerous world today. We adopted the moderate recommendations of the study," Kelly said. The amendment was defeated on a 8-52 roll call vote.

Before proceeding to the economic development portion of the bill, the Senate did adopt an amendment, offered by Anderson, ensuring that Capitol Security employees would be transferred to the Capitol police force.

Sen. Jerry Janezich (DFL-Chisholm) presented the economic development provisions and stated the appropriation recipients, including those receiving pass through grants. The article appropriates a total of \$69.8 million from the general fund, \$5.576 million from the workforce development fund, \$225,000 from the future resources fund, and \$250,000 from the federal TANF block grant in FY 2001.

Most of the discussion centered

around an amendment offered by Sen. Douglas Johnson (DFL-Tower). Johnson said the provision originated in the Katie Poirier bill authored by Lourey, and provides \$1 million in grant money for security cameras in convenience stores instead of a tax credit. Johnson said the amendment requires that grant recipient stores already be in operation by the enactment date so they may install or upgrade camera equipment. Sen. Dennis Frederickson (DFL-New Ulm) raised concern about the definition of a convenience store in the amendment. Lourey responded that the definition is what the Grocers Association wanted and supported. She added that security cameras help law enforcement officials apprehend perpetrators and save money in the long run. The amendment was adopted on a 59-3 roll call vote.

The Senate also adopted an amendment, offered by Flynn, repealing a requirement that state appropriations of \$5 million or more undergo a cost/benefit analysis. She said that many bonding projects won't survive the requirement and that it violates the separation of powers principal. The amendment was adopted on a voice vote.

The entire bill was then granted final passage on a 61-1 roll call vote.

Members also granted final passage to one bill on the Senate Calendar. S.F. 2770, authored by Kelly, is a crime bill that increases the maximum fines for petty misdemeanor and misdemeanor offenses, from \$200 to \$300 and from \$700 to \$800, respectively. The bill passed on a 59-0 vote.

## Wednesday, March 22

### Education bill discussed

Most of the action at the Weds., Mar. 22 floor session centered on the debate and consideration of amendments for the omnibus education appropriations bill. Language from S.F. 3801, the omnibus education bill, was adopted by the Senate into H.F. 3800 for discussion. Sen. Lawrence Pogemiller (DFL-Mpls.) carried the bill.

"This is the littlest section for the littlest people," said Sen. Pat Piper (DFL-Austin) before outlining appropriations for early childhood and family education. The bill provides \$42 million of Temporary Assistance for

Needy Families (TANF) funds for child care to serve over 4,000 families, \$3.5 million in state funds for early childhood education, and \$1.4 million for shelters to house 800 people, Piper said.

Sen. Martha Robertson (R-Minnetonka) offered an amendment, supported by Piper, reworking the Adult Basic Education Task Force. The task force will recommend to the Legislature an outcome-based adult basic education funding system that rewards and recognizes student progress in attaining educational goals, Robertson said. Members adopted the amendment.

Sen. LeRoy Stumpf (DFL-Thief River Falls) discussed \$29 million in appropriations from the general fund for higher education in the bill. Under the bill, the University of Minnesota will receive \$15.82 million and Minnesota State Colleges and Universities will receive \$13.18 million. Appropriations to "keep our brightest men and women" in the state's education system include \$80,000 for high speed internet access grants to deliver higher education services in Cook County, Stumpf said.

In response to indications that the federal government may increase the amount of its Pell grant, Sen. Dave Kleis (R-St. Cloud) offered an amendment modifying laws appropriating state student aid. State aid is calculated proportionally against individual students' Pell grant awards, Kleis said, which would cause the amount of state aid to be lowered should the Pell grant be increased, providing no real benefit to the student. Stumpf said the amendment has fiscal implications that should be addressed by a policy committee, and asked members not to support the amendment. The amendment failed on a 19 to 31 vote.

Stumpf offered an amendment changing one-time appropriations for rural teacher training to recurring appropriations. The amendment passed on a voice vote.

Pogemiller then began discussion on articles of the bill relating to K-12 education. "It's like rural electrification," said Pogemiller about an appropriation for internet access, "every student can get online at their buildings." Amendments allowing schools to seek the lowest cost provider for telecommunications services were offered by Sen. Steve Kelley (DFL-



# Floor update

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Hopkins) and Pogemiller. Both amendments were adopted.

Sen. Pat Pariseau (R-Farmington) offered an amendment stating that public schools and state agencies cannot implement or carry out programs with the purpose, or demonstrable effect, of encouraging sexual activity by minors. Sen. Sheila Kiscaden (R-Rochester), speaking against the amendment, told the committee that 58 percent of the people using public assistance programs began doing so as single parents. Comprehensive, abstinence-based public sexual education programs, that include information on contraceptives, correlate with lower teen pregnancies, she said.

An amendment deleting “state agencies” from Pariseau’s amendment was offered by Robertson. Other members, including Sen. Deanna Wiener (DFL-Egan) and Sen. John Hottinger (DFL-Mankato), spoke in support of Robertson’s amendment, stating that Minnesota is losing federal funds because the state’s birth control rate is not low enough. The Robertson amendment passed on a roll call vote of 37 to 24. Sen. Linda Berglin (DFL-Mpls.) offered an amendment exempting public health programs from prohibitions against sexual education in response to concerns over HIV/AIDS education and legal repercussions. The amendment passed on a roll call vote of 37 to 26.

Because questions by Hottinger, Kiscaden, Berglin, and other Senators about the definition of “demonstrable effects” in the bill were not answered, Sen. Linda Scheid (DFL-Brooklyn Park) offered an amendment deleting the phrase from Pariseau’s amendment. The motion passed. The Senate then adopted the amendment on a 52-10 roll call vote.

Pogemiller offered an amendment for a one time inclusion of Rochester schools in the Metro Equity pool. Members adopted the amendment.

Members then rejected amendments by Sens. Steve Dille (R-Dassel) and Cal Larson (R-Fergus Falls). Dille offered an amendment deleting requirements that schools send notices to parents before using pesticides. The amendment failed on a voice vote. Larson’s amendment repeals the January deadline for settling teacher contracts. “If you want to think about the children, you should get the adults to settle so that they can concentrate on educating,” Pogemiller said. The amendment failed 25 to 37 on a roll call vote.

An amendment, offered by Sen. Thomas Neuville (R-Northfield), that allows students to be dismissed from school for a variety of reasons, was debated. Under the amendment, a student may be dismissed for reasons that include a wilful violation of any reasonable school board violation and

wilful conduct that disrupts a classroom. Pogemiller told members that the amendment addresses a complex issue that had already been debated in committee, and provisions decided upon had been adopted. Robertson voiced concerns about broad language in the amendment that could be applied to special education students.

Two amendments were adopted to Neuville’s amendment. Sen. Gen Olson (R-Minnetrista) offered an amendment adding that behavior must significantly disrupt education and Robertson offered an amendment deleting language about classroom behavior. Robertson’s amendment was adopted on a roll call vote of 37 to 27. Neuville’s amendment then failed on a roll call vote of 32 to 33.

Sen. Linda Runbeck (R-Circle Pines) offered an amendment requiring all school and library computers with internet access to install filtering software to prohibit access to obscene or pornographic material. The amendment was adopted.

In response to Minnesota’s approaching shortage of 14,000 teachers, Sen. Arlene Leswski (R-Marshall) offered an amendment establishing a teacher hiring program. Pogemiller said that he and many other members want to support the amendment, but no funds are available for the \$4 million cost. The amendment failed on a 12 to 46 roll call vote.

# Floor action

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## Bills granted final passage on the Senate Calendar Monday, March 20

**S.F. 2461-Johnson, D.J.:** Exempts certain aircraft sales from sales tax. 59-0

**H.F. 3421-Johnson, D.J.:** Regulates an electric cooperative’s election to be regulated. 59-1

**S.F. 1495-Hottinger:** Enacts the revised article 9 of the Uniform Commercial Code as adopted by the National Conference of Commissioners on Uniform State Laws. 59-0

**S.F. 3272-Wiener:** Modifies requirements for bleacher safety. 61-0

**S.F. 3055-Kiscaden:** Regulates health plan contract stacking, expands the scope of provisions regulating network shadow contracting and requires the commissioner of health to study the impact of regulating shadow contracting. 60-0

**H.F. 2505-Robertson:** Modifies the effective period of state park permits. 61-0

**S.F. 2634-Betzold:** Provides for notice to relatives of patients receiving or hospitalized for psychiatric or mental health care and modifies consent provisions for voluntary mental health treatment for minors. 62-0

**S.F. 2828-Wiger:** Regulates and prohibits certain activities with respect to gambling, regulates shipment of gambling devices and provides penalties. 62-0

**S.F. 3108-Lesewski:** Regulates telephone access of persons restrained in local and state correctional facilities. 61-0

**H.F. 2502-Samuelson:** Designates the Brainerd bypass as the C. Elmer Anderson Memorial Highway. 60-2

**H.F. 2824-Betzold:** Provides for one or two license plates on collector and similar vehicles at the owner’s discretion. 61-1

**H.F. 3156-Murphy:** Designates trunk highway 390 (marked as Interstate Highway 35), the 34th Infantry (Red Bull) Division Highway. 60-2

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**H.F. 3053-Murphy:** Allows collector vehicles to display a blue light as part of the brake light. 61-0  
**S.F. 2865-Kiscaden:** Requires the commissioner of human services to establish and support a comprehensive initiative for homeless youth, youth at risk of homelessness and runaways to the extent that funding is provided and provides for street outreach, drop-in services, basic center shelter and transitional living programs. 61-0  
**S.F. 3566-Foley:** Creates a new criminal penalty for failure to pay sales tax on motor vehicles collected from a purchaser. 59-3  
**H.F. 3196-Murphy:** Allows a nursing facility's employees pension benefit costs to be treated as PERA contributions. 61-0  
**S.F. 2723-Betzold:** Changes provisions of the Uniform Probate Code and makes certain appeal periods consistent. 61-0  
**H.F. 3047-Scheid:** Modifies mortgage release certificate language to include assignment of rents and profits. 61-0  
**H.F. 3132-Metzen:** Provides for interest rates on security deposits. 61-0  
**S.F. 2363-Sams:** Regulates dental benefit plans. 62-0  
**S.F. 2858-Spear:** Modifies the transfer to correctional facilities provisions for persons committed as sexually dangerous or psychopathic and requires a sex offender management report addressing sentencing practices and oversight group establishment. 62-0  
**S.F. 2701-Wiener:** Creates the crime of gambling fraud. 61-0  
**S.F. 3701-Wiener:** Adds members to the designer selection board and provides the designation of at least two designers for projects at the U of M or MnSCU. 62-0  
**S.F. 3234-Hottinger:** Authorizes legislative governmental operations committees to formally object to administrative rules, creates a rules task force and modifies the review of rules. 60-0  
**S.F. 3423-Spear:** Requires the commissioner of commerce to assist Holocaust victims to settle claims and recover proceeds from applicable insurance policies. 61-0

### **Bills granted final passage on Special Orders Monday, March 20**

**S.F. 3793-Johnson, D.E.:** Omnibus transportation appropriations and capital projects package. 61-3  
**S.F. 2903-Vickerman:** Omnibus charitable gambling provisions; changes paddlewheel location and prize requirements, allows lawful gambling organization to pay for premises, expands the definition of lawful purpose, and requires manufacturers to sell gambling supplies in certain cases. 60-0  
**S.F. 1226-Vickerman:** Authorizes counties to form economic development authorities. 58-0  
**S.F. 689-Ring:** Regulates complementary and alternative health care practitioners. 47-13

### **Bills granted final passage on the Senate Calendar Tuesday, March 21**

**S.F. 2770-Kelly, R.C.:** Increases the maximum fines for petty misdemeanor and misdemeanor offenses. 59-0

### **Bills granted final passage on Special Orders Tuesday, March 21**

**H.F. 2699-Samuelson:** Omnibus supplemental appropriations bill. 61-1

### **Bills granted final passage on Special Orders Wednesday, March 22**

**H.F. 3142-Frederickson:** Designating the Richard J. Mathiwetz Memorial Highway. 57-3  
**H.F. 2891-Johnson, D.E.:** Omnibus transportation supplemental and capital appropriations. 58-2  
**S.F. 3145-Oliver:** Provides a variation from the general statutory priority for designation of a qualified newspaper for publications of the city of Minnetonka official proceedings and public notices. 56-0  
**H.F. 3800-Pogemiller:** Omnibus education supplemental appropriations. 63-0  
**S.F. 2521-Vickerman:** Establishes standards for the creation of corporations by political subdivisions. 63-0  
**S.F. 1733-Betzold:** Imposes civil third-party liability for damages caused by intoxication of persons under age 21. 59-0  
**S.F. 3626-Wiener:** Adjusts aspects of eligibility and coverage in the Minnesota Comprehensive Health Association. 62-0  
**S.F. 3259-Limmer:** Provides for certain energy code rules to remain in effect. 62-0

### **Conference Committee Reports adopted and repassed Thursday, March 23**

**S.F. 2569-Scheid:** Authorizes insurance coverage for vicarious liability for punitive and exemplary damages and regulates the terms of certain fraternal benefit society board members. 49-0

### **Bills granted final passage on the Senate Calendar Thursday, March 23**

**S.F. 3455-Johnson, D.H.:** Limits the liability of financial institutions that provide information in good faith on stolen, forged or fraudulent check in the course of an investigation. 62-0

### **Bills granted final passage on Special Orders Thursday, March 23**

**S.F. 3811-Berglin:** Omnibus bonding bill. 66-0

# Preview

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**Editor's note:** Conference committees on the major tax, appropriations and bonding bills will start this week. In addition, a number of other bills will also be the subject of conference committee action. Please check the Senate web site at: <http://www.senate.leg.state.mn/schedule/2000/index.htm> to find out the latest schedule information.

## Monday, March 27

**The Senate will be in Session at 9 a.m.**

### **State Government Finance Committee**

*Chair: Sen. Richard Cohen*

1/2 hour after session Room 107 Capitol

**Agenda:** To be announced.

### **Committee on Taxes**

*Chair: Sen. Douglas Johnson*

12 noon Room 15 Capitol

**Agenda:** S.F. 3173-Lessard: Constitutional Amendment dedicating sales tax receipts for natural resources.

## Tuesday, March 28

**The Senate will be in Session at 9 a.m.**

### **Legislative Audit Commission Topic Selection Subcommittee**

*Chair: Rep. Dan McElroy*

1:30 p.m. Room 300 N State Office Building

**Agenda:** Working session to review results of legislative survey and select topics to be presented for consideration by full Legislative Audit Commission.

## Wednesday, March 29

**The Senate will be in Session at 9 a.m.**

## Thursday, March 30

**The Senate will be in Session at 9 a.m.**

## Friday, March 31

**The Senate will be in Session at 9 a.m.**

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# Senate Briefly

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*The Capitol Rotunda is the site of much activity during the busy days of the Legislative session.*

*Photo by Andrea G. Murrill*



*March 31, 2000*

# Senate Highlights

## Omnibus tax bill passed

The Senate granted final passage to the omnibus tax bill, during the Fri., Mar. 24 floor session. The omnibus tax bill includes appropriations for a FY 2001 sales tax rebate and retroactive rebate totaling \$453 million, property tax relief totaling \$214.44 million and motor vehicle license tax reductions totaling \$233.3 million. The bill provides for an increase in individual income tax exemptions by \$360 for FY 2000 and after.

In his overview of S.F. 2657--the omnibus tax bill--Sen. Douglas Johnson (DFL-Tower), said the bill provides tax cuts aimed at the middle class. Johnson said, "This bill is for the people on Main Street." He added that the bill is financially balanced and appropriates \$1.3 billion over three years.

Sen. Edward Oliver (R-Deephaven) said he objected to Johnson's opening remarks concerning income tax cuts for the lower income levels. Oliver said successful people and the successful high tech industries provide money for the state and should be given tax incentives to remain here. He said major revenues are provided by the well-paid since they pay 52 percent of the income taxes. Oliver said, "I agree

that we should be looking across the board--let's look at the bottom level of taxpayers--they pay 6 percent of the taxes." Johnson said he does not apologize for being an advocate for middle and lower income classes because "they and their families are struggling." Johnson also said that the bill represents a progressive tax policy intended to be fair and equitable for everyone. Johnson offered an amendment, changing the priorities under the Revenue Recapture Act, which was adopted.

Sen. William Belanger (R-Bloomington) offered an amendment to reduce all three brackets of income taxes. Provisions in the amendment allow income of married individuals filing joint returns, for example, who earn up to \$25,680, to pay a rate of 5.22 percent, any amount over that but under \$102,030 is taxed 6.88 percent, and over \$102,030 is taxed 7.6 percent. Johnson said that since the Republican caucus voted almost unanimously for all the spending bills, it didn't make sense to further reduce taxes--especially in the higher income bracket. Belanger said he wanted to send a message that Minnesota wants to reduce tax rates since Minnesota is one of the states with the

highest income tax rates in the nation. He said cutting the tax rate would attract more businesses. Sen. John Hottinger (DFL-Mankato) said that studies conducted by the High Tech Counsel indicate that businesses primarily look at the availability of venture capital and not at tax rates. The amendment was not adopted. Belanger offered another amendment to provide a 20 percent tax exclusion, based on adjusted net capital gain. The purpose of the amendment was to attract more venture capital, according to Belanger. Sen. Steve Kelley (DFL-Hopkins) said that in his discussions with people in the computer technology industry, he's learned that the technology companies locate where large numbers of the most qualified people are--either the East Coast or the West Coast. Kelley said what Minnesota needs is more and better training of programmers if we want to attract those industries. The amendment failed on a 18 to 37 vote. Belanger then offered an amendment with a fiscal note of \$120,000. The amendment eliminates sales tax on items purchased by contractors or sub-contractors hired by non-profits. The amendment was not adopted.

Sen. Linda Runbeck (R-Circle Pines) offered an "across the board tax cut" amendment, which echoes provisions in the House tax bill, according to Runbeck. Under provisions in the amendment, individuals with incomes up to \$25,680 pay a 5 percent income tax rate, those with earnings above that amount but less than \$102,030 pay 6.75 percent and those earning more than \$102,030 pay 7.5 percent. Runbeck said the time for the tax reduction is now, and she did not think members should wait another year. The amendment failed on a 23-37 vote.

An amendment, offered by Sen. Steve Novak (DFL-New Brighton), limiting property tax increases to 5 percent for noncommercial seasonal recreational property, such as lake shore cabins, was debated. Hottinger spoke against the amendment, saying that the amendment shifts property taxes to businesses and other homes. Homes with the greatest increase in value will have their tax increases curbed at the expense of homes with a modest value increase, Hottinger said.

Sen. Jane Ranum (DFL-Mpls.) offered

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an amendment to the Novak amendment allowing homeowners whose property tax increases markedly to pay up to 5 percent of the increase for five years. The amendment specifies, though, that doing so would prohibit owners from recognizing the property value increase when selling the property. The Ranum amendment to the Novak amendment failed on a voice vote and the Novak amendment failed on a roll call vote of 24 to 38.

Substitution of ongoing tobacco settlement payments for the MinnesotaCare provider tax was offered in an amendment by Sen. Edward Oliver (R-Deephaven). Oliver said that the provider tax, often referred to as the sick tax, is regressive because the tax is paid for the use of medical services. Sen. Sheila Kiscaden (R-Rochester) said that individuals with lower incomes proportionally pay 4 to 5 times as much for the tax as individuals with higher incomes. Sen. Dallas Sams (DFL-Staples) said that money from the ongoing payments from the tobacco settlement is appropriated to other programs, such as grants for rural hospitals. The amendment failed on a 30 to 35 roll call vote.

Two more amendments were offered by Oliver. The first amendment allows homeowners who are 65 years or older, who have lived in their home for 10 years or more, and whose property tax is greater than 6 percent of their income to receive an additional property tax refund. Oliver said that the amendment helps keep senior citizens from being forced from their homes. Sen. Sandra Pappas (DFL-St. Paul) said that Oliver's amendment is a good idea, but there are no funds for the provision in the governor's budget targets. The amendment failed on a roll call vote of 30-33.

Oliver's second amendment raised the value of residential homestead property taxed at a one percent rate from \$76,000 to \$80,000 and lowered the tax rate for value over \$80,000 from 1.65 percent to 1.5 percent. The amendment failed on a voice vote.

Sen. Arlene Lesewski (R-Marshall) offered an amendment repealing the existing June liquor and tobacco sales tax payment acceleration. Current law requires that vendors having a liability of \$120,000 or more during a fiscal year must remit 75 percent of the estimated

June liability with that year's tax payment. Sen. Douglas Johnson (DFL-Tower) said that the amendment will result in a one-time expenditure of over \$100 million. The amendment failed on a roll call vote of 25 to 39.

Hottinger then offered two amendments, each of which carried no fiscal impact. The first amendment extends the sunset date from 2001 to 2002 for an employment training tax credit to business that hire hard to place employees. The second Hottinger amendment includes projects for single family ownership or districts in which at least 95 percent of home purchasers have incomes that do not exceed 70 percent of the area median gross income for a family of four in tax increment financing (TIF) districts. Both amendments were adopted on a voice vote.

An amendment requiring interest to be paid on tax refunds not issued within 30 days of the taxes due date, or the date on which the return was filed, whichever is later, was offered by Sen. David Kleis (R-St. Cloud). If one does not pay one's taxes on time, one has to pay interest, Kleis said. Johnson said that he liked the amendment, but told members that if adopted, the measure will be removed later if it greatly exceeds the budget limitations. The amendment was adopted on a 61 to 2 roll call vote.

Members then approved the omnibus tax bill on a roll call vote of 46-21.

### High standards bills outlined

Members of the conference committee on high standards met for the first time Tues., Mar. 28 to go over S.F. 3286 and H.F. 3618, bills addressing the implementation of high standards. The meeting was chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Robert "Bob" Ness (R-Dassel).

The Senate bill proposes several modifications to the Profile of Learning. A key provision in the measure allows local districts to set the number of standards required for graduation. A majority vote of the licensed teachers, administrators and school board is required and if agreement is not reached, students at the site must complete the standards as required by the state. The bill also requires districts to continue to fully implement the Profile and continue to provide learning

opportunities for all students in preparatory content standards in learning areas one to nine. In addition, the Senate bill requires learning opportunities sufficient to meet graduation requirements in high school content standards in all ten learning areas. Districts must also offer at least one foreign language. Pogemiller said the Senate is committed to a bill which allows a vote by district.

The House bill requires all school districts to implement high standards for students according to the Profile of Learning, the North Star Standard or the statutory curriculum requirements in the compulsory attendance law. Rep. Tony Kielkucki (R-Lester Prairie) said the North Star Standard is a knowledge-based curriculum. He said an important section of the bill is a requirement that public schools must annually assess the performance of children using a nationally norm-references standardized achievement exam. The bill also places a moratorium on the Profile until the commissioner of CFL certifies to the Legislature that the recommendations in the commissioner's plan have been addressed, school districts' technology needs for reporting are fully met and until a law is enacted repealing the moratorium. The measure allows school districts, during the moratorium period, to develop and implement a system of high academic standards for students. Pogemiller said the Senate doesn't agree with districts using statutory curriculum requirements in the compulsory attendance law as an option for implementing high standards. However, he added that the Senate is willing to consider allowing a district to choose the North Star Standards.

After hearing an overview of both bills, Sen. Linda Scheid (DFL-Brooklyn Park) said she sees similarities in hold harmless provisions, rigor requirements, sections dealing with federal education goals and programs and external reviews of the Profile. Pogemiller pointed out both bills have provisions regarding additional staff development days. Ness said an omission in the bills is an avoidance of secondary vocational education. Sen. Martha Robertson (R-Minnetonka) said it's important for the committee to agree on definitions. Ness said the committee needs to produce clear, consistent and understandable language.



# Committee update



*Conferees on H.F. 2891, the omnibus transportation supplemental appropriations bill, meet to reach a compromise agreement.*

Photo by David J. Oakes

## Human Resources Finance

### Telemarketing bill passed

The Human Resources Finance Committee held a brief meeting Thurs., Mar. 23, to send a bill to the Senate floor. S.F. 2421, authored by Sen. Ember Junge (DFL-New Hope), establishes a list of Minnesota residents whom telemarketers would be prohibited from calling. Junge said that Minnesotans who do not wish to receive telemarketing calls can be put on the list for an initial \$12, and a \$6 annual renewal fee. The Department of Commerce, which will contract a private company to maintain the list, will require telemarketing companies to purchase the list for up to \$50 dollars, which will generate revenue, she said.

Junge told the committee, chaired by Sen. Linda Berglin (DFL-Mpls.), that organizations that have a prior business relationship with individuals on the list, such as university alumni associations, nonprofit organizations, and debt collectors, are exempt from the bill's prohibition against making calls. Members sent the bill to the Senate floor with a recommendation to pass.

## State Government Finance

### Six bills approved

The State Government Finance Committee, chaired by Sen. Richard Cohen (DFL-St. Paul), met Mon., Mar. 27, and approved six bills. Among the measures were changes to the Minnesota Pollution Control Agency's (MPCA)

pending feedlot rules and a patient's "Bill of Rights."

S.F. 3443, authored by Sen. Dallas Sams (DFL-Staples), proposes education and training programs for manure applicators to focus on water quality protection and manure management plans. The bill makes changes to certain animal unit categories, including a new category for swine weighing between 55 and 300 lbs. (0.25 animal units) and specifies that feedlot permits must either be denied or granted within 60 days. Under the bill, MPCA must issue National Pollution Discharge Elimination System (NPDES) permits only to feedlots with 1,000 animal units or more that meet the definition of "concentrated animal feeding operations." The bill also exempts an operator of a

feedlot with less than 300 animal units from spending more than \$3,000 to upgrade the facility unless 75 percent of the cost is provided in state cost-share money and exempts an operator of a feedlot between 300 and 500 animal units from spending more than \$10,000 on upgrades unless 75 percent of the cost is provided in state cost-share money. The measure also establishes a feedlot funding task force to explore alternative sources of funding for upgrades to feedlots under 100 animal units.

The committee heard the fiscal implications of the bill for the Minnesota Department of Agriculture, MPCA and the Board of Soil and Water Resources (BWSR). For example, start-up, administration and training and testing material development for MDA's manure applicator education program, similar to the private pesticide applicator and training program, is expected to cost \$625,000 annually over the two-year start-up period. The change in animal units will also result in up to a 25 percent reduction in the number of NPDES permits issued for a \$46,800 reduction in revenues and the 60-day permit turn-around provision will cost approximately \$720,000 for 12 full-time MPCA staff, at least three of whom should be engineers. However, some of the increases are also offset by provisions in other sections of the bill, such as a reduction of 40 individual permits for a savings of \$38,800, annual staff time reduction of \$12,000 because of the reduction and \$241,000 in added revenues from the \$10 certification fee for the education and training program. Some of the costs will be absorbed by the agencies, representatives said.

An amendment, offered by Sen. Jane Krentz (DFL-May Township), removed the provision that exempts operators of feedlots with 300 to 500 animal units from spending more than \$10,000 to upgrade the facility unless 75 percent of the cost is provided by state cost-share money. Krentz argued that the language favors larger producers with potentially bigger pollution problems. However, Sams said, "If this language is removed, upgrades never will get done." The amendment failed on a nine to four roll call vote. The bill was approved and sent to the floor.

The committee also heard S.F. 953,

the Health Care Liability Act, or the patient's "Bill of Right," authored by Sen. Don Samuelson (DFL-Brainerd). Attorney General Mike Hatch outlined the basic provisions of the bill, which specifies that a health carrier that has given preauthorization approval for a service or treatment cannot deny payment except in the case of fraud or ineligibility, that no person, health plan company, or other organization may take retaliatory action against a health care provider and that a health plan company must provide a prospective enrollee, upon request, a copy of the certificate of coverage, subscriber contract or other evidence of coverage. The bill defines "medically necessary care" as diagnostic testing, preventive services and health care services that are appropriate and specifies that a health plan company must make or provide a referral to an appropriate participating specialist, or non-participating specialist, if the enrollee has a condition or disease of sufficient seriousness to require treatment by a specialist.

The bill minimally impacts rates to the Department of Employee Relations (DOER) and State Environmental Goals and Indicators Project (SEGIP) benefits by requiring additional administrative costs.

However, representatives of several organizations voiced opposition to the bill. A spokesman for the Council of Health Plans noted that there are already measures in current law to help resolve disputes over treatment, and said only three states have anti-retaliation provisions. A spokesperson for the Minnesota Chamber of Commerce said the organization was concerned about the added costs associated with the liability provisions, especially at a time when health care organizations are facing increased demand for service and increased costs. Also, that the impact of the bill will increase premium costs for employers, cause some to drop health insurance altogether and may drive some health care organizations out of state, according to the Chamber of Commerce.

However, Hatch disputed the claims. For example, he cited numerous studies that indicate premiums will increase by as little as 3 cents - and no more than \$2.40 - per enrollee. The bill was

approved and sent to the floor.

The committee also heard S.F. 2992, authored by Sen. Don Betzold (DFL-Fridley). The bill modifies the data practices law to conform with federal law. Minnesota law currently allows Minnesotans the right to choose whether or not to allow motor vehicle registration and drivers license information to be made public, and about one-third of Minnesotans choose the option of not releasing their information, Betzold said. However, federal law allows a number of exemptions, including authorizing drivers license information to be released, not only to law enforcement agencies, but to tow truck drivers and others as well, he said. The bill provides a system for express consent for the release of personal information, but only to the extent required by federal law. Betzold said the choice is to conform to federal law - in spite of all the exemptions - or face possible sanctions, or to make all personal information non-public, meaning loss in revenues to the state from selling lists. The bill was approved and sent to the floor.

The committee also heard S.F. 2826, authored by Sen. Carol Flynn (DFL-Mpls.), which ratifies public employee labor agreements and salary increases. The bill increases the salary cap for heads of larger state agencies from 85 percent to 95 percent of the governor's salary, from \$102,258 to \$114,288. The salary limit also applies to employees of local units of government. The bill also increases maximum salaries of commissioners of smaller agencies from 75 percent to 85 percent of the governor's salary, from \$90,227 to \$102,258. Under the bill, the director of the Minnesota Zoo's salary increases from 95 percent to 130 percent of the governor's salary, with any increase over 95 percent to be paid in non-state funds. The increase for the zoo director is based on salary comparisons from other zoos and is made necessary by an unsuccessful search to replace the former director who resigned last year, Flynn said. The bill was approved and sent to the floor.

The committee also approved and sent to the floor S.F. 2956, authored by Sen. Sheila Kiscaden (R-Rochester). The bill establishes a commission to oversee a proposed Midwest Interstate



# Committee update

Passenger Rail Compact, the language of which was finalized and endorsed by the Midwestern Legislative Conference last summer. The bill specifies that the commission consist of four members from each state in the compact, outlines the commission's powers and duties and the financing of the commission.

The committee also approved and sent to the floor S.F. 2594, authored by Sen. Lawrence Pogemiller (DFL-Mpls). The bill establishes a health care reimbursement plan funded by a 0.5 percent of salary employee contribution with a matching employer contribution to provide payments to certain long-service state employees when they retire in order to help cover the cost of health insurance premiums and other expenses. Under the bill, an eligible employee is a former employee drawing monthly retirement benefits from the MSRS Legislators Plan, General Plan, Correctional Plan, State Patrol Plan, Unclassified Plan or Judge Plan. The bill extends a \$55 per month payment to existing retirees and disabled employees providing the individual had 15 years of service credit and is at least 60 years of age, or qualified for the Rule of 90. Retirees and disabled former employees who are not yet 60 are entitled to the \$55 benefit upon reaching 60. The bill specifies that participants are active members of one of the plans after July 1, 2000, establishes a graduated payment schedule through July 1, 2011, and establishes a task force to identify strategies for providing benefits to post-retirement and active public employees.

## Committee on Taxes

### Sales tax dedication bill heard

A bill, S.F. 3173, proposing a constitutional amendment dedicating 0.1875 percent of general sales tax to Minnesota's natural resources, was heard Mon., Mar. 27, in the Committee on Taxes. Under the bill, authored by Sen. Bob Lessard (DFL-Intl. Falls), an amendment in which 45 percent of the revenue is appropriated to a new game and fish enhancement account in the state game and fish fund, and 55 percent of the revenue is appropriated to the state natural resources fund for various purposes, will be voted on at the 2000 general election. Currently, sales tax

revenue is appropriated to the state's general fund.

The state natural resources fund, Lessard told members, will supplement, not substitute for, traditional funding sources for state parks, Metropolitan Area park and trail grants, the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo. Lessard said he expects the measure to generate \$111.65 million in 2002 and \$116.7 million in 2003.

The panel heard considerable testimony from supporters of the bill. Dan Treb, of the Safari Club International, said that Minnesota sportsmen spend over \$2.4 billion each year, generating \$211 million in tax revenue. Tax money generated by Minnesota sportsmen could pay for the entire state food stamp and school lunch programs, said Treb, asking members to support dedicating funds to natural resources.

Fish and Wildlife Legislative Alliance representatives Lance Ness and Gary Botzek also testified before the panel. Botzek asked the committee to think of the dedicated funding as an investment in a legacy. "Most kids with a fishing pole in their hands are in a better situation than when they are on a street or in an alley," Ness said. "Fishing gives them something better to do than steal a car," he told members.

Sen. Douglas Johnson (DFL-Tower), who chairs the committee, told members that natural resources is one of the few recipients of dedicated state funds. Natural resources currently has \$114.064 million of dedicated funding in 2000, he said. Should this bill pass, Johnson said, the legislature will have authors dedicating funds for education, housing, and others.

Some people believe that children are the most important resource, said Sen. John Hottinger (DFL-Mankato). When the budget grows thin, how can I rationalize sending funds to fishing and hunting instead of providing for children, he asked. Sen. Sandra Pappas (DFL-St. Paul) told the committee that the Legislature has already authorized a 25 percent increase for natural resources funding, but only an 8 percent increase for education.

The bill was recommended to pass and re-referred to the State Government Finance Committee on a roll call vote of 14 to 6.

## Conference committees

### Appropriations bills compared

Senate and House conferees met Tues., Mar., 28, and heard comparisons of three key components of the bodies' versions of the supplemental omnibus bill. The committee is co-chaired by Sen. Don Samuelson (DFL-Brainerd) and Rep. Kevin Goodno (R-Moorhead).

The three sections of the bill presented were agriculture, energy and natural resources, economic development and jobs and state government.

Under the agriculture, energy and natural resources portion of the bill, the Senate provides a total of \$46 million and includes an estimated \$24.6 million in lottery in-lieu of tax revenues for natural resources programs. The House appropriates \$25 million.

Both the Senate and House versions raise the current \$200,000 cap to \$350,000 for reimbursement from the Agricultural Chemical Response and Reimbursement Account (ACRRA). Although the programs are funded from different sources in some cases, both bills also include plans for relocation of the Department of Agriculture, with the move to be completed by June 30, 2003, both establish an agroforestry loan program and revolving fund to receive money or funds with the Senate appropriating \$850,000 for loans and the House appropriating \$200,000 in grants. Both bills provide \$494,000 to expand the state's meat inspection program and both provide \$245,000 for continuation of the Board of Animal Health's pseudorabies control program. Both bills also provide money for water quality and quantity studies at the Lamberton and Waseca Research Stations, with the Senate providing \$400,000 and the House \$300,000, and both provide additional money for the farm advocate program, with the Senate providing \$200,000, the House \$100,000. The Senate provides \$287,000 to the Minnesota Department of Agriculture (MDA) for the Minnesota-Grown pilot food coupon program and \$300,000 for organizations participating in the Farm Wrap and Rural Help networks, neither of which is funded in the House version. The House, however, provides for some other programs, such as \$135,000 to the MDA for a grant to the Center for Farm Financial Management to develop farm



business software. Both versions include some changes to the ethanol producer payment, including raising the payment cap from \$34 to \$37 million. The Senate also extends the program for two years, until June 30, 2002, while the House reminds all producers that the program ends June 30, 2010, and eliminates the requirement that all increases in production be on-line by June 30, 2000.

Some highlights of the environment and natural resources portion of the bill include a Senate appropriation of \$410,000 to the Minnesota Pollution Control Agency for administration of the wastewater infrastructure fund (WIF). The House provides \$306,000 and requires the MPCA to allocate \$104,000 for WIF program administration. The Senate and House versions provide \$400,000 to the Board of Water and Soil Resources (BWSR) for technical and professional services for wetland replacement, with the House providing \$5 million for an agricultural set-aside program. Both the Senate and House provide about \$3.95 million to pay the judgement for legal costs incurred in the Mille Lacs treaty case and \$1.459 million for wildfire response readiness in counties near the Boundary Waters Canoe Area (BWCA). The Senate version provides \$60,000 for administration of the lifetime hunting and fishing license program, while the House provides \$54,000 in 2001 for goose abatement on farmland in Western Minnesota. The Senate provides one-time appropriations in various fish and wildlife funds in 2001 from the \$24.6 million in-lieu-of sales tax provisions for lottery revenues as follows: \$12.304 million from the game and fish fund for improvement and enhancement and protection of fish and wildlife resources; \$4.537 million from the natural resources fund for state park and recreation area operations; \$1 million from the natural resources fund for state trail operations; \$5.537 million for payment of a grant to the Metropolitan Council for Metro Area parks and trails maintenance and operation; \$738,000 for local trail grants; and \$492,000 for grant of \$164,000 each to the Minnesota Zoo, the Duluth Zoo and the Como Zoo. The House reduces by \$104,000 an appropriation to the Office of Environmental Assistance (OEA) to eliminate vacant

positions. The Senate makes one-time general fund appropriations from license fee increases - \$1.565 million for fish and wildlife management and \$500,000 for expansion of the walleye stocking program - and \$3.59 million from the game and fish fund for fish and wildlife management with the restriction that 87 percent be spent on regional and local Department of Natural Resource (DNR) offices. The Senate also includes \$825,000 from the game and fish fund for enforcement of DNR laws. The House removes \$1.565 million from game and fish fund base operations support and adds it to a \$4.1 million game and fish fund appropriation for fish and wildlife management. The House also appropriates a \$1.565 million general fund "match" for license revenue increases to base funding for DNR operations support. The House also provides \$500,000 from a general fund match for an accelerated walleye stocking program and makes it contingent on license fee increases. The House also restricts staffing of the fish and wildlife division to 1994 levels and requires a report on the use of appropriations made in the bill. The Senate appropriates \$200,000 from the general fund to conduct an inventory of state-owned land in the BWCA and to report to the Legislature by Jan. 15, 2002. The Senate transfers \$4 annually to the Wildlife Acquisition Account for each lifetime small game and sporting license issued, transfers \$2 annually to the Deer Habitat Account and \$1 annually to the Emergency Deer Feeding Account for each lifetime deer license sold, establishes lifetime license fees for both residents and non-residents and establishes both resident and non-resident annual hunting and angling license fee increases. Both the Senate and House provide petrofund reimbursement for 90 percent of the cost of agricultural storage tank removal and allow the Western Lake Superior Sanitary District (WLSSD) to accept demolition debris until Jan. 1, 2002, and remain eligible for the Landfill Cleanup Program.

As for the economic development and jobs, the Senate provides a total of \$27 million for various programs, while the House version provides \$5 million.

The Senate version funds 16 trade and economic development programs, such as \$400,000 in Department of Trade and

Economic Development (DTED) grants to Advantage Minnesota and \$216,000 for rural jobs creation grants. Except for a \$1.5 million appropriation in the House version for grants to develop Internet access in rural areas (the Senate version appropriates \$1 million), the other 15 programs are unfunded by the House. The Senate version provides \$5 million for the tourism loan fund, while the House version provides \$500,000. The Senate and House versions both provide \$200,000 for grants to Minnesota Technology Inc.'s e-Business Institute, but the House version does not include a combined \$700,000 in funding provided in the Senate version for Minnesota Project Innovation, Natural Resources Research Institute and the Minnesota Council for Quality. The Senate provides \$2 million for the Housing Finance Agency (\$1 million apiece for family homelessness prevention and nursing home conversion grant program), while the House version provides \$500,000 for family homelessness prevention. Both Senate and House versions contain a \$130,000 appropriation for the Board of Architecture for enforcement activities. The Senate version provides \$5.258 million for the Department of Economic Security, with \$250,000 going to the alien labor certification program, compared with a \$150,000 (with match) appropriation from the House. The Senate version provides funding for five other programs, including \$126,000 for the Advocating Change Together (ACT) program, \$3 million for summer youth employment programs, \$1 million for a parental leave pilot program, \$250,000 to help people with severe impairments to employment and \$572,000 for enterprise zone incentive grants. The Senate version provides \$129,000 to the Department of Commerce to maintain its no-call information list and \$1.150 million to the Minnesota Historical Society - \$850,000 for salary and benefits adjustments and \$300,000 in grants to local or county societies for asset preservation projects. The Senate version provides \$15,000 for the Office of Strategic Long-Range Planning, while the House version provides \$75,000.

There are several other major differences between the House and Senate versions of the bill, too. The House

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version appropriates \$750,000 for DTED grants for rural jobs surveys and cancels \$800,000 in part of the carryover for DTED's pathways programs. The House version provides \$200,000 for the Department of Economic Security's youthbuild bridge programs for one year and shifts \$1.827 million from the general fund to the fund for displaced homemakers. The House bill provides \$50,000 to the Department of Administration to study placing Workforce Development Centers on Minnesota State Colleges and Universities (MnSCU) campuses. The House version provides \$90,000 to the Department of Labor and Industry for the cost of raising fines for OSHA violations that contribute to a worker's death and provides \$65,000 to extend the sunset clause on the Board of Boxing and shift it to the health department.

As for the state government portion of the bill, the Senate version appropriates a total of \$18 million, while the House version provides \$10 million.

The Senate version provides \$4.4 million to the Secretary of State to maintain the Uniform Commercial Code central filing system, compared with \$2 million provided in the House version. The Senate version provides \$450,000 to the Office of Strategic and Long Range Planning for grants of \$50,000 each to regional development commissions for planning work, while the House reduces the appropriation by \$2 million and requires the office to develop a plan for contracting with the University of Minnesota and others for planning activities. The Senate version provides \$249,000 for the Metropolitan Radio Board, \$60,000 for a data practices study and \$1.268 million for facilities management of office space in the Capitol for which rent is not charged, all programs unfunded in the House version. The Senate version appropriates \$38,000 to the Campaign Finance and Disclosure Board for legal expenses, compared with \$48,000 from the House. Both the Senate and House provide \$45,000 for the Gambling Control Board and reduce appropriations for the Minneapolis Employees Retirement Fund by \$1.3 million in 2000. Another area where the Senate and House versions differ is the House appropriation of \$50,000 for the Legislative Commission on Minnesota-

Ontario Matters, compared with no funding from the Senate, and the House cancellation of \$1.5 million in previous bonds to the general fund.

On policy matters, the two versions of the state government bill agree on several issues. In detailed budget provisions, both bills agree that estimates for internal service funds must include the number of full-time equivalents by program, any loans from the general fund, proposed investments in technology or equipment of \$100,000 or more and an explanation of any operating losses. The bills also agree on provisions concerning immediate needs and cash advances for funding. There are also areas of difference between the two versions of the bills. While the Senate version changes the name of the Office of Technology to "bureau," the House version repeals the office altogether. The House version also repeals the Office of Citizenship and Volunteer Services. In addition, the House version calls for establishing uniform meeting times for House and Senate standing committees, to be enacted in 2002, places tougher restrictions on lobbyists, sets salary limits at 75 percent of the governor's salary for heads of large agencies and at 65 percent of the governor's salary for heads of smaller agencies, specifies that any information systems development project of more than \$1 million must have a risk assessment from outside state government and prohibits bond issues for any project for which the Legislature has provided more than \$5 million unless a cost-benefit analysis has been done. The House version also grandfathered in bleacher safety standard compliance for existing bleachers from Jan. 1, 2001, to Aug. 1, 2001.

## Comparison continues

Senate and House conferees continued their discussion of the omnibus appropriations bill Wed., Mar. 29, focusing on the health and human services and crime prevention portions. The committee is co-chaired by Sen. Don Samuelson (DFL-Brainerd) and Rep. Kevin Goodno (R-Moorhead).

The Senate provides a total of \$113.822 million for health and human services programs, while the House provides \$33.628 million.

Among key sections of the bill are

provisions relating to information required to be given to a person prior to an abortion. The Senate version requires the woman to be informed by the physician or physician's agent of the gestational age of the embryo or fetus, the type of procedure to be used and the medical risks and the medical risks associated with carrying the fetus to term. The Senate version also provides the right to review printed materials, which describe the fetal development, list agencies that offer alternatives to abortion and services to assist the woman, describe medical assistance benefits that may be available and describe mechanisms for obtaining child support. The House version requires informed consent and specifies requirements that must be met for the woman's consent to be voluntary and informed. The conditions include that at least 24 hours before the abortion, a physician who will perform the abortion or referring physician must tell the woman the name of the physician who will perform the abortion, the medical risks associated with the procedure, the probable gestational age of the unborn child at the time the abortion is to be performed, and medical risks associated with carrying the child to term. The House version specifies that the information can be conveyed by telephone or in person. The House also specifies that if any provisions of the statute of informed consent is found unconstitutional, the provision is stricken but the rest of the provisions remain in effect.

Another section of the bill concerns the prescription drug program for seniors. The Senate changes the term "qualified senior citizen" to "qualified individual" and the name of the program to "prescription drug program." The Senate keeps eligibility to individuals 65 years of age or older, while the House expands eligibility to the disabled enrolled in Medicare and to all individuals age 65 years or older. The Senate increases income limits, while the House retains current income limits. Both the Senate and House make individuals who are eligible for Minnesota-Care ineligible for the program.

Another section of the bill relates to complementary and alternative care. Both the Senate and House both create an office within the Health Department to address complaints against

unlicensed complementary and alternative health care practitioners, with the House specifying that the commissioner cannot adopt rules that restrict or prohibit persons from engaging in such treatments on the basis of education, training, experience or supervision.

In the human services area, both the Senate and House make changes to child care assistance programs. For example, both the Senate and House provide that determining eligibility for most child care assistance programs, "income" must include child support. Both versions of the bill also add reimbursement for the federal share of child support distributions as an allowable use of federal TANF funds, with the House creating a review mechanism for TANF maintenance and expenditures. Both the Senate and House also establish a pilot program in Dakota County to encourage rapid entrance into the workforce for families who need ongoing MFIP benefits. The Senate requires DHS and Dakota County to plan the project and submit a proposal, while the House mandates how the program should be set up.

Under the criminal justice section of the bill, the Senate version shows a net impact of \$11.5 million on the budget. The House version shows a net impact of \$1.3 million.

Both the Senate and House call for stiffer DWI penalties, although the Senate's proposal is on General Orders. Among key provisions in the House version are a felony penalty for anyone convicted of DWI offense within 10 years or three or more impaired driving convictions. The House also imposes a felony penalty on any person convicted of a previous DWI and provides a mandatory sentence of not less than five nor more than seven years imprisonment and fine of not more than \$14,000.

In the area of criminal justice, both Senate and House versions establish a pilot project to develop a joint domestic abuse prosecution unit to be administered by the Ramsey County Attorney's Office and the St. Paul Attorney's Office. The Senate appropriates \$150,000 for the program, while the House appropriates \$250,000. Likewise, the Senate does not specify a progress report but is more specific as to whom the report is to be made.

In corrections, both the Senate and

House encourage courts to place juvenile offenders, who would otherwise be placed at out-of-state facilities, at the Minnesota Correctional Facility-Red Wing. Both the Senate and House also require the Commissioner of Corrections to charge counties for one-half of the confining juveniles at Red Wing. Both the Senate and House also provide a new method of computing the per diem costs for placing juveniles at the facility and requires the commissioner to make 80 percent of grants to noncommunity corrections act counties and 20 percent to community corrections act counties. Both the Senate and House reduce the appropriation for these grants by \$5 million per year in order to make the per diem change budget neutral.

Both the Senate and House versions of the bill also deal with battered women and domestic abuse, with the House changing references to "battered women" to victims of domestic abuse." Among the provisions, the Senate adds shelters receiving per diem payments as entities maintaining private data and the House protecting the victim's location by private data.

One difference between the Senate and House is that the Senate version includes the creation of a Capitol Police Department and an oversight committee, appropriating \$280,000 to organize the department.

### **Wolf management bill discussed**

The conference committee on grey wolf management met Tues., Mar. 28, to familiarize themselves with differences between Senate and House versions of H.F. 1415. Differences between the bills, both of which pertain to wolf management in Minnesota, involve compensation and reimbursement rates for the taking of wolves and livestock, the time frame in which one must report the taking of a wolf, and what activities involving grey wolves are considered a gross misdemeanor. Sen. Gary Laidig and Rep. Tim Finseth co-chaired the committee.

The Senate version establishes higher dollar amounts for both reimbursement of livestock destroyed by wolves and compensation for illegally taking a wolf. Under the Senate language, the \$750 cap on compensation for livestock destroyed by a wolf in the House

language is removed. Compensation from the Department of Agriculture, said Laidig, is dependant upon the animal's market value, which often exceeds \$750.

Furthermore, the Senate version provides a higher restitution value for wolves illegally taken -\$2000- than is stated in House language, \$250. Under Senate language, not only illegally taking, but also illegally harassing, destroying, buying, selling, possessing, transporting, or shipping a grey wolf qualifies as a gross misdemeanor. Only the illegal taking of a grey wolf qualifies as a gross misdemeanor in the House version of the bill.

Another difference between the bill's is the amount of time one is allowed between destroying gray wolves in defense of human life, for threatening livestock, or threatening domestic pets and reporting the incident to a conservation officer. Senate language allows a 24 hour window, whereas House language allows 48 hours.

Senate language also states that a five year minimum must pass after the gray wolf is removed from the Federal Endangered Species Act list before an open season can be established. House language contains no similar provision.

Sen. LeRoy Stumpf (DFL-Thief River Falls) brought an amendment before the committee for discussion. The amendment includes provisions for allowing university agents, as well as conservation officers, to determine the fair market value of livestock, using certified traps to protect agricultural property, and including stalking of livestock in the definition of immediate threat.

Also included in the amendment are changes to the gray wolf management plan, predator control areas, and the addition of an effective date. Stumpf's amendment includes managing the ecological impact of wolves on prey species and other predators under the gray wolf management plan. Stumpf said that deer populations qualify as prey species. The amendment allows predator control areas to be established in Minnesota's agricultural zone, if authorities determine that livestock or domestic pets were destroyed by a wolf within five years. Finally, an effective date for the bill of October 1, 2000, is established. Members took no formal action on the amendment.



# Floor update



*The Senate Chamber during a busy floor session. Senators meet in floor sessions during the mornings and in conference committees in the afternoons.*

Photo by David J. Oakes

## **Transportation bills reviewed**

"There is one provision in the bill we agree on," said the Transportation Conference Committee Co-Chair, Rep. Carol Molnau (R-Chaska), when the committee convened Wed., Mar. 29. Members listened to comparisons between the \$459,324 million S.F. 3793 and the \$425,005 million H. F. 2891, omnibus bills relating to transportation finance. Sen. Dean Johnson (DFL-Willmar) also co-chairs the committee.

Under a motion offered by Sen. Mark Ourada (R-Buffalo), members approved the only identical section between the bills. The provision allows the Minnesota Department of Transportation (Mn/DOT) to approve supplemental contract agreements for work on trunk highways. The panel then heard a comparison of the two bills' differences.

Whereas the House bill only provides for a multi-agency workgroup to assess the effects of increased activity on the DM&E rail line in Southern Minnesota, the Senate bill appropriates both funds for studies conducted by the workgroup and grants to cities affected by the railroad. In the Senate bill, the multi-agency workgroup is appropriated \$250,000 to develop recommendations for maximizing use of the DM&E for Minnesota products, assure environmental protections are used, involve local units of government in right-of-way acquisition, and determine costs to local government and private property. An appropriation of \$9.75 million is earmarked for grants to cities along the railway for impact mitigation and traffic expenses.

Establishment of a 14 member commission to set priorities on major

transportation projects is included in the House bill, but not the Senate bill. Operating on Trunk Highway funds, the commission, consisting of 5 House members, 5 Senate members, the governor, and three gubernatorial appointees, will approve all Mn/DOT projects costing \$5 million or more. Mn/DOT can delete projects approved by the commission, but it may not undertake projects without the commission's approval.

The House bill abolishes the public safety motor vehicle charge on July 1, 2001. The current fee is \$2 when filing for an original motor vehicle title, \$4 for a duplicate title, and \$1 for each assignment of a security interest on a title.

Also abolished under the House bill is \$4.15 million in 2001 and \$15.5 million

in 2002-3 for light rail transit (LRT). The House bill further states that costs associated with relocating public utility and telecommunication facilities associated with light rail be included in LRT project costs totals. A Senate LRT provision allows naming rights of LRT transit stations to be sold or leased. Revenue from the naming rights is used for LRT operating costs.

Both bills provide for a study of entrance ramp meters. Senate and House language provide for ramp meters to be turned off during October of 2000 for a study of traffic flow. The House appropriates \$400,000 for the study, whereas the Senate study is unfunded.

Also included in the House bill are studies for high occupancy vehicle (HOV) lanes, Metro Mobility, and a public safety radio system. The HOV lane study investigates the effects of allowing vehicles with a gross weight over 26,000 pounds and non-passenger trucks, vans, and automobiles on HOV lanes. The Metro Mobility study investigates ways to increase availability of services, the integration of private taxi services, and the integration of Metro Mobility service into the master transit plan. A planning committee, composed of the Departments of Administration, Transportation, and Public Safety, will provide a study for the development of an 800 megahertz statewide public safety radio system.

The Senate bill provides for a constitutional amendment dedicating 15 percent of the motor vehicle excise tax (MVET) to the highway user tax distribution fund and 15 percent to a multimodal fund to be used exclusively for transportation purposes. The funds will receive \$79.935 million in 2002 and \$82.5 million in 2003. Submission of the proposed amendment to voters will take place at the 2000 general election.

In conjunction with the constitutional amendment, the Senate bill creates the multimodal transportation fund and prohibits expenditures from the trunk highway fund for non-highway purposes. Current non-highway expenditures removed from the trunk highway fund include a \$1.656 million appropriation to the Bureau of Criminal Apprehension (BCA) for a forensic laboratory, a \$766,000 appropriation for tourism and information service centers, and a \$600,000 appropriation for tort claims.

## Friday, March 24

### Poirier bill passed

Following the discussion of the tax bill, the Senate turned its attention again to the criminal justice information system bill, H.F. 2688, also known as "the Katie Poirier bill," authored by Sen. Jane Ranum (DFL-Mpls.). The bill was considered by the full Senate earlier in the week, but was returned to the Crime Prevention Committee following the adoption of an amendment, offered by Sen. Claire Robling (R-Prior Lake), increasing the minimum sentences for various degrees of sexual misconduct. Members sent the bill back to committee out of concern of the impact of the amendment on the availability of prison space. Ranum said the committee removed the Robling amendment and instead adopted an amendment, offered by Sen. Thomas Neuville (R-Northfield), imposing a 12 year sentence for first degree sexual misconduct. She added that the prison bed impact is 264 into the tenth year.

Robling said that when she offered the amendment earlier in the week, she did it to protect Minnesota children because "the current sentence was too short for heinous crimes." She added that she can support what the bill has become because it gives Minnesota children more freedom from sex offenders.

Most of the discussion on the bill focused on an amendment, offered by Sen. Sheila Kiscaden (R-Rochester), removing the commissioner of finance from the criminal and juvenile justice information policy group. She said the amendment will help the conference committee come to a quick agreement and that the policy group will still continue to work closely with the commissioner of finance if the amendment is adopted.

Sen. Roger Moe (DFL-Erskine) said the appropriation contained in the bill for the information system is a down payment on a comprehensive information system, and the commissioner of finance should remain involved with the policy group as the system develops. He added that the state is about to embark on a long term information system implementation, and it doesn't make sense to not have the state's chief financial officer at the table. Moe urged defeat of the amendment.

Ranum said she had letters from the commissioners of administration and finance stating that they both wish to be on the information policy group. She said there has been remarkable cooperation between the executive branch and the judicial branch on the issue. Ultimately, Kiscaden withdrew the amendment.

Before final passage, Ranum appealed to the governor to sign the bill because of the need for the legislation and the availability of resources. The bill passed on a 66-0 roll call vote.

The Senate also acted on a message from the other body that the lighted fishing lure bill, S.F. 3586, sponsored by Sen. Pat Pariseau (R-Farmington) had been passed with an amendment. Pariseau said the Pollution Control Agency (PCA) had discovered there was a problem with the battery in the lure, and the House accordingly made changes to the bill. Sen. Jane Krentz (DFL-May Township) said that initially there was only one source of the appropriate battery and there were enough for new lures, but not enough to replace dead batteries. Then the PCA found another source for the batteries, according to Krentz. However, opposition to the bill was voiced by Sen. Douglas Johnson (DFL-Tower) who said the reason anyone would buy a lighted lure is to catch fish. He said that if Senators care about the resource, they can't support the bill. "Fishing used to be fishing, it used to be a sport," he said. The bill failed repassage on a 30-34 roll call vote.

## Monday, March 27

### Patient protection bill passes

Senators took up bills on special orders at the Mon., Mar. 27, floor session. A measure sponsored by Sen. Linda Berglin (DFL-Mpls.), S.F. 3156, generated considerable debate. The bill requires the commissioner of commerce to divide the amount from certain civil penalties imposed on health insurance carriers among policy holders or certificate holders affected by the violation. Berglin offered an amendment that exempts the requirement if the commissioner certifies in writing that the division and distribution is too administratively complex or if the amount would be less than \$50 per



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individual. Berglin offered a second amendment, which clarifies provisions in the measure regarding medical clinical trials. The amendment specifies that an enrollee's participation in a clinical trial does not negate a health plan company's obligation to provide medically necessary health care that would normally be provided to an enrollee under their health plan. Sen. Kenric Scheevel (R-Preston) objected to considering a bill that was defeated in committee. Sen. Allan Spear (DFL-Mpls.) said the Senate has a reconsideration process. He said usually there is a motion in committee to reconsider a bill and in this case there was a motion. Sen. Shelia Kiscaden (R-Rochester) opposed the provisions regarding the distribution of civil penalties and offered an amendment to delete that section of the bill. "We're paving new ground that I'm not comfortable with," she said. Berglin said it's fair and right to have half the penalty awarded to those that have been harmed. The amendment failed on a 40 to 24 roll call vote. An amendment put forth by Sen. Edward Oliver (R-Deephaven) alters the continuity of care provisions in the measure by changing the time period from 180 to 120 days. Oliver said no state has a limit of 180 days. "The majority of states use 90 days," he said. Berglin said the 180 day provision has a narrow application. Sen. Linda Runbeck (R-Circle Pines) said the bill will drive health care costs higher for smaller employers. The amendment failed on a 43 to 20 roll call vote. The bill was granted final passage on a 43 to 0 roll call vote.

The omnibus pension bill, S.F. 2769, was presented by Sen. Lawrence Pogemiller (DFL-Mpls.). Oliver offered an amendment which deletes a portion of the bill relating to State Board of Investment review procedures. The bill allows a company to request that the board, in conjunction with the Department of Commerce, review the financial standing of the company, the competitiveness of its investment options and returns, and the level of all charges and fees impacting those returns. The amendment goes on to specify that the board must establish standards, policies, and procedures to conduct the review. The board may establish a fee for each review, and must

maintain and have available a list of all reviewed companies which meet the established standards. Oliver said the bill restricts vendors and there is no reason for the board to establish a list. Pogemiller said companies don't have to go through the state board. He said districts can still choose any vendor. "This just brings some consistency to all the information (out there)," said Pogemiller. Oliver said local districts need to make their own decisions. "This is a clear example of the state assuming a top-down function," he said. The amendment failed. The bill was granted final passage on a 62 to 1 roll call vote.

Sen. Dean Johnson (DFL-Willmar) moved for reconsideration of S.F. 3586. The motion was adopted. The bill permits angling with a lighted fishing lure. Sen. Pat Pariseau (R-Farmington) said language was added in the House that no mercury may be contained in lures' batteries. Sen. Jane Krentz (DFL-May Township) said people might replace a dead battery with a battery containing mercury. Pariseau said the lure is a throwaway piece adding that it's unlikely someone would replace the battery. Sen. Roger D. Moe (DFL-Erskine) said these type of lures put more pressure on the state's resources. Sen. Warren Limmer (R-Maple Grove) said the lure won't have a huge impact on fish populations. Pariseau pointed out that the lure is sold in 43 other states. The bill was granted final passage on a 40 to 23 roll call vote. Several other bills were also granted final passage.

S.F. 3216, the education repealer bill, authored by Pogemiller, repeals excessive language in statute. Sen. Claire Robling (R-Prior Lake) said the bill removes the commissioner's ability to repeal rules. Robling offered an amendment to delete that portion of the bill. She said the commissioner needs the ability to repeal rules. "It allows a quick remedy for a rule that is not working," she said. The amendment was adopted.

The data practices omnibus bill, S.F. 2806, was sponsored by Sen. Don Betzold (DFL-Fridley). An amendment, offered by Sen. Cal Larson (R-Fergus Falls), states that the workers' compensation reinsurance association is not a state agency except for purposes of statute relating to data practices. Sen. John Hottinger (DFL-Mankato) said the

amendment proposes a significant change. Sen. Deanna Weiner (DFL-Eagan) said a bill is needed to look at all quasi-state agencies. The amendment failed on a 36 to 25 roll call vote. Sen. Arlene Lesewski (R-Marshall) offered an amendment that the Bureau of Criminal Apprehension must make public criminal conviction data available on the internet. Betzold said the amendment may have fiscal implications. Lesewski said it's important to rural citizens to have information available on the internet. Sen. Thomas Neuville (R-Northfield) offered an oral amendment for a July 1, 2001 effective date. The amendment was adopted and the overall amendment passed on a 61 to 0 roll call vote.

Berglin presented S.F. 3410, which modifies provisions relating to child neglect and domestic violence. The bills clarify what conditions constitute exposure of children to domestic violence.

S.F. 3198, authored by Berglin, establishes a process to close nursing facilities and reallocate the savings to other facilities. Berglin said the bill gives affected employees a longer time to look for new work.

S.F. 1038, presented by Sen. Sam Solon (DFL-Duluth), establishes licensing requirements for occupational therapists and occupational therapy assistants.

Sen. Dallas Sams (DFL-Staples) authored S.F. 2499. The bill clarifies Medical Assistance reimbursement requirements for speech language pathologists.

Sen. Don Samuelson (DFL-Brainerd) sponsored H.F. 3209, which modifies major spending commitment reports for certain providers by adding additional criteria for the commissioner of health to consider. The bill only applies to major spending commitments that are related to the purchase, construction or leasing of a radiation therapy facility.

S.F. 2683, authored by Samuelson, authorizes disability permits for taking rough fish and hunting small game with a crossbow and exempts archery bows used for bow fishing from casting requirements.

Pariseau sponsored S.F. 3169, a bill authorizing Dakota County to appoint an additional member to its Personnel Board of Appeals.



## Auto glass bill passed

Continuing their efforts in a very productive day of floor action, Mon., Mar. 27, the Senate considered numerous bills on a variety of topics.

Sen. Dallas Sams (DFL-Staples) carried H.F. 2656, the auto glass replacement rebate bill. Sams said the bill provides a \$35 limit on the value of rebates that glass replacement services may offer for a job and provides a mechanism to determine the fair market value of the cost of glass replacement. Sen. Cal Larson (R-Fergus Falls), sponsor of similar legislation in previous years, said the cost to replace auto glass in Minnesota is 69 percent higher than in the rest of the nation. He said the free box of steaks offered by some replacement services costs the state an extra \$70 million in auto insurance premiums. Sen. John Marty (DFL-Roseville) said he was disappointed the bill didn't get rid of "steerage," or the practice of some auto insurance companies to steer policy holders toward certain glass replacement services. The bill was passed on a 60-0 roll call vote.

Sen. John Hottinger (DFL-Mankato) successfully guided five bills through final passage. A study to make recommendations for the transfer of public guardianships from the Dept. of Human Services and counties to some other entity is the subject of H. F. 2671. Hottinger said the study report will be given to legislative committees so the recommendations can be made into law. Sen. Don Samuelson (DFL-Brainerd) offered an amendment that he said ensures that some groups don't establish a business just to provide guardianship services and that a multi-purpose social service agency performs the work. The amendment was adopted. The Senate also adopted an amendment offered by Sen. Linda Berglin (DFL-Mpls.) excluding income earned by temporary census workers from consideration for eligibility purposes in various assistance programs. Berglin said the federal government is urging passage of the provision. The bill passed on a 61-0 roll call vote.

The Heritage Forests bill, S.F. 2949, was also passed on a 59-0 roll call vote. Hottinger said the bill provides a voluntary tool to protect and restore Heritage Forests by allowing property owners to acquire easements and qualify

for conservation programs. In addition, he said, the bill provides for local control and that counties have complete control to designate Heritage Forest areas.

Hottinger said S.F. 2803 is known as the "150 hour bill" for certified public accountants. He said that after July 1, 2006, a candidate for CPA licensure must have completed at least 150 semester hours of course work with a major in accounting. Hottinger said the provision is effective in 2006 so that those currently pursuing an education under existing requirements can finish before the new requirements are in place. The bill was given final passage on a 44-15 roll call vote.

S.F. 2761 provides liability immunity to municipalities for claims arising from the use of geographic information systems (GIS) data. The Senate adopted an amendment, offered by Hottinger, that he said addresses concern about changes to liability in the future by changing the bill's definition of GIS data. The bill passed on a 58-0 roll call vote.

Hottinger's final bill, S.F. 3020, provides for an extension of the time a business has to submit proof of loss to an insurance company. The Senate adopted an amendment that he said clarifies an agreement reached in the Commerce Committee that the provisions of the bill don't apply to statutes dealing with homeowner's insurance. However, Sen. Douglas Johnson (DFL-Tower) said he had learned that some insurance companies that sell fire insurance in Minnesota were going to stop selling or limit policies for businesses near the area threatened with potential forest fires this summer. Johnson asked if there was any provision in the bill to prevent that. Hottinger said he was unaware of the issue, but moved to lay the bill on the table so an amendment to address the issue could be prepared. The motion prevailed.

The Senate considered a bill carried by Sen. Don Betzold (DFL-Fridley), S.F. 1126, that makes revisions to the economic loss liability statute. Betzold said that a special legislative session involving Marvin Windows brought attention to that statute and the need for a broader look at it. He said that the current law was put together in a

piecemeal fashion and everybody agreed that something had to be done. Various groups came together, including the trial lawyers and insurance federation to rewrite it, Betzold said, and added that the bill doesn't create any new area of liability, but allows a lawsuit for damage to other property caused by something that was purchased without expanding liability into tort claims. The subject area is very complicated, but everyone's on board, Betzold said. Sen. Thomas Neuville (R-Northfield) expressed support for the bill and appreciation for the process that was used to come up with it. He said it pulled together all interested groups and it was politics at its best. The bill passed on a roll call vote of 56-0.

A bill making changes in provisions concerning lake improvement districts (LID), S.F. 2968, sponsored by Sen. Mark Ourada (R-Buffalo) was granted final passage on a 60-0 roll call vote. Ourada said that provisions of the bill include a requirement that orders establishing a LID must tell the method of election of the governing board members; authority for owners of property within the district who are absent from the district annual meeting to vote in the board election; a mechanism by which 26 percent of the property owners within a proposed district can petition for a referendum vote on creating the district; authority for a county commissioner who creates a LID to appoint the initial governing board; and a requirement that the LID seek available funds for improvement projects elsewhere before levying taxes.

Lifetime hunting license provisions were passed in the form of an amendment to a bill sponsored by Sen. Bob Lessard (DFL-Int'l. Falls), H.F. 3510. Lessard said his bill authorizes taking two deer, one by firearm and one by archery in Kittson, Lake of the Woods, Marshall, Pennington, and Roseau Counties. Sen. Pat Pariseau (R-Farmington) offered the lifetime license amendment and said the amendment provides for both residents and non-residents and that the license fee depends on the applicant's age. The amendment was adopted and the bill passed on a 62-0 roll call vote.

The Senate also passed a bill carried by Sen. Steve Murphy (DFL-Red Wing), S.F. 2785, exempting trucks owned by

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public utilities, municipalities and cooperatives from weight limits when there is a utility service loss or imminent danger of utility loss. Sen. Leo Foley (DFL-Coon Rapids) raised concern about the impact of the bill and asked who will pay for the road damage. Murphy replied that taxpayers will have to pay for the damage, but added, "I'd rather do that than sit around waiting to get my lights back on." The bill passed on a 58-0 roll call vote.

Two bills authored by Sen. Sheila Kiscaden (R-Rochester) were granted final passage by the Senate. Kiscaden said that the first bill, S.F. 3169, creates flexibility for parents who divorce. She said that the adversarial nature of child custody hearings aggravates the underlying tension of a divorce, yet both people are still parents. Kiscaden said that her bill puts into statute a provision allowing parents to come to terms on issues such as child support and custody and added that 95 percent of the time parents are able to do that. Sen. David Knutson (R-Burnsville) voiced support for the bill. He said that two years ago the task force that came up with the recommendations for the bill was created in a conference committee and that the provisions of the bill are supported by a majority of those conferees. Knutson added that society can ill afford fractures in the relationship between a parent and child.

Murphy supported the bill as well, saying it goes a long way, but offered an amendment providing that custodial parents can be held in contempt of court if they don't comply with visitation agreements. Kiscaden said that although many Senators are sympathetic to the rights of non-custodial parents, she couldn't support it. Kiscaden argued that the amendment authorizes a court to impose incarceration or a fine for non-compliance and that the Judiciary Subcommittee on Family Law needs to consider the proposal. She asked Murphy to withdraw the amendment and introduce it as a bill. Betzold urged defeat of the amendment, saying that the courts already have the authority, but added "there are always complications that vex the best judges." Berglin also opposed the amendment. She said that Kiscaden's bill outlines ways for parties to voluntarily come up with their own plans and the amend-

ment would have a chilling effect on those efforts. Murphy withdrew the amendment. The bill passed on a 59-0 roll call vote.

Kiscaden's other bill, S.F. 1896, deals with Medical Assistance (MA) liens and recoveries. She said the bill allows the Dept. of Human Services (DHS) to file liens when MA recipients own land and other property. Kiscaden said that the bill requires the DHS to file a copy of the filing with creditors, extends liens out to 10 years, requires proceeds to be shared with the federal and county governments, and is consistent with the principle of providing service while protecting the surviving spouse. The bill passed on a 58-0 roll call vote.

Sen. James Metzen (DFL-South St. Paul) presented the State Board of Investment housekeeping bill, S.F. 2795, to the Senate. Metzen said the bill redefines exchanges the board is allowed to invest in and authorizes the board to invest in closed-end mutual funds and other private investment vehicles. Metzen said the tobacco settlement trust fund that was created last year prohibited the use of the fund's principal, but that prohibition needs to be patterned on other trust funds. The Senate adopted an amendment he offered making that change. Metzen said the fund needs flexibility in the provision. He added that there is not a problem now, but there could be in the future with market fluctuations. The amendment also removed a repeal of the "McBride principals" governing investments in companies that do business in Northern Ireland. The bill passed on a 62-0 roll call vote.

Berglin presented the housekeeping bill for the DHS, H.F. 3122. She said the provisions of the bill cover children's mental health residential care programs, and the provisions were either worked out between the DHS and the counties or they are technical in nature. Four amendments offered by Berglin were adopted. The amendments ensure that a review of group residential housing expenditures is budget neutral; make technical changes in language for a Hennepin County pilot project; expand eligibility for a Minnesota Comprehensive Health Association (MCHA) demonstration project to people who have mental and physical disabilities; and add provisions concern-

ing applications for designation as an essential community health care provider. The bill was given final passage on a 61-0 roll call vote.

Sen. Anthony G. "Tony" Kinkel brought up H.F. 2809 for the Senate's consideration and the Senate adopted his motion to adopt the House language. Kinkel said a law was passed in 1992 prohibiting closure of the Ah-Gwah-Ching facility. Since then, Kinkel said, the DHS has tightened admission requirements so there aren't as many residents coming in. However, Kiscaden was critical of the bill and said the Legislature needs to ask if the facility's patients are in the right kind of facility. Kinkel defended the measure, saying the bill just clarifies admission requirements and the facility is the last resort when a patient can't be served by a private nursing home. Sen. Martha Robertson (R-Minnetonka) was also critical of the bill and asked if it limits the state's long term options by insisting that Ah-Gwah-Ching stay open. Nevertheless, the bill passed on a 46-15 roll call vote.

Finally, a bill carried by Sen. Linda Scheid (DFL-Brooklyn Park), H.F. 2719, changing provisions relating to liability insurance for rental vehicles was passed on a 61-0 roll call vote. Scheid said the bill provides coverage for rental cars when a driver's own car is in for repair and specifies that the driver's insurance is primary and repair shop's is secondary.

## Tuesday, March 28

### Child support bill passed

Senators devoted most of the Tues., Mar. 28, floor session to consideration of bills on Special Orders. Bills that have been designated Special Orders are considered for final passage, but may be amended and debated.

Discussion centered primarily on two measures offered by Sen. David Knutson (R-Burnsville). S.F. 3016 makes several changes in the child support enforcement provisions in order to comply with federal child support incentives. The measure requires that counties receiving the federal incentives reinvest the incentive funds in county child support enforcement programs, but prohibits counties from reducing funding of the child support enforcement program by the amount of the incentive. In addi-

tion, the measure requires the commissioner of human services to develop an arrearage notice to be sent to an obligor specifying the enforcement remedies that may be implemented, the obligor's option to petition the court for a modification or reduction of support and encouraging the obligor to contact the public authority to discuss options for addressing the child support obligation. The bill also provides that a judgment debtor who is in arrears may have funds in financial institutions seized in order to meet the child support obligation. However, the bill also provides for resolutions of disputes and the responsibilities of the public authority in providing financial institutions a notice of release regarding the funds.

Sen. Thomas Neuville (R-Northfield) offered an amendment to address the situation in which the obligor needs the address of the custodial parent in order to serve process or for other legal matters but does not have access to the address. The amendment provides that the obligor may obtain an ex parte court order requiring the public authority to release the address of a recipient of services to the other party in a support proceeding if the party submits a sworn affidavit to the court stating that the party needs access to the address for service of legal process on the other party in a support matter, the other party is not represented by counsel, and the party seeking the address has made reasonable efforts to locate the other party and there is no history of domestic abuse between the parties. Further, the amendment specifies that if the obligor is unable to obtain an order because of a history of domestic abuse between the parties, the obligor may give documents to the public authority for purposes of legal service. The public authority shall provide for appropriate service and shall certify to all parties the date of personal service or service by mail. Finally, the amendment requires the Dept. of Human Services to notify all recipients of services that the other party may seek access to the individual's address and that the individual may provide an alternate address for release to the other party. Sen. Jane Ranum (DFL-Mpls.) questioned whether the amendment had been reviewed by the department and Sen. Leo Foley (DFL-

Coon Rapids) said that there were cost implications for counties in the amendment. However, Knutson and Neuville said that the amendment provides the obligor with due process when trying to get a modification of a support order. The amendment was adopted.

Knutson also offered an amendment, which was adopted, that specifies when a custodial parent delegates parental authority to another person exercise powers regarding care, custody or property of the child must be executed by all parents with legal custody of the child and must be consented to in writing by any other parent whose parental rights have not been terminated. The amendment was also adopted. The bill was given final passage on a 64-0 roll call vote.

The other bill generating discussion, S.F. 2845, increases penalties for underage persons who use any type of false I.D. to purchase alcoholic beverages or tobacco. The bill also authorizes retailers to seize the false identification and requires the retailer to deliver the false identification to a law enforcement agency within 24 hours. The bill specifies misdemeanor or, upon a second violation, gross misdemeanor penalties.

Discussion on the bill centered on a provision authorizing peace officers or probation officers to transport a child from the child's home to the child's school or to a truancy service center. Sen. Sheila Kiscaden (R-Rochester) said that the provision might have secondary consequences if an officer entered the home and saw other things in the home. Sen. Ellen Anderson (DFL-St. Paul) said that once the officer has consent to enter the home, the officer does not need to have a search warrant. Sen. Randy Kelly (DFL-St. Paul) responded that the provision was an attempt to close a gap in the law because law enforcement authorities have the authority to transport a child to the home, but not from the home. He said that the Legislature has tried to focus on increasing attendance at school. Kelly said, "I hardly think officers are going to be indiscriminately going into people's homes." The bill was granted final passage on a 63-0 vote.

Members also gave final passage to several additional bills. S.F. 3386, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), creates a separate

subdivision for the salary procedure for the chancellor and presidents of the Minnesota State Colleges and Universities system. S.F. 619, authored by Sen. Dave Kleis (R-St. Cloud), regulates collection agencies and exempts out-of-state agencies from licensure under certain conditions. S.F. 3533, authored by Kelly, authorizes payment of various claims against the state. H.F. 2451, sponsored by Sen. Steven Novak (DFL-New Brighton), modifies telephone company property depreciation provisions. S.F. 220, carried by Sen. Steve Murphy (DFL-Red Wing), provides for the creation of a propane education and research council. S.F. 3116, carried by Knutson, relates to creditors' remedies and regulates garnishments, executions and levies. S.F. 3730, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), modifies public finance provisions. S.F. 1870, sponsored by Sen. John Hottinger (DFL-Mankato), regulates motor vehicle fuel franchises and marketing agreements.

The Senate also adopted the conference committee report and repassed H.F. 1590. The bill, sponsored by Sen. Charles Berg (IND-Chokio), clarifies the warrant authority of alcohol and gambling agents.

## Wednesday, March 29

### Hate crimes bill passed

On Wed., Mar. 29, the Senate took up several bills placed on Special Orders. Members passed a bill making changes to the hate crimes law. The bill increases penalties and expands the types of crimes punishable as motivated by bias, according to Sen. Richard Cohen (DFL-St. Paul), author of the bill. The bill also makes provisions for juveniles found delinquent in bias-motivated offenses and requires the Sentencing Guidelines Commission to collect information on the number of bias-crime related convictions. Under the bill, the commission must report the information to the Senate and House committee chairs having jurisdiction over criminal justice policy by Jan. 15, 2001 and each Jan. 15 thereafter.

The bill specifies that the courts must order juveniles convicted of bias-motivated offenses to receive appropriate education concerning the effects of bias crimes on victims and society.



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Under the bill, the courts must also require juvenile bias-crime offenders to perform some appropriate community service. Cohen said the bill allows judges to use a certain amount of discretion in dealing with juvenile offenders since they often act out of exposure to ignorance. However, the education provision is intended to address that, said Cohen.

As defined in the bill, a bias-motivated offense refers to any of several offenses when the actor intentionally selects the victim or the property against which the offense is committed, in whole or in part because of the victim's, the property owner's, or another's actual or perceived race, color, religion, sex, sexual orientation, disability, age or national origin. Offenses considered for bias-motivation under the bill include assault in the fifth degree, interfering with religious observance, arson in the fourth or fifth degrees, damage to property, trespass, civil disorder, riot in the third degree, disorderly conduct, public nuisance, harassment and stalking, obscene or harassing telephone calls or harassing letter, telegram or package.

Sen. Thomas Neuville (R-Northfield) opposed the bill, he said, because "it creates a special class of victim." Neuville said it shouldn't matter whether a victim is gay, white, black or Republican. The bill "creates unequal protection under the law," he said. Neuville also said he objected to combining a criminal act with an act of speech and increasing the penalty from misdemeanor to gross misdemeanor, or from gross misdemeanor to a felony. "We're not going to eliminate hate under this bill," said Neuville. "We're just going to drive it underground."

Sen. Jane Ranum (DFL-Mpls.) said she favored the bill. Ranum said it is important to consider that as the state becomes more diverse in its population, verbal and physical abuse of those who are different should not be tolerated.

Sen. John Marty (DFL-Roseville) said, "Bias crimes put fear into the whole community," adding, "It degrades a community." The bill passed on a vote of 52-1.

Another measure considered on the floor was S.F. 2659, a bill related to increased penalties for DWI offenses, known as the "four-strikes-and-you're-

out" bill. The measure imposes a felony penalty for those convicted within a ten year period of a fourth or more drunk driving offense. Sen. Dave Johnson (DFL-Bloomington) sponsored the bill. He said the measure allows a penalty of up to seven years imprisonment with a maximum \$14,000 fine. The bill specifies a minimum penalty of 180 days of incarceration in a local correctional facility or at least six days in a correctional facility plus undergoing a program of intensive supervision. Johnson said Minnesota ranks seventh nationally in drunk driving incidents and that he wants to send a strong message to the public that the law will "hammer" those who continue to drink and drive. Johnson said that currently one-third of the offenders involved in fatal drunk driving situations are repeat offenders. If the bill becomes law it will become effective Aug. 1, 2000 and it will sunset a year later, allowing the state to begin incarcerating DWI offenders and to adopt the funding next year, according to Johnson.

Sen. Randy Kelly (DFL-St. Paul) said he had concerns about the prison impact of the measure. Sen. Linda Berglin (DFL-Mpls.) asked Kelly about the previous fiscal note estimates and Kelly said it was difficult to estimate the number of convictions, but thought a reasonable guess would be in the range of 817 to 1,239. Kelly offered an amendment to appropriate \$455,000 for predesign plans to accommodate an 800-bed expansion at MCF-Fairbault. Berglin asked Kelly whether or not housing offenders in non-Department of Corrections facilities might not be less costly, since there are several rehabilitation treatment facilities already in place. She also said that facilities exist in Brainard, Wilmar, Cambridge and other areas that could be secured and used for treatment. Kelly said the cost of restructuring a facility to operate for purposes of imprisonment and treatment might not be the most efficient solution. Sen. John Marty (DFL-Roseville) said he thought Berglin's questions were valid and that considering the fiscal impact of the measure, the questions should have been resolved before the bill came to the floor. Kelly withdrew the amendment following an agreement with Sen. Don Samuelson (DFL-Brainard) that they needed more time to

consider cost and other options. The bill was laid on the table.

Other matters on the floor included H.F. 2563, a bill authored by Sen. John Hottinger (DGL-Mankato). The bill modifies mechanic's lien penalties and creates a civil cause of action. Hottinger said that in St. Peter and other areas that were struck by tornadoes, many houses and businesses had to be quickly rebuilt. Hottinger said there were instances of owners paying contractors for materials and services, who, in turn, failed to pay the amounts due the subcontractors working on the construction projects. The measure increases civil and criminal penalties to contractors who fail to pass payment on to subcontractors.

Sen. Edward Oliver (R-Deephaven) presented H.F. 3505, the omnibus Department of Commerce housekeeping bill. The bill regulates disclosures, authorizes insurance against vicarious liability for damages, specifies the license term and fees of a managing general agent and regulates various funds and industries. The measure passed unanimously on a 61-0 vote.

H.F. 2940 modifies the drycleaner and environmental response and reimbursement law, including the specification of fees. The bill, authored by Cohen, passed.

Cohen said H.F. 2803 concerns the classification of court reporters. The bill authorizes court reporters in some judicial districts to organize under the Public Employment Labor Relations Act. Sen. Dan Stevens (R-Mora) said he opposes language in the bill because without the designation of "essential employees," court reporters could go on strike and cripple the currently overwhelmed court system. The bill passed on a 56-5 vote.

Sen. Sandra Pappas (DFL-St. Paul) presented S.F. 2851, a measure that increases penalties for violations of child labor laws. The measure passed by a unanimous vote.

S.F. 3002 adds 730 acres and proposes deletion of 80 acres of the state parks system. Under the bill, sponsored by Sen. Dennis Fredrickson (R-New Ulm), additions to the state parks include locations at Charles A. Lindbergh, Flandrau, Myre-Big Island, Lac Qui Parle, Minneopa and Sibley. The Lake Bemidji property lost its potential value

to the park due to its subdivision into 20 individual lots, making the purchase impractical to pursue, according to Fredrickson. An amendment was offered and adopted to reflect the deletion. The bill passed as amended.

Sen. Linda Sheid (DFL-Brooklyn Park) presented S.F. 2655, a bill that provides civil and criminal penalties, appropriates money and recodifies tax insurance laws. The measure passed on a 64-0 vote.

S.F. 173 passed the Senate last year but didn't pass in the House, according to Majority Leader, Roger Moe. The bill allows the Red Lake Band of Chippewa to legally take and tag wild animals in accordance with the Red Lake Band's conservation code on lands north of the 49th parallel. The bill passed unanimously.

S.F. 2848, authored by Sen. Steve Kelley (DFL-Hopkins), is a measure that adds supervisory or confidential public employees to the list of employees represented by the same representative of employees not classified supervisory or confidential. The bill passed 59-1.

Sen. Jim Vickerman (DFL-Tracy) said that S.F. 2987 is a bill related to the distribution of income for cooperatives. He said the bill was written in response to complaints from former cooperative members who were returned their investment in unreasonably slow increments. Sen. Linda Runbeck (R-Circle Pines) offered an amendment proposing that cooperatives return a former cooperative member's capital credit no later than six months following a request for the return and termination of membership. Sen. Don Betzold (DFL-Fridley) said he thought the amendment was a fair and reasonable improvement to the bill. The amendment was adopted. The bill passed as amended on a unanimous vote.

## Thursday, March 30

### Felony DWI passed

Much of the debate at the Thurs., Mar. 30, floor session centered around two bills. The first, S.F. 2659, creates a felony DWI penalty for a fourth offense within a ten year period. The second, S.F. 2826, ratifies state labor agreements and raises the salary cap for state agency heads.

The felony DWI bill, authored by Sen.

Dave Johnson (DFL-Bloomington), had been discussed the previous day, but was laid on the table in order to allow time for an amendment to be drafted. The bill provides a felony penalty for any person who is convicted of a DWI offense within ten years of three or more prior impaired driving convictions. The felon carries a maximum sentence of seven years imprisonment and/or \$14,000 fine. In addition, the measure provides that if the court stays the execution of the sentence the court must sentence, as a condition of probation, the offender to either a minimum of 180 days incarceration or a program of intensive supervision that requires the person to also serve at least six days in a local correctional facility. The bill also requires the commissioner of corrections to prepare a plan addressing how the department plans to supervise the offenders. Finally, the bill specifies that the felony penalty expires Aug. 1, 2001.

The amendment, sponsored by Sen. Randy Kelly (DFL-St. Paul), relates to an appropriation regarding space for housing offenders. Under the amendment, the commissioner of corrections, in consultation with the commissioner of human services, must select a location or locations to house felony-level impaired driving offenders and use the \$455,000 appropriated to predesign the changes needed to accommodate those offenders. Further, the amendment requires the commissioner of corrections to hold public hearings in any area selected to determine the degree of local support for the changes and specifies that the appropriation may be used only if the commissioner is satisfied that there is a sufficient level of local support. Sen. David Knutson (R-Burnsville) spoke in support, "The amendment allows us to look at a statewide approach to the felony DWI issue; if we don't have the amendment, it will place a tremendous strain on local governments and property tax payers." The amendment was adopted.

Opposition to the bill was voiced by several members who all expressed a desire to keep repeat offenders off the streets but criticized the lack of funding in the measure and the provision specifying that the felony penalty expires after one year. Sen. John Marty (DFL-Roseville) said, "The bill needs appropriate funding in order to be

meaningful." Marty suggested that members consider a surtax or "user" tax on alcoholic beverages to fund the needed space requirements for felony level DWI offenders. Sen. Linda Berglin said, "Yes, drunk driving is a serious offense. But, when we pass a bill like this we have to have a way to pay for it. If that involves a surtax, it should be in the bill." Johnson countered that the issue is getting dangerous drivers off the streets. He said that putting the felony penalty in place this year is supported by Minnesotans. Johnson said that next year, members would be able to find an appropriate funding mechanism.

The bill was granted final passage on a 59-7 roll call vote.

The second bill to generate considerable debate, S.F. 2826, ratifies labor agreements and raises the salary cap for agency heads. Chief author, Sen. Carol Flynn (DFL-Mpls.), emphasized that the bill does not raise any salaries. Instead, the measure raises the percentage of the governor's salary at which agency heads salaries are set. Sen. Dan Stevens. (R-Mora) said that although he supports the bill, he wanted to point out that salaries for local government officials, while subject to the same cap, had to include other forms of compensation in arriving at the percentage. Sen. Edward Oliver (R-Deephaven) questioned the amount for state employee step increases. Oliver said that the percentage was higher than the rate of inflation. Flynn responded that not all state employees are eligible for step increases and that the percentages had been arrived at through the bargaining process. Sen. Sheila Kiscaden (R-Rochester) said that the bill did not include routine cost of living increases for state agency heads, who are compensated at far less than executives in the private sector. Sen. Dave Kleis (R-St. Cloud) offered an amendment deleting a provision raising the salary cap for the state lottery directory to the 95 percent level of the governor's salary. The amendment failed on a 22-40 roll call vote. The bill was given final passage on a 57-8 roll call vote.

Members also granted final passage to several additional bills. S.F. 2877, authored by Sen. Jerry Janeczich (DFL-Chisholm), adds to the Iron Range Off-highway Vehicle State Recreation Area and extends the availability of funding.

# Floor update

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H.F. 1326, carried by Berglin, modifies human services licensing and reporting requirements. H.F. 3134, sponsored by Sen. Bob Lessard (DFL-Int'l. Falls), modifies the authority of the Metropolitan Mosquito Control Commission to enter DNR lands. S.F. 2484, authored by Sen. Dick Day (R-Owatonna), requires vehicles to be driven in the right-hand lane unless overtaking slower vehicles. S.F. 2456, sponsored by Sen. Mark Ourada (R-Buffalo) authorizes Wright County to convey certain

county ditches to the cities of St. Michael and Albertville. S.F. 3346, carried by Sen. Steve Kelley (DFL-Hopkins), requires the secretary of state to establish a task force to study and make recommendations on the electronic filing of real estate documents. S.F. 3387, carried by Sen. Don Samuelson (DFL-Brainerd), corrects miscellaneous oversights and technical errors in provisions relating to human services and pre-kindergarten through grade 12 laws. S.F. 3107, also carried by

Samuelson, makes technical modifications in MFIP provisions. S.F. 2594, authored by Sen. Lawrence Pogemiller (DFL-Mpls.), establishes a health care reimbursement plan for MSRS retirees and establishes a task force to study postretirement and active employee health care for all public employees. S.F. 3178, authored by Sen. James Metzen (DFL-South St. Paul), makes a number of housekeeping changes in provisions relating to the Dept. of Public Safety.

# Floor action

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## Bills granted final passage on Special Orders Friday, March 24

S.F. 2657- **Johnson, D.J.:** Omnibus tax bill. 46-21

H.F.2699-**Ranum:** Authorizes disclosure of information about sex offenders. 66-0

## Bills granted concurrence and repassage Friday, March 24

S.F. 2579- **Hottinger:** Regulates certain prescription drug discounts; provides remedies. 52-0

S.F. 2821- **Hottinger:** Amends report filing requirements. 57-1

## Bills granted final passage on Special Orders Monday, March 27

S.F. 3410- **Berglin:** Modifies provisions relating to child neglect and domestic violence. 56-0

S.F.1038- **Solon:** Establishes licensing requirements for occupational therapists and occupational therapy assistants. 57-0

S.F. 3198- **Berglin:** Establishes a process to close nursing facilities and reallocate the savings to other facilities. 61-0

S.F. 2499- **Sams:** Clarifies Medical Assistance reimbursement requirements for speech language pathologists. 58-0

S.F. 2683- **Samuelson:** Exempts archery bows used for bow fishing from casing requirements. 62-0

S.F. 2796- **Pogemiller:** Omnibus pension and retirement bill. 62-1

S.F. 2968- **Ourada:** Modifies provisions relating to lake improvement districts. 60-0

S.F. 2803- **Hottinger:** Modifies licensing requirements for accountants. 44-15

S.F. 2761- **Hottinger:** Limits tort liability for geographic information systems information. 58-0

S.F. 3169- **Kiscaden:** Provides for parenting plans. 59-0.

S.F. 1126- **Betzold:** Clarifies the economic loss doctrine. 56-0

S.F. 1896- **Kiscaden:** Changes probate provisions for estates subject to Medical Assistance claims and liens. 58-0

S.F. 2785- **Murphy:** Exempts utility-owned vehicles from certain weight restrictions. 58-0

S.F. 2795- **Metzen:** Regulates state investment provisions modifications. 62-0

S.F. 2806- **Betzold:** Omnibus government data practices bill. 65-0

S.F. 2949- **Hottinger:** Provides for the establishment of heritage forest areas in specified counties. 59-0

S.F. 3020- **Hottinger:** Regulates proof of loss for fire insurance.

S.F. 3156- **Berglin:** Requires coverage for medical clinical trials. 43-0

S.F. 3216- **Pogemiller:** Modifies and expands certain provisions of the kindergarten through grade 12 education code. 62-0

H.F. 3169- **Pariseau:** Authorizes Dakota County to appoint an additional member to its personnel board of appeals. 63-0

H.F. 2656- **Sams:** Regulates auto glass repair and replacement and restricts certain rebates and incentives. 60-0

H.F. 2670- **Hottinger:** Allows certain individuals to simultaneously receive a one-time family support grant and community-based waived services. 62-0

H.F. 2671- Requires the development of recommendations on the transferring of public guardianship responsibilities from the commissioner of human services and counties to another entity. 61-0

H.F. 2719- **Scheid:** Regulates rental vehicle insurance coverages. 61-0

H.F. 2809- **Kinkel:** Clarifies admissions criteria for the Ah-Gwah-Ching center. 46-15



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H.F. 3122- **Berglin**: Modifies provisions in health care programs. 61-0  
H.F. 3209- **Samuelson**: Modifies the major commitment expenditure report requirements. 60-0  
H.F. 3510- **Lessard**: Authorizes the taking of two deer in certain counties. 62-0

### **Conference committee reports adopted and repassed Tuesday, March 28**

H.F. 1590-**Berg**: Clarifies the warrent authority of alcohol and gambling agents. 59-0

### **Bills granted final passage on Special Orders Tuesday, March 28**

S.F. 3386-**Stumpf**: Creates a separate subdivision for the salary procedure for the chancellor and presidents of the Minnesota State Colleges and Universities. 62-3  
S.F. 619-**Kleis**: Regulates collection agencies and exempts out-of-statte agencies from licensure under certain conditions. 62-3  
S.F. 3533-**Kelly, R.C.**: Claims against the state. 62-0  
H.F. 2451-**Novak**: Modifying telephone company property depreciation provisions. 64-0  
S.F. 2845-**Knutson**: Increases penalties to a misdemeanor for illegal alcoholic beverage or cigarette purchases and provides seizure of false identities by the retailer. 63-0  
S.F. 2200-**Murphy**: Provides for creation of a propane education and research council. 49-11  
S.F. 3116-**Knutson**: Relates to creditors' remedies and regulates garnishments, executions and levies. 60-0  
S.F. 3730-**Pogemiller**: Modifies public finance provisions. 60-0  
S.F. 3016-**Knutson**: Changes certain child support enforcement provisions. 64-0  
S.F. 1870-**Hottinger**: Regulates motor vehicle fuel franchises and marketing agreements. 61-0

### **Bills granted final passage under suspension of rules Tuesday, March 28**

H.F. 4127-**Johnson, D.J.**: Omnibus tax bill. 45-18

### **Bills granted concurrence and repassage Wednesday, March 29**

S.F. 3005-**Ranum**: Modifies human services licensing provisions. 53-0  
S.F. 2444-**Larson**: Authorizes the conveyance of state lands in Stearns County. 55-0  
S.F. 2905-**Kelley, S.P.**: Increases certain dollar limits in the Uniform Municipal Contracting Law, provides an exemption for certain cooperative purchasing, authorizes county purchases on credit cards and provides for personal liability for county officers and employees for unauthorized credit card purchases. 54-2

### **Bills granted final passage on Special Orders Wednesday, March 29**

H.F. 2563-**Hottinger**: Modifies mechanics' lien penalties. 60-0  
H.F. 3503-**Oliver**: Regulates Commerce Department provisions and modifications. 61-0  
H.F. 2940-**Price**: Modifies the drycleaner environmental response and reimbursement law. 59-0  
H.F. 2803-**Cohen**: Authorizes court reporters in certain judicial districts to organize under PELRA. 56-5  
S.F. 887-**Cohen**: Provides additional penalty enhancements for crimes motivated by bias. 52-11  
S.F. 2851-**Pappas**: Increases penalties for violations of child labor laws. 61-0  
S.F. 3002-**Frederickson**: Adds to and deletes from state parks. 65-0  
S.F. 2655-**Scheid**: Recodifies insurance tax laws. 64-0  
S.F. 173-**Moe, R.D.**: Allows the possession of wild animals taken under the Red Lake Band's conservation code on Red Lake Reservation land. 63-0  
S.F. 2848-**Kelley, S.P.**: Adds certain supervisory or confidential employees to the list of employees who may be represented by the same exclusive representative that represents non supervisory or confidential employees. 59-1  
S.F. 2987-**Vickerman**: Amends provisions on the financing and distribution of income for cooperatives. 64-0

### **Bills granted concurrence and repassage Thursday, March 30**

S.F. 2676-**Wiger**: Delays the sunset on provisions for authorizing local governments to petition to amend or repeal a rule. 53-0  
S.F. 2546-**Stevens**: Provides for the recovery of sunken logs in inland waters. 59-0  
S.F. 3025-**Pappas**: Adds requirements for foster care agencies and foster care providers who care for individuals who rely on medical equipment to sustain life or monitor a medical condition. 59-0  
S.F. 2828-**Wiger**: Regulates and prohibits certain activities with respect to gambling and regulates the shipment of gambling devices. 57-3

# Floor action

## Bills granted final passage on Special Orders Thursday, March 30

**S.F. 2659-Johnson, D. H.:** Imposes felony penalties on persons convicted of a fourth or more impaired driving offense within a ten-year period and provides a sunset for the felony penalties. 59-7

**S.F. 2877-Janezich:** Adds to the Iron Range Off-highway Vehicle State Recreation Area and extends availability of funding. 66-0

**H.F. 1326-Berglin:** Modifies human services licensing and reporting requirements. 66-0

**H.F. 3134-Lessard:** Modifies the authority of the Metropolitan Mosquito Control Commission to enter certain lands. 65-0

**S.F. 2484-Day:** Requires vehicles to be driven in the right-hand lane unless overtaking slower vehicles. 57-9

**S.F. 2826-Flynn:** Ratifies certain labor agreements, makes technical changes to the Public Employment Labor Relations Act, and changes the cap on state agency head salaries. 57-8

**S.F. 2456-Ourada:** Authorizes Wright County to convey certain county ditches to the cities of St. Michael and Albertville. 63-0

**S.F. 3346-Kelley, S.P.:** Requires the Secretary of State to establish a task force to study and make recommendations on the electronic filing of real estate documents. 63-0

**S.F. 3387-Samuelson:** Corrects miscellaneous oversights, inconsistencies, and technical errors in human services provisions and the prekindergarten through grade 12 education code. 64-2

**S.F. 3107-Samuelson:** Technical modifications for family and adult self-sufficiency provisions. 64-0

**S.F. 2594-Pogemiller:** Establishes a health care reimbursement plan for retirees of retirement funds administered by the Minnesota State Retirement System and establishes a task force to study postretirement and active employee health care for all public employees. 44-16

**S.F. 3178-Metzen:** Authorizes the commissioner of public safety to award public safety grants, confines certain rule authority of commissioner of public safety and requires changes in rules regarding training programs. 64-0

# Conference Committees

**H.F. 2699-Omnibus supplemental appropriations bill.**

House:	Senate
Goodno	Samuelson
Finseth	Krentz
Boudreau	Price
Krinkie	Janezich
Skoe	Kiscaden

**H.F. 2891-Omnibus transportation supplemental appropriation and bonding bill.**

House	Senate
Molnau	Johnson, D.E.
Rifenberg	Flynn
Workman	Kelly, R.C.
Wenzel	Ourada
Lieder	Robling

**H.F. 3800-Omnibus education appropriations bill.**

House	Senate
Seagren	Pogemiller
Sykora	Robertson
Mares	Piper
Seifer, M.	Wiener
Pelowski	Knutson

**H.F. 4078-Bonding bill.**

House	Senate
Knoblach	Berglin
Bishop	Cohen
Leppik	Langseth
Kalis	Stumpf
Osthoff	Scheevel

**H.F. 4127-Omnibus tax bill.**

House	Senate
Abrams	Johnson, D.J.
Kuisle	Hottinger
McElroy	Vickerman
Daggett	Pappas
Rest	Belanger

**S.F. 3286-Amends state graduation requirements.**

House	Senate
Ness	Pogemiller
Kielkucki	Scheid
Otremba	Robertson

# Chapters

Chap.	House File	Senate File	House Author	Senate Author	Description	Signed	Effective date
251	2980	2763*	Haas	Pariseau	Modifies fishing season.	2/16/00	2/17/00
252	2634	2411*	Anderson, I.	Lessard	Modifies Northern Itasca Hospital District Board membership requirements.	3/01/00	8/01/00
253	2521	2320*	Hasskamp	Samuelson	Provides for Lake Edwards Township name change.	3/01/00	8/01/00
254	76	86*	Seagren	Pogemiller	Modifies education provisions.	3/07/00	various
255	2067*	2071	Westerberg	Ranum	Prohibits jail credit for EJJ offenders who violate stayed sentence conditions.	3/07/00	8/01/00
256	2722*	2502	Tunheim	Stumpf	Authorizes dissolution of Kittson County town.	3/07/00	local
257	2535*	2291	Sykora	Oliver	Allows election of Shorewood City Council members by ward.	3/13/00	local
258	3039	2554*	Daggett	Sams	Wadena county provided a one-time penalty exemption to truth-in-taxation requirements and previous year's levy authorized.	3/13/00	local
259	3338*	2907	Holberg	Robling	Reorganizes and delegates duties to Scott County officials.	3/14/00	3/15/00
260	2749*	2464	Holberg	Betzold	Revisor's bill.	3/14/00	various
261	2642*	2552	Rhodes	Kelley	Modifies search firms surety bonding requirement.	3/14/00	8/01/00
262	2774	2485*	Broecker	Wiger	Delays effective date for Carisoprodol controlled substance classification.	3/20/00	8/01/00
263	2680	2465*	Jaros	Solon	Authorizes political party treasurers to sign political contribution refund receipt forms.	3/20/00	8/01/00
264	3232	2692*	Goodno	Hottinger	Modifies shareholder and member rights in business corporations and limited liability companies.	3/20/00	8/01/00
265	2603	2346*	Hackbarth	Krentz	Authorizes disabled hunters use of motorized vehicles authorized in wildlife management areas.	3/20/00	1/01/01
266	2723*	2528	Ness	Dille	Extends to McLeod County the authority to temporarily office in Glencoe township.	3/23/00	8/01/00
267	3236*	3236	Mulder	Kiscaden	Modifies procedures for the issuance of certified copies of birth or death certificates.	3/23/00	8/01/00
268	979*	2059	Lindner	Belanger	Authorizes landlords to apportion utility payments.	3/23/00	3/24/00
269	1865*	2094	Pawlenty	Anderson	Requires a nursing mothers needs study by the Supreme Court Jury Reform Task Force.	3/23/00	8/01/00
270	2815*	2386	Carruthers	Johnson, D.H	Modifies the distribution of Hennepin County District Court fines.	3/23/00	7/01/00
271	3064	2776*	Jaros	Solon	Modifies St. Louis County nursing home renovation approval deadline and modifies rate setting modified.	3/23/00	8/01/00



# Chapters

Chap.	House File	Senate File	House Author	Senate Author	Description	Signed	Effective date
272	3762	3355*	Jaros	Solon	Authorizes the electronic disbursement of funds by Port Authorities.	3/23/00	3/24/00
273	2927*	2685	Tuma	Robling	Authorizes group insurance for Metropolitan Intercounty Association employees.	3/23/00	3/24/00
274	3766*	3676	Skoglund	Ranum	Requires pawnbrokers providing electronic transaction records to law enforcement agencies to use the most current version of the interchange file specification format.	3/23/00	3/24/00
275	2873*	2516	Hackbarth	Novak	Clarifies county officials time requirements to process instruments and clarifies Anoka County department head time requirements.	3/23/00	local
276	3113*	3089	Goodno	Sams	Permits an additional pharmacy technician in a pharmacy if the technician is nationally certified.	3/24/00	8/01/00
277	118*	160	Erickson	Stevens	Provides that persons designated as permanent commissioners serve as acting commissioners until the Senate has consented to their appointment and limits service as temporary or acting commissioners.	vetoed	
278	2505*	2289	Leppik	Robertson	Modifies state park permits validity period.	3/24/00	8/01/00
279	2502*	3207	Wenzel	Samuelson	Designates trunk highway #371 as the C. Elmer Anderson Memorial Highway.	3/24/00	8/01/00
280	2824*	2578	Haas	Betzold	Provides for one or two license plates on collector and similar vehicles at the owner's discretion.	3/24/00	8/01/00
281	3156*	2709	Workman	Murphy	Designates a portion of I-35 as the 34th Infantry (Red Bull) Division Highway.	3/24/00	8/01/00
282	3132*	2890	Storm	Metzen	Extends the current interest rate for tenants security deposits.	3/24/00	8/01/00
283	2836*	2982	Rostberg	Johnson, D.E.	Clarifies eligibility for membership in the National Guard and the organized militia.	3/27/00	8/01/00
284	3222*	3117	Rhodes	Hottinger	Modifies reporting requirements for health related licensing boards and health professionals service programs.	3/27/00	7/01/00
285	3332*	3120	Swenson	Hanson	Allows the commissioner of agriculture to establish alternative term expiration dates for members of the Dairy Research and Promotion Council.	3/27/00	6/30/00

Chap.	House File	Senate File	House Author	Senate Author	Description	Signed	Effective date
286	3433*	3292	Osthoff	Kelly, R.C.	Changes the powers and jurisdiction of the St. Paul Port Authority with respect to recreation facilities and recreation purposes.	3/27/00	local
287	3475	2813*	Anderson, B.	Betzold	Modifies how state vehicles are identified.	3/27/00	8/01/00
288	3142*	2844	Seifert, M.	Lesewski	Designates the Richard J. Mathiowetz Memorial Highway.	3/28/00	8/01/00
289	2687	2652*	Wolf	Novak	Modifies electric power generating plant exemption from the Minnesota Power Plant Siting Act.	3/28/00	day after
290	3016	2756*	Stang	Fischbach	Expands hospital districts annexation authority.	3/28/00	8/01/00
291	3003	3097*	Stanek	Spear	Creates a fugitive apprehension unit in the Dept. of Corrections.	3/28/00	8/01/00
292	3421*	2779	Bakk	Johnson, D.J.	Regulates an electric cooperative's election to be regulated.	3/28/00	day after
293	3053*	2508	Workman	Murphy	Allows collector-type vehicles to display a blue light as part of brake light.	3/28/00	day after
294	3196*	2978	Osskopp	Murphy	Allows the director of nursing to serve as the administrator in a nursing home with less than 45 beds and allows a nursing facility's employee pension benefit costs to be treated as PERA contributions	3/28/00	7/01/00
295	3375	3161*	Mulder	Kiscaden	Modifies health care purchasing alliances provisions.	3/28/00	8/01/00
296	3188	3253*	Tingelstad	Sams	Requires the commissioner of human services to study the medical assistance reimbursement rates for special transportation providers.	3/28/00	8/01/00
297	3281	2691*	Boudreau	Wiener	Transfers authority to develop the energy portions of the building code from the commissioner of public service to the commissioner of administration.	3/28/00	7/01/00
298	2909	2365*	Abeler	Sams	Modifies the supervisory requirement for physician assistants responding to disaster situations, clarifies coverage under Medical Assistance for physician services performed by a physician assistant and modifies the Physician Assistant Advisory Council.	3/28/00	8/01/00
299	3370	3339*	Westerberg	Neuville	Dept. of Corrections housekeeping bill.	3/28/00	8/01/00

# Minnesota Senate 2000

Party	Phone	Name	Room	District
DFL	296-5537	Ellen R. Anderson	G-24 Cap.	66
R	296-5975	William V. Belanger, Jr.	113 SOB	41
IND	296-5094	Charles A. Berg	G-51 SOB	13
DFL	296-4261	Linda Berglin	309 Cap.	61
DFL	296-2556	Don Betzold	306 Cap.	48

DFL	296-5931	Richard J. Cohen	317 Cap.	64
R	296-9457	Dick Day	147 SOB	28
R	296-4131	Steve Dille	103 SOB	20
R	296-2084	Michelle L. Fischbach	15 SOB	14
DFL	296-4274	Carol Flynn	120 Cap.	62

DFL	296-4154	Leo T. Foley	G-9 Cap.	49
R	296-8138	Dennis R. Frederickson	139 SOB	23
DFL	296-3219	Paula E. Hanson	328 Cap.	50
DFL	296-9246	Linda I. Higgins	226 Cap.	58
DFL	296-6153	John C. Hottinger	120 Cap.	24

DFL	296-8017	Jerry R. Janezich	328 Cap.	5
DFL	296-9261	Dave Johnson	111 Cap.	40
DFL	296-3826	Dean E. Johnson	124 Cap.	15
DFL	296-8881	Douglas J. Johnson	205 Cap.	6
DFL	296-2889	Ember Reichgott Junge	205 Cap.	46

DFL	297-8065	Steve Kelley	321 Cap.	44
DFL	296-5285	Randy C. Kelly	323 Cap.	67
R	296-5649	Bob Kierlin	127 SOB	32
DFL	296-4913	Anthony G. "Tony" Kinkel	G-24 Cap.	4
R	296-4848	Sheila M. Kiscaden	135 SOB	30

R	296-6455	Dave Kleis	143 SOB	16
R	296-4120	David L. Knutson	133 SOB	36
DFL	296-7061	Jane Krentz	235 Cap.	51
R	296-4351	Gary W. Laidig	141 SOB	56
DFL	296-3205	Keith Langseth	122 Cap.	9

R	296-5655	Cal Larson	153 SOB	10
R	296-4125	Arlene J. Lesewski	131 SOB	21
DFL	296-4136	Bob Lessard	111 Cap.	3
R	296-2159	Warren Limmer	25 SOB	33
DFL	296-0293	Becky Lourey	G-9 Cap.	8

Party	Phone	Name	Room	District
DFL	296-5645	John Marty	325 Cap.	54
DFL	296-4370	James P. Metzen	303 Cap.	39
DFL	296-2577	Roger D. Moe	208 Cap.	2
DFL	296-4264	Steve Murphy	301 Cap.	29
R	296-1279	Thomas M. Neuville	123 SOB	25

DFL	296-4334	Steven G. Novak	322 Cap.	52
R	296-4837	Edward C. Oliver	117 SOB	43
R	296-1282	Gen Olson	119 SOB	34
R	296-5981	Mark Ourada	145 SOB	19
DFL	296-1802	Sandra L. Pappas	120 Cap.	65

R	296-5252	Pat Pariseau	109 SOB	37
DFL	296-9248	Pat Piper	G-9 Cap.	27
DFL	296-7809	Lawrence J. Pogemiller	235 Cap.	59
DFL	297-8060	Leonard R. Price	235 Cap.	57
DFL	297-8061	Jane B. Ranum	306 Cap.	63

DFL	296-5419	Twyla Ring	G-9 Cap.	18
R	296-4314	Martha R. Robertson	125 SOB	45
R	296-4123	Claire A. Robling	151 SOB	35
R	296-1253	Linda Runbeck	107 SOB	53
DFL	297-8063	Dallas C. Sams	328 Cap.	11

DFL	296-4875	Don Samuelson	124 Cap.	12
R	296-3903	Kenric J. Scheevel	129 SOB	31
DFL	296-8869	Linda Scheid	317 Cap.	47
DFL	296-4188	Sam G. Solon	303 Cap.	7
DFL	296-4191	Allan H. Spear	120 Cap.	60

R	296-8075	Dan Stevens	105 SOB	17
DFL	296-8660	LeRoy A. Stumpf	G-24 Cap.	1
R	296-6238	Roy Terwilliger	115 SOB	42
DFL	296-5650	Jim Vickerman	226 Cap.	22
DFL	297-8073	Deanna L. Wiener	303 Cap.	38

DFL	296-6820	Charles W. Wiger	325 Cap.	55
R	296-5713	Donald N. Ziegler	149 SOB	26

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# *Senate Briefly*

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*A view of the upper levels of  
the Rotunda from the third  
floor of the Capitol.  
Photo by Andrea G. Murrill*



*April 7, 2000*

# Senate Highlights

## Comparison begins

The conference committee on H.F. 4127, the omnibus tax bill, held their initial meeting Mon., Apr. 3, and began the bill comparison process. Sen. Douglas Johnson (DFL-Tower), chief Senate conferee, said the bills are several hundred million dollars apart, prompting Rep. Dan McElroy (R-Burnsville) to say that the comparison was more "end-to-end than side-by-side."

An examination of the 2000 sales tax rebate article revealed that both versions provide eligibility for the rebate to anyone who filed for a 1998 property tax rebate, or whose property tax liability was reduced to zero because of tornado damage, or who lived in Minnesota for at least part of 1998 and had an income tax liability of at least \$1 after refundable credits and was not claimed as a dependent by someone else. However, the House version refunds a total of \$485.4 million whereas the Senate refunds \$453 million because of differing rebate schedules.

Under the House plan, rebates to married joint filers and heads of households range from a minimum of \$129 to a maximum of \$1,860, depending on income. Rebates to single or married separate filers are at least \$73, with a

cap of \$930. On the other hand, the Senate plan provides a rebate of \$91 to \$1,500 for married joint or head of household filers, and a rebate of \$52 to \$875 to single or married separate filers.

Both plans provide minimum rebates, but differ in defining who qualifies. The House version authorizes rebates to social security benefits recipients while the Senate version defines qualifying income to include non-taxable income such as public assistance, pensions and annuities, bond interest, workers' compensation benefits, strike benefits and disability income.

In addition, the House proposal includes a rebate adjustment for dependents, adding at least \$20 per dependent to the rebate of the person who claims the dependent. The House version requires the Dept. of Revenue to begin issuing rebate checks by August 1, 2000. Both bills provide for interest to be paid on rebates that go unpaid. Interest accrues beginning October 1, 2000 under the House bill, and April 1, 2001 under the Senate bill.

Both bodies extend the filing deadline for the 1999 sales tax rebate to June 15, 2000 in their respective tax bills, but with some significant differences. The Senate retroactively expands eligibility

for the 1999 rebate using the same qualifying income definition used for the 2000 rebate. Late filers only receive the minimum rebate allowed for their filing status under the Senate bill. The House maintains the same eligibility requirements for the 1999 rebate, but extends the deadline for filing an amended return upon which the rebate is based to June 15, 2000.

Both bills include provisions for agricultural assistance. However, the Senate extends the filing deadline for the 1999 assistance program to June 30, 2000, and extends the appropriation to fund the program to December 31, 2000. The House bill contains no comparable provision. For 2000, both bodies propose paying \$4 per acre, up to a maximum of \$5,600 per farm. However, the House limits eligibility for the program to six counties in Northwestern Minnesota that were declared disaster areas in August 1999, while the Senate version expands eligibility to 28 additional counties. However, the Senate bill also sets a maximum limit to married couples of \$5,600 under the program.

In the income tax article, both sides provide an exemption from penalties for filing late. If the filer has paid at least 90 percent of the taxes due by the due date and pays the balance within six months, no penalty is assessed. However, the House bill extends the exemption for both corporate and individual income taxes whereas the Senate bill only exempts individuals. In addition, the Senate version provides for the state to pay interest on income tax refunds beginning 30 days after the return is filed. Current law provides for interest to begin accruing 90 days after the filing date.

Both bills provide permanent income tax relief, but go about it in different ways. Under the House proposal, all income tax rates are reduced so that the rate on the bottom tier is reduced from 5.5 percent to 5.0, the middle tier rate reduced from 7.25 percent to 6.5, and the upper tier rate reduced from 8.0 percent to 7.5. The Senate maintains the current rates, but allows a \$360 subtraction from Minnesota taxable income for each personal and dependent exemption for tax years after 1999, or a \$20 tax credit for each dependent instead of a deduction. In addition, the

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House provides various other tax credits and taxable income subtractions, including an increase in the working family credit, a repeal of the K-12 education credit family cap of \$2,000, and an expansion of the definition of earned income used to determine the marriage penalty credit. Overall, the House bill provides \$851 million in tax relief for FY 2001, whereas the Senate bill provides \$162 million in relief.

The difference in the amounts of relief provided the basis for the biggest point of contention between the two sides. Johnson had a mannequin dressed in a wizard costume that he called the "mystery money" wizard brought into the meeting room. Johnson suggested that the wizard could explain where the money for the relief proposed by the House comes from. McElroy, reinterpreting the name of the wizard as "Mr. E-money," said the House is using economic forecast data that recognizes the new economy. He said that the forecast data provided by the Dept. of Finance and used by the Senate has underestimated state revenues 16 years in a row.

After the comparison moved on to the property tax articles of the two bills, a discussion ensued on a House provision on limited market value. The provision reduces the limit on the growth of a property's market value from one year to the next from 8.5 percent to seven percent for residential, agricultural and noncommercial seasonal recreational residential property. McElroy said the provision responds to the concerns of the Senior Federation and, to a lesser extent, seasonal recreational property owners. He said the provision spreads the property tax increase resulting from increased market value out over time. However, Sen. Sandra Pappas (DFL-St. Paul) said the provision shifts the property tax burden over to other property where the market value is not rising so quickly.

The House bill also includes a provision prohibiting the use of property taxes levied in the Metro Area for light rail transit (LRT) planning, design, construction and operating expenses. Rep. Ron Abrams (R-Minnetonka) said the provision is not intended to de-rail LRT.

The conference committee did not adopt any provisions and planned to continue the comparison examination at its next meeting.

## **Wolf management plan near**

Senate and House conferees, co-chaired by Rep. Tim Finseth (R-Moorhead) and Sen. Gary Laidig (R-Stillwater), met Wed., Apr. 5, and adopted a wolf management plan similar to the Department of Natural Resources (DNR) proposal that allows limited hunting and trapping of gray wolves.

As amended by Sen. LeRoy Stumpf (DFL-Thief River Falls) and adopted by the panel, H.F. 1415 divides the state into a forest zone in Northern and Northeastern Minnesota and an agricultural zone comprising the rest of the state.

The bill provides for fair market value compensation to a livestock producer for livestock that is destroyed or so injured by a gray wolf that it must be destroyed. The bill specifies that a conservation officer or extension agent must take into account factors in addition to a visual identification of a carcass when determining whether the animal was destroyed by a gray wolf and whether there were any deficiencies in the owner's adoption of best management practices (BMP's). The bill specifies that a person may use a guard animal, such as a donkey, llama or dog to harass, repel, or destroy a gray wolf and that a person whose guard animal destroys a gray wolf must protect evidence and report the taking to a conservation officer no later than 48 hours after the wolf is destroyed. The plan allows a person, at any time without a permit, to take a gray wolf in defense of the person's life or the life of another, allows a person to harass a gray wolf that is within 500 yards of people, buildings, livestock, or domestic pets or animals but prohibits harassment that results in physical injury to the gray wolf.

The bill allows shooting or destroying a gray wolf, without a permit, by the owner, or owner's agent, of livestock, guard animals, or domestic animals when the wolf poses an immediate threat, such as stalking, attacking or killing, and specifies that a person taking a wolf under such circumstances must report the taking to a conservation officer within 48 hours. In such cases, the bill specifies that a county extension agent must recommend what, if any, livestock BMP's and nonlethal wolf depredation controls are needed to

prevent future wolf depredation. The bill also permits the owner of a domestic pet to shoot or destroy a gray wolf, without a permit, if the wolf poses an immediate threat.

The bill further establishes a gray wolf control training program for certified predator controllers, specifies that after the gray wolf is delisted the DNR can open a predator control area in the agricultural zone if conservation officers or extension agents verify that livestock, domestic animals or pets were destroyed by wolves in the previous five years and can open a predator control zone in the forest area of up to 60 days under the same circumstances. The bill limits the predator control area to a one-mile radius surrounding the damage site and specifies that a certified gray wolf predator controller be paid \$150 for each wolf taken. The bill also directs the DNR to report recommendations to the Legislature by Oct. 1, 2000 on appropriations needed to accomplish the management plan.

Sen. Becky Lourey (DFL-Kerrick) offered an amendment reducing the five-year period for opening a predator control zone in the agricultural zone to two years and lowering the 60-day restriction on a predator control zone in the forest area to 30 days. The amendment also deletes the section concerning shooting or trapping a gray wolf to protect livestock domestic animals or pets in the agricultural zone and deletes the section defining the geographic area of the agricultural zone, replacing the zones with designations used in the federal "Recovery Plan for the Eastern Timber Wolf." Lourey argued that the amendment allows livestock producers to better protect livestock and be more pre-emptive in doing so. However, the DNR's Michael DonCarlos opposed the amendment partly because it gave up too much protection. The amendment failed.

However, an oral amendment, also offered by Lourey, changing the names of the agriculture zone to "Zone B" and the forest zone to "Zone A" was adopted by the panel.

Conferees later discovered some inconsistencies between the bill and the department's recommendations that were based on misunderstandings. They plan to meet once more to resolve the outstanding issues.



# Committee update



*Senate and House conferees meet to attempt to reach a compromise on the 2000 omnibus tax bill. The “mystery money” wizard can be seen in the background.*

Photo by David J. Oakes

## Bonding conference

### Bonding bill reviewed

Members of the omnibus bonding bill conference committee met Thurs., Mar. 30 to compare Senate and House appropriations related to acquiring and improving public land, buildings and other capital improvements. The Senate proposal, outlined by Sen. Linda Berglin (DFL-Mpls.), who co-chairs the committee with Rep. Jim Knoblach (R-St. Cloud), recommends a total expenditure of \$748.439 million. The House version makes a spending recommendation of \$500.176 million. In the Senate bill, \$646 million is financed by the sale of state bonds, with \$82 million of the bonds repaid by the users and \$24 million of bonds authorized in prior years are canceled, leaving the net amount of new bonds at \$550 million. A total of \$117 million is appropriated from the general fund and \$2 million of

general fund appropriations from prior years are canceled under the proposal, for a net increase in general fund appropriations of \$115 million. Under the House bill, \$2.072 million is appropriated from the general fund, with \$353.2 million from the bond proceeds fund (general fund debt service), \$76.879 million from the bond proceeds fund (user financed debt service), \$49 million from the transportation fund and approximately \$19 million from the trunk highway fund.

One of the major differences between the Senate and House bonding bills include the spending proposals for the University of Minnesota (U of M). The Senate appropriates more than \$122 million—approximately \$56 million more than the House recommendation. The construction and furnishing of a U of M molecular and cellular biology building receives \$59 million, according to the Senate plan—the House bill

appropriates \$35 million for the project. The Senate proposal includes \$21 million for the design, construction and furnishing of a new art building on the West Bank of the Minneapolis campus. The House proposal only includes design costs, estimated at \$2 million. The Senate bill also includes \$3 million toward a law school at the Minneapolis campus, \$2 million for the design of a hockey center in Duluth, \$4 million for research and outreach centers at the Cloquet Forestry Center and almost \$21 million for a microbial and plant genomics building on the St. Paul campus. The House proposes spending almost \$6 million for a biocontainment facility on the St. Paul campus, in partnership with the Department of Agriculture. Other higher education appropriations include a Senate plan for \$174.247 million for projects at various state colleges and universities—approximately \$71 million more than the House

version of the bill. For arts education funding, for example, the Senate appropriates \$1.449 million—the House appropriates \$296,000.

Another major difference in appropriations concerns costs related to natural resources (DNR). The Senate proposes spending of more than \$93 million, with \$1 million appropriated to the Office of Environmental Assistance. Under the House version, more than \$37 million is appropriated for natural resources, with \$3 million for the Office of Environmental Assistance. Of the \$93 million appropriated in the Senate bill, \$10 million is for a grant to the Metropolitan Council. Both bills specify that the council must utilize the money to pay for rehabilitation, acquisition and development by local government units of regional recreational open-space lands. A total of \$5 million is appropriated in the Senate bill for grants to Metro Area greenways and natural areas, compared to an appropriation of \$500,000 in the House bill. The Senate bill specifies \$4 million for the acquisition and development of a public access site on Lake Minnetonka. The House appropriates \$500,000 for a similar plan. In addition, the Senate appropriates \$4 million for a Lake Superior public access and \$3.1 million for the development of the harbor of refuge and marina at Two Harbors. The House proposal includes \$1.2 million to remove the dams at Mazeppa, Cannon Falls, Straight River in Faribault, Old Mill Park and Drayton Dam and to repair the dams at Lake Bronson, Willow River and New London for \$1.2 million. The Senate version appropriates \$780,000 for the removal of publicly owned dams as needed. Included in the Senate DNR proposal is an appropriation of \$16 million in flood hazard mitigation grants, compared to \$10.6 million appropriated by the House. The Senate plan contains provisions for determining grant awards and requires the commissioner to determine project priorities based upon need. The Senate bill also includes DNR appropriations for a grant to the Lewis and Clark Rural Water System to serve Southwestern Minnesota. It also provides funds for scientific and natural area acquisition and development, native prairie bank easements, Raptor Center funding at the U of M and a St.

Croix Heritage Center at Taylor Falls. Additionally, the Senate bill appropriates \$30 million—compared to \$22.4 million in the House bill—to the Board of Water and Soil resources. Under the Senate plan, feedlot cost-share grants, a Lazarus Creek floodwater retention project and a shoreland conservation pilot project are specified.

Appropriations for agriculture were similar in both the Senate and House proposals, with a total of \$23.350 million specified under the Senate bill and \$20 million in the House version. Spending recommendations for the Minnesota Zoo totaled \$3.7 and \$1.1 million for the Senate and House, respectively. There are considerable differences in funding for the commissioner of administration. The Senate bill specifies a total of over \$27 million and the House bill appropriates \$54.535.

Major differences exist between the Senate and House appropriations for the Bureau of Criminal Apprehension (BCA). The Senate bill provides \$58 million to construct, relocate and equip a new BCA building for offices and forensic laboratory space. The House bill recommends \$27.9 million for the new lab design and construction, and for a remodeling plan of the current facility for use as BCA office space. Looking ahead, the Senate appropriates \$1 million for the predesign of new facilities to house the principal administrative offices of the departments of health, human services and agriculture. Under the Senate bill, the predesign must evaluate the feasibility and practicality of collocating the Dept. of Health and the Dept. of Human Services. The predesign must also analyze the effects of providing shared lab facilities and must include a recommendation for a site for each of the facilities. The House version of the bill totals \$25,000 and specifies that the money be used for predesign and design for high priority facilities that will be identified through the strategic plan for locating state agencies.

Included within the category of public safety, the Senate bill specifies an appropriation of \$6 million for the construction of public training facilities for police and fire personnel. The House does not make appropriations for training facility projects, although the

House bill does specify that the commissioner of public safety must prepare a study and report to the Legislature concerning locations for law enforcement centers. For Capital Building lighting and security access, the Senate proposed expenditures of \$433,000, but the House did not recommend spending for the project. It was noted that the administration's proposal appropriates \$318,000 for Capital lighting and security.

A total of \$11.5 million is appropriated under the Senate bill to fund noncommercial television stations in order to assist with conversion to a digital broadcast signal as mandated by federal law. Under the House bill, \$6.65 million is appropriated for the television broadcast conversion. The House bill specifies \$2.25 million in loans to the Austin Public School District for the KSMQ public television station, with \$4.4 million appropriated from the general fund for loans to various public television stations located in Bemidji, Brainerd, Fargo-Moorhead, Grand Forks, Appleton, Chandler, Duluth, and St. Paul-Minneapolis. The Senate also appropriates a total of over \$10 million for amateur sports projects, compared to a corresponding House appropriation of \$3 million.

For arts funding, the Senate appropriates almost \$19 million for numerous projects, including provisions for arts grants to restore the Paramount Theatre in Austin, a grant to the city of Lanesboro to acquire land and to construct a theater and arts center for lease to the Commonwealth Theatre Company and the Cornucopia Arts Center, a grant to the city of Luverne to make capital improvements to the Carnegie Cultural Center, a grant to fund the construction of a new Guthrie Theatre building, a grant to the city of Minneapolis to construct the Shubert Arts and Education Center, a grant to the city of St. Paul for new permanent exhibits at the Minnesota Children's Museum and a grant to the city of Woodbury to construct the Woodbury Center for the Arts. The House did not appropriate money for the arts. However, the House did appropriate \$150,000 toward the construction of a World War II veterans memorial for the Capital Mall.

Senate and House appropriations for

# Committee update

transportation projects diverged significantly. Knoblach said the Senate transportation appropriation totaling \$499.041 million is contained in another bill. The House bill appropriates \$69.674 million to the commissioner of transportation and includes funding for rail service improvement loans and for trunk highway facility projects. The Senate version makes appropriations for rail service improvement, trunk highway projects, including the construction of four management centers or headquarters facilities.

Under the Senate bill, \$32.290 million is appropriated for the wastewater infrastructure fund. The House bill appropriates \$14.216 and prioritizes specific municipalities for funding. The Senate also appropriates \$35 million for a grant to Itasca County for infrastructure including railroad access, a natural gas right-of-way, a pipeline and highway improvements related to the construction of a new steel mill. The House version of the bill appropriates \$3.5 million for a grant to Itasca county to design freshwater wells and wastewater treatment facilities, pipelines, railroads, and roads, and to extend sewer and water to direct reduction iron processing facilities.

The Senate appropriates \$3.5 million for a grant to Koochiching County to construct and equip the Minnesota Cold Weather Training Facility and \$8.8 million for a grant to the city of Minneapolis for public infrastructure improvements in several empowerment zone projects. The Senate also recommends appropriations for the commissioner of the Iron Range Resources and Rehabilitation Board to construct and furnish a Host Technology Center for Northeastern Minnesota, an Iron Range Interpretative Center and a motorplex, totaling \$7.4 million.

Following the side by side overview of the bonding proposals, the committee chairs agreed to invite witnesses to the next meeting to answer questions related to differences contained in the bills.

## Bonding comparison continues

The omnibus bonding conference committee, chaired by Sen. Linda Berglin (DFL-Mpls.) and Rep. Jim Knoblach (R-St. Cloud), met Mon., Apr. 3, to hear testimony from several

witnesses and to continue side by side comparisons of the two bills.

One of the more controversial issues under consideration involved provisions for a new Bureau of Criminal Apprehension (BCA) forensic lab and office space. The Senate bill appropriates \$58 million to construct, furnish and equip a new BCA building on a new site. Commissioner of Public Safety Charlie Weaver testified in favor of the Senate plan. He said that since the Katie Poirier crime bill had just been signed by the governor—and the “four-strikes-you’re-out-felony DWI bill” has also passed—a great need exists for additional personnel and equipment to track and identify the growing number of criminal offenders. Currently, according to Weaver, the BCA lab and offices employ a staff of 77, but passage of the Poirier bill necessitates hiring at least thirty additional employees and the DWI bill necessitates adding at least four more. In addition to personnel space, Weaver said the DNA lab and other new technologies require a larger, more specialized environment.

The House bill provides an appropriation of \$27.9 million to the BCA. Provisions in the bill authorize the predesign and renovation of the existing BCA building for office space. The House version also provides for predesign and expansion-construction plans for a new BCA lab. Weaver told members that bringing the current BCA building up to spatial and technological standards would cost more than building from scratch. Weaver said it would be inefficient to locate the lab on a separate site from the offices, as suggested by House members. Weaver also said that moving everyone and everything out of the building during the renovation would be costly in terms of cash and service.

Rep. Dave Bishop (R-Rochester) said he wanted assurance that a new lab and office building at the new site would accommodate future expansion needs. Architect for the proposed BCA building, Frances Bulbulian, representing the Leonard Parker firm, said they had planned for the possibility of future vertical and horizontal expansion on the north and east sides of the building, and estimated that 100,000 square feet could be added.

House members Rep. Tom Ostoff

(DFL-St. Paul) and Rep. Peggy Leppik (R-Golden Valley) said they thought the proposed BCA building was too expensive. Both members questioned Weaver and Bulbulian about ways to cut construction costs. Sen. Randy Kelly (DFL-St. Paul) said the Senate version already trimmed \$10 million from the original plan, and added that he thought costs were in line with costs for similar projects. Bulbulian said costs were cut from the original landscaping, parking, mechanical, interior-finish and exterior-covering plans. Kelly said the original plan also included a firing range for police personnel training, but that plan was also deleted in an effort to decrease costs.

Discussion turned to a proposal to either buy an existing office building in Pelican Rapids, as specified in the House bill, or to build a new facility in Fergus Falls, as proposed in the Senate bill, for use as a consolidated Department of Natural Resources office and service facility. Representing the DNR, Mark Wallace said the Pelican Rapids location is within fifteen miles of the Detroit Lakes District. He said he thought it made better sense to serve an area farther from that district. Ostoff said the cost of the Senate proposal was too high and that he favored buying and renovating an existing building in Pelican Rapids. Wallace estimated that it would cost approximately \$1.9 million to retrofit a building in Pelican Rapids in addition to design fees and moving expenses. He estimated operating costs of \$264,000 per year. Rep. Robert Westfall (R-Rothsay) said he supports the renovation of the Pelican Rapids building, which needs a little refurbishing. He also said building a costly new facility creates a bad image for the DNR. Sen. LeRoy Stumpf (DFL-Thief River Falls) said the office-service facility could consolidate with the Detroit Lakes facility as a solution to the site and construction cost question. The Senate plan estimates costs of \$4.5 million to design, construct, furnish and equip the Fergus Falls office and service facility. The state already owns the building site.

In other matters, members discussed the Feedlot Cost Sharing Program. The Senate plan appropriates \$1 million for program grants for water and air quality management of feedlots. The House



recommends no spending for feedlot management. Ostoff said he objected to providing grants to households with annual incomes up to \$45,000. Members discussed details of the program, including estimates of the number of operations served, scale limitations and grant costs.

Paul Burns, representing the Department of Agriculture, said the department's best management practices loan program is designed to help local governments implement agriculturally related and individual sewage treatment system water quality priorities. Funds are provided by the USEPA under the Clean Water Act and by direct appropriation of the Legislature, according to Burns. Burns said the program offers zero interest loans to counties that in turn create revolving loan accounts to farmers at no more than 3 percent interest. Approximately \$3 million per year in revolving loans are needed, according to Burns.

Knoblach asked questions concerning loan qualifications and default rates. Burns said local lenders take responsibility for loan management and liability, and said that he knows of only one account that defaulted. The Senate appropriates \$2 million for the program and the House makes no appropriation.

The committee discussed differences in the plans for the Wastewater Infrastructure Funding Program, which provides supplemental assistance to municipalities. The Senate appropriates \$32.290 million and allocates \$640,000 to administer the program. The Senate also specifies that \$400,000 be set aside for the Innovative Technology Grants Program to provide 50 percent reimbursement for the cost of equipment and installation into an existing municipal wastewater treatment system. The House plan appropriates \$14.116 million and specifies which areas are eligible for the grants. Leppik said it is important to consider how to balance rural versus urban funding. Ostoff said he was concerned that the \$14 million estimated to fund the North Shore Program would not be enough. He also questioned the need to provide \$400,000 for innovative technology grants.

A total of \$8.8 million is appropriated for Empowerment Zone Program projects under the Senate bill. The

program appropriates a grant to the city of Minneapolis for public infrastructure improvements and for projects including the Job Creation Area SEMI-Project, The Great Lake Center Project and the Near Northside Redevelopment Project. The appropriation is awarded contingent upon matching grants from nonstate sources and requires that the city of Minneapolis consult and cooperate with other cities and neighborhoods on issues related to noise mitigation and traffic flow. The House bill does not make provision for the program. Ostoff said it was impossible to consider the plan without scrutinizing a map of the areas affected by the program.

The Senate bill appropriates \$1.760 million for the plans involved in constructing a planetarium located in conjunction with the Minneapolis Downtown Library. Members discussed location, future costs, attendance estimates and educational functions of the planetarium.

Finally, Senate and House members discussed the construction and furnishing of a technology center, interpretive center and motorplex at Iron World in Northeastern Minnesota. The Senate appropriates \$3.2 million for the design and construction of a technology center and motorplex and to upgrade historical exhibits and archives at the Iron Range Interpretive Center, which is located halfway between Chisholm and Hibbing. Sen. Jerry Janezich (DFL-Chisholm) said that although attendance at Iron World is seasonal, 35,000 people visit the attraction annually. Janezich also said the community would like to attract more tourists to the area and to preserve what already exists for the purpose of economic development. Knoblach requested more information related to the technology center and motorplex.

## Supplemental appropriations conference

### Provisions adopted

A Senate and House conference committee, co-chaired by Sen. Don Samuelson (DFL-Brainerd and Rep. Kevin Goodno (R-Moorhead), met Mon., April 3, and made a number of technical changes to the supplemental omnibus spending bill. The changes agreed to by the negotiators involved

non-controversial, non-spending provisions of the bill, which is comprised of five sections - health and human services, environment, natural resources and agriculture, criminal justice, state government, and economic development.

Among changes made to the health and human services section of the bill, the committee adopted the Senate's position on changing the name of the prescription drug program for seniors to "prescription drug program" and the term "qualified senior citizen" to "qualified individual." Members also adopted the Senate's eligibility requirements for participants. The panel adopted House language that makes an individual who is eligible for MinnesotaCare ineligible for the prescription drug program. The committee adopted House language concerning prospective reimbursement rates for prepaid medical and General Assistance Medical Care to require capitation payments for the month of June to be made no earlier than the first day after the month of service, effective Jan. 1, 2001. The committee also adopted House language relating to orientation programs for those eligible for the Minnesota Family Investment Program (MFIP), exempting a care giver with a child or adult in the household who meets specified disability criteria from the orientation if health care services for the disabled person is not provided. The panel also adopted House language loosening eligibility standards for the diversionary assistance program (DA), permitting a family to receive DA once every 12 months instead of the current 36 months. The committee also deferred action on several changes, including a Senate provision requiring the commissioner of human services to develop, by Jan. 1, 2001, an application form for the senior prescription drug program that does not exceed one page in length. Instead, the department is working on a two-page form that is designed to be legible and brief, officials said.

Among changes made to the environment, natural resources and agriculture portion of the bill, the committee adopted House language (identical to the Senate's) concerning reimbursement payments for the Agricultural Chemical Response and Reimbursement Account (ACRRA). The measure provides 80

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percent of corrective action costs greater than \$200,000 but less than \$300,000 and 60 percent of corrective costs greater than \$300,000 but less than or equal to \$350,000. The committee adopted Senate language for funding for the Agricultural Utilization Research Institute (AURI). Senate language specifies that AURI and the commissioner of agriculture must collaborate on issues of market development and technology transfer, including \$200,000 in 2000 and \$200,00 in 2001 for hybrid tree management research and development of an implementation plan for establishing hybrid tree plantations in the state. The panel adopted House language that reduces by \$104,000 a base appropriation to the Office of Environmental Assistance (OEA) so the agency can give priority to the elimination of positions that are vacant. The panel also adopted House language relating to the Mill Towns Trail, originating at Faribault junction in Rice County and adopted a Department of Natural Resources (DNR) amendment, offered by Sen. Jane Krentz (DFL-May Township), specifying that the trail may be located within the Cannon River wild, scenic, and recreational land use district. The committee also adopted Senate language (identical to the House) for \$5 million in grants for regional trails for acquisition and development of trail connections in the Metro Area. The committee adopted House language for reimbursement of 90 percent of reimbursable costs for removal of agricultural storage tanks and adopted Senate language extending until June 30, 2001, the time for reimbursing a tank owner for removal of two small storage tanks. The committee adopted House language relating to the continued operation of the Western Lake Superior Sanitary District and specifies that the district stop accepting demolition debris and industrial waste by Jan. 1, 2001.

Among changes made to the criminal justice portion of the bill, the committee adopted House language increasing the maximum penalty for petty misdemeanors from \$200 to \$300 and increasing the penalty from a two-year to a three-year felony for assault on a peace officer. The committee also adopted House language developing a new method of computing per diem costs of

confinement for juveniles at the Minnesota Correctional Facility (MCF) at Red Wing based on projected population, pricing incentives, market conditions, and the need to balance expenses and revenues. The panel also adopted House language changing references in "battered women" provisions in the bill to "victims of domestic abuse," specifying that victim locations are private data, defining shelters and per diem rates, and specifying duties of shelter directors.

Among changes made to the state government section of the bill, the committee adopted Senate language (identical to the House) specifying that detailed budget estimates from the Department of Finance of expenditures and revenues for internal service funds must include the number of full-time equivalents by program; detail any loans from the general fund including dollar amounts by program; proposed investments in technology or equipment of \$100,000 or more; an explanation of any operating losses or increases; and a history of the rates that have been charged with an explanation of any rate changes and the impact on affected agencies. The committee adopted Senate language (identical to the House) concerning immediate needs and directing the commissioner to report the amount and purpose of transfers to the chair of the committee or division in the Senate and House with primary jurisdiction over the Department of Finance. The committee adopted Senate language (identical to the House) concerning cash advances from the general fund to meet cash flow needs and specifies that transfers must be returned to the general fund as soon as sufficient cash balances are available in the account to which the transfer was made. The committee adopted House language (identical to the Senate) directing the commissioner to report the amount and purpose of such transfers to the chair of the committee or division in the Senate and House with jurisdiction over the budget of the Department of Administration. The committee adopted Senate language regarding reimbursement to revolving funds and directing the commissioner of administration to report the rates to be charged for each revolving fund no later than July 1 each year to the chair of the Senate and House committee or divi-

sion with jurisdiction over the budget of the Department of Administration. The committee also adopted House language (identical to the Senate) regarding interfund loans with the same provisions. The committee also adopted Senate language (identical to the House) governing state contributions to the Minneapolis Employees Retirement Fund and limits annual state contributions to \$9 million per year. The committee adopted House language (identical to the Senate) providing \$100,000 to the Office of Strategic and Long Range Planning to integrate information technology. The committee adopted Senate language (identical to the House) providing \$1.544 million in 2000 and \$1.544 million in 2001 for emergency financial and medical needs for the Department of Veterans Affairs.

Among changes made to the economic and jobs portion of the bill, the committee adopted the Senate language extending re-employment insurance benefits to employees of private employers providing food services to elementary and secondary schools during the summer. The committee adopted Senate language (identical to the House) making a \$200,000 appropriation to the Upper Red Lake business loan program available until Dec. 31, 2000. The committee also adopted the House position on the make up of the board governing a rural policy and development center, limiting the number of members to 20.

## High standards conference

### Senate offers proposal

Senate members proposed a compromise on high standards at the Thurs., Mar. 30, conference committee meeting. After conferring, House members requested more time to consider the proposal. The meeting was chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Robert "Bob" Ness (R-Dassel).

The Senate offer leaves the Senate Profile bill, S.F. 3286, intact and adopts language in the House bill, H.F. 3618, regarding the North Star Standards. The proposal adds new language specifying that each district, by a majority vote of the licensed teachers and administrators in the district and by a majority vote of the school board, must implement high standards for all

students according to the Profile of Learning or the North Star Standards. Votes by charter schools require the approval of the sponsor rather than the school board. According to the proposal, student performance standards under the North Star Standards must equal or exceed state rigorous high standards under the Profile. The proposal adds language to the North Star Standards requiring some reporting of implementation procedures to the commissioner with a provision that the commissioner also may request other information as needed. The proposal goes on to specify that the examination and review panel outlined in the Senate bill is to compare the North Star Standards to the state Profile standards.

Pogemiller said the Senate is committed to high statewide standards with a local vote on implementation. "We trust the teachers and school board on implementation," he said. Ness said the House still has disagreements with the Senate Profile bill and that additional time is needed in order to reach a compromise. Pogemiller said the Senate does not support a moratorium or a reduction in the number of standards. He said it's naive to think the Senate will compromise on its Profile bill. He said the Senate has made a major concession by allowing districts to choose the North Star Standards. "We think House leadership doesn't want a bill. They pulled the plug last year and they're going to do it again this year," Pogemiller said. "We're here to prove you wrong," said Ness. He assured members that House leadership does want a bill. "My message from House leadership is 'Yes, we do want a bill,'" he said. Sen. Martha Robertson (R-Minnetonka) said there has been clear direction from the governor. She said the governor also doesn't want a moratorium or a reduction in the number of standards. Sen. Linda Scheid (DFL-Brooklyn Park) said the North Star Standards are about local control. She said it's reasonable to let districts decide which standards to implement. Pogemiller said he wants an offer in writing from the House. Ness said he would like to continue the dialog.

### **House makes counter offer**

Several modifications to the Profile of Learning were presented by House

conferees at the Mon., Apr. 3, conference committee meeting. Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Robert "Bob" Ness (R-Dassel) chaired the meeting.

The House offer incorporates the North Star Standards, with technical amendments, from H.F. 3618 and combines provisions on modifications to the Profile of Learning from the House bill and the Senate bill, S.F. 3286. The House proposal includes language placing a moratorium on the Profile. Pogemiller said the Senate has communicated with the governor's office and the governor wants a hold harmless provision, not a moratorium. Ness said from his point of view, the message from the governor's office is not clear. He made reference to remarks by Commissioner Christine Jax of CFL at a press conference that she supports a moratorium. The proposal adopts the learning areas in the Senate bill except learning area five, inquiry and research which is incorporated into all the learning areas in the House bill. The proposal places vocational, career and technical applications in learning area five. Pogemiller said the Senate would consider creating an eleventh learning area for vocational applications. The House offer includes Senate provisions for a vote by district to determine the number of required and offered content standards. A number of additional changes to the Profile are also contained in the House proposal.

After a short recess to consider the House offer, Senate negotiators countered with a proposal similar to an earlier Senate offer. The proposal again contains the vote by district, Senate language on changes to the Profile and the option for districts to choose the North Star Standards. The offer contains a few changes to the North Star Standards found in the House bill. The proposal requires the commissioner to develop and disseminate to school districts implementing the North Star Standards, a uniform method for reporting student performance. The commissioner must also periodically review and report on student achievement for the districts using the North Star Standards. Under the proposal, districts must format high school transcripts according to specifications provided by the commissioner and must

submit implementation reports to the commissioner in addition to school boards as required by the House bill. The proposal also requires districts to maintain information for the purpose of comparing student performance under the North Star Standards to student performance under the Profile. Pogemiller said the House article amending the Profile has too many inconsistencies. He reiterated that the Senate doesn't want a moratorium and wants Senate language regarding the Profile.

Rep. Tony Kielkucki (R-Lester Prairie) said alternative learning centers (ALCs) are problematic under the Senate bill because the centers have students from different districts and the districts may vote to have different numbers of standards. The House bill exempts ALCs from Profile requirements. Sen. Martha Robertson (R-Minnetonka) said the district where the ALC is located or the district with the largest number of students at the ALC could determine the number of standards required. Ness said ALCs deserve special consideration. Pogemiller acknowledged content requirements could pose problems for ALCs and agreed to work on the issue. The committee recessed in order for House members to take the Senate counter-proposal under advisement.

### **Standards negotiations continue**

House conferees returned with an offer to revise the moratorium to a two-year hold harmless period. However, the proposal still contains several House provisions, from H.F. 3618, changing the Profile of Learning. Chairs Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Robert "Bob" Ness (R-Dassel) and conference committee members discussed the offer in-depth at a continuation of the Mon., Apr. 3, meeting.

In response to an earlier discussion, Sen. Linda Scheid (DFL-Brooklyn Park) offered an amendment on area learning centers (ALCs). The amendment specifies that each center, by a majority vote of the licensed teachers and administrators at the site and by a majority vote of the school board of the district in which the center is located, must determine the number of content standards that the site requires for students. Scheid said faculty at the site



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can make the best determination on the number of standards required. Senate conferees adopted the amendment, however, House conferees did not vote.

The House position on learning areas was modified based on negotiations earlier in day. The offer adopts the learning areas in the Senate bill, S.F. 3286, except that learning area five encompasses vocational, career and technical applications and a new 11th learning area encompasses inquiry and research.

The House offer revises the number of state content standards to ten required and six elective standards in high school grades, twelve required and four elective standards in middle school grades and six required and four elective standards in intermediate grades. Ness said he wants to bring down the required number of content standards and create more room for electives. Pogemiller said a reduction isn't necessary since districts can waive standards. But he admitted there will be subtle pressure for districts to move towards the state number of required standards. Pogemiller said with a vote by district to determine the number of required standards, accountability will lie with the district. Rep. Mary Ellen Otremba (DFL-Long Prairie) said a major problem is that grad standards technicians at some schools think that a standard can only be in one course. Pogemiller said it's an implementation issue.

The House proposal codifies Profile variations for children with disabilities and students with limited English proficiency. Sen. Martha Robertson (R-Minnetonka) said codification may cause additional paperwork. She added that there is more flexibility to offer waivers to rules. Rep. Tony Kielkucki (R-Lester Prairie) said it's been his experience that it's easier to change law than rule.

A district may use outstanding work from each grade level as exemplars for measuring student work in that grade under the offer from the House. The Senate version specifies that the grade level of a student must not prohibit a student from receiving a state exemplar score upon completion of a content standard. Teachers may also assign a score of "0" to student work on an assessment. Ness said it's still an area of disagreement in the bills.

In closing, Pogemiller said the Senate side has a good understanding of what Profile provisions the House wants altered. He said Senate conferees will consider the House offer and come back with another Senate proposal. "For the first time in a long time, we think there's a chance the House leadership wants a bill," Pogemiller said. "Reasonable people with a common mission ought to be able to work out what's good for everybody," said Ness.

## Tax conference

### Progress underway

Having completed a review of the differences between the House and Senate omnibus tax bills, the Conference Committee on Taxes, chaired by Rep. Ron Abrams (R-Minnetonka) and Sen. Douglas Johnson (DFL-Tower), began to approve similar and identical language between the bills on Wed., April 5.

Members approved a provision, found only in the House bill, relating to the definition of "livestock producers." The provision, retroactive to April 23, 1999, clarifies that farmers who take care of other farmers' livestock qualify as "livestock producers" for the 1999 agricultural relief payments.

A provision concerning the 1999 sales tax rebate, for which both legislative bodies have identical language, was approved. Under the language, the limitation on the total tax rebate amount for 1999 would not apply to additional rebates. However, the House and Senate bills differ on who qualifies for unclaimed rebates. Whereas the Senate bill allows individuals who missed the 1999 filing date for a rebate to file by June 15, 2000 and retroactively expands eligibility to claimants with qualifying income, the House bill only extends the time to file.

Numerous provisions, relating to income and franchise taxes, with either identical language in the House and Senate or negligible costs, were then approved. Paid tax preparers, who prepare a designated number of individual income tax returns, are required to file electronically. The minimum number of forms filed to meet this requirement is 500 in 2000, 250 in 2001, and 100 in 2002 and later. Members also approved a provision

allowing taxpayers who pay at least 90 percent of the individual income tax due by the due date, and the remainder within six months, to be exempt from late payment penalties.

The committee approved identical language between the two bills clarifying that mobile property may subject a taxpayer to income and franchise taxes and that taxpayers are required to file a return if they have transactions with Minnesotans in Minnesota involving intangible property.

Found only in the Senate bill, members approved a provision providing that interest must be paid on individual income tax refunds 30 days, rather than the current 90 days, after either the return is filed or the due date of the return. Another Senate-only provision approved was a refundable \$20 tax credit for each dependent exemption claimed at the federal level.

Provisions approved for income and franchise taxes found only in the House bill included lowering certain non-wage withholding rates to conform with income tax rate reductions enacted last session. The measure reduces supplemental wage payments not tied to specific wage periods and payments to jockeys and trainers from 7 percent to 6 percent, and reduces withholdings on lottery winnings from 8 percent to 7 percent. Members also approved House-only language, affecting border cities which conforms the enterprise zone income tax rate to a maximum of 7.5 percent.

Matthew Smith, commissioner of the Department of Revenue (DOR), spoke in favor of a House provision providing for a study of the availability of taxpayer assistance services. "We have these programs and we should find out how to best use them," he said. The study involves the effectiveness of volunteers in achieving full compliance with tax laws, eligibility requirements for the services, the level of volunteer training, and the availability of volunteers after April 15 to assist with property taxes. Members approved the measure.

A provision expanding the economic development property holding period for cities outside of the Metro Area was approved by the committee when they took up discussion on property taxes. The measure, exempting government

held property slated for economic resale from property taxes for 15 years, applies to cities outside the Metro Area with populations under 10,000. The panel discussed the provision, which is designed to help developing communities establishing business and industrial parks. Sen. Sandra Pappas (DFL-St. Paul) said that although the Legislature should not encourage governments to hold onto land, she supports the measure because of difficulties small communities attracting businesses can face. Members approved the provision and continued discussion of property taxes.

Sen. Jim Vickerman (DFL-Tracy) spoke in support of a provision included in both House and Senate bills allowing agricultural property to qualify for homestead status if it is inhabited by the owner's grandchildren. Provisions providing for a 1.5 percent class tax rate for airplane hangars were also discussed, as well as provisions expanding the eligibility for senior citizen property tax deferral of delinquent payments. Under the provision, property is eligible for the deferral program if the total unpaid balance of debts secured by mortgages and liens does not exceed 75 percent of the property's market value. Members approved the provisions and other technical policy measures included in both bills.

Two provisions regarding levy limits that share similar language in the two bills were approved. Senate language providing that the recently enacted four-cent per ton "mining effects" taconite aid will not be subtracted from the property tax levy limit of the local government unit receiving the aid was approved. Members chose House language when approving a provision to allow the Capitol Region Watershed District to levy an annual amount of up to 0.02418 percent of taxable market value or \$200,000, whichever is less, effective for taxes payable in 2001 and thereafter.

Three minor non-money provisions relating to the sales and use tax were discussed by the panel. The first provision includes state agency libraries in the list of public libraries that are exempt from sales tax. The second provision prohibits any city, county, or other political subdivision from imposing a new tax greater than \$20 on the

sale, transfer, or use of a motor vehicle. The third provision allows the department to enter into agreements with, and conduct a pilot project with, other states to develop a simplified sales tax and use tax collection system. Members approved the three provisions.

Before addressing cigarette tax issues, the panel approved a provision relating to nursing homes that is identical in both bills. The provision clarifies that services to nursing homes and examinations for employment, litigation, utilization review, and insurance are not considered patient services and do not have to be reported as gross revenues. Provisions allowing stamping methods other than heat stamps to be used on cigarettes and requiring retailers to preserve copies of invoices at each retail location, or a central location from which the copies can be made available within one hour, were then approved.

The committee concluded by approving a number of miscellaneous provisions with similar or identical language between the bills. Provisions included clarifying language that the department is not required to release tax liens if a balance due remains for any of the period of the lien, allowing municipal ambulance services to submit unpaid bills to be offset against tax refunds paid to the debtor, and clarification that the department can, but is not required to, make determinations and assessments of state taxes in every case.

## Transportation conference

### Testimony heard

The Transportation Conference Committee heard testimony Mon., April 3, on projects that are slated for over \$71 million in the Senate bill, but which receive no funding from the House. The Rail Service Improvement Program, DM&E rail impact mitigation, the Itasca Steel Mill, the Wakota Bridge construction, a Dept. of Public Safety facility in Arden Hills, and development of the Maxon-Dale area in St. Paul were addressed in the committee, chaired by Sen. Dean Johnson (DFL-Willmar) and Rep. Carol Molnau (R-Chaska).

Redwood County Commissioner Gene Short said that trains already transport the equivalent of 132,000 truck loads of corn from the Redwood County area,

when testifying on behalf of \$12 million in grant money for rail service improvement. He cited kaolin, a fine white clay used in ceramics and refractories, and granite as other products from the area that benefit from rail transport. Al Vogel, of the Minnesota Department of Transportation (Mn/DOT), said that of \$34 million in past programs like the one proposed, there has not been a default on any project.

"There are costs not borne by the railroad," said Sen. Sheila Kiscaden (R-Rochester) in support of \$10 million in grants to cities along the Dakota, Minnesota and Eastern (DM&E) railroad for disturbance mitigation purposes. The DM&E plans to add an estimated 34 coal trains per day to the current 3 trains crossing the southern part of Minnesota. To construct overpasses, cities will have to acquire property and relocate residents well in advance, said Kiscaden. She said that public utilities and storm sewers will have to be moved before the railroad begins increased operations.

Sen. John Hottinger (DFL-Mankato) said that cities along the railroad, including Lake Benton, Tracy, New Ulm, Mankato, Owatonna, Rochester, and Winona, anticipate traffic congestion, substantial increases in noise levels, and depressed valuations of adjacent property. John Apitz, of the Minnesota Railroads Association, said no funds are needed at this time, because the upgrading to the rail line will not be completed for another 4 years.

Sen. Jerry Janezich (DFL-Chisholm) testified on behalf of a \$35 million grant to the Itasca County Railroad Authority for railroad access and right-of-way acquisition for a gas pipeline and highway construction. Janezich is asking for the construction of a county road to access a new steel mill being built by Minnesota Iron and Steel.

Janezich said that the construction of the largest flat roll steel mill in the world by Minnesota Iron and Steel will provide approximately 1,000 direct jobs, with 900 new mining jobs alone. Annual returns to the state will reach \$20 million, he said. Ron Dicklich, of Minnesota Iron and Steel, told members that Ford Motor Company has already requested close to 20 percent of the mill's finished product.

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"The Wakota bridge is the number one bottleneck in Minnesota," said Sen. James Metzen (DFL-South St. Paul) speaking in support of \$12 million for the I-494 Wakota Bridge project. Metzen told members that the current bridge offers only four lanes, which severely constricts traffic flow and causes traffic to back up for miles on each side of I-494. A cost estimate for the full project, not including right of way acquisition, is \$168 million, he said, of which \$129 million has been gathered thus far.

House members raised concerns over the Legislature setting priorities for Mn/DOT. Metzen said that similar measures have been taken before when "Federal funds could be lost due to delays, as is the case with the Wakota bridge."

A \$1.1 million appropriation to construct a State Patrol training center at the Arden Hills facility owned by the Department of Public Safety was addressed by Col. Anne Beers of the State Patrol and Col. Dennis Lord of the Department of Military affairs. The appropriation takes the place of \$1.1 million originally earmarked for construction of a training facility at Camp Ripley.

Carol Lovro, of the Association of Minnesota Counties, told members that the one time funding of \$47.125 million for county highways is hardly enough. Deferred maintenance, current construction, and a backlog of projects will require more money than what is provided.

The committee concluded with testimony from Sen. Ellen Anderson (DFL-St. Paul) concerning the \$2 million Maxon-Dale area extension of Pierce-Butler Ave. in St. Paul. The road extension will connect the industrial area of St. Paul to 35W, Interstate 94, and Minneapolis, Anderson said. Anderson also said that the project will enhance the viability of the inner city by developing brownfields to provide jobs.

## Wolf management conference

### Wolf management plans reviewed

Senate and House conferees met Tues., Apr. 4, and reviewed several previously debated approaches--plus a few new ones--to develop a gray wolf management plan for Minnesota. A bill

is needed because the U.S. Fish and Wildlife Service (USFWS) is preparing to remove the wolf from the "endangered" species list, or "delist" it. The committee is co-chaired by Sen. Gary Laidig (R-Stillwater) and Rep. Tim Finseth (R-Angus).

In his opening remarks, Laidig pledged that a bill containing a management plan will be passed this session. He then outlined the history of events that led to the listing and delisting process of the species. It is unlikely the USFWS will resume the delisting process, which began in 1998, until the state develops a management plan that provides strong protection for the species for at least five years, he noted.

Ron Refsnider, of the USFWS, explained the agency's rule-making process for delisting. The process includes publishing its proposal in the Federal Register, opening the proposal to at least a 60-day comment period and holding one or more public hearings on the proposal. He said that delisting requires the same steps as listing an endangered species, such as population data on the species. If data suggests it's needed, management must be continued, including five years of monitoring to ensure the population doesn't fall to threatened or endangered levels, Refsnider said. If monitoring indicates delisting was premature, USFWS can relist the species on an emergency basis, which can take as little as three weeks, he said.

The recovery level for the gray wolf in Minnesota is approximately 1,250 to 1,400 animals, while the actual population is currently estimated at about 2,500, he said.

The committee then heard testimony from nine witnesses representing various environmental and agricultural groups. All witnesses were members of the citizens round table requested by the Department of Natural Resources (DNR) in developing its gray wolf management plan. The plan divides the state into two zones - an agricultural zone where wolf taking is allowed and a gray wolf zone where it's not.

Karlynn Berg and Linda Hatfield, of the Humane Society and Help Our Wolves Live (HOWL), respectively, voiced dissatisfaction with both the Senate and House versions of the wolf management bill, H.F. 1415. Berg said the bill is not

"responsible stewardship," and Hatfield said nothing she had supported in the round table was included in the measure.

Don Arnosti, of the Audubon Society, Mike LaFleur, of the Izaak Walton League, and Rick Duncan, of the Sierra Club, said they support a bill that allows for protection of gray wolves while still providing for elimination of problem wolves. Arnosti called a section of the Senate version "words of wisdom" and urged the committee to incorporate it in the final draft. The section calls for the DNR and Department of Agriculture to adopt a gray wolf plan that includes goals to ensure the long-term survival of the gray wolf and to reduce conflicts between gray wolves and humans to minimize depredation of livestock and domestic pets.

Janet McNally, of the Minnesota Lamb and Wool Producers Association, recounted her experiences with gray wolf depredation last spring. The Hinckley-area producer said she'd lost no more than three lambs a year for most of the 15 years she farmed until last spring. That's when she lost 75 lambs during lambing season, for a total loss of more than \$10,000. "Any plan needs to include a provision for controlling predators all year long," she said. Reg Emmert, of the Minnesota Farm Bureau Federation, said that any management plan must include a nuisance wolf permit system for livestock producers, grant conservation officers or extension agents new wolf kill verification techniques that aren't limited solely to carcass identification, provide an 800 number for reporting a "wolf taken in defense" or livestock kills and a 48-hour window for reporting, allows trapping in response to a verified kill within a one-mile radius and for 120 days or until the problem is resolved, and includes stalking in the definition of "immediate threat."

"We've got a lot of wood to chop and it's time to roll up our sleeves and go to work," said Dale Lueck, of the Minnesota Cattlemen's Association, who offered some new suggestions for developing a plan. Among them is offering \$1,000 in restitution for a gray wolf (a compromise between \$250 specified in the House version and \$2,000 specified in the Senate version), specifying that a person may not use dog



or horse to take a gray wolf, "except guard animals may harass, repel or destroy wolves when guarding livestock," recommending that references to shooting wolves proposed by the DNR be changed to taking and deferring to existing statutes that already require best management practices (BMP's) to prevent future depredation.

Luec suggested slightly modified language to an amendment to the bill, offered recently by Sen. LeRoy Stumpf (DFL-Thief River Falls), providing for fair market value restitution for livestock so crippled by a wolf it must be attended by a veterinarian or be destroyed, with the value determined by an extension agent. He suggested that reimbursement for veterinarian treatment not exceed fair market value of the animal and that the investigating official must take into account other factors than visual carcass identification when making a determination. He proposed that the DNR establish Wolf Special Management Zones on public national and state forests, parks and wildlife refuges in Northern Minnesota, that the DNR not declare an open season on wolves outside management zones until five years after the wolf has been delisted and that there be no hunting and trapping seasons outside the management zones until one year after delisting. He suggested that the DNR declare an open season, with restrictions, on wolves after the specified times, but provide an opportunity for public comment before doing so. Luec also suggested that a gray wolf control training program be established for certified predator controllers, that the DNR open a predator control area if the commissioner has verified wolf kills in the previous five years and if the commissioner determines gray wolf control is necessary to prevent further damage to livestock or pets. Further, he suggested that a predator control area for gray wolves not exceed a one-mile radius surrounding the damage area and that the DNR pay \$200 to certified gray wolf controllers for every gray wolf taken. Finally, Luec suggested establishing a gray wolf management research account in the natural resources fund to be used for research, development and implementation of control measures to minimize gray wolf depredation on domestic animals. Under Luec's pro-

posal, the account would be funded by private contributions and legislative appropriations.

"I'm struck by your plan," said Laidig, adding that his goal is a plan in which "wolves are safe on public land and at risk on private land."

The committee agreed to meet later in the week to begin negotiations.

## Monday, April 3

### Patient bill of rights passed

The Senate sent a bill regarding licensing requirements for accountants to the governor for signature, approved a resolution commemorating the opening of the Twin's 40th baseball season, and approved nine bills on Special Orders at the Mon., April 3, floor session.

Members discussed the Patient Bill of Rights, S.F. 953, sponsored by Sen. Don Samuelson (DFL-Brainerd). The bill provides no new medical plan coverage, instead the measure establishes safeguards to level the playing field between doctors and patients, Samuelson said. He told members that the bill establishes medical reviewers for plan carriers, requires plan providers to provide policy copies to potential clients, defines a medical necessity, allows for referrals to specialists, and stops health plans from denying payment for previously approved services. A provision is established for use against providers who do not meet a number of the health plan requirements, Samuelson told members.

The Minnesota Medical Association, the Health Care Consumer Protection Alliance, the American Association of Retired People, and the Minnesota Attorney General were among those listed by Samuelson as supporters of the bill. The measure passed on a roll call vote of 42 to 21.

Sen. Steve Novak (DFL-New Brighton) then outlined provisions in the worker's compensation bill, S.F. 3644. Composed by the Workers' Compensation Council, said Novak, the bill increases the maximum weekly compensation from \$615 to \$750 and the minimum weekly compensation from \$104 to \$130, and states that in the event of a work related death, the employee's estate will be paid \$60,000. The bill also transfers surplus funds from

the Minnesota Workers' Compensation Assigned Risk Plan to the compensation fund's second injury and supplemental benefits programs, Novak said.

An amendment, offered by Novak, transfers \$325 million of surplus funds from the assigned risk plan to an excess surplus account within the special compensation fund. Money in the excess surplus fund will be used for settling second injury and supplementary benefits program liabilities, Novak said. The amendment was adopted, and the bill was unanimously approved on a roll call vote of 64 to 0.

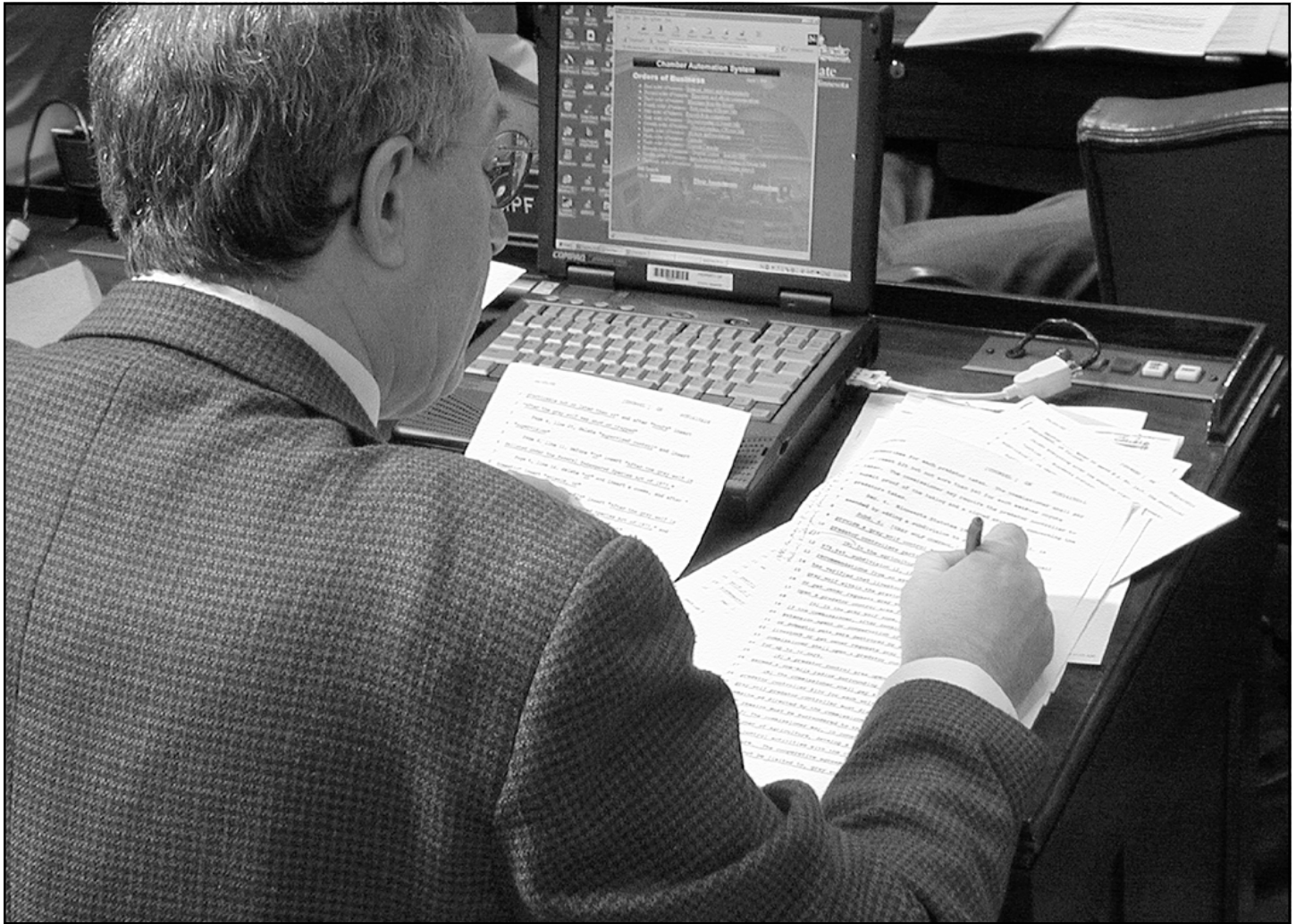
In other action, Sen. John Hottinger (DFL-Mankato) told members that House amendments to S.F. 2803, a bill making changes to accountant licensing requirements, are technical, and asked that members vote for the measure. Under the bill, authored by Hottinger, individuals seeking an accounting license after July 1, 2006, will be required to have a baccalaureate or higher degree with a major or emphasis in accounting. The bill also states that by July 1, 2004, the Board of Accounting will implement a voluntary registration system for accountants with prescriptions for the limitations of practice, educational preparation, examination, registration, fees, and continuing education requirements for registration. The bill passed on a roll call vote of 51 to 11.

Hottinger then discussed S.F. 2893, a clarification of government agencies obligations in business subsidies. Under the bill, until it has been repaid and reinvested by the state or local government, neither federal assistance nor dock and wharf bonds issued by a seaway port authority are considered a business subsidy. Other provisions in the bill include outlining the qualifying criteria for grants such as wage floors for new jobs and extensions for meeting grant goals, if the reasons are well documented in reports to the Department of Trade and Economic Development.

An amendment, offered by Hottinger, exempting loans of \$75,000 or less was adopted, and the bill passed unanimously on a roll call vote of 64 to 0.

"The medium should not dictate the outcome of a transaction," said Sen. Deanna Wiener (DFL-Egan), sponsor of H.F. 3109. The bill enacts the Uniform

# Floor update



**Sen. LeRoy Stumpf reads legislation during a floor session in the Senate Chamber. computers to access legislative materials and information.**

**Many Senators make use of laptop**

Photo by David J. Oakes

Electronic Transactions Act adopted by the National Conference of Commissioners on Uniform State Laws and places electronic transactions and signatures on a par with paper transactions. Wiener offered an amendment exempting wills and trusts from the bill, which members adopted. The measure passed without opposition on a 62 to 0 roll call vote.

Known as the "Funeral Bill," S.F. 2686, authored by Sen Claire Robling (R-Prior Lake), establishes requirements for the sale of funeral goods and services and preneed funeral arrangements. Robling said that the bill includes such provisions as requirements for disclosure of ownership for competitive bidding, and price lists for services. The measure also prohibits solicitation in certain situations, and provides for

disclosure of options for purchase and rental of goods. The bill also states that preneed arrangements must be provided to the financial overseer and that all trust funds belong to the consumer, she said.

An amendment, offered by Robling, exempting those who sell only monuments and head stones from the provisions was adopted, and the bill passed unanimously on a 64 to 0 roll call vote.

A number of other bills were also approved without opposition, beginning with S.F. 2956. The bill, authored by Sen. Sheila Kiscaden (R-Rochester), adopts the Midwest Interstate Passenger Rail Compact. Compact purposes include, Kiscaden said, the promotion of development and implementation of improvements to intercity passenger rail service in the Midwest, coordination

among state-elected officials and their designees on passenger rail issues, and the promotion of development and implementation of long-range plans for high speed rail passenger service in the Midwest and the United States. The bill does not include light rail nor commuter rail, she said. Members approved the bill on a roll call vote of 64 to 0.

Sen. Linda Higgins (DFL-Mpls.) sponsored H.F. 3576, a bill modifying reporting requirements for solid waste and wastewater treatment facilities, extending the exemption period for certain toxins in packaging, and requiring a recommendation for changing the name of the Pollution Control Agency. Higgins offered an amendment requiring a progress report, with a \$295 filing fee, on the elimination of certain metals from certain exempt products. The



amendment was adopted and the bill passed on a 61 to 0 roll call vote.

A bill allowing for a tax to pay for replacement heating systems and related energy conservation measures in cities discontinuing district heating systems, S.F. 3439, was offered by Sen. Jerry Janezich (DFL-Chisholm). The bill passed on a vote of 61 to 0.

Members then addressed the conference committee report on S.F. 2397. The bill, sponsored by Higgins, establishes standards for employer activities to reduce occupational exposure to bloodborne pathogens through sharps injuries. Under the bill, an exposure control plan must document consideration and implementation of appropriate available and effective engineering controls, such as needleless systems and sharps with engineered sharps injury protection, designed to eliminate or minimize blood exposure. Higgins told members that no significant changes were made, and advised passage of the bill. The measure was re-passed on a roll call vote of 65 to 0.

## Tuesday, April 4

### Feedlot bill passed

A large portion of the Tues., Apr. 4, floor session was dominated by discussion of a bill, H.F. 3692, that eases proposed restrictions on feedlots. Sen. Dallas Sams (DFL-Staples), chief author of the measure, said the bill is targeted at small and medium sized family farms and pulls back from some of the restrictions that will make it difficult for those farms to continue in operation. The bill exempts an operator of a feedlot with less than 300 animal units from spending more than \$3,000 to upgrade the facility unless 75 percent of the cost is provided in state cost share money and exempts an operator of a feedlot between 300 and 500 animal units from spending more than \$10,000 on upgrades unless 75 percent of the cost is provided in cost-share money. In addition, the bill makes changes to animal unit categories and adds a new category—0.25 animal units—for swine weighing between 55 and 300 pounds. The bill also requires the Minnesota Pollution Control Agency (MPCA) to either grant or deny permit applications within 60 days. The measure contains provisions for education and training

programs for manure applicators focusing on water quality protection and manure management plans.

Sams offered an amendment requiring the MPCA, the Dept. of Agriculture, the Dept. of Finance and the Board of Water and Soil Resources to develop options for financial assistance to feedlot operators for feedlot upgrades, particularly for feedlots with a capacity of less than 100 animal units and report the recommendations to the Legislature. The amendment also reduces from over 1,000 to over 300 for the number of animal units specified as the limit for the 21 days maximum cumulative exemption from air quality standards when manure is removed from barns or manure storage facilities. The measure provides that livestock production facilities are exempt from state ambient air quality standards while manure is being removed and for seven days after manure is removed from barns or manure storage facilities. The amendment was adopted.

Sen. Jane Krentz (DFL-May Township) offered an amendment removing language that prohibits the MPCA from requiring operations with 300 to 500 animal units to spend more than \$10,000 unless cost-share money is available. Krentz said, "I still have several concerns from a health perspective. Public health and safety can be put at risk by bad management practices." She said the amendment deletes larger operations and targets money at the small farmer. Krentz also said that she supports cost share grants, but that until the full amount is funded the money should be targeted at the smaller family farms.

Sen. Steve Dille (R-Dassel) opposed the amendment and said, "Smaller feedlots have up to 5 years to do minor upgrades and the estimate for minor fixups is \$3,000 or less." Sams also opposed the amendment and said, "It is a statewide issue—we have an obligation to farmers in that we should be there with money to help out." Krentz countered, "We don't have the money in the bonding bill to provide the resources. If we don't provide the resources then we should target the smaller operations." Sen. Dennis Frederickson also opposed the amendment. Frederickson said, "Most farmers would call an operation with 300 to 500

animal units a small operations. I think we should help both categories. If we don't help the 300 to 500 unit operations, they will go out of business and that will lead to the large operations none of us want to see." The amendment failed on a 31-36 roll call vote.

Krentz offered a second amendment to remove the 60 time limit for the MPCA to deny or approve a feedlot application. Krentz said that the 60 day time limit is an unfunded mandate because no additional funds are provided for the department. "The PCA has said they need more staff, but we have not provided it," she said. Sams said that the language is in the bill in order to put pressure on the department to take action on applications. The amendment was defeated on a 29-38 roll call vote.

Sen. Ellen Anderson (DFL-St. Paul) offered an amendment to continue the moratorium on new open air clay earthen, or flexible membrane lined swine waste lagoons. Sams and Dille supported the amendment and it was adopted on a voice vote.

Sen. Becky Lourey (DFL-Kerrick) offered an amendment providing that operators with less than 100 animal units do not have to upgrade, unless there is an immediate health threat, until cost share funds are available. The amendment was adopted.

An amendment, offered by Sen. Roger D. Moe (DFL-Erskine), was also adopted. The amendment changes the animal unit designation for swine between 55 pounds and 300 pounds from .25 animal unit to .3 animal unit.

Krentz offered a third amendment that she said was inspired by an incident at a New York county fair. Krentz said that because of an uncovered manure facility at the county fair, several people were made ill and died because of water contamination from the manure. Her amendment removes an exemption for county fairs. The amendment was defeated on a 26-39 roll call vote.

Anderson offered an amendment to specify the exemptions from state air quality standards applied only to state hydrogen sulfide ambient air quality standards. Dille and Sams both opposed the amendment and said that inclusion of the language would start the whole feedlot process again. The amendment was defeated.

The Senate granted the bill final



# Floor update

passage on a 45-22 roll call vote.

In other action, the Senate granted final passage to several bills on Special Orders and gave concurrence and repassage to Senate bills returned from the House with minor amendments.

Three bills were given concurrence and repassage. S.F. 3379, carried by Sen. Twyla Ring (DFL-North Branch), authorizes a number of sales of parcels of tax-forfeited land in various counties. S.F. 2767, authored by Sen. Don Samuelson (DFL-Brainerd), requires prompt payment by health plan companies and third-party administrators of clean claims for health care services. S.F. 3203, sponsored by Sen. Edward Oliver (R-Deephaven), conforms state statutes to the National Association of Insurance Commissioners model legislation providing uniform accounting principles.

S.F. 3338, authored by Sen. Dave Johnson (DFL-Bloomington), was one of the measures on Special Orders gaining final passage. The bill establishes an annual insurance cap for tribal police departments. Members also gave S.F. 2302 final passage. The bill, sponsored by Sen. Thomas Neuville (R-Northfield), adds definitions to the criminal vehicular operation law to include trailers.

H.F. 2826, sponsored by Sen. Cal Larson (R-Fergus Falls), is a Secretary of State's Office housekeeping bill relating to elections provisions. Sen. Dave Kleis offered, and members adopted, an amendment specifying that if an elected official moves to another state, then the individual is no longer an elected official. Another amendment, offered by Sen. Dennis Frederickson (R-New Ulm), provides that unless a write-in candidate notifies the county canvassing board that the candidate wants write-in votes to be counted, those votes will not be counted. Frederickson said the amendment conforms the county canvas provisions to other provisions already contained in the bill and that the provisions are aimed at the frivolous write-ins votes cast at every election. The amendment was also adopted. Members also adopted an amendment providing that parties may hold their caucus at any time during the month of March in an election year. The amendment was sponsored by Sen. Carol Flynn (DFL-Mpls.).

## Wednesday, April 5

### Domestic violence bill passed

"This bill will keep Minnesota in the forefront on preventing violence against women," said Sen. Ember Junge (DFL-New Hope). H.F. 3331, was one bill on Special Orders taken up by Senators at the Weds., Apr. 5 floor session. Junge said the bill puts someone in charge of preventing violence against women. The bill creates the position of director of domestic violence and sexual assault prevention and an interagency task force on domestic violence and sexual assault prevention. The measure also specifies the powers, duties, and organization of the director and task force. Junge said the director will be empowered to hold public officials accountable when the system fails. She said it's the first time to bring together various resources in a task force on domestic violence and sexual assault prevention. "This is a significant step forward," said Junge.

Sen. Arlene Lesewski (R-Marshall) offered an amendment to add two members of the Senate, one member of the majority caucus and one member of the minority caucus and two members of the House, one member of the majority caucus and one member of the minority caucus, to the task force. "It's very important to have Legislators involved," said Lesewski. Sen. James Metzen (DFL-South St. Paul) said if the amendment is added, the bill will have to go back to the Governmental Operations and Veterans Committee. Junge said this late in the session, there is no time to send the bill back. "I agree in concept (with the amendment), but I don't want to jeopardize the future of the bill," she said. The amendment failed on a divided vote. The bill was granted final passage on a 66 to 0 roll call vote.

Also passed unanimously on special orders was S.F. 2417, presented by Sen. Richard Cohen (DFL-St. Paul). The measure specifies that no person may sell, rent, lend, or give a paint ball gun to a person under the age of 18 without the written consent of the parent or legal guardian. The measure goes on to specify that no person may discharge or possess a paint ball gun on property owned by or under the control of the state, any of its political subdivisions, the Board of Regents of the University

of Minnesota or in a school zone. A person who violates the provisions is guilty of a misdemeanor according to the bill. Cohen said paint ball guns have been a significant cause of eye injuries.

Sen. Sandra Pappas (DFL-St. Paul) offered an amendment that no person may sell or rent a restricted violent video game to a person under 17 years of age without the written consent of the parent or legal guardian. Sen. Allan Spear (DFL-Mpls.) challenged the germaneness of the amendment. He said an amendment must be on the same subject and achieve the same purpose as the bill. "Clearly these are different subjects," he said. The amendment was ruled not germane.

An amendment put forth by Sen. Anthony "Tony" Kinkel (DFL-Park Rapids) limits the scope of the bill to public elementary, middle, or secondary school buildings or on their grounds, whether leased or owned by the school. The amendment was adopted and the bill was granted final passage on a 65 to 0 roll call vote. However, later in the session, Sen. Jane Ranum (DFL-Mpls.) moved to have the bill reconsidered. The motion was adopted. Ranum said she has concerns that the bill may allow an offense involving a paint ball gun to be prosecuted as a misdemeanor even if a greater crime is involved. She offered an amendment that a violation of the provisions in the bill would be a misdemeanor unless a greater penalty is provided in another statute. The amendment was adopted and the bill was again granted final passage on an unanimous vote.

Three other bills were granted final passage on special orders. S.F. 3091, authored by Sen. Steven Murphy (DFL-Red Wing), recodifies the sales and use tax laws. "The bill is the culmination of four years of work, it's supported by everyone involved in the process," said Murphy.

H.F. 2731, sponsored by Sen. Steven Novak (DFL-New Brighton), relates to motor vehicle sales and distribution. The measure regulates unfair practices by manufacturers, distributors, and factory branches. Novak said the purpose of the bill is to protect automobile dealers.

Sen. Linda Higgins (DFL-Mpls.) presented S.F. 2471. The bill makes changes to provisions on the Hennepin

County Human Resources Board and Department. Higgins offered an amendment which authorizes Hennepin County to solicit and award design-build contracts. Kiscaden objected to the germaneness of the amendment. The amendment not germane. Higgins offered a second amendment which allows the county to accept payment by use of a credit card, debit card, all forms of electronic or wire funds transfer. Sen. Mark Ourada (R-Buffero) again brought up the issue of germaneness. The amendment was also ruled not germane.

Senators also granted concurrence and repassage of several bills returned from the House. Perhaps generating the most lively discussion of the day was S.F. 3348, which author Sen. Dean Johnson (DFL-Willmar) said is known as the hotdish bill. Johnson said the bill will allow the people of Minnesota to prepare hotdishes at their homes so the time-honored tradition of potlucks can continue. An objection was raised by Sen. Martha Robertson (R-Minnetonka). She said the House removed a requirement in the bill that a sign must be posted at potlucks. The sign must say, "The food served at this event was not prepared in a licensed kitchen and is not subject to health department regulation." Robertson said it's an issue of liability. Johnson said people have common sense so signs aren't needed. Robertson said the common sense thing to do is have signs posted. "Our job is to protect public health," she said. Sen. Shelia Kiscaden (R-Rochester) said people need to know they're eating food at some risk. Sen. Gary Laidig (R-Stillwater) said a sign is needed warning about e-coli dangers. Johnson said the sign requirement is just another unneeded regulation. Sen. Charles Berg (IND-Chokio) agreed. "People know the food is not prepared in a regulated kitchen," he said. Sen. Linda Scheid (DFL-Brooklyn Park) said people can decide for themselves what they will and won't eat.

Sen. Leo Foley (DFL-Coon Rapids) presented S.F. 3566, which creates a new criminal penalty for failing to pay over sales tax on motor vehicles collected from a purchaser.

Foley also sponsored S.F. 2742. The bill, relating to family law, changes the time for filing a notice to remove. The bill also requires a study of medical

support statutes.

H.F. 3423, presented by Spear, requires the commissioner of commerce to assist Holocaust victims to settle claims and recover proceeds from applicable insurance policies.

S.F. 2949, authored by Sen. John Hottinger (DFL-Mankato), provides for the establishment of heritage forest areas in the following counties: Blue Earth, Carver, Dakota, Hennepin, Le Sueur, McLeod, Meeker, Nicollet, Rice, Sibley, Scott, Waseca and Wright.

Sen. Randy Kelly (DFL-St. Paul) sponsored S.F. 3290, which provides grants for certain agreements made under the Environment Response and Liability Act. The bill also extends landfill cleanup eligibility for the Western Lake Superior Sanitary District. Kelly said the bill is specifically geared to cleaning up Pig's Eye dump.

S.F. 2987, authored by Sen. Jim Vickerman (DFL-Tracy), amends provisions on the financing and distribution of income for cooperatives.

Metzen presented S.F. 2547, a bill requiring the Capital Area Architectural and Planning Board to select a site in the Capital Area for installation of the memorial to Minnesota firefighters now located at the Minneapolis-St. Paul International Airport. The bill also allows a memorial plaque to honor combat wounded veterans to be placed in the Court of Honor on the Capitol Mall.

Sen. Dan Stevens (R-Mora) sponsored S.F. 83. The measure simplifies and consolidates wetland regulations. "This is a consensus bill. It was good to get everyone at the table," said Stevens.

S.F. 76, authored by Sen. Leo Foley (DFL-Coon Rapids), eliminates a requirement to hold a DWI-related vehicle forfeiture proceeding at the same time as a implied consent hearing. The bill also authorizes secured parties to sell forfeited vehicles under certain conditions.

S.F. 3701, authored by Sen. Deanna Wiener (DFL-Eagan), adds members to the Designer Selection Board. The bill specifies that one member must be a representative of the user agency, the University of Minnesota or the Minnesota State Colleges and Universities, designated by the user agency. The bill also directs the board to select at least two primary designers for projects at the

University of Minnesota or the state colleges and universities.

The Senate also adopted the conference committee report and repassed H.F. 2888. Berg sponsored the measure, which authorizes the marking of canoe and boating routes on the Chippewa river from Benson in Swift County to Montevideo in Chippewa County.

### **Legislative world wide web site**

In a joint effort, the Legislative Reference Library, the Office of the Revisor of Statutes, the Senate and the House of Representatives maintain a World Wide Web site.

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.

### **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 651-296-0504 (tty 651-296-0250). The Senate Information Office also has toll-free telephone numbers to enable citizens of Greater Minnesota to obtain general information about the Minnesota Senate. The 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.

# Floor action

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## **Bills granted concurrence and repassage Monday, April 3**

S.F. 2803-Hottinger: Modifies licensing requirements and requires the Board of Accountancy to implement a voluntary registration of accounting practitioners. 51-11

## **Bills granted final passage on Special Orders Monday, April 3**

S.F. 953-Samuelson: Provides for health care patient rights and protections, regulates coverages and the classification of treatment and specifies the duties of carriers and providers. 42-21

S.F. 3644-Novak: Makes changes to workers' compensation provisions, increases benefits, clarifies language and provides for a transfer of funds. 64-0

S.F. 2893-Hottinger: Provides clarification to the obligation of government agencies and businesses related to certain business subsidies. 64-0

H.F. 3109-Wiener: Enacts the Uniform Electronic Transactions Act adopted by the National Conference of Commissioners on Uniform State Laws. 62-0

S.F. 2686-Robling: Establishes requirements for the sale of funeral goods and services and preneed funeral arrangements, modifies the enforcement authority of the commissioner of health, modifies licensing requirements for funeral establishments, prohibits certain solicitations of sales by funeral providers, requires disclosures by funeral providers and prohibits certain deceptive acts and practices for funeral providers. 64-0

S.F. 2956-Kiscaden: Adopts the Midwest Interstate Passenger Rail Compact. 64-0

H.F. 3576-Higgins: Modifies reporting requirements for solid waste and wastewater treatment facilities and extends the exemption period for certain toxics in packaging. 61-0

S.F. 3439-Janezich: Provides for replacement heating systems and related energy conservation measures in cities discontinuing district heating systems. 61-0

## **Conference committee reports adopted and repassed Monday, April 3**

S.F. 2397-Higgins: Provides for standards for occupational exposure to bloodborne pathogens. 65-0

## **Bills granted concurrence and repassage Tuesday, April 4**

S.F. 3379-Ring: Authorizes public and private sales of tax-forfeited lands that border public water in various counties. 55-2

S.F. 2767-Samuelson: Requires prompt payment by health plan companies and third-party administrators of clean claims for health care services. 57-0

S.F. 3203-Oliver: Conforms state statutes to the Nation Association of Insurance Commissioners model legislation providing uniform accounting principles. 59-0

## **Bills granted final passage on Special Orders Tuesday, April 4**

S.F. 3338-Johnson, D.H.: Establishes an annual insurance cap for tribal police departments. 65-0

H.F. 2826-Larson: Clarifies provisions and conforms procedures under the Minnesota Election Law and related provisions. 63-0

H.F. 3692-Sams: Amends feedlot permit provisions, provides specific requirements for feedlot permit rules, extends administrative penalty authority for counties and allows alternative uses for feedlot administrative penalty orders. 45-22

S.F. 2302-Neuville: Adds definitions to the criminal vehicular operation law and requires a public awareness campaign. 61-0

## **Bills granted concurrence and repassage Wednesday, April 5**

S.F. 3566-Foley: Creates a new criminal penalty for failure to pay over sales tax on motor vehicles collected from a purchaser. 55-0

S.F. 3423-Spear: Requires the commissioner of commerce to assist Holocaust victims to settle claims and recover proceeds from applicable insurance policies. 58-0

S.F. 2742-Foley: Makes changes to provisions relating to family law, changes the time for filing a notice to remove and requires a study of medical support statutes. 61-0

S.F. 2949-Hottinger: Provides for the establishment of Heritage Forests. 65-0

S.F. 3290-Kelly, R.C.: Provides grants for certain agreements made under the Environment Response and Liability Act and extends landfill cleanup eligibility for the Western Lake Superior Sanitary District. 66-0

S.F. 3348-Johnson, D.E.: Modifies certain requirements for potluck events sponsored by organizations, specifies certain sign posting requirements and prohibits licensed food establishments from sponsoring the events. 59-3

S.F. 2987-Vickerman: Modifies cooperatives financing and income distribution provisions. 64-0

S.F. 2547-Metzen: Requires the Capitol Area Architectural and Planning Board to select a site in the Capitol Area for installation of the memorial to Minnesota firefighters that is now installed at Minneapolis-St. Paul International Airport. 62-1

S.F. 83-Stevens: Simplifies and consolidates wetlands regulations. 62-0

S.F. 76-Foley: Eliminates the requirement to hold DWI related forfeiture hearings at the same time as implied consent hearing. 63-0

S.F. 3701-Wiener: Adds members to the designer selection board and provides for the designation of at least two designers for projects at the University of Minnesota or the Minnesota State Colleges and Universities. 62-0



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### **Bills granted final passage on Special Orders Wednesday, April 5**

S.F. 3091-Murphy: Recodifies the sales and use tax laws and makes style and clarifying changes. 62-0

S.F. 2417-Cohen: Regulates the sale, rental, discharge and possession of paint ball guns. 65-0; 64-0

H.F. 3331-Junge: Creates the position of director of domestic violence and sexual assault prevention and the interagency task force on domestic violence and sexual assault prevention and specifies the powers, duties, and organization of the director and the task force. 66-0

H.F. 2731-Novak: Regulates unfair practices by motor vehicle manufacturers, distributors and factor branches. 66-0

S.F. 2471-Higgins: Changes provisions relating to the Hennepin County Human Resources Board and Department. 64-0

### **Conference committee reports adopted and repassed Wednesday April 5**

H.F. 2888-Berg: Authorizes the marking of canoe and boating routes on the Chippewa River. 61-0

### **Bills granted concurrence and repassage Thursday, April 6**

S.F. 2795-Metzen: Regulates state investments, modifies investment options for the medical education endowment fund and the tobacco use prevention and local public health endowment fund. 59-0

S.F. 2877-Janezich: Adds to the Iron Range off-highway vehicle state recreation area. 58-0

S.F. 2655-Scheid: Recodifies insurance tax laws and provides for civil and criminal penalties. 59-0

S.F. 2783-Knutson: Secretary of State housekeeping bill that regulates fees, regulates the filing of annual registrations by corporations and other business entities, provides for technical amendments to provisions regarding digital signatures and allows the extension of duration of certain nonprofit corporations. 62-0

S.F. 2968-Ourada: Modifies provisions relating to lake improvement districts. 60-0

S.F. 884-Dille: Provides for a reduced marriage license fee for couples who obtain premarital education and providing for disposition of the fee. 55-7

S.F. 3626-Wiener: Adjusts aspects of eligibility and coverage in the comprehensive health association and requires a study of premium rates. 63-0

S.F. 1495-Hottinger: Enacts revised Article 9 of the Uniform Commercial Code as adopted by the National Conference of Commissioners on Uniform State Laws. 63-0

S.F. 1896-Kiscaden: Changes provisions for erroneous payment of Medical Assistance money and changes probate provisions for estates subject to Medical Assistance claims and Medical Assistance liens. 64-0

S.F. 3410-Berglin: Codifies provisions relating to child neglect and domestic violence and adds a definition for a child exposed to domestic violence. 63-0

S.F. 3082-Solon: Authorizes the Duluth City County to grant powers to the Human Rights Commission. 64-0

S.F. 2794-Foley: Modifies provisions under the expedited child support process. 64-0

S.F. 3018-Ranum: Provides for designation of standby and alternate custodians of children. 62-0

S.F. 3116-Knutson: Regulates garnishments, executions, and levies, revises forms, regulates service, defines terms, provides notification, increases the dollar amount of attorneys' execution levies and makes various housekeeping and technical changes relating to creditors' remedies. 63-0

S.F. 173-Moe, R.D.: Allows the possession of wild animals taken under the Red Lake Band's conservation code on Red Lake Reservation lands north of the 49th parallel. 64-0

### **Bills granted final passage on the Special Orders Thursday, April 6**

S.F. 3230-Johnson, D.H.: Establishes procedures and standards for contracting with private entities for the provision of services that have been, or otherwise would be, provided by public employees and provides for public accountability. 34-27

H.F. 3020-Fischbach: Modifies provisions in long-term care. 61-0

S.F. 2854-Kelly, R.C.: Allows county attorneys or their designee to have access to certain information for purposes of determining whether good cause exists to file a commitment proceeding. 59-0

### **Conference committee reports adopted and repassed, Thursday April 6**

S.F. 2363-Sams: Regulates dental benefit plans. 61-0

S.F. 3259-Limmer: Provides for energy code rules to remain in effect in the state building code after Apr. 15, 2000. 63-0

### **Senate Resolutions adopted Thursday, April 6**

S.F. 151-Moe, R.D.: Commemorating the lives and work of recently deceased Senators, the Honorable John Tracy Anderson, the Honorable Bob Decker, the Honorable Michale Galvin, Sr., the Honorable Roy Holsten, the Honorable Janet Johnson, the Honorable William Kirchner, the Honorable Robert Schmitz, and the Honorable Glen Swenson.

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# Chapters

Chap	House File	Senate File	House Author	Senate Author	Description	Signed	Effective date
300	3219	2903*	Osskopp	Vickerman	Modifies lawful gambling provisions.	3/31/00	4/1/00
301	1333	2193*	Daggett	Sams	Regulates board feet determination for wood sales contracts.	3/31/00	8/1/00
302	2785	2821*	Rest	Hottinger	Modifies annual reports filing requirements for social and charitable organizations.	3/31/00	4/1/00
303	2883	2579*	Howes	Hottinger	Regulates prescription drug discounts.	3/31/00	8/1/00
304	2675	2569*	Haas	Scheid	Provides for insurance coverage of punitive or exemplary damages; provides an exception to the term limit for fraternal benefit societies board members.	3/31/00	4/1/00
305	3399	3145*	Sykora	Oliver	Provides a variance from the qualified newspaper designation priority for Minnetonka.	3/31/00	4/1/00
306	2588	2326*	Mares	Wiger	Designates the Monarch butterfly as the official state butterfly.	3/31/00	8/1/00
307	3209*	2699	Seifert, J.	Samuelson	Specifies reporting requirements for major commitment expenditures by radiation therapy facilities.	4/3/00	8/1/00
308	3352	3586*	Gerlach	Pariseau	Permits anglers to use lighted fishing lures.	4/3/00	8/1/00
309	2719*	2436	Lieder	Scheid	Modifies requirements for no-fault automobile insurance coverage for rental motor vehicles.	4/3/00	8/1/00
310	2809*	2631	Howes	Kinkel	Clarifies Ah-Gwah-Ching center admissions criteria and authorizes geriatric rapid assessment stabilization or emergency admittance programs promotion.	vetoed	
311	2688*	2974	Broecker	Ranum	Criminal justice supplemental appropriations; expands predatory sex offenders registration and community notification requirements and increases penalties; restricts name changing; criminal justice information technology and data access.	4/3/00	various
312	3226	2896*	Nornes	Stevens	Nursing facilities alternative survey process and procedures development and resident assistants training and employment.	4/3/00	various
313	2994	2748*	Fuller	Lourey	Modifies ambulance services and emergency medical technicians requirements.	4/3/00	4/4/00
314	3212	2734*	Tingelstad	Berglin	Authorizes a study of home and personal care providers transportation costs reimbursement.	4/3/00	8/1/00
315	3048	2868*	Nornes	Stevens	Nursing facilities medical assistance case mix reimbursement system implementation timelines.	4/3/00	8/1/00
316	3107	2634*	Greiling	Betzold	Modifies civil commitment provisions for persons with mental illness.	4/3/00	8/1/00

Chap	House File	Senate File	House Author	Senate Author	Description	Signed	Effective date
317	3306	3549*	Wilkin	Terwilliger	Modifies residential hospice program requirements.	4/3/00	Health Dept. approval 8/1/00
318	3023	2701*	Broecker	Wiener	Defines the crime of lawful gambling fraud.	4/3/00	8/1/00
319	3365	2941*	Abeler	Kiscaden	Health professionals employment dis-qualification determinations.	4/3/00	8/1/00
320	3220	2510*	Knutson	Smith	Modifies real property recording and redemption and common interest ownership provisions.	4/4/00	various
321	3596	3369*	Ring	Ozment	Establishes special environmental purpose districts pilot projects.	4/4/00	4/5/00
322	3310	3055*	Kiscaden	Abeler	Expands regulation of health plan companies network shadow contracting and implementing an effects study.	4/4/00	8/1/00
323	3290	2894*	Higgins	Dorman	Classifies occupational safety and health discrimination complaint communications.	4/4/00	8/1/00
324	3555	3283*	Runbeck	Westerberg	Authorizes civil enforcement of snowmobile metal traction device sticker requirements.	4/4/00	4/5/00
325	1590*	1952	Berg	Mahoney	Authorizes public safety department alcohol and gambling division agents to execute search warrants.	4/4/00	8/1/00
326	2819	2444*	Larson	Cassell	Conveys surplus state land in Stearns County.	4/4/00	4/5/00
327	3103	3005*	Ranum	Sykora	Modifies Dept. of Human Services licensing provisions.	4/4/00	4/5/00
328	3152	2905*	Kelley, S.P.	Kuisle	Modifies local government units purchasing authority provisions.	4/4/00	8/1/00
329	3169*	3167	Pariseau	Gerlach	Modifies Dakota County personnel board of appeals provisions.	4/4/00	local approval
330	2670*	2566	Hottinger	Bradley	Modifies community based waived services for people with developmental disabilities and family support grants provisions.	4/4/00	various
331	3868	3260*	Stevens	Daggett	Modifies aquatic farm regulation provisions.	4/4/00	8/1/00
332	4076	2653*	Novak	Haake	Makes electronic filing of state agency grant applications available.	4/4/00	8/1/00
333	2940	2735*	Workman	Price	Modifies dry cleaning facility annual registration date and environmental response fee assessment provisions.	4/4/00	4/5/00
334	2936	2511*	Workman	Vickerman	Authorizes town agents to enter property for road examinations and surveys and towns recovery of costs incurred to establish cartways.	4/4/00	8/1/00
Res. 4	4060	2348*	McCollum	Wiger	Resolution for release of Americans held in North Korea, China, Russia and Vietnam.	4/3/00	



# Conference committees

**H.F. 1415**-Provides for gray wolf management.

House	Senate
Finseth	Laidig
Holsten	Anderson
Westfall	Stumpf
Bakk	Lourey
Hausman	Sams

**H.F. 2451**-Regulates telephone companies depreciation rates.

House	Senate
Davids	Novak
Wolf	Kelley, S.P.
Jennings	Ourada

**H.F. 2563**-Modifies mechanics' lien penalties and creates a civil cause of action.

House	Senate
Storm	Hottinger
Harder	Frederickson
Mahoney	Ring

**H.F. 2671**-Requires the development of specific legislative recommendations on transferring public guardianship responsibilities and related duties and authority from the commissioner of human services and counties to another entity which can independently and responsibly fulfill the guardianship and related obligations.

House	Senate
Bradley	Hottinger
Wilkin	Berglin
Luther	Robertson

**H.F. 2699**-Omnibus supplemental appropriations bill.

House:	Senate
Goodno	Samuelson
Finseth	Krentz
Boudreau	Price
Krinkie	Janezich
Skoe	Kiscaden

**H.F. 2891**-Omnibus transportation supplemental appropriation and bonding bill.

House	Senate
Molnau	Johnson, D.E.
Rifenberg	Flynn
Workman	Kelly, R.C.
Wenzel	Ourada
Lieder	Robling

**H.F. 3047**- Modifies title insurance mortgage release certificate language to include assignment of rents and profits.

House	Senate
Kuisle	Scheid
Bishop	Wiener
Mullery	Limmer

**H.F. 3505**-Modifies Commerce Dept. provisions.

House	Senate
Davids	Oliver
Haas	Scheid
Entenza	Wiener

**H.F. 3633**-Designates Mighty Eighth Airforce Week.

House	Senate
Rhodes	Terwilliger
Rostberg	Robertson
McCollum	Wiener

**H.F. 3692**-Modifies animal feedlot provisions.

House	Senate
Kuisle	Sams
Dorman	Dille
Skoe	Lourey

**H.F. 3800**-Omnibus education appropriations bill.

House	Senate
Seagren	Pogemiller
Sykora	Robertson
Mares	Piper
Seifer, M.	Wiener
Pelowski	Knutson

**H.F. 4078**-Bonding bill.

House	Senate
Knoblach	Berglin
Bishop	Cohen
Leppik	Langseth
Kalis	Stumpf
Osthoff	Scheevel

**H.F. 4127**-Omnibus tax bill.

House	Senate
Abrams	Johnson, D.J.
Kuisle	Hottinger
McElroy	Vickerman
Daggett	Pappas
Rest	Belanger

---

**S.F. 1733-** Imposes civil third-party liability for damages caused by intoxication of persons under age 21.

House	Senate
Carruthers	Betzold
Smith	Hottinger
Haas	Knutson

**S.F. 2500-**Expands the definition of registered combined charitable organization.

House	Senate
Luther	Oliver
Van Dellen	Spear
Wenzel	Flynn

**S.F. 2615-**“Safe haven bill.” Provides that a person who leaves an unharmed newborn child at a hospital may not be prosecuted.

House	Senate
Sykora	Foley
Tingelstad	Wiener
Wejcmann	Kiscaden

**S.F. 2683-** Exempts archery bows used for bow fishing from casing requirement.

House	Senate
Hackbarth	Samuelson
Abeler	Lessard
Bakk	Pariseau

**S.F. 2785-**Provides an exemption from highway weight limits for public utility owned vehicles.

House	Senate
Workman	Murphy
Buesgens	Johnson, D.H.
Juhnke	Frederickson

**S.F. 2796-**Omnibus pension bill

House	Senate
Mares	Pogemiller
Stanek	Betzold
Murphy	Terwilliger

**S.F. 2870-** Modifies provisions relating to financial institutions and mortgage originators and servicers.

House	Senate
Davids	Metzen
Rifenberg	Solon
Entenza	Day

**S. F. 2946-**Limits sale of gasoline blended with the oxygenate.

House	Senate
Dorman	Vickerman
Holsten	Scheevel
Kelliher	Lessard

**S.F. 2951:** Clairifies the use of alternative dispute resolution in annexation proceedings.

House	Senate
Larsen, P.	Vickerman
Vandever	Hottinger
Rukavina	Robling

**S.F. 3002:** State parks additions and deletions.

House	Senate
Swenson	Frederickson
Ozment	Johnson, D.J.
Bakk	Lessard

**S. F. 3023-** Modifies motor vehicle registration and titling provisions, adopts federal traffic regulations standards, and removes the fee limit for commercial vehicles inspections.

House	Senate
Workman	Kleis
Holsten	Kelly, R.C.
Kalis	Ourada

**S.F. 3169-**Provides for parenting plans.

House	Senate
Dawkins	Kiscaden
Bishop	Betzold
Biernat	Foley

**S.F. 3234-**Grants authority for legislative committees to object to administrative rules and creates a rules task force.

House	Senate
Seifert, M.	Hottinger
Rhodes	Betzold
Pelowski	Stevens

**S.F. 3259-**Provides for certain state energy code rules to remain in effect and delays certain other rules, requires the Dept. of Administration Building Codes and Standards Division to report on the need, expense and cost benefit analysis relating to the implementation of the delayed rules.

House	Senate
Bradley	Limmer
Boudreau	Wiener
Mahoney	Novak

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# Conference committees

**S.F. 3272**-Modifies requirements of bleacher safety.

House	Senate
Bradley	Wiener
Juhnke	Kinkel
Smith	Olson

**S.F. 3286**-Amends state graduation requirements.

House	Senate
Ness	Pogemiller
Kielkucki	Scheid
Otremba	Robertson

**S.F. 3412**-Repeals state involvement in the state fund mutual insurance company.

House	Senate
Paulsen	Novak
Davids	Price
Gunther	Stumpf

**S. F. 3581**-Omnibus liquor bill.

House	Senate
Paulsen	Solon
Davids	Metzen
Entenza	Larson

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# *Senate Briefly*

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*Daffodils adorn the terrace  
outside the west wing of the  
Capitol.*

*Photo by Andrea G. Murrill*



*April 14, 2000*

# Senate Highlights

## 24 hour wait bill passed

A controversial measure, requiring a woman to wait 24 hours after receiving specified information before undergoing an abortion, was passed by the Senate during the Mon., Apr. 10, floor session. The bill, commonly called the "woman's right to know bill," now goes to the governor for final action.

The bill, S.F. 3387, sponsored by Sen. Don Samuelson (DFL-Brainerd), came back to the Senate from the other body with the amendment. Samuelson moved that the Senate concur with the amendment and repass the bill. Under the bill, abortions may only be performed with the voluntary, informed consent of a female if specific information is given to the female by the referring physician, the physician who performs the abortion, or a registered or licensed practical nurse. The information includes the risks associated with the procedure used; the probable gestational age of the fetus; the risks of carrying the pregnancy to term; the availability of medical assistance benefits; the father's responsibilities; availability of services for support during pregnancy or while the a child is a dependent; and alternatives to abortion. Further, the bill requires the Dept. of Health to provide abortion

related information in both printed form and on the World Wide Web.

Samuelson said the issue is very personal and emotional. Comparing the amendment with language considered previously by the Senate, he said that a requirement that the name of the doctor slated to perform the abortion be provided to the woman was taken out, and there are no civil penalties. The 24 hour waiting period is the most difficult provision for many Legislators, Samuelson said, but added that it usually takes longer than that to get an appointment for anything else. He said the required information can be given over the phone or sent through the mail, then 24 hours later the abortion may be performed. "It's time to put this issue behind us," Samuelson said.

Sen. Linda Berglin (DFL-Mpls.) was critical of the bill, and asked several questions about how the proposal operates. She asked if the provider were forced to prove that all the required information was given, could that cause a delay of the abortion into the third trimester. Samuelson said that if the pregnancy became an emergency, the physician is exempted from the notification requirement. However, Berglin countered that most abortion physicians

cannot in good faith say that a third trimester pregnancy puts bodily functions at risk, so the notification requirement still applies. Berglin also said that if the information is given by phone, the provider must document the time of day and that all of the required information was given. She suggested that providers may have to use a tape recorder to document the conversation, which gives rise to concerns about privacy. Another provision receiving Berglin's criticism was a requirement that the particular abortion procedure to be used be disclosed to the woman. She said that the procedure used depends on the gestational age of the fetus, but that can be difficult to determine, which may require another notification. However, Sen. Michelle Fischbach (R-Paynesville) argued that the gestational age of the fetus can be easily determined from the woman's last menstruation. Fischbach added that phone conversations can be easily documented and there is no need to use a tape recorder.

Sen. Jane Ranum (DFL-Mpls.) was also critical of the bill. Noting that the bill requires the information to be given by a physician or nurse, she said that the real purpose of the bill is to tie up the time of the clinic staff answering questions. Ranum further criticized the bill by saying that the decision to bring a child into the world is a deeply personal one, and that a pregnant woman is already aware of issues involved. She said the information requirement in the bill is insulting and the bill should be called the "women are stupid" bill. Fischbach took issue with Ranum's criticism and said that many women who have had abortions didn't know what was being done to them. She said that not passing the bill will keep women stupid.

Sen. John Hottinger (DFL-Mankato) countered Fischbach's assertion, saying that every medical procedure requires informed consent and said that not passing the bill would not keep women stupid. He raised concerns about the legal impact of the language of the bill. Hottinger said the phrase "attempt to perform an abortion" is similar to criminal statutes and creates great potential for legal action. He added that the bill provides for injunctive relief, and because of that, the bill needs to be more fully debated than

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Samuelson's motion allowed.

Sen. Steve Kelley (DFL-Hopkins) followed up on the informed consent issue, saying that provision is already in place in the law. He said that including the provision in the bill was to cover up the required 24 hour waiting period. Kelley likened the bill to the George Orwell book *Animal Farm* wherein, Kelley said, the language of liberation was used to cover up oppression.

Sen. Allan Spear (DFL-Mpls.) was also critical of the bill for a variety of reasons. He said that what the other body did was extraordinary in that they inserted the language into a technical correction bill. Spear said that as President of the Senate, he would have ruled the amendment non-germane. He countered assertions that the language was a compromise because no one in the Senate was involved and labeled the process used by the House as "absolutely outrageous."

Spear also gave some history on the abortion issue. He said that there is a misconception that abortions were banned in western societies until the *Roe vs. Wade* Supreme Court decision of 1973. He said that abortions were not banned until the latter part of the 19th Century. Before that, Spear said, there was a general sense that abortions were permissible up until the point of "quickening," or when the fetus began to move in the womb – a time known only by the woman. He added that the Catholic Church did not ban abortions until an encyclical issued in 1869. Spear said that a movement toward banning abortions came about at the same time that the practice of medicine was gaining recognition as a profession. Spear said that doctors had the technical knowledge about pregnancies that women did not have, and the bill is a reversion to an age that believed that women are ignorant.

Spear added that the bill will not put the abortion issue behind the Senate, as Samuelson claimed, because there is a pattern of different abortion related issues limiting the affect of *Roe vs. Wade* coming around the Legislature every few years, and this is just the latest.

Several members spoke in favor of the measure. Sen. Kenric Scheevel (R-Preston) said that one of the most effective arguments against the death

penalty is that an innocent person may be executed. He said that after the execution, evidence may be found proving the condemned person not guilty, and that's why there is an appeal process. He said that the appeal process should not be taken to mean that jurors are stupid. Scheevel added that opposing a requirement that information be provided before an abortion is an extreme position.

Sen. Warren Limmer (R-Maple Grove) said that after a 24 hour wait was enacted in Alabama, the number of abortions performed went down. However, Sen. Jane Krentz (DFL-May Township), took issue with Limmer's assertion, and said the Senate needed to be aware of unintended consequences. She said that the number of abortions performed in states surrounding Alabama increased as did the number of second trimester abortions performed within Alabama. Krentz's statement was criticized by Sen. Gen Olson (R-Minnetrista). Olson said that the decision to not continue a life has consequences as well.

Sen. Linda Runbeck (R-Circle Pines) said the Legislature spends a lot of time protecting wildlife habitat areas and other natural resources. She said that barriers are set up around those resources because they are valued and treasured. Runbeck said that opposing the bill seems contradictory to the other protective efforts.

Samuelson's motion to concur with the House amendment was adopted on a 37-30 roll call vote, and the bill was repassed by the same margin.

In other action, the Senate repassed the conference committee report on H.F. 3633, sponsored by Sen. Roy Terwilliger (R-Edina). Terwilliger said the bill, proclaiming the "Mighty Eighth Air Force Week," now requires the governor to so designate the third week in October for the years 2001 through 2099. The bill was repassed on a 61-0 roll call vote.

The Senate also concurred with House amendments to S.F. 1231. The bill modifies provisions relating to optometrist licensing. Hottinger, sponsor of the bill, said the other body added language authorizing cease and desist orders and that optometrists have no objection with the bill. The bill was repassed on a 67-0 roll call vote.

## Wolf plan rejected

After several hours of heated debate, the Senate voted 33-32 to reject the conference committee report on the gray wolf management bill, H.F. 1415.

Sen. Gary Laidig (R-Stillwater), the chief Senate author, said the report is not the superior plan for managing the gray wolf after the wolf is removed from the endangered species list. The version developed by the conference committee, Laidig said, is not the version sent to the conference committee by either body. He said, "The major departure from both versions of the bill sent to conference is the creation of two Minnesotas; the gray wolf protective zone, called Zone A, and the agricultural zone, called Zone B." The concept was not discussed in either body with public testimony, Laidig said. He added, both House and Senate plans had standard criteria over circumstances for protection of animals and livestock, but in the report there are liberal criteria for when wolves will be trapped. Further, Laidig said that it was not clear that the version of the bill contained in the report will survive a legal challenge.

Sen. LeRoy Stumpf (DFL-Thief River Falls), who also served on the conference committee, said the proposal is close to a proposal developed by the Dept. of Natural Resources that mirrored zones in the original recovery plan for gray wolves. He said that it is not true that under the report, an individual may take a wolf at any time if the wolf is on the individual's land. "A wolf may be taken," said Stumpf, "if the wolf is posing a problem in terms of threatening pets, people or livestock and there is a more relaxed standard in the agricultural zone."

Sen. Ellen Anderson (DFL-St. Paul), another member of the conference committee, made the motion to return the bill to conference committee. Anderson said that the main reason for sending the bill back to conference was that the report proposal was not heard by either body and that conferees were close to finding a consensus on compromise language. Anderson argued that the measure was much too vague regarding when taking wolves is permissible and that there were possible constitutional problems with the penalty portions.



# Committee update



*Senate conferees on the omnibus education appropriations bill, H.F. 3800, meet with their counterparts from the other body to work on a compromise agreement.*

*Photo by David J. Oakes*

## Environment and Natural Resources

### Conservation lands plan heard

Members of the Senate and House Environment and Natural Resources Committees met Wed., Apr. 12, for an informational hearing on consolidated conservation lands in Northern Minnesota. The committees, which are chaired by Sen. Bob Lessard (DFL-Int'l. Falls) and Rep. Dennis Ozment (R-Rosemount), took no action on the proposal but used it to compare and contrast areas of agreement and disagreement between interested parties in dealing with the issue involving some 360,000 acres of land in seven Northern Minnesota counties.

In introducing the proposal, Sen. LeRoy Stumpf (DFL-Thief River Falls), said the Department of Natural Resources (DNR), the counties and various land user groups had provided input. The consolidated conservation lands are basically agricultural lands that were turned over to public control

by the owners when ditch assessments got too high for the owners to pay, Stumpf said. While the DNR has the authority to designate them either wildlife management areas (WMA's) or forest areas, some groups want the lands to be available for recreational uses, too, he said.

Stumpf's measure establishes the WMA's for designation of consolidated conservation lands and specifies that the in lieu of tax payments for WMA's be provided in the general in lieu of tax payment provision instead of the WMA provision. The proposal specifies that all motorized use of existing forest roads and trails must remain open to historic verified uses and that cross-country motorized use of designated lands shall not be considered a road or trail.

The measure adds consolidated conservation lands designated as state parks, state recreation areas, scientific and natural areas, and WMA's - except for those that were designated in a 1991 DNR order - to the definition of "acquired natural resources land." The change provides for \$3 per acre pay-

ment for consolidated conservation lands dedicated as state parks, state recreation areas, scientific and natural areas, and WMA's. The proposal deletes lands from the Clear Lake and Lone Pine WMA's and prohibits dedication of additional consolidated conservation lands to the McGregor Marsh Scientific and Natural Area (SNA), until the Aitkin County Water Planning Task Force completes its study of water issues in McGregor. The proposal also provides for land exchange of specified parcels of consolidated conservation lands in Aitkin, Koochiching, Lake of the Woods, Marshal and Roseau Counties as long as the land offered to the state for these lands meets both the state's natural resource goals and exchange requirements.

The measure establishes a 13-member land advisory committee to advise the DNR on disposition of lands subject to the 1991 DNR order attempting to designate lands as WMA's. The measure directs the commissioner of the DNR to report recommendations for isolated consolidated conservation land parcels

to the natural resources policy and finance committees of the Legislature by Jan. 15, 2001. Under the provision, lands not containing outstanding resource value are to be recommended for sale or exchange.

Deputy DNR Commissioner Steve Morse said the department opposed certain aspects of the proposal. An increase in payment in lieu of taxes is not in the governor's budget, so the DNR won't support that, he said. The DNR feels very strongly that the issue should be addressed comprehensively, not "one piece at a time," he said. Likewise, the DNR feels that the 1991 Alexander order concerning WMA's should not be re-examined because the agency has invested some \$2 million in improvements on the lands involved in the last 10 years, he said. The DNR also has a problem with allowing ATV's or other motorized vehicles on the lands, he added.

On the other hand, he agreed some agricultural land leases "could and should" be sold or exchanged and suggested 73,000 acres might be opened for discussion this summer.

Officials from three of the counties involved said they generally support the measure. For example, Roger Howard, land commissioner from Aitkin County, said the increase in the payment in lieu of taxes provision would make up for the revenue lost from taking timber lands in the county out of the revenue stream.

Ozment said he hoped the testimony would be helpful in refining the proposal.

## Health and Family Security

### EMS appointees approved

Mary Hedges, executive director of the Emergency Medical Services Regulatory Board (EMSRB), presented the governor's list of EMSRB appointees Mon., Apr. 10, to the Health and Family Security Committee. The governor's recommendations for confirmation, all of whom are reappointments, include Stevan Eikevik, Davis Huisenga, Steven Nesselth, John Prondzinski, and Michael Wilcox.

Hedges told the panel that Eikevik, appointed by the governor last June, should not be included in the Senate's

confirmation, because he resigned from the EMSRB last May. Speaking of the four other appointees, Sen. Becky Lourey (DFL-Kerrick), said that they are "hard working people." The committee, chaired by Sen. John Hottinger (DFL-Mankato), recommended confirmation of the four appointees.

## Omnibus appropriations conference

### Changes adopted

The Senate and House conference committee debating the omnibus supplemental spending bill met Mon., Apr. 10, and made a few non-controversial changes to two portions of the five-section bill. The committee is co-chaired by Sen. Don Samuelson (DFL-Brainerd) and Rep. Kevin Goodno (R-Moorhead).

Some of the changes made to the environment, natural resources and agriculture portion of the bill are adding buffalo to the definition of livestock and changing the annual aquatic farming license fee from \$275 to \$70. The panel struck House language that calls for a review of the use of pesticide and integrated pest management techniques as they apply to use and storage of pesticides around state buildings and state-owned K-12 facilities and establishes a training program for building managers and school personnel, to be presented to Legislative agriculture and environment policy and funding committees by Jan. 15, 2001. The panel struck Senate language detailing lifetime hunting and fishing licenses because provisions for lifetime licenses are contained in a separate bill. The conference committee also adopted House language expanding the Minnesota Pollution Control Agency's (MPCA's) citation authority for certain solid and hazardous waste discharge violations. The committee also adopted House language relating to exchanging county lakeshore land for leased land, clarifying that deeds issued by the state and counties for the land exchanges and sales to a lessee are exempt from well disclosure requirements. The committee adopted portions of both House and Senate language regarding a \$5.48 million appropriation for each of two years to the Board of Water and Soil

Resources (BWSR) for block grants to local governments. The House language specifies that of the appropriation, \$32,000 the first year and up to \$90,000 the second year be used for grants to Blue Earth County Soil and Water Conservation Districts for stream bank stabilization along the LeSueur River. The Senate language specifies that at least \$1.5 million the first year and \$1.5 million the second year will be used for water quality management at feedlots.

The committee also made one change to the criminal justice portion of the bill. The panel struck Senate language concerning prostitution by those under 18 years of age. The House language didn't include the provision.

### Appropriations debate continues

Senate and House conferees, co-chaired by Sen. Don Samuelson (DFL-Brainerd) and Rep. Kevin Goodno (R-Moorhead), met Wed., Apr. 12, and continued the review of the remaining three sections of the five-section omnibus supplemental spending bill.

During the meeting, the committee discussed several issues relating to state government raised by Rep. Philip Krinkie (R-Shoreview). One was a House provision calling for the House and Senate to adopt rules of procedure that do not require the house in which a bill originates to ask for the appointment of a conference committee on the bill when it refuses to concur in an amendment to the bill by the other body. Under the provision, either house would be permitted to reconsider and further amend a bill or the other house's amendment, until one of the houses choose instead to ask for the appointment of a conference committee on the bill. Under the bill, the rules would be adopted by the Senate and House during the 2001 Legislative session and implemented in 2002.

"It reduces the number of conference committees but does not eliminate them" said Krinkie. "It addresses the concerns the public, the governor and others have bought up about the process."

However, several Senators argued against the measure as a bad precedent to put into statute. Sen. Leonard Price (DFL-Woodbury) said "I was in a joint Senate and House Environment and Natural Resources committee meeting

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this morning and I'm not sure everyone's questions were answered by the time it was over. I know mine weren't."

Sen. Jane Krentz (DFL-May Township) said the measure may be worth considering on an experimental basis. The committee put the measure on hold.

Among provisions agreed to in the state government portion of the bill were the Senate position on bleacher safety requirements that specify the open space between bleacher footboards, seats and quadrails may not exceed 4 in., except that bleachers already in existence as of Jan. 1, 2001, with open space not exceeding 9 in., are exempt. The Senate version also specifies that entities covered by the requirement must have on file a bleacher safety management plan and amortization schedule, and that all new bleachers installed after Jan. 1, 2001 must comply with the state building code.

Some of the provisions agreed to in the health and human services portion of the bill were the Senate position on varicella immunizations specifying that a child who is enrolling in a child care facility have no less than one dose of varicella vaccine beginning Sept. 1, 2002, and a child enrolling in kindergarten beginning with the 2001-2002 school year must have at least one vaccination. The committee adopted an amendment, offered by Sen. Sheila Kiscaden (R-Rochester), allowing a certified nursing home facility, with permission from the commissioner of health, to lay away up to 50 percent of the licensed and certified beds, establishing capacity days based on the number of beds immediately prior to and after the layaway, and establishing reimbursement guidelines. The committee adopted the House position on a respite care report requiring the commissioner of human services to develop legislative proposals, including cost projections, to provide 30 days of respite care per year for family adult foster care providers, by Dec. 1, 2000. The committee adopted House language relating to affordable employee-subsidized health insurance for employees at programs and facilities that serve the elderly and disabled and directs the commissioner of health to present recommendations to the Legislature by

Jan. 15, 2002. The committee also adopted Senate language requiring a nursing home facility undergoing closure to notify each employee scheduled to lose a job about the waiver of the four-month uninsured requirement of the MinnesotaCare program.

Among provisions agreed to in the economic development and jobs portion of the bill were the Senate position on extending until March 15, 2001, the existence of the Electric Energy Task Force and the Senate position on alien labor certification. The alien labor certification provision requires the Department of Economic Security to process completed applications within 60 days of receipt. The committee also adopted an amendment, offered by Sen. Jerry Janezich (DFL-Chislm), offering the Minnesota State Colleges and Universities (MnSCU) system comfort language when entering into joint venture agreements with private corporations to develop educational materials and related programs or services.

## Bonding conference

### Higher education considered

Members of the omnibus conference committee on bonding, chaired by Sen. Linda Berglin (DFL-Mpls.) and Rep. Jim Knoblach (R-St. Cloud), met Thurs., Apr. 6 to hear testimony concerning capital spending for higher education.

University of Minnesota (U of M) President Mark Yudof began his presentation by thanking the Legislature for contributing funds toward several major university projects in 1998. Yudof said the projects thrust the University into a phase of renewal referred to, by some, as a "renaissance." Yudof named numerous projects which included the first phase of construction on the molecular cellular biology building and the Morris science and math building. Following a statement by Berglin concerning the Legislature's inability to fund all of the proposed projects,

Yudof said the University intends to facilitate the economy of the state, concentrating efforts on medical, biological and technological research as well as undergraduate education. Berglin said it was important for the university to prioritize projects, since not all eleven projects under consider-

ation would be approved. Members discussed methods of determining funding levels for specific projects and discussed the debt service, which requires that the state provide no more than two thirds to the cost of each capital project. Yudof said the remainder is funded through donations. Rep. Henry Kalis (DFL-Walters) suggested that the University consider entering a collaborative effort with the University of Texas, for example, in developing facilities for the genome project. Kalis also suggested approaching Cargill, Inc.—a major donor to the U of M—concerning funding for projects that might be of interest to the company.

A representative of the Minnesota State Colleges and Universities (MNSCU) provided an overview of the system. He said MNSCU has grown to an enrollment of 147,000, up 6.6 percent from the previous year, with half of all students concentrating studies in science and math. MNSCU students, he said, attend classes in 46 communities at 53 locations. The Senate appropriated \$172.247 million for projects including the construction of labs for an advanced and emerging technologies center at the Bemidji campus, the construction and equipping of a library at the Metropolitan State University, St. Paul campus, and roof repairs and replacements, remodeling and demolition, including heat, ventilation and air conditioning improvements at the Anoka-Hennepin Technical College. The House appropriated \$103.224 million for MNSCU, which included similar projects, which were generally funded at a lower level, and no appropriations were made for the Metropolitan State University, St. Paul. Rep. Peggy Leppik (R-Golden Valley) said members needed a long-term master plan from MNSCU that would tie proposals and projects to educational needs.

President James Benson, representing Bemidji State University, said he supports the House's language concerning the college's technology center project proposal but prefers the Senate's appropriations. The Senate bill makes total appropriations of \$9.258 million—the House appropriations are approximately half that amount. The Senate bill specifies that the board must exchange the title to the former techni-



cal college for the title to the former Bemidji high school. The House bill specifies that the Board of Trustees must not convey the technical college to the school district. Construction costs for the proposed lab building were estimated to total \$8 million. The Senate version also specifies that the money be used to demolish buildings and relocate the athletic fields. Leppik said there had been a decline in enrollment and that she saw no reason to tear down the high school building, which could be purchased and remodeled. In response to questions concerning the efficiencies related to locating the building at a different site from the main campus, Leppik said the campuses are "only three miles apart." Sen. Keith Langseth (DFL-Glyndon) said, "We've got to decide whether we're going to do things on the cheap or plan well and look into the future." He also said increases in enrollment are dependent upon the availability of technology-related programs.

A representative of St. Cloud Technical College said he wanted to address safety issues involving three 70-year-old buildings. Berglin said it was necessary to prioritize projects due to cost restrictions. Members discussed the possibility of appropriating for remodeling only the first two floors of Lawrence Hall, specified as a priority, and leaving the rest for a later date. Other projects at the St. Cloud Campus include the renovation and design of Riverview Hall and Eastman Hall.

Don Sotello, representing Rochester Community and Technical College, said the construction of a \$1.6 million campus road system is a priority project. Two-thirds of the road project must be paid for by the city of Rochester, with the remainder paid by MNSCU. Sotello said that the design of an athletic sports center was funded by the 1998 Legislature. The House bill appropriates a total of \$6.15 million, including \$4.5 million for the design and construction of a greenhouse. The Senate bill appropriates \$1 for the construction of an internal road system, the replacement of athletic fields and to begin construction of a quadrangle and appropriated an additional \$1.3 million for the design and construction of a greenhouse.

Members discussed a Moorhead State

University proposal requesting authority to lease state property, including state bond financed property, to a private developer for the construction of a student residence hall. Berglin said the Attorney General's Office determined that the state could not lease state land acquired with bond proceeds for more than a period of twenty years. The Senate bill appropriates \$5.7 million for the construction of a science building, demolition, and the construction of parking facilities, including \$1.6 million for the design to remodel Hagen Hall. The House bill provides language for the construction of a campus security building but does not provide an appropriation.

A representative of the Minnesota West Community and Technical College said projects for the campus were ranked fifth place on the MNSCU priority list. He said the campus is the most diverse in the system, with a 34 percent enrollment by persons-of-color and located in an area having the greatest concentration of poverty. The Senate bill appropriates \$11.7 million for the construction of a library, an information technology center and for the remodeling of the Helland Center. The House bill makes no appropriation for this campus.

Also in need of a new library, The Metropolitan State University was appropriated money contingent upon \$3 million in nonstate money for the project, according to the Senate bill. In addition, the Senate appropriated \$1.4 million to remodel existing space as part of a plan to co-locate the campus, which presently uses mostly leased facilities. The House bill does not make appropriations for the campus.

### **Bonding bill testimony heard**

The omnibus bonding conference committee, chaired by Sen. Linda Berglin (DFL-Mpls.) and Rep. Jim Knoblach (R-St. Cloud), met Fri., Apr. 7 to hear testimony from several witnesses. U.S. Representative David Minge (DFL-Second District), participated in the committee's discussion of the Conservation Reserve Enhancement Program (CREP) via speaker phone. Both Senate and House bonding bills appropriated \$20 million for CREP, although language in the bills differed. The House bill specifies that the state

acquire conservation easements on private land as part of the CREP agreement between the state and the U.S. Dept. of Agriculture. The Senate version specifies that the easements be acquired and that conservation practices be implemented on frequently flooded cropland, including land within the 100-year floodplain and the major tributaries. The Senate bill also specifies that conservation practices be implemented on marginal cropland along rivers and streams and on drained or altered wetlands in the Minnesota River Basin to protect soil, enhance water quality and support fish and wildlife habitat.

Minge said the state match for federal CREP funding "needs to be in place." He referred to updates from the Department of Agriculture which indicated that federal funds were available for this year and for one half of 2001, but that the program may not extend beyond 2002, when the federal agriculture bill expires. According to Minge, factors determining further funding of the program depend upon future leadership priorities. Under current law, federal appropriations limit the state to a set-aside of 100,000 acres. For Minnesota, \$60 to \$70 million of matching federal dollars is available. Minge said that most other states are not approved for federal funding under the program and that Minnesota should not miss the opportunity currently provided, especially considering the significant farm-related pollution occurring in waterways.

Following Minge's testimony, members heard from a representative of the Library Association, who said that 40 percent of Minnesota's libraries are not handicap-accessible. The House bill did not provide for accessibility grants for libraries. The Senate bill increases the dollar limit on library access grants provided by law from \$150,000 to \$1 million. Members discussed grants award criteria, including across-the-board funding and determinations based on a sliding-fee basis. Berglin asked for funding recommendations and emphasized that library needs have changed due to new information technology. Sen. Keith Langseth (DFL-Glyndon) said that the needs of rural areas have changed partly due to an influx of immigrants from other cultures. He said

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Pelican Rapids exemplifies a community of citizens that speak at least ten different first languages, and that the local library provides an admirable service by subscribing to a number of global newspapers that include and reflect those particular populations. Members should maintain a positive attitude regarding the value of diverse demographics and the needs of libraries, Langseth said.

Sen. Cal Larson (R-Fergus Falls) approached the topic of building a new DNR office and service facility in Fergus Falls. He said, "It's time we get folks out of that horse barn they've been working in for so many years." Larson said the project is a number one priority for the DNR. The Senate bill provides \$4.5 million to construct a building on state land in Fergus Falls. Under the House bill, \$750,000 is appropriated for the purchase of an existing building, including renovation, located in Pelican Rapids. Larson said the Pelican Rapids location is not appropriate since the staff of 27 employees in Fergus Falls would be required to drive approximately thirty miles to get to work. Langseth said he didn't think a sufficient building could be purchased and remodeled for the amount specified in the House bill.

Pam Moore, representing the Housing Finance Agency, presented a brief overview outlining the need for transitional housing. She said increases in the numbers of homeless has continued to rise alarmingly since around 1994, and that nearly 450 people were turned away from transitional housing program due to a lack of resources. Both the Senate and the administration recommend an appropriation of \$2 million for transitional housing. The House bill makes an appropriation of \$1 million. Moore said that program guidelines allow families to occupy transitional housing for up to two years. Under the program, families are allotted supplemental services to help stabilize them as they prepare for better jobs. Members discussed the differences between affordable housing and the supplemental housing program, and determined that there was great need for both categories of low-cost housing—needs that far exceed the \$2 million under consideration.

Sen. Douglas Johnson (DFL-Tower)

provided an overview of the Two Harbors Safe Harbor and Marina Project. The project entails the development of a safe harbor and marina facility in Agate Bay on Lake Superior, in cooperation with local governments and the U.S. Army Corps of Engineers. Johnson said \$3.5 million had been approved at the federal level, under the condition that the money be spent only on the harbor basin and breakwater--and only if the state matches federal funding dollar for dollar. The city of Two Harbors has approved the local match of \$400,000 and is providing the necessary land. The 1998 bonding bill appropriated \$3.5 million and another \$3.5 million was appropriated by the Corps of Engineers. The total project costs amount to \$10.5 million. Rep. Tom Ostoff (DFL-St. Paul) said he doesn't support diverting state safe harbor money for private business economic advantage. Johnson said that while it may be true that the marina project will complement facets of the economy, the project provides a means for public access to the lake, with the advantage of ancillary services.

Sen. Randy Kelly (DFL-St. Paul) outlined the plan for constructing training facilities for police officers. He also introduced Sheriff Fletcher from the Ramsey County Sheriff's Department, who said that since the 1980's there has been a proliferation of gang activity, accompanied by more guns and more shooting on our streets. According to Fletcher, officers were not trained in defense and the firing of weapons to the extent that is needed today. The Senate bill appropriates \$6 million in training facility construction grants and specifies that the commissioner must make no less than two grants from the appropriation and may establish regions within the state for planning purposes. Under the bill, proposals considered for funding must include regional funding sources that must provide at least 50 percent of the construction costs and 100 percent of the operating costs, unless a state agency is an ongoing partner in the facility's use and operation. The House bill makes no appropriation, but recommends the establishment of a study to determine exact locations for the law enforcement centers. The bill specifies that the study must address whether or not there

should be three locations in the Metro Area "as is now contemplated in Maple Grove, Edina and St. Paul." Under the House bill, the study must also consider locations at state universities, technical and community colleges and the training that is already occurring throughout the state higher education system. Knoblach said he questioned going from zero to eight facilities, as had been discussed--and said he didn't approve of leaving out any regions of the state. Kelly said that one facility exists in Hennepin County and it's inadequate. He also said that it made sense to have training facilities in the Metro Area because that is where a significant number of officers are.

A representative from the Minnesota Historical Society presented architectural renderings for the Saint Anthony Falls Heritage Center, a proposal for the construction of a museum built within the ruined walls of the Washburn Mill, on the banks of the Mississippi River in downtown Minneapolis. The mill has been designated a National Historic Landmark and a Save America's Treasures project by virtue of its location overlooking the falls that represent Minnesota's industrial birthplace. Cost of the project is estimated to be \$24 million for construction, exhibitions, equipment and furnishings. The Senate bill appropriates \$1 million for the project in addition to the 1998 appropriation, but the appropriation is available until it has been determined by the commissioner of finance that the necessary additional project financing from nonstate sources has been committed. The House bill also appropriates \$1 million for the project, with no conditions specified. The House also appropriates \$300,000 for capital preservation projects at the county and local level and \$250,000 for the restoration of historic furniture in the Capitol Building. Both House and Senate make similar appropriations for repair, preservation and maintenance at state historic sites. The Senate makes an additional appropriation of \$500,000 for the construction of permanent exhibits at the Fur Post Interpretive Center.

## Bonding review continues

The omnibus bonding conference committee, chaired by Sen. Linda

Berglin (DFL-Mpls.) and Jim Knoblach (R-St. Cloud), met Mon., Apr. 10 to continue side by side comparisons of the Senate and House versions of the bill. Members discussed dollar amounts in relation to three proposals that include retaining walls for the city of Landfall, National Weather Service transmitters and state patrol training facilities at the Camp Ripley facility.

The House bill appropriates \$100,000 for a grant to the city of Landfall Housing and Redevelopment Authority to repair or replace deteriorating retaining walls. The House bill also appropriates \$844,000 to buy National Weather Service transmitters for 13 sites throughout Minnesota. The bill authorizes generator upgrades at MNDOT sites to provide full coverage for weather emergencies and authorizes engineering fees to determine the most appropriate locations for the transmitters, antennas, and related equipment. In addition, the bill specifies that operational maintenance of the transmitters be the responsibility of the National Weather Service. Neither of the proposals were included in the Senate bill. The third item under consideration involves a Senate appropriation totaling \$6 million for Regional Public Safety Training Facilities, an item not recommended by the House. Within the regional public safety category, the committee concentrated on details involving an estimated \$2 million expansion of the facility at Camp Ripley.

The committee turned their attention to language contained in the bill. A House proposal includes language related to the availability of unspent portions of an appropriation to the higher education asset preservation and replacement (HEAPR) program. Under the House bill, a total of \$30 million is appropriated for HEAPR. The bill specifies several projects that must be funded out of the appropriation, including the replacement or renovation of the boilers at Winona State University, \$1.09 million for the demolition of old homes on property owned by Moorhead State University and conversion of the property into parking, \$3 million for the Minnesota State University at Mankato, to correct deferred maintenance of athletic facilities and the completion of the

HVAC project at the Hutchinson Campus of Ridgewater College. The bill specifies that the unspent portion of the appropriation, after the completion of the projects, be available to the same campus as the project for which the original appropriation was made, with the debt service reduced accordingly.

Rep. Dave Bishop (R-Rochester) told members that language in the House bill concerning MNSCU debt service includes a provision that private funds contributed toward projects are authorized at the discretion of the board, to qualify as contributions to the debt service obligation for that specific project. A corresponding provision is not included in the Senate bill.

A provision to the Senate bill clarifies the definition of "place of public accommodation" to exclude facilities owned or operated by the Minnesota State Colleges and Universities, the University of Minnesota, or any private college or university. The revision was made to address bleacher safety concerns and the estimated cost of \$4 million to upgrade facilities.

Members discussed the authority given, under the House bill, to the MNSCU Board to build, sell, transfer or acquire personal property for the purpose of "instructional construction by technical colleges." The bill specifies that real property acquired under the section be sold at "fair market value." The bill also specifies that no other authorizing legislation or legislative approval is required for an acquisition, improvement or sale. Berglin and Sen. LeRoy Stumpf (DFL-Theif River Falls) said they were concerned about the broad authority granted. Members also discussed higher education priorities and House and Senate approaches to the payment of debt service.

### **Projects scrutinized**

The bonding conference committee, chaired by Sen. Linda Berglin (DFL-Mpls.) and Rep. Jim Knoblach (R-St. Cloud), met Tues., Apr. 11, to hear testimony and discuss bonding proposals. Red Arndt, representing the Lewis and Clark rural water system proposal, provided information about the pipeline project. The Senate bill appropriates \$610,000. The proposed system is designed to pipe water from South

Dakota to serve the southwestern section of Minnesota. Arndt said that wells in the region have dropped two and one-half feet, and that the food processing industry, a major industry in the area requiring large quantities of water, is threatened by potential drought conditions. Total costs for the system are estimated to be \$300 million, of which 80 percent is available through a federal grant. Ten percent is requested from the state, payable over the next four years, and local sources will pay the remainder, according to Arndt. Rep. Henry Kalis (DFL-Walters) said he thought recycling should be implemented to conserve water. Sen. Arlene Lesewski (R-Marshall) said the food industry is restricted by laws governing the one-time use of water for food processing. Following questions by Rep. Peggy Leppik (R-Golden Valley) concerning possible overpopulation in relation to the water supply--and the possible need to relocate people--Sen. Keith Langseth (DFL-Glyndon) reminded the panel that the request was for \$4 million, adding, "This is not going to break the bank." The House bill does not make an appropriation for the project.

Representing Bemidji State University, Carl Baer presented information about plans for the American Indian History Museum located at Bemidji State University, and increased the amount requested from \$1 million to \$2 million. Baer said the money is needed to cover costs of constructing classroom space, a telecommunications center, library, lounge and display-exhibit area. He said that an important collection of artifacts had already been donated to the project. The House bill does not make an appropriation for the project.

President of the Fond du Lac Tribal and Community College, Jack Briggs, provided an itemized budget for the design and construction of lab, storage, classroom and recreational space. He said Fond du Lac is one of the fastest-growing of Minnesota's colleges and has a critical deficit of space. Briggs said he has scaled down the proposal in an attempt to cut costs. Sen. Steve Murphy (DFL-Red Wing) said he strongly supports the \$4.8 million proposal and has observed how efficiently the college is managed. Sen. Sam Solon (DFL-Duluth) said he "hopes



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the committee makes this project a priority.”

In his introductory remarks concerning the Lazarus Creek floodwater control project, Sen. Charles Berg (IND-Chokio) said the proposal passed both chambers last year but was line-item vetoed by the governor. The Senate bill appropriates \$1.25 million for the construction of a floodwater retention project to reduce flooding of agricultural lands, roads and bridges. The state portion of the funding must not exceed 75 percent of the total cost, according to the bill. The House did not include the project in their appropriations. The project aims to trap sediment from the upper watershed areas in South Dakota and reduce the delivery of sediment and related nutrients to the Minnesota River. The project includes the construction of a dry dam, intended to impound water during flood situations. The plan specifies a dam measuring 62-feet high by 1350-feet long, with a 48-inch outlet structure. According to Berg, the local match has already been collected and all permits have been granted.

The city of Deer River is included in Senate appropriations for DNR office facility development. An additional \$2 million is requested for the consolidation of several offices on the site of the DNR forestry office. The plan incorporates city offices, an ambulance services office, a healthcare center, fire department, police offices, common space for meetings and training, a public reception area and separate DNR garage and parking space. Since the DNR was considering a remodeling of their space, the parties got together and began considering the possible advantages of building a public services center, according to Gene Manolin, representing the city of Deer River. Manolin said the group was interested in providing better services through better coordination of emergency services and sharing the expenses of office expenses and technologies, space and equipment.

The Senate bill makes a total appropriation of \$16 million for flood hazard mitigation grants. Within the bill's language is a grant for a project in the Red River basin that is consistent with the 1999 mediation agreement and approved by the Red River flood damage reduction work group. The

House bill appropriates a total of \$10.6 million for projects that include the Red River. Sheryl Miller, representing the Minnesota Audubon Society said the Northwestern Minnesota Red River project has “very wide support.” Rep. Tom Ostoff (DFL-St. Paul) said “This is a statewide issue—all of Minnesota has need of flood hazard mitigation assistance.” Richard Nelson, a witness speaking in favor of the project told members that this part of Minnesota has always had unusually severe flooding problems—due to its geography—compared to the rest of the state.

The meeting adjourned following discussion of another water-related project. Sen. Deanna Wiener (DFL-Eagan) spoke in support of the shoreland conservation pilot program, a five-county project for conservation easements to preserve shoreland and to establish shoreland buffers. The Senate appropriates \$2.8 million for the project. Under the bill, the pilot program provides financial incentives encouraging private landowners to preserve lake and river shoreland and to establish shoreland buffers. Wiener said the plan provides local flexibility.

## Bonding testimony heard

The omnibus conference committee on bonding, chaired by Sen. Linda Berglin (DFL-Mpls.) and Rep. Jim Knoblach (R-S. Cloud) met Wed., Apr. 12, to hear further testimony concerning DNR and public facilities proposals. Rep. Tim Pawlenty (R-Eagan) spoke in favor of funding a project for the Gillette's Children's Hospital. Pawlenty introduced a hospital representative who described the special nature of care provided at Gillette. He said the hospital was built to accommodate 6,000 surgeries per year but the hospital now performs more than 13,000 per year. He said the hospital—which treats children with profoundly disabling brain injuries, neurological and muscular diseases and injuries—is unique in its specialized treatment of children with severe handicaps.

Members heard testimony from 15-year-old Kim Cross, a patient with muscular dystrophy and related complications, caused by her biological mother's drug abuse during pregnancy. Kim and her adopted mother told the panel that Kim's progress—she was once

unable to sit up without assistance—was due to the highly-skilled treatment, including physical therapy and surgeries performed at Gillette. According to Kim's mother, the hospital desperately needs to expand. Patients at the hospital are currently crowded into four-bed rooms, according to Ms. Cross, leaving little or no room for parents who wished to stay overnight with their child. She also said the hospital is in need of handicapped-accessible bathrooms and other amenities in the admissions area.

Rep. Tom Ostoff (DFL-St. Paul), said he was sympathetic with the great needs of patients and the hospital, but asked, “Why should we put state dollars into private institutions?” Pawlenty said that the state does have a history of helping hospitals with grants and re-stated how unique this particular institution is. A hospital representative said that 40 percent of the patients are on Medical Assistance and it's difficult to finance without additional help.

The Senate bill appropriates \$8 million for Gillette Hospital. Berglin asked House members why they used a different mechanism to finance the hospital proposal. According to Knoblach, Gillette is forgiven a \$6 million medical surcharge under the House bill. Berglin questioned why the House placed the allotment in the Health and Human Services bill, rather than appropriating money in the bonding bill. Members discussed funding sources and phases of the Gillette project that should be prioritized. Knoblach said he wanted to get on with other issues and leave the hospital funding discussion for another time.

The Senate bill appropriates \$2.045 million for the Big Bog State Recreation Area. Joe Corcoran, representing the Big Bog project, told the committee that the plan includes the construction of a visitors center and a raised walkway to lead visitors into currently inaccessible bog areas. Corcoran said the area is very sensitive and unique, attracting bird and fauna enthusiasts who come to research rare species. He said he is concerned about neighboring counties that are currently harvesting peat and destroying the resource, and he wants to ensure appreciation and preservation. Sen. Peggy Leppik (R-Golden Valley) said she thought the enhancement of the

recreation area should be a regional project. Leppik also questioned why so many resorts in the area had closed. She said she thought the county should designate the recreation area a preserve, but Corcoran said the land was owned by the state. Corcoran said he hoped the development of the project would attract more visitors and boost the local economy. Ostoff said he had a great appreciation for environmental issues and thought the omnibus bill was "heavily weighted in other types of projects."

Members discussed language involving the Gitchi Gami State Trail project. The Senate makes an appropriation of \$400,000 for the purchase of easements and the construction of a section of trail near Tofte. Members also considered differences between Senate and House proposals for trail connection grants. The Senate capped matching grants per project at \$50,000. Dan Collins from Trails and Waterways said the grants were traditionally divided equally between Metro and non-Metro projects, but more recently funding was concentrated on projects outside the Metro Area since other funding sources were available to Metro projects. The House language does not place a cap on per project funding. Rep. Henry Kalis (DFL-Walters) objected to the Senate's \$10 million appropriation—as compared to the House appropriation of \$5 million—for Metro Regional Park Acquisition and Betterment. Sen. Richard Cohen (DFL-St. Paul) said the ratio for funding non-Metro to Metro park projects was actually 2:1.

The Senate also appropriates \$5 million—compared to a corresponding House appropriation of \$500,000—to Metro greenways and natural areas. Cohen said he recommends funding for a project to beautify the highway from the airport to West Seventh St. Cohen said visitors to St. Paul travel an unsightly roadway to St. Paul and the Capitol area. Ostoff objected to the proposal's placement in the "greenways" portion of the bill. House counsel said the proposal is problematic in terms of bonding and that it belongs in the trunk highway or general funds.

The final item on the agenda involved caps on dam repair projects. Language in the Senate bill puts a \$500,000 cap on the costs of repair or reconstruction

projects in this category, unless the commissioner recommends a project to the Legislature for consideration, or under emergency circumstances.

## Education funding conference

### First meeting held

Members of the education conference committee met to go through the omnibus education bills, S.F. 3801 and H.F. 3800, in detail Tues., Apr. 11. Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Alice Seagren (R-Bloomington) chaired the meeting.

According to a Senate draft comparison, total Senate funding for education is \$317 million with \$170 million in one-time money and \$147 million in permanent funding. The House has \$95 million for education with a breakdown of \$90 million in one-time money and \$5 million in permanent funding.

Senate funding includes appropriations for early childhood and family education. The bill provides \$42.6 million in one-time money from Temporary Assistance for Needy Families (TANF) funds. For FY 2001, \$11.8 million is earmarked for basic sliding fee child care, \$3.7 million for transitional housing, \$3.2 million for MFIP social services child care, \$600,000 for MFIP education child care and \$1.1 for transition year child care. Comparatively, the House appropriation is \$24.8 million from TANF funds. For FY 2001, the bill earmarks \$3.2 million for MFIP social services child care, \$1.1 for transition year child care, \$1 million for transition housing, \$250,000 for male responsibility and fathering grants and \$1.8 million for intensive ESL and citizenship grants. Additionally, the Senate has one-time spending of \$755,000 while the House has \$762,000. Both budgets are affected by a formula change in Adult Basic Education which results in savings to the general fund when compared to the Feb. 2000 forecast. Based on the draft, the House has a negative \$3 million balance in permanent spending while the Senate has a zero balance because of reallocation of the savings to other programs. The largest portion of the savings, \$1.45 million, goes to emergency services under the Senate bill.

The Senate K-12 portion includes \$100 million in one-time money and \$144.5 million in permanent funding. The Senate bill contains an additional one percent set-aside of the general education revenue for staff development, helps districts with declining pupils by counting 77 percent of current year pupils and 23 percent of previous year pupils, holding districts harmless for FY 2001, and provides additional revenue for districts that experienced a large drop in training and experience revenue. The bill adds \$5 per pupil to districts' operating capital revenue for telecommunications access costs. The bill funds the changes out of a \$77.26 million appropriation for general education programs. The appropriation also includes \$1.54 million for sparsity correction revenue, \$4 million for marginal cost impact aid and \$9.7 million for metro equity aid.

Under the Senate bill, a district's per pupil secondary vocational revenue received in FY 2000 is reserved permanently, but a school board is allowed to vote not to set aside the revenue. The bill creates a formula that reimburses districts for up to 80 percent of the telecommunication access costs beyond what is covered by the \$5 per pupil and federal E-rate revenue. The measure contains a \$26.2 million appropriation for telecommunications access costs. The measure also provides \$2.5 million for regional library telecommunications aid. The bill establishes a one-time aid payment to districts to pay for deferred maintenance projects with a \$26.4 million appropriation. The new revenue is \$11.50 per pupil to districts plus an additional \$25 per pupil to districts that do not qualify for alternative bonding.

The bill also appropriates \$48.37 million for special education cross subsidy revenue. Districts receive \$15 multiplied by the district's adjusted marginal cost pupil units for FY 2000 which increases to \$35 in FY 2001. In FY 2002 and later, the bill increases the special education base revenue.

Maximum effort loans funded by the measure include \$11.17 million for Red Lake, \$7.5 million for Cass Lake, \$14.1 million for Caledonia, \$7.2 million for LaPorte and \$4 million for Ulen-Hitterdahl School District. Also contained in the measure are grants of \$3 million for Grand Meadow and \$4.1

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million for Pine Point School District.

The House K-12 portion has \$53 million in one-time money and \$8 million in permanent spending. The bill earmarks \$30.35 million for training and experience adjustment revenue and \$9 million for small school equity. Also included in the bill is \$11.16 million for secondary vocational education. Telecommunication access grants are funded with a \$10 million appropriation. Charter school building lease aid totals \$576,000. Further appropriations include \$200,000 for a post-retirement health care study, \$500,000 for a teacher loan forgiveness program and \$691,000 for nonpublic pupil aid.

The Senate higher education portion totals \$26.6 million in one-time money and \$2.4 million in permanent funding. The Northstar Research Coalition receives \$15 million and \$11.6 million is an appropriation for a MnSCU deficiency. Additional appropriations include \$250,000 for the farm business program, \$600,000 for the agricultural rapid response fund, \$1.25 million for urban teacher preparation, \$80,000 for the Cook County higher education project and \$220,000 for the University of Minnesota-Duluth child care project. The House bill provides a one-time \$11.58 million appropriation to cover a MnSCU deficiency.

During the course of comparing the bills, two motions were offered. In response to remarks by Pogemiller, Seagren made a motion to delete language in the Senate bill. The provisions allow eligible districts, for FY 2001 only, to receive marginal cost impact aid. Pogemiller said he is being criticized by House Republicans even though the language is the result of a Republican measure. Sen. David Knutson (R-Burnsville) said it's not a partisan issue. The motion was defeated on a divided vote.

Sen. Pat Piper (DFL-Austin) made a motion to delete provisions in both bills which prohibit programs in public schools that have the purpose of encouraging sexual activity by minors. The Senate provision makes an exception for public health programs. Included in the motion was an additional provision in the House bill that a public school may not distribute, or allow to be distributed, contraceptives or a voucher or a prescription for contraceptives to a

student without the written permission of the parent or guardian. Pogemiller said discussion should focus on investment for education, not contraceptives. The motion was defeated on a divided vote.

## Senate makes offer

Senate conferees incorporated several House provisions into a proposal offered at the Apr., 12, education conference committee meeting. The meeting was chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Alice Seagren (R-Bloomington).

Provisions regarding changes to the energy assistance program were not included in the Senate offer. The language also provides for a transfer of the program from the Department of Children, Families and Learning (CFL) to the Department of Economic Security. Rep. Barb Sykora (R-Excelsior) said both the House and Senate support the provisions. Pogemiller said even though it's a Senate position, the conferees don't support it. "We believe a transfer is not in the best interest of the state," he said.

The offer permanently funds marginal cost impact aid so districts are held harmless despite the change to the 77/23 marginal cost formula. Pogemiller said the budget has been changed to reflect additional costs in the out years. Under the offer, a majority of the funding for the change comes from alterations to special education growth factors. The proposal eliminates Senate funds of \$2.4 million for facilities levies consolidation impact revenue. Also included in the offer is the House teacher loan forgiveness program. However, the Senate offer changes the program to a tuition discount program. "We think a tuition discount program is more targeted and more effective," said Pogemiller. An appropriation of \$500,000 for the program is included in the Senate proposal. The proposal calls for adoption of a separate conference committee report on high standards. The offer also includes an authorization for an additional fund transfer of \$121,000 for the Crookston School District. Several other House provisions are also incorporated in the Senate proposal. Seagren said the House conferees will consider the proposal but

that House and Senate leadership need to decide on budget targets before the House can make a counter offer.

Conferees went on to discuss differences between the bills in training and experience revenue funding. The House bill, H.F. 3800, provides \$30.35 million for FY 2001 while the Senate bill, S.F. 3801, provides \$23.87 million. The funds are also distributed differently in the bills. Greg Crowe, House fiscal analyst, explained that the House formula keys off the actual 1999 index as if the revenue stream were fully funded. He said the formula is tied to actual faculty in schools. Sen. Martha Robertson (R-Minnetonka) said Senate funding is based on schools' estimates. She said the issue is whether or not districts received the funds they were expecting. Pogemiller said the Senate's philosophy is that some districts were caught off guard by large number of retirements.

Sen. Deanna Wiener (DFL-Eagan) explained about the Northstar Research Coalition proposal. The Senate bill provides \$15 million for the project while the House bill doesn't include the project. Wiener said the coalition is an effort to leverage private dollars and promote research. Rep. Marty Seifert (R-Marshall) said he didn't see the need for a new coalition. "We already have Minnesota Technology Incorporated," he said. Pogemiller asked House conferees to consider the proposal in good faith. Conferees did agree funding the MnSCU deficiency, caused by an unanticipated enrollment increase, is a priority.

Committee members heard testimony regarding Senate provisions which delay mandatory certification requirements for sign language interpreters for one year. Mike Cushman, deputy director of the Minnesota Commission Serving Deaf and Hard of Hearing People (MCDHH), testified against the delay. He said current law is working and there is no reason to delay implementation. Norena Hale, special education director for CFL, said 300 interpreters have been certified and during the year delay, the department will work to get an additional 87 interpreters certified. She said the issue is a shortage of instructors and lack of enrollment in classes, especially in rural areas. Keith Kromer, representing Minnesota Administrators for



Special Education, said there continues to be qualified people who are not certified. He said they would suffer civil penalties after the law changes on July 1 of this year. Cushman said he wants certified interpreters working with children. He said the focus needs to be on the children, not on the interpreters. Pogemiller asked if all the children who need services will be served if the requirement goes into effect. Marian Hausladen, also of MCDHH, said children can get the needed services if districts work together in creative ways.

Sen. Shelia Kiscaden (R-Rochester) testified in support of Senate provisions that allow school nurses to provide nonprescription drugs or medication to a pupil upon the request of the parent or guardian. Kiscaden said additional language was added to address the concerns of school nurses. The language specifies that the nonprescription drugs or medicines must be FDA approved and in the original container with an original label containing use instructions. "We have children missing school because they can't get over-the-counter medication from nurses," said Kiscaden. She said the original bill came about because of the opinion from the Office of the Attorney General that school nurses have the authority to provide over-the-counter medications to students upon a parent's request, even without a physician's order. Diane O'Connor, speaking for the Minnesota Nurses Association, said the Nursing Board doesn't agree with the opinion. She said a task force is being formed to look at the overall issue of medicine in schools.

Conferees also considered differences in the Adult Basic Education (ABE) provisions contained in the two bills. Both bills contain ABE program aid limits with the House version tending to benefit the slow-growing programs while the Senate version tends to benefit fast-growing programs. The House measure establishes a performance accountability system, the Senate bill has no similar provision. Under the House bill, administrative reimbursement for a school district or ABE consortium that delivers services cooperatively with a community-based or non-profit organization or correctional institution is limited to eight percent of the program aid. The Senate figure is five percent.

The House ABE formula distributes 2.9 percent of the funds based on drop-out rates, the Senate formula doesn't consider drop-out rates. The Senate bill establishes an ABE Education Policy Task Force which expires on Jan. 2, 2001. The House bill establishes an ABE Policy Review Board which continues until Sep. 30, 2003. Robertson pointed out a difference between the groups is that the task force reports to the Legislature while the board advises the commissioner.

## **Feedlots conference**

### **Feedlot rules debated**

A Senate and House conference committee met Thur., Ap. 6, and began comparing the bodies' versions of proposed changes to the Minnesota Pollution Control Agency's (MPCA's) pending feedlot rules. The committee is chaired by Sen. Dallas Sams (DFL-Staples) and Rep. William Kuisle (R-Rochester).

The conference committee outlined areas where the two versions of the bill, H.F. 3692, are in agreement, leaving areas of disagreement for a meeting at a later date.

The committee adopted the Senate's animal unit definitions, a revision that categorizes swine weighing between 55 and 300 lbs. as 0.3 animal unit. The committee adopted a House provision specifying that "a livestock feedlot permit does not become required solely because of a change in the ownership of the buildings, grounds, or feedlot" and a House provision prohibiting MPCA from imposing additional conditions as part of a feedlot permit, unless specifically required by law or agreed to by the owner, after the rules published in the State Register are finally adopted. The committee adopted a House provision exempting feedlots with less than 300 animal units from the rules. The committee adopted Senate language requiring the MPCA to issue National Pollution Discharge Elimination System (NPDES) permits for feedlots with over 1,000 animal units and that meet the definition of a "concentrated animal feeding operation." The committee adopted Senate language exempting livestock production facilities from state ambient air quality standards while

manure is being removed and for seven days after manure is removed from barns or manure storage facilities. The committee adopted House language prohibiting the MPCA from requiring air emission modeling for a type of livestock system that has not had a hydrogen sulfide emission violation. The language is preferred by the Minnesota Pork Producers Council over Senate language prohibiting emission modeling for a system that does not have the "potential to exceed the hydrogen sulfide ambient air quality standard."

The committee adopted House language specifying that for a serious feedlot law or rule violation for which an administrative penalty order is issued, not less than 75 percent of the penalty must be forgiven if the abated penalty is used for approved measures to mitigate the violation for environmental improvements to the farm. The committee also adopted Senate language directing the MPCA to convene a work group of experts to propose design standards for liquid manure storage facilities in areas susceptible to soil collapse and sink hole formation. Under the measure, the review must include an evaluation of whether the standards should be volume or animal unit based and a report must be presented to Senate and House agriculture and rural development committees by Oct. 31, 2000.

A few of the issues that remain to be resolved are details of a proposed education and training program for manure applicators, details of prohibiting manure that is land applied or stockpiled and managed according to MPCA rules from being considered a discharge into waters of the state, with the Senate proposing more restrictive language than the House, and details of cost-share arrangements for feedlots that are required to upgrade.

### **Feedlot bill approved**

Senate and House conferees, co-chaired by Sen. Dallas Sams (DFL-Staples) and Rep. William Kuisle (R-Rochester), approved a number of Legislative directives for changing the Minnesota Pollution Control Agency's (MPCA's) pending feedlot rules at the panel's Mon., Ap. 10, meeting. The conference report, H.F. 3692, reflects

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compromises reached by a committee work group named the week before.

Before approving the bill, the committee heard several witnesses testify about general concerns with the rules.

Howard Pearson, of Pennington County, said registration remains a great concern for the many small, 100 animal unit cow-calf operations in that part of the state. Failure to register may result in fines, he said, but no one is certain what those fines will be. Another concern is the cost of managing to control runoff, he said.

Dan Little, a Rochester veterinarian, said requiring the MPCA to act on a permit in 60 days is a good idea, but one that may "require a process change internally. Still, we owe it to taxpayers who have done their homework a response in a timely fashion."

An amendment, offered by Sen. Steve Dille (R-Dassel), specifies that beginning Jan. 1, 2005, except for a commercial animal waste technician, only a certified private manure applicator may apply animal waste from a feedlot that has a capacity of 300 animal units or more and does not have an updated manure management plan that meets MPCA requirements. The amendment specifies that for the purposes of feedlot permitting, manure that is land-applied or stockpiled according to agency rules must not be subject to a fine for a discharge into waters of the state, except Type 1 or Type 2 wetlands. The amendment directs the MPCA to establish procedures that provide an initial response to permit applications within 60 days and to report to the commissioner of finance and the Senate and House environment and agriculture committees by Oct. 15, 2000, on the additional resources needed if the agency determines it's unable to accomplish a timely response. The amendment also directs the MPCA to remove from the proposed rules such restrictions as the pasturing of animals, including winter feeding areas, the requirement for a manure management plan except in the case of a feedlot requiring a feedlot permit, and requiring a permit for a livestock facility on county fairgrounds. The amendment was adopted.

An amendment, offered by Kuisle, concerns providing state financial assistance for operators whose feedlots

require upgrades. Under the amendment, the Minnesota Department of Agriculture (MDA), in collaboration with the MPCA and in consultation with the Department of Finance and the Board of Water and Soil Resources (BWSR), is to study the need for state financial assistance by operators of feedlots with a capacity of less than 1,000 animal units required to upgrade facilities. The amendment specifies that the study must identify specific financial needs of operators with capacities of less than 100 animal units, more than 100 but less than 300 animal units and more than 300 but less than 500 animal units. Furthermore, the amendment directs the MDA to report no later than Feb. 1, 2001, the findings of the study to the standing committees of the Senate and House with jurisdiction over agricultural and environmental policy and budgeting about the anticipated state costs to provide matching funds for the upgrades. MPCA's Rod Massey supported the amendment, noting that the MDA will likely administer the financial assistance. The amendment was adopted.

Another amendment, also offered by Kuisle, extends a 1998 temporary moratorium on construction of certain types of swine waste lagoons. Under the amendment, neither the MPCA nor a county board may issue a permit for construction of an open-air clay, earthen or flexible membrane-lined swine waste lagoon six months after preparation and final approval by the Environmental Quality Board (EQB) of the generic environmental impact statement (GEIS), or June following approval, whichever is later. The amendment does not apply to repairs or modifications related to an environmental improvement of an existing lagoon.

A fourth amendment, offered by Sen. Becky Lourey (DFL-Kerrick) and adopted by the panel, ensures that cost-share money will be available for feedlots with less than 100 animal units that are required to upgrade. Under the amendment, the MPCA may not require the operator of a feedlot with less than 100 animal units to upgrade, unless cost-share money is available for 75 percent of the upgrade or unless there is an immediate public health threat.

Members approved the conference committee report unanimously.

## High standards conference

### Senate makes proposal

A Senate offer containing several House provisions on the Profile of Learning was presented at the Fri., Apr. 7, high standards conference committee meeting chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Robert "Bob" Ness (R-Dassel).

The proposal adds an eleventh learning area, technical and vocational education, specifying that the commissioner must make recommendations to the Legislature by Jan. 15, 2001 on graduation rules or realignment of standards for the new learning area. The proposal contains provisions allowing area learning centers to determine the numbers of standards the site requires for students. Under the proposal, districts and charter schools must work to improve the scope and sequence of curriculum, research-based instructional skills of teachers and other district staff who work with students and must work to improve alternative assessments of student achievement. Additional House language in the proposal includes provisions allowing completion of a content standard if the student is participating in a learning opportunity outside the district's curriculum that is equally or more rigorous than the content standard required by the site, charter school or the state graduation rule. The proposal requires the commissioner to convene an advisory group composed of qualified experts and interested stakeholders to recommend to districts and charter schools record keeping practices under the Profile of Learning. The commissioner must also report on technology needs for daily classroom record keeping and accountability reporting. The proposal adopts House language that the assessment of student achievement must be included as part of the student's grade for a subject or course. A requirement that each district and charter school must make available to parents, guardians and to the public, information about graduation requirements, the assessment methods used by the district or charter school and student achievement information is taken from the House bill. Also taken from the House bill is language regarding external review and comparison of the Profile and North

Star Standard. The proposal specifies that a panel of two teachers, three deans, a director of curriculum and instruction and an assessment practitioner may make recommendations for refining the Profile based on the external review and comparison of the rigor of the state standards and the North Star Standard by Dec. 15, 2000, to the commissioner. The recommendations may include changes effected through administrative changes and changes in rule or statutes. Lastly, the proposal adds House provisions regarding average daily attendance, graduation rates and drop-out rates to accountability reporting.

At the request of Ness, Senate staff also went over, in detail, the repealer provisions contained in the offer. Ness said he still objects to language in the Senate proposal allowing the commissioner to use the expedited rule-making process. Sen. Martha Robertson (R-Minnetonka) again stressed that the process could only be used to add to the scoring criteria the option of a score of "0" for student work on an assessment or standard.

Pogemiller emphasized that the proposal allows districts to vote for the Profile or North Star Standards. If a district chooses the Profile, there is a site by site vote for the required number of standards. "I want teachers to vote. I trust the teachers," he said.

After a recess to consider the proposal, House conferees came back with another offer. Ness said the proposal establishes a minimum number of required content standards. Specifically, the proposal requires students in grades 9 to 12 to complete 16 content standards that include 10 state-required content and six elective content standards. Students in grades 6 to 8 must complete at least 16 content standards that include 12 state-required content standards and four elective content standards. Students in grades 4 and 5 must complete 10 content standards and four elective content standards. Students in kindergarten to grade 3 must focus on learning areas one, two and three but are not required to complete content standards in any learning area. Rep. Tony Kielkucki (R-Lester Prairie) said the language guarantees a minimum number of standards even with the waiver process.

Pogemiller said districts will establish new minimums based on the House language. He said Senate conferees have been clear that they won't accept a change from the current state requirement of 24 standards. "You've been trying to gut the Profile, we won't allow that," Pogemiller said.

Ness said the House proposal provides three additional days for staff development training or student instruction. "We need to allow flexibility for staff," Ness said. The Senate bill also contains three additional days however, they are designated only for staff development. Ness said the provisions for additional days should be in the K-12 funding bill. Pogemiller again said House leadership is holding up the conference committee. "It's our belief that House leadership is calling the shots. There can't be another explanation," Pogemiller said. "We're still trying to work towards an agreement," said Ness.

### **Negotiations continue**

After going over the existing House offer and a new Senate offer, conferees were unable to reach an agreement at the Mon., Apr. 10, high standards conference committee meeting. Chairs Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Robert "Bob" Ness (R-Dassel) agreed to continue the dialog.

A key area of disagreement continues to be House language requiring a minimum number of required content standards. "We're trying to set a minimum bar," said Ness. "We don't support that," said Pogemiller. Senate conferees continue to support current state requirements. Ness said more electives are needed. He said the current number of required content standards doesn't allow enough flexibility. Sen. Linda Scheid (DFL-Brooklyn Park) said the Senate proposal offers flexibility with the vote by site and the waiver process.

Pogemiller went through the House offer in detail. He pointed out several areas of the proposal he found inconsistent, confusing, lacking in detail or unnecessary. Senate conferees presented a new offer slightly modified from an earlier offer. The proposal incorporates House language related to statewide testing. Also taken from the House proposal is language regarding student academic achievement levels.

The Senate offer adds a requirement that if an appropriation for three-day best practice seminars is not enacted, provisions establishing the seminars are not effective. Although House conferees did not vote, Senate conferees adopted an amendment adding a purpose statement for the North Star Standard. The statement is in the original House bill, H.F. 3618, but wasn't included in earlier Senate offers. The amendment outlines four premises for the North Star Standard. The purpose of the Standard is to raise academic expectations progressively throughout the kindergarten through grade 12 experience for students, teachers and schools. Secondly, the amendment states the Standard is the pursuit of academic excellence with the goal that all students are expected and encouraged to reach their greatest potential. Thirdly, the amendment specifies that any state action regarding the Standard must evidence consideration of parent, student, teacher and school district autonomy. In addition, the delivery system or form of instruction that local sites use to meet the Standard must not be prescribed. Lastly, for purpose of local implementation of the Standard, school districts must consult with psychometric experts or other interested and knowledgeable educators for proven curriculum, testing, assessment, methods and practices. Sen. Martha Robertson (R-Minnetonka) said the Senate doesn't usually use purpose statements. Pogemiller urged House conferees to work off the Senate proposal for future meetings. He said that it would be helpful for the public and staff to work from one document. Ness said he would consider the suggestion.

### **Taxes conference**

#### **Sales tax rebate discussed**

"We cannot reach an agreement without the targets, but we can spend time to understand the differences between the bills," said Rep. Ron Abrams (R-Minnetonka) concerning the Senate and House omnibus tax bills at the Conference Committee on Taxes meeting Mon., Ap. 10. The committee, chaired by Sen. Douglas Johnson (DFL-Tower) and Abrams, reviewed and inquired about differences between the



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two bills relating to sales tax rebates and agricultural credits.

In the Senate bill, \$22.9 million is slated for agricultural assistance payments to 34 counties in 2000, as well as \$2.2 million in retroactive payments for 1999. The House bill allocates \$8.8 million for six counties in 2000, and no retroactive payments for late filers in 1999. The Senate bill includes, as part of the total appropriation for agricultural assistance, payments to livestock producers, whereas the House bill does not. Each bill appropriates \$4 in assistance per qualifying acre.

"This sounds like Ed McMahon knocked on the door and people did not open up to take the check from Publisher's Clearing House," said Abrams concerning retroactive agricultural assistance payments for 1999. Senate members were more sympathetic to farmers that did not file for assistance payments. Although he could not account for all of the over 500,000 acres of unclaimed, qualified farmland, Sen. Jim Vickerman (DFL-Tracy) said that confusion over qualifications for the assistance payment delayed claims by some farmers.

As of February 2, 2000, agricultural assistance payments for 1999 have totaled \$72.5 million.

The committee then discussed differences between Senate and House provisions for the 2000 sales tax rebate. Not accounting for administrative costs, the Senate bill appropriates \$453 million for the sales tax rebate, of which 23 percent is earmarked for retroactive 1999 rebates, and the House appropriates \$489.5 million, of which 1 percent is for retroactive rebates. Also under the House language, late filers receive only the minimum refund for their filing status, whereas the Senate provides the full payment amount for late filers.

The average filer, under the Senate bill, will receive \$159 for the 2000 rebate, and \$230 under the House bill. Dependents are slated to receive \$51 each in the Senate bill, and \$26 each under the House provision. Non-filers, slated to receive \$51 for 2000 in the Senate bill, are excluded from rebates in the House bill.

Johnson gave the example of a pastor and his wife with seven children as an example of a qualified non-filer under the Senate bill. The couple, whose

home is owned by the church, do not pay property taxes, do not pay income taxes, but with seven children pay a significant amount of sales taxes, Johnson said.

Assistant Commissioner of the Department of Revenue, Jennifer Engh, then reviewed policy recommendations for the omnibus tax bill. Engh said that the department recommends extending the date from which late interest is paid on Minnesota income tax to 60 days past the filing deadline. The state has re-engineered the tax system, Engh stated, which may cause processing delays. Engh also spoke in favor of Senate language regarding Benda law. Under Benda law, residents who receive income after leaving or retiring out of the state do not have to pay income taxes, whereas those who stay do. This essentially punishes residents, Engh said, stating the intent of the department to revert to pre-Benda law.

## TIF issues discussed

An informal subcommittee of the full tax conference committee met Weds., Apr. 12, to hear testimony on two tax increment financing issues. The group, chaired by Sen. Dan McElroy (R-Burnsville), heard testimony regarding airport tax increment financing and the eight year economic development duration limit.

Most of the hearing was devoted to testimony on the airport issue. The Senate version of the omnibus tax bill, H.F. 4127, contains language providing for the establishment of airport impact tax increment financing districts to deal with the issues arising from construction of the new runway at the Minneapolis-St. Paul International Airport. Under the bill, a city may establish one or more airport impact tax increment financing districts to deal with the noise, environmental, transportation and economic impacts associated with the airport expansion. Further the bill specifies that the districts would be considered redevelopment districts if the governing body finds that parcels consisting of 70 percent of the area are improved and more than 50 percent of the buildings in the district are reasonably expected to experience airport impacts to a degree requiring land use conversion to accommodate uses compatible with the airport. The language also allows an

exception to the restrictions on pooling and allows expenditures of increments for mitigation measures. The language also specifies that the fiscal disparities law does not apply to property within an airport impact district.

Representatives from the city of Richfield said that a 52 block area within the city of Richfield is affected by the expansion and that it is critical that residents not bear the full burden. Sen. Dave Johnson (DFL-Bloomington) also testified before the panel and said that because the airport is an economic engine for the entire state, it is important for the state to come to the aid of Richfield residents affected by the new runway. Rep. Dan Larson (DFL-Bloomington) said that he was appearing before the panel in order to "make a plea for the conference committee to find a solution."

The other issue before the panel, the economic development duration limit, also sparked discussion. Both House and Senate versions of the bill address the issue, but the two versions do so in different ways. The House version repeals the 11 year duration limit for economic development districts and the 9 year limit measured from the date of receipt of the first increment. The House version sets the limit at eight years, but districts will still be entitled to receive nine years of increment, since the eight years is measured from the receipt of the first increment and the full increment in the last year is allowed to be received. The Senate version changes the duration limits that apply by eliminating the 11 year limit. The Senate version is also retroactive in that it applies to districts already in existence that had not reached their duration limit, or which had received tax increment after the duration limit had been reached under current law, but still within the limit that would have been set.

Three cities have been placed in difficult situations because of the ambiguity of current law, said Bob Long of Kennedy and Graven, representing the cities of Chanhassen, St. James and Cambridge. He said that the three cities, as well as several other interested parties, preferred the Senate version of the bill.

However, McElroy said that the Dept. of Revenue has determined that there

will be a \$670,000 fiscal impact from the provision. Long said, though, that he believed the department was using the wrong trigger to figure the fiscal impact.

No action was taken on either provision. McElroy said that the goal of the panel was to hear testimony and complete work on the tax increment provisions at a later time.

## Transportation conference

### House language discussed

The Transportation Conference Committee met Thurs., Apr. 6, to discuss House provisions in the omnibus transportation bill. Rep. Carol Molnau (R-Chaska) and Sen. Dean Johnson (DFL-Willmar) chaired the committee as members discussed a statewide multi-agency radio system, revolving loan funds for transportation and cooperative facilities, cancellation of light rail funding, and other House provisions.

"The current radio systems in place are 15 to 20 years old," said Minnesota Department of Transportation (Mn/DOT) representative Andy Terry about radio systems used by state safety departments. Terry spoke in favor of language in the House bill requiring the Departments of Administration, Transportation, and Public Safety to discuss the implementation of an interdepartmental 800 megahertz radio system. In support of the provision, Carver County Sheriff Bud Olson cited an event that took place just a few days prior to the committee meeting, in which four S.W.A.T. teams responding to a gunman in a community college could not use radios to communicate. Because the different radio systems were not compatible, Olson said, state and local teams used runners to let each other know of their location and when shots were fired. Members discussed the need for the provision, because no funds are allotted for either a report or the radio system.

The committee also discussed a proposed study on the congestion and safety effects of allowing trucks and vans to use high occupancy vehicle (HOV) lanes on interstates 35W and 394. Betsy Parker, of Mn/DOT, said that opening up the HOV lanes undermines Mn/DOT's carpooling message by forcing multi-passenger cars to be

placed within a higher concentration of large trucks. She also said that the geometrics of certain HOV entrance ramps may not allow trucks to pass through with ease.

Representatives of the Minnesota Trucking Association (MTA) and the AAA voiced opposing opinions on the study. Todd Iverson, of the Minnesota Trucking Association (MTA), said he supports the study, saying that most trucking accidents happen at starting and stopping points, such as entrance ramps. He told members that if the study concludes that allowing trucks in HOV lanes is unsafe or impedes traffic, the MTA will support current restrictions on the lanes. AAA representative Molly Segal raised concern over the proposed study, saying that if trucks are allowed to bypass ramp meters by using the HOV lanes, greater truck traffic during rush hours will be encouraged. "This raises safety concerns," Segal said. Matt Hotap, of the State Patrol, said that he also opposes the provision, and that the likely rate of HOV lane misuse warrants concern.

Parker spoke in favor of a House provision revising charter bus inspection requirements. Current provisions may require up to three inspections per year for the same bus, Parker said. She told members that the proposed language eliminates redundancies. Molnau said that the provision is also supported by the State Patrol, bus companies, and the Department of Public Safety.

Fred Corrigan, of the Minnesota Transportation Alliance, said concern over delayed projects is the reason he supports the major transportation projects commission found in the House bill. The commission, composed of the governor, three gubernatorial appointees, five Senate members, five House members, and the commissioner of transportation, recommends, with priority ratings, transportation projects.

Speaking against the development of a transportation project commission, Rep. Bernie Lieder (DFL-Crookston) said that a lack of available funds is the reason for delays in projects, not the lack of a commission. Sen. Carol Flynn (DFL-Mpls.) said that the 494 remodeling project alone would cost one third of the state's budget if completed in a year.

Members took up discussion of a

provision concerning legislative oversight on one time funds. The provision prohibits spending one time funds on HOV lanes and prohibits a reduction in the amount of state funds allocated to a project in the commissioner's statewide transportation improvement program. "We think the language is difficult to work with," said Ed Cahoon, of Mn/DOT. He cited the frequently changing mixture of federal and state dollars "occurring every day" in transportation projects. "This provision does not get the best value for the dollar," Cahoon said.

Carol Lovro, of the Association of Minnesota Counties, and Fred Corrigan, of the Minnesota Transportation Alliance, testified in support of transportation and intergovernmental cooperative facilities revolving loan funds. Funds of \$20 million for transportation and \$2.5 million for cooperative facilities will assist in a number of situations where assistance with community contributions for important projects are needed, Molnau said.

Members discussed provisions in the House bill that not only prohibit using unspent funds for light rail, but also include the relocation of public utilities associated with light rail transit (LRT) in the project's budget. Representatives of USWest and NSP, utility companies affected by the downtown LRT section, testified before the panel. NSP estimates costs associated with moving infrastructure to be \$18 and \$27 million. However, estimates from an independent consultant hired by the state for the same move are between \$8 and \$12 million.

"For decades the state of Minnesota has had public utility moves associated with transportation paid for by the utility company; why should we change that?" asked Flynn. Flynn said that LRT operation will generate \$1 million of revenue per year for NSP, in addition to revenue generated from development along the LRT line where underused grain elevators are currently located. Furthermore, Flynn said, the business community was one of the strongest supporters for the 5th street location for LRT, a location that will require moving certain utilities. Flynn stated that she had pursued using Nicolette Mall for the LRT line.

Some relocation reimbursement may

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be available because federal funds are used for LRT, said Dick Stehr, of Mn/DOT. Nonetheless, Flynn warned members that making an exception to relocation cost reimbursement on the project could "open gates to paying for every project." NSP makes an estimated 4,000 similar moves in Minnesota each year, said Flynn.

## Discussions continue

Transportation conference committee chair Rep. Carol Molnau (R-Chaska) offered an amendment to a provision previously passed by the committee that allows the commissioner of transportation to approve supplemental contracts. Derived from concerns raised by the Department of Transportation (Mn/DOT) and the Association of General Contractors, the amendment includes designees of the commissioner of transportation to give supplemental contract approval.

Sen. Carol Flynn (DFL-Mpls.) seized the opportunity to highlight that the amendment is required because road construction often involves changes to contract agreements. Similar provisions for contract changes do not exist for light rail transit (LRT) construction, she said. "I want all of us to understand," Flynn said, "that we are making the rules different for LRT."

The amendment was adopted on a unanimous voice vote. The committee, co-chaired by Sen. Dean Johnson (DFL-Willmar), took no further formal action on either the House or Senate transportation omnibus bills Tue., Apr. 11.

Panel discussion then centered on a House provision requiring a report on Metro Mobility, a door-to-door public transportation system for people with disabilities in the Minneapolis-St. Paul Metropolitan Area. The report must investigate increasing the availability of services to meet demands, integrating service into the regional transit master plan, integrating private taxi services, and changing the fare structure.

"I would say that we have underfunded Metro Mobility and transit in general," said Natalio Diaz, of the Metropolitan Council. Diaz said that the unfunded study will cost money, which will have to come from the Metro Mobility operating fund. Flynn asked that \$50,000 be appropriated for the provision, which would save 3,333 rides

from being eliminated to conduct the study. "Rather than address one of the fundamental transit problems, the House is going to study it," said Sen. Randy Kelly (DFL-St. Paul).

Molnau laid the provision over for further discussion.

Diaz said that the Metropolitan Council has no formal position on a House provision allowing the city of Minnetonka to use a replacement transit system. Under the provision, Minnetonka is eligible for the replacement service program, so long as it applies for assistance or exercises a local levy option before June 30, 2003.

Members then discussed a House provision to repeal the public safety motor vehicle fee. The small fee, collected when one registers a motor vehicle, funds fleet vehicles for the Department of Public Safety (DPS), such as police cruisers. Under the provision, vehicles would be funded through the Trunk Highway Fund. Molnau said that the provision was enacted to bring the DPS fleet up to date because vehicles were being used past the safe mark. Molnau said that the DPS now has a "glut of vehicles." Sen. Mark Ourada (R-Buffalo) said that using the Trunk Highway Fund to pay for DPS vehicles violates the Minnesota Constitution.

The committee addressed a House provision allowing motor vehicle registration to be suspended if paid for by a dishonored check to a deputy registrar. Under current law, deputy registrars paid with a bad check often cannot collect on insufficient funds, Molnau said. She said Sear's registration department lost \$30,000 last year alone because of this problem.

## Further policy discussion

Rep. Carol Molnau (R-Chaska) and Sen. Dean Johnson (DFL-Willmar) chaired the transportation conference committee Weds., Apr. 12. Members heard testimony on provisions in the bill relating to deputy registrars and commuter rail services.

The committee addressed provisions relating to camera equipment, bad checks, and increased filing fees for deputy registrars. Mike Ryan, of Driver and Vehicle Services, first discussed a Senate provision requiring the state to purchase photo identification equip-

ment for deputy registrars appointed as of January 1, 2000. The original fiscal note from the department, Ryan said, assumed a start date of July 1, 2000. He told members that because the provision is retroactive, the actual total will be \$11,000 more than anticipated. After the one time equipment purchase, Ryan said, deputy registrars must purchase their own equipment.

Bob Renner, of the Deputy Registrars' Association, testified on behalf of a House provision relating to deficient checks issued to deputy registrars. Under current law, deputy registrars paid with a bad check often cannot collect on insufficient funds, Renner said. Renner told the committee that, if issued a bad check, the state sends a letter informing the individual that the registration being suspended. The provision allows deputy registrars to suspend motor vehicle registrations until a dishonored check is paid in full.

Renner then explained the need for a Senate provision that increases the filing fee for motor vehicle registration forms by \$1. The current \$3.50 fee, which has been in effect since 1989, is insufficient for some deputy registrars, Renner said. Molnau said that in Carver County, registrar losses of \$50,000 for licences, \$66,000 for vehicle registration, and \$79,000 in miscellaneous services are being subsidized through property taxes. "Tax payers are paying for the deficiency in funds one way or another," Molnau said.

"Deputies are going to be a dying industry as more and more people use the internet," Renner said. He told members that simple procedures, such as license tab renewal, will soon be available via the internet, and registrars will be left with only complicated procedures that can take over one hour to complete.

"I don't know what the big deal is about raising the fee one dollar," Johnson said, "I don't get it; I'm baffled that we are discussing this." Molnau told the committee that the reason for the testimony on fee increases was to inform the public that they are already paying for vehicle registration deficiencies through property taxes.

Metropolitan Radio Board Executive Director Bill Dean testified on behalf of a supplemental appropriations request by the board. Dean told members that



the appropriation, included in the board's approved budget for 2000, covers lease costs, capital expenditures, and debt service. Molnau thanked Dean for his testimony, but told him that the appropriation has not been part of the transportation bill for years. Members referred Dean to the conference committee on the omnibus supplemental appropriations bill, chaired by Sen. Don Samuelson (DFL-Brainerd) and Rep. Kevin Goodno (R-Moorhead).

Members then discussed a House provision prohibiting funds not designated by law to be spent on planning, design, engineering, right-of-way acquisition, or construction of commuter rail facilities. Currently, \$110,000 is earmarked for development of commuter rail services. The provision also establishes an appeal board to address disapproval of commuter rail designs by a city government within 45 days of the design's announcement.

Rep. Mary Liz Holberg (R-Lakeville) told the committee that use of previously dormant rail lines may have unintended consequences. Lakeville City Administrator Robert Erickson said that the provision will give residents along the proposed rail line more confidence that their opinion on a balanced approach to transportation is valued.

## Wolf management conference

### Management plan debated

A Senate and House conference committee, co-chaired by Sen. Gary Laidig (R-Stillwater) and Rep. Tim Finseth (R-Angus), met Fri., Ap. 7, and reshaped the gray wolf management plan passed by the committee earlier in the week. The plan allows limited hunting and trapping of gray wolves after the species is "delisted" by the U.S. Fish and Wildlife Service (USFWS) and divides the state into two zones - a "forest zone" (Zone A) in Northern and Northeastern Minnesota and an "agricultural zone" (Zone B) comprising the remaining 5/8 of the state.

"It's a little unusual to do this after the conference committee adjourned with an agreement," said Sen. LeRoy Stumpf (DFL-Thief River Falls), who excused himself to attend a bonding conference committee meeting scheduled for the same time.

Laidig said it was necessary to be absolutely clear on three questions - "when, where and under what circumstances a wolf can be taken" under the plan - and to resolve any inconsistencies to ensure the plan garners 34 votes in the Senate.

Finseth said the plan would likely pass the House and that three members from the Senate and three members from the House would have to vote to "open" the plan to make any changes, something there wasn't support for on the House side.

The committee heard from a number of witnesses.

Deputy DNR Commissioner Steve Morse told the committee the plan is "very similar to the DNR's" and that the department "fully supports it."

However, Brian O'Neil, an attorney who's litigated wolf suits against the state and federal government for 25 years, said the plan is a lawsuit waiting to happen. For example, he said, one section of the plan, which allows a person in Zone B to shoot a gray wolf at any time to protect the person's livestock, domestic animals or pets, or may employ a certified predator controller to shoot or trap a gray wolf for the same purpose, ignores three major concerns it should address. The three concerns are clearly addressing the threats that led to the federal listing, conclusively demonstrating that the threat of legal and illegal taking of wolves has been sufficiently reduced so that the population does not fall to threatened levels in the foreseeable future, and providing strong protection for the species for the next five years.

"If I bring a lawsuit - and I probably will - you can bet this section of the plan will be the bull's eye," O'Neil said, noting that the plan essentially allows a landowner or group of landowners to "run their own season" on wolves by hiring certified predator controllers. This could lead to the "indiscriminate elimination" of wolves in Zone B, he said.

Rep. Mark Holsten (R-Stillwater) countered that the plan offers more protection than the federal gray wolf recovery plan so it won't result in the indiscriminate killing of wolves.

Mike LaFluer, of the Izaak Walton League, said "We believe the DNR can manage the wolf effectively - given the

right law." But he argued that the part of the plan relating to taking of wolves in Zone B provides too little tolerance of wildlife. Don Arnosti, of the Minnesota Audubon Society, agreed. Ginny Yingling, of the Sierra Club, suggested removing the section concerning the taking of wolves in Zone B from the bill because it provides "too much latitude and is too vague."

However, Tom Meyers, of the Minnesota Conservation Federation, said the section restricts wolf-taking to a person's property and argued it will not lead to indiscriminate killing of wolves. "Instances of the extreme exercise of the provision will be very rare," Myers said, adding that he intended to recommend the organization support the plan.

Janet McNally, a Hinckley-area sheep and lamb producer, argued that "livestock will become prey" when natural prey becomes scarce and argued against dividing the state into zones. "It doesn't make sense to treat farmers differently" between zones, she said.

After the testimony, Laidig moved to recess the committee until Monday, Ap. 10. However, Finseth said the recess couldn't be called because the gavel returned to the House at midnight and walked out, followed by Rep. Alice Hausman (DFL-St. Paul). Laidig recessed the committee and adjourned it immediately after reconvening, saying he intended to remove his name from the bill.

## Tuesday, April 11

### Safe haven bill repassed

The Tues., Apr. 11, floor session was devoted to consideration and repassage of several conference committee reports. One of the measures gaining repassage was S.F. 2615, the "safe haven" for newborns bill. The measure, sponsored by Sen. Leo Foley (DFL-Coon Rapids), prohibits prosecution of mothers who drop off healthy newborn babies at a hospital within 72 hours of birth. According to Foley, the bill is substantially similar to the Senate version. One difference, accepted by Senate conferees, is language allowing the hospital to ask the mother about her medical history. However, Foley said, the bill does not require that the mother respond. Foley also said the compromise version allows hospital staff to provide

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the mother or the person leaving the newborn with information about how to contact relevant social service agencies.

Foley acknowledged that one of the Senate conferees did not sign the conference committee report. Sen. Sheila Kiscaden (R-Rochester) said that she was not comfortable signing the report because she had questions about whether or not the bill will interfere with the Indian Child Welfare Act. Kiscaden said that she had received communications from individuals who work in the field that indicate the bill violates the act. However, Kiscaden said that both Senate and House counsel had indicated the measure is not a violation of the Indian Child Welfare Act.

Members adopted the conference committee report and repassed the bill on a 60-4 roll call vote.

In other action, three additional conference committee reports were adopted and repassed. S.F. 1202, authored by Sen. Allan Spear (DFL-Mpls.), establishes protocols for occupational exposure to bloodborne pathogens in certain settings. Spear said that the bill came from a workgroup comprised of employees of the Dept. of Health and the Dept. of Corrections concerned about exposure to bloodborne pathogens, particularly in correction facility settings. Spear said the bill is a compromise worked out to provide protections to the workers and, at the same time, respect the rights of people who might not want to be tested for the existence of the pathogens. "The bill attempts to achieve a balance between the rights of medical workers and the rights of those who might want to protect their privacy," Spear said. He said that the original Senate version included more due process protections for people who might be tested against their will. The original House version included workers at the security hospital at St. Peter and the secure mental health facility at Moose Lake, he said. Spear said that Senate conferees were concerned that the employees at St. Peter and Moose Lake were brought under the bill's coverage because it might appear they were corrections employees. "It is sensitive because we didn't want to imply that patients are corrections inmates and undermine the constitutional arguments for civil

commitment," Spear said. The conference report includes those employees, but makes clear they are employees of the Dept. of Human Services, Spear said. The conference committee report was adopted and the bill was repassed.

The conference committee report on the bill providing civil penalties for adults who provide alcoholic beverages to minors was also adopted and repassed. S.F. 1733, authored by Sen. Don Betzold (DFL-Fridley), imposes civil third-party liability for damages caused by intoxication of persons under age 21. Betzold said the compromise version makes clear that the measure applies only for someone in control of the premises where the alcohol is given or sold to the underage person. In addition, a provision specifies that there is no homeowners insurance coverage unless there is specific coverage or a rider on the policy.

The final conference report, on S.F. 3272, eases some of the bleacher safety requirements enacted last year. The bill, sponsored by Sen. Deanna Wiener (DFL-Eagan), specifies that bleachers or bleacher open spaces over 55 inches above grade or the floor below and all bleacher guardrails if any part of the guardrail is over 30 inches above grade or the floor below must conform to the safety requirements. In addition, the measure exempts retractable bleachers already in place as of Jan. 1, 2001, with open spaces not exceeding nine inches.

Both conference committee reports were adopted and repassed.

Members also granted final passage to a bill on Special Orders. H.F. 3901, authored by Sen. Arlene Lesewski (R-Marshall), authorizes the Housing Finance Agency to enter into interest rate exchange agreements and authorizes the agency to make grants or loans under the community rehabilitation fund account to for-profit organizations. In addition, one bill was granted concurrence and repassage. S.F. 1618, authored by Sen. Sam Solon (DFL-Duluth), modifies judicial remedies pertaining to brewers and wholesalers.

## Wednesday, April 12

### Alternative care passed

The Senate met for a short floor session Weds., Apr. 12, to process conference committee reports and

messages from the House. In addition, one bill was passed on Special Orders.

The Special Order bill, H.F. 3839, sponsored by Sen. Sheila Kiscaden (R-Rochester), contains technical changes of certification and licensure provisions for speech-language pathologists and technical continuing education provisions for other health related practices. Most of the discussion of the bill centered on an amendment, offered by Sen. Twyla Ring (DFL-North Branch), relating to alternative and complimentary health care practices. Ring said the amendment, containing the same language as previously passed by the Senate in S.F. 689, provides consumer protection in the practices of alternative and complimentary health care, and includes provisions for informed consent, state supervision of the practices and legal remedies.

Sen. Warren Limmer (R-Maple Grove) raised concerns about the measure. He said the Senate had recently passed legislation extending the medical malpractice statute of limitation from two to four years, and asked if the amendment contained a similarly long limit. Ring said that the practices covered under the amendment do not fall within the scope of practice of any of the health related boards so medical malpractice provisions do not apply. Kiscaden added that because the practitioners are unlicensed, they are not subject to medical malpractice actions. However, she said, a unit within the Dept. of Health is authorized to investigate complaints, deal with cases of fraud and provide legal remedies to consumers. Kiscaden said that the amendment recognizes existing alternative and complimentary health care practices. She said that previously practitioners were concerned that they could be enjoined from practice by the Board of Medical Practice or the Attorney General. Under the amendment, Kiscaden said, a government entity can receive complaints and take action against the bad practitioners. The Board of Medical Practice no longer has a problem with the measure, she said. In addition, Kiscaden said, the development of the bill illustrates the strength of a bicameral Legislature. She said the other body adopted language allowing the specified practices, but the Senate insisted on including consumer

protection provisions in the measure. The amendment was adopted on a voice vote.

The Senate also adopted other amendments to the bill. They included amendments relating to the licensure of drug and alcohol treatment counselors, offered by Sen. Dave Kleis (R-St. Cloud); extending the application deadline for licensure as a drug and alcohol treatment counselor, offered by Sen. Don Samuelson (DFL-Brainerd); administrative provisions for the Dept. of Health to simplify procedures and make benefit forms uniform, offered by Sen. Dallas Sams (DFL-Staples); and making technical changes to provisions relating to continuing education sponsors, offered by Kiscaden. The bill was given final passage on a 61-3 roll call vote.

One other bill, S.F. 2484, sponsored by Sen. Dick Day (R-Owatonna), generated some discussion. The bill requires motorists to drive in the right lane of a freeway unless passing another vehicle. Day moved that the Senate adopt the conference committee report and repass the bill. In explaining the differences between the report and the bill that originally passed the Senate, he said it now contains a provision requiring signs to be erected every 50 miles on the interstates telling drivers to move to the right, and that a provision relating to school zone speed limits was taken out. Sen. Jane Krentz (DFL-May Township), who had offered the school zone speed limit amendment, said she didn't want Day's bill held hostage because of the issue.

Criticism of the measure was voiced by Sen. Carol Flynn (DFL-Mpls.). She said an amendment offered in committee by Sen. Claire Robling (R-Prior Lake), exempting drivers going the speed limit, was voted down. Flynn criticized implementation of the provision in the Metro Area where she said drivers need to stay out of the right lane to make room for drivers entering the interstates from entrance ramps.

Sen. John Marty (DFL-Roseville) was also critical of the bill. He said that if someone is speeding in the left lane, and another vehicle comes up from behind going even faster, the driver in the lead vehicle could be cited for both speeding and going too slow. He suggested that the posted signs should say "Don't tailgate." Sen. Linda Scheid (DFL-

Brooklyn Park) also spoke against the measure. She said it gives license to people who want to speed and let's them think they can bully people going the speed limit out of the way. "It will create more road rage," she said. However, the conference committee report was adopted and the bill repassed on a 51-15 roll call vote.

Other conference committee reports acted on include S.F. 2683, sponsored by Samuelson, exempting hunters with disabilities from the bow casing requirement; S.F. 2870, sponsored by Sen. James Metzen (DFL-South St. Paul), the omnibus banking bill; and S.F. 2023, sponsored by Kleis, the Dept. of Public Safety housekeeping bill. All three bills were repassed 67-0.

The Senate concurred with an amendment made by the House to S.F. 1699, authored by Sen. Leonard Price (DFL-Woodbury). Price said the bill is designed to let people use electronic payment methods for transactions with the government. He said the House amendment specifies that transaction fees charged must be equal to the fee incurred by the government agency and notice of the service charge must be given before the transaction occurs. In addition, Price said, the House amendment classifies transaction data. The bill was repassed on a 66-0 roll call vote.

The Senate also concurred with a House amendment made to S.F. 3091, the sales and use tax recodification and technical bill, carried by Sen. Steve Murphy (DFL-Red Wing). He said the House made a technical amendment to the bill. The bill was repassed on a 64-0 roll call vote.

## Thursday, April 13

### Vehicle weight exception passed

In addition to dealing with the conference committee report on the wolf management bill, members also considered several other bills at the Thurs., Apr. 13, floor session.

One measure that sparked debate, the conference committee report on S.F. 2785, makes an exception to vehicle weight restrictions for utility owned vehicles. Chief author, Sen. Steve Murphy (DFL-Red Wing), said the measure was essentially the same as the

bill that left the Senate except that an additional exemption, for recycling vehicles, was added to the bill. Sen. Carol Flynn (DFL-Mpls.) and Sen. Mark Ourada (R-Buffalo) both spoke against the inclusion of another exemption from weight restrictions. Ourada said that with the inclusion of recycling vehicles, the door was opened for other types of vehicles to also be exempted from the limits. Murphy countered that because the state has mandated recycling the weight limitations could force companies to either make twice as many trips or buy new vehicles. The report was adopted and the measure repassed.

Members also approved the conference committee reports on S.F. 2946, limiting the sale of gasoline with the oxygenate MTB, and S.F. 2456, relating to a ditch in Wright County. The chief author, Sen. Jim Vickerman (DFL-Tracy), said that S.F. 2946 is essentially the Senate bill except that the Senate limited the percentage to one half of one percent and the compromise version limits the percentage to one third of one percent. S.F. 2456, sponsored by Ourada, conveys ditch authority from Wright County to the cities of Albertville and St. Michael. Members also repassed two conference committee reports authored by Sen. John Hottinger (DFL-Mankato). S.F. 2671 requires the development of specific legislative recommendations on transferring public guardianship responsibilities from the Dept. of Human Services and counties to another entity which can fulfill the guardianship and related obligations.

Members also granted final passage to three bills on Special Orders. S.F. 2415, authored by Sen. Bob Lessard (DFL-Int'l. Falls), originally provided for the creation of the Koochiching County Economic Development Commission. However, Vickerman successfully offered an amendment providing for economic development authorities in all non-Metro counties. H.F. 3497, authored by Sen. Ember Junge (DFL-New Hope), regulates the recovery of costs and attorney fees from the state of Minnesota by individuals or businesses who sue the state. H.F. 2830, authored by Sen. Randy Kelly (DFL-St. Paul), enhances the penalties for pimps of juvenile prostitutes and requires a study on training peace officers to combat juvenile prostitution.



# Chapters

Chap.	House File	Senate File	House Author	Senate Author	Description	Date Signed	Effective Date
335	3327	2676*	Broecker	Wiger	Makes permanent the authority of cities or towns to petition for a rule amendment or repeal and expands the authority to sanitary districts.	4/6/00	8/1/00
336	3571	2828*	Osskopp	Wiger	Regulates and prohibits certain gambling activities.	4/6/00	4/7/00
337	2559	2546*	Howes	Stevens	Authorizes recovery of sunken logs.	4/6/00	6/1/00
338	3342	3025*	Mariani	Pappas	Requires foster care providers to be competent in operating medical equipment.	4/6/00	8/1/00
339	3134*	2857	Ozment	Lessard	Requires DNR permission for Metro Mosquito Control District treatment of mosquitoes on Metro DNR lands.	4/6/00	4/7/00
340	3122*	2901	Abeler	Berglin	Modifies Dept. of Human Services health care programs.	4/6/00	various
341	3510*	3378	Holsten	Lessard	Extends special deer hunting authority to Kittson, Lake of the Woods, Marshall, Pennington and Roseau Counties.	4/6/00	4/7/00
342	2656*	3441	Wolf	Sams	Regulates repair or replacement of auto glass.	4/6/00	various
343	3806	3554*	Wolf	Scheevel	Modifies re-employment insurance coverage provisions for nonprofit organizations.	4/6/00	4/7/00
344	465	624*	Ozment	Murphy	Establishes the firefighter training and education board.	4/6/00	8/1/00
345	2803*	3119*	Smith	Cohen	Authorizes court reporters right to organize under PELRA.	4/10/00	8/1/00
346	2969	2803*	Tuma	Hottinger	Requires certified public accountants certifications or licensing education, examination and experience requirements modifications; accounting practitioners voluntary registration.	4/10/00	8/1/00
347	2477	2499*	Mulder	Sams	Clarifies medical assistance coverage requirements modifications; accounting practitioners voluntary registration.	4/10/00	8/1/00
348	2761	3379*	Rostberg	Ring	Authorizes Isanti county tax-forfeited land sales.	4/10/00	4/11/00
349	2643	2767*	Luther	Samuelson	Requires health plan companies and third party administrators clean health care services claims prompt payment or denial requirement.	4/10/00	1/1/01
350	2974	3203*	Davidson	Oliver	Conforms insurance uniform accounting principles codification.	4/10/00	4/11/00
351	2639	2397*	Ozment	Higgins	Establishes employees blood-borne pathogens exposure reduction procedures.	4/10/00	6/9/00
352	3584	3354*	Lindner	Novak	Clarifies manufactured homes limited dealers requirements.	4/10/00	4/11/00
353	3052	2850*	Solberg	Lessard	Extends Itasca county medical assistance prepayment demonstration project participation eligibility.	4/10/00	8/1/00
354	2752	3455*	Stanek	Johnson, D.H.	Modifies stolen or fraudulent checks provisions.	4/10/00	8/1/00

Chap.	House File	Senate File	House Author	Senate Author	Description	Date Signed	Effective Date
355	3347	2989*	Olson	Runbeck	Establishes subject matter competencies for judges.	4/10/00	12/31/00
356	3795	3478*	Kuisle	Kiscaden	Modifies Rochester firefighters probationary period.	4/10/00	4/11/00
357	3119	2725*	Bishop	Spear	Limits public defenders and court appointed counsel minors juvenile court representation restriction.	4/10/00	8/1/00
358	1267	1126*	Pawlenty	Betzold	Clarifies civil actions economic loss doctrine clarification.	4/11/00	8/1/00
359	3457	2858*	Holberg	Spear	Requires civilly committed sexual psychopaths or sexually dangerous persons to transfer to the Dept. of Corrections.	4/11/00	4/12/00
360	3202	2789*	Wilkin	Belanger	Authorizes county coroner or medical examiner compensation for professional or medical provider services.	4/11/00	8/1/00
361	947	1038*	Howes	Solon	Establishes occupational therapists and therapy assistants licensure and regulation.	4/11/00	4/12/00
362	3208	2723*	Dawkins	Betzold	Makes trust and probate provisions modifications.	4/11/00	8/1/00
363	3626	3428	Mulder	Kelly, S.P.	Modifies psychologists supervisory and disciplinary requirements modifications.	4/11/00	8/1/00
364	3537	3198*	Bradley	Berglin	Establishes nursing home supervisory and disciplinary requirements modifications.	4/11/00	4/12/00
365	3952	3533*	Ozment	Kelly, R.C	Provides payment of claims against the state.	4/11/00	4/12/00

# Floor action

## Bills granted concurrence and repassage Monday, April 10

S.F. 3387-Samuelson: Requires information be giving 24 hours prior to an abortion. 37-30

S.F. 1231-Hottinger: Modifies provisions relating to optometrist licensing. 67-0

## Conference committee reports adopted and repassed Monday, April 10

H.F. 3633-Terwilliger: Designates the third week of October as Mighty 8th Air Force Week. 61-0

## Bills granted concurrence and repassage Tuesday, April 11

S.F. 1618-Solon: Modifies judicial remedies pertaining to brewers and wholesalers. 57-7

## Conference committee reports adopted and repassed Tuesday, April 11

S.F. 1733-Betzold: Imposes civil third-party liability for damages caused by intoxication of persons under age 21. 65-0

S.F. 1202-Spear: Establishes protocol for occupational exposure to bloodborne pathogens in certain settings. 63-0

S.F. 2615-Foley: "Safe haven" for newborns. Provides that a person who leaves an unharmed newborn child at a hospital may not be prosecuted. 60-4

S.F. 3272-Wiener: Modifies requirements of bleacher safety. 64-0

# Floor action

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## **Bills granted final passage on Special Orders Tuesday, April 11**

**H.F. 3901-Lesewski:** Authorizes the Housing Finance Agency to enter into interest rate exchange agreements and authorizes the agency to make grants or loans under the community rehabilitation fund account to for-profit organizations. 63-0

## **Bills granted concurrence and repassage Wednesday, April 12**

**S.F. 3091-Murphy:** Recodifies the sales and use tax laws and makes style, form and clarifying changes. 64-0

**S.F. 1699-Price:** Authorizes a state agency to accept credit cards, charge cards, debit cards, or other method of electronic funds transfer for payment in government services transactions, including electronic transactions. 66-0

## **Conference committee reports adopted and repassed Wednesday, April 12**

**S.F. 2683-Samuelson:** Exempts archery bows used for bow fishing from casing requirement and authorizes disability permits for taking rough fish and hunting small game with a crossbow. 67-0

**S.F. 2870-Metzen:** Modifies provisions relating to financial institutions and mortgage originators and servicers. 67-0

**S.F. 3023-Kleis:** Modifies motor vehicle registration and titling provisions, adopts federal traffic regulations standards, and removes the fee limit for commercial vehicles inspections. 67-0

**S.F. 2484-Day:** Requires vehicles to be driven in the right-hand lane unless overtaking slower vehicles. 51-15

## **Bills granted final passage on Special Orders Wednesday, April 12**

**H.F. 3839-Kiscaden:** Modifies provisions for speech-language pathologists, audiologists, unlicensed mental health practitioners, alcohol and drug counselors and hearing instrument dispensers regulation. 61-3

## **Conference committee reports adopted and repassed Thursday, April 13**

**S.F. 2946-Vickerman:** Limits sale of gasoline blended with the oxygenate. 59-0

**S.F. 2456-Ourada:** Authorizes Wright County to convey certain county ditches. 61-0

**S.F. 2785-Murphy:** Exempts utility owned vehicles from certain weight restrictions. 58-3

**H.F. 2671-Hottinger:** Requires the development of recommendations on transferring public guardianship responsibilities the department of human services and counties to another entity which can fulfill the guardianship and related obligations. 62-0

**H.F. 2563-Hottinger:** Modifies mechanics' lien penalties and creates a civil cause of action. 63-0

## **Bills granted final passage on Special Orders Thursday, April 13**

**H.F. 3497-Junge:** Regulates the recovery of costs and attorney fees from the state, conforms certain provisions of state law to analogous federal law, clarifies existing law and establishes specific procedures for application of fees. 61-0

**H.F. 2591-Lessard:** Allows counties outside the Metro Area to have economic development authorities. 61-0

**H.F. 2830-Kelly, R.C.:** Enhances the penalties for pimps of juvenile prostitutes, requires a study by the commissioner of public safety and the executive director of the POST Board on training peace officers to combat juvenile prostitution. 62-0

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# *Senate Briefly*

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*A view of the Quadriga, the sculpture above the front steps of the Capitol.  
Photo by David J. Oakes*



*April 21 and April 28, 2000*

# Senate Highlights

## Pesticide notice examined

Members looked at Senate provisions which require notification of pesticide applications at schools at the Wed., Apr. 26, omnibus education conference committee hearing. The meeting was chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Alice Seagren (R-Bloomington).

Under S.F. 3801, during the first two weeks of the school year, schools must provide notification of the estimated schedule of pesticide application. The notice must be placed in the school handbook or newsletter. A parent or student may also request notification of each individual pesticide application from the school. Additionally, the Department of Children, Families and Learning must maintain a list of pesticides that are classified as toxicity I, II or III pesticide products or as restricted use pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act. The list must be available on the CFL web site or as a prominent link to another state agency's web site.

Jessica Roe, daughter of late Sen. Janet Johnson, testified in support of the notification requirement. She said this is a bill her mother felt very strongly about. "The day before she went into a

coma she asked me to make sure the pesticide bill gets passed," Roe said. Roe said the bill was defeated last year but she's not sure why it's been so difficult to get the bill passed. "There isn't one parent who I've talked to who says I don't want to know," she said.

Also testifying was John Curry, legislative director of the Minnesota Center for Environmental Advocacy. He said 30 other states have adopted similar legislation including Wisconsin and Iowa. Curry said pesticide applications are of special concern to children with asthma or allergies. He went to say there is scientific evidence of a link between pesticides and health problems. Rep. Barb Sykora (R-Excelsior) asked about the link between pesticides and asthma. Curry said studies have shown pesticides aggravate asthma. Rep. Gene Pelowski (DFL-Winona) asked what the cost will be to school districts to provide the notification. Bob Meeks, representing the School Board Association, said it's almost impossible to determine the cost at this point. Pelowski asked if schools keep pesticide application records now. Meeks said yes, it's public information. He said the association is neutral on the issue but has some concerns about the language.

"We want to make sure this language doesn't imply any special rights for students," he said. Sykora said if a school doesn't adhere to the application schedule there may be a liability issue. Seagren pointed out language in the bill that she thought presented a liability problem. The language in question specifies that the notice must state that long-term health effects on children from the application of such pesticides may not be fully understood. Sen. Martha Robertson (R-Minnetonka) said the language should have the opposite result because parents will have notification of a possible health risk. Sen. David Knutson (R-Burnsville) said a notice isn't going to create or eliminate liability. Seagren said the clause seems unnecessary. Sykora said one positive benefit of the notification may be that it will prevent schools from spraying unnecessarily. Pogemiller said, "I think the notice will protect districts. It seems like common sense to let parents know." "We'll work on the language," he said.

Conferees spent time discussing and adopting numerous sections from both bills. Included in that were provisions from the Senate bill that a district may refuse to allow a pupil who is expelled to enroll during the term of the expulsion. According to the bill, the student must have been expelled for possessing a dangerous weapon, possessing or using an illegal drug at school or a school function, selling or soliciting the sale of a controlled substance while at school or a school function or committing a third-degree assault. From the House bill, H.F. 3800, language that a peace officer or probation officer may transport a child from the child's home to the child's school of enrollment or to a truancy service center was adopted. Several similar, technical and department-recommended sections were also adopted.

Conferees went over the studies and reports contained in the House and Senate bills. The House bill has 12 new reports and studies, the Senate bill has nine. After going through the background and purpose of each report and study, Pogemiller said he would like to see some reports and studies removed if possible.

Lastly, charter school building lease aid was briefly discussed. The House

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# Chapters

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bill specifies that the amount of building lease aid per pupil unit served must not exceed the lessor of 90 percent of the approved lease cost or the product of the pupil units served for the current school year multiplied by \$1500. The Senate bill specifies that the amount of building lease aid per pupil unit served equals the lessor of 90 percent of the approved cost or the product of the pupil units served for the current school year multiplied by \$750. The Senate bill allows an exception for FY 2000 and FY 2001 only for a charter school with a lease signed before Mar. 15, 2000. In that case, the amount of building lease aid equals the lessor of 90 percent of the approved cost in the current year for leases signed before Mar. 15, 2000 or the product of the pupil units served for the current year multiplied by \$1500. Seagren said the House followed the forecast. Pogemiller said the charter schools are wrong to assume the money belongs to them. "This looks like a sticking point," he said.

## Harassment change bill passed

The Thurs., Apr. 27, floor session focused on the adoption and repassage of several conference committee reports, concurrence and repassage of two bills and the final passage of a bill on Special Orders.

The bill on Special Orders, H.F. 2516, authored by Sen. Randy Kelly (DFL-St. Paul), changes the definition of harassment and makes changes to the petition and filing fees provisions relating to harassment. Kelly said the bill is "designed to tighten the requirements for harassment restraining orders because the steady increase in the number of cases in the last few years has required significant court time and resources. He said the number of harassment restraining orders was zero in 1990 but rose to over 9,000 in 1999. In addition, Kelly said, "Unfortunately, there has also been a lot of frivolous claims that also require substantial court resources." Kelly said the bill adds the word "substantial" to the definition that specifies a showing of adverse effects from the harassment behavior and eliminates the statutory waiver of the filing fee. Under the bill, the fee for a restraining order is \$50.

Sen. Ember Junge (DFL-New Hope) said that even a \$50 filing fee will have

a chilling effect on victims who need to bring a petition to the court. Kelly responded that the fee was a compromise and is less than the current fee of over \$100. In addition, Kelly said the bill does allow the fee to be waived for persons filing in forma pauperis.

Sen. Sheila Kiscaden (R-Rochester) questioned whether the addition of "substantial" to the definition might not bring forth a whole new array of cases. She said that the definition is "very abstract" and that may result in a lot more cases, which is in conflict with the intention of reducing the burden on the courts. Kelly responded that the word "substantial" has a clear definition in the courts and that the language provides a higher threshold for the courts to use.

Sen. Thomas Neuville (R-Northfield) also questioned the definition. Neuville contended that the definition should include "intent." However, Kelly and Junge countered that in harassment cases, the important element is the effect of the actions on the victim.

The bill was given final passage on a 52-12 roll call vote.

Members also granted concurrence and repassage to two measures. S.F. 3386, sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls), creates a separate subdivision for the salary procedure for the chancellor of the MnSCU system. Stumpf said the amendments made by the other body were the removal of a study on the use of foundation funds for compensation and the addition of affirmative action progress as a factor in the evaluation of a chancellor's or president's performance. The bill is designed to address the need for competitive salaries and to try and attract top notch people, Stumpf said. S.F. 2570, authored by Sen. Jerry Janezich (DFL-Chisholm) increases the authorized number for a position in the St. Louis County unclassified service. Both bills were repassed.

Members also adopted several conference committee reports and repassed the measures. S.F. 1870, authored by Sen. John Hottinger (DFL-Mankato), regulates motor vehicle fuel franchises and marketing agreements. S.F. 2521, sponsored by Sen. Jim Vickerman (DFL-Tracy), establishes standards for the creation of corporations by political subdivisions. S.F.

2845, authored by Sen. David Knutson (R-Burnsville), increases criminal penalties and driver license sanctions for underage persons who use false identification to purchase or attempt to purchase alcoholic beverages or tobacco. S.F. 3036, carried by Sen. Dave Johnson (DFL-Bloomington), contains provisions relating to Dept. of Natural Resources conservation officers' enforcement authority.

Finally, the Senate also acted to confirm several gubernatorial appointments. The appointments of James Molenaar and Leslie Anderson to the Minnesota Rural Finance Authority were approved. In addition, members approved the appointments of Sharon Baker, Todd Searles and Darrell Zehrer to the Board of Animal Health; Kirsten Giese, Penelope Haru Snipper and Benjamin Vander Kooi, Jr. to the Board of the Arts; George Ross and Wayne Sletten to the Minnesota Veterans Homes Board of Directors; Dennis Flaherty, Howard Register and Irving Olsen to the Gambling Control Board; Thomas Brownell, Barbara Halper, Camille McArdle and Arnold Palmer to the Minnesota Racing Commission; David Huisenga, Steven Nesseth, John Prondzinski and Dr. Michael Wilcox to the Emergency Services Regulatory Board; and Donald Roggenbauer to the Campaign Finance and Public Disclosure Board. Several appointments to the Metropolitan Council were also approved. John Conzemius, Caren Dewar, Natalie Haas Steffen, Marc Hugunin, Carol Kummer, James Nelson, Todd Paulson, Fred Perez, Matthew Ramadan, Phillip Riveness, Carolyn Rodriguez, Julius Smith, Mary Smith, Sandra Spigner, Roger Williams and Lee Pao Xiong were all confirmed in their appointments.

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# Committee update

## Children, Families and Learning

### High standards bill okayed

On Thurs., Apr. 13, the Children, Families and Learning Committee adopted a motion to replace language in H.F. 2190 with an amendment on high standards. Sen. Pat Piper (DFL-Austin), Sen. Lawrence Pogemiller (DFL-Mpls.) and Sen. Leroy Stumpf (DFL-Thief River Falls) chaired the meeting.

Pogemiller said the amendment is the ninth Senate offer to House conferees. He said Senate conferees will continue to work through the conference committee process but taking the bill up on the Senate floor is also an option. Pogemiller said Senate leadership wants to be in a position to get a final agreement on high standards. "I don't think any of us want to go home without a bill this year," said Sen. Martha Robertson (R-Minnetonka).

Pogemiller went through the main points of the bill for committee members. The bill gives districts and charter schools the option of implementing the Profile of Learning or the North Star Standard. Included in the bill is accountability language assuring that standards can be compared between the Profile and the North Star Standard. Robertson said comparability of grading is critical. She said comparability is the crux of having statewide standards. Under the bill, districts will vote to choose the Profile or the North Star Standard. If the Profile is chosen, the number of required content standards is determined by a majority vote of the licensed teachers and administrators at each site and by a majority vote of the school board. In the case of charter schools, approval of the sponsor is required as well as a majority vote of the licensed teachers and administrators at the school. "You don't solve the fundamental problem unless you empower teachers at each site," said Pogemiller. Becky Lourey (DFL-Kerrick) asked about transfer situations. Pogemiller said districts can do waivers and that the bill also has provisions which assure compatibility of records.

Pogemiller said the Senate has basically taken the House's position on the North Star Standard. "We have given them what they want on the North

Star Standard," he said. Sen. Jerry Janeczko (DFL-Chisholm) expressed frustration at including the North Star Standard in the bill. "I think it's a mistake," he said. "I think it's a worse mistake to do nothing," said Sen. Jane Krentz (DFL-May Township). "I think most districts will choose the Profile," she added. The bill was approved and sent to the full Senate.

### Appointments approved

Members of the Children, Families and Learning Committee, chaired by Sen. Pat Piper (DFL-Austin), Sen. Lawrence Pogemiller (DFL-Mpls.) and Sen. Leroy Stumpf (DFL-Thief River Falls), met Wed., Apr. 19, to consider several appointments made by the governor to various positions.

Appointments to the Minnesota Higher Education Facilities Authority were considered first. Gary Benson and Kathryn Balstad Brewer spoke before the committee. Brewer said it's her third appointment so she has an understanding of the needs and mission of the authority. According to information provided at the hearing, the authority's mission is to assist eligible institutions of higher education in the State of Minnesota in financing their capital needs in an efficient and cost-effective manner. Prompted by a question from Sen. Leo Foley (DFL-Coon Rapids), Brewer provided further information about the board to members.

Benson said he has been in the construction industry for 26 years. He added that he has expertise in the construction of school buildings. He said he is the newest member on the board and has attended four meetings so far. Benson said he is impressed with the amount of information provided for consideration of funding requests. Stumpf said it's valuable to have a person with Benson's background on the board of the authority.

Considered for appointment to the Board of Trustees of the Minnesota State Colleges and Universities (MnSCU) were Joann Splonskowski, Brent Calhoun and Jim Luoma. Splonskowski is currently a student at Northwest Technical College-Detroit Lakes. She said she feels the student representatives on the board are treated well. Splonskowski said she will reapply when her term is up.

Calhoun is a student at St. Cloud University pursuing a degree in speech communication and political science. Sen. Arlene Lesewski (R-Marshall) said she is pleased that students are a part of the MnSCU Board. Pogemiller said he is bothered by the fact that neither Calhoun or Splonskowski indicated a political affiliation on their application.

Louma spent 27 years in education as an administrator and superintendent and is recently retired. "I want to give something back by serving on the board," he said. All the appointments were approved by the committee.

## Election Laws

### Appointee approved

A confirmation hearing for the governor's appointee to the Campaign Finance and Public Disclosure Board was held by members of the Election Laws Committee Tues., Apr. 25. The meeting was chaired by Sen. John Marty (DFL-Roseville).

Sidney Pauly, currently serving as chair of the Campaign Finance and Public Disclosure Board, spoke on behalf of Donald Roggenbauer who was ill and unable to attend the hearing. She said Roggenbauer has been serving as an active member since last year. "He's doing a good job," Pauly said. After brief consideration by members, his appointment was approved.

## Health and Family Services Budget Division

### Uncompensated health care

Members of the Health and Family Security Budget Division met Wed., Apr. 26, to hear testimony on the federal government's decision to place refugees who are Human Immunodeficiency Virus (HIV) positive in Minnesota without providing compensation for medical costs. Representatives from health care providers, Minnesota counties, and not-for-profit organizations addressed the committee, chaired by Sen. Don Samuelson (DFL-Brainerd).

Hennepin County Commissioner Randy Johnson said that a recent change in federal policy by the Immigration and Naturalization Service (INS) eliminated the need for the federal government to document that immigrants will not

place a financial burden on local or state governments without the prior consent of those governments. Refugees usually have large families and low incomes, he said, requiring many forms of government assistance. Jeri Nelsen, of Lutheran Social Services, said that 20 families, of whom at least one member is HIV positive, will be settling in Minnesota. Care for HIV positive individuals can have a yearly cost of \$15,000, Johnson said, and much more for those with Acquired Immune Deficiency Syndrome (AIDS).

"I am not against immigration," said Johnson before recounting his family's immigrant history. He stated that he is, however, troubled by federal policies that will push the Hennepin County Medical Center (HCMC) "to the financial breaking point." Johnson told members that under the Emergency Medical Treatment and Active Labor Act, HCMC must provide appropriate medical services to individuals, regardless of ability to pay. Medicaid payments cover only about 58 percent of costs for outpatient care, he said. In addition, said Johnson, over \$2.4 million was spent in 1999 to provide interpretive services for recent immigrants.

Refugee health assessments, consisting of three visits, were provided for 2,629 arrivals to Hennepin County in 1999, Johnson said. He told members that of those tested, 48.2 percent had tuberculosis (TB), 35.3 percent had intestinal parasites, 18.8 percent had anemia, and 7.1 percent had hepatitis B.

HCMC saw uncompensated care rise from \$22 million in 1996 to over \$34 million in 1999, leaving the facility with a net income of negative \$10 million, Johnson said. He told members that the federal Balanced Budget Act reduced HCMC's Medicare reimbursements by \$7 million in 1999, and the reduction is expected to reach more than \$8 million by 2001, totaling nearly \$40 million between 1997-2002. Many people do not realize that these extra costs are shoved onto property taxes, said Sen. Becky Lourey (DFL-Kerrick).

Mike Podulke, of Olmsted county, said that Olmsted County faces similar problems. In 1999, Podulke said, 275 primary refugees, and many more secondary refugees, arrived in Olmsted County. He said that the number of refugees in 1999 was an 87 percent

increase over the previous year. During that same year, Podulke said, 89 percent of Olmsted County's 19 active TB cases were foreign-born. All of this new activity, he said, has pulled nursing, management, and interpreter resources from other public health programs.

Podulke stated that refugees often avoid or cut short treatment for TB because of cultural aversions to being identified as a person with TB. Every time a treatment is stopped, he said, medications have to be switched because the disease builds up an immunity to the medication. "We have only three of four medication options before the disease develops drug resistant strains that come back with a vengeance," Podulke said.

Members from both sides of the aisle stated that government budget surpluses, both federal and state, come at the expense of funding needed programs. "Policing our borders and determining immigration policy are clearly and exclusively federal responsibilities," Johnson said. "Paying for the results of those policies also must be a federal responsibility and not passed on to a handful of local governments."

## Judiciary Committee

### Appointments approved

The Judiciary Committee, chaired by Sen. Jane Ranum (DFL-Mpls.), met Tues., Apr. 25, to consider the confirmations of four appointments to the Board on Judicial Standards. Of the four, two, Roselyn Nordaune and Tracey Martin, were newly appointed and two, Paul Gam and Susanne White, were reappointed. The appointees submitted written answers to questions concerning qualifications and experiences that might contribute to upholding the traditional function of the board. They were also questioned regarding anticipated achievements and reasons for desiring to serve on the board.

Sen. David Knutson (R-Burnsville) moved to approve Paul Gam, who has served on the Board of Judicial Standards since 1998. Knutson said Gam was well-qualified and had served admirably. Sen. Don Betzold (DFL-Fridley) then made the motion to approve Nordaune, Martin and White. The committee voted unanimously to approve all four nominees.

## Bonding conference

### Testimony considered

The bonding bill conference committee, chaired by Sen. Linda Berglin (DFL-Mpls.) and Rep. Jim Knoblach (R-St. Cloud), met Thurs., Apr. 13, to hear testimony and review language in the Senate and House bills. The meeting opened with testimony from Sen. Sandra Pappas (DFL-St. Paul) concerning a bonding request for the Capital City Connections Project. Pappas said the project involves acquiring and improving public lands on the St. Paul waterfront to complete missing links of the regional trail and park system. The bonding request totaled \$9.397 million to be matched by \$10.1 million in federal, local and private funds--and the leverage of \$70 million in adjacent private development.

Pappas said that in order to connect the Willard Munger Trail gateway through Swede Hollow to the Capital City core and Mississippi River, 27 acres of abandoned rail yards must be purchased. Pappas underscored the importance of quick action in purchasing the land since industrial interests are also considering purchase of the site. The plan includes the creation of an Upper Landing Park to connect the Science Museum of Minnesota, the National Park Service's Mississippi National Center, the RiverCentre convention complex and the central business district to the river and trail system. Additionally, the project includes the development of three acres of public space on Raspberry Island as a commons for public recreation and for staging small performances.

Berglin said projects like the one under consideration usually go to the Metro Council. Pappas said the immediacy of the need to acquire the land prompted the request to the Legislature. Gregory Page of the Riverport Corporation said that the city and county are already involved, and that private dollars have already been raised for Raspberry Island. He also said that the House did not approve the request, although House members did say they thought the land acquisition was important.

John Clawson, representing the St. Croix Falls Valley Heritage Center, provided an overview of a plan to

# Committee update

establish a resource center, including a history room and research center, lobby and visitor information area, gift shop, conference room, offices, refreshment area and space for exhibits and interpretation located on Minnesota State Highway #95 on a scenic overlook near Taylors Falls. The Senate bill appropriates \$150,000, but the House bill does not contain an appropriation for the project.

Sen. Randy Kelly (DFL-St. Paul) returned to testify before the committee and clarified a misunderstanding surrounding the request for training facilities for police personnel. Rep. Dave Bishop (R-Rochester) said he understood that a firing range would be established at the BCA building. Kelly told the committee that the plan had been revised to cut expenses from the BCA lab/office proposal. Originally a seven-lane firing range was included in the plan, according to Kelly, which would not have been sufficient to regularly train all officers in the Metro Area.

Senate and House members heard testimony from representatives of the Department of Finance concerning language related to the sale of bonds by the commissioner, as proposed in the Senate bill.

## House offers bonding proposal

The omnibus bonding conference committee, chaired by Sen. Linda Berglin (DFL-Mpls.) and Rep. Jim Knoblach (R-St. Cloud) met Tues., Apr. 18, to hear further testimony, review language in House and Senate bills and discuss the House counter-proposal. A representative of the Capitol Area Architectural and Planning Board (CAAP) presented details of a proposal to "restore the integrity of the Capitol." The proposal includes the predesign of the exterior lighting for the Capitol building and grounds and the completion of phase I, the architectural lighting of the Capitol facade. Phase II includes the re-study of all lighting at all Capitol entrances. It is estimated that the new lighting will save the state ten to fifteen percent in energy costs. The revised Senate bill appropriates \$433,000 for the project.

A representative from the Minnesota Historical Society said that interior projects at the Capitol, estimated to

cost \$250,000, include plans for the addition of the governor's portrait and the reconfiguring of existing portraits. In addition to predesign for interior lighting the proposal includes planning for the restoration of 800 pieces of furniture selected or designed by Cass Gilbert, which are currently in storage. Berglin suggested that since the project is not a priority, the Historical Society should make the request next year.

Ken Hartung, administrator and fiscal agent for the city of Bayport, explained the funding request of \$3.34 million for the state prison sewer project at Bayport. The revised Senate bill appropriates \$900,000 for the project, with the understanding that the remainder will be included in the 2001 Legislative Session bonding bill. The House appropriates \$2.680 million and specifies that no additional funds be allocated for the project. According to Hartung, the State of Minnesota constructed the Bayport storm sewer and the DNR pond in 1907, for the purpose of providing the Stillwater Prison with drinking water, heating water for the facility and for use by prisoners and staff. A dam was constructed to form the DNR pond which captured water from natural springs at the site. The water from the dam was used to cool the prison boilers and excess water was released into the storm sewer and piped to the St. Croix River. The last 350 feet of the sewer line has collapsed, according to Hartung, and threatens to cause water back-up and flooding problems to several buildings that have since been built over the sewer line.

Sen. Gary Laidig (R-Stillwater) testified in favor of a \$250,000 Senate appropriation for the renovation of the Giants Ridge Nordic Center. Laidig said the center has provided affordable training trails and facilities for many young competitive athletes, including his own children. Laidig said the center is in need of a new roof, plumbing repairs, dormitory amenities and miscellaneous repairs. Rep. Peggy Leppik (R-Golden Valley) asked why user fees did not cover repair costs. Laidig said that the management intended the center for high school teams, and wanted to keep costs at a reasonable level. He also said the user fees paid for normal upkeep, but did not cover capital expenses. Rep. Tom

Ostoff (DFL-St. Paul) said he thought the management should try to obtain corporate sponsorship.

A House appropriation of \$135,000 was recommended to the committee by Rep. Darlene Luther (DFL-Brooklyn Park), for a grant to Life Source, a Minnesota organ donation group. Luther told the committee that there are more than one thousand Minnesotans currently waiting for organ transplants. The appropriation would be matched by outside sources, according to Joel Jenson, a lawyer speaking for Life Source. The money is needed, according to Jenson, to fund the purchase and equipping of a mobile unit to provide interactive educational resources concerning organ, tissue and eye donations to citizens across the state. Berglin said the request was not included in the Senate bill because the Senate did not include appropriations from the general fund.

Also included in the House bill, an appropriation for \$1.2 million was specified for the Minnesota Extended Treatment Options (METO) Campus at Cambridge, to demolish eight buildings which have been vacant for at least ten years. Members discussed the process for future use or sale of the vacated state land.

Members also discussed a Senate appropriation of \$100,000 for a grant to the Raptor Center for predesign costs of a proposed expansion to the center. Leppik asked why the proposal was not submitted with the University of Minnesota plan. She also said that she understood that the Raptor Center was adept at raising its own funding. No one was available to represent the Raptor Center, but the U of M treasurer testified that he had seen the Center's budget and in his opinion, the Center was experiencing budget problems.

Members adopted amendments to both Senate and House bills, and Knoblach presented the latest House proposal. Berglin said the Senate offer was a serious one, which included the deletion or reduction of several items. She said the House offer didn't compromise and did not get the committee any closer to resolution. The House proposal consists of items that were identical in the original Senate bill to the House bill, without taking into account the more recent changes made to the



Senate appropriations, Knoblach admitted. He said the House did not intend to act until targets were established and decisions were made concerning definite funding sources.

## Domestic abuse statute of limitations conference

### House provision discussed

The conference committee on S.F. 11, a bill providing a six-year statute of limitations on domestic abuse actions, met Mon., Apr. 17, to discuss a House amendment. Sen. Don Betzold (DFL-Fridley) and Rep. Dave Bishop (R-Rochester) co-chair the committee.

Under Senate language, action can be taken for cases of domestic abuse within six years. House language allows six years for action to be taken on cases of assault, battery, or false imprisonment that constitute domestic abuse. Whereas Senate language includes all categories of domestic abuse, House language excludes terrorist threats considered to be domestic abuse from the six-year statute of limitations. Members discussed possible compromises on what forms of domestic abuse will qualify for the six year limitation, but took no formal action.

The panel then discussed a House provision establishing a joint domestic abuse prosecution unit pilot project. With shared administration by Ramsey County and St. Paul city attorneys, the unit will prosecute misdemeanors, gross misdemeanors, and felonies, as well as coordinate efforts with child protection attorneys. The unit will include four cross-deputized assistant city and county attorneys.

The goals of the pilot project are to recognize children as both victims and witnesses in domestic abuse situations, respect the interests of children in the prosecution of domestic abuse, and reduce the exposure to domestic violence for both adult and child victims. A progress report on January 15, 2001, and a final report on January 15, 2002 will include the number and type of cases referred and charged, and the outcomes of those cases. Members noted that a similar provision, with funding, was vetoed by the governor the previous year. The governor stated that the measure did not have a statewide impact.

During a discussion about the governor's willingness to approve the pilot project, Ramsey County Attorney Susan Gaertner told members that the provision is not needed to cross-deputize the attorneys. Charles Weaver, commissioner of the Department of Public Safety (DPS), said that the department is working on language that includes a \$150,000 appropriation to DPS and a local match from Ramsey County. The panel laid the bill over for further discussion.

## Education conference

### Transfer examined

Conferees covered various topics at the education conference committee meeting Mon., Apr. 17. The meeting was chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Alice Seagren (R-Bloomington).

Members started with a discussion on the transfer of the energy assistance program. At an earlier meeting, Pogemiller said Senate conferees don't support the transfer. Rep. Barb Sykora (R-Excelsior) said the governor's office asked her to carry the bill on the House side. Donna Koren, project leader for the evaluation of the energy assistance program, said a result of the evaluation is a recommendation to move the program to the Department of Economic Security (DES) from the Department of Children, Families and Learning (CFL). She gave three operational reasons for the transfer. She said the department and the program both serve many of the same populations, administer similar funding streams and use the same delivery service structure. Seagren confirmed that the program has been under CFL's management for two years after being transferred from DES. Sen. Martha Robertson (R-Minnetonka) said it's her understanding that the person in charge of the program at CFL, who was part of the implementation problem, no longer has those duties. Robertson asked if the transfer is the governor's recommendation. Koren said she briefed the governor's office on the report and staff drafted legislation based on the report's recommendations.

Conferees moved on to a comparison of Senate and House provisions relating to technology. The Senate bill, S.F. 3801, adds \$5 per pupil to districts'

operating capital revenue for telecommunications access costs. In addition, the bill creates a formula that reimburses districts for up to 80 percent of the telecommunication access costs beyond what is covered by the \$5 per pupil and federal E-rate revenue. Pogemiller said the \$5 per pupil is permanent and the 80 percent is for three years with a recommendation coming back from the department on what to do after the three-year period. Pogemiller clarified that the \$5 per pupil is reserved for technology for the first three years. Seagren said with the cost formula in the Senate bill for reimbursement, the state may end up paying more money than necessary. She said additional language may be needed to insure districts work together and hold down costs. Seagren said the House bill, H.F. 3800, basically provides technology access grant (TAG) funding for one year until a more permanent fix is found. Robertson said the TAG funds don't pay for the on-going operational expenditures of technology. She said the Senate bill allows districts to cover those on-going costs. Pogemiller said TAG funds are one-time money started in the Senate five or six years ago and never were intended to be permanent. "The grants were intended to be a jump start. We need to move beyond the jump start," he said. Bob Boese, a representative from the Minnesota Educational Telecommunications Council, urged a continuation of the TAG program for one more year. He said if a change is made too quickly there may be cash flow, connectivity and data communication problems. Baise said the amount needed to keep the program running for the next fiscal year is at least \$15.5 million. Pogemiller said the policy choice is real simple. "Do we send one-time money to the TAG coordinators or do we send permanent money to districts? The Senate believes we ought to send permanent money to districts. And it's a whole lot more money," he said. Ray Ogden, TAG coordinator, said he isn't aware of any TAG coordinators that oppose the approach of dollars going to districts. But he added that there are efficiencies in aggregating internet and maintenance programs through a cluster program. Steve Jatczak, TAG coordinator for Northwest Minnesota, said the

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Senate language begins to address the equity issue of varying technology costs in different parts of the state. He also said that the Senate bill looks at capacity issues and provides funding for a more appropriate level of capacity. Jatzak said a big difference he sees between the House and Senate bills, besides funding levels, is that the TAG view, contained in the House bill, fosters collaboration between districts. He said the Senate bill is essentially a district by district approach and districts will have to decide if they will collaborate. Jatzak said the Senate bill offers terrific opportunities for the long-term but the House bill's transitional approach is best for the current year.

Conferees devoted a portion of the hearing to an examination of secondary vocational funding. The Senate bill reserves a district's per pupil secondary vocational revenue received in FY 2000 permanently, but a school board is allowed to vote not to set aside the revenue. Seagren said secondary vocational education needs categorical funding. "We're concerned that when this begins to be a reserved amount of money, districts will erode that until eventually there won't be funding for these programs," she said. Bob Marzolf, an agricultural teacher at Forest Lake High School, agreed saying when budgets get tight, expensive secondary vocational programs will likely be cut. Pogemiller said districts with a similar number of students have different funding levels under the current formula. Seagren pointed out it's a cost-based formula. Sen. David Knutson (R-Burnsville) said the formula doesn't treat children equally. Pogemiller said one solution is to put about \$59 million of permanent money into secondary vocational education so every district will have the same access to secondary vocational funds.

Conferees also adopted several of the same provisions contained in the House and Senate bills and discussed similar provisions. In comparing similar language, members did adopt provisions in the House bill regarding declining pupil units in the St. Peter School District. Language from the House bill clarifying statutory operating debt requirements for charter schools was also adopted. A provision that a charter school's state aid may be reduced if the

school employs a teacher who is not appropriately licensed or approved by the Board of Teaching was adopted from the Senate bill. Lastly, conferees adopted language in the House bill that a home rule charter or statutory city, a county or a town may expend funds for the purpose of supporting student academic or extracurricular activities sponsored by the local school district.

## Higher ed provisions discussed

Conferees at the Tues., Apr. 18, education conference committee meeting considered spending proposals for higher education in the Senate omnibus education bill, S.F. 3801. Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Alice Seagren (R-Bloomington) chaired the meeting.

Sen. Steve Kelley (DFL-Hopkins) testified in support of funding the North Star Research Coalition. The Senate bill contains a one-time appropriation of \$15 million for the project. The bill outlines the duties of the coalition as identifying technology-based research projects, strengthening the University of Minnesota's research capabilities associated with technology-based industries, expanding the research capacity of the University, promoting the transfer of technology from the research laboratory to commercial application by businesses, developing application procedures for reviewing and prioritizing research projects seeking funding under the initiative and creating opportunities for collaborative research. Kelley said the bill has passed the Senate twice--this year and two years ago. He said Minnesota is falling behind in (the number of) new technology businesses. "The urgency is even greater today than the first time I offered this bill. Other states are doing this, I think it's important that Minnesota act," said Kelley. He said the main purpose of the bill is to keep smart, talented people in Minnesota and attract more talented people to the state. Seagren said changes to the tax policy should be considered in order to attract people to the state. Rep. Marty Seifert (R-Marshall) suggested expanding the mission of Minnesota Technology Inc. instead of creating a new coalition. "That would be a more efficient use of resources," he said. Kelley said the focus of Minnesota

Technology Inc. is different. Seagren said the appropriation could be given directly to the University. Kelley said the coalition will insulate the department from being biased by big business. Sen. Deanna Wiener (DFL-Eagan) offered an amendment to include private colleges and universities in collaborative research opportunities. Already included under the bill are the university, the Mayo Clinic, nonprofit research institutes and the MnSCU. The motion was adopted. Kelley offered an amendment that provides projects funded by the North Star Research Coalition include basic research activities related to products or services nearing commercialization and partnerships with Minnesota small businesses and small companies. Seagren said the amendment won't be considered at this time.

The Senate bill appropriates one-time money of \$1.25 million for an urban teacher preparation program. Wiener emphasized that the appropriation is for the development and implementation of the secondary and early childhood education components of the program. She pointed out that the Legislature expects the program to enroll at least 50 percent students of color. Larry Litecky, representing the Urban Teacher Education Program, said in Minneapolis public schools 67 percent of students are people of color and in St. Paul the figure is 61 percent. He said teachers of color are 18 and 13 percent respectively. Rep. Harry Mares (R-White Bear Lake) asked if the program will infringe on existing programs. Litecky said the territorial concerns have been ironed out.

Committee members revisited provisions in the Senate bill that delay mandatory certification requirements for sign language interpreters for one year. Roger Reddan, counselor for the St. Paul Technical College Interpreter Transliterator Program, spoke in support of the delay. He said only 25 to 35 percent of new graduates can pass national certification tests. He said work experience enhances the interpreter's skill level and chances for passing certification tests. According to Reddan, 50 to 70 percent of St. Paul Technical College graduates have found employment in the K-12 system. He said current law has had a negative

effect on the recruiting and retention of students. He also emphasized that a majority of states allow for provisional licensure or local screening that accommodates new graduates. Sen. Martha Robertson (R-Minnetonka) clarified a point from an earlier discussion that interpreters could be subject to a misdemeanor if the requirement went into effect. She said the misdemeanor penalty is not in current law.

David Galligan, administrative director for the Walker Art Center, testified in favor of a \$1 million appropriation for arts via the internet. According to Galligan, the web site, ArtsConnectEd, developed jointly between the Walker Art Center and the Minneapolis Institute of Art was named the best museum educational site in the world. He said the site has a high utility factor for students and teachers. "Minnesota is on the cutting edge," said Pogemiller.

Members also heard testimony on Senate higher education appropriations of \$600,000 for the Agricultural Rapid Response Fund, \$250,000 for the Farm Business Program and \$220,000 for a child care project for the University of Minnesota-Duluth. Wiener spoke briefly about \$80,000 earmarked in the Senate bill for the Cook County Higher Education Project.

Lastly, committee members had a discussion on intermediate school districts. The Senate bill specifies that notwithstanding any termination date in the agreements between the intermediate school districts and the MnSCU Board for the use of space in the technical colleges or any law to the contrary, the agreements will not expire or terminate. Sen. David Knutson (R-Burnsville) said the Senate language is designed to provide incentive for MnSCU and the intermediates to discuss their differences. "We want the parties involved to work things out and come back to the Legislature next year," he said. The House bill, H.F. 3800, allows intermediate school districts to sell and issue bonds after a reverse referendum. Seagren said the bonding is for maintenance purposes. "There are facilities that need attention now," she said. The bill also directs the MnSCU Board and the intermediates to study the compatibility of program offerings and develop a long-range facilities plan

to address intermediate school district facility needs. The results of the study must be reported to the educational committees of the Legislature by Feb. 15, 2001. "We like the idea of the House study," said Pogemiller. John Ostrem from the chancellor's office of MnSCU, said the technical colleges need to determine their space needs. He questioned whether or not the Senate language would motivate the parties to solve their problems. He said a funding source needs to be found for the intermediate school districts. Mares said the fire marshal has directed that \$2 million of work is necessary in Intermediate School District #916. "We can't wait on that," he said.

### ABE debated

Tues., Apr. 25, at the education omnibus conference committee hearing, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Alice Seagren (R-Bloomington), members discussed provisions regarding adult basic education (ABE).

The House bill, H.F. 3800, creates a performance accountability system to assess the effectiveness of ABE programs. Under the system, each learner is requested to submit his/her social security number (SSN) with compliance being optional. The SSN will be used to assess the effectiveness of the program by tracking the learner's subsequent career. Rick Caligiuri, representing the Department of Economic Security, said the accountability piece is an early implementation of what is required by the federal government under the Workforce Investment Act by 2001.

Sen. David Knutson (R-Burnsville) said providing a SSN raises data privacy issues. Sen. Pat Piper (DFL-Austin) said the chair of the Judiciary Subcommittee on Data Privacy, Sen. Don Betzold (DFL-Fridley), isn't in favor of the idea. Sen. Deanna Wiener (DFL-Eagan) asked if there is another alternative. Caligiuri said surveys could be done but they aren't as reliable and effective. Rep. Barb Sykora (R-Excelsior) asked what will happen if nothing is done. Bryan Shaffer, state director of ABE from the Department of CFL, said if information is not provided to the federal government, the program runs the risk of sanctions or loss of funding. Wiener said since it's optional, many partici-

pants may not turn in their SSNs. Shaffer said other states have collected SSNs and there was a high rate of return. Knutson said it's ironic that both Houses are passing data privacy legislation but the ABE program is requesting SSNs. Piper said the immigrant community is opposed to the idea. Seagren said the House is open to other options but said she doesn't see any other viable alternatives. Sykora said it's the only option that doesn't require a lot of man-hours and teacher time.

Also contained in the House bill and not in the Senate bill, S.F. 3801, is a section making changes to in-service training for child care center teachers. The House measure allows teachers who have certain advanced degrees to take less annual in-service training. Anita Beaton, director of the Institute for Early Childhood Professional Development, said the measure provides recognition to providers who have formal training and education. She said it rewards centers that employ formally trained and educated child care staff and creates incentives for centers to hire and retain formally educated staff. Lastly, she said it also creates incentives for child care providers to seek formal education. Tammy Anderson, a child care center director in Fergus Falls, said the change to in-service training means a lot to child care providers. She said the measure will save money for centers. Sen. Martha Robertson (R-Minnetonka) questioned whether or not the in-service training should be based on hour requirements. "What do you want teachers to get from the training?" she asked. Beaton said broad definitions for the courses are contained in rule, adding that specific decisions are made by the licenser of the center. Anderson said the rule allows flexibility to meet staff training needs.

Relating to ABE, the Senate bill contains an additional definition of contact hours. The bill specifies that contact hours for an organization funded in FY 2000 but not eligible for basic population aid in FY 2001, is computed by multiplying the organization's contact hours by 1.08. The bill also has provisions effective through June 30, 2001 directing ABE consortiums to make distributions to members. Specifically, consortiums receiving additional funding based on



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population aid must proportionately distribute that additional funding to noneducation institution members of the consortium based upon the percentage of contact hours each noneducation member provides. Knutson said proportionate sharing is a matter of fairness. Shaffer said the bill won't work the way it's structured because a consortium may refuse to allow community-based programs to join. Sen. Linda Higgins (DFL-Mpls.) said the bill helps the eight community-based programs that only get funding through contact hours under the new ABE formula. "These programs serve the poorest of the poor and are the most efficient programs we run," she said. Shaffer said the programs receive federal dollars, can aggregate learners and can use nonlicensed teachers so the programs don't need additional funds. Robertson said the programs shouldn't be punished because they provide services more cheaply. Sykora said both bills have hold harmless provisions. Higgins said the programs need new money to grow. "We're holding these programs back," she said. Sykora said she isn't convinced of the need for additional funds.

Members also discussed differences between the two bills in social service child care assistance under MFIP. The House bill specifies a MFIP participant has to be participating in chemical dependency or mental health social services to be eligible for assistance. The Senate bill is more expansive by making child care available for activities in an MFIP recipient's employability development plan, job search support plan or employment plan. Piper said the Senate has broader language to help families move off assistance more quickly.

House conferees offered an amendment addressing provisions in the Senate bill that delay mandatory certification requirements for sign language interpreters for one year. The amendment keeps the July 1, 200 deadline in place. However, it exempts sign language interpreters or transliterators employed by a school district before the deadline from having to complete an interpreter/transliterator training program. Robertson said the amendment doesn't address the issue of teachers who won't be certified by the deadline, as required under current law.

Pogemiller asked if House conferees were interested in the idea of a provisional license. Seagren said House conferees haven't considered the idea. Kurt Michca, director of the Minnesota Commission Serving Deaf and Hard of Hearing People, said his primary concern is that interpreters with provisional licenses, especially in rural areas, may work alone without any supervision or mentoring. Rep. Harry Mares (R-White Bear Lake) said policy changes shouldn't be needed since the deadline was placed into law six years ago. Pogemiller said the provisional license approach is a modest request. He said he wants to resolve the issue this year so the Senate doesn't have to revisit it again next year. Michca said after the deadline this year schools won't be reimbursed until the interpreters are certified. "That provides a reasonable incentive for teachers to get certified," he said. Pogemiller said he could accept current law. "It's time to move on," he said.

Conferees adopted three amendments offered by the House although they weren't incorporated into the final conference committee report. The first amendment makes a change to House language prohibiting a school district from entering into a contract for computers or related equipment that requires advertising to be disseminated to students. The amendment excludes advertising that is generally available to the public viewing a particular site or application and which is not directed specifically to students benefiting from a contract. The second amendment expands House language to allow a charitable organization that is a member of the Minnesota Council on Foundations to be a sponsor of a charter school. House language also allows a member of the Minnesota Council of Nonprofits to be a sponsor, Senate language only allows members of the Minnesota Council on Foundations to be a sponsor. The amendment also raises the fund balance requirement for the charitable organization from \$1 million to \$2 million. The Senate bill requires a \$3 million balance requirement. The third amendment makes modifications to the teaching license requirements for applicants licensed in other states. Seagren said the amendment is based on Senate language.

## Monday, April 17

### Feedlot bill repassed

The Senate adopted the conference committee report on H.F. 3692, the feedlot bill, and repassed it during the Mon., Apr. 17, floor session. In addition, the Senate passed four other conference committee reports, concurred with House amendments on another bill, and overrode a veto.

Sen. Dallas Sams (DFL-Staples), chief author of the feedlot bill, said it's mainly about small farms. In an attempt to clarify misunderstandings, Sams said that large farms were not made exempt, and any farm required to get a feedlot permit before is still required to get one. In listing the differences between the bill passed by the Senate and the conference committee report, Sams said that producers with under 300 animal units are exempt from the manure management plan or private manure applicator certification requirements, producers with between 300 and 1,000 animal units have a choice between having a manure management plan or private manure applicator certification, and producers with 1,000 or more animal units, or newly constructed feedlots must have a manure management plan. In addition, the bill now delays the moratorium on construction of swine waste lagoons until six months after the approval of a generic environmental impact statement or June 1 of the year the statement is approved, whichever is later, according to Sams.

The new feedlot rules proposed by the Pollution Control Agency (PCA) go into effect October 1 of this year, Sams said. Under the bill, he continued, the PCA is made subject to a general statute giving state agencies 60 days to process permit applications filed under those rules. The conference committee report requires the PCA to report to the Legislature on whether it has the resources to process the applications within that timeframe, Sams said. Another change in the conference committee report requires the PCA to remove restrictions on winter pasturing of animals from the proposed rules, according to Sams. A Senate provision requiring the State Fair to obtain a permit was removed. Sams said a permit requirement is already in law.

Other provisions remained the same,

including the definitions of animal units of manure. Sams said the definitions in the compromise bill are the same as those in PCA proposed rules. For feedlot upgrades, Sams said cost share funding is available for 75 percent of the cost for feedlots of up to 500 animal units. For farms with 500 or more animal units, the farmers will have to pay for the upgrades. Sams said that all feedlots with 10 or more animal units in shoreland management areas, and feedlots with 50 or more animal units in other areas will have to register.

Sen. John Hottinger (DFL-Mankato) asked why a provision in the Senate version imposing a moratorium on the construction of open-air swine waste lagoons was changed so that it doesn't go into effect until after the generic environmental impact statement is complete and asked why other restrictions aren't similarly delayed. Sams replied that the proposed feedlot rules are already set to go into effect October 1 and those rules require all livestock producers with feedlots to register. He added that the thinking behind the rules is that they have to go into effect in order to clean up the waters of the state.

Sen. Jane Krentz (DFL-May Township) said she was concerned about two unfunded mandates in the bill – the feedlot upgrade cost share program and the requirement that the PCA process feedlot permit applications within 60 days. Krentz said she supports the cost share program, but said that in other areas, the state's policy is that the polluter pays for the cost of controlling the pollution, but not with feedlots. Sams said that the state will have to appropriate \$10 million per year for the next 10 years in order to get feedlots cleaned up. Sen. Steve Dille (R-Dassel) added that there is language in the bill to target the worst feedlots first. He spoke in support of the entire bill, saying the House version was outrageous because it exempted farms with under 400 animal units from the PCA rules. "That's 80 percent of all feedlots in the state," Dille said. He said the other body's bill delayed the effective date of the rules by one year. The conference committee report passed on a 43-22 roll call vote.

The Senate also adopted the conference committee report on H.F. 2451. Sen. Steven Novak (DFL-New

Brighton), sponsor of the bill, said it deals with the changes in technology in telecommunications and that the conference committee report added one provision and deleted one provision from the Senate version. Novak said the deleted provision established a commission, and the added provision already passed the Senate. However, Sen. Steve Kelley (DFL-Hopkins) criticized the removal of the commission establishment provision. He said that the purpose of the commission was to study technological changes in telecommunications and added that economic development in rural areas is hampered by the lack of a telecommunications infrastructure. Kelley said that the state's failure to take the lead on examining broader telecommunications issues "is a missed opportunity." The bill was repassed 59-7.

Other conference committee reports received favorable consideration from the Senate. S.F. 2686, sponsored by Sen. Claire Robling (R-Prior Lake), changes provisions regulating funeral services. Robling said the only changes from the Senate version were the substitution of the word "marker" for "monument" in the title, and specifying the effective date for the disclosure of ownership provision as January 1, 2001. The bill was repassed 59 to 0.

The conference committee report on the omnibus liquor bill, S.F. 3581, sponsored by Sen. Sam Solon (DFL-Duluth), was repassed on a 61-0 roll call vote. Solon said the report added several provisions from the House and deleted one Senate provision. The added provisions allow the State Fair Board to authorize the sale of intoxicating beverages on the state fairgrounds at times other than State Fair; reduce the minimum membership for a club license from 50 to 30 members to accommodate smaller clubs that don't have 50 members; provide regulations for wine tasting events; authorize the Cottage Grove Economic Development Authority to issue a liquor license to the River Oaks Golf Course; and provide that the election in Sherman Township in Redwood County to decide whether the county may issue a Sunday sales license to establishments in town may be held at the annual town meeting or in a special election called for that purpose, according to Solon. He said the deleted

provision authorized St. Paul to issue an on-sale liquor license to the Great American History Theater.

The Senate also repassed, on a 59-0 roll call vote, the conference committee report on S.F. 2951, carried by Sen. Jim Vickerman (DFL-Tracy). The bill clarifies the use of alternative dispute resolution methods in municipal annexation disputes and requires a report to the Legislature on the transfer of powers from the Minnesota Municipal Board to the Office of Strategic and Long Range Planning. Vickerman said the bill resulted from negotiations between Office of Planning and various local government associations.

The Senate concurred with the other body's amendments to S.F. 551, sponsored by Sen. Ember Junge (DFL-New Hope). Junge said the measure is the domestic violence bill from last year, and that most of the differences between the Senate and House versions are portions that were passed in last year's Health and Human Services omnibus bill. Junge said that a Senate provision that is not in the House version includes conviction for domestic violence as a reason to deny firearm ownership. Junge said she was disappointed about removal of the provision, but said it is still a good bill and it makes substantial steps toward protecting people from domestic violence. The bill was repassed on a roll call vote of 63-1.

The Senate also overrode the governor's veto of H.F. 2809. Sen. Tony Kinkel (DFL-Park Rapids), sponsor of the bill, said the bill clarifies admission standards for the Ah-Gwah-Ching Nursing Home in Walker. The bill was repassed on a 60-3 roll call vote, surpassing the necessary 45 votes to override a veto. Since the other body previously overrode the veto, the bill now becomes law.

In other action, the Senate adopted Senate Concurrent Resolution 12, allowing the Legislature to recess for more than three days. Under the resolution, upon their adjournment on April 19th, both bodies may set their next day of meeting for April 25, 2000.

## Tuesday, April 18

### Wolf provisions amended

At the Tues., Apr. 18, floor session, the Senate unanimously concurred on

# Committee update



**Sen. Steve Dille (R-Dassel) casts a vote during a Senate Floor Session. Senators vote by pushing either a red or green button at their desk and the result is tallied electronically.**

Photo by David J. Oakes.

two out of three bills sent over from the House. Sen. Charles Wiger (DFL-North St. Paul) asked members to concur with a House amendment to S.F. 2830, a bill providing that individuals may be charged with escape from custody when they escape after lawful arrest, but before the commencement of trial proceedings. The House provision, Wiger said, establishes a felony charge for individuals who inflict demonstrable bodily harm on an officer making an arrest. Sens. Jane Ranum (DFL-Mpls.), chair of the Judiciary Committee, and Sen. Randy Kelly (DFL-St. Paul), chair of the Crime Prevention and Judiciary Budget Division, both voiced support for the measure.

Members also concurred with House amendments to S.F. 3139, a bill stating that sales tax refunds may not be considered a means of support for determining if an individual qualifies for admission to a veterans' home. Sen. James Metzen (DFL-South St. Paul),

who sponsored the bill, voiced support for a House amendment that allows programs to assist homeless or disabled veterans on the veterans' homes campuses. Sen. Steve Murphy (DFL-Red Wing) echoed Metzen's sentiment on the House amendment. "It's a good deal for the veterans," Murphy said. Both bills were approved on a vote of 65 to 0.

A third bill returned from the House was moved to a conference committee. S.F. 3028, sponsored by Sen. Allan Spear (DFL-Mpls.), specifies rights for vulnerable adults to reconsider and review determinations regarding maltreatment.

In other action, the Senate approved two bills returning from conference committees. On a vote of 64 to 0, S.F. 3178, referred to as the Department of Public Safety (DPS) housekeeping bill, was re-passed. The conference committee replaced language referring to 'battered women' with 'battered victims of domestic abuse.' The committee also

re-passed, as amended in conference committee, S.F. 3169, sponsored by Sen. Sheila Kiscaden. The bill, which received an approving vote of 65 to 0, allows voluntary parenting plans and parenting times to be created by both parents in place of court orders.

The Senate then took up motions and resolutions, beginning with H.F. 2757. The bill, carried by Sen. Steve Novak (DFL-New Brighton), regulates the single largest mandate in the United States requiring electricity to be generated using biomass fuel. Novak told members that the bill is part of legislation enacted in 1994 that allowed the Prairie Island nuclear facility to store nuclear waste.

"This bill is a good bill," said Sen. Steve Dille (R-Dassel) concerning changes that allow a variety of agricultural wastes to be used, "because it allows NSP to get the form of biomass with the best cost." Dille also spoke in favor of requirements for using poultry



waste as fuel for at least 50 megawatts of a 8,000 megawatt electricity base.

Each farmer in Minnesota, said Sen. Dean Johnson (DFL-Willmar), will supply up to 50 percent of their poultry waste supply. "Initially prices for the waste will go up a little, but they will come back down," he said, citing what happened at a similar plant in the United Kingdom.

"There is already a market for poultry waste; people are already paying for it," said Sen. John Marty (DFL-Roseville). Marty suggested an increase in the mandate for wind power to offset the mandate for biomass fuel. Sen. Mark Ourada (R-Buffalo) informed members that wind power, because it is generated only when the wind is blowing, offers no constant base power load. Sens. Becky Lourey (DFL-Kerrick) and Arlene Lesewski (R-Marshall) also offered opposition to the bill. Lourey stated that Minnesota is in a manure deficit and Lesewski said more competition for turkey manure will produce bigger turkey farms, creating more pollution and worse prices.

Sen. Ellen Anderson (DFL-St. Paul) said "This project has some environmental benefits, some environmental harm, some economic benefits, some economic ham; it will help some farmers, and it will hurt others." Anderson said that farmers using sustainable agriculture and organic farming techniques use poultry litter, but the biomass facility will create 30 jobs in an area of the state that needs them.

Johnson told members that the bill uses no state money, because funds will come from private investors and NSP. "We are simply subscribing to 1994 legislation," he said. The bill was approved on a vote of 50 to 15.

Sen. Dennis Fredrickson (R-New Ulm) began discussion of H.F. 3534, a bill requiring the use of plain language in agricultural contracts. Designed for communities that have usually secured agreements with a handshake, Fredrickson said, the bill will make agricultural contracts easier to read and understand. He said the bill, the result of a Department of Agriculture task force, received quick support in conversations with farmers. Many of the farmers he talked to either entered into a contract they did not understand or knew someone else who did, Fredrickson said.

Fredrickson voiced support for an amendment offered by Sen. Dallas Sams (DFL-Staples) making risk disclosure requirements apply only to material agricultural contracts. The amendment also exempts closed co-ops and occasional contracts between farmers from the requirements. Members approved the amendment on a voice vote.

Sen. Charles Berg (IND-Chokio) said the bill looks like it was written by someone unfamiliar with agriculture. "I think this is an attorney's dream; loophole after loophole to sneak out of contracts," he said, "I will not support the bill." Members approved the bill on a vote of 62 to 1.

Members then discussed S.F. 3020, sponsored by Sen. John Hottinger (DFL-Mankato). Under the bill, fire insurers must allow policy holders to extend submission of a proof of loss statement for up to 60 days. Sen. Douglas Johnson (DFL-Tower) offered an amendment guaranteeing policy rates for five years for residents who own property within 50 miles of the Boundary Waters Canoe Area. Between 300,000 and 400,000 acres of trees were blown down last year, creating a fire hazard, Johnson said. The amendment also allows residents to join the Minnesota FARE insurance plan, he said, should affordable insurance not be available. Johnson said the amendment secures affordable insurance for those who live near the area.

Concerns were raised by Kiscaden and Sen. Steve Kelley (DFL-Hopkins). They said that the amendment only guarantees policy prices; the measure does not require insurance companies to provide coverage. Hottinger questioned further problems with the amendment, saying that the purpose of the bill is to issue of fire policy coverage and state the insurers' obligation to allow proof of loss claims over longer period of time. The amendment, Hottinger said, pertains to protecting an area from substantial rate increases.

Kiscaden offered an amendment to Johnson's amendment guaranteeing both insurance coverage and that increases in premiums not exceed increases in similar properties. "I do not think Johnson was intending price freezes for five years," Kiscaden said. "We are taking a well intended amendment and making it worse," Kelley said. Kelley said Kiscaden's amendment does

not address application qualifications for the FARE plan. On a voice vote, members adopted the provision in Kiscaden's amendment guaranteeing insurance coverage.

An amendment, offered by Kelley, expands the group of people who can submit applications to the FARE plan to include those whose insurance increases disproportionately to similar insurance. Kelley's amendment was adopted on a voice vote before Hottinger's bill was approved on a vote of 59 to 1.

Gray wolves again became the topic of discussion when Sen. Jane Krentz (DFL-May Township) offered an amendment to H.F. 3046, a bill she sponsored increasing hunting and fishing license fees, establishing game and fish fund outcome goals, recommendations, and reports, and administering appropriations for the Department of Natural Resources. Krentz's amendment expands exceptions for taking gray wolves, including protection livestock, animals or pets. The amendment does not include time restrictions or season restrictions on shooting wolves for protection, she said, but the measure still prohibits shining, shooting from a car, and other currently prohibited exercises. "It's the best we can reasonably do" said Krentz.

An amendment to Krentz's amendment, offered by Sen. Ellen Anderson (DFL-St. Paul), changes the time limit for trapping wolves in the agricultural zone. According to a bill passed earlier in the week, trapping may take place for up to five years after a wolf attack. Anderson's amendment allows trapping for up to two years after an attack.

There is no legal or biological reason for choosing a five year time limit, she said. Anderson said that under the five year limit, the chances of trapping a wolf not involved in the attack increase markedly. The amendment failed on a voice vote.

Under a motion by Sen. Gary Laidig (R-Stillwater), Krentz's amendment was divided into two sections, the first including only provisions pertaining to wolves and the second including the remaining provisions. Members approved the section relating to wolves on a roll call vote of 38 to 24, and approved the second section on a voice vote. The bill, as amended, passed on a vote of 56 to 7.

# Floor update

Wednesday, April 19

## Three bills passed

The Senate discussed four bills on Special Orders during the Weds., Apr. 19, floor session. The four bills are the omnibus agriculture policy bill, the omnibus forestry bill, the omnibus data practices bill, and a bill concerning communications between probation officers and school officials about students on probation.

Sen. Dallas Sams (DFL-Staples), sponsor of the omnibus agriculture policy bill, H.F. 3312, said the bill makes the farmer-lender mediation program permanent; establishes a program to certify food production method claims; updates food standards; makes changes to the value-added grant program; makes changes to provisions relating to the Board of Grain Standards; changes egg handling standards; changes eligibility requirements and loan limits of the Rural Finance Authority; makes changes to provisions relating to livestock dealers and grain buyers; makes changes to agricultural chemical use provisions; and contains a feedlot permit application provision found in the previously passed feedlot bill.

Most of the discussion of the bill centered on an amendment, offered by Sen. Paula Hanson (DFL-Ham Lake), that she said expands the definition of grain buyer. She said the amendment addresses the practice of farmers owning grain storage bins that are managed by elevator operators. Sen. Charles Berg (IND-Chokio) said that in many farm cooperatives, farmers pool their resources and purchase grain storage bins at the elevator site because the elevator operator doesn't want to pay for the extra storage capacity. Berg said the elevator operator tests the grain for moisture content and sells the grain at the farmer's request. Sen. Arlene Lesewski (R-Marshall) added that if a farmer's grain bin is empty and the elevator needs the bin for storage capacity, the elevator uses the farmer's bin and the farmer doesn't have it available for their own grain. She said the Hanson amendment gives the farmer control over the use of the bin.

However, Sen. Steve Kelley (DFL-Hopkins) said he thought that a provision providing an exception from regulation was overly broad and would

apply to corporate grain buyers. The Senate adopted an oral amendment he offered to narrow the definition, and then adopted the Hanson amendment.

The Senate also adopted an amendment, offered by Sen. Becky Lourey (DFL-Kerrick), adding "buffalo" to livestock dealer bonding and prompt payment provisions, and adopted an amendment, offered by Sen. Jim Vickerman (DFL-Tracy), providing for reimbursement from the agricultural chemical response fund. The bill passed on a 55-7 roll call vote.

The Senate next considered the Dept. of Natural Resources (DNR) omnibus forestry bill, sponsored by Sen. Bob Lessard (DFL-Int'l. Falls). Lessard said the bill contains the Heritage Forest Areas provisions, various housekeeping provisions, and regulations on the use of trails within state forests. Lessard offered an amendment deleting the Heritage Forest provisions from the bill. He said the provisions have already passed the Senate in a separate bill. However, a heated discussion ensued when Sen. Dennis Frederickson (R-New Ulm) moved to retain a provision concerning public notice of proposed timber sales that Lessard's amendment would delete. Lessard opposed the amendment. He said the provision at issue requires the DNR to post notice of timber sales on the department's web site but, he said, the DNR is already doing that. Lessard added that removing the provision will not limit public involvement in timber sales. Sen. Dan Stevens (R-Mora) also opposed the amendment. He said there are already provisions in place requiring the placing of public notice of timber sales in newspapers. Sen. Twyla Ring (DFL-North Branch) supported the amendment. She said that DNR officials were comfortable with the provision. However, Frederickson's motion failed on a voice vote. Lessard's amendment also failed on a 30-33 roll call vote. The Senate then adopted Lessard's motion to lay the bill on the table.

Sen. Don Betzold (DFL-Fridley) brought H.F. 3501 up for the Senate's consideration. He said the bill is a technical data practices bill, and he offered an amendment adding most provisions contained in a previously passed data practices bill. He said the other bill had stalled in the other body.

Betzold said the amendment omits three provisions contained in the previous data practices bill concerning communications between Legislators and the Legislative Auditor, communications by the Dept. of Administration directing citizens to Alternative Dispute Resolution, and a provision requiring the Bureau of Criminal Apprehension to post certain information on the internet. Betzold added that the amendment also contained two provisions that had passed the Senate in separate bills and were not in the previous data practices bill. The amendment was adopted and the bill passed on a 61-0 roll call vote.

The Senate also passed H.F. 2833 on a 62-0 roll call vote. Sen. Randy Kelly (DFL-St. Paul), sponsor of the measure, said the bill allows better communication between probation officers and school officials about students on probation. The Senate adopted his motion to use the House language. Kelly said that under existing law, school officials and probation officers can't communicate as to whether or not a student is attending school. He said the bill allows the sharing of information on the student's behavior and requires that school officials must state why the information is necessary. Kelly said another provision in the bill allows the sharing of court order information with school and staff members to protect them.

Tuesday, April 25

## Wolf management revisited

Sen. Roger Moe (DFL-Erskine) imposed a call of the Senate during the Tues., Apr. 25 floor session, in response to a motion by Sen. Gary Laidig (R-Stillwater). Prior to Laidig's motion, Sen. Dave Kleis (R-St. Cloud) had moved to reconsider H.F. 3046—the game and fishing license increase measure, which included the removal of the wolf from the federal endangered species list. Kleis's motion was ruled out of order because too much time had passed since the vote on the bill.

Laidig followed with a motion to recall the bill from the House for further consideration. The bill originated for the purpose of raising hunting and fishing license fees as a means of increasing funding for the Department of Natural Resources. The plan had

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been amended by the Senate to include the gray wolf management plan, including a provision to use general funds from lottery sales taxes, expected to total approximately \$25 million annually, to support wildlife habitat, parks, trails and zoos. A roll call was taken on the Laidig motion, which failed 16 to 46.

Sen. Linda Scheid (DFL-Brooklyn

Park) moved that the conference committee report on H.F. 3047 be adopted. The bill affects mortgage release certificates prepared by title insurance companies and changes the size of covered mortgages from \$500,000 to \$1,000,000. The bill was repassed on a 61-0 vote.

The conference committee report on

H.F. 3020 was also adopted and repassed. The measure, carried by Sen. Michelle Fischbach (R-Paynesville), modifies long term care provisions.

Members also granted concurrence and repassage to S.F. 2385. The bill, sponsored by Sen. Mark Ourada (R-Buffalo) exempts certain public hospital employees from the compensation cap.

## Floor action

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### Conference committee reports adopted and repassed Monday, April 17

**S.F. 2686-Robling:** Establishes requirements for the sale of funeral goods and services. 59-0

**S.F. 2951-Vickerman:** Clarifies the use of alternative dispute resolution in annexation proceedings. 59-0

**S.F. 3581-Solon:** Omnibus liquor bill. 61-0

**H.F. 3692-Sams:** Modifies animal feedlot provisions and provides for private manure applicator education, training and certification. 43-22

**H.F. 2451-Novak:** Modifies telephone company property depreciation rates. 58-7

### Bills granted concurrence and repassage Monday, April 17

**S.F. 551-Junge:** Requires battered women programs to coordinate services with child protection agencies, authorizes service of short form notification in lieu of personal service for orders for protection, expands the definition of first degree murder in situations involving domestic abuse, provides enhanced penalties based upon a previous conviction or adjudication for malicious punishment of a child and other laws and adds assault in the fifth degree and domestic assault to definition of "crimes of violence." 63-1

### Veto override Monday, April 17

**H.F. 2809-Kinkel:** Clarifies admission for Ah-Gwah-Ching Center. 60-3

### Conference committee reports adopted and repassed Tuesday, April 18

**S.F. 3178-Metzen:** Dept. of Public Safety housekeeping bill that includes provisions relating to payments to shelters for victims of domestic abuse. 64-0

**S.F. 3169-Kiscaden:** Provides for parenting plans. 65-0

### Bills granted concurrence and repassage Tuesday, April 18

**S.F. 2830-Wiger:** Provides that a person may be charged with escape from custody when they escape after lawful arrest but prior to the commencement of trial proceedings. 65-0

**S.F. 3139-Metzen:** Provides sales tax rebates are not income for the support test for veterans nursing home residents. 65-0

### Bills granted final passage on Special Orders Tuesday, April 18

**H.F. 2757-Novak:** Regulates a state mandate requiring certain electric energy to be generated using biomass fuel. 50-15

**H.F. 3534-Frederickson:** Changes certain requirements and enforcement procedures for agricultural contracts. 62-1

**S.F. 3020-Hottinger:** Regulates proof of loss for fire insurance. 59-1

**H.F. 3046-Lessard:** Increases fees for game and fish licenses and provides a gray wolf management plan. 56-7

### Bills granted final passage on Special Orders Wednesday, April 19

**H.F. 3312-Sams:** Omnibus agriculture bill. Changes the scope of the value-added agricultural product processing and marketing grant program, establishes a certification pilot program, provides for uniformity in meat and poultry inspection, makes technical changes to pesticide and fertilizer laws and updates certain food standards. 55-7



# Floor action

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**H.F. 3501-Betzold:** Classifies data, provides for access to and sharing of data, authorizes certain restrictions on access to data, clarifies definitions and application provisions, modifies penalty provisions, provides for electronic copies of data, limits authority of local governments to disseminate private or confidential data, classifies and regulating disclosure of information held by health maintenance organizations, prohibits monitoring of persons requesting access to public data, requires government entities to have a data practices compliance official and provides for administrative and civil remedies. 61-0

**H.F. 2833-Kelly, R.C.:** Authorizes certain behavioral data on students to be disclosed to the juvenile justice system and provides that when a juvenile has been adjudicated delinquent for violations of criminal law that the disposition order shall be shared with certain school officials, law enforcement and specifies others. 62-0

## **Bills granted concurrence and repassage Tuesday, April 25**

**S.F. 2385-Ourada:** Exempts certain public hospital employees from the compensation limit. 34-27

## **Conference committee reports adopted and repassed Tuesday, April 25**

**H.F. 3020-Fischbach:** Modifies provisions in long-term care. 61-0

**H.F. 3047-Scheid:** Modifies title insurance mortgage release certificate language to include assignment of rents and profits. 63-0

## **Bills granted concurrence and repassage Thursday, April 27**

**S.F. 3386-Stumpf:** Creates a separate salary procedure for the chancellor of the Minnesota State Colleges and Universities and authorizes chancellors and presidents to receive additional compensation for early contract terminations. 56-4

**S.F. 2570-Janezich:** Increases the authorized number for a position in the unclassified service in St. Louis County. 61-0

## **Conference committee reports adopted and repassed Thursday, April 27**

**S.F. 1870-Hottinger:** Regulates motor vehicle fuel franchises and marketing agreements. 61-0

**S.F. 2521-Vickerman:** Establishes standards for the creation of corporations by political subdivisions. 63-0

**S.F. 2845-Knutson:** Increases criminal penalties and driver license sanctions for underage persons who use false identification to purchase or attempt to purchase alcoholic beverages or tobacco. 59-0

**S.F. 3036-Johnson, D.H.:** Provides for seizure and administrative forfeiture of firearms and abandoned property by conservation officers and modifies the definition of peace officer. 61-0

## **Bills granted final passage on Special Orders Thursday, April 27**

**H.F. 2516-Kelly, R.C.:** Amends the definition of harassment and modifies the petition and filing fee requirements. 52-12

## **Executive appointments confirmed Thursday, April 27**

**Minnesota Rural Finance Authority:** James Molenaar, Leslie Anderson.

**Board of Animal Health:** Sharon Baker, Todd Searles, Darrell Zehrer.

**Board of the Arts:** Kirsten Giese, Penelope Haru Snipper, Benjamin Vander Kooi, Jr.

**Minnesota Veterans Homes Board of Directors:** George Ross, Wayne Sletten.

**Gambling Control Board:** Dennis Flaherty, Irving Olsen, Howard Register.

**Metropolitan Council:** John Conzemius, Caren Dewar, Natalie Haas Steffen, Marc Hugunin, Carol Kummer, James Nelson, Todd Paulson, Fred Perez, Matthew Ramadan, Phillip Riveness, Carolyn Rodriguez, Julius Smith, Mary Smith, Sandra Spigner, Roger Williams, Lee Pao Xiong.

**Minnesota Racing Commission:** Thomas Brownell, Barbara Halper, Camille McArdle, Arnold Palmer.

**Emergency Medical Services Regulatory Board:** David Huisenga, Steven Nesseth, John Prondzinski, Dr. Michael Wilcox.

**Campaign Finance and Public Disclosure Board:** Donald Roggenbauer.

# Chapters

Chapter	House File	Senate File	House Author	Senate Author	Description	Signed	Effective Date
251	2980	2763*	Haas	Pariseau	Modifies the fishing season.	2/16/00	2/17/00
252	2634	2411*	Anderson, I.	Lessard	Modifies Northern Itasca Hospital District Board membership requirements.	3/1/00	8/1/00
253	2521	2320*	Hasskamp	Samuelson	Provides for Lake Edwards Township name change.	3/1/00	8/1/00
254	76	86*	Seagren	Pogemiller	Modifies education provisions.	3/7/00	various
255	2067*	2071	Westerberg	Ranum	Prohibits jail credit for EJJ offenders who violate stayed sentence conditions.	3/7/00	8/1/00
256	2722*	2502	Tunheim	Stumpf	Authorizes dissolution of a Kittson County township.	3/7/00	local approval
257	2535*	2291	Sykora	Oliver	Allows election of Shorewood City Council members by ward.	3/13/00	local approval
258	3039	2554*	Daggett	Sams	One time exemption from truth-in-taxation penalty provided to Wadena County.	3/13/00	local approval
259	3338*	2907	Holberg	Robling	Reorganizes and delegates duties of Scott County officials.	3/14/00	local approval
260	2749*	2464	Holberg	Betzold	Revisor's bill.	3/14/00	various
261	2642*	2552	Rhodes	Kelley, S.P.	Modifies search firms surety bonding requirements.	3/14/00	8/1/00
262	2774	2485*	Broecker	Wiger	Delays effective date for classifying Carisoprodal as a controlled substance.	3/20/00	8/1/00
263	2680	2465*	Jaros	Solon	Authorizes political party treasurers to sign political contribution receipt refund forms.	3/20/00	8/1/00
264	3232	2692*	Goodno	Hottinger	Modifies shareholder and member rights in business corporations and limited liability companies.	3/20/00	8/1/00
265	2603	2346*	Hackbarth	Krentz	Authorizes disabled hunters use of motorized vehicles in wildlife management areas.	3/20/00	8/1/00
266	2723*	2528	Ness	Dille	McLeod County offices temporary location in Glencoe Township authority extension.	3/23/00	8/1/00
267	3236*	3236	Mulder	Kiscaden	Birth or death certificates certified copies issuance procedure modification.	3/23/00	8/1/00
268	979*	2059	Lindner	Belanger	Authorizes landlords to apportion utility payments.	3/23/00	3/24/00
269	1865*	2094	Pawlenty	Anderson	Requires the Supreme Court Jury Reform Task Force to study the needs of nursing mothers during jury duty.	3/23/00	8/1/00
270	2815*	2386	Carruthers	Johnson, D.H.	Modifies the distribution of Hennepin County District Court fines.	3/23/00	7/1/00
271	3064	2776*	Jaros	Solon	Modifies St. Louis County nursing home renovation approval deadline and modifies rate setting.	3/23/00	8/1/00
272	3762	3355*	Jaros	Solon	Authorizes the electronic disbursement of funds by port authorities.	3/23/00	8/1/00
273	2927*	2685	Tuma	Robling	Authorizes group insurance for Metropolitan Inter-County Association employees.	3/23/00	3/24/00
274	3766*	3676	Skoglund	Ranum	Requires pawnbrokers providing electronic transaction records to law enforcement agencies to use the most current version of the interchange file specification format.	3/23/00	3/24/00
275	2873*	2516	Hackbarth	Novak	Clarifies county officials' time requirements to process instruments and clarifies Anoka County department head time requirements.	3/23/00	local approval
276	3113*	3089	Goodno	Sams	Permits an additional pharmacy technician in a pharmacy if the technician is nationally certified.	3/24/00	8/1/00

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Chap- ter	House File	Senate File	House Author	Senate Author	Description	Signed	Effective Date
299	3370	3339*	Westerberg	Neuville	Dept. of Corrections housekeeping bill.	3/28/00	8/1/00
300	3219	2903*	Osskopp	Vickerman	Modifies lawful gambling provisions.	3/31/00	4/1/00
301	1333	2193*	Daggett	Sams	Regulates board feet determination for wood sales contracts.	3/31/00	8/1/00
302	2785	2821*	Rest	Hottinger	Modifies annual reports filing requirements for social and charitable organizations.	3/31/00	4/1/00
303	2883	2579*	Howes	Hottinger	Regulates prescription drug discounts.	3/31/00	8/1/00
304	2675	2569*	Haas	Scheid	Provides for insurance coverage of punitive or exemplary damages; provides an exception to the term limit for fraternal benefit societies board members.	3/31/00	4/1/00
305	3399	3145*	Sykora	Oliver	Provides a variance from the qualified newspaper designation priority for Minnetonka.	3/31/00	4/1/00
306	2588	2326*	Mares	Wiger	Designates the Monarch butterfly as the official state butterfly.	3/31/00	8/1/00
307	3209*	2699	Seifert, J.	Samuelson	Specifies reporting requirements for major commitment expenditures by radiation therapy facilities.	4/3/00	8/1/00
308	3352	3586*	Gerlach	Pariseau	Permits anglers to use lighted fishing lures.	4/3/00	8/1/00
309	2719*	2436	Lieder	Scheid	Modifies requirements for no-fault automobile insurance coverage for rental motor vehicles.	4/3/00	8/1/00
310	2809*	2631	Howes	Kinkel	Clarifies Ah-Gwah-Ching center admissions criteria and authorizes geriatric rapid assessment stabilization or emergency admittance programs promotion.	veto overridden	8/1/00
311	2688*	2974	Broecker	Ranum	Criminal justice supplemental appropriations; expands predatory sex offenders registration and community notification requirements and increases penalties; restricts name changing; criminal justice information technology and data access.	4/3/00	various
312	3226	2896*	Nornes	Stevens	Nursing facilities alternative survey process and procedures development and resident assistants training and employment.	4/3/00	various
313	2994	2748*	Fuller	Lourey	Modifies ambulance services and emergency medical technicians requirements.	4/3/00	4/4/00
314	3212	2734*	Tingelstad	Berglin	Authorizes a study of home and personal care providers transportation costs reimbursement.	4/3/00	8/1/00
315	3048	2868*	Nornes	Stevens	Nursing facilities medical assistance case mix reimbursement system implementation timelines.	4/3/00	8/1/00
316	3107	2634*	Greiling	Betzold	Modifies civil commitment provisions for persons with mental illness.	4/3/00	8/1/00
317	3306	3549*	Wilkin	Terwilliger	Modifies residential hospice program requirements.	4/3/00	Health Dept. action
318	3023	2701*	Broecker	Wiener	Defines the crime of lawful gambling fraud.	4/3/00	8/1/00
319	3365	2941*	Abeler	Kiscaden	Health professionals employment disqualification determinations.	4/3/00	8/1/00
320	3220	2510*	Smith	Knutson	Modifies real property recording and redemption and common interest ownership provisions.	4/4/00	various
321	3596	3369*	Ozment	Ring	Establishes special environmental purpose districts pilot projects.	4/4/00	4/5/00
322	3310	3055*	Abeler	Kiscaden	Expands regulation of health plan companies network shadow contracting and implementing an effects study.	4/4/00	8/1/00
323	3290	2894*	Dorman	Higgins	Classifies occupational safety and health discrimination complaint communications.	4/4/00	8/1/00
324	3555	3283*	Westerberg	Runbeck	Authorizes civil enforcement of snow-mobile metal traction device sticker requirements.	4/4/00	4/5/00

# Chapters

Chapter	House File	Senate File	House Author	Senate Author	Description	Signed	Effective Date
325	1590*	1952	Mahoney	Berg	Authorizes public safety department alcohol and gambling division agents to execute search warrants.	4/4/00	8/1/00
326	2819	2444*	Cassell	Larson	Conveys surplus state land in Stearns County.	4/4/00	4/5/00
327	3103	3005*	Sykora	Ranum	Modifies Dept. of Human Services licensing provisions.	4/4/00	4/5/00
328	3152	2905*	Kuisle	Kelley, S.P.	Modifies local government units purchasing authority provisions.	4/4/00	8/1/00
329	3169*	3167	Gerlach	Pariseau	Modifies Dakota County personnel board of appeals provisions.	4/4/00	local approval
330	2670*	2566	Bradley	Hottinger	Modifies community based waived services for people with developmental disabilities and family support grants provisions.	4/4/00	various
331	3868	3260*	Daggett	Stevens	Modifies aquatic farm regulation provisions.	4/4/00	8/1/00
332	4076	2653*	Haake	Novak	Makes electronic filing of state agency grant applications available.	4/4/00	8/1/00
333	2940	2735*	Workman	Price	Modifies dry cleaning facility annual registration date and environmental response fee assessment provisions.	4/4/00	4/5/00
334	2936	2511*	Workman	Vickerman	Authorizes town agents to enter property for road examinations and surveys and towns recovery of costs incurred to establish cartways.	4/4/00	8/1/00
335	3327	2676*	Broecker	Wiger	Makes permanent the authority of cities or towns to petition for a rule amendment or repeal and expands the authority to sanitary districts.	4/6/00	8/1/00
336	3571	2828*	Osskopp	Wiger	Regulates and prohibits certain gambling activities.	4/6/00	4/7/00
337	2559	2546*	Howes	Stevens	Authorizes recovery of sunken logs.	4/6/00	6/1/00
338	3342	3025*	Mariani	Pappas	Requires foster care providers to be competent in operating medical equipment.	4/6/00	8/1/00
339	3134*	2857	Ozment	Lessard	Requires DNR permission for Metro Mosquito Control District treatment of mosquitoes on Metro DNR lands.	4/6/00	4/7/00
340	3122*	2901	Abeler	Berglin	Modifies Dept. of Human Services health care programs.	4/6/00	various
341	3510*	3378	Holsten	Lessard	Extends special deer hunting authority to Kittson, Lake of the Woods, Marshall, Pennington and Roseau Counties.	4/6/00	4/7/00
342	2656*	3441	Wolf	Sams	Regulates repair or replacement of auto glass.	4/6/00	various
343	3806	3554*	Wolf	Scheevel	Modifies re-employment insurance coverage provisions for nonprofit organizations.	4/6/00	4/7/00
344	465	624*	Ozment	Murphy	Establishes the firefighter training and education board.	4/6/00	8/1/00
345	2803*	3119*	Smith	Cohen	Authorizes court reporters right to organize under PELRA.	4/10/00	8/1/00
346	2969	2803*	Tuma	Hottinger	Requires certified public accountants certifications or licensing education, examination and experience requirements modifications; accounting practitioners voluntary registration.	4/10/00	8/1/00
347	2477	2499*	Mulder	Sams	Clarifies medical assistance coverage requirements modifications; accounting practitioners voluntary registration.	4/10/00	8/1/00
348	2761	3379*	Rostberg	Ring	Authorizes Isanti county tax-forfeited land sales.	4/10/00	4/11/00
349	2643	2767*	Luther	Samuelson	Requires health plan companies and third party administrators clean health care services claims prompt payment or denial.	4/10/00	1/1/01

Chapter	House File	Senate File	House Author	Senate Author	Description	Signed	Effective Date
350	2974	3203*	Davidson	Oliver	Conforms insurance uniform accounting principles codification.	4/10/00	4/11/00
351	2639	2397*	Ozment	Higgins	Establishes employees blood-borne pathogens exposure reduction procedures.	4/10/00	6/9/00
352	3584	3354*	Lindner	Novak	Clarifies manufactured homes limited dealers requirements.	4/10/00	4/11/00
353	3052	2850*	Solberg	Lessard	Extends Itasca county medical assistance prepayment demonstration project participation eligibility.	4/10/00	8/1/00
354	2752	3455*	Stanek	Johnson, D.H.	Modifies stolen or fraudulent checks provisions.	4/10/00	8/1/00
355	3347	2989*	Olson	Runbeck	Establishes subject matter competencies for judges.	4/10/00	12/31/00
356	3795	3478*	Kuisle	Kiscaden	Modifies Rochester firefighters probationary period.	4/10/00	4/11/00
357	3119	2725*	Bishop	Spear	Limits public defenders and court appointed counsel minors juvenile court representation restriction.	4/10/00	8/1/00
358	1267	1126*	Pawlenty	Betzold	Clarifies civil actions economic loss doctrine clarification.	4/11/00	8/1/00
359	3457	2858*	Holberg	Spear	Requires civilly committed sexual psychopaths or sexually dangerous persons to transfer to Corrections.	4/11/00	4/12/00
360	3202	2789*	Wilkin	Belanger	Authorizes county coroner or medical examiner compensation for professional or medical provider services.	4/11/00	8/1/00
361	947	1038*	Howes	Solon	Establishes occupational therapists and therapy assistants licensure and regulation.	4/11/00	4/12/00
362	3208	2723*	Dawkins	Betzold	Makes trust and probate provisions modifications.	4/11/00	8/1/00
363	3626	3428*	Mulder	Kelly, S.P.	Modifies psychologists supervisory and disciplinary requirements modifications.	4/11/00	8/1/00
364	3537	3198*	Bradley	Berglin	Establishes nursing home supervisory and disciplinary requirements modifications.	4/11/00	4/12/00
365	3952	3533*	Ozment	Kelly, R.C	Provides payment of claims against the state.	4/11/00	4/12/00
366	3303	3566*	Entenza	Foley	Creates crime of failure to remit motor vehicle sales tax.	4/13/00	4/14/00
367	3756	3423*	Abrams	Spear	Holocaust Victims Relief Act of 2000.	4/13/00	4/14/00
368	3331*	2980	Howes	Junge	Creates domestic violence and sexual assault prevention director and interagency task force.	4/13/00	7/1/00
369	1326*	1130	Abeler	Berglin	Modifies human services licensing act provisions and modifications.	4/13/00	8/1/00
370	3576*	3361	Osskopp	Higgins	Modifies solid waste and wastewater treatment facility operators reporting requirements modification; toxics in packaging prohibition exceptions expiration date extension.	4/13/00	4/14/00
371	3109*	3699	Entenza	Wiener	Enacts uniform electronic transactions act.	4/13/00	4/14/00
372	3517	2742*	Biernat	Foley	Changes child support order issuance procedures modifications; medical support statutes study.	4/13/00	8/1/00
373	3613	3307*	Holberg	Ranum	Provides recreational vehicles personal injury claims.	4/13/00	8/1/00
374	2807	2514*	Howes	Stevens	Establishes inland water perch limits.	4/13/00	12/1/00
375	2613	2949*	Boudreau	Hottinger	Provides heritage forest areas establishment.	4/13/00	8/1/00
376	3250	3290*	Osthoff	Kelly, R.C.	Provides environmental response reimbursement provisions expansion; western Lake Superior sanitary district landfill cleanup program eligibility.	4/13/00	4/14/00



# Chapters

Chapter	House File	Senate File	House Author	Senate Author	Description	Signed	Effective Date
377	3950	3154*	Broecker	Ranum	Authorizes criminal and juvenile justice databases public defenders access.	4/13/00	8/1/00
378	2707	3348*	Juhnke	Johnson, D.E.	Modifies organizations potluck events requirements modifications.	4/13/00	8/1/00
379	3903	2987*	Westrom	Vickerman	Amends cooperatives financing and income distribution provisions modifications.	4/13/00	various
380	2822	2547*	Rhodes	Metzen	Requires Minnesota firefighters memorial relocation.	4/13/00	8/1/00
381	2888*	2573	Peterson	Berg	Authorizes Chippewa River canoe and boating route; natural resources commissioner canoe routes designation authority.	4/13/00	8/1/00
382	1493	83*	Ozment	Stevens	Simplifies wetlands regulations and consolidations.	4/13/00	4/14/00
383	262	76*	Entenza	Foley	Eliminates DWI motor vehicle forfeiture proceedings requirement modification.	vetoed	
384	3195	3701*	Leppik	Wiener	Adds state designer selection board membership modification.	4/13/00	8/1/00
385	3174	3195*	Swensen	Scheevel	Changes revised adulterated dairy products; removes penalties.	4/13/00	8/1/00
386	3082	3150*	Tuma	Larson	Increases higher education facilities authority bonding authority increase.	4/13/00	8/1/00
387	2981	2848*	Rostberg	Kelly, S.P.	Adds public employment labor relations act supervisory or confidential employees list expansion for exclusive representation purposes.	4/13/00	8/1/00
388	3565	3291*	Dawkins	Pappas	Clarifies towed motor vehicle lien provisions.	vetoed	
389	562	619*	Paulsen	Kleis	Regulates collection agencies licensure requirements exemption.	4/13/00	8/1/00
390	3554	3138*	Anderson, B.	Wiger	Makes agent orange information and assistance act expansion and veterans affairs commissioner duties modifications; combat wounded veterans plaque on capitol grounds.	4/14/00	4/15/00
391	3424	3346*	Pawlenty	Kelly, S.P.	Requires real estate documents electronic filing study and recommendations.	4/14/00	various
392	3597	2795*	Mares	Metzen	Regulates state investments regulation provisions modifications	4/14/00	4/15/00
393	3328	2877*	Hackbarth	Janezich	Adds iron range off-highway vehicle recreation area size increase and appropriation availability extension.	4/14/00	8/1/00
394	3075	2655*	Paulsen	Scheid	Recodifies revenue insurance recodification.	4/14/00	1/1/01
395	3066	2783*	Seifert	Knutson	Defines secretary of state, corporate registration and electronic authentication act provisions modifications.	4/14/00	1/1/01
396	3260	2968*	Olson	Ourada	Modifies lake improvement districts provisions modifications.	4/14/00	various
397	2229	884*	Hareder	Dille	Provides marriage license fee reduction for premarital education; marriage dissolution filing fee increase.	vetoed	
398	3964	3626*	Wilkin	Wiener	Adjusts comprehensive health insurance provisions modifications.	4/14/00	4/15/00
399	1394	1495*	Pawlentry	Hottinger	Revises uniform commercial code-secured transactions; revisions enactment.	4/14/00	7/1/01
400	1662	1896*	Boudreau	Kiscaden	Omnibus human services bill, affecting medical assistance, general assistance, MinnesotaCare, and other state medical programs.	4/14/00	1/1/01

Chapter	House File	Senate File	House Author	Senate Author	Description	Signed	Effective Date
401	3176	3410*	Boudreau	Berglin	Modifies children domestic violence exposure services determination.	4/14/00	various
402	3263	3082*	Swapinski	Solon	Authorizes Duluth human rights commission.	4/14/00	4/15/00
403	3519	2794*	Biernat	Foley	Modifies child support expedited process financial worksheet preparation requirement modification.	4/14/00	8/1/00
404	3318	3018*	Luther	Ranum	Provides standby and alternate child custodians designation.	4/14/00	4/15/00
405	3577	3116*	Holberg	Knutson	Regulates creditors remedies provisions modifications.	4/14/00	8/1/00
406	304	173*	Tunheim	Moe, R.D.	Allows Red Lake Indian reservation taken and tagged wild animals possession authority.	4/14/00	8/1/00
407	2570	3259*	Bradley	Limmer	Provides state energy code rules effect continuation and delayed rules implementation report.	4/14/00	4/15/00
408	3512	3108	Anderson, B.	Lesewski	Regulates telephone access of persons restrained in local and state correctional facilities.	4/14/00	8/1/00
409	2731*	2753	Davids	Novak	Regulates motor vehicle manufacturers, distributors and factory branches unfair practices regulation modifications.	4/14/00	various
410	2935	2363*	Larsen, P.	Sams	Regulates dental benefit plans treatment and disclosure requirements.	4/14/00	various
411	3825	3338*	Smith	Johnson, D.H.	Defines tribal law enforcement agencies liability insurance cap.	4/14/00	various
412	3652	3387*	Goodno	Samuelson	Requires a 24 hour wait before an abortion.	vetoed	
413	1383	1231*	Wilkin	Hottinger	Modifies optometrists licensing and disciplinary actions provisions modifications.	4/14/00	8/1/00
414	3633*	3550	Rhodes	Terwillger	Designates Mighty 8th Airforce Week.	4/14/00	8/1/00
415	1947	1618*	Jennings	Solon	Modifies beer brewers and wholesalers judicial remedies.	4/17/00	4/18/00
416	2791	2741*	Abrams	Higgins	Modifies Hennepin county human resources system provisions modifications.	4/17/00	8/1/00
417	2846	3272*	Bradley	Wiener	Modifies bleacher safety and enforcement requirements modifications	4/17/00	8/1/00
418	3234	3091*	Abrams	Murphy	Recodifies sales and use tax laws.	4/18/00	8/1/00
419	1834	1699*	Osskopp	Price	Authorizes state agency services transactions credit card or electronic funds transfer payment.	4/18/00	8/1/00
420	3495	2972*	Anderson, B.	Knutson	Authorizes expanded authorization of electronic bids.	4/18/00	various
421	3008	2615*	Koskinen	Foley	Provides for hospitals receipt of unharmed newborn babies.	4/18/00	4/19/00
422	1631	1202*	Goodno	Spear	Establishes bloodborne pathogens occupational exposure protocol.	4/18/00	8/1/00
423	2555	1733*	Carruthes	Betzold	Imposes intoxicated minors damages third party liability.	4/18/00	various
424	3901*	3769	Storm	Lesewski	Authorizes the Housing Finance Agency community rehabilitation fund to make grants or loans to for-profit organizations and authorizes interest rate exchange agreements.	4/20/00	8/1/00
425		2484*	Tomassoni	Day	Requires motor vehicles to drive in the right lane except when passing.	vetoed	
426	2953	3023*	Workman	Kleis	Modifies vehicle registration and titling provisions.	4/20/00	various
427	2973	2870*	Davids	Metzen	Omnibus financial institutions bill.	4/20/00	various
428	2889	2683*	Hackbarth	Samuelson	Exempts archery bows used for bow fishing from casing requirement and authorizes disability permits for taking rough fish and hunting small game with a crossbow.	4/20/00	4/21/00

# Chapters

Chapter	House File	Senate File	House Author	Senate Author	Description	Signed	Effective Date
429	2671*	2567	Bradley	Hottinger	Provides for recommendations regarding the transfer of public guardianship responsibilities of persons with mental retardation.	4/20/00	4/21/00
430	2563*	2381	Storm	Hottinger	Modifies mechanics liens requirements and procedures.	4/20/00	8/1/00
431	2830*	2771	Clark, K.	Kelly, R.C.	Enhances penalties for juvenile prostitution solicitation and promotion and provides for a law enforcement training study.	4/20/00	various
432	3786	2456*	Anderson, B.	Ourada	Authorizes the conveyance of certain Wright County ditches to the cities of St. Michael and Albertville.	4/24/00	local approval
433	3274	2785*	Workman	Murphy	Exempts certain public utility owned vehicles from highway weight limits.	4/24/00	4/25/00
434	3292	2946*	Dorman	Vickerman	Restricts use of certain gasoline oxygenates.	4/24/00	various
435	3692*	3443	Kuisle	Sams	Modifies animal feedlot provisions.	4/24/00	4/25/00
436	2451*	2271	Davids	Novak	Regulates telephone companies depreciation rates.	4/24/00	4/25/00
437	1067	551*	Fuller	Junge	Modifies domestic abuse provisions.	4/24/00	various
438	2713	2686*	Rest	Robling	Regulates the sale of funeral goods and services and pre-need funeral arrangements.	4/24/00	various
439	3497*	3539	Tuma	Junge	Modifies and clarifies state government attorney fees and costs awards provisions.	4/24/00	4/25/00
440	3974	3581*	Paulsen	Solon	Omnibus liquor bill.	4/24/00	various
441	2958	2830*	Mahoney	Wiger	Expands the crime of escape from custody.	4/24/00	4/25/00
442	2968	3139*	Mullery	Metzen	Excludes sales tax refunds or rebates as a means of support for residents of Veterans Homes.	4/24/00	various
443	2757*	2614	Jennings	Novak	Modifies the mandate for public utilities biomass power.	4/24/00	4/25/00
444	3311	3169*	Dawkins	Kiscaden	Provides for parenting plans.	4/27/00	various
445	3550	3178*	Hilty	Metzen	Dept. of Public Safety housekeeping bill.	4/26/00	various
446	3586	2951*	Larsen, P.	Vickerman	Clarifies use of alternative dispute resolution methods in annexation proceedings.	4/26/00	various
447	3960	3644*	Nornes	Novak	Modifies workers' compensation provisions.	4/27/00	various
Res. 4	4060	2348*	McCollum	Wiger	Resolution for release of Americans held in North Korea, China, Russia and Vietnam.	4/3/00	

\*denotes file sent to the governor.

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# *Senate Briefly*

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*Minnesota Statehood Day on May 11th provided visitors the rare opportunity to view the illumination of the chandelier in the Capitol Rotunda.*

*Photo by David J. Oakes*



*May 5 and May 12, 2000*

# Senate Highlights

## Subscription renewal

This edition of *Senate Briefly* includes Senate floor, committee and conference committee action that took place the weeks of May 1 and May 8. The Senate has adjourned until Weds., May 17. As a result, this is the last edition of *Senate Briefly* that will be published this year. Next week's floor action will be covered in the Publications Office's end of session magazine *Perspectives*. All current subscribers will receive the *Perspectives* magazine.

There is a subscription renewal form on the last page of this edition of *Senate Briefly*. If you want to continue to receive the publication during the 2001 Session, please return the form to the Publications Office by June 1, 2000.

## Tax and spending bills passed

In the waning hours of the 117th Legislative Day that began Tues., May 9 and lasted until 7 a.m. Weds., May 10, Senators moved rapidly to debate and vote on the conference committee reports for all the major tax and spending conference committee reports. The final vote, for the omnibus bonding bill H.F. 4078, occurred just minutes before the 7 a.m. deadline. Members devoted the hours between 2 a.m. and the

deadline debating the major bills, but then had to wait for messages from the other body, before actually voting on the compromise packages. In addition, members acted upon several additional conference committee reports, confirmed a number of gubernatorial appointments and granted final passage to one bill on the Special Orders Calendar.

When members reconvened after a short recess, the first item was the vote on the omnibus transportation appropriation and bonding bill. The measure, H.F. 2891, sponsored by Sen. Dean Johnson (DFL-Willmar), had been discussed extensively earlier in the floor session. The conference committee reports were repassed on a 64-2 roll call vote.

The omnibus education appropriations conference report, H.F. 3800, was the next major bill considered. Sen. Lawrence Pogemiller (DFL-Mpls.), chief Senate conferee, said the bill contains \$120 million in permanent education appropriations and \$67 million in one time spending. Pogemiller added, "The Senate bill originally contained \$144 million permanent and \$100 million one-time spending. The \$67 million in one time appropriations, though, is

actually a net increase because appropriations for maximum effort loans have been shifted." Sen. Pat Piper (DFL-Austin) outlined the appropriations for the early childhood and family education portions of the bill. She said the early childhood portions of the bill contain almost entirely Senate language and provide additional funding for adult basic education, intensive English as a second language programs, Minnesota Family Investment Plan child care and basic sliding fee scale childcare. The measure also includes \$6 million for homeless prevention that includes funding for transitional housing and emergency services.

Sen. Deanna Wiener (DFL-Egan) outlined the higher education portions of the compromise package. She said the resulting compromise is positive in terms of the original Senate position. The measure contains appropriations for a MnSCU deficiency, a farm services program, the urban teacher preparation program, the Cook County higher education program, child care at the U of M-Duluth campus, health care cost increases at four campuses and the agriculture rapid response fund. Pogemiller said that the K-12 appropriations sections of the measure were essentially the Senate bill with some reductions in special education and technology spending. One of the highlights, he said, was that though the measure contains Senate language concerning declining pupil aid, there was concern that growing school districts would be penalized. He said that work done by Sen. David Knutson (R-Burnsville) resulted in \$7 million for increasing population districts. Pogemiller also said that another significant provision was the adoption of a House appropriation of \$12 million for one-year funding for secondary vocational education.

Debate on the measure was minimal, however, Sen. Steve Kelley (DFL-Hopkins) questioned language in the bill regarding internet filtering. Pogemiller said the language was similar to that contained in both House and Senate versions of the bill. "We adopted language that said schools must adopt filtering devices or other methods to prevent access by children or adults to material that is reasonably seen to be obscene or child pornography,"

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Pogemiller said. In addition, the measure provides limited liability to employees when there has been a good faith effort to adhere to the provisions and for libraries, there is a provision specifying that if someone tries to circumvent the filtering devices, the person can be removed from the library, he added.

The bill was repassed on a 66-0 roll call vote.

The omnibus tax conference committee report was the next focus of discussion. Sen. Douglas Johnson (DFL-Tower) said that the measure H.F. 4127 contained income tax cuts and other provisions crafted by the House conferees as part of the three way deal between the Senate, House and governor. However, he said, "A high priority for the Senate was the sales tax rebate that is included in the compromise package." Johnson said the rebate totals \$640 million—about half of last year's rebate—and eligibility is expanded. In addition, the package contains \$18.32 million for farm disaster relief, income tax rates are lowered in all three brackets, and motor vehicle registration taxes are reduced by \$160 million per year. Johnson said, "On a tripartisan basis we probably should have ended up with a little fairer bill, but overall I urge support of the bill."

In debate on the package, Sen. Kenric Scheevel (R-Preston) said, "The bill could have been improved but for the decision to give away one-third of the budget surplus to the executive branch." Sen. John Marty (DFL-Roseville) said, "I still think we ought to be looking at a lot of other issues such as affordable housing instead of cutting income tax rates. The top 15 percent get more than everyone else combined and 80 percent of the people only get 39 percent of the cuts."

However, Sen. Ember Junge (DFL-New Hope) countered and said, "The three way division was unique, but we have gotten good results. In a few months people will have rebate checks, new computers, more workers in nursing homes and natural resources will be improved. We have had a ring side seat to an incredible experiment in democracy. We have served the people of Minnesota with a balanced package and we have made it work for the second year in a row."

Sen. William Belanger (R-Bloomington) also urged support and said, "We did the best we could with the hand we were dealt." The conference committee report was passed on a 64-1 roll call vote.

Members considered two additional conference committee reports before taking up the next major appropriation bill. H.F. 3505, authored by Sen. Edward Oliver (R-Deephaven), contains Dept. of Commerce insurance enforcement provisions and the Dept. of Commerce insurance technical bill. S.F. 1048, carried by Sen. Dave Johnson (DFL-Bloomington), originally contained provisions for an advisory selection process for public utility commissioners. However, because of House opposition that portion was removed from the bill and the remaining language relating to ex parte communication, constituted the conference committee report. Both measures were repassed without debate.

Sen. Dave Kleis attempted to bring one of the unicameral bills to the floor. Kleis used a procedure, known as a Rule 40 motion, to try and pull the bill from the Election Laws Committee to the Senate floor for immediate consideration. However, the motion failed on a 25-41 roll call vote.

Members did approve the conference committee report on S.F. 849. The measure, sponsored by Sen. Steven Novak (DFL-New Brighton), modifies the authority to expand or upgrade minor use airports.

The third major appropriations package, H.F. 2699, the omnibus appropriations bill was debated then laid on the table pending the message from the House. Sen. Don Samuelson (DFL-Brainerd), chief Senate conferee, outlined the provisions relating to health and human services. "The Senate held strong positions on upholding a 3 percent cost of living adjustment for nursing home workers and on improving the senior drug program. We were able to uphold both positions," Samuelson said. Sen. Jane Krentz (DFL-May Township) outlined the agriculture and natural resources portions of the bill. She said that the bulk of the spending for natural resources was contained in a separate bill, but that omnibus appropriations conference report includes most of the items Senate conferees

wanted. The jobs and economic development portions of the package were explained by Sen. Jerry Janeczich (DFL-Chisholm) who said that the original Senate bill contained appropriations of \$19 million, but that the compromise only included \$2 million. The state government funding portions of the bill, detailed by Sen. Leonard Price (DFL-Woodbury), provide net spending of \$2 million. Price said that the original House bill cut \$18 million in state government appropriations and eliminated agencies, but the Senate position prevailed and no agencies were eliminated. Price also said that the compromise version does contain House language requiring risk assessment and risk mitigation for technology purchases. Finally, Sen. Randy Kelly (DFL-St. Paul), said that most Senate provisions prevailed in the area of judiciary and crime prevention budget provisions.

The bill was also laid on the table pending the message from the House of Representatives. The bill was repassed, though, on a 64-1 roll call vote. Members also adopted and repassed the conference committee report on S.F. 3002. The bill, authored by Sen. Dennis Frederickson (R-New Ulm), makes numerous additions and deletions from various state parks.

The final bill to be considered, H.F. 4078, was the omnibus bonding conference committee report. The measure, totaling \$583 million for capital projects, provides \$241.2 million for higher education, \$96.9 million for environmental projects, \$81.6 million for K-12 and children's programs, \$58 million for a new Bureau of Criminal Apprehension building, \$44 million for dedicated busways, \$16 million for the Como Park Zoo, and 3 million for the Guthrie Theatre project.

Sen. Linda Berglin (DFL-Mpls.), chief Senate conferee, said, "By and large, Senate projects prevailed, but the \$450 million target was not an adequate amount. Sen. Richard Cohen (DFL-St. Paul), also a conferee said, "The bill does not present as comprehensive a vision as it might for the state of Minnesota. There are significant disappointments such as the absence of the library at Metro State. The disappointments are not because of opposition, but because we utilized a target that was inadequate for the needs. But,



# Senate Highlights

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given the target we had, it is a very good bill.”

The conference committee report was repassed on a 63-2 roll call vote just minutes before the 7 a.m. deadline.

## Profile deal struck

Shortly before the 7 a.m. deadline Wed., May 10, House and Senate leadership reached an agreement on the high standards conference committee report. Speaking of the deal between the House and Senate at a Thurs., May 11 press conference, Sen. Roger D. Moe (DFL-Erskine) said both sides showed flexibility. Chair Sen. Lawrence Pogemiller (DFL-Mpls.) has signed the report along with other Senate conferees and Rep. Mary Ellen Otremba (DFL-Long Prairie) but Chair Rep. Robert “Bob” Ness (R-Dassel) and Rep. Tony Kielkucki (R-Lester Prairie) had not signed the report as of press time.

The deal resolves the outstanding disagreements in article one and two of the conference committee bill. Senate negotiators had been insisting on allowing teachers, administrators and school boards to decide whether a district would implement the Profile of Learning or the North Star Standard. House negotiators didn’t want the teachers and administrators included in the vote. The compromise bill allows teachers and administrators to vote but only in an advisory capacity. If there is disagreement, the school board has the final say. Speaking at the press conference, Pogemiller said he would be more comfortable with a binding vote by teachers, but “the House demanded a non-binding vote.” He said, in his judgement, he believes teachers will advise school boards to continue with the Profile instead of switching to the North Star Standard. According to the compromise bill, if a district goes with the Profile, the school board, administrators and teachers will vote at each site on the number of preparatory and high school content standards that students are required to complete, including the number of high school content standards students must complete to graduate. If the school board, teachers and administrators can’t agree, the site has to go with the state-required numbers. Pogemiller predicted most sites will get to the state-required numbers in a few years.

The final bill also outlines reporting requirements. By Aug. 15 of each year, each school district, area learning center and charter school must notify the commissioner of the preparatory and high school content standards required at each site. They must also report the schedule, by school year, that each school site will use to implement all the state-required preparatory and high school content standards.

Another sticking point had been whether or not districts choosing the North Star Standard would be subject to statewide testing requirements. Senate conferees argued they should be, House negotiators disagreed. Under the agreement worked out, districts implementing the North Star Standard are not exempt from the basic requirements of the graduation rule and must assess students using a norm-referenced standardized achievement test, a local criterion-referenced test or the third and fifth grade tests administered to all students. The report specifies that the district must submit to the commissioner testing information, including student assessment results, and information showing that the test the district uses is reliable, clearly aligned to the North Star Standard and linked to student performance levels in order to make school and district comparisons. Additionally, districts or charter schools implementing the North Star Standard must make available information showing that locally developed course credits meet or exceed the rigorous state standards. The commissioner, in consultation with representatives of school districts, charter schools and alternative learning centers implementing the North Star Standard must develop and disseminate a comparable method for reporting student performance on the North Star Standard.

The report also contains compromise language regarding performance assessments. Under the bill, a district, area learning center or charter school must select performance assessments that have a grading system comparable to the criteria established under the definition of rubric contained in rule. Districts, area learning centers and charter schools may use one or more assessment methods to measure student performance on one or more content standards.

The House adopted Senate language on scoring. The final bill specifies that the grade level of a student must not prohibit a student from receiving a state exemplar score upon completion of a content standard. Teachers may assign a score of “0” to incomplete student work on a standard. The assessment of the content standard must be included as part of the student’s grade for a subject or course.

## 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 651-296-0504 (tty 651-296-0250). The Senate Information Office also has toll-free telephone numbers to enable citizens of Greater Minnesota to obtain general information about the Minnesota Senate. The 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 651-296-8088.

## TTY Service available

The Minnesota Senate continues to offer TTY service for people with hearing impairments. Located in the Senate Index Office, the TTY telecommunications service allows deaf or persons with a hearing-impairment to communicate with Index staff in order to find out bill status, bill content and bill authorship. The service may also be used to communicate with Senators or other Senate staff people. The telephone numbers for the TTY service are (612) 296-0250 or 1-888-toll free. In addition a public access TTY pay telephone is located near the Information Desk on the first floor of the Capitol Building.

# Committee update



*Senate conferees on the omnibus supplemental appropriations bill meet with their counterparts from the House to decide on appropriations for the next fiscal year.*

Photo by David J. Oakes.

## Election laws

### Appointees approved

Members of the Election Laws Committee met Thurs., Apr. 27, to consider the appointments of Douglas Kelley and Sidney Pauly to the Campaign Finance and Public Disclosure Board. Sen. John Marty (DFL-Roseville) chaired the hearing.

Pauly, acting chair of the board, said she is currently the longest serving board member. "I decided to reapply. The board needs continuity," said Pauly. Sen. Carol Flynn (DFL-Mpls.) said reporting procedures need to be simplified. She said it's difficult to get treasurers for local races because there is a fear of fines. Pauly said the board can offer suggestions for simplifying and

streamlining procedures.

Kelley, a lawyer, said he has had a lot of interaction with both bodies of the Legislature. "I've represented people on both sides of the aisle," he said. Sen. Mark Ourada (R-Buffalo) asked Kelley how the board should conduct itself. Kelley said the board should be user-friendly and work to make sure election laws are known. Both appointments were approved by the committee.

## Environment and Natural Resources

### Con con bill okayed

Members of the Environment and Natural Resources Committee, chaired by Sen. Bob Lessard (DFL-Int'l. Falls),

met Mon., May 1, and approved a bill designed to resolve disputes over state management and recreational use of consolidated conservation lands in seven Northwestern Minnesota counties.

The bill effects some 360,000 acres in Beltrami, Koochiching, Lake of the Woods, Aitkin, Mahnomon, Marshall and Roseau Counties, over which there has been on-going debate over state management designations.

An amendment to the original bill, S.F. 3131, offered by Sen. LeRoy Stumpf (DFL-Thief River Falls), designates certain consolidated conservation lands as forestry or wildlife management lands and provides increased in lieu of taxes to support infrastructure in the affected counties. The amendment provides a



# Committee update

structure and forum for the counties and the Department of Natural Resources (DNR) to resolve issues and make recommendations to the Legislature. The amendment also permits historic motorized uses of roads and trails through wildlife management areas and directs the DNR to verify the route and historic uses for each road and trail and sign them accordingly. The amendment prohibits cross-country motorized use of designated lands. The amendment was adopted by the committee.

Another amendment, also offered by Stumpf, directs the DNR, in consultation with wildlife management area users, to identify and designate corridor trails in "corridors of disturbance" to connect trails, forest roads, and public highways to provide reasonable travel for all-terrain vehicles (ATV's), and defines "corridors of disturbance" as rights-of-way such as ditches, ditch banks, transmission lines, pipelines, permanent roads, winter roads and recreational trails. The amendment specifies the Rapid River Forest Road, the Blanchard Forest Road and the Moose River Forest Road as open to travel by ATV's when the roads are open to other non-commercial vehicles. The corridors are consistent with both state and federal law, Stumpf said, noting that the roads are not open to cross-country travel. The amendment was adopted by the committee.

Deputy DNR Commissioner Steve Morse testified that the department generally supports the bill. However, he said the department does not support the increased in lieu of taxes, which is estimated to have a \$1.5 million impact on the budget next year. The department also objects to allowing ATV travel within wildlife management areas, Morse said. On the other hand, the alternative to not passing a bill this year is "basically unregulated traffic" on the 360,000 acres, he said, adding that the department will work with counties to refine the bill this summer.

"We were a long way apart in the beginning, but the department has moved and so have the counties," he said.

Roger Howard, land commissioner for Aitkin County and member of the area's joint powers board, said the counties support the bill, but only with the increase in in lieu of taxes.

Gary Botzik, representing the Conservation Committee, a coalition of hunting and environmental groups, said the organization also supports the bill, including the increases in lieu of taxes. "It's not perfect, but it's a good piece of legislation," he said.

Nancy Hilden, representing the Sierra Club, said the organization is concerned about the erosion of regulation in wildlife management areas with the allowance of ATV's.

Sen. Leonard Price (DFL-Woodbury) offered a two amendments that clarify what the lands are designated for. The first amendment specifies that corridors of disturbance apply to lands designated wildlife management areas after Jan. 1, 1986, and directs the DNR to make corridor identifications and designations by Jan. 15, 2003, and report to the Legislature. The amendment also provides that isolated consolidated conservation lands, or those that are 40 acres or less and not contiguous with other public land, that are not appropriate for conservation and recreation purposes may be recommended for sale or exchange. The second amendment limits land sales to 27,000 acres covered in a 1989 DNR executive order and to 100,000 acres covered in a 1991 DNR executive order. Both amendments were adopted by the committee.

Another amendment, offered by Sen. Gary Laidig (R-Stillwater), adds transfer to the definition of ways in which wetlands and border areas may be acquired. The amendment failed on a five to 11 roll call vote.

The bill was approved and sent to the rules committee.

## Rules and Administration

### Closing resolutions okayed

The Rules and Administration Committee met during the evening hours of Tues., May 9, in order to consider several closing resolutions, personnel items for Senate staff, and a resolution relating to reducing fuel loadings within the Boundary Waters Canoe Area Wilderness.

The panel, chaired by Sen. Roger D. Moe (DFL-Erskine), approved several routing closing resolutions. The resolutions pertain to notifying the governor and the House of Representatives of adjournment, the operation of

the Senate during the interim and the delivery of bills to the governor after final adjournment. Moe said that, as has been the practice in other election years, Senators will not be reimbursed for in-district mileage for the period between July 1, 2000 and Nov. 7, 2000.

The resolution, S.F. 3835, sponsored by Sen. Douglas Johnson (DFL-Tower), memorializes the President of the United States and the President's Council on Environmental Quality to expedite the environmental impact statement of the U.S. Forest Service and to begin reducing fuel loadings within the Boundary Waters Canoe Area Wilderness. Johnson said that the "blow down" that occurred during the summer storm in 1998 presents an extreme fire hazard for the wilderness area and that it is critical fuel be reduced. Members adopted the resolution with little debate.

The panel also recommended that the con-con bill, S.F. 3131, authored by Sen. LeRoy Stumpf (DFL-Thief River Falls), be sent to the floor. The measure was in the committee because of a Rule 35 objection to a recommendation that the bill be placed on General Orders.

## Omnibus appropriations conference

### Supplemental bill okayed

After five days of sometimes contentious wrangling, Senate and House conferees Tues., May 9, reached an agreement over the omnibus supplemental spending bill. The committee is co-chaired by Sen. Don Samuelson (DFL-Brainerd) and Rep. Kevin Goodno (R-Moorhead).

The omnibus bill, H.F. 2699, includes sections relating to agriculture and environment, criminal justice, state government, economic development and jobs, and health and human services. Debate on the bill was suspended for about three weeks, until Fri., May 5, during the impasse over taxes.

Fireworks erupted soon after negotiations resumed. "It's clear to me the House is backing away from agreements," said Samuelson, referring to understandings reached earlier on certain provisions of the state government portion of the bill. He accused negotiators of not bargaining in good



faith, a charge the House vigorously objected to.

Still, four sections of the bill - agriculture and environment, criminal justice, state government finance and economic development and jobs - were settled relatively early in the process, which included two lengthy weekend sessions. The health and human services portion wasn't resolved until about 6 p.m. Tues. during marathon floor sessions in both the Senate and House.

Debate on the health and human services portion of the bill included an attempt by the House to re-introduce the controversial 24-hour waiting period for abortions, a bill vetoed last month by the governor. Rep. Lynda Boudreau (R-Fairbault) introduced the "right-to-know" amendment, a slightly stronger measure than the original, shortly before the committee recessed Monday evening, May 8. The amendment failed.

Another amendment, offered by Sen. Gary Laidig (R-Stillwater), was designed to limit the governor's ability to profit privately from his position. Laidig said "I'm not criticizing the governor" but cited a celebrity golf tournament last summer, from which the governor made about \$1,000, as the reason for the amendment. The amendment makes the governor subject to the same rules as other administration officials. The amendment failed because of Senate concerns that the provision could jeopardize passage of the entire package.

A highlight of the bill concerns the state's prescription drug program for those 65 and older. The measure specifies eligibility standards as those recipients whose income is equal to or less than 100 percent of the federal poverty line guidelines and expands the program to include eligible disabled July 1, 2002.

Another highlight is federal and state funding for a variety of assistance programs. For example, from federal Temporary Assistance for Needy Family Funds (TANF), a total of \$19.68 million is designated for local intervention grants for self-sufficiency programs, including \$500,000 for Southeast Asian Minnesota Family Investment Plan (MFIP) services in employment training projects and \$500,000 for nontraditional career training programs. TANF

funds in the amount of \$1 million are designated for out-of-wedlock pregnancy prevention funds to serve children in TANF-eligible families and \$7.5 million is transferred to the state's Title XX block grant to increase services for families with children whose income is at or below 200 percent of federal poverty guidelines. The measure provides for the transfer of \$50 million from the general fund to the Minnesota Housing Finance Authority (MHFA) for a \$5 million loan to Habitat for Humanity and \$15 million for the Affordable Rental Investment Fund (ARIF) program. The measure also increases compensation to certain home health care and group residential care providers.

As for environment, natural resources and agriculture, a highlight of that portion of the bill is a modest increase in resident hunting and fishing license fees and a more substantial increase in non-resident licenses, which is expected to raise about \$6 million annually. The license fee increases are tied to \$25 million in in-lieu of taxes on lottery ticket sales to support Department of Natural Resources (DNR) programs. Fifty percent of the receipts are designated for deposit in the wildlife enhancement account in the game and fish fund for improvement, enhancement and protection of fish and wildlife resources, 22.5 percent to the natural resources fund for state parks and trails, 22.5 percent to the natural resources fund for local trail grants, 2 percent to the natural resources fund for the Minnesota Zoo, the Como Park Zoo and the Duluth Zoo. A controversial gray wolf management plan, which divides the state into two management zones where hunting and trapping of wolves is generally allowed or prohibited, was attached to the bill, as was the mainly non-controversial approval of use of lighted fishing jigs for anglers.

The bill appropriates \$306,000 to the Minnesota Pollution Control Agency (MPCA) to administer the wastewater infrastructure fund (WIF) program, \$400,000 to the Board of Water and Soil Resources (BWSR) for technical assistance in replacing wetlands and almost \$4 million to the Department of Natural Resources (DNR) for legal costs to settle the 1827 Treaty litigation between the state and the Northern

Minnesota Indian tribes. The bill establishes an agroforestry loan program with a \$200,000 appropriation, allowing farmers to grow hybrid poplars, creates a "Big Bog" State Recreation Area in Beltrami County and creates a Red River State Recreation Area in Polk County. The bill provides \$5 million for Metro Trails projects, provides \$450,000 this year and \$350,000 next year for continued research of solutions and alternatives for manure management and odor control and provides \$300,000 for water quality and quantity, research, management, demonstration and education programs at the Lamberton and Waseca Research Stations. The bill provides \$300,000 for grants to the Farm Wrap and Rural Help networks, provides \$245,000 this year to the Board of Animal Health for continued efforts to control pseudorabies in swine, and provides \$5.1 million in subsidies for ethanol producers.

Exclusion of proposed new felony offenses for those convicted of multiple DWI's highlights the portion of the bill relating to criminal justice. The conference committee could not agree on the provision and, in the end, requested a study on incarceration and treatment of repeat offenders.

Other highlights include creating a Capitol Complex Security Oversight Committee, rather than the Capitol Complex security force proposed by the Senate. The bill also directs all courts and state and local correction facilities to consider implementing an automated victim notification system, establishes a domestic abuse prosecution unit to be administered jointly by Ramsey County and the city of St. Paul. The bill appropriates \$1 million for grants to pay the costs of developing or implementing a criminal justice information integration plan, \$150,000 for juvenile prostitution law enforcement and officer training grants, \$1.2 million for per diem payments for battered women shelter facilities, as responsibilities for these payments are transferred from the Department of Human Services to the Department of Public Safety, and \$1.75 million for a grant or grants to counties or group of counties or tribal governments for up to 30 percent for the construction costs of adult regional detention centers. The measure also raises fines for both petty and misde-

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meanor offenses, from \$200 to \$300 and \$700 to \$1,000, respectively.

Among highlights of the state government portion of the bill is the preservation of \$2 million in funding for the Minnesota Planning Agency and \$2.7 million for the Office of Technology, both targets of House elimination or funding cuts.

Other highlights are requiring a risk assessment and risk mitigation plan by any state agency in the executive or judicial branch for information systems development projects estimated to cost more than \$1 million. The provision, pushed for by Rep. Philip Krinkie (R-Shoreview), further specifies that the administration must contract with an entity outside of government to conduct a risk assessment and mitigation plan for a project estimated to cost more than \$5 million. The measure also directs the Finance Department to prepare a detailed forecast of state revenue and expenditures in February and November each year and directs state agencies, the Minnesota Colleges and Universities (MnSCU) system and the University of Minnesota to maintain a database on location, description and facilities and to report to the appropriate Senate and House panels. The measure provides \$249,000 from the special revenue fund for the Metropolitan Radio Board, provides \$1.45 million this year and \$1.45 million next year for matching grants for public television equipment needs and \$1.544 million this year and \$1.544 million next year for emergency and financial needs for veterans.

Among highlights of the jobs and economic development section of the bill are a \$750,000 appropriation for grants to local or regional economic development agencies to support the development of labor force assessments, a \$1 million appropriation for catalyst grants to local governments and Indian tribal governments to expand Internet access in Greater Minnesota, a \$500,000 appropriation from the state's federal TANF block grant for the family homeless and assistance program and \$90,000 from the Workers' Compensation Fund for workplace services division for program administration purposes. The measure directs the Board of Trustees of MnSCU to develop and report to the Legislature by Jan. 15, 2001, on a 10-year plan for the possible

location of workforce centers or affiliate locations on MnSCU campuses and specifies that the Job Skills Partnership Board may make grants-in-aid for distance-work projects that promote technology in rural areas.

## Bonding conference

### Negotiations continue

Senate and House conferees met Tues., May 2, and continued negotiations on the bonding bill. Members focused their debate on Department of Natural Resources (DNR) amendments relating to regional trail grants and to local trail connection grants. The committee is co-chaired by Sen. Linda Berglin (DFL-Mpls.) and Rep. Jim Knoblach (R-St. Cloud).

The first amendment specifies that the DNR shall determine priorities for matching regional trail grants of up to \$250,000 to local units of government to acquire and develop new, publicly owned trails of regional significance. The amendment specifies that recipients must provide a non-state cash match of at least one-half of total eligible project cost, as the specified in the Senate version, and allows the DNR to make payment to a unit of government upon receiving documentation of reimbursable expenditures.

The second amendment specifies that the DNR shall determine priorities for matching grants of up to \$50,000 to local units of government to acquire and develop local trails that connect communities, trails, parks, and other significant destinations. The amendment specifies that recipients must provide a non-state cash match of at least one-half of total eligible project costs, instead of up to 50 percent as specified in the Senate version, and allows the DNR to make payment to a unit of government upon receiving documentation of reimbursable expenditures.

"There's more complexity in these two amendments than meets the eye," said Knoblach.

Rep. Peggy Leppik (R-Golden Valley) said the language changes in the amendments represent a "shift in intent" in the amount of matching funds local units of government must provide, especially for local trail connection grants.

However, DNR officials said there is no implication in either amendment for changing the way the grant programs are administered.

Still, Leppik argued "it's a real irritant" to see so many new trails being built when some older Metro Area trails have already required major repairs at taxpayer expense. "We may incur much more expense in seven to 10 years when the rubber meets the road," she said.

"We could debate this until the cows come home," said Rep. Henry Kalis (DFL-Walters), who suggested placing a user's fee on trails to help defray any unexpected expenses.

The committee took no action on either amendment.

However, conferees adopted several other amendments to the bonding bill.

The first was an amendment, offered by Sen. LeRoy Stumpf (DFL-Thief River Falls), relating to bleacher safety. The amendment specifies that the open space between bleacher footboards, seats and guardrails must not exceed 4 in., unless approved safety nets are installed, except retractable bleachers already in place as of Jan. 1, 2001. Under the amendment, these bleachers may have open spaces not exceeding 9 in. and any bleachers owned by the University of Minnesota, Minnesota State Colleges and Universities (MnSCU) system, or a private college or university may have open spaces not exceeding 9 in. "It's a reasonable approach that doesn't present any safety hazards," Stumpf said.

Another amendment, also offered by Stumpf, concerns the reissuance of bonds by the Board of Trustees of MnSCU. The amendment specifies that the board may issue revenue bonds the aggregate principal amount of which may not exceed \$100 million, rather than the original \$127 million, to acquire land and to acquire, construct, complete, remodel, and equip structures or portions of structures to be used for dormitory, residence hall, student union, food service and related parking purposes.

A third amendment, offered by Rep. Tom Osthoff (DFL-St Paul), amends House language related to the wastewater infrastructure funding (WIF) program. The amendment specifies that the Minnesota Pollution Control Agency (MPCA) must include as a

factor in prioritizing projects whether or not a project is a multi jurisdictional project connecting areas with failing onsite treatment systems with an existing or regional wastewater treatment system.

The committee also adopted House language concerning grants to early childhood learning and protection facilities, adding centers that include services to refugee and immigrant families to eligibility criteria, which was not included in the Senate version. The House position, which removes the Senate's siting restrictions for certain wastewater treatment systems, was also adopted.

### **Eleventh-hour compromise okayed**

When members of the bonding bill conference committee met on Tues., May 9, and adopted the "final" spreadsheet, conferees were unprepared for the addition of a \$44 million Metro Transit amendment presented on behalf of the administration. Members were fine-tuning language in the \$539 million capital projects bonding bill when Sen. Linda Berglin (DFL-Mpls.), who chairs the committee along with Rep. Jim Knoblach (R-St.Cloud), announced that she had received an amendment from the governor's office.

Members from both chambers expressed their dismay at receiving a major funding request so late in the game. The amendment involved appropriations of \$25 million for FY 2001 plus \$19 million for FY 2002 from the general fund—taken out of the administration's allotted one-third of the budget—to acquire land and engineer and construct a bus transitway from downtown St. Paul to the airport and Mall of America. Commissioner of Transportation Elwyn Tinklenberg and Metro Council Transit Regional Administrator James Solem testified that they did not know details concerning the proposal, except that, "Money is to be set aside in the category of rapid transit to come out of the governor's portion" of the state budget. Members speculated about the appropriateness and constitutionality of amending the plan into the bonding bill rather than putting it in the transportation bill. Rep. Tom Osthoff (DFL-St. Paul) said, "The governor can do what he wants with his share of the money," adding,

"although I'd rather not have to deal with it in this bill, and I don't appreciate the timing of it."

Berglin offered an amendment to the amendment, deleting portions of the original amendment that included restrictions on the use of federal or trunk highway funds for the project, "other than federal funds that under federal law or regulation may only be used for transit capital projects," according to language in the administration's proposal. Berglin's amendment also gave authority to the Metropolitan Council for spending up to \$3.7 million of the FY 2001 appropriation for Metro Transit regular route bus operations upon the approval of the commissioner of finance. Rep. Dave Bishop (R-Rochester) also offered an amendment to the amendment which concerned funding sources for the Metro Transit project. Bishop's amendment deleted language in the administration's amendment to clarify that a property tax levied by or for the Metropolitan Council must not be one of the nonstate sources required for completion of the project. Bishop's amendment was adopted, Berglin's was not.

In other matters, Sen. LeRoy Stumpf (DFL-Thief River Falls), said that his one great disappointment with the bonding bill concerned the loss of appropriations for public television. The Senate allowed \$11.5 million for TV digital transmitters in their proposal and the House appropriated almost \$7 million. Stumpf said he remembers getting the public television infrastructure up and running and wishes that the state would continue to offer support. Sen. Richard Cohen (DFL-St. Paul) agreed with Stumpf, and said he thought a plan was in the making to include an \$18 or \$19 million request in another bill. It was suggested that House members immediately talk to their leadership, and "If leadership agrees, it will be done," said Cohen. Knoblach said he was also disappointed. He stated, "This is the first I've heard of the situation," adding that he anticipated that something would be done about it.

Berglin told members that the committee's final bill was significantly honed down, but added that it provides generously for education. The University of Minnesota appropriations total

\$100.213 million. Among the University projects, \$35 million is for the completion of phase II of the Molecular Cellular Biology Building, \$18.5 million for the design and construction of a new art building, \$10 million for the St. Paul Campus Molecular and Plant Genomics Facility, \$9 million for HEAPR and \$8 million for the Morris Science and Math Building, Phase II.

The MnSCU appropriation totals \$131.021 million, with HEAPR totaling \$30 million, \$12.5 million for Anoka-Hennepin Technical College Asset Preservation, \$11.700 million to the Minneapolis College and Technical College Information Technology Center, \$11.400 million to the Normandale Science Bldg. and \$11 million for the North Hennepin General Education Renovation.

Cohen offered an amendment, which was approved, to provide for a grant to complete construction of the East Metro Middle School. The total appropriation for The Department of Children, Families and Learning is \$80.741 million, with the largest portion going to the East Metro Magnet School (\$16 million).

The Bureau of Criminal Apprehension (BCA) is appropriated the \$58 million from general funds requested by the Senate and the administration, for the construction, furnishing and equipping of a new lab and office building. The proposal originally approved by the House totaled approximately half that amount, but following testimony from corrections personnel, BCA personnel, law officers and Senators, House committee members eventually relented and accepted the need for a new larger, more technologically-enhanced facility. Total appropriations in the administration category amount to \$81.450 million.

DNR appropriations total \$73.177 million, with the largest portions going to Flood Hazard Mitigation Grants (\$14 million) and the Como Park Zoo ERC (\$16 million). Many smaller appropriations under \$2 million will fund trails, office facilities development, recreational areas, dam repairs, fisheries improvement and park land acquisitions. The committee adopted an amendment to change match requirements for local trail connections and provide for lease and management



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agreements with other units of government. Another amendment that gives the commissioner the authority to prioritize dam repair or reconstruction projects was adopted. The amendment further specifies that \$246,000 of the appropriation is from the general fund to include, but not be limited to, engineering work for the removal of the Drayton Dam and removal of the Straight River Dam in Faribault and the Old Mill State Park Dam. Also, up to \$60,000 of the general fund appropriation may be used to reimburse the city of Mazeppa for engineering costs on the Mazeppa Dam removal project. Another amendment was adopted to specify a \$3 million grant to the city of St. Paul to match a federal authorization for developing the Upper Landing Park. Sen. Keith Langseth (DFL-Glyndon) offered an amendment, which was adopted, to establish the Big Bog State Recreation Area in Beltrami County. Another amendment, offered by Stumpf, was adopted to specify that funding for the Red River Basin mediation agreement that is in addition to the governor's recommendation, and funding to mitigate past flood damage and prevent future flooding at Lake of the Isles in Minneapolis, must be reduced by 25 percent from the level those projects would have received, with a total appropriation of \$16 million.

The Board of Water and Soil Resources (BOWSR) appropriations total \$23.8 million. By far, the largest portion of that amount is for RIM Reserve-habitat, soil conservation and water quality.

The appropriation for agriculture totals \$21.7 million, with \$20 million for the Rural Finance Authority.

In the category of "Arts," appropriations amount to \$4.5 million, out of which \$3 million goes to the Guthrie Theatre. Another \$1 million is appropriated for the Lanesboro Center for the Arts and \$500,000 for the St. Paul Children's Museum Rooftop Garden.

The Department of Human Services will receive \$7.2 million for an upgrade of the Pexton Bldg., \$3 million for asset preservation, less than \$2 million for system-wide roof repair and \$300,000 for a MN Indian Care Youth Alcohol Treatment Center, totaling \$12.471 million.

Two projects totaling \$7.135 million are appropriated for the Department of Health: \$7 million for the Gillette Children's Hospital and \$135,000 for an organ donor vehicle.

The Department of Trade and Economic Development appropriations total \$51.382 million, with large portions going to Minnesota Public Facilities Authority (MPFA) Wastewater Infrastructure (\$18 million) and MPFA state matching funds (\$12.893 million).

Capital improvements in the Corrections category totaled \$18.035 million, including \$7.5 million for the Faribault sewer repair project and \$3.4 million to Lino Lakes H-Building remodeling, phase III. An amendment was adopted to allow the commissioner of corrections to contract with other entities to rent beds in the Rush City Correctional Facility at competitive per diem costs. An amendment was also adopted to decrease the appropriation for funding training facility construction grants, from \$6 million to \$3 million. Another amendment was adopted to address details concerning the construction of a \$1 million live-fire tactical operations law enforcement training facility at Camp Ripley. Language was changed to authorize the commissioner of public safety, rather than the "adjutant general" to establish the terms and conditions of civilian use of the facility. Public Safety is appropriated a total of \$3 million for public safety training facilities and a small portion for weather radio expansion.

Other smaller appropriations include \$5.750 million for the Historical Society, \$2 million for Transitional Housing Loans, \$11.7 million for the Veterans Homes, \$25,000 to Veterans Affairs, \$2.625 million to Military Affairs, \$1.110 million for amateur sports, \$1 million to the MN Zoological Gardens, \$2.2 million to the Office of Environmental Assistance, \$3.066 to MN State Academy in Faribault and \$877,000 to the Perpich Center for Arts Education. Cancellations total \$29.913 million.

Following the adoption of final amendments, Berglin thanked committee members for their extremely hard work and cooperation. Knoblach also thanked the committee and commended Berglin for her remarkable patience.

## Data practices conference

### Bills reviewed

The omnibus May 3, 2000 data practices conference committee, chaired by Sen. Don Betzold (DFL-Fridley) and Rep. Mary Liz Holberg (R-Lakeville), met Tues., May 2, to discuss differences between the Senate and House versions of HF 3501. Betzold said the bill had passed in the Senate twice, but added that it would be difficult to get further Senate approval with the revisions or deletions made by the House.

The committee voted to adopt an amendment that specified sections of the bill that were identical in both House and Senate forms, prior to addressing the unreconciled sections. One portion of the Senate bill limits the ability of local governments to make decisions on the dissemination of private and confidential data. A provision limits the dissemination of private or confidential data on individuals to that which is "for the administration and management of programs specifically authorized by the Legislature or mandated by the federal government."

Dennis Nolan, representing Hennepin County, said he opposed the reference to limiting local government. He said the limitation would result in the delay or relinquishment of local program development decisions. Betzold said the Information Policy Task Force determined not to allow local units of government to make individual decisions about what specific information should be made public or private. According to Betzold, allowing local units of government to make their own decisions concerning access to public and private information would override current state and federal law. Rep. Phil Carruthers (DFL-Brooklyn Center) said current law already specifies standards for dissemination of private information and added that the new Senate language merely confuses the issue. Carruthers said the language could be perceived to mean that units of government would have to get approval by the Legislature before administering programs. No motions were made concerning the issue.

Another portion of the bill modifies provisions to allow actions to compel

compliance with the Data Practices Act. Under the Senate proposal, a person seeking to obtain access to data is provided civil remedy when denied legally sanctioned access. A provision allows the court to impose a civil noncompliance penalty of up to \$1,000. Betzold said the amendment, authored by Sen. Jane Ranum (DFL-Mpls.), offers a remedy for those denied access to public information. Ranum said the amendment "puts a best practices scenario into law."

Anoka Assistant County Attorney Anthony Palumbo stated that he was on the Information Policy Task Force. He said the real need is for training public servants in compliance with the law, but added that the committee should consider holding off on penalties. Ranum asked whether Palumbo had ever called the Dept. of Administration data practices office to answer specific questions about whether or not to provide access to information. Palumbo affirmed that he had--and that he did not get his question answered in a timely manner, but got a recording asking that he leave a return number. Betzold said, "It's inconceivable to me that any city clerk would have a problem knowing that the city council meeting minutes are public information." Betzold said he wanted to ensure accountability. He said that for years Senators have heard testimony by individuals who were denied access to public information--which in some cases led to lengthy legal actions. Attorney from Woodbury, Don Dame, testified that he has experienced problems in gaining access to public information. He said that he now carries copies of the law with him, which results in the data being relinquished. Dame also said that "It's the city attorneys who advise local clerks and public agents, who violate the law." Sen. David Knutson (R-Burnsville) cited numerous examples of non-compliance by local units of government.

Speaking in favor of the amendment, Mark Anfinson, representing the Minnesota Newspaper Association, said that training is not the solution. He said that compliance training is expensive and complicated by job turnover rates. However, he said the amendment would reconcile the psychological imbalance and impress upon public servants the

importance of understanding and adhering to compliance law.

Don Gemberling, data practices director for the Dept. of Administration, said he has trained hundreds of workers and said he thought good training is needed. He also said the Data Practices Act depends upon having a procedural process in place.

Betzold moved to adopt the compliance remedy portion of the bill and requested a roll call vote because, he said, "I think this is an important issue." The motion was not adopted.

The committee discussed a Senate provision that allows all licensees to designate an alternate address for licensing activities. Under the provision, the designation of an alternate address--a business or other address--constitutes consent to service of process at that address. Betzold told members that the provision was intended to address stalking issues. Carruthers said he was concerned that the bill would prevent the ability to serve process because it might take several attempts to locate a person.

Members also considered the expansion of a Washington County pilot program that allows property owners to opt-out on lists that include surveys, marketing and solicitation lists. Betzold said property information is classified as public information, but added that owners may request that their names and other personal information not be disclosed.

Holberg summarized that the committee had adopted two portions of the bill and discussed four of the six issues under consideration, leaving two to address at the next meeting.

### **Data practices bill okayed**

The omnibus data practices conference committee, chaired by Sen. Don Betzold (DFL-Fridley) and Rep. Mary Liz Holberg (R-Lakeville), met for its final Session 2000 conference on Wed., May 3.

Don Gemberling, data practices director for the Department of Administration, explained a portion of the bill that provides enforcement of rights related to accessing information. He said that current language was inserted about ten years ago in order to address the issue of how to establish better compliance practices. He said that the

courts have interpreted the word "aggrieved" to mean that a person has somehow been damaged. According to Gemberling, cases have most often affected individuals seeking disclosure of private information maintained about themselves. He also said that it is difficult to prove damages in these cases. However, House members, in particular, were concerned that by deleting the word "aggrieved," as the Senate bill did, the remaining language would encourage individuals to enforce their rights by legal action. The word "aggrieved" clarified, in their view, that substantial proof is needed to justify legal action for compliance infractions. The panel agreed to re-insert "aggrieved" and to modify other language for clarification. Also, the civil penalty imposed on government entities for failure to comply was capped at \$300--reduced from \$1,000.

Rep. Phil Carruthers (DFL-Brooklyn Center) offered an amendment to specify procedures when applicants for licenses consent to accept personal service of process at a location different from the applicant's home address. The amendment specifies that the licensing agency must mail a copy of the document to the licensee at the last known residence. Carruthers said he intended to remedy the problem of trying to locate an individual being served, while still protecting the individual's private address from public records.

Sen. David Knutson (DFL-Burnsville) moved to adopt the House language concerning the Geographic Information Systems (GIS) data. The House language was amended into the Senate bill. Carruthers moved--and the committee adopted as amended--the final report from the conference committee.

## **Education conference**

### **Compromise reached**

After putting in long hours over the weekend, conferees came to agreement on spending amounts and policy issues at the Mon., May 8, omnibus education conference committee meeting. Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Alice Seagren (R-Bloomington) chaired the hearing.

Under a deal between the House, Senate and governor, \$525 million in permanent surplus funds was divided

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into three equal portions. The Senate put about \$108 million of its \$175 million into education. For FY 2000-01, the bulk of that money goes towards staff development, \$39 million, special education cross subsidy revenue, \$29.781 million, and technology spending for high-speed internet access, \$16.668 million. The compromise bill includes a Senate provision that adds \$5 per pupil to each district's operating capital revenue for telecommunications access costs. Other K-12 Senate-directed appropriations include \$5 million for Best Practices seminars, \$1.545 million for sparsity correction revenue, \$1.2 million for regional library telecommunications aid, \$1.2 million for the Willmar Discovery Magnet School and \$1 million for homeless program matching grants. Conferees agreed to provisions that help declining districts by counting 77 percent of current year pupil units and 23 percent of previous year pupil units. The compromise bill also provides full funding for current pupil counts which benefits growing districts.

The higher education portion totals \$2.4 million in Senate-directed permanent funding. Appropriations include \$250,000 for the farm business program, \$600,000 for the agricultural rapid response fund, \$1.25 million for urban teacher preparation, \$80,000 for the Cook County higher education project and \$220,000 for the University of Minnesota-Duluth child care project. On the family and early childhood education section of the final bill, conferees reached a compromise by providing \$33.6 million from Temporary Assistance for Needy Families (TANF) funds. The Senate bill originally provided \$42.6 in one-time money from TANF funds while the House bill provided \$24.8 million. For FY 2001-03, the conference committee bill allocates \$8.74 million for transitional year child care, \$6.415 million for basic sliding fee child care, \$9.395 million for MFIP child care social services, \$3.3 million for intensive ESL and citizenship grants and \$5.75 million for transitional housing.

The conference committee report contains \$77 million in one-time spending for FY 2000-01. In the K-12 section, the report earmarks \$30.794 million for training and experience

revenue, \$21.525 million for one-time facilities aid, \$11.167 million for secondary vocational funding and \$1.2 million for regional library telecommunications aid. Senate conferees yielded on an appropriation for metro equity aid in the Senate bill and adopted the House position on secondary vocational spending. Under higher education, \$11.6 million is appropriated to cover a MnSCU deficiency. The family and early childhood portion contains a \$755,000 appropriation to keep the early childhood family education formula at the same level for FY 2001.

Several policy issues were resolved as well. Relating to the one-year delay in mandatory certification requirements for sign language interpreters contained in the Senate bill, conferees approved new language establishing provisional certificates. The language specifies that the commissioner must grant a nonrenewable, one-year provisional certificate to individuals who have not attained a current applicable transliterator certificate. During the one-year provisional period, the interpreter/transliterator must develop and implement an education plan in collaboration with a mentor. Under the final bill, graduates of an interpreter/transliterator program affiliated with an accredited education institution must be granted a two-year provisional certificate by the commissioner and must also develop and implement an education plan.

Conferees adopted an amendment, offered by Senate conferees, to House language dealing with the intermediate school districts. The amendment requires the intermediate school districts and the Board of Trustees of MnSCU to contract with the management analysis division of the Department of Administration for an analysis and report to the Legislature, prior to Feb. 1, 2001, on the educational space needs of buildings shared by the intermediate school districts and MnSCU. The report must also recommend facility arrangements and financing alternatives for space needed to reallocate programs or services provided by intermediate school districts. An oral amendment was offered by Sen. David Knutson (R-Burnsville). The amendment modifies the indefinite extension of agreements between the intermediate

school districts and MnSCU for the use of space in the technical colleges contained in the Senate bill. Knutson suggested an extension of agreements until June 30, 2010. The oral amendment was adopted.

House conferees agreed to adopt Senate provisions on notification of pesticide applications at schools. The provisions, known as the Janet B. Johnson Parents' Right-to-Know Act, require schools, by Sept. 15 of each school year, to provide notification of the estimated schedule of pesticide application. The notice may be included with other notices provided by the schools, but must be separately identified and clearly visible to the reader. Additionally, schools must include in an official school handbook or policy guide, a section informing parents that a parent may receive prior notice of each application if specifically requested. A school may request reimbursement, from individuals requesting the notification, for the school's reasonable cost of providing the notice. The provisions also require the Department of Children, Families and Learning (CFL) to maintain a list of pesticides that will enable school districts to identify whether the district is using pesticides that are classified as toxicity I, II or III pesticide products or as restricted use pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act. The list must be available on the CFL web site or as a prominent link to another state agency's web site.

Language on internet access for students was agreed upon by conference committee members. Specifically, all computers at a school site with access to the internet available for student use must be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to material that is reasonably believed to be obscene or to be child pornography or material harmful to minors under federal or state law. A school site is not required to purchase filtering equipment technology if the school site would incur more than incidental expense in making the purchase. Public libraries must follow the same guidelines for computers available for use by children under the age of 17. Additionally, public libraries



that receive state money must prohibit, through the use of available software filtering technology or other effective methods, adult access to material that under federal or state law is reasonably believed to be obscene or to be child pornography. Libraries are authorized, under the compromise language, to remove a person from the library if the person gains or attempts to gain access to prohibited materials by intentionally trying to bypass the filtering technology or other methods used by the library.

Senate language on charter school building lease aid review made its way into the final bill. According to the provisions, the Department of CFL must work with charter school operators and other interested parties to create recommendations for appropriate criteria for charter school building lease aid and report the findings to the education committees of the Legislature by Jan. 15, 2001.

Maximum efforts loans ended up as part of the final bonding bill and include \$11.166 million for Red Lake, \$7.505 million for Cass Lake, \$14.134 million for Caledonia, \$7.2 million for LaPorte and \$4 million for Ulen-Hitterdahl School Districts. Also contained in the bonding bill are grants of \$3 million for Grand Meadow and \$4.1 million for Pine Point School Districts.

A bill originally sponsored by Sen. Anthony "Tony" Kinkel (DFL-Park Rapids) survived the conference committee process. As a result, for the 2000-01 school year only, a district must not begin the elementary or secondary school year prior to Labor Day. The conference committee report contains exceptions for the Mabel-Canton and Browns Valley School Districts.

## High standards conference

### Negotiations continue

Conferees were unable to agree on a compromise at the high standards conference committee meeting Thurs., Apr. 27. Sen. Lawrence Pogemiller (DFL-Mpls.) and Rep. Robert "Bob" Ness (R-Dassel) chaired the meeting.

The hearing began with a discussion of the latest House offer. Ness said House conferees tried to incorporate most of the Senate initiatives into the

offer. He said the House offer separates standards from the assessment of standards. Ness said the assessments and accompanying paperwork are burdening teachers. Sen. Martha Robertson (R-Minnetonka) said that assessment shouldn't equal paperwork. She said the confusion comes from not embedding standards into the curriculum. Pogemiller said the Senate language clearly states that the number and type of assessments are locally determined. He said an assessment is needed in order to know if a standard has been met. Pogemiller said one assessment could test more than one standard if a class has more than one standard embedded in it. After looking at the House offer's language on standards and assessments, Pogemiller said he didn't think the language accomplished what the House intended the language to do. Ness agreed to rework the language.

Conferees also had a disagreement over the use of a rubric. Pogemiller said a rubric is a way for the state to determine if there is consistency in assessment methods across the state. He said since districts use different assessment methods, the department needs a technical way of comparing assessment methods. Rep. Tony Kielkucki (R-Lester Prairie) said the problem is that in grading, part of the grade will always be subjective because it's made by an individual teacher. He said if the goal is comparability across the state, there will be a large margin of error. Pogemiller said the purpose of the rubric is to narrow that margin of error. "We've been told by education experts that we need a rubric. The Profile was designed by teachers," he said. Ness questioned why there isn't more ownership by teachers. Pogemiller said many schools are implementing the Profile with little difficulty. "What teachers are asking for is some clarification and tools to help them (implement the profile)," he said. Conferees confirmed they don't want a statewide curriculum but do want statewide standards.

Relating to the North Star Standard, the House offer removes the involvement of teachers from the vote of whether a district will use the Profile of Learning or the North Star Standard. Pogemiller said the Senate is willing to allow a North Star Standard option even though the Senate is opposed to it.

But he said Senate conferees want teachers and administrators to be part of the voting process. If a district chooses the North Star Standard, the House offer specifies that the district is not subject to statewide testing requirements, but instead must meet assessment requirements under the North Star Standard. Pogemiller said the Senate supports statewide testing.

After a recess, conferees heard testimony from several groups. Jessie Montano, assistant commissioner of the Dept. of Children, Families and Learning, said the department and Governor's Office support statewide testing. Ness pointed out that private schools and home schools aren't subject to statewide testing. Montano said it's important to have one system of measurement for all the public school across the state.

Bob Meeks, representing the School Board Association, said voting should be done by teachers and school boards. "People locally will be able to determine what they want," he said. He said the technology and waiver provisions in both bills are good. He urged the conferees to reach a compromise. "We want a bill. Give us a bill the governor can sign," he said. Kielkucki said the House has concerns about allowing teachers to vote. Meeks said he heard criticisms that there wasn't local buy-in of the Profile. "We need a total buy-in, the Senate bill does that," he said.

Jan Alswager, speaking for Education Minnesota, said the addition of the North Star option creates a dilemma. She said there isn't enough time for teachers to prepare for implementation. "Teachers are concerned another standards system could be dumped on their laps next fall," she said. She also mentioned a concern about the voting by site provisions. Alswager suggested as an alternative allowing the commissioner to determine the number of standards so there is consistency across the state. She added that Education Minnesota doesn't have a problem with a lower number of standards. In response to a question about a moratorium from Ness, Alswager expressed support for the hold harmless provisions. "Our number one concern is to get a bill. If we don't get a bill, teachers will be extremely frustrated," she said.

Renee Doyle, representing the Maple River Education Coalition, said teachers

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shouldn't be part of the voting process. She said final authority should rest with the elected school board. Doyle said teachers' input could be used without allowing them to vote. She explained that under the Senate bill, a school board could vote for the North Star Standard but be overridden by the teachers because if they support the Profile and no agreement is reached, the default is the Profile. Doyle said requiring statewide testing for students following the North Star Standard is too much testing. She said the norm-referenced testing under the North Star Standard is a good way to evaluate students.

After beginning to go through the bills side by side and adopt sections, Pogemiller suggested House conferees consider a Senate offer. He said the offer works off House language. Pogemiller said he would like to work off an engrossed copy of the offer in the future. He said he has never seen a situation where conferees can't agree what to work off of. Ness and House conferees agreed to look at the offer over the weekend. Pogemiller said, "We have offered the North Star Standard and worked off House language. We have done everything we can do."

## Some provisions adopted

The conference committee on the graduation standards bill, S.F. 3286, met Mon., May 1, in a continuing effort to reach a compromise. Conferees adopted several provisions before the meeting was interrupted by a power outage.

The meeting was the first since the Senate offered a proposal the week before. Rep. Bob Ness (R-Dassel), chief conferee of the House delegation, responded to the proposal and outlined the similarities and differences between the current positions of both sides.

Progress toward a compromise began when the committee adopted a House provision establishing the North Star Standards as an alternative to the Profile of Learning. The committee also adopted the House position that, like its Senate counterpart, requires an additional three days in a school year calendar but, unlike the Senate position, makes the use of those three days for staff development optional. Following that, Sen. Lawrence Pogemiller (DFL-Mpls.), chair of the meeting, led

conferees sequentially through the sections of the Senate proposal and a vote on the adoption of each one.

The conference adopted a Senate provision defining the learning areas of the Profile of Learning that includes technical and vocational education. The provision also includes House language that exempts schools implementing the North Star Standards from the statewide testing requirements. Unlike the House version, though, the adopted provision requires the Dept. of Children, Families and Learning (CFL) to report on the assessment process and student achievement. Earlier the conference rejected, by a tie vote, a Senate amendment to the House language. The amendment required an assessment in each of the required content standards in all applicable learning areas for all grade levels. A subsequent attempt to adopt the House language also failed on a tie vote. The House version requires assessments in each learning area without tying the assessments to content standards.

Moving on, conferees adopted provisions requiring student transcripts to record work completed toward content standards; authorizing school boards or charter schools to waive content standards for students entering the ninth grade before the 2000-2001 school year; allowing districts, area learning centers and charter schools to provide alternative ways for students to complete content standards; requiring the CFL to maintain a library of resources for use by teachers to assess student achievement; authorizing the CFL to recommend recordkeeping software; authorizing statewide testing and reporting of results; providing for the determination of academic achievement levels; authorizing the establishment of a best practices network; requiring the CFL to make recommendations for technical and vocational training; and requiring an outside evaluation of the state's graduation standards.

A major sticking point that remained unresolved is how each district, area learning center school site or charter school decides which graduation standard will be used. The Senate proposal authorizes the decision to be made by a majority vote of all licensed teachers and administrators at each site

and by a majority vote of the school board for school districts and area learning centers. The Senate proposes using the same mechanism to decide how many content standards will be adopted by each school site, area learning center or charter school. That issue remains unresolved as well.

The conference also discussed, but did not adopt, a provision allowing students to meet content standard requirements by taking post-secondary enrollment options (PSEO) courses. House conferees were concerned about school districts having to issue waivers from content standard requirements to students who take PSEO courses and how to certify that PSEO courses fulfill content standard requirements.

The conferees also spent time debating the use of the word "grading" versus the word "scoring" of assessments in several provisions. The House delegation was concerned about how local grading systems that use letter grades would correspond with a numerical grading system used by the state. No resolution of the issue was reached.

Progress halted when a power outage forced conferees to end the meeting.

## Tax conference

### Resolution neared

Members of the tax conference committee met Sat., May 6, to resolve issues outside the budget agreement reached by House and Senate leadership. The budget agreement provides for \$175 million to be used by the House of Representative, \$175 million to be used by the Senate and \$175 to be used by the governor for a combination of tax reductions and spending.

The tax conferees, chaired by Rep. Ron Abrams (R-Minnetonka) and Sen. Douglas Johnson (DFL-Tower) adopted a proposal, offered by the House, that included a number of items that were identical or upon which both sides agreed and that fell within the House's \$175 million permanent revenue provisions. In addition, the proposal contained a number of issues that both sides agreed to drop from the final conference committee report. The panel also adopted the broad outlines of the sales tax rebate proposal. However, final dollar figures remained to be determined.

Among the items both House and Senate members agreed to drop were provisions specifying that seasonal recreational property be valued at 50 percent for referendum market value, the local government aid for small cities provision in the Senate bill, the House provisions regarding levy limits and associated issues, the Truth in Taxation provisions in the Senate bill, the House provisions regarding the taconite production tax freeze and a Senate provision regarding commercial domicile. Two issues were dropped because of concern that the issues do not meet the single subject criteria for legislation—gray market and import cigarette provisions and platting fees provisions.

The panel did adopt provisions relating to an income tax re-engineering study and pilot study, an electronic check-off study, and a study of forest land. In addition, the committee adopted provisions relating to the exemption of property held for economic development and specified that the exemption is for 15 years for non-metropolitan counties and cities of 5,000 or less in population. A compromise relating to certificate of real estate value worked out between the Dept. of Revenue and the Minnesota Bar Association was also adopted. Other issues that were accepted for inclusion in the final bill included provisions specifying the treatment of storage sheds, decks and other additions to manufactured houses, a Senate provision relating to the Middle Mississippi River watershed, provisions relating to mistakenly billed property taxes, a House provision relating to Lincoln County aid to be funded out of the existing county criminal justice aid appropriation, provisions granting additional local government aid for the cities of Kelliher, Darwin, St. Augusta and St. Cloud, a provision specifying a two year delay for the date when 4d aid is rolled into local government aid, a provision regarding a Robbinsdale special levy necessitated by the construction work on Highway 100, a Senate provision relating to county road and bridge levy, a House provision relating to aircraft sales to non-residents, a provision containing a definition of capital improvement for the St. Louis County Heritage and Arts Center with a sunset on authority of July 1, 2002, and a

provision detailing the treatment of contiguous commercial industrial property. Finally, members also adopted an agreement regarding farm homestead rules.

The sales tax rebate plan agreed to by the panel contains provisions relating to both the 1999 rebate and the proposed rebate for 2000. The plan extends the time for filing—until June 15, 2000—for the 1999 rebate and specifies that individuals who filed a 1997 income tax return with at least \$1 of liability or file a claim for the 1997 property tax rebate receive the amount they would have been eligible for under the 1999 rebate table. In addition, non-residents who submit 1997 sales tax receipts by June 15 will be eligible for a percentage of 1997 sales tax paid.

For the 2000 tax rebate, the plan provides that the recipients will be basically analogous to the 1999 rebate plan. In addition, though, the rebate is extended to social security and railroad retirement recipients and individuals who filed a 1998 income tax return in order to claim a refundable credit such as the working family credit, the dependent care credit or the education credit. The plan also provides that people over the age of 18 claimed as dependents on other returns receive 35 percent of the amount shown on the table for single filers based on their income. Part-year residents also receive a rebate under the plan, based on the percentage of income attributable to Minnesota. Non-residents who submit 1998 sales tax receipts by Nov. 30 of this year are eligible for a percentage of the sales tax paid.

The proposal that members adopted did not have a schedule because the final amount allocated for the rebate had not been determined. However, the plan provides that the rebate will follow the structure of and be in proportion to the schedules in both the House and Senate bills.

### **Agreement reached**

The conference committee on the omnibus tax bill, H.F. 4127, adopted a House proposal making an annual total of \$224.4 million worth of permanent income tax rate cuts at the Mon., May 8, meeting. The proposal uses all of the House's \$175 million share of the three-way budget agreement between the

Senate, House and governor. Conferees then wrapped up their negotiations and reported the compromise agreement back to both Legislative bodies for final passage.

According to a handout distributed at the meeting, the proposal authorizes a total of \$229.3 million in permanent individual income tax and corporate franchise tax cuts in FY 2001. Under the agreement, the bottom individual income tax rate is reduced by 0.15 percent to 5.35 percent, the middle bracket rate reduced by 0.20 percent to 7.05 percent, and the upper tax rate reduced by 0.15 percent to 7.85 percent. In addition, the alternative minimum tax is set at 6.4 percent.

The proposal also authorizes an increase in the working family credit of \$11.8 million in FY 2001 with \$9.87 million of the credit funded through a transfer from the temporary aid to needy families (TANF) fund. Other tax cuts in FY '01 include \$290,000 for the ethanol production credit; \$1.7 million for the marriage penalty credit; \$153,000 for the long-term care credit; \$1.29 million for the transit pass employer credit; \$150,000 for modifications to provisions providing credit for taxes paid to other states; and \$600,000 to modify rules assigning income for non-resident employees.

Other provisions of the House proposal reduce the lawful gambling tax rates and refund lawful gambling taxes paid on raffles for victims of illness, crime or accidents. The rate reductions yield revenue decreases in FY '01 of \$3.1 million and \$10,000 respectively.

The measure also provides permanent relief from the sales and use tax. Exemptions in the bill from the sales and use tax and the projected reductions in state revenue are as follows: nursery equipment by redefining it as farm machinery, \$680,000; snow-making equipment at ski resorts, \$210,000; maple syrup production equipment, \$11,000; patent drawings and diagrams, \$121,000; motor vehicles given as gifts by individuals, \$240,000; purchases of large vans and busses for charitable uses, \$1.3 million; poultry feed, \$22,000; cemetery maintenance expenses, \$19,000; construction materials for pork and meat processing facilities, \$63,000; and state agency libraries, \$26,000. The total of sales tax exemptions in FY 2001



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is \$2.792 million.

In the area of property taxes, the accord provides \$20,000 in relief by extending homestead status to family farm corporations and partnerships. The bill also authorizes a \$50,000 expenditure for the Dept. of Revenue to study the taxation of forest lands. In the future, the bill authorizes a continuation of the extension of the homestead status along with an exemption from the personal property tax for electric peaking facility equipment and an increase in payments to counties for court costs. Overall, the bill authorizes \$235.2 million in tax relief for the next fiscal year.

Much of the text of the agreement remained to be written. Rep. Ron Abrams (R-Minnetonka), chair of the meeting, said one provision still to be drafted related to housing relocation in Richfield to accommodate a new runway at the Minneapolis-St. Paul Airport. He said the conferees will try to make available up to \$5 million for that purpose under very stringent conditions. Abrams said he has been concerned about misuse of tax increment financing (TIF) by the city of Richfield. Abrams added that he shares the concern of Sen. Dave Johnson (DFL-Bloomington), who brought the issue to the Legislature, that the bill take care of people in need. Sen. Douglas Johnson (DFL-Tower), chief Senate conferee, said that when the bill is drafted, it will meet the purpose spelled out by Abrams. Douglas Johnson also said that if the consolidated conservation ("con-con") bill doesn't survive, there is language in the tax bill to make the program functional.

Earlier, Abrams said it was discovered that a provision relating to limited market value adopted by the conference the previous Saturday had a small cost. The conference adopted his motion to reconsider the limited market value provision, whereupon he withdrew it.

Abrams said that with the miscellaneous provisions in the House proposal there was an attempt to show sensitivity to local issues.

## Transportation conference

### Agreement reached

On Mon., May 8, members of the Transportation Conference Committee reached an agreement on the H.F. 2891,

the omnibus transportation bill. The committee, co-chaired by Sen. Dean Johnson (DFL-Willmar) and Rep. Carol Molnau (R-Chaska), approved \$596.081 million in appropriations. Included in the total spending was \$566.551 million for the Minnesota Department of Transportation (Mn/DOT), \$20 million for the Metropolitan Council, \$119,000 for the Department of Public Safety (DPS), and \$750,000 for the Department of Trade and Economic Development (DTED).

"Mn/DOT will have \$177 million for both inter-regional corridors outside of the seven-county Metro Area and bottleneck reduction in the Metro Area," said Johnson. He added that the funds will increase highway construction by 25 percent and replace or repair over six hundred bridges. Mn/DOT Commissioner Elwyn Tinklenberg said that expansion of the Wakota Bridge will be part of the bottleneck reduction.

The committee also approved cancellation of \$1.125 million for a training facility at Camp Ripley and \$514,000 for the Dilworth truck station. House language canceling \$4.15 million for light rail transit (LRT) was not adopted into the final bill.

Policy measures in the bill include a major projects commission with review and oversight duties, authority for Mn/DOT to approve supplemental agreements, and a provision revoking licenses of those who issue bad checks to deputy registrars until full payment is made. Currently, Johnson said, deputy registrars have no recourse for bad checks.

The bill also requires Mn/DOT to turn off ramp meters to conduct a study on their effectiveness. Study findings regarding safety and traffic flow must be reported to the Legislature by Feb. 1, 2001.

Although Johnson called the bill "balanced throughout the state of Minnesota," Sen. Randy Kelly (DFL-St. Paul) did not agree. "This is not a balanced package," Kelly said. Members deliberated over a balance between rural and metro funding, discussing transit appropriations and LRT provisions.

Kelly said that of the total transit and road funds in the omnibus bill, only 4.2 percent are earmarked for transit. Also, said Kelly, only 6.2 percent of the total transit and road funds in FY 2000 and

FY 2001 are dedicated to transit. Kelly said that, given population distributions, a 25 percent fund dedication to transit would be a balanced figure. Jim Solem, of the Metropolitan Council, said that the proposed level of funding will not allow transit expansions to accommodate the estimated 600,000 people moving to the Metro Area by 2020. "We are going to have more funding for transit or we are not going to have a transportation bill," Kelly said.

Kelly offered an amendment appropriating an additional \$1.3 million to transitways, bringing the total appropriation to \$6.3 million. The additional funding is composed of \$1 million from local bridge assistance, \$150,000 from DM&E mitigation projects, and \$150,000 for Greater Minnesota transit capital. Members adopted the amendment on a voice vote.

Sen. Carol Flynn (DFL-Mpls.) and Rep. Bernie Lieder (DFL-Crookston) voiced objection to a provision in the bill relating to an appeal board for additional LRT corridors. The provision states that appeal boards of three members will be created to resolve local government disapproval of corridor designs. The board will consist of an appointee of the governor, an appointee of the local government, and a third member appointed by the first two appointees.

Flynn said that an existing provision requires Mn/DOT to submit design plans to local governments for approval, and adopting the provision in the bill "creates a potential for confusion and law suits."

Al Vogel, of Mn/DOT, agreed that the provision will cause confusion. Tim Workie, also of Mn/DOT, said that an appeal board for highway construction similar to the board in the bill is rarely utilized due to its cumbersome implementation. "A design /selection process is much more favorable than an appeal board," Workie said.

"I do not see any other purpose [for the board] other than that opponents [of LRT] keep losing," Flynn said. Members adopted an amendment, offered by Flynn, deleting the appeal board. Members also adopted a second amendment, offered by Flynn, stating that restrictions on LRT spending do not affect federal funds earmarked for LRT purposes in the 2001-2003 transporta-

tion improvement program.

In other action, the committee adopted an amendment offered by Sen. Mark Ourada (R-Buffalo). The amendment requires a report by the Department of Finance and the Attorney General's Office be submitted to the Legislature on the use of trunk highway funds in biennial budget proposals. The amendment also identifies items and programs that do not further a highway purpose, such as the Bureau of Criminal Apprehension laboratory and tort claims.

The committee sent the bill to the floors of both legislative bodies with a recommendation to pass.

## Monday, May 1

### Conference reports passed

"I ask for your support" said Sen. Dave Knutson (R-Burnsville) Tue., May 1, to members regarding a vote to adopt the conference committee report on S.F. 3016. To maintain federal funds, the bill modifies Minnesota statutes to comply with federal requirements concerning child support enforcement provisions, and clarifies delegations of authority in child support cases. Knutson said that the conference committee also adopted Senate language defining "obligor" as someone who is in arrears for three months of court-ordered child support.

The conference committee report was adopted and the bill re-passed on a vote of 60 to 0.

Members then addressed the conference committee report on S.F. 3160, a bill, sponsored by Sen. Thomas Neuville (R-Northfield), that reintroduces the ignition interlock device pilot program. The interlock devices, Neuville explained, prohibit a vehicle from being started unless the driver's blood alcohol concentration is below a set standard. The device then reports how many attempts were made to start the vehicle and the driver's blood alcohol concentration at the time. Under the bill, individuals who have had their licenses revoked for alcohol related purposes may participate in an interlock program from Oct. 1, 2000 until Dec. 31, 2001. The program will be evaluated for continuation on Feb. 1, 2002.

Other provisions in the bill combine the regulation of public and private

driver education programs under the Department of Public Safety, allow drivers' licenses to be renewed within five years after expiration, and designate an Eden Prairie bridge as the Diana L. Koski Memorial Bridge. Neuville explained that a Lutheran congregation requested the bridge dedication to remember a 10 year old girl who was killed on the structure. Members adopted the conference committee report and re-passed the bill on a vote of 61 to 0.

"On some Minnesota lakes, fishing contests have become so popular that non-participants have had a hard time using the lakes," said Sen. Dennis Frederickson (R-New Ulm) when discussing S.F. 3100. Under the bill, the size and number of fishing contests are limited according to the size of the body of water. Also in the bill, the number of locations that can be designated as experimental waters, lakes and streams where special regulations are used to meet a fisheries objective, are no longer limited.

After members adopted an amendment offered by Frederickson reinforcing a preference for long held fishing contests over new events, discussion took place over an amendment offered by Sen. Douglas Johnson (DFL-Tower). Johnson's amendment appropriates \$227,000 to Lake County, \$430,000 to Cook County, and \$802,000 to St. Louis County for emergency response equipment and emergency planning to respond to potential wildfires. St. Louis County must use a portion of the grant to purchase a radio warning system that can be used by all of the counties mentioned, Johnson said.

On July 4, 1999, hundreds of acres of trees were blown down in the Boundary Waters Canoe Area, creating a situation that Sen. Gary Laidig (R-Stillwater) said "will make Yellowstone look like a grassfire." Language identical to the amendment has been through committees, passed the Senate, and is included in the omnibus appropriations bill," Johnson said. He told the Senate about the urgency for these funds and voiced his concerns about passage of the omnibus appropriation bill, which will not be enacted if the Senate and House cannot reach spending agreements. Johnson told members that the Smokey the Bear sign near his home warns that

no open fires are permitted because of current dry conditions. "This should have been passed two months ago," Johnson said.

"I believe we need to give this legislation more flexibility for enactment," said Sen. Roger Moe (DFL-Erskine). Members adopted the amendment.

Sen. Bob Lessard offered an amendment allowing smokechasers employed part-time to apply for unemployment. Lessard told members that a bill with identical language passed one month earlier. The committee adopted the amendment and the bill as amended was approved on a vote of 60 to 0.

Lessard then made a motion to bring S.F. 3173 from the Committee on State Government Finance to the Senate floor. The bill proposes a constitutional amendment to dedicate one eighth of a percent of sales taxes, about \$75 million, to natural resources. Lessard said he was concerned about the session coming to an end without passage of the bill.

Moe asked members to vote against moving the bill from State Government Finance, saying that the Legislature is working with fixed budget resources. "This amendment has an annual cost of \$110-120 million," he said, "requiring the Legislature to go back into the spending bill and make an adjustment on the refund or expense side to compensate." Moe said that the Senate has already approved a lottery in lieu of tax, license fee increases, and \$120 million of bonding projects for natural resources. "The House has suggested nothing for natural resources," Moe said to Lessard. Moe recommended against budgeting by the constitutional appropriations, because he said doing so does not allow for emergencies.

The motion failed on a vote of 25 to 37.

## Thursday, May 4

### Farm bill passed

A lively debate ensued during the Thurs., May 4, Floor Session, concerning a corporate and partnership farm bill, S.F.3031, which was placed on Special Orders. Authored by Sen. Steve Murphy (DFL-Red Wing), the bill defines corporate and partnership farm distributions, transfers and restrictions.



# Floor update



***With only thirty-five minutes remaining in Tuesday's marathon floor session, a lone spectator sits in the west gallery of the Senate Chamber.***

Photo by David J. Oakes.

Following an overview by Murphy, Sen. Charles Berg (IND-Chokio) offered an amendment to allow farmers the option of forming limited liability companies (LLC's). He said the amended companion bill had passed in the House by a wide margin. According to Berg, the limited liability status would benefit smaller farmers by allowing them tax advantages and a liability "safety net" to enable them to better compete with larger agricultural operations.

In answer to opposition from members who expressed concern about the growing number of corporate farm operations and the diminishing number of small family farms, Berg said, "There is no such thing as a limited liability

corporation, it's a limited liability company" that the amendment proposes. He said that if the amendment is adopted, the number of farm corporations would actually decrease because farmers typically incorporate for the liability advantage it provides. Berg emphasized that farmers in all other states already have the option of forming limited liability companies, which decreases some of the business risks involved in a risk-laden occupation. According to Berg, LLC's are especially useful for single-owner farming operations because they do not require extra tax return filings or extra payroll compliance. LLC's are superior to S corporation requirements upon termination and they facilitate inter-

generation transfer of farm assets to family members, according to Berg.

Sen. John Hottinger (DFL-Mankato) said he was not in favor of the bill because it did not encourage the most effective stewardship of natural resources and because shareholders need not belong to the community in which the LLC is located. Sen. Dallas Sams (DFL-Staples) said that there are established legal remedies for entities that pollute, whether they are large corporations or small farms.

Berg's amendment also requires that land in an LLC must be used for farming purposes, must not be owned in full or in part by corporations or existing LLC's, requires that at least one of the related persons is residing on or actively



operating the farm and limits ownership interests to "persons or spouses of persons related to each other within the third degree of kindred, according to the rules of civil law." Berg said the residence requirement helps to keep family farms intact and helps to ensure that positive stewardship practices are maintained. The amendment also limits membership in a LLC to no more than five members and requires that revenue from rent, royalties, dividends, interest and annuities not exceed 20 percent of gross receipts. Other provisions include the requirement that members holding 51 percent or more of both the governance rights and financial rights must reside on the farm, or be actively engaged in farming.

Sen. Steve Dille (R-Dassel) said he strongly urged members to vote in favor of the amendment because it represents "smart business." Dille said that bankers and insurance agents and other individuals are granted the right to form limited liability partnerships to protect their interests--and that it's unfair to single out farmers.

Sen. Ember Reichgott Junge (DFL-New Hope) moved to amend the Berg amendment by specifying that a member of a family farm LLC may not transfer a membership interest, including financial interest to a person who is not otherwise eligible to be a member. Junge asked members to consider her strong environmental record. She said she would not favor a bill that would jeopardize the environment, and that following careful consideration, she is convinced that the bill would be favorable for family farms and the environment.

Sen. Jane Ranum (DFL-Mpls.) presented a handout showing an analysis of corporate farm law changes made historically. She said that the stability of communities is a huge concern and stated that there is an impact in having large corporations here in Minnesota with economic impacts somewhere else.

Sen. Kenric Scheevel (R-Preston) asked members to compare the lists of those organizations supporting the bill and those not in support, and to consider which list represents those who are in the business of farming.

Sen. Roger Moe (DFL-Erskine) said, "I believe that the way to help farmers is to pay them more money for what they produce."

Sen. Dean Johnson (R-Willmar) said, "I think what's keeping up opposition to the bill has to do with fears about environmental degradation," adding, "I don't think anyone here wants to keep good management tools out of the hands of farmers." Berg's amendment was adopted and final passage of the bill was granted on a 37-26 vote.

S.F. 3095, a bill related to occupational safety and providing that the next of kin of a deceased employee can participate in procedures related to citations, was also placed on Special Orders and considered. Sen. Mark Ourada (R-Buffalo) presented an overview of the bill, citing the example of a young person killed while on the job. Ourada said that the family was given \$4,200 in compensation, which did not even cover the funeral costs. He said there are often cases involving employer negligence, where compensation is minimal. The bill removes the cap of \$23,000 on penalties to employers, and also rates violations. Ourada offered an amendment to cap violations at \$70,000 in instances of violation if an employer has fewer than 100 employees, or not to exceed \$140,000 for each violation if the employer has 100 or more employees.

Sen. Linda Runbeck (R-Circle Pines) offered an oral amendment to the Ourada amendment to decrease the number of employees allowed in order for an employer to qualify for a reduced fine in cases of OSHA violations. The amendment changes the cut-off from 100 to 50 employees. The amendment was adopted. The bill was laid on the table.

Members reconsidered S.F. 3557, the final item on Special Orders for the day. The bill involves technical corrections to the governmental operations budget bill, according to Moe. Sen. Don Samuelson (DFL-Brainerd) moved to amend various "technical mistakes" related to state government provisions and appropriations. The bill, as amended, passed unanimously.

Sen. David Knutson (R-Burnsville) moved that SF. 2845, a bill that increases penalties for those who use false I.D.'s, be taken from the table. Following concurrence, Knutson then moved that the previous vote on the bill be reconsidered--and that the conference committee report that had been

adopted also be re-considered, all of which prevailed. Finally, Knutson's request to re-refer the bill to the conference committee for further consideration also prevailed.

SF. 3036, a DNR enforcement bill including provisions for seizure and administrative forfeiture of firearms and abandoned property was also reconsidered following the adoption of the conference committee report and re-referred to the conference committee. Both bills were sent back to conference committees because the other body rejected the conference committee reports.

A conference committee report on SF. 3028, a bill related to rights for vulnerable adults, was also considered. The bill, sponsored by Sen. Allan Spear (DFL-Mpls), was repassed as amended.

The Senate also gave final passage to S.F. 849. The bill, sponsored by Sen. Steven Novak (DFL-New Brighton) modifies the authority to expand or upgrade minor use airports. An amendment by Dave Johnson (DFL-Bloomington), specifies details concerning impact reports, mitigation plans and related issues. The amendment was adopted and the bill was passed on a unanimous vote.

## Tuesday, May 9

### Elk preserves debated

The first portion of what turned into a marathon 21 hour floor session, Tues., May 9, began with the consideration of a variety of conference committee reports and bills on Special Orders. One of the first conference committee reports, S.F. 1288, sparked considerable debate.

The measure, sponsored by Sen. Bob Lessard (DFL-Int'l. Falls), contains numerous changes to hunting and fishing provisions. Lessard said about three-quarters of the bill contained language passed in the Senate last year. The measure makes changes in the Take a Kid Fishing Weekend provisions, exempts trappers from blaze orange requirements, provides that the commissioner may conduct a separate selection for up to 20 percent of the moose licenses to be issued for an area, makes changes in provisions outlining the requirements for fishing contests, sets forth requirements for hunting by

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persons with mental retardation, sets a \$66 fee for a license to take antlered deer during any season statewide, authorizes the use of lighted artificial lures with hooks attached and provides \$200,000 for an inventory of state owned land in the Boundary Waters Canoe Area. However, debate on the conference report centered on a provision detailing the taking of elk on hunting preserves.

Lessard said that Senate conferees were successful in dropping Red Deer from the hunting preserve portion of the bill and that the measure allows for 10 shooting preserves in the state. Opponents, though, said that the taking of deer on hunting preserves eliminated fairness from the hunting endeavor. Sen. Charles Berg (IND-Chokio) responded that the preserves were large and that the bill did not represent "shooting a penned animal." Sen. Dennis Frederickson (R-New Ulm) said that the maximum size of the preserves is 960 acres and that some preserves could be as small as 320 acres. Sen. Claire Robling (R-Prior Lake) questioned whether local units of government could regulate shooting hours. Lessard responded that nothing in the measure prohibits local units of government from enacting ordinances concerning hunting preserves.

Members rejected the conference report on a 27-37 roll call vote. Robling moved to reconsider the bill. She said that other portions of the bill were important and that the measure should be returned to conference. The motion was adopted and the bill was sent back to conference committee. Later in the day, the measure again came before the Senate. Lessard said that the provisions dealing with taking elk on hunting preserves were deleted by the conferees. The bill was then repassed.

Three bills relating to consumer privacy were considered on Special Orders and given final passage. S.F. 1716, authored by Sen. Steve Kelley (DFL-Hopkins), regulates the use and dissemination of personally identifiable information on consumers by interactive services providers. In addition the bill prohibits false or misleading commercial e-mail messages. Kelley said that the bill operates on an "opt-in" basis that provides that identifiable information about the consumer must

not be disclosed without the consumers consent. In addition, the bill provides for civil remedies. S.F. 3038, also sponsored by Kelley, provides for the privacy of telecommunications customer information and requires consent for disclosure of customer information. Kelley said the "opt-in" provision means that customer information may not be disclosed unless the customer provides consent. The third consumer privacy bill, S.F. 3000, provides for consumers' right to the privacy, confidentiality, and secrecy of their financial records. The measure, sponsored by Sen. Anthony "Tony" Kinkel (DFL-Park Rapids), also requires consumers' consent for the exchange or disclosure of their financial records and prohibits the obtaining of information from consumers under false pretenses. Kinkel said the bill also prohibits requiring consent as a condition of doing business with a financial institution. The bill also specifies that if a credit card is used voluntarily for check identification purposes only the type and issuer of the card and the expiration date may be recorded. Sen. Edward Oliver (R-Deephaven) offered an amendment to change the "opt-in" consumer consent portion of the bill into an "opt-out" provision. Kinkel argued strongly against the amendment and said, "The 'opt-in' section is the heart and soul of the bill." The amendment failed to be adopted. Sen. Warren Limmer (R-Maple Grove) offered an amendment, which was adopted, specifying the information that may be reported in financial transactions with credit cards. All three measures were granted final passage.

The Senate also adopted the conference committee report on the omnibus data practices bill. The measure, H.F. 3501, sponsored by Sen. Don Betzold (DFL-Fridley), makes numerous changes to provisions relating to the classification of government data.

A number of other conference committee reports were adopted and repassed during the first few hours of the day's session. S.F. 11, authored by Betzold, extends the statute of limitations, from two to six years, for actions based upon domestic abuse. S.F. 3036, authored by Sen. Dave Johnson (DFL-Bloomington), provides for seizure and administrative forfeiture of firearms and abandoned property by conservation

officers and modifies the definition of peace officer.

S.F. 3234, sponsored by Sen. John Hottinger (DFL-Mankato), grants authority to legislative committees to object to administrative rules. Hottinger said the conference report also creates a rules task force that is to investigate ways to encourage compliance with state policy without promulgating rules. The measure, Hottinger said, is another step in having the Legislature exercise its oversight responsibility and give input to the administrative rules process. S.F. 2845, authored by Sen. David Knutson (R-Burnsville), increases penalties for the purchase or attempt to purchase alcohol or tobacco by underage persons using false identification. Knutson said the conference report made two changes to the bill that left the Senate. The first change is an increased penalty for a second time offender who is 18, 19 or 20 years of age. The second change lessened the impact for those who are selling the products.

Members also approved and repassed the conference committee report on the omnibus pension bill. Chief author, Sen. Lawrence Pogemiller (DFL-Mpls.), said the bill, S.F. 2796 is substantially the same as the measure that left the Senate except that a provision for a post-retirement health benefit using excess funds was dropped. H.F. 2826, the conference report on various election law changes, sponsored by Sen. Cal Larson (R-Fergus Falls), was also adopted and repassed. Finally, members adopted and repassed the conference report on H.F. 3534. The measure, sponsored by Frederickson, changes requirements and procedures for agricultural contracts and specifies that the contracts must be written in easily understood language.

One additional measure was given final passage on Special Orders. H.F. 2489, sponsored by Sen. Linda Higgins (DFL-Mpls.), authorizes local units of government to require purchasers of impounded bicycles to register them as a condition of sale.

## Transportation bill discussed

"This is the largest funding bill in Minnesota history for a non-budget year," said Sen. Dean Johnson (DFL-Willmar) when introducing H.F. 2891,

the omnibus transportation bill. Johnson said that \$596.081 million will be appropriated for transportation "without raising any taxes." Johnson described the bill as a balanced package.

Under the bill, Metro Area bottleneck and inter-regional corridor projects outside the seven county Metro Area each receive \$177 million, \$39 million to either replace or repair six hundred local bridges, and \$30 million is earmarked for county roads and municipal streets. Johnson reiterated the Minnesota Department of Transportation (Mn/DOT) Commissioner Elwyn Tinklenberg's statement that expansion of the Wakota bridge will be a bottleneck reduction project.

Other appropriations include a \$15 million grant to the Department of Trade and Economic Development's revolving loan funds, \$10.35 million for a State Patrol headquarters in St. Cloud and \$8.724 million for a headquarters in Detroit Lakes, \$5 million for a regional transportation management center, \$2 million for port development assistance, and \$872,000 for Greater Minnesota transit capital.

"For those with transit concerns," said Johnson, "the bill dedicates \$25 million to transit." He said that the bonding bill includes an additional \$44 million for a dedicated busway.

Johnson said that policy provisions in the bill include the authority for Mn/DOT to approve supplemental agreements, a requirement that contractors be paid by Mn/DOT in 30 days, the authority for the Department of Public Safety (DPS) to suspend vehicle licenses paid for by a dishonored check to a deputy registrar, and the formation of a major transportation projects commission.

The major transportation projects commission, which will review and comment on proposed major projects, will be composed of nineteen members, Johnson said. The members will include the governor, four citizens appointed by the governor, seven Senators, and seven Representatives. Projects addressed by the commission must involve Mn/DOT, have a total cost of more than \$5 million, be a critical element of the regional and state transportation system, and have a completed environmental impact statement. Johnson said

that the commission will not approve projects.

Other Senators expressed disagreement with Johnson's labeling of the package as balanced. Sen. Sandra Pappas (DFL-St. Paul) said that transit funding seems inadequate compared to the two appropriations of \$177 million for roads. "The figure," she said, "reminds us of how expensive it is to build roads." Pappas added that Metropolitan bonds for transit are paid for by Metropolitan property tax payers, not the state. "I do not know that House conferees will agree to that," she said.

Johnson said that last year funding for highways and bridges was vetoed by the governor. "A balanced approach is a 25/ 75 percent split," Johnson said. "Though this bill does not provide 25 percent of total funding for transit, the aggregate whole [between the two years] does."

"There have been a few years when Metro communities have gotten very little for transit," said Sen. Jane Ranum (DFL-Mpls.) "For us to be elated with this offer is asking quite a bit," she said. Sen. Carol Flynn (DFL-Mpls.) added that last year roads received \$3 billion in funding. "What was unique about last year was an appropriation of \$60 million for Light Rail Transit (LRT)," Flynn said, "which has become a bone of contention for others."

Flynn said that road funding is derived from gas taxes (27 percent), license tab fees (27 percent), and property taxes (46 percent). "We are subsidizing roads and bridges" she said. Flynn continued by saying that with 600,000 people expected to move into the Metro Area in the near future, alternative means of transportation will be useful.

The bill was laid over for further discussion.

Members then took up discussion on S.F.1288, sponsored by Sen. Bob Lessard (DFL-Int'l. Falls), as it returned from conference committee. Under the bill, 20 percent of moose hunting licenses must be reserved for individuals who have previously applied at least ten times for the license and never had one issued, trappers and those hunting by falconry are exempted from wearing blaze orange, allows persons with mental retardation to receive a hunting license

with an instructor's approval, and \$200,000 is appropriated to the University of Minnesota, Duluth for a state land inventory. Lessard said that except for the removal of language concerning elk hunting, the bill was identical to that passed out of the Senate. The bill was swiftly repassed on a vote of 60 to 0.

Sen. Deanna Wiener (DFL-Egan) brought S.F.2933 to the floor for final consideration. The bill, brought to Wiener by the Department of Commerce, provides technical changes to insurance claims. Wiener said that a section in the bill using part of the excess surplus in the assigned risk plan for the Minnesota Comprehensive Health Association (MCHA) was no longer needed. After deleting the provision, members passed the bill on a vote of 52 to 0.

In other action, members discussed at length S.F. 2421, a bill establishing a do not call list for unsolicited telemarketing calls. Sen. Ember Junge (DFL-New Hope) said she introduced the bill at the request of the American Association of Retired Persons (AARP). "Senior citizens were concerned that they were being pursued by fraudulent telemarketers," Junge said. She told the Senate that people burst out in applause when she talked about the bill at town hall meeting. "The most recent poll by the Minneapolis Star Tribune shows 86 percent of Minnesotans favor the law, and 78 percent strongly favor it," Junge said.

"You, as a consumer, can put your name on the list for free, and be free of telemarketers," Junge said. The "no sales solicitation calls" list will be administered by the Department of Commerce. Minnesotans may place their names and household number on the list, which will be updated yearly, for free. Costs associated with maintaining the list will be covered through required purchases of the list by companies conducting telemarketing calls in Minnesota.

The bill also requires that for telemarketing sales to be completed, the purchaser must provide either a signature agreeing to the sale or oral consent by means of disclosing the last four digits of one's credit card to the telemarketer. "The new technology is that telemarketers have your credit card number before they call you," Junge



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said. She said that telemarketers sometimes have a person's credit card account information prior to placing a call and may decide if the person called agreed to a sale.

Junge said that exemptions are made for various calls, such as those placed by a party with whom the person called has a prior business relationship or those from a charitable organization with whom the person called has donated time or money to within the past five years. These exemptions, Junge said, will not prohibit such calls as courtesy calls from auto dealers one has recently purchased from or calls from organizations such as schools, political parties, or non-profit organizations to whom one is a regular contributor.

Junge addressed member's questions about a current do not call list maintained by the Direct Marketers' Association (DMA). The list, she said, does not protect consumers against telemarketing, because use of the list by telemarketers is voluntary. "The DMA list is not a great option, because it does not protect you," Junge said. "Not only are your calls not going to end, but you are giving direct marketers more information to sell to other people. It is a free list, but you get what you pay for." Junge said that one must provide their address to be placed on the DMA no call list.

Sen. Dave Kleis (R-St. Cloud) offered an amendment deleting political parties to whom one has donated in the past five years from the exemptions list. Kleis said that special privileges should not be given to political parties.

Junge said that the bill prohibits any party that solicits funds, including political parties and non-profit organizations, from calling individuals, except for those who have contributed to the organization within the past five years. She said that supporters of the bill do not want to block calls urging people to vote. Sen. Allan Spear (DFL-Mpls.) said "if you belong to a church, synagogue, charitable organization, or political party, you expect calls; you go onto a do not call list because you are annoyed by strangers." The amendment failed on a vote of 26 to 28.

Sen. Linda Runbeck (R-Circle Pines) offered an amendment deleting a \$200 limit on calls exempted from the list because they require a face-to-face sales

presentation or mailing that explicitly states the terms of the sale for the sale's completion. "How far are we going to go to protect the consumer from themselves?" asked Runbeck. "We are asking government to protect us from annoyances," she said in opposition to the legislation.

Junge said that the amendment would exempt people from calling to sell items such as siding, a practice many of her constituents raised concerns over.

"These are very immediate issues, I do not think that we should trivialize them," said Spear. Spear told of having had four calls from the same company soliciting siding during a prominent religious holiday.

The amendment failed on a vote of 30 to 32.

Members then discussed an amendment offered by Sen. Linda Scheid (DFL-Brooklyn Park) that exempts telemarketers who subscribe to the DMA list from Minnesota's no call list and requires individuals who inquire about the state's no call list to be informed about the DMA list. The amendment also requires the Department of Commerce to place information about no call lists on the department's website.

Junge said that the DMA no call list will not stop telemarketing calls because only 3,500 of the 14,000 telemarketing companies in the United States are DMA members, and DMA members are not required to subscribe to the list. Junge added that sequentially dialed calls are not affected by the DMA list. "This bill turns off all of the calls and it is law," Junge said. Spear said that it is wrong for members to attack the bill for both having too many exceptions and not having enough exceptions. "The bill will not eliminate all calls, but those that most annoy us, from complete strangers, will be stopped" he said.

Scheid's amendment was adopted on a vote of 34 to 28.

Junge offered an amendment deleting an exemption from Minnesota's do not call list in Scheid's amendment for telemarketers who comply with the DMA list. The provision, Junge said, does not provide an option for consumers, but provides an out for telemarketing companies. "This is totally unenforceable, this is not

defined," Junge said. Junge told members that when the United States Congress requested information on compliance with the DMA no call list, the DMA did not provide information. "If [the DMA] denied Congress, how are we going to know?" Junge asked. "This is an out for those who do not comply."

The amendment failed on a vote of 29 to 32.

The bill, as amended, was approved on a vote of 57 to 1.

## Forestry bill passed

Continuing their marathon floor session to complete the work of the 2000 Legislative Session, the Senate acted on a number of conference committee reports and various other bills in the late evening of Tues., May 9.

The Senate engaged in a lengthy discussion of the Dept. of Natural Resources (DNR) forestry bill, H.F. 3213, after adopting a motion by Sen. Bob Lessard (DFL-Int'l. Falls) to take it from the table. The Senate also adopted an amendment, offered by Lessard, removing the Big Woods Heritage Forest system. Lessard said that provision has already become law now.

The bulk of the discussion on the bill centered on an amendment offered by Sen. Douglas Johnson (DFL-Tower) removing a provisions from the bill requiring public notice of timber sale plans to be posted on the DNR web site and requiring the DNR to report the process used to notify the public and solicit public input about timber harvest plans to chairs of Legislative natural resources committees. Johnson said the DNR already posts plans in the affected areas, but the amendment takes the web site posting requirement out of the statutes. Johnson said that extremists are trying to put an end to his constituents making a living as loggers. He added that there isn't much internet access in the forest so the web site posting doesn't get to the people most affected by the timber sale plans. But Sen. Leonard Price (DFL-Woodbury) argued against the amendment. He said the bill requires public notice of timber sales and requires the DNR to get public input on the proposed sales and asked Johnson if it is the public notice or the public input that he found offensive in the bill. Price added that he didn't think public input is such a bad thing

and it makes the Legislature look bad when they limit the public notice. Sen. Gary Laidig (R-Stillwater) also opposed the amendment, saying the public notice might bring higher bids on the timber. "It could work both ways," Laidig said.

A compromise was reached when Sen. Jane Ranum (DFL-Mpls.) suggested amending Johnson's amendment so that the reports to the Legislative committees would remain in the bill, but the web site posting requirement would be deleted. Johnson withdrew his amendment and later offered another amendment incorporating Ranum's suggestion. The amendment was adopted on a roll call vote of 50-15.

The Senate adopted two other amendments offered by Lessard. The first, Lessard said, allows DNR smoke chasers to credit their time for unemployment insurance purposes. He said the provision allows the DNR to keep the trained smokechasers around. Sen. Jane Krentz (DFL-May Township) said she supports the amendment but that she was concerned about the budget impact. Lessard said the funding comes out of the open appropriation that is used in the event of a fire. Lessard said his other amendment allows an additional month for the use of all terrain vehicles for the construction of deer stands in state forests. Both amendments were adopted by voice votes.

An amendment offered by Sen. LeRoy Stumpf (DFL-Thief River Falls) inserting the consolidated conservation ("con-con") lands proposal into the bill was also adopted. Stumpf said seven counties have the con-con lands and that those lands have had a unique relationship with state and local governments. He said that one component of the amendment is to increase the payment in lieu of taxes (PILT) to the seven counties.

However, two amendments were rejected as non-germane. The first, offered by Sen. Steve Murphy (DFL-Red Wing) allows dealers of fuel oxygenates to sell the oxygenates for use by off-road vehicles. Murphy said that legislation this year banned the use of the oxygenates but some dealers still have some leftover and the amendment allows those dealers to get rid of their remaining stock without taking a loss on it. The other non-germane amendment was

a gray wolf management plan offered by Laidig. The bill was granted final passage on a 62-2 roll call vote.

The Senate also granted final passage to H.F. 3229, sponsored by Sen. Linda Higgins (DFL-Mpls.). Higgins said the bill is called the "E-commerce for Hennepin County" bill. The Senate adopted Higgins' motion to adopt the House language adding that the difference between the two versions was that the Senate Local and Metropolitan Government Committee inserted language allowing Hennepin County to add a service charge for accepting a payment by credit card and the House expanded the types of payment that are allowed. Sen. Sheila Kiscaden (R-Rochester) asked why the bill only allows Hennepin county to use electronic payment methods. Higgins replied that it is sort of a pilot project to work out the details, but she suspected that the authority will be made statewide. The bill passed 59-0.

A bill sponsored by Kiscaden, H.F. 3409, was passed on special orders. Kiscaden said the bill is a Dept. of Human Services housekeeping bill for people with developmental disabilities. Kiscaden moved to accept the House language, saying there were minor technical differences and a different effective date. The motion prevailed and the bill was passed 54-0.

In addition, the Senate acted on six conference committee reports. Sen. Dave Johnson (DFL-Bloomington) presented the conference committee report on S.F. 2677, the DWI recodification bill. Johnson said the House put felony DWI provisions in the bill forcing the conference committee to deal with the issue of how to pay for something in a non-budget year that has a long term fiscal impact. He said the bill puts together a task force to look at various aspects of felony DWI penalties, including how to pay for it. Sen. Thomas Neuville (R-Northfield), a Senate conferee on the bill, said another provision in the bill is the ignition interlock pilot program. He said the program allows the Dept. of Public Safety to reinstate a repeat DWI offender's driver's license if they install an ignition interlock device that won't allow their car to start if there is alcohol on their breath. Johnson added that the bill makes adjudication of DWI more

efficient. The bill passed on a 64-0 roll call vote.

The omnibus agriculture bill, H.F. 3312, sponsored by Sen. Dallas Sams (DFL-Staples), was also repassed. Sams said there were minor changes between the bill as originally passed by the Senate and the conference report. He said that Sen. John Hottinger (DFL-Mankato), a Senate conferee, added language to the family farm limited liability company provision requiring that a shareholder person be actively farming. Sams said that egg handling standards in the Senate bill were dropped from the conference report. The bill was repassed 54-9.

Sen. Randy Kelly (DFL-St. Paul) moved adoption of the conference committee report on S.F. 2854 and that the bill repassed. He said the bill deals with civil commitment of sexually dangerous or psychopathic persons. Kelly said the difference in the conference report is that now the court may grant a motion to determine if a person should be committed as a sexual psychopathic personality or sexually dangerous person, but the court must decide the motion within 48 hours of the hearing. Sen. Don Betzold (DFL-Fridley), a Senate conferee on the bill, said the conferees wanted to give county attorneys the authority to petition the court seeking commitment of a person as a sexual psychopath, but didn't want to give unfettered access to the person's file so that the county attorney couldn't go on a fishing expedition. The report was adopted and the bill repassed 64-0.

Kelly also moved adoption of the conference committee report on H.F. 2516, a bill relating to civil restraining orders for harassment. Kelly said that the House objected to one Senate provision setting the filing fee at \$50. He said that currently the fee is \$130, but is frequently waived. Kelly said the Conference of Chief Judges wanted a base fee, but the House thought it would have a chilling effect if the fee was required. The compromise, Kelly said, is that the Supreme Court will attempt to educate judges so that they don't automatically waive the fee. The report was adopted and the bill was repassed on a 64-0 roll call vote.

The Senate repassed the conference committee report on S.F. 2575, spon-

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sored by Stumpf. He said the bill relates to the dislocated worker program. Stumpf said that farmers who qualify may be eligible for the program and the program is extended to operate for three years under the conference agreement. The bill was repassed 63 to 1.

One other conference committee report was passed before the next recess. Hottinger, sponsor of S.F. 2893, said the bill makes revisions to the business subsidies accountability law passed last year. He said the compromise bill makes three changes from the Senate

version by changing the definition of bonds, setting wage floor provisions for local governments to generate a specific dollar amount, and setting more specific criteria for local governments so they have until May 1, 2003. The bill passed on a 66-0 roll call vote.

# Floor action

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## Conference committee reports adopted and repassed Monday, May 1

**S.F. 3016-Knutson:** Changes certain child support enforcement provisions and provides for notices. 60-0

**S.F. 3160-Neuville:** Modifies the ignition interlock pilot program, designates the Diana L. Koski Memorial Bridge, conforms the state "open bottle" law to federal provisions, regulates satisfactions of judgment on automobile liability claims and allows drivers' license to be renewed within five years of expiration. 61-0

## Bills granted final passage on Special Orders Monday, May 1

**S.F. 3100-Frederickson:** Modifies provisions for designating experimental waters and modifies provisions for fishing contests. 60-0

## Conference committee reports adopted and repassed Thursday, May 4

**S.F. 3028-Spear:** Specifies rights for reconsideration and review of determinations regarding maltreatment of vulnerable adults. 66-0

**H.F. 3839-Kiscaden:** Modifies provisions for speech-language pathologists, audiologists, unlicensed mental health practitioners, alcohol and drug counselors, and hearing instrument dispensers and provides for regulation of unlicensed complementary and alternative health care practitioners. 58-1

## Bills granted final passage on Special Orders Thursday, May 4

**H.F. 849-Novak:** Modifies the authority to expand or upgrade minor use airports. 66-0

**S.F. 3031-Murphy:** Changes the corporate and partnership farming law. 36-27

**H.F. 3557-Price:** Makes technical corrections to the 1999 state government appropriations bill. 59-0

## Conference committee reports adopted and repassed Tuesday, May 9

**S.F. 11-Betzold:** Extends statute of limitations to six years for actions based on domestic abuse. 52-0

**S.F. 3036-Johnson, D.H.:** Provides for seizure and administrative forfeiture of firearms and abandoned property by conservation officers and modifies the definition of peace officer. 51-0

**S.F. 3234-Hottinger:** Grants authority for legislative committees to object to administrative rules and creates a rules task force. 53-0

**S.F. 2845-Knutson:** Increases criminal penalties and driver license sanctions for underage persons who use false identification to purchase or attempt to purchase alcoholic beverages or tobacco. 46-6

**S.F. 2796-Pogemiller:** Omnibus pension bill. 55-0

**S.F. 1288-Lessard:** Omnibus game and fish provisions. Fails 27-37; Reconsidered. Returned to conference.

**H.F. 2826-Larson:** Clarifies Minnesota election law procedures and makes conforming changes. 57-0

**H.F. 3501-Betzold:** Omnibus data practices. 58-0

**H.F. 3534-Frederickson:** Changes requirements and procedures for agricultural contracts. 58-0

**S.F. 1288-Lessard:** Omnibus game and fish provisions without the elk preserve hunting provisions. 60-0

**S.F. 2575-Stumpf:** Regulates eligibility of farmers for the dislocated worker program. 63-1

**S.F. 2854-Kelly, R.C.:** Requires the commissioner of corrections, before releasing persons convicted of criminal sexual conduct or sentenced as patterned offenders, to send his determination whether a petition under the sexual psychopath law is necessary to certain county attorneys. 64-0



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**S.F. 2893-Hottinger:** Provides clarification to the obligation of government agencies and businesses related certain business subsidies. 66-0

**S.F. 2677-Johnson, D.H.:** Recodifies and simplifies DWI crimes and provisions and extends the ignition interlock pilot program. 64-0

**H.F. 2516-Kelly, R.C.:** Amends the definition of harassment and alters filing procedures. 64-0

**H.F. 3312-Sams:** Modifies agricultural policy provisions, corporate farm provisions and limited liability corporation provisions. 54-9

**H.F. 2891-Johnson, D.E.:** Omnibus transportation appropriations and bonding bill. 64-2

**H.F. 3800-Pogemiller:** Omnibus education appropriations. 66-0

**H.F. 4127-Johnson, D.J.:** Omnibus tax bill. 64-1

**H.F. 3505-Oliver:** Modifies Dept. of Commerce insurance enforcement provisions and insurance technical provisions. 58-0

**S.F. 1048-Johnson, D.H.:** Creates an advisory selection process for utility commissioners. 63-0

**H.F. 2591-Lessard:** Changes the economic development authority of certain non-metropolitan counties. 61-0

**H.F. 2699-Samuelson:** Omnibus appropriations bill. 64-1

**S.F. 3002-Frederickson:** Adds to and deletes from various state parks. 56-0

**H.F. 4078-Berglin:** Omnibus bonding bill. 63-2

**S.F. 849-Novak:** Modifies the authority to expand or upgrade minor use airports. 62-4

## **Bills granted final passage on Special Orders Tuesday, May 9**

**H.F. 2489-Higgins:** Authorizes local units of government to require purchasers of impounded bicycles to register them as a condition of sale. 51-5

**S.F. 1716-Kelley, S.P.:** Regulates the use and dissemination of personally identifiable information on consumers by interactive services providers and prohibits certain false or misleading commercial electronic mail messages. 57-0

**S.F. 3038-Kelley, S.P.:** Enacts the Telecommunications Consumer Privacy Act, provides for the privacy of telecommunications customer information, requires consent for disclosure of customer information and provides penalties. 55-0

**S.F. 3000-Kinkel:** Provides consumers' right to privacy, confidentiality, and secrecy of their financial records and provides civil remedies and penalties. 57-0

**S.F. 2933-Wiener:** Makes technical changes to insurance provisions, regulates motor vehicle service contracts, regulates underwriting practices and regulates workers' compensation self-insurance. 52-0

**S.F. 2421-Junge:** Regulates telephone sales calls and provides remedies. 57-1

**H.F. 3409-Kiscaden:** Dept. of Human Services bill that modifies provisions relating to continuing care services for persons with disabilities. 54-0

**H.F. 3229-Higgins:** Provides for payment of county obligations by electronic transfer or credit card. 59-0

**H.F. 3213-Lessard:** Modifies timber provisions and requires certain rule changes for public use of recreational areas. 62-2

**H.F. 3516-Ring:** DNR housekeeping provisions. Laid on the table

## **Gubernatorial appointments confirmed Tuesday, May 9**

**Board on Judicial Standards** - Paul J. Gam, Tracey Martin, Roselyn Nordaune and Suzanne White.

**Board of Trustees of the Minnesota State Colleges and Universities** - Brent Calhoun, Jim Luoma and Joann Splonskowski.

**State Board of Education** - Betty Aune, Kay Batchelder, Claudia Fuentes, and Harvey Hietala.

**Minnesota Higher Education Facilities Authority** - Kathryn Balstad Brewer and Gary Benson.

**Campaign Finance and Public Disclosure Board** - Douglas Kelley and Sidney Pauly

# Chapters

Chapter	House File	Senate File	House Author	Senate Author	Description	Signed	Effective Date
448	3629	2385*	Olson	Ourada	Provides an exemption from local government unit compensation limits for public hospital employees.	vetoed	
449	3020*	3199	Bradley	Fischbach	Clarifies and modifies long term care and nursing facility payment rates determination provisions.	5/1/00	7/1/00
450	3047*	2944	Kuisle	Scheid	Expands real estate title insurance company mortgage release certificates content requirements.	5/1/00	8/1/00
451	2833*	2891	McGuire	Kelly, R.C.	Authorizes sharing of juvenile offender data.	5/5/00	8/1/00
452	3997	3300*	McGuire	Cohen	Extends the second judicial district streamlined dissolution procedure pilot project.	5/5/00	5/6/00
453	3726	3386*	Bishop	Stumpf	Modifies Minnesota state colleges and universities chancellor and directors salary provisions.	5/5/00	8/1/00
454	3378	2570*	Tomassoni	Janezich	Authorizes St. Louis county administrative assistant position complement increase and county commissioners board or agency members per diem and expense allowances.	5/5/00	8/1/00
455	2673	2521*	Rest	Vickerman	Authorizes creation of local government units corporations; increases housing and redevelopment authorities maximum membership and per diem; increases Washington county housing and redevelopment authority membership.	5/05/00	various
456	1748	1870*	Haas	Hottinger	Regulates motor vehicle fuel franchises and marketing agreements.	5/05/00	various
457	3445	3257*	Stang	Hottinger	Modifies Legislative employees provisions.	5/05/00	8/1/00

\*denotes file sent to the governor.

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