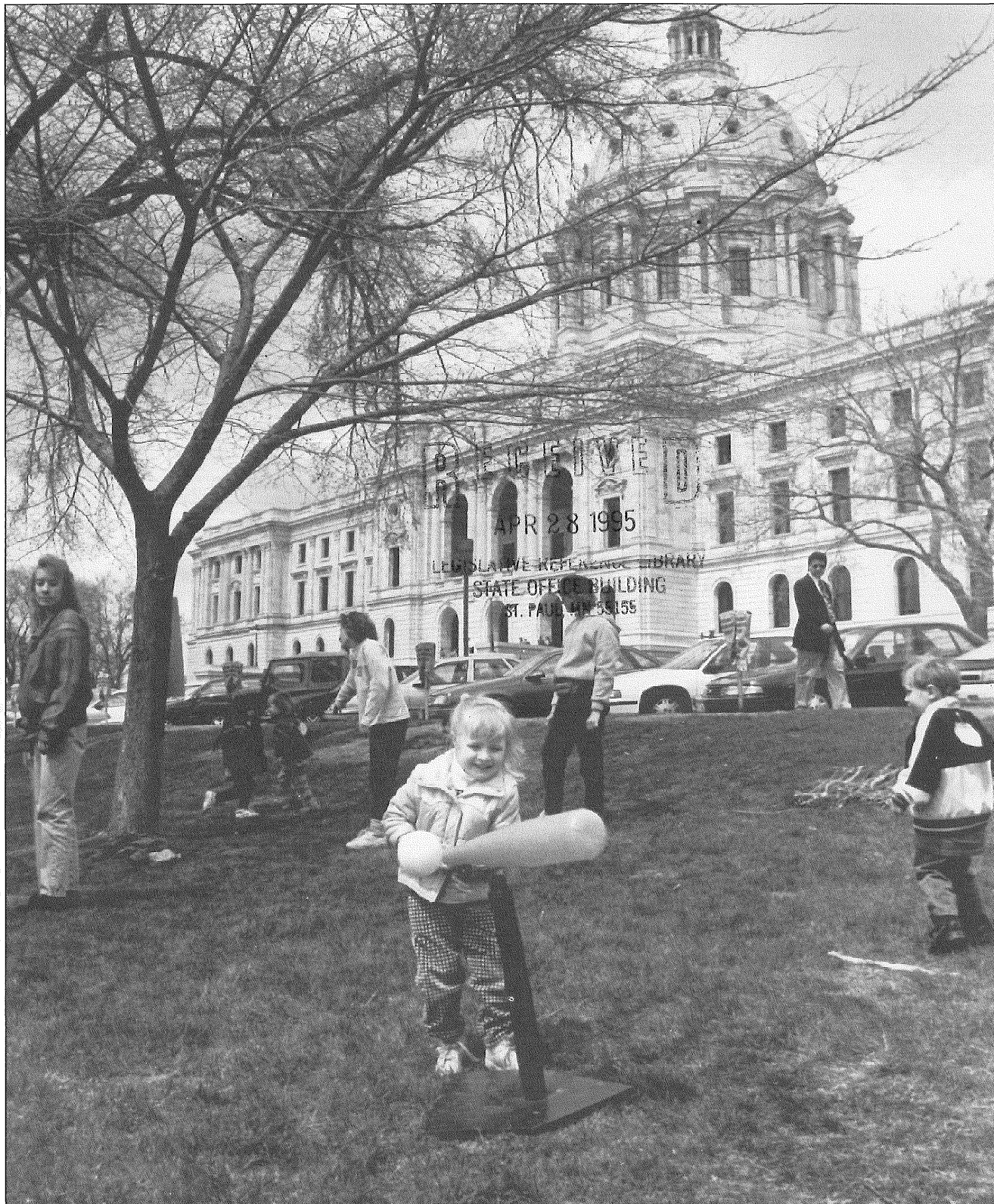


95, April 28

P615 .

# SESSION WEEKLY

A Non-Partisan Publication of the Minnesota House of Representatives ♦ April 28, 1995 ♦ Volume 12, Number 17



HF1861-HF1883

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# SESSION WEEKLY

Minnesota House of Representatives • April 28, 1995 • Volume 12, Number 17

## Week at a glance

**Omnibus judiciary funding bill** — Minnesota taxpayers would spend \$875.5 million to fund the state's prisons, courts, and crime prevention programs over the next two-year spending cycle, under a bill approved by the Ways and Means Committee. The huge price tag indicates that crime and corrections is one of the fastest growing areas of the state budget. .... **Page 6**

**Omnibus K-12 bill passes** — School districts could require a moment of silence each day and would be barred from offering any curriculum that encourages sex among minors, under the House omnibus K-12 Education funding bill. The \$5.9 billion proposal won final passage in the House on a 95-38 vote. .... **Page 8**

**Environment spending** — Minnesota hunters can shoot ruffed grouse, snipes, woodcocks, and Hungarian partridges, but not mourning doves. A nearly \$566 million environmental spending bill gained final passage in the House, minus a provision that would have allowed the first mourning dove hunting season in Minnesota since 1946. .... **Page 10**

**Abolishing the DPSv** — The Department of Public Service (DPSv) would be abolished and its duties transferred to the Office of the Attorney General and a new public utilities agency, under a proposal approved by a House panel. .... **Page 13**

**Health and human services funding** — A \$5 billion bill that would set limits on in-home personal care services for the disabled but retain money to help parents with disabled children afford long-term medical care passed the House Ways and Means Committee. .... **Page 15**

**Repealing education merger III** — The House voted to call off the planned July 1995 merger of the state university, community and technical college systems. The move came as an amendment to the \$2.1 billion omnibus higher education spending bill given final approval by the House on a 124-8 vote. .... **Page 15**

**Authorized use of force** — Workers at the privately owned Prairie Correctional Facility in Appleton, Minn., have a right to defend themselves against an assault by an inmate — just as guards currently do in state-owned prisons, under a new state law. .... **Page 18**

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On the cover: Shannon Carlson, 3, bats during a T-ball game with her classmates from the Downtown Child Care Center. The game was held on the State Capitol mall April 25. The day marked National Youth Service Day, a celebration to honor the contributions Minnesota young people have made to their communities. The games and festivities were sponsored by the National Youth Leadership Council and organized by the Nestle Chocolate VERY BEST in Youth Program.

— photo by Laura Phillips



# Highlights

Omnibus tax bill . . .

## Cabin owners, seniors would benefit from proposal

Certain Minnesota cabin owners would get a property tax break, under the omnibus tax bill given final approval April 25 by the House. The vote was 75-57.

Residents earning less than \$62,000 annually who pay high taxes on their lake cabins in proportion to their income would see their taxes decline as much as \$440 each year.

The current "circuit breaker" property tax refund program, designed to help those with lower incomes who live in higher-valued homes, would be expanded in 1997 to include lake cabins.

The tax break would cost the state between \$8 million and \$9 million in lost revenue per year. The maximum tax credit available under the program is \$440 per year.

The tax bill passed by the Senate (HF602) would aid all cabin owners, regardless of income. It would also give the tax break to non-residents.

The current property tax rate on seasonal recreation property is 2 percent of the property's value up to \$72,000, and 2.5 percent on the value over \$72,000.

An amendment to cut the rate to 1.5 percent on the first \$72,000 of value was unsuccessful.

The House tax bill (HF1864) also would impose a new property tax on wind energy conversion systems, but the tax would be a boon for Lincoln and Pipestone counties in southwestern Minnesota.

The proposal does not cut \$57 million in local government aid for the current year, as called for by Gov. Arne Carlson. But an across-the-board cut of \$20 million in Homestead and Agricultural Credit Aid to local governments would take effect in the second year of the biennium.

Stripped from the bill during an April 24 Ways and Means Committee hearing was a provision to increase the cigarette tax to 51 cents per pack — up from the current 48 cents per pack. The tax hike would have generated \$23.6 million over the biennium to help fund state tobacco prevention efforts.

Attempts to reinstate the cigarette tax increase on the House floor were unsuccessful.

HF1864, sponsored by Rep. Ann Rest (DFL-New Hope), sets a budget reserve of



Certain cabin owners would see up to a \$440 tax break should the House omnibus tax bill (HF1864) become law. The bill would expand the current "circuit breaker" tax refund program. Cabins valued at less than \$72,000 are currently taxed at twice the rate of a home with the same value. Owners of seasonal recreational property have said those taxes are too high.

\$350 million for the state and also includes the following tax changes.

### Tax deferral for seniors

Senior citizens on fixed incomes could defer a portion of their property taxes, under the bill.

The bill states it is "in the public interest of this state" to stabilize the tax burden of low-income seniors, and that the current tax system "does not adequately recognize the unique financial circumstances" of such homeowners.

The bill would require those over age 65 with a total household income of less than \$30,000 to pay only 5 percent of their income toward property taxes.

(The homeowner must have lived in the residence for at least 15 years to qualify for the tax break.)

A couple whose income totals \$20,000, for example, would pay a maximum of \$1,000 annually in property taxes. The remainder would be deferred. The state would pick up the rest of the tab, and place the cost of the deferment as a lien on the property.

Interest would be charged on the deferred amount, and tied to the prime lending rate.

The deferral period would end if the property is sold, the homeowner dies, or the property is no longer homesteaded.

The program would take effect for taxes payable in 1996.

This portion of the bill was originally sponsored as HF461, sponsored by Rep. Jean Wagenius (DFL-Mpls). (Art. 4)

### Wind energy property tax

The current property tax exemption for wind energy conversion systems would end, under the bill.

The change would be a boon to Lincoln and Pipestone counties, both property-poor but geographically poised nearby the "Buffalo Ridge," an area wind energy experts have called one of the best resources in the United States to tap wind and convert it to electricity.

And with last year's law mandating that Northern States Power Co. (NSP) produce 425 megawatts of wind energy by Dec. 31, 2002 (as a condition of allowing the company to store spent nuclear fuel at Prairie Island), there are many more wind turbines coming to the area.

Under the bill, new wind energy systems generating less than two megawatts of electric-

ity would remain tax exempt, as would the 73 existing wind towers in Lincoln County. Beginning with taxes payable in 1996, all other new wind energy systems would be taxed.

The owner of the wind power system would pay at the commercial-industrial property tax rate: 3 percent of the first \$100,000 of the wind energy system's value and 4.6 percent on any value exceeding \$100,000.

But the tax would not apply to the entire value of the wind power structure — each of which is estimated at between \$325,000 and \$400,000. Only the value of the structure's foundation and tower would be taxed — or about 25 percent of the entire system's value.

The tax bill passed by the Senate would tax only the structure's foundation — or about 8 percent of the entire system's value.

Since NSP already has taken bids for the first 100 megawatts of wind energy, the bill would allow NSP to pass the cost of property taxes resulting from these wind energy systems on to rate payers. (Art. 3, Secs. 4, 5, 9, 14-15)

### **TIF district changes**

Under Minnesota law, cities can offer tax breaks to companies to help create jobs in their communities. In exchange for creating jobs, a city can agree to forego property taxes on a business for a set number of years.

Proponents say these tax increment financing (TIF) district arrangements place businesses — and jobs — in Minnesota cities that would otherwise build elsewhere. Opponents have said they cost too much in lost property tax revenue — about \$260 million per year, statewide, by some counts — and at times provide tax breaks where businesses would be built without the state's help.

Several bills were heard this session to limit the way different cities sometimes compete with one another to lure businesses to either move or expand in their towns through the creation of TIF districts.

Under provisions in the omnibus tax bill, cities would be required to show that the use of a TIF district would increase the taxable market value of a site over what would have occurred without TIF.

And those who receive TIF benefits would have to pay the city back, on a pro-rated basis, in certain cases where the property is sold or transferred.

If the property is sold or transferred within five years, the recipient would have to pay back 100 percent of the benefit to the city. The repayment rate would drop to 20 percent after eight years, with nothing owed if the sale or transfer occurs after nine years.

This would apply to assistance authorized after July 31, 1995.

Additionally, more details about TIF districts would need to be disclosed in legal sections of newspapers. Under current law, the disclosure doesn't have to be published if the city files an annual report with the state auditor. (Enforcement of the TIF law also would be shifted to the Office of the State Auditor from the Department of Revenue.)

Finally, the Metropolitan Council would study the effect of TIF on land use patterns in the Twin Cities metropolitan area and report back to the Legislature by Feb. 1, 1996. Specifically, the council would study whether TIF has encouraged redevelopment and more efficient property uses in already developed areas, or whether it is accelerating the development of outlying areas.

The provisions were originally contained in **HF147**, sponsored by Rep. Dennis Ozment (IR-Rosemount). The more restrictive provision of that proposal — limiting the use of TIF districts to cases where a business is considering a move out of state — is not contained in the omnibus tax bill.

While several bills were heard to authorize new TIF districts throughout the state, none are included in the bill. The Senate tax bill includes "special" provisions for 23 specific TIF districts throughout the state, from Crookston to Morris to Mankato to Lake City. (HF602, Art. 7, Secs. 12-13, 21, 28, 31)

### **Help for St. Paul landlords**

A program established in 1994 to encourage St. Paul landlords to reinvest more money in their properties would be extended for another year.

Owners of single-family and duplex rental units would get a property tax break for repairing or upgrading their properties, under the program.

The goal is to establish more safe, affordable housing for renters and to improve St. Paul neighborhoods.

A total of \$1 million was earmarked for the program, and about half of the money was not used.

To participate, a landlord must pay a fee to hire a housing evaluator to inspect the rental unit or units, repair the property based on the evaluator's findings, have the property re-inspected after repairs, and gain approval from city officials. (Any life and safety hazards identified in the inspection would need to be repaired even if the building owner withdraws from the program.) (Art. 3, Sec. 29)

### **Rural property tax break**

Those who own apartment buildings with four or more units in small cities outside the seven-county metro area would see their property taxes decline.

Currently, those property owners are taxed at 3.4 percent of the property's value. Under the bill that would dip to 2.3 percent for taxes payable in 1996.

The tax break would apply to all apartment buildings located in cities outside the metro area with less than 5,000 residents.

The provision is also designed as an incentive to encourage the building of such units, which are in short supply in Greater Minnesota's small cities. (Art. 3, Secs. 7-8)

### **'Targeting' refund program**

A state property tax refund program scheduled to end after the 1996 tax season would be made permanent and fully funded by the state.

The state's "targeting" refund program helps property owners whose taxes go up more than 12 percent and increase by at least \$100 over the previous year.

Under current law, the state can only give a maximum of \$5.5 million in refunds under the program in a given year. When property taxes increase sharply across the state — as they did for the 1994 tax year — those funds don't provide help to everyone who is eligible.

(In 1994, lawmakers made a one-time exception to the law and pumped a total of \$11.7 million into the program to cover all those eligible for targeted refunds.)

The maximum refund under the targeting program is \$1,000. (Art. 5, Sec. 12)

### **Sales tax changes?**

Should clothing be taxed? Or should more services be subject to a sales tax?

A 17-member advisory council would be established to study and recommend possible changes in the sales tax system.

The council would be composed of five members each from the House and Senate, the commissioner of revenue, and six members of the public.

The council would have to suggest changes to the current sales tax system, and would specifically examine alternative forms of taxation, including a value-added tax or another form of consumption tax. Current tax exemptions also would be examined for possible alteration or elimination.

The council would need to consider equity, efficiency, and ease of understanding in formulating its proposals for changing the current sales tax system.

Its findings would be presented to lawmakers by Feb. 1, 1996—in time for consideration by the 1996 Legislature. (Art. 2, Sec. 41)

### Tax-free horses (and feed)

In 1994, lawmakers exempted many horse purchases (except race horses) from the state sales tax. When it goes into effect June 30, 1995, it's estimated to save horse buyers \$200,000 a year.

This year, lawmakers have decided race horses ought to be sold tax-free as well. Horse feed and bedding used in breeding and racing horses would also be exempt. (Art. 2, Sec. 27)

### Tax-free materials

Materials and supplies used to construct an indoor ice arena would be exempt from the sales tax if it would be used primarily for youth activities or owned and operated under a joint powers agreement with a school district.

This provision goes hand-in-hand with the "Mighty Ducks" provisions of the omnibus state government finance bill (HF1001), which would mark \$3.2 million to help build ice arenas throughout the state. (Art. 2, Sec. 30)

Also, construction materials used to improve and expand the Duluth Convention Center would be exempt from the sales tax, under the bill. (Art. 2, Sec. 29)

### Tax-free farm machinery

The current sales tax exemption for used farm machinery, set to expire on June 30, 1995, would be extended until June 1, 1996.

The extension would cost the general fund \$300,000 and the Local Government Trust Fund \$1.3 million in lost revenue in fiscal year 1996. (Art. 2, Sec. 28)

### 1-900 calls

Since 1992, there has been a 50-cent per-call tax on 1-900, 1-976, and other fee-per-call services.

This year, lawmakers are trying to repeal the tax entirely, as of June 30, 1995.

The original law was targeted at phone sex operations, but most are located out of state—and therefore aren't subject to the tax. Some also skirt the tax by providing a 1-800 number and then use the connection to refer callers to 1-900 extensions.

Those that are paying the tax include legitimate information services that have testified the tax has put them at a competitive disadvantage because out-of-state services are exempt from the surcharge.

The Department of Revenue estimates the state would lose about \$400,000 over the biennium if the tax is repealed. (Art. 2, Sec. 42)

### Hutchinson taxes

Stopping to eat or drink in Hutchinson, Minn., would cost a few cents more.

The city would be allowed to impose a 1 percent sales tax on sales of food and liquor in its bars and restaurants.

City residents would not be required to vote on the tax increase in order for it to take effect, but could petition to repeal it.

The locals would, however, get to vote on a proposed one-half of 1 percent local sales tax increase that the bill would authorize. The revenue from both taxes would help build a new regional softball facility, construct bike and walking trails, fund a new radio dispatch system for local police and fire, and other specific projects.

Car dealers in Hutchinson could also charge an extra \$20 for each car sold to help fund the local projects.

The provisions were originally sponsored as HF1495 by Rep. Bob Ness (R-Dassel). (Art. 2, Secs. 37-38)

— John Tschida



## AGRICULTURE

### Jumping the fence



Any new fences erected by Minnesota deer and elk ranchers to contain their domesticated herds will have to be a little higher, under a new law effective Aug. 1, 1995.

The law raises the height to 8 feet for fences built after Aug. 1—up from the old standard of 75 inches for deer and 90 inches for elk.

It's not as if state agricultural and game officials miscalculated the jumping abilities of deer and elk when the "farmed cervidae" law was first adopted in 1993.

Rather, the change was made because the 8-foot fence has become the industry standard to keep the domesticated animals contained—and the wild ones out, explained Paul Hugenin, a marketing specialist with the state Department of Agriculture.

It's important to segregate the wild and domesticated animals to ensure that diseases can't spread from one group to the other, said Hugenin, who worked with the farmed cervidae advisory committee in developing the law changes.

But even if a deer or elk does make a break for it, they usually don't stray far.

"If they get out, they're right back again when it's time to eat," said Dr. Bill Hartmann, a veterinarian with the state Board of Animal Health. "They're domesticated to the point

that they don't go out and search for feed elsewhere."

Hartmann estimated that there are between 200 and 300 cervidae herds (with an average size of about 20) in Minnesota.

Deer and elk meat is increasingly being marketed as a low-cholesterol alternative to beef, and is sometimes available at fancier, "white tablecloth" restaurants.

Supporters of the industry say domesticated deer and elk taste better than their wild cousins because their feed is controlled and their age at slaughter can be regulated. (Younger animals generally taste better.)

The new law also requires such animals to be identified with ear tags, electronic implants or in other ways as long as they are approved by the Department of Natural Resources.

Under the old law, brands, collars, and tattoos were acceptable.

The proposal was sponsored by Rep. Doug Peterson (DFL-Madison) and Sen. Charles Berg (DFL-Chokio).

(HF1176/SF1043\*/CH39)

### Farms rule

Any state agency that is proposing a rule change that would affect farming operations would have to notify the Department of Agriculture of the proposed rule, under a bill given final approval by the House April 19. The vote was 129-0.

Under the bill (HF1478), the state agency would have to provide a copy of the proposed rule change to the department at least 60 days before the proposed rule is published in the *State Register*.

(The *State Register* is a legal publication that lists proposed rule changes and other information; it was created to increase public participation in the rule-making process.)

When a public hearing is held on a proposed rule change related to farming, at least one of the hearings must be in an "agricultural area of the state," under the bill.

Bill sponsor Rep. Ken Otremba (DFL-Long Prairie) said the measure ensures that farmers and those with agricultural interests are fully informed of proposed rules which may affect their operations.

The Senate will hear the bill next.



## CRIME

### Omnibus judiciary funding bill

Minnesota taxpayers would spend \$875.5 million to fund the state's prisons, courts, and crime prevention programs over the next two-year spending cycle, under a bill approved by the Ways and Means Committee April 25.

The huge price tag indicates that crime and corrections is one of the fastest growing areas of the state budget.

The bulk of the funding — about \$547 million — would go to the Department of Corrections (DOC). That's a 28 percent increase over corrections spending for the current biennium.

Nearly two-thirds of the corrections budget — almost \$360 million — would pay for Minnesota's juvenile and adult correctional institutions.

Spending for community services by the DOC would total more than \$145 million — a 50 percent increase over the \$97 million spent during the current biennium.

This dramatic increase in spending includes more than \$23 million for counties to hire additional probation officers and to operate community-based treatment programs.

Caseloads for state district court judges would be eased through the hiring of nine new judges. The bill would provide almost \$2.4 million for four judges to assume office in 1995 and for five judges to start in 1997.

Another provision of the bill would realize a cost savings for the courts by reducing the initial amount of vacation time given to a new judge from six weeks to 13 days. This would apply to judges assuming office on or after July 1, 1995.

**HF1700**, sponsored by Rep. Mary Murphy (DFL-Hermantown), Judiciary Finance Committee chair, also increases criminal penalties for a number of offenses, funds a host of crime prevention programs and includes the following provisions.

#### State public defenders

The bill would spend \$81.9 million over the next biennium for state public defenders. That's a 46 percent increase over current funding levels.

The increase is largely due to changes made by the 1994 Legislature.

In establishing a new class of serious juvenile offenders — the extended jurisdiction juvenile (EJJ) — lawmakers gave these kids in juvenile court the right to a public defender and a jury trial.

The resulting increased burden on the public defender system threatened to cause a huge log jam in the juvenile court system, according to testimony given earlier this session.

The state would spend an additional \$7.5 million for incarcerating and treating EJJ offenders.

The EJJ classification is a hybrid between the traditional informal juvenile court and adult court. It is intended for serious juvenile offenders, but not for those whose crimes warrant a transfer to adult court.

Under an EJJ proceeding, a teenager receives a juvenile court penalty and a stayed adult penalty — often a prison sentence. But if he or she violates the condition of the sentence, the adult penalty is imposed.

An extra \$1 million appropriation to the State Board of Public Defense would hire additional public defenders and pay for trial transcripts needed in EJJ court cases. (Art. 1, Sec. 10)

#### Community notification

The bill would notify neighbors when the most serious Minnesota sex offenders are released into their communities.

The measure would allow law enforcement officials to disclose information about high-risk offenders as "necessary to protect the public and to counteract the offender's dangerousness."

What information is released and to whom disclosure is made would depend on the "level of danger posed by the offender," as defined by the bill.

Offenders would be classified as either low, intermediate, or high risk.

Law enforcement agencies and crime victims could be notified of a low-level offender's release. School officials and neighborhood groups could be notified of an intermediate-level offender's release. And individuals and those community members and establishments to whom, in the law enforcement agency's judgment, the offender "may pose a direct or potential threat," would be notified of a high-risk offender's release.

Offenders considered to be high risk would include those who have refused or failed treatment and have been determined "highly likely to re-offend." Violent, repeat offenders who abuse children also would be considered high risk.

A committee consisting of the commissioner of corrections, the head of the facility where the offender has been confined, the chief law enforcement official where the offender will live, a treatment counselor trained in sex offender assessment, and the offender's

parole officer would determine the offender's classification 30 days before the prison release date.

Those classified as either an intermediate or high-risk offender may appeal their classification to district court. The community notification would not be stopped by the appeal, unless so ordered by the court.

Members of the public would *not* be notified if an intermediate or high-risk offender is placed in a halfway house licensed by the department of Corrections or Human Services if the home has staff trained in the supervision of sex offenders.

The community notification proposal is patterned after a Washington state law that has been in effect for five years. Fourteen states have similar notification laws.

Only a small percentage of released offenders would trigger the notification.

The state of Washington has released thousands of sex offenders in the five years that the law has been in effect. In most cases, law enforcement officials are the only ones who have been notified.

The provisions were included in **HF181**, sponsored by Rep. Dave Bishop (IR-Rochester). (Art. 4, Secs. 4-6, 24-25)

#### Background checks

The bill would require criminal background checks on potential apartment building managers.

The proposal stems from the 1994 abduction and murder of Kari Koskinen, a New Brighton woman believed to have been killed by her building manager. It would be called the "Kari Koskinen Manager Background Check Act."

It would require apartment building owners to have the Minnesota Bureau of Criminal Apprehension (BCA) conduct a criminal history check on every building manager applicant (or other employee) who would have the authority to enter a tenant's apartment.

(The background check could also be done by a private business or a local law enforcement agency.)

Owners who fail to conduct a background check would be guilty of a petty misdemeanor, punishable by up to a \$200 fine.

Provisions calling for a nationwide background check for those who have lived in Minnesota for less than five years were deleted from the bill.

Owners could hire an applicant before the results of the checks are made available, and could also hire someone who is shown to be a convicted criminal.

While the checks will aid in uncovering an applicant's past, they are not perfect. The



BCA tracks only *state* offenses occurring within Minnesota — not federal offenses. Any applicant who has committed crimes in other states also would not be detected by the BCA search.

Also included in the bill is a tenant's right-to-privacy section, which states that a landlord may only enter an apartment — after giving reasonable notice — for a "reasonable business purpose." This would include showing an apartment, or for maintenance reasons. Limited exceptions would be allowed for emergency or safety reasons.

A landlord privacy violation could result in a tenant being released from a lease, a recovery of a damage deposit, and up to a \$100 civil penalty for each violation.

Tenants and landlords of mobile homes are exempt from the tenant's right to privacy.

The provisions were included in **HF72** sponsored by Rep. Mindy Greiling (DFL-Roseville). (Art. 4, Secs. 16-19)

### F frivolous lawsuits

The bill would call for disciplinary action against inmates who file "frivolous or malicious" lawsuits against the state.

Such penalties could include loss of privileges, isolation, loss of good time, or "discipline confinement" time.

It costs the state about \$350,000 each year to challenge lawsuits filed by those prisoners.

Most prisoners lack the financial resources necessary to pay for court filing fees and associated costs. So the law allows them to

bring their actions "in forma pauperis," or as indigents, and they don't pay a dime.

Under the bill, any inmate seeking to file a case without paying the fees would later be billed should they earn or otherwise come into any funds. And prisoners seeking to avoid filing fees by filing as indigents when they really do have the funds in their prison accounts would have their cases dismissed. (They could be filed again later.)

Should an inmate prevail in a civil action and be awarded monetary damages, those funds could be seized to pay for their court costs, any taxes they may owe, support for their family, or fines ordered by the court.

The provisions were included in **HF1309** sponsored by Rep. Tom Pugh (DFL-South St. Paul). (Art. 6, Secs. 4-5, 12)

### Fighting sex crimes

Patterned sex offenders could face up to 40 years in prison, under the bill.

Under Minnesota law, a patterned sex offender is a repeat offender or someone who has been determined likely to re-offend in the future.

Current law mandates that a judge sentence a patterned sex offender to twice the penalty called for under the state's sentencing guidelines.

This measure would allow judges to impose a prison term of up to 40 years — regardless of the penalty called for under the state's sentencing guidelines.

The 40-year maximum prison term also

would apply to a first-time offender who planned the crime in advance.

Once released from prison, a patterned sex offender would remain on parole for life. Under current law, parole can last either 10 years or the time remaining under the maximum sentence for the offender's crime set by law, whichever is longer. Violating the conditions of that parole at *any* time after release from prison could put the offender back in jail.

The proposal also would require the state's training program for judges and other court personnel to include information on sentencing laws involving sex crimes — specifically repeat offenders and patterned sex offenders.

Committee testimony indicated many judges are unfamiliar with current patterned sex offender statutes.

The provisions were included in **HF177**. The proposal was drafted by the 1994 Sexual Predators Task Force. (Art. 2, Secs. 9-11)

The bill also would increase to a gross misdemeanor from a misdemeanor the penalty for the crime of indecent exposure in the presence of a minor (under age 16).

The provision was previously included in **HF633**. (Art. 2, Sec. 17)

Additionally, it would extend the statute of limitations for criminal sexual conduct crimes from seven to nine years. The provision was formerly **HF176**. (Art. 2, Sec. 20)

**HF176**, **HF177**, **HF633** all were sponsored by Rep. Wes Skoglund (DFL-Mpls).

### Sex offender registration

The bill also would require those convicted of sex offenses in other states to register in Minnesota upon arrival. Such offenders would need to register for 10 years after they enter Minnesota.

Minnesota now requires all felony-level sex offenders to register their address with a probation officer for at least 10 years following release from a Minnesota prison.

Failure to register is now a gross misdemeanor. Under the bill, a second conviction for failure to report would be a felony offense.

Offenders also could register with the local police or sheriff, under the bill. Current law mandates that sex offenders register with their assigned probation officer. The registration information would mandate that a current photo of the offender be included in the file. The provisions were included in **HF178**, sponsored by Rep. Wes Skoglund (DFL-Mpls). The sections were drafted by the 1994 Sexual Predators Task Force. (Art. 4, Sec. 3)



Cheryl Matis, Plymouth, Minn., brought a picture of her son, Brandon Block, and a pair of his shoes to the State Capitol April 24, as she spoke to a crowd gathered to commemorate Crime Victim Rights Week. She told the gathering how her son was accidentally shot to death by a school friend 30 days before his 15th birthday. She further shared her frustration with the legal system for allowing people to store loaded weapons in their homes and for not holding someone responsible when a person is shot or killed.

## County curfews

The 1994 Legislature gave each county board in Minnesota the authority to establish a countywide curfew for juveniles under age 17.

The bill would cover those up to age 18, and would require each county curfew ordinance to set an earlier curfew time for children under age 12. (Art. 2, Sec. 1)

## 'Peeping Tom' law expansion?

The bill would expand the current 'peeping Tom' law to include any place where an individual has a "reasonable expectation of privacy" and has removed or is likely to remove some or all of their clothing.

(Hospitals and other medical facilities would be exempt, as would stores that place warning signs in their dressing rooms that individuals may be observed to prevent theft.)

Current law applies to those peeping in windows or secretly photographing or videotaping outside someone's home. Such a crime is a misdemeanor.

But offenses occurring away from the home have frustrated county attorneys, who have said they lack the legal tools to slap offenders with real consequences.

The bill originally applied only to hotel rooms and tanning booths, based on a voyeuristic incident at a tanning salon in Windom, Minn.

Prosecutors considered charging the man under a section of the state's stalking law, but the incident didn't quite fit there, either. In the end, the business owner agreed to pay a \$500 fine to close the case.

The bill also would explicitly include peeping into a tanning bed or hotel room under the state's "pattern of harassing conduct" definition in the stalking law. Photographing or videotaping a person in such a setting also would be a misdemeanor.

The original proposal, **HF272**, was sponsored by Rep. Teresa Lynch (IR-Andover). (Art. 2, Secs. 15-16)

## Safer schools

A student who brings a gun to school would be expelled for at least one year, under the bill.

If a student expelled for a gun violation applies for admission to another school, the school district that expelled the student could disclose that information to the other school.

School boards also would be required to develop a policy directing their schools to refer to the criminal or juvenile system any student who brings a gun onto school property.

Another section of the bill would establish

a statewide policy that school lockers are the property of school districts and can be searched by school authorities "for any reason at any time, without notice, without student consent, and without a search warrant." Notice of the policy would have to be distributed in advance to parents and students, and would take effect at the beginning of the 1995-96 school year.

The school locker proposal was introduced as **HF107** and sponsored by Rep. Jim Farrell (DFL-St. Paul). (Article 3, Sec. 17-19)

## Background checks for schools

All people hired to work at a Minnesota school — public or private — would face a criminal background check, under the bill.

Anyone who has lived in Minnesota for less than 10 years would face a national criminal background check. Criminal records from all states where an applicant has lived for the 10 years prior to moving to Minnesota also would be checked, as would welfare agency records to see if any child maltreatment claim has been substantiated against the applicant. (Art. 3, Secs. 3, 13)

## Criminal parents

The bill contains criminal sanctions for parents who fail to make a good faith effort to exercise "reasonable care, supervision, protection and control" over their children. The same misdemeanor penalty — up to 90 days in jail and a \$700 fine — would apply if parents fail to make sure their kids are in school. (Currently, the maximum penalty is a \$50 fine and not more than 30 days in jail.) (Art. 3, Secs. 15, 44)

## Revoking drivers' licenses

Juvenile courts are now required to order that the drivers' licenses of minors found in possession of guns or other dangerous weapons at school or on a school bus be canceled, or their driving privileges revoked, until they turn 18.

The bill would allow courts to deny or revoke the drivers' license of habitual truants as well, until the truant turns 18 years old. (Art. 3, Sec. 20)

## Combating truancy

The proposal also would create a series of programs to better address the growing truancy problem.

Community-based truancy service centers would be established to coordinate intervention efforts, and school attendance review boards would be responsible for matching students with appropriate community services. Each review board would be composed

of school officials, parents, school counselors, law enforcement officials, individuals from community agencies, and a probation officer.

County attorney truancy mediation programs also would be established to resolve truancy matters outside of juvenile court. (Art. 3, Secs. 48-51)

## Productive day programs

Last year, the Legislature established "productive day programs" in Hennepin, Ramsey, and St. Louis counties designed to motivate inmates in local jails to develop life and work skills. The goal is to provide training and education to create opportunities for inmates upon their release.

The Legislature earmarked \$1 million to be split among the counties, but it was vetoed by the governor.

This year, lawmakers would earmark \$2.35 million for the programs — \$783,000 each for Hennepin and Ramsey counties, and \$784,000 for St. Louis County. (Art. 1, Sec. 11, Subd. 3)



## EDUCATION

### Omnibus K-12 bill passes

School districts could require a moment of silence each day and would be barred from offering any curriculum that encourages sex among minors, under the House K-12 Education funding bill.

The \$5.9 billion omnibus K-12 education bill won final passage April 24 on a 95-38 House vote taken after more than seven hours of wide-ranging and sometimes divisive debate.

The proposal would spend \$241 million more on K-12 education than the amount in Gov. Arne Carlson's proposal. (See April 13, 1995, *Session Weekly*, page 3)

The heart of the bill — an increase in the per pupil funding to districts — remains in place.

Gone are proposed changes to the Post-Secondary Enrollment Option Program (PSEO) and a proposed tax on businesses at Minneapolis-St. Paul International Airport.

Included is a potential "moment of silence" to start the school day and a prohibition on any school programs promoting teen sex.

### Moment of silence

The amendment added by Rep. Eileen Tompkins (IR-Apple Valley) would allow local school boards to decide if each school



day should start with a moment (not more than a minute) of silence.

A moment of silence would "encourage students to be reflective and reverent" and would allow them to "think about what they're doing," Tompkins said.

She originally called for a mandatory moment of silence in each public school statewide. But her proposal was made optional on a 70-63 vote.

House members voted 100-33 to attach the altered provision to the funding bill. A similar provision failed in the Senate later the same day on a 33-34 vote.

### Teen sex discouraged

The ban on programs encouraging students to be sexually active was adopted on a unanimous 133-0 vote.

But amendment sponsor Rep. Mike Osskopp (IR-Lake City) had sought to forbid schools from teaching the "acceptance of homosexuality as a positive lifestyle alternative."

Rep. Wes Skoglund (DFL-Mpls) proposed the change to instruct schools to quash materials or activities that encourage *any* sexual activity among minors.

"I don't think kids should be sexually active heterosexually, homosexually, or bisexually," Skoglund said. "I don't think kids should be sexually active. Period."

Skoglund's language replaced Osskopp's on a 67-66 vote.

### No additional airport tax

The plan to raise new revenue for all-day kindergarten programs at poorer metropolitan area schools was stripped from the bill during debate on the House floor.

The money would have been distributed by placing a priority on schools with the highest concentration of students receiving free or state-subsidized lunches.

The proposal aimed to raise funds — an estimated \$12 million annually — through the additional taxing of businesses at Minneapolis-St. Paul International Airport.

Currently, businesses at the airport — ranging from airlines to gift shops — pay property taxes to the county but not to a city or school district.

Rep. Phil Krinkie (IR-Shoreview) opposed the new tax, and his amendment to delete that portion of the bill passed on a 74-59 vote.

### Post-secondary option

Another provision removed from the bill would have placed new restrictions on the Post-secondary Enrollment Options (PSEO) program, which allows high school juniors and seniors to take college classes.



Three of Minnesota's top science students, left to right, Mary Vancura, 15, New Ulm Cathedral School, Samantha Tuttle, 18, and Shelise Gieseke, 16, both from New Ulm Senior High, met with Rep. Howard Swenson in the Great Hall of the Capitol April 24. The three had projects on display as part of the Minnesota Academy of Science's 1995 State Science Fair exhibit.

Since 1985, qualifying students have been able to attend public and private colleges full or part time, and the state picks up the tab for tuition and books. The program also allows colleges to offer courses in high schools.

But it has drawn criticism from some lawmakers, who argue students enjoy a financial windfall while progressing toward a college degree at state expense. And some local school officials have complained of program abuses while lamenting the loss of some per pupil dollars to school districts.

The bill would have required students to take International Baccalaureate or advanced placement courses available at their high schools before they could enter the PSEO program. And students would not have been allowed to earn both high school and college credit for "non-academic" classes, such as physical education courses.

An amendment offered by Rep. Mindy Greiling (DFL-Roseville) removed the provisions from the bill on a 102-31 vote.

Instead, the bill now would require the Legislature to study the program and hold hearings before the 1996 session to identify necessary changes.

Another adopted amendment would prohibit colleges from using the financial advantages of PSEO to advertise or recruit students for the program.

In outspending the governor's proposed spending for education, the K-12 bill would spend the \$220 million that Carlson had asked to be set aside in a "rainy day" fund that could be used to offset anticipated cuts in federal aid.

An amendment by Rep. Leroy Koppenrader (IR-Princeton) would have set aside the \$220 million for the rainy day fund.

It would have cut about \$50 million from the bill and used money from other sources to come up with the \$22 million reserve.

House Minority Leader Steve Sviggum (IR-Kenyon) said the amendment offered a way around disputes over the rainy day fund and the threat of a veto by Carlson.

"We can end this session in a very cooperative manner," Sviggum said.

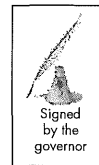
The amendment failed on a 63-68 party-line vote.

**HF1000**, sponsored by Rep. Alice Johnson (DFL-Spring Lake Park), now will go to conference committee to reconcile differences with the Senate version of the bill.



## ELECTIONS

### Special time off to vote



A new state law will allow voters to take time off work to vote in a special election held to fill a seat in the Minnesota Legislature.

Under current law, any Minnesotan who is eligible to vote has the right to be absent from work to cast a ballot in the morning on election day. The employer cannot penalize or deduct wages because of the absence.

But current law only applies to a state primary or general election, an election to fill a vacancy in the office of U.S. senator or

representative, or a presidential primary election.

The new law adding special elections for state legislative races became effective March 28, 1995.

Since the 1994 general election, there have been five special elections for state legislative seats.

The proposal was sponsored by Rep. Richard Jefferson (DFL-Mpls) and Sen. Richard Cohen (DFL-St. Paul).  
(HF647/SF181\*/CH20)

## Town supervisor vacancies



An appointed town supervisor must be at least 21 years old and have lived in the town at least 30 days, under a new law that became effective March 28.

Current law says when a vacancy occurs in a town office, the town board must appoint someone to the post until the next annual town election.

The 1995 law change says when a town supervisor needs to be appointed, the person appointed to fill the vacancy must be an eligible voter, be at least 21 years old, and have lived in the town at least 30 days.

Before the change, state law did not specify an age or residency requirement for a town supervisor. Most supervisors fill three-year terms and are elected at a town general election. Metropolitan supervisors hold four-year terms and are elected in the November election.

The law also specifies that a vacancy be filled by an "appointment committee" made up of the remaining town supervisors and the town clerk.

The technical change was sought by the Minnesota Association of Townships which argued that the old law wasn't as clear as it should be.

The new law does not specify age or residency limits for elected town supervisors.  
(HF229/SF182\*/CH21)



## ENVIRONMENT

### Environment spending

The \$566 million omnibus environmental finance bill was given final approval by the House April 27. The vote was 113-20.

Gone from the proposal is a provision that would have allowed the shooting of mourning doves for the first time since 1946.

It was removed by the Ways and Means

Committee, on a 15-4 vote, at an April 25 hearing.

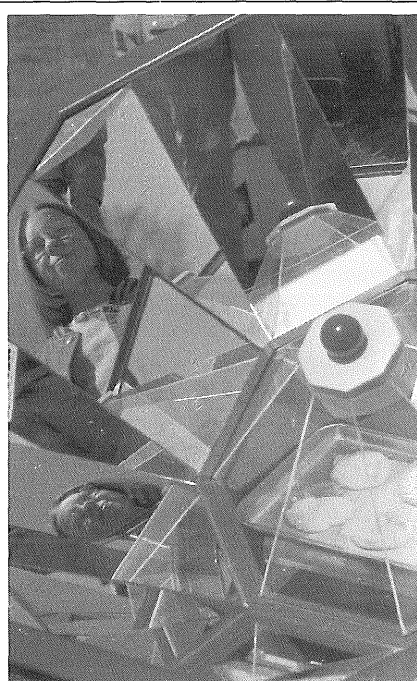
But the provision may still survive. It is contained in the Senate's omnibus game and fish bill (SF621). That bill is awaiting action on the Senate floor.

No other substantive changes were made to the environmental spending bill (HF1857/SF106\*) sponsored by Rep. Chuck Brown (DFL-Appleton). The measure funds the Department of Natural Resources (DNR), the Minnesota Pollution Control Agency (MPCA), the Minnesota Zoo and 10 other state agencies. (See April 21, 1995, *Session Weekly*, page 6)

The total spending for fiscal years 1996 and 1997 represents a modest \$10 million increase over spending for the previous biennium.

The proposal includes all the environmental and recreational program recommendations of the Legislative Commission on Minnesota Resources (LCMR). The \$36 million appropriated for 86 items comes from a two-cent per pack cigarette tax and limited state lottery proceeds. (See March 24, 1995, *Session Weekly*, page 9)

The largest single LCMR appropriation — over \$4.5 million — would go to the Metropolitan Regional Park System to acquire land and rehabilitate existing facilities. The DNR would receive almost \$3.8 million to acquire land for state parks and improve parks and recreation areas across the state. State and



Sandy Johnson of Golden Valley is reflected in a solar oven which baked chocolate chip cookies during the April 22 Earth Day celebration at the State Capitol.

metropolitan parks would each receive an additional \$720,000 appropriation for projects which would have to be completed by Dec. 31, 1995.

The LCMR provisions also would provide:

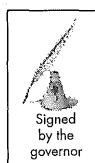
- \$100,000 to the Minnesota Historical Society to survey "shipwrecks in Minnesota inland lakes and rivers," and organize a conference in Duluth on "underwater cultural resources";
- \$575,000 to the Minnesota Pollution Control Agency to determine the sources of toxic mercury emissions in Minnesota's air and how much is ending up in the state's lakes;
- \$150,000 to the Neighborhood Energy Consortium in St. Paul to conduct workshops on landscaping with native Minnesota plants in the Twin Cities metropolitan area;
- \$2.3 million to the DNR for four Reinvest in Minnesota (RIM) projects to acquire land to improve streams and wildlife habitat;
- \$900,000 to the DNR for the ninth and 10th years of a 24-year project studying the "ecology of rare plants, animals, and natural communities" in Minnesota counties;
- \$680,000 for an expansion of the University of Minnesota Landscape Arboretum and development of a wetland restoration demonstration project; and
- \$250,000 to Twin Cities Public Television to create an environmental video resource center and to produce and broadcast a series about environmentalism in Minnesota.

The bill now moves to a conference committee where members will reconcile differences with the Senate proposal.



## GAMBLING

### Gambling treatment funds



Public funds for treatment of compulsive gamblers will be available to private, for-profit agencies, under a new state law.

Bill sponsor Rep. Tony Kinkel (DFL-Park Rapids) has said the bill is necessary to give Minnesotans, especially in outstate areas, more opportunities for treatment.

Effective April 25, for-profit agencies are now able to compete with non-profits for the grant funding.

During the current two-year spending cycle, the state will spend about \$1.2 million to treat problem gamblers. Non-profit treat-

ment facilities are selected to receive some of that money through Department of Human Services grants. (See March 10, 1995, *Session Weekly*, page 9)

The House passed similar legislation in 1993, but it did not survive conference committee negotiations.

Sen. Skip Finn (DFL-Cass Lake) sponsored the proposal in the Senate.

(HF83/SF91\*/CH86)



## GOVERNMENT

### Omnibus economic development

"Corporate welfare" reform provisions are included in a \$407 million economic development spending bill that won final passage in the House April 26. The vote was 74-59.

The omnibus community development bill (SF1670/HF1886) provides funding in the next two-year spending cycle for a diverse group of state agencies, ranging from the Office of the Secretary of State to the Board of Boxing.

Provisions in the bill would affect the Minnesota-Ontario fishing dispute, the 1996 presidential primary, and the viability of some historical sites in the state.

But it was the "corporate welfare" provisions that drew heated debate on the House floor. The following are among the bill's major provisions:

#### Corporate welfare

The bill would require some companies receiving financial assistance from the state to meet certain requirements for wages and job growth.

Companies receiving more than \$25,000 from the state in the form of grants, loans, or some tax breaks including tax increment financing would have to pay employees at least the federal poverty level for a family of four. That amounts to about \$15,150 annually.

The wage standards would apply only to employees hired after the state money is received.

"That should not be in here," said Rep. Don Frerichs (IR-Rochester), who called the corporate welfare provisions "the most destructive part of the bill."

Companies also would have to demonstrate a net job growth or the retention of jobs that would have been lost without help from the state. Businesses that fail to meet the wage and job standards would face penalties.

Companies receiving grants, loans, or tax increment financing for redevelopment pur-

poses would be exempt from the requirements. Small businesses — those with no more than 20 employees and gross annual revenues of less than \$1 million — and nonprofit organizations also would be exempt.

The bill would require the legislative auditor to report every two years on the jobs created and wages paid by companies receiving any form of tax reduction or waiver.

The requirements in the omnibus bill are drawn from a separate bill (HF869) originally sponsored by Rep. Karen Clark (DFL-Mpls). (See March 10, 1995, *Session Weekly*, page 4)

Clark has argued her proposal would ensure that Minnesota see some return on its business investments.

Rep. Ron Abrams (IR-Minnetonka) called the provisions "veto bait," and Rep. Todd Van Dellen (IR-Plymouth) said the requirements would undermine economic growth in the state.

"We won't just have jobs not paying a livable wage. We won't have job expansion at all," Van Dellen said. (Sec. 51)

#### Presidential primary

Local municipalities would have to bear the cost of the 1996 presidential primary, under the bill.

The Secretary of State would receive \$12.2 million for the biennium, more than \$4 million below the agency's request.

Much of that cut — \$3.1 million — would have reimbursed municipalities for the expense of the presidential primary.

The bill also does not include \$1.3 million the agency requested for optical imaging equipment to store records electronically. The bill, however, does include money for equipment for a statewide computer network. (Sec. 25)

#### Ontario border war

A total of \$100,000 would be appropriated to the Department of Trade and Economic Development to explore some form of legal challenge to Ontario fishing restrictions on Minnesotans.

Although a successful challenge of the Ontario restrictions in U.S. courts is considered unlikely, there may be a better chance to petition the U.S. trade representative to enter the dispute or to mount a challenge in the Canadian courts.

Minnesota and Ontario have battled for several years over an Ontario restriction that limits the number of walleyes anglers who stay on the Minnesota side of Lake of the Woods and Rainy Lake can keep. Both lakes lie on the U.S.-Canadian border.

In response, Minnesota has enacted laws in both 1993 and 1994 that are designed to discourage tourists from entering Ontario to fish.

This year another bill (HF1651), sponsored by Rep. Irv Anderson (DFL-Int'l Falls), is pending that would require all anglers who return through Minnesota from anywhere in Canada to transport their fish unfilled.

That measure also contains a \$100,000 appropriation to mount a legal challenge of the Ontario restrictions, but cites the Office of the Attorney General as the lead agency. (See March 31, 1995, *Session Weekly*, page 9)

An amendment that would have repealed the requirement that fish transported into Minnesota be unfilled was defeated on a 66-66 vote that was divided along party lines. (Sec. 2, subd. 4)

#### Minority affairs councils

Four state councils that are designed to ensure minority groups in Minnesota get equal access to the state's services would be funded for an additional year, but funding for the second year is not set in stone.

The measure requires the Indian Affairs Council, the Council on Affairs of Spanish-speaking People, the Council on Black Minnesotans, and the Council on Asian-Pacific Americans to conduct a study of their operations.

In his proposed budget, Gov. Arne Carlson said he intends to submit legislation that would remove these councils from "state agency status."

The bill states that the study must, among other issues, consider:

- removal of council members by the governor;
- methods of reducing overall costs of the councils through sharing of staff and administrative expenses;
- methods of improving coordination with other state agencies; and
- methods of educating council members in management issues for state agencies, including statewide budget and accounting practices, management practices, and legal liability.

Each council must submit its report to the Legislature by Feb. 1, 1996. The bill states that funding for each council in the second year of the biennium is contingent upon the report being completed.

Another provision in the bill would allow the Council on Affairs of Spanish-Speaking People to sell advertising in its publications to help underwrite publication costs. (Secs. 20-23, 31)



## Koch refinery

The Koch Refining Co. in Rosemount just south of the Twin Cities could have an easier time constructing a nearby co-generation power plant, under a section of the measure.

The refinery is considering constructing a co-generation plant that would burn "petroleum coke," which is a byproduct of the refining process.

The proposed plant would burn the petroleum coke to generate up to 250 megawatts of electricity — which would more than meet the plant's electrical needs — and steam, which would be used for heating.

The measure would streamline power plant siting laws that are administered by the Minnesota Environmental Quality Board.

The major provision would allow the Environmental Quality Board to waive an Environmental Impact Statement for the project provided the board "determines that the proposed site will not have a significant human and environmental impact."

All that would be needed is a less detailed environmental assessment worksheet.

Supporters of the Koch proposal argue that co-generation plants are much more efficient than traditional power plants and that the project would make use of a byproduct that is essentially wasted now.

Petroleum coke is now being sent to Turkey and Japan so it can be processed there, explained Buzz Anderson, a lobbyist for Koch.

The measure does not contain earlier proposals advanced by Koch that would have exempted the project from the Public Utilities Commission's certificate of need process and from paying *personal* property taxes, which are not to be confused with local property taxes. (Personal property taxes are only paid by pipeline companies and electric utilities.)

Those provisions were among the most controversial of the proposals put forward by Koch, which processes crude oil into a variety of more refined petroleum products, including gasoline and heating oil.

The refinery, which processes crude oil from Canada and the Gulf of Mexico region that is sent here via pipelines, produces about half of the gas used in Minnesota, said Anderson. (Sec. 37)

## Juvenile sex offenders

Smaller, residential treatment programs that are designed to treat juvenile sex offenders will no longer be permitted in residential neighborhoods, under the bill.

Such facilities will no longer be considered a "permitted single-family residential use" under the state's zoning law definitions.

The law would now specifically exclude a

"residential program whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses. . . ." (Secs. 53 & 57)

## Historical Society

The omnibus bill would keep open historical sites such as the James J. Hill House in St. Paul which may have closed under Gov. Arne Carlson's budget recommendations.

The Minnesota Historical Society would receive a total of \$38 million for the biennium — about \$800,000 more than called for by the governor.

The money in the bill would pay for the operation of the Hill House and other historical sites, some of which may have closed under the governor's budget such as the Northwest Co. Fur Post in Pine County, the Mille Lacs Indian Museum, and the Children's Museum in St. Paul.

## Housing

A family housing assistance program would be expanded so more families could qualify for help, under the bill.

The program currently provides loans or direct rental subsidies to families with incomes of up to 60 percent of the area's median income, which range from a high of \$30,600 in the metropolitan area to a low of \$14,000 in Mahnomon County. (Sec. 70)

The bill would change the maximum qualifying level to 80 percent of the state's medium income, which is \$34,800.

The provision was part of **HF509** — the omnibus housing bill — sponsored by Rep.

Karen Clark (DFL-Mpls). (See April 13, 1995, *Session Weekly*, page 11). Some of the proposals from that bill were folded into the economic development omnibus bill.

The bill includes a provision that would expand the requirement that a city that displaces 10 or more low-income housing units replace them. Currently, the stipulation includes only Minneapolis and St. Paul. The bill would include all cities in the seven-county metropolitan area. (Sec. 79)

And the bill would set aside money to help people convert contracts for deed on their homes to traditional mortgages. That would eliminate the need for home owners to come up with large balloon payments. (Sec. 72)

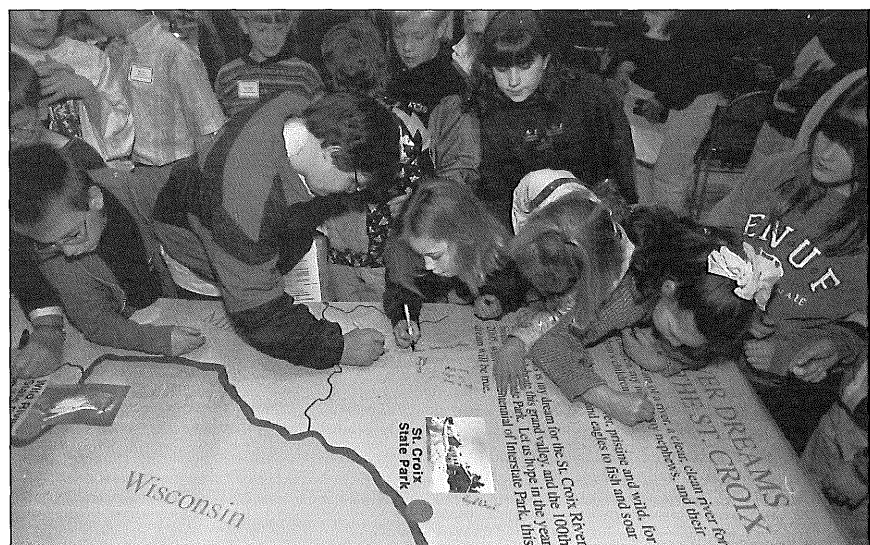
## Omnibus state government bill

A more than \$500 million omnibus state government bill that spends money on public television and on a center to promote "the development of the human person" was given final approval by the House April 27.

The bill (**HF1001/SF1678\***) also works to collect more outstanding debt owed to the state, eliminates three gambling boards, and cuts state agency money spent on private consultants. The vote was 79-50.

Sponsored by Rep. Tom Rukavina (DFL-Virginia), who chairs the House Governmental Operations Committee's State Government Finance Division, the bill's general fund spending amounts to \$18 million less than Gov. Arne Carlson recommended.

Below are some of the bill's highlights for the 1996-1997 biennium. (See April 21, 1995, *Session Weekly*, page 11)



During a centennial anniversary celebration of Interstate State Park held April 25 in the Capitol rotunda, fifth graders from Taylors Falls Grade School wrote on a 12-foot banner their dreams and hopes for the state park and the St. Croix River Valley for the next 100 years.

## Human Development Center

The omnibus bill would spend \$570,000 to begin planning for a human development center in or near the Capitol area. The center would focus on the development of the human person. The center would serve as a research and demonstration center and would be a public-private partnership.

## Public broadcasting

The bill sets aside about \$5 million for public television and public radio. Rep. Mike Osskopp (IR-Lake City) introduced an unsuccessful amendment to eliminate that funding, stating it was taxpayer money that could better be spent on education or health and human service programs.

A successful amendment by Rep. Ron Abrams (IR-Minnetonka) would require public broadcasting stations to pay their employees at least a poverty-level wage of more than \$7 an hour.

## 'Mighty Ducks'

The bill spends \$3.2 million to build more indoor ice arenas in Minnesota.

The proposal was originally part of **HF1260**, sponsored by Rep. Bob Milbert (DFL-South St. Paul). The Minnesota Amateur Sports Commission would use money to distribute grants of up to \$250,000 each to local communities.

Milbert, also a member of the amateur sports commission, said a study of ice needs in Minnesota discovered more than 90 communities that say they need a new indoor ice arena or repairs for an existing arena. The number of girls and boys participating in winter sports such as hockey and competitive figure skating has increased the demand for ice time.

(A 1994 law mandates that all public indoor ice arenas must give female hockey teams "up to 30 percent" of the prime ice time during the 1995 winter season and "up to 50 percent" by the 1996 season.)

The "Mighty Ducks" label is in reference to a movie about a group of misfit youthful hockey players.

## Gambling

The bill would abolish the nine-member Minnesota Racing Commission, seven-member Gambling Control Board, and seven-member State Lottery Board.

This provision was originally part of **HF138** sponsored by Rep. Phyllis Kahn (DFL-Mpls). Elimination of the three boards is expected to save about \$136,000.

The advisory duties of the gambling boards would be transferred to the directors they used to serve.

The gambling departments function independently of one another. The racing commission oversees pari-mutuel horse racing. The Gambling Control Board regulates lawful gaming activities, such as bingo and pull-tabs. The State Lottery Board advises the lottery director on games and rules.

The omnibus bill also creates new language that requires 70 percent of all unclaimed prize money from the lottery at the end of each fiscal year to be deposited in the state treasury. Currently, unclaimed prize money is added to the prize pool for future lottery games.

An unsuccessful amendment by Rep. Kevin Knight (IR-Bloomington) would have taken some of that unclaimed prize money each year and given it to the Metro Mobility program which helps transport people with disabilities.

## Legislative Coordinating Commission

Several legislative commissions would be abolished. Those to be eliminated include the Legislative Commission to Review Administrative Rules, the Legislative Commission on Employee Relations, the Legislative Commission on Planning and Fiscal Policy, and the Legislative Commission on Children, Youth, and Their Families.

The Great Lakes Commission also would be eliminated. Earlier, the bill had called for the elimination of the Mississippi River Parkway Commission but the commission was reinstated in the Ways and Means Committee.

That committee also merged the Legislative Water Commission (originally slated for elimination) with the Legislative Commission on Waste Management.

The Legislative Coordinating Commission (LCC) also would receive an additional \$30,000 over the biennium to ensure that a sign language interpreter is available for hearing impaired citizens who seek access to lawmakers, legislative floor sessions, and committee hearings.

An unsuccessful amendment introduced by Minority Leader Steve Sviggum (IR-Kenyon) also would have eliminated the Legislative Committee on Waste Management, Legislative Commission on Health Care Access, the Legislative Commission on Long Term Health Care, and the Legislative Commission on the Economic Status of Women.

## Abolishing the DPSv

The Department of Public Service (DPSv) would be abolished, under a proposal approved by the House Regulated Industries and Energy Committee April 27.

The DPSv is currently responsible for protecting the public interest in the areas of energy, telecommunications, and weights and measures. The measure would eliminate the DPSv on July 1, 1996.

The bill (**HF1867**) would transfer the department's role as consumer watchdog in public utility rate cases before the Public Utilities Commission (PUC) to the Office of the Attorney General.

(The PUC is a quasi-judicial body that regulates the rates and services of Minnesota telephone, natural gas, and electric utilities.)

The bill also lays the groundwork for the creation of an unnamed "public utilities agency." The new agency would serve as an umbrella organization housing the PUC and the remaining duties of the DPSv.

Under the bill, the commissioners of the DPSv and the PUC would develop a plan to create the new state agency. The report would need to be submitted to the Legislature by October 15, 1995.

"It's important to me that we take some action and not just study all the time," said bill sponsor Rep. Howard Orenstein (DFL-St. Paul).

As far as cost savings, merging the DPSv and the PUC under a new agency would result in the elimination of some management-level positions, Orenstein said.

The proposal was strongly opposed by DPSv Commissioner Kris Sanda, who said the department is nationally recognized as a leader in nuclear waste issues, telecommunications policy, and weights and measures oversight.



Kris Sanda, commissioner of the Department of Public Service, testified before the House Regulated Industries and Energy Committee April 27 in opposition to a bill (HF1867) that would abolish her department. The committee approved the bill.

She told lawmakers that it is not good public policy to "attack" an agency intervening on behalf of consumers in electric utility rate cases where millions of dollars are at stake.

"Did voters send you here to reduce consumer protection? I would say no," Sanda said, adding that the "only purpose" of the bill is to eliminate seven agency officials appointed by Gov. Arne Carlson.

The bill encompasses a portion of the legislative session's major government reorganization bill (HF1542), which would eliminate a handful of state boards and agencies — including the DPSv.

Orenstein indicated that he will incorporate the provisions of HF1867 into HF1542, which is now before the Governmental Operations Committee.

HF1867 now moves to the Rules and Legislative Administration Committee.

## Seized goods for sale



Unclaimed items recovered by police departments across the state will soon be sold in non-profit stores, under a new state law.

The law will allow merchandise not claimed within 60 days to be sold at auction, as is the current practice, or by sale through a non-profit agency.

In 1992, Minneapolis police began working with a community organization on a plan to teach young people bicycle repair, business management, and other skills by setting up a non-profit store, The Phantom Bike Shop, for the sale of "recycled" bicycles. The store receives damaged bikes the police cannot auction off, fixes them up, and sells them.

The law will allow the police departments to dispose of unclaimed items — such as electronic equipment, tools, and lawn mowers that it recovers each year — through similar stores that sell second-hand goods. Police will not provide items such as clothing, fine jewelry, and firearms to the stores.

Police departments will benefit by gaining a percentage of the sale price on the items sold at the store and clearing out storage space.

The proposal, which becomes effective Aug. 1, 1995, was sponsored by Rep. Karen Clark (DFL-Mpls) and Sen. Carol Flynn (DFL-Mpls).

(HF859\*/SF833/CH79)



## HEALTH

### Insurance and prescriptions



Health insurance plans that cover prescription costs will have to help pay those costs whether a doctor, nurse practitioner, or physician's assistant wrote the prescription, under a new state law.

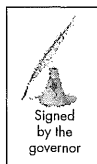
Currently, many health plans pay only for prescriptions written by a doctor. But under current law, nurse practitioners and physicians' assistants also are able to write patient prescriptions.

The law won't cost insurance companies anything or affect insurance rates. It only ensures that prescriptions legally written by nurse practitioners and physician's assistants are covered by an insurance plan.

The House and Senate passed the same provision last year as part of the Health and Human Services supplemental appropriations bill, which was vetoed by the governor.

The proposal, effective Aug. 1, 1995, was sponsored by Rep. Roger Cooper (DFL-Bird Island) and Sen. Dallas Sams (DFL-Staples). (HF612\*/SF543/CH69)

### Insurance and dental work



Health plans that insure Minnesota residents will have to cover general anesthesia and treatment for dental work if the work is for a medical condition covered by the plan, under a new state law.

Sponsored by Rep. Becky Lourey (DFL-Kerrick), the law also calls for health plans to cover dental treatment that requires general

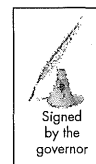
anesthesia, a hospital stay, or both, if the patient is a child under five, a severely disabled patient, or a person who, due to a medical condition, needs anesthesia or a hospital stay for dental work.

Such cases may not be covered by health plans now, Lourey said.

The law becomes effective for health plans issued or renewed on or after Aug. 1, 1995.

Sen. Ellen Anderson (DFL-St. Paul) sponsored the proposal in the Senate. (HF843\*/SF613/CH91)

### Diabetes coverage



Health plans supplementing Medicare insurance will have to provide coverage for doctor-prescribed equipment and supplies needed for the "management and treatment of diabetes," under a new state law.

Coverage will be subject to the same deductible or other co-payment provisions applicable to an insurance plan's specific hospital, medical equipment, or prescription benefits.

Health plans were required to provide coverage for all items prescribed for patients with diabetes under a 1994 law, but it did not apply to health plans supplementing Medicare.

The proposal, effective Jan. 1, 1996, was sponsored by Rep. Tom Pugh (DFL-South St. Paul) and Sen. Deanna Wiener (DFL-Eagan). (HF350/SF34\*/CH52)



U.S. Secretary of Health and Human Services, Donna Shalala, right, was pleased to pass to Gov. Arne Carlson, left, two waivers from federal Medicaid rules that will help Minnesota offer children and the elderly more access to health care services. She presented the waivers at an April 27 news conference at the State Capitol.



## Complete malpractice reports



A new state law will ensure that the Board of Medical Practice receives the names of all doctors who are the subject of malpractice awards or settlements.

Under current law, insurance companies are required to provide the board reports of all settlements or awards involving doctors.

But hospitals, clinics, and other entities paying off settlements against physicians have been able to dodge the requirement to provide details to the board. Since they are not insurance companies, they technically have not been required to report.

The new law closes that loophole by specifically requiring that hospitals and other entities that provide malpractice coverage for doctors or other health professionals report all settlements and awards to the Board of Medical Practice.

Reports must include the health professional's name, the allegations in the claim or complaint, and the date and dollar amount of the settlement or award.

The measure, which becomes effective Aug. 1, 1995, was sponsored by Rep. Steve Kelley (DFL-Hopkins) and Sen. Pat Piper (DFL-Austin).

(HF226\*/SF73/CH44)

## HIGHER EDUCATION

### Repealing education merger III

The House voted April 25 to call off the planned July 1995 merger of the state university, and community and technical college systems. The move came as an amendment to the \$2.1 billion higher education spending bill given final approval by the House on a 124-8 vote.

Legislation to place the three higher education systems under the administrative control of one board passed the Legislature in the waning moments of the 1991 session. A last minute amendment by the Senate set the merger plans in motion.

Had the House rejected the Senate proposal, it would have meant a special session to resolve the issue. The House voted overwhelmingly to call off the merger during the 1992 and 1993 sessions. The provisions, however, never survived conference committee negotiations.

On the floor this year, Rep. Barbara Sykora (IR-Excelsior) successfully offered what she called the "standard repealer of merger language."

"Ever since I got here I've heard about the huge cost increases of the merger with no increase in services," said Sykora, a first-term legislator.

Bringing the three individual systems under one administrative office will increase higher education costs, Sykora said, in part because technical college employees will move from being school district to state employees. Their employment contracts are being renegotiated and they may receive salary and benefit increases, Sykora said. Technical colleges are currently part of local school districts.

Rep. Joe Opatz (DFL-St. Cloud) said making those employees state employees could cost as much as \$26 million. No appropriations have been made to pay for that cost, he argued.

But Rep. Howard Orenstein (DFL-St. Paul), who sponsored the original merger legislation four years ago, said it should be given a chance to work, and that in the long run it will save money. Other legislators said merger proceedings are too far along to turn back.

"But if you had a wedding coming up in a month and you knew it was a big mistake you would not allow it to happen," Sykora said.

Sykora's amendment passed on a 78-54 vote.

To fund higher education, the bill calls for the University of Minnesota to receive \$970.6 million in state appropriations over the next biennium. The merged system would receive \$935.6 million, under the bill. Also, the newly created Higher Education Services Office (HESO), responsible for distributing financial aid to students, would receive about \$240 million and the Mayo Medical School about \$1.8 million in state aid over the next biennium.

The bill anticipates higher education tuition increases of 5 percent each year for the next biennium.

In addition, the bill would eliminate the Higher Education Coordinating Board and would shift all the state's public colleges and universities toward a semester system and abandon the current quarter system. The University of Minnesota maintains constitutional autonomy, so the Legislature cannot call for a semester system at the U of M campuses.

In what Rep. Tony Kinkel (DFL-Park Rapids) called the biggest potential change for higher education, the bill calls for the state to stop subsidizing tuition costs after a student has earned 48 more credits than is needed for a degree in his or her major.

Currently, the state pays 60 percent of a Minnesota student's education costs for up to 180 credit hours. Student tuition pays the remaining 40 percent.

After the excess 48-credit limit is reached,

students would be responsible for the true cost of a course.

"That's a good incentive to finish in time," Kinkel said. He said the provision encourages students to complete their education within five years.

The Senate higher education funding bill, passed April 24, calls for \$2.2 billion in higher education spending over the upcoming biennium.

That bill would overhaul the way the state funds higher education — based on degrees granted and on certificates and diplomas issued rather than on the number of students attending a particular school.

The House bill (HF1856), sponsored by Kinkel contains no similar provision, meaning the bills will head to a House-Senate conference committee so differences between the two can be worked out. (See April 21, 1995, *Session Weekly*, page 3)



## HUMAN SERVICES

### Health, human services funding

A \$5 billion bill that sets limits on in-home personal care services for the disabled but retains money to help parents with disabled children afford long-term medical care was approved by the House Ways and Means Committee April 26.

The House's Omnibus Health and Human Services bill (HF1588/SF1110\*) for 1996-1997 would spend about \$60 million less than Gov. Arne Carlson recommended.

The bill, on its way to the House floor, appropriates money for programs in the Department of Human Services, the Department of Health, and several other smaller agencies.

It sets aside more than \$3 billion for the state's medical plans such as Medical Assistance, \$269.5 million for Aid to Families with Dependent Children grants, \$94.5 million for General Assistance grants, and \$112 million in other public assistance and work and training grants.

The bill, sponsored by Rep. Lee Greenfield (DFL-Mpls), became wrapped in heated debate earlier this session when Carlson proposed cutting back two programs that help disabled people remain at home instead of in an institution.

Specifically, the governor proposed to cut a program that provides in-home personal care attendants for the disabled and another that allows the families of children with disabilities to buy into a state medical care plan. The program is known as TEFRA.

But after hours of public hearings and hundreds of people who testified — many who came in wheelchairs, with guide dogs, or with a ventilator — lawmakers backed down from most of the cuts.

The omnibus bill, however, does tighten some eligibility requirements and limits some services for personal care attendants and the TEFRA program.

It reduces by 12.5 percent the maximum number of personal care service hours a recipient may receive. It also eliminates personal care services for ventilator-dependent people in hospitals and prohibits legal guardians from being personal care service providers.

The bill further expands the list of personal care services not eligible for Medical Assistance reimbursement. Only care prescribed by a doctor could be reimbursed. Currently only a registered nurse, in conjunction with the personal care assistant, needs to authorize care.

Personal care that involves social activities, recreational activities, and educational services also would be prohibited from reimbursement.

The bill also tightens eligibility requirements for people seeking personal care services. To qualify for those services under the bill, individuals must be able to "identify their needs, direct and evaluate task accomplishment, and assure their health and safety."

Children receiving care under the state's Medical Assistance program (including those in the TEFRA program) would have to contribute more for the care. Under the bill, parents with an adjusted gross income of \$30,000 or more would have to pay a minimum \$25 fee plus an additional amount depending on their income. The bill changes the formula so more of a family's income is chargeable to the fee.

Currently, only the income above 200 percent of the federal poverty level is used to calculate the fee. The bill would lower that to 150 percent. For a family of four that would mean that instead of income more than about \$29,600 being used to calculate the fee, income more than about \$22,200 would apply.

Some of the bill's highlights include the following provisions.

### **Electronic welfare**

The bill authorizes the Department of Public Safety to issue cards to welfare recipients across the state so they can access their food stamp and other public assistance benefits electronically. Ramsey County piloted the program.

Under the system, people receiving public

assistance use a "cash card" to withdraw their benefits — both monetary and food stamp — from either machines stationed at grocery store checkout lanes or a typical "cash machine."

Although costly to set up, the electronic system reduces the potential for theft and fraud and eliminates mailing costs.

### **Foster care by relatives**

An individual who wishes to provide foster care to a child who they are related to must have a foster care license, under the bill. This provision would take effect the day following final enactment.

"Relative" is defined to include members of the child's extended family as well as important friends with whom the child has had significant contact.

The bill does make room for an emergency license that allows a county to place a child in foster care with an unlicensed relative so long as the county inspects the home within three days, requires the relative to apply for a regular foster care license, and obtains background information on the relative.

If an emergency license is granted, it stays in effect until a regular license is obtained, but for no longer than 90 days. If the request for an emergency license is denied, the child is taken out of the home. The relative does have the option to appeal the decision to the commissioner of human services.

### **Cultural child care centers**

The bill requires licensed child care providers — as part of their on-going training — to be trained in "cultural dynamics." The training would include understanding the importance of the cultural differences and similarities in working with children. It also would include learning skills to help children develop unbiased attitudes about cultural differences.

### **Welfare fraud**

The measure would expand a two-year pilot program to investigate, uncover, and prevent welfare fraud in a handful of counties to all counties in Minnesota.

### **Northfield home**

The Department of Human Services would be required to inspect and certify the expansion of a Northfield, Minn., hospital to a 44-bed crisis facility for persons with Prader-Willi Syndrome, a genetic obesity disease. The hospital would be eligible for Medical Assistance funding, under the bill. Currently there are two other facilities in the state to care for people with this disease but there is a long waiting list.

### **Home visits**

The bill sets aside \$82,000 to expand the current public health nurse and family aide home visiting program. The money would be used to fund additional projects to help prevent child abuse and neglect and reduce juvenile delinquency. The projects, through a public health nurse or other trained individual, would contact adolescent parents and families with a history of violence or drug abuse at the birth of a child.

The nurse or other home-visitor would offer to visit, answer parenting questions, provide information on breast-feeding and other infant health issues, and make referrals to any other appropriate state or county services. Staff would also screen the family to determine if families need additional support or are at risk for child abuse and neglect.

### **Children's Mental Health Act**

A county board could continue to provide services under the Children's Mental Health Act to an individual even if he or she is no longer a minor. The act requires counties to make available a range of mental health services, both inpatient and outpatient, for all county residents. If state aid or private insurance is unavailable to pick up the tab, the county charges fees based on income.

This provision is designed not to abruptly switch a child's mental health care simply because he or she reaches age 18. It would allow a county board to continue mental health services to individuals older than 18 but younger than 21 if the individual is enrolled in special education lessons through the local school district or it is in the best interest of the person to continue their current treatment.

### **Homeless youth**

The bill requires the Department of Human Services to solicit proposals to create safe houses and transitional housing for homeless youth. The department must request the proposals from groups knowledgeable about the homeless youth problem. The bill sets aside \$1.3 million.

Safe houses provide emergency housing for homeless youth ages 13 to 21. Transitional housing provides housing for homeless youth ages 16 to 21 who are preparing to live independently on their own. The bill spells out that the housing should resemble a family atmosphere in a neighborhood or community and, if possible, provide separate homes for males and females.

The homes would also provide counseling services, employment services, health care, and education services.

## Child care slots

The measure would help some families on public assistance — specifically Aid to Families with Dependent Children — more easily find child care slots.

Currently, AFDC recipients who are enrolled in STRIDE (the federally mandated employee and training program for AFDC participants) are entitled to full payment of child care costs. But there is a waiting list for STRIDE.

The bill would allow those on the waiting list to obtain a slot in a separate child care program for AFDC participants who are in a self-initiated employment and training program independent of STRIDE. The bill reallocates the child care slots from counties that have vacancies to counties that have a waiting list.

## Home care for some

Pending federal approval, an individual who is mentally retarded or otherwise developmentally disabled, may receive state Medical Assistance benefits for care in their own home, even if that home is not licensed, under the bill.

The home, however, would have to be inspected and care provided by qualified professionals. The provision is designed to provide care at home instead of at an institution.

## Assets for AFDC

To qualify for Aid to Families with Dependent Children, families are not allowed to have much in the way of property and assets. Under the bill, families with too much property can receive welfare for nine months as long as they are making a good faith effort to sell the property and to repay the AFDC benefits received during the nine-month period.

## Nursing home restrictions

Effective July 1, 1996 — pending federal approval — people considered “high functioning” could no longer be admitted to nursing homes where their care is paid for by state medical assistance programs, under the bill.

High functioning is defined in part as a person who is “independent in orientation and self-preservation.” Instead of nursing home care, they would be eligible for personal care services, home health aide services, or an allowance to arrange for their own care.

This provision would exempt nursing home residents admitted before July 1, 1996, and provides an appeals process for those denied admission into a nursing home.

## Estates subject to MA claims

The bill would allow a claim against the estate of a person who is over 55 and who receives state Medical Assistance. Currently, the age is 65.

## Osteoporosis prevention

A statewide osteoporosis prevention and treatment program would be created with \$300,000, under the omnibus bill.

If women learn how to prevent the disease early, fewer will need to use hospitals and nursing homes for fractures and other osteoporosis problems. Many women entering nursing homes now do so because of osteoporosis, said Rep. Sharon Marko (DFL-Newport), sponsor of this provision.

The provision would require the Department of Health to assess how many Minnesotans have the disease which strikes mostly women but also has been found in men. The condition is characterized by a decrease in bone mass leading to fragile bones that can fracture easily.

The measure also calls on the state Department of Health to design a statewide educational program about the disease.

The program would implement strategies for raising public awareness on the causes and personal risk factors for the disease, as well as how to prevent, detect, and treat osteoporosis.

The Department of Health would be required to report to the Legislature by Jan. 31, 1997, on the program's accomplishments.

## U.S. Army spraying examined

The bill requires the Department of Health to review the National Academy of Science's report on the past and future adverse effects, if any, on public health and the environment from the U.S. Army's spraying of zinc cadmium sulfide and other chemicals in Minnesota in the 1950s and 1960s.

Some residents in Minneapolis and around the state maintain they have health problems due to the spraying.

It further requires the Office of the Attorney General to determine whether any state or federal laws or constitutional provisions were broken and what legal action is available to recover damages and prevent any future spraying.



## LABOR

### Essential court employees

An assistant county attorney in Minnesota would be classified as an “essential employee” and could not strike, under an amendment to the judiciary finance bill.

The measure was approved by the House Ways and Means Committee April 26.

The proposal originally introduced by Rep. Jim Farrell (DFL-St. Paul) is designed to head off a simmering labor-management conflict involving Ramsey County and its prosecutors.

“It scares me that the county attorneys in Ramsey County are seriously thinking about striking this summer,” Farrell said.

Farrell, who is a Ramsey County public defender, said that a strike could take place following the July 4 weekend, when holding cells are full and numerous felony trials are scheduled.

A strike by prosecutors would cripple the courts and force those accused of crimes to languish in jail.

If assistant county attorneys — like firefighters and police officers — were classified as essential employees, contract disputes with county officials would be settled through binding arbitration.

Assistant county attorneys from Ramsey and Hennepin counties told members of the Labor-Management Relations Committee April 25 that becoming essential employees would clarify their status in contract disputes.

While state law — PELRA (Public Employment Labor Relations Act) — permits county attorneys to strike, the issue is not at all clear.

“The right to strike is really an illusion,” said Bill Richardson, a Hennepin County prosecutor.

He explained that an attorney cannot “walk away from a case in litigation without the permission of the court and the client.”

This is explicit in the Rules of Professional Responsibility issued by the state Supreme Court. An attorney violating these rules can lose his or her license to practice law.

Al Zdrazil, a Ramsey County prosecutor who is the local AFSCME union steward said, “It is unrealistic to say we have the right to strike” while trying a serious felony case or while involved in a commitment proceeding for a mentally ill person.

Farrell's proposal would allow the assistant prosecutors to resolve a contract impasse through “binding arbitration,” which would provide them “with greater equity” but not permit a strike, according to Zdrazil.

AFSCME, the union representing state,



county, and municipal employees, and the AFL-CIO "historically supports the right to strike," said Steve Hunter, political action director for AFSCME, which represents the county attorneys.

Hunter acknowledged that within AFSCME there is "room for diversity" and local councils can take their own positions.

The original provision in the judiciary finance bill would have limited the essential employee designation to assistant county attorneys in Hennepin, Ramsey, and Washington counties.

The Ways and Means Committee approved an amendment that would designate assistant county attorneys statewide as essential employees.

**HF1700** now goes to the House floor.



## LAW

### Protection orders granted

A person who petitions the court to receive an order for protection would not automatically have to attend a hearing before receiving the order, under a bill given final approval by the House April 19. The vote was 130-0 vote.

Orders of protection particularly aid victims of domestic abuse because they legally keep the abuser from having contact with the victim.

Under the bill (**HF927**), the order for protection would be granted without the normal court hearing attended by both the person seeking the order and the respondent named in the order.

Such a hearing would be held if either person requested one, however, said bill sponsor Rep. Dave Bishop (IR-Rochester). Both parties would be apprised of their right to a hearing.

"The bill would reduce the pressure on both parties to continue their confrontation in the courtroom and to leave their employment for a court hearing," Bishop said.

Fewer hearings also would mean more time for judges to handle other matters, he said.

The bill now moves to the Senate.

## No baby food allowed



Flea marketgoers could no longer pick up some food for their newborns while they browse for antiques, under a new state law.

There is a growing trend among transient vendors: selling baby food from flea market booths. Anyone may rent a table at a flea market and sell items.

Effective Aug. 1, 1995, merchants at flea markets cannot sell infant formula, other food intended for a child under two years old, over-the-counter drugs, medical devices, or cosmetics.

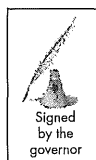
Since the sales of such items are unregulated if they're sold at such booths, the safety or freshness of the products can't be assured.

The law does make an exception for authorized manufacturers' representatives who may sell such items from booths they rent.

The proposal was sponsored by Rep. Matt Entenza (DFL-St. Paul) and Sen. John Hottinger (DFL-Mankato).

(**HF1091\*/SF1337/CH64**)

## Authorized use of force



Workers at the privately owned Prairie Correctional Facility in Appleton, Minn., have a right to defend themselves against an assault by an inmate — just as guards currently do in state-owned prisons, under a new state law.

The law, effective Aug. 1, 1995, clarifies that the power to use force in defense of an assault also applies in Minnesota prisons that are not run by the state. The Appleton prison is the only such facility in Minnesota.

The law applies to anyone assaulted by a prison inmate, including another inmate.

The law currently states that "if any inmate attempts to damage the buildings or appurtenances, resists the lawful authority of any correctional officer, refuses to obey the correctional officer's reasonable demands, or attempts to escape, the correctional officer may enforce obedience and discipline or prevent escape by the use of force. If any inmate resisting lawful authority is wounded or killed by the use of force by the correctional officer or assistants, that conduct is authorized under this section."

The proposal was sponsored by Rep. Chuck Brown (DFL-Appleton) and Sen. Warren Limmer (IR-Maple Grove).

(**HF145/SF1255\*/CH70**)



## LOCAL GOVERNMENT

### Noisy town hall



Two towns in Aitkin County will be allowed to work around a state statute which says town meetings are to be held the second Tuesday in March.

A new 1995 law pertains specifically to Glen and Kimberly, two towns sharing a town hall.

The town boards can't hold town meetings on the same state-mandated day — the second Tuesday in March — because the hall becomes too noisy, said Rep. Becky Lourey (DFL-Kerrick) who sponsored the legislation in the House.

Under the new law, either town may hold its town meeting the day before or the day after the second Tuesday in March. The other town would meet on the mandatory meeting day.

The boards would determine between them which will meet on what date.

The proposal, effective Aug. 1, 1995, was sponsored in the Senate by Sen. Florian Chmielewski (DFL-Sturgeon Lake).

(**HF37\*/SF49/CH10**)



## TAXES

### Property taxes and education

Minnesota voters would decide if local property taxes should continue to fund K-12 education, under a bill on its way to the House floor.

**HF1844**, passed April 27 by the House Rules and Legislative Administration Committee, proposes an amendment to the Minnesota Constitution to stop using property tax revenues to pay for school operating costs.

If the bill wins approval, the proposed amendment would be put to voters in the 1996 general election.

Bill sponsor Rep. Ann Rest (DFL-New Hope) said the amendment would "increase fairness" by forcing changes in the property tax system and the way schools are financed.

And the amendment would permanently end a pattern of "year after year" property tax hikes, she said.

But House Minority Leader Steve Sviggum (IR-Kenyon) questioned the need for the bill.

"If we really wanted to do this, we could do it now without a constitutional amendment," he said.

House Speaker Irv Anderson (DFL-Int'l Falls) said property tax and education funding reform "would never get done" without something to force action.

"We've got to have a mandate from the people saying, 'Deal with the issue of property taxes,'" Anderson said.

The amendment would eliminate \$1.7 billion in property taxes that now go to K-12 education and shift school operating costs exclusively to the state, Rest said.

Local levies for school construction and equipment costs would not be affected by the amendment.

If voters approved the amendment in 1996, the Legislature would have to devise a new plan for education funding before property taxes were cut July 1, 1998.

The proposed wording of the ballot question drew criticism from committee members, including Sviggum and Rep. Charlie Weaver (IR-Anoka).

The bills call for this question to appear on ballots:

*"Shall the Minnesota Constitution be amended to require that operating funds for public schools come from sources other than local property taxes?"*

Weaver tried unsuccessfully to amend the bill to tack on words informing voters the amendment could force increases in sales or income taxes or cuts in state aid to cities and counties, which could cause cuts in local government services.

Minnesotans should "at least know what they're voting for," Weaver said.

Anderson called the attempt to include language about potential tax increases "a veiled attempt to bring disapproval" from voters.

The proposed amendment is "an honest effort" to let Minnesotans play a role in dealing with the issue of property tax funding for education, he added.

"If it's an honest effort, then let's give an honest question to the people of Minnesota," Sviggum said.



## TRANSPORTATION

### Plates for test cars



Automobile manufacturers testing their cars in Minnesota will need to purchase special license plates for the vehicles, under a new state law.

The law creates a new Minnesota license plate called a manufacturer test plate. Automobile manufacturers will buy such plates for cars which are tested in Minnesota to assess cold weather performance.

Such test cars are usually parked for long

periods of time in northern Minnesota, then driven to determine how they perform after being idle in cold weather, said Katherine Burke Moore, director of the Driver and Vehicle Services Division of the Minnesota Department of Public Safety.

The division will issue the license plates. Manufacturers must pay \$40 per year for the four plates. Of that charge, the department keeps \$25 and the remaining \$15 goes to the general fund. Each additional plate would cost \$25 — \$10 of which is kept by the division with the remainder going to the general fund.

Currently, test cars usually come from Michigan auto plants and use Michigan manufacturer plates, Burke Moore said.

Her division will pay only about \$300 to begin making the plates, because they are pressed from standard stock used to create Minnesota license plates, she said.

Under the law, cars with such plates can be operated on streets and highways by employees of the automobile manufacturing company testing the plates.

The law, sponsored by Rep. Jim Tunheim (DFL-Kennedy) and Sen. Bob Lessard (DFL-Int'l Falls), became effective April 20, 1995. (HF971/SF172\*/CH74)

### Ensuring bike safety



Motorists who pass alongside a bicycle at closer than three feet are subject to a petty misdemeanor fine, under a new state law.

The law is intended to make the roads safer for bicyclists, said House sponsor Rep. Leslie Schumacher (DFL-Princeton).

The law, effective Aug. 1, 1995, calls for cars or other vehicles passing bicyclists to leave at least three feet of space between the vehicle and the bicycle. Current law does not stipulate a safe passing distance.

Motorists who don't observe the three-foot passing distance could be stopped by officers and slapped with a petty misdemeanor. The maximum fine is \$200.

The law also calls for drivers' examination tests to include questions about traffic laws relating to bicycles to ensure that drivers know about bicycle safety.

It also requires that the Minnesota drivers' manual — which is studied before taking the drivers' license examination — must include a section on bicycle traffic laws.

Sen. Jane Krentz (DFL-May Township) sponsored the proposal in the Senate.

(HF1134/SF687\*/CH72)

### Eye protection mandated



All motorcycle drivers and riders must wear glasses, goggles, visors, or some other type of eye protection, even if their vehicles have windshields, under a new law.

Both the Minnesota Motorcycle Riders Association and the Minnesota Department of Public Safety support the law which is effective Aug. 1, 1995.

State law has long required a motorcycle rider or driver to wear eye protection unless their motorcycle had a windshield. But many new windshields are too low to offer any real protection from objects that may fly up from the road, said Rep. Don Frerichs (IR-Rochester), sponsor of the bill.

The new law, effective Aug. 1, 1995, mandates drivers or riders to wear eye protection, which could be regular eyeglasses, sunglasses, a helmet visor, or "anything else that literally protects the eye," Frerichs said.

(HF568\*/SF528/CH40)

### Private driver data



The names and addresses of disabled drivers won't be available to the public, under a new state law.

The law is necessary to curb some medical equipment vendors from compiling lists of potential customers and contacting them in an attempt to make a sale, said Kurt Strom, an advocate for the State Council on Disabilities. Some disreputable vendors have made such contacts, he said.

Currently, only medical information on those disabled drivers is private — which means members of the public don't have access to that data. But the fact that a driver has a handicapped parking permit has been public.

The law also will allow disabled drivers to display their handicapped parking certificate on the dashboard if their disability prevents them from hanging it from the rear view mirror as state law currently requires.

The proposal, effective Aug. 1, 1995, was sponsored by Rep. Sherry Broecker (IR-Vadnais Heights) and Sen. Paula Hanson (DFL-Ham Lake).

(HF900/SF144\*/CH85)

# Bills Sent to the Governor

## Bills await the governor's signature — or veto

Once a bill has passed both the House and the Senate in identical form, it's ready to be sent to the governor for consideration. The governor has several options when considering a bill. The governor can:

- sign the bill and it will become law;
- veto the bill;
- line-item veto individual items within an appropriations bill; or
- do nothing, which results in the bill becoming law in the first year of the biennium.

The timing of these actions is as important as the actions themselves.

In the first year of the biennium, the important thing to remember is this: the governor has three days from the time of "presentment" to veto a bill. If the governor doesn't sign the bill within this time frame, it will become law with or without his signature. (Sundays aren't counted in the three-day time limit, but holidays are.)

Only on appropriations bills can the governor exercise the line-item veto authority. This option allows the governor to eliminate the appropriation items to which he objects. As with all vetoes, the governor must include

a statement listing the reasons for the veto with the returned bill. Here, too, the timetable is within three days after the governor receives the bill.

A two-thirds vote of the members in each house is needed to override a veto. But because only the governor can call a special session of the Legislature, anything vetoed after the Legislature adjourns is history — at least until next year.

The governor's veto authority is outlined in the Minnesota Constitution (Article IV, Section 23).

Chapter	HF	SF	Description	Signed	Vetoed
1	45	87	Relating to taxation; making technical corrections and clarifications; making administrative changes.	2/14/95	
2	98	134	Relating to gambling; providing for an alternate member of the advisory council on gambling.	2/17/95	
3	29	42	Relating to traffic regulations; repealing sunset provision concerning recreational vehicle combinations.	2/22/95	
4	31	44	Relating to energy; extending the deadline for the initial report of the legislative electric energy task force.	2/22/95	
5	262	75	Relating to real property; clarifying requirements relating to filing of notices relating to mechanics' liens.	2/24/95	
6	137	213	Relating to utilities; abolishing sunset provision related to competitive rates for electric utilities	3/1/95	
7	52	33	Relating to drivers' licenses; permitting certain licensees to wear headwear in driver's license and Minnesota identification card photographs.	3/1/95	
8	103	141	Relating to elections; providing for review of certain school board plans by the Secretary of State; changing allocation of certain election expenses; providing for retention of election materials.	3/2/95	
9	164	65	Relating to utilities; regulating area development rate plans.	3/10/95	
10	37	49	Relating to local government; allowing either the town of Glen or the town of Kimberly in Aitkin County to have an alternative annual meeting day.	3/17/95	
11	554	620	Relating to securities; regulating enforcement actions against licensees; modifying the definition of investment metal.	3/17/95	
12	74	64	Relating to corrections; requiring that the commissioner of corrections notify affected local governments before licensing certain foster care facilities for delinquent children.	3/20/95	
13	726	323	Relating to housing; clarifying provisions relating to retaliatory conduct and manufactured home parks.	3/20/95	
14	749	350	Relating to housing; modifying eligibility for transitional housing services.	3/22/95	



Chapter	HF	SF	Description	Signed	Vetoed
15	362	266	Relating to local government; towns; authorizing the town board to set up a petty cash fund.	3/22/95	
16	125	197	Relating to corrections; prohibiting correctional inmates from applying for name changes more than once during an inmate's confinement.	3/27/95	
17	435	275	Relating to public utilities; authorizing performance-based gas purchasing regulation for gas utilities.	3/27/95	
18	231	95	Relating to occupations and professions; Board of Medical Practice; changing licensing requirements for foreign applicants; changing certain disciplinary procedures.	3/27/95	
19	6	50	Relating to highways; designating a bridge as the Betty Adkins Bridge.	3/27/95	
20	647	181	Relating to elections; allowing time off to vote in elections to fill a vacancy in the legislature.	3/27/95	
21	229	182	Relating to towns; clarifying the procedure to fill a vacancy in the office of town supervisor.	3/27/95	
22	887	764	Relating to public administration; providing St. Paul with additional authority in regard to the Teacher Training Institute.	3/27/95	
23	95	132	Relating to highways; prohibiting headwalls in highway rights-of-way; imposing a penalty.	3/27/95	
24	570	318	Relating to insurance; changing the date on which crop hail insurance rates must be filed with the commissioner.	3/27/95	
25	654	534	Relating to towns; clarifying authority of town board to alter or vacate town roads dedicated by plat.	3/29/95	
26	121	310	Relating to state trails; authorizing extension of the Blufflands Trail System in Winona County.	3/29/95	
27	305	265	Relating to local government; clarifying provisions for financial audits in certain circumstances.	3/29/95	
28	153	145	Relating to motor vehicles; providing time limit for refunding motor vehicle registration tax overpayment.	3/29/95	
29	129	229	Relating to government data practices; medical examiner data; allowing sharing of such data with a state or federal agency charged with investigating a death.	3/31/95	
30	735	214	Relating to crime prevention; providing an exception to the prohibition on concealing identity.	4/5/95	
31	367	293	Relating to debt; providing for prompt payment of subcontractors of municipal contractors; modifying certain provisions relating to liens and performance bonds.	4/5/95	
32	321	174	Relating to game and fish; continuing the authorization for residents under the age of 16 to take deer of either sex.	4/5/95	
33	337	739	Relating to agriculture; changing certain procedures for compensating crop owners for damage by elk.	4/5/95	
34	1148	1099	Relating to elections; permitting election judges to serve outside the county where they reside in certain cases.	4/10/95	
35	282	237	Relating to state government; permitting state employees to donate vacation leave for the benefit of a certain state employee.	4/12/95	
36	812	710	Relating to natural resources; broadening the uses permitted for emergency materials and equipment.	4/12/95	
37	564	748	Relating to notaries; providing licensed peace officers with the powers of a notary public for administering oaths upon information submitted to establish probable cause.	4/12/95	
38	567	983	Relating to data practices; providing for disclosure of certain hospital and health care provider tax data to the commissioner of human services and the United States Department of Health and Human Services.	4/12/95	

Chapter	HF	SF	Description	Signed	Vetoed
39	1176	1043	Relating to agriculture; modifying provisions related to farmed cervidae.	4/12/95	
40	568	528	Relating to traffic regulations; requiring adult motorcycle rider to wear eye protection device.	4/19/95	
41	782	427	Relating to Western Lake Superior Sanitary District; providing for compliance with certain requirements of the Internal Revenue Code.	4/18/95	
42	150	220	Relating to liquor; term of temporary on-sale licenses.	4/18/95	
43	228	72	Relating to occupations and professions; Board of Medical Practice; reinstating certain advisory councils.	Approved w/o signature	
44	226	73	Relating to occupations and professions; requiring reporting of certain insurance settlements to Board of Medical Practice.	4/19/95	
45	715	453	Relating to towns; providing for damage award to affected property owner when town board adopts a recorded town road map.	4/18/95	
46	216	426	Relating to motor vehicles; changing definition of fleet for vehicle registration purposes.	4/18/95	
47	1065	859	Relating to St. Louis County; modifying certain accounting and expenditure requirements for road and bridge fund tax money derived from unorganized townships.	4/18/95	
48	355	335	Relating to the organization and operation of state government; providing supplemental appropriations for certain purposes.	4/18/95	
49	1463	77	Relating to civil actions; new motor vehicle warranties; clarifying the limitation on actions after informal dispute settlement mechanism decisions.	4/19/95	
50	175	194	Relating to highways; designating bridge as Bridge of Hope.	4/18/95	
51	1433	1176	Relating to utilities; providing that Sleepy Eye need not provide notice to the commissioner of trade and economic development before discontinuing steam heating operations.	4/18/95	
52	350	34	Relating to insurance; health; requiring plans issued to supplement Medicare to provide coverage for equipment and supplies for the management and treatment of diabetes.	4/19/95	
53	714	574	Relating to Indians; requiring the commissioner of natural resources to change certain names of geographic features of the state.	4/18/95	
54	1145	1060	Relating to employment; modifying provisions relating to re-employment insurance.	4/18/95	
55	110	320	Relating to criminal procedure; allowing warrantless probable cause arrests for certain offenses committed on school property.	4/18/95	
56	1390	264	Relating to drivers' licenses; abolishing separate review process for commercial drivers' license disqualification.	4/19/95	
57	139	204	Relating to state government; requiring reporting on and certain analysis of federal mandates imposed on state agencies.	4/18/95	
58	1338	1042	Relating to limited liability organizations; modifying name requirements; eliminating a filing requirement; clarifying when debts arise or accrue for limited liability partnerships.	4/19/95	
59	1747	838	Relating to barbers; exempting persons performing barbering services for charitable purposes from registration and other requirements.	4/18/95	
60	1039	856	Relating to Dakota County; assigning to the county administrator the duties of the clerk of the county board.	4/18/95	
61	1075	521	Relating to adoption; requiring the listing of all children freed for adoption on the state adoption exchange within 20 days.	4/19/95	
62	345	239	Relating to state lands; authorizing the sale of certain tax-forfeited land that borders public water in Kandiyohi County.	4/18/95	

Chapter	HF	SF	Description	Signed	Vetoed
63	724	1055	Relating to occupations and professions; exempting certain social workers from requirement to obtain home care provider license; exempting some social workers employed in a hospital or nursing home from examination; modifying licensure requirements; requiring hospital and nursing home social workers to be licensed.	4/19/95	
64	1091	1337	Relating to commerce; regulating sales by transient merchants; prohibiting the sale of certain items by certain merchants; prescribing penalties.	4/19/95	
65	1307	867	Relating to game and fish; identification required on ice fishing shelters.	4/19/95	
66	1363	1336	Relating to health; modifying provisions relating to drug dispensing.	4/19/95	
67	670	none	Relating to Winona County; authorizing Winona County to negotiate and enter into a contract for deed with Winona County Developmental Achievement Center.	4/19/95	
68	457	469	Relating to commerce; real estate; regulating certain licensees and registrants and recovery fund actions.	4/20/95	
69	612	543	Relating to health; requiring equal treatment of prescription drug prescribers; clarifying the role of practice guidelines in prescribing legend drugs.	4/19/95	
70	145	1255	Relating to corrections; authorizing use of force in defense of assault in correctional facilities under the control of or licensed by the commissioner.	4/19/95	
71	831	348	Relating to motor vehicles; clarifying power to appoint motor vehicle deputy registrars.	4/19/95	
72	1134	687	Relating to traffic regulations; requiring minimum clearance when passing bicycle or individual on roadway or bikeway; requiring bicycle traffic laws to be included in driver's manual and driver's license tests.	4/20/95	
73	661	446	Relating to commerce; restraint of trade; repealing price markup provisions in the sales discrimination law.	4/19/95	
74	971	172	Relating to motor vehicles; providing for issuance of manufacturer test plates.	4/19/95	
75	687	474	Relating to insurance; Medicare-related coverage; regulating policy reinstatement.	4/21/95	
76	679	566	Relating to education; allowing the residential program operated by Independent School District No. 518 to remain open until 7/1/96 (Lakeview School).	4/21/95	
77	316	133	Relating to state lands; authorizing the private sale of certain tax-forfeited lands bordering public waters in Cook and St. Louis counties.	4/21/95	
78	544	520	Relating to courts; requiring the state court administrator to prepare a guide to informal probate.	4/21/95	
79	859	833	Relating to cities; authorizing cities to conduct private sales of unclaimed property through nonprofit organizations.	4/21/95	
80	823	726	Relating to hospitals; removing an exception for certain cities and counties from certain hospital financing activities.	4/21/95	
81	744	577	Relating to health; modifying provisions relating to nursing home administrators.	4/21/95	
82	765	299	Relating to vocational rehabilitation; changing references to visually disabled person; making changes of a technical and housekeeping nature.	4/21/95	
83	1441	1023	Relating to public lands; notice requirements for sales of tax-forfeited lands; leasing of tax-forfeited lands; roads used by counties on tax-forfeited lands.	4/21/95	
84	1255	644	Relating to state lands; modifying the provisions of a land sale to the city of Anoka.	4/24/95	
85	900	144	Relating to traffic regulations; limiting access to data on holders of disabled parking certificates; modifying provisions governing display and use of certificates.	4/24/95	
86	83	91	Relating to gambling; providing eligibility for participation as a provider in the state compulsive gambling program.	4/24/95	

Chapter	HF	SF	Description	Signed	Vetoed
87	485	445	Relating to the environment; requiring the Pollution Control Agency to permit the operation of certain waste combustors.	4/24/95	
88	806	680	Relating to state lands; authorizing the Commissioner of Natural Resources to sell certain land in Scott County.	4/24/95	
89	1553	1209	Relating to Hennepin County; modifying certain provisions concerning the county medical examiners office.	4/24/95	
90	1063	858	Relating to the city of Duluth; making certain statutory provisions concerning public utilities applicable to the city of Duluth; authorizing a demonstration project to develop methods to prevent the infiltration and inflow of storm water into the city's sanitary sewer system.	4/25/95	
91	843	613	Relating to insurance; health; requiring coverage for hospitalization and anesthesia coverage for dental procedures; requiring coverage for general anesthesia and treatment for covered medical conditions rendered by a dentist.	4/25/95	
92	344	303	Relating to real property; providing for the form and record of certain assignments; revising the Common Interest Ownership Act; changing the application of curative and validating law for mortgage foreclosures.	4/25/95	
93	1457	1583	Relating to state lands; authorizing the commissioner of natural resources to sell certain acquired state lands located in Becker County.	4/26/95	
94	1378	1144	Relating to the city of Minneapolis; authorizing the Minneapolis City Council to delegate to the city engineer certain authority over traffic and parking.	4/26/95	
95	1332	839	Relating to agriculture; modifying pesticide posting requirements; changing certain pesticide dealer requirements; changing expiration of pesticide applicator certifications, etc.	4/26/95	
96	1130	893	Relating to insurance; the Comprehensive Health Association; changing benefits; changing the association's enrollment freeze date.	4/26/95	
97	377	390	Relating to driving while intoxicated; extending vehicle forfeiture penalties to include failure to appear at trial for designated driving while intoxicated offenses.		
98	1468	1268	Relating to the governor; providing that the governor may declare an inability to discharge duties of the office or may be declared unable to do so.		
99	464	341	Relating to motor vehicles; limiting license plate impoundment provisions to self-propelled motor vehicles.		
100	1645	1390	Relating to commerce; specifying kinds of wood for certain exterior construction applications.		
101	1153	1097	Relating to transportation; authorizing cities, counties, and transit commissions and authorities outside the metropolitan area to provide certain paratransit outside their service areas.		
102	838	713	Relating to Olmsted County; authorizing the county to create a nonprofit corporation to own and operate a hospital and medical center.		
103	702	522	Relating to traffic regulations; allowing school authorities to appoint non-pupil adults to school safety patrols.		
104	901	1129	Relating to drivers' licenses; requiring additional information in drivers' education programs, the driver's license examination, and the driver's manual regarding the legal and financial consequences of violating DWI-related laws.		
105	1641	1396	Relating to local government; requiring a local governmental unit to furnish copies of any ordinances adopted to the county law library.		
106	529	431	Relating to eminent domain proceedings.		
107	340	305	Relating to commerce; motor vehicle sales and distribution; regulating the establishment and relocation of dealerships.		
108	985	830	Relating to state lands; allowing the sale of certain state forest lands; requiring the commissioner of natural resources to convey certain land to the city of Akeley for public purposes; authorizing the sale of certain trust fund lands; authorizing the sale of tax-forfeited land in Todd County; authorizing the commissioner of transportation to acquire certain trust fund land.		
109	866	683	Relating to local government; authorizing home rule charter and statutory cities to make grants to non-profit community food shelves.		
110	533	420	Relating to Stearns County; authorizing the Paynesville Area Hospital District to annex the city of Eden Valley to the district; authorizing the city of Sauk Centre to determine the number of members of the Public Utilities Commission.		



Chapter	HF	SF	Description	Signed	Vetoed
111	47	94	Relating to solid waste; merging two conflicting amendments to the solid waste generator assessment statute that were enacted in 1994.		
112	565	501	Relating to metropolitan area housing; authorizing the Metropolitan Council to operate a federal section 8 housing program within the metropolitan area pursuant to joint exercise of powers agreements.		
113	1060	810	Relating to local government; excluding certain fire and police department employees from civil service in the city of South St. Paul.		
114	813	974	Relating to human services; establishing a temporary payment rate for a recently purchased intermediate care facility for persons with mental retardation or related conditions.		
115	877	949	Relating to insurance; private passenger vehicle insurance; providing for a premium reduction for vehicles having antitheft alarms or devices.		
116	68	68	Relating to insurance; requiring insurers to offer alternative methods for the payment of group life policy proceeds.		
117	1485	1171	Relating to occupations and professions; permitting protective agents to perform certain traffic control duties.		
118	1011	1015	Relating to traffic regulations; prohibiting radar jammers.		
119	1320	1073	Relating to the environment; establishing a private cause of action for abandonment of hazardous waste.		
120	383	340	Relating to traffic regulations; clarifying conditions when covering motor vehicle head lamp, tail lamp, or reflector is unlawful, etc.		
121	1425	1250	Relating to tax-forfeited land; modifying the terms of payment for certain tax-forfeited timber.		
122	1626	1572	Relating to state government; prohibiting investment of public funds in certain assets.		
123	733	1547	Relating to employment; modifying provisions relating to high pressure piping installation; providing penalties.		
124	54	279	Relating to state government; directing the governor, attorney general, and other public officers to perform certain duties in regard to certain waters and public lands.		
125	354	807	Relating to utilities; allowing small gas utility franchises an exemption from rate regulation for incidental utility service.		
RES. 1	NONE	66	Memorializing Congress to continue its progress at reducing the federal deficit and provide to the state information on the impact that a balanced federal budget will have on the state of Minnesota.	1/20/95	
RES. 2	957	777	Memorializing the President and Congress to abandon the proposed sale of the Western Area Power Administration.	4/19/95	
RES. 3	821	700	Memorializing Congress to fund the Amtrack system to enable it to continue to service Minnesota.		

# Bill Introductions

HF1861-HF1883

## Friday, April 21

**HF1861—Johnson, A. (DFL)**  
**Rules & Legislative Administration**  
Education cost financing with property taxes prohibited, and constitutional amendment proposed.

**HF1862—Carlson (DFL)**  
**Rules & Legislative Administration**  
Education cost financing with property taxes prohibited, and constitutional amendment proposed.

**HF1863—Munger (DFL)**  
**Rules & Legislative Administration**  
Earth Day 25th anniversary commemorated.

## Monday, April 24

**HF1864—Rest (DFL)**  
**Ways & Means**  
Omnibus tax bill and money appropriated.

**HF1865—Hausman (DFL)**  
**Rules & Legislative Administration**  
Education cost financing with property taxes prohibited, and constitutional amendment proposed.

**HF1866—Rice (DFL)**  
**Ways & Means**  
Omnibus economic development, and housing appropriations bill.

**HF1867—Orenstein (DFL)**  
**Regulated Industries & Energy**  
Public Service Department abolished and duties transferred.

**HF1868—Kelley (DFL)**  
**Local Government & Metropolitan Affairs**  
Metropolitan Livable Communities Act adopted, advisory board and fund established, and Metropolitan Mosquito Control Commission provisions modified.

## Tuesday, April 25

**HF1869—Pugh (DFL)**  
**Rules & Legislative Administration**  
Education cost financing with property taxes prohibited, and constitutional amendment proposed.

**HF1870—Kelso (DFL)**  
**Rules & Legislative Administration**  
Education cost financing with property taxes prohibited, and constitutional amendment proposed.

**HF1871—Bakk (DFL)**  
**Judiciary**  
Pistol permit requirement waived for weapons possessed or transported in a motor home or travel trailer.

## Wednesday, April 26

**HF1872—Entenza (DFL)**  
**Commerce, Tourism & Consumer Affairs**  
Minneapolis and St. Paul residential contractor provisions expiration date modified.

**HF1873—Osskopp (IR)**  
**Rules & Legislative Administration**  
Nuclear waste; integrated spent fuel management storage facility federal legislation supported.

## Thursday, April 27

**HF1874—Lourey (DFL)**  
**Rules & Legislative Administration**  
Education cost financing with property taxes prohibited, and constitutional amendment proposed.

**HF1875—Entenza (DFL)**  
**Commerce, Tourism & Consumer Affairs**  
Minneapolis and St. Paul residential contractor provisions expiration date modified.

**HF1876—Entenza (DFL)**  
**Commerce, Tourism & Consumer Affairs**  
Minneapolis and St. Paul residential contractor provisions expiration date modified.

**HF1877—Wenzel (DFL)**  
**Health & Human Services**  
Abortion informed consent required and money appropriated.

**HF1878—Wenzel (DFL)**  
**Health & Human Services**  
Abortion informed consent required and money appropriated.

**HF1879—Wenzel (DFL)**  
**Health & Human Services**  
Abortion prior consent procedures required.

**HF1880—Wenzel (DFL)**  
**Health & Human Services**  
Abortion informed consent required and money appropriated.

**HF1881—Wenzel (DFL)**  
**Health & Human Services**  
Abortion informed consent required.

**HF1882—Wenzel (DFL)**  
**Health & Human Services**  
Abortion informed consent required.

**HF1883—Wenzel (DFL)**  
**Health & Human Services**  
Woman's right to know act adopted.

Coming Up Next Week . . . May 1 - 5, 1995

# Committee Schedule

Schedule is subject to change.  
For information updates, call House  
Calls at (612) 296-9283. All meetings  
are open to the public.

## MONDAY, May 1

8 a.m.

### ECONOMIC DEVELOPMENT, INFRASTRUCTURE & REGULATION FINANCE

300N State Office Building  
Chr. Rep. Jim Rice

**Agenda:** HF1093 (Lynch) Telecommunication  
Access for Communication-Impaired Persons  
Board (TACIP) eliminated, and duties trans-  
ferred to the Department of Public Service and  
Department of Human Services.  
HF1542 (Orenstein) State agency periodic re-  
port requirement eliminated.

9 a.m.

### WAYS & MEANS

10 State Office Building  
Chr. Rep. Loren Solberg

**Agenda:** HF398 (Carruthers) Elevator mechanic  
registration and regulation required, and money  
appropriated.

HF797 (Carruthers) License fee refund required  
by Department of Public Safety if drivers' li-  
censes, permits, or identification cards are not  
issued within six weeks from application.

HF1014 (Hausman) Wind energy conversion  
system siting regulated, and rulemaking autho-  
rized.

HF695 (Solberg) Higher education employee  
labor contracts ratified.

HF1280 (Milbert) Game and fish provisions  
modified, all-terrain vehicle definition modi-  
fied, game and fish license revocation provided,  
special permit issuance provisions modified,  
one-day fishing licenses provided, migratory  
game bird provisions modified.

HF1444 (Milbert) Game and fish license and  
permit form prescribed.

HF503 (Bishop) Water supply systems and  
wastewater treatment facilities classified and  
operators certified by Department of Health  
and Pollution Control Agency, and money  
appropriated.

HF598 (Greenfield) Vulnerable Adults Report-  
ing Act modified, and penalties provided.

HF1010 (Kalis) Water and Soil Resources Board  
project bond proceed financing report require-  
ments modified.

15 Minutes Before Session

**RULES &  
LEGISLATIVE ADMINISTRATION**  
118 State Capitol  
Chr. Rep. Phil Carruthers  
**Agenda:** Special Orders, as necessary.

\*Session time to be announced\*

7 p.m.

### Joint House/Senate EDUCATION

200 State Office Building  
Chrs. Rep. Lyndon Carlson, Sen. LeRoy Stumpf,  
Sen. Larry Pogemiller

**Agenda:** University of Minnesota regent candi-  
date nominations.

## TUESDAY, May 2

9 a.m.

### WAYS & MEANS

10 State Office Building  
Chr. Rep. Loren Solberg  
**Agenda:** To be announced.

15 Minutes Before Session

**RULES &  
LEGISLATIVE ADMINISTRATION**  
118 State Capitol  
Chr. Rep. Phil Carruthers  
**Agenda:** Special Orders, as necessary.

\*Session time to be announced\*

## WEDNESDAY, May 3

8:30 a.m.

**RULES &  
LEGISLATIVE ADMINISTRATION**  
400N State Capitol  
Chr. Rep. Phil Carruthers  
**Agenda:** To be announced.

9 a.m.

**WAYS & MEANS**  
10 State Office Building  
Chr. Rep. Loren Solberg  
**Agenda:** To be announced.

\*Session time to be announced\*

## THURSDAY, May 4

9 a.m.

**WAYS & MEANS**  
10 State Office Building  
Chr. Rep. Loren Solberg  
**Agenda:** To be announced.

15 Minutes Before Session

**RULES &  
LEGISLATIVE ADMINISTRATION**  
118 State Capitol  
Chr. Rep. Phil Carruthers  
**Agenda:** Special Orders, as necessary.

\*Session time to be announced\*

## FRIDAY, May 5

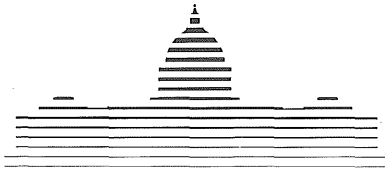
9 a.m.

**WAYS & MEANS**  
10 State Office Building  
Chr. Rep. Loren Solberg  
**Agenda:** To be announced.

15 Minutes Before Session

**RULES &  
LEGISLATIVE ADMINISTRATION**  
118 State Capitol  
Chr. Rep. Phil Carruthers  
**Agenda:** Special Orders, as necessary.

\*Session time to be announced\*



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION OFFICE  
175 STATE OFFICE BUILDING  
ST. PAUL, MN 55155-1298

Speaker of the House: Irv Anderson  
Majority Leader: Phil Carruthers  
Minority Leader: Steven A. Sviggum

## MINNESOTA INDEX

### Taxes in Minnesota

Dollars projected to be collected in sales tax, in billions, fiscal year 1995 .....	\$3.03
Additional amount raised if clothing were taxed, (based on current sales figures), in millions, FY1995 .....	\$272.4
Current statutory exemptions from the sales tax, for particular goods and services, (including caskets, used farm tires, large ships, and horses), as categorized by the Minnesota Department of Revenue .....	41
Current sales tax on alcoholic beverages, in percent .....	9
Revenues received from taxing beer, in millions, FY1994 .....	\$14.4
State cigarette tax, per pack, in cents, 1995 .....	48
Cigarette tax, per pack, in cents, when enacted in 1947 .....	3
Dollars projected to be collected, in millions, FY 1995 .....	\$167
in FY1994 .....	\$175.6
Amount available for refunds to Minnesotans under the Working Family Credit, (which equals 15 percent of the federal earned income credit), in millions, FY1995 .....	\$30
Current gross revenues tax on hospitals, other health care providers and wholesale drug distributors, (which is dedicated to the MinnesotaCare program), in percent .....	2
Dollars expected to be collected by the tax, in millions, FY1995 .....	\$140
Dollars collected in property taxes, in billions, taxes payable 1994 .....	\$4.1
Revenue collected by the property tax that goes to the state .....	0
Cents of each property tax dollar that went to school districts, 1994 .....	45
Cents that went to the county .....	28
Cents that went to the city .....	22
Cents that went to towns and other special taxing districts .....	5
Minnesotans filing for a "circuit breaker" property tax refund, 1993 .....	488,190
Dollars refunded, in millions .....	\$145.6
Average amount of each refund .....	\$298
Minnesota cities allowed to charge an extra 1 cent sales tax, (Duluth, Garrison) ....	2
Cities allowed to charge an extra 1/2 cent sales tax (Minneapolis, St. Paul, Rochester, Mankato) .....	4
Counties allowed to charge an extra 1/2 cent sales tax (Cook County) .....	1
State revenue received from the tax on pull-tabs, in millions, FY1994 .....	\$27.9

Sources: *Minnesota Data Book for Legislators*, February 1995, House Research Department;  
*Minnesota Tax Expenditure Budget*, 1995, Minnesota Department of Revenue.



### For more information . . .

For general information, call:  
**House Information Office**  
(612) 296-2146 or  
1-800-657-3550

To obtain a copy of a bill, call:  
**Chief Clerk's Office**  
(612) 296-2314

To find out about bill introductions or the status of a specific bill, call:  
**House Index Office**  
(612) 296-6646

For up-to-date recorded message giving committee meeting times and agendas, call:  
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Telecommunications  
Device for the Deaf (TDD)

Telecommunications device for the deaf.  
To ask questions or leave messages, call:  
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