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SESSION WEEKLY

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SESSION WEEKLY

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Week at a glance

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Omnibus insurance bill — Insurance consumers would have new protection under a bill approved by the House March 20. The omnibus insurance bill would expand a ban on quotas on the sale of certain kinds of insurance. And the bill would provide consumers some protection from predatory sales tactics. **Page 11**

Damages for bias crimes — The House March 20 passed a bill that would allow victims of hate crimes to seek civil damages for conduct that would constitute a crime committed because of race, color, religion, sex, sexual orientation, or disability. **Page 12**

License suspension — The Department of Public Safety will have to provide two weeks notice before suspending a driver's license under a new state law. **Page 13**

Eliminating a perk — Prominent Minnesotans who, for years, have enjoyed free, heated, valet parking at Minneapolis-St. Paul International Airport would lose that privilege under a bill on its way to the governor's office. **Page 13**

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On the cover: Winter refused to loosen its grip on Minnesota March 19, leaving a white snow cover on the Capitol steps as a reminder that March 20 may be the first day of spring, but it won't be the first spring day.

— Photo by Andrew Von Bank

Highlights

The airport question ...

Lawmakers debate expansion, construction options

Building an airport that's four times larger than the existing Minneapolis-St. Paul International Airport would buck industry trends and saddle taxpayers with billions of debt, according to critics of the idea. Not building a new airport means future capacity crunches and continuing noise for many South Minneapolis and Richfield residents, say supporters of a proposed Dakota County facility.

Those were some of the arguments heard during many hours of public comment before the House Local Government and Metropolitan Affairs Committee March 20 and 21.

"This is the most important decision this body will make, at least in the 18 years I've been here," said Rep. Dee Long (DFL-Mpls), holding a public testimony list of more than 45 names. "I think it's important we give it sufficient time."

Instead, the committee heard public comments and reviewed a report by the Metropolitan Airports Commission (MAC) and the Metropolitan Council that said expanding the current airport would be cheaper and smarter than building a new one.

In the Senate, **SF1829**, which would halt the new airport proposal in favor of expansion, cleared the Metropolitan and Local Government Committee March 18 and is pending before the Rules and Administration Committee.

"Expanding Minneapolis-St. Paul [International Airport] carries far less risk to the public and taxpayers because of the phased-out expansion, based on market conditions instead of building a brand new one predicted on future forecasts," said John Himle, a MAC commissioner.

The commission and council's report —

new terminal and cargo area and a third main runway would cost about \$2.8 billion. Building a new 14,000-acre airport with six runways in a rural area of Dakota County would cost \$4.5 million, according to the report. Infrastructure costs would add about another \$3.5 billion.

Those pricetags would mean extra costs for airline passengers. Last year, the airlines at Minneapolis-St. Paul International Airport (MSP) passed on to each customer about \$3.34 to cover site expenses such as rent. That figure would jump to \$8 under the expansion plan and \$11 (in 1995 dollars) if a new airport were built.

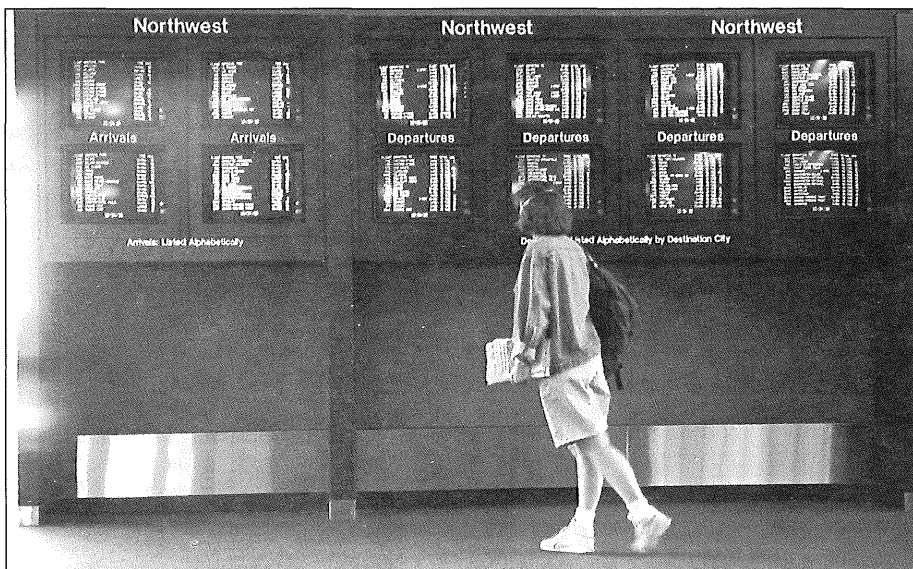
One component of the airport debate is forecasted growth. The report says annual flights to and from MSP will increase from 465,000 last year to about 520,400 in 2020 — a big decline from recent years. Flights in and out of MSP will average 2,000 per year over the next two decades compared to 17,000 per year over the past five years. The report says the expansion plan could accommodate that demand, even if it hits a projected high of 640,000.

Factors contributing to the predicted drop in annual flights include emerging technologies such as global positioning and radar systems. These will increase the capacity and landing precision of existing aircraft, said officials with the commission and Northwest Airlines. Current trends also point to expansion rather than new construction, according to the report. Only three new large airports have been built in the U.S. in the last 50 years, Himle said. Furthermore, existing airports pale in comparison to the proposed 14,000-acre Dakota County site, expansion proponents said.

The Atlanta airport is the second busiest in the world and is about 3,750 acres. The Los Angeles airport, which serves a much larger population than that in Minneapolis-St. Paul, is around 4,000 acres, according to the commission.

But those who oppose expansion argue the commission and Northwest Airlines are too modest in their projections.

Steve Kramer, one of three Metropolitan



The House Local Government and Metropolitan Affairs Committee March 20 and 21 heard public testimony and reviewed a Metropolitan Airports Commission and Metropolitan Council report that said expanding the current airport would be better than building a new one.

The committee didn't make any decision on the issue, however, abiding by written instructions from House leadership. Rep. Eileen Tompkins (R-Apple Valley) attempted to bring her bill (**HF3256**) before the committee but was unsuccessful. The proposal would restrict new airport construction and mandate noise mitigation.

The Dual Track Airport Planning Process — is the result of a seven-year, \$10 million study that has been paid for primarily by Northwest Airlines. Some supporters of expansion say it's the longest airport study in recent U.S. history.

The report says expanding the 3,100-acre airport by 400 acres to include more gates, a

Council members who voted against the passage of the report's recommendations, said flights & landings could top 700,000 before 2010 if recent growth continues.

"If the future demand comes even close to increases in the past, we're going to fly past the time when we need a north-south runway," he said, referring to the new runway proposed for MSP. "I think it is incumbent upon us to know we're going to be back at this in the future."

Kramer's projections through 2010, reached with the help of the House Research Department, assume the 3.4 percent annual passenger growth rate of the past 15 years.

Rep. Mike Osskopp (R-Lake City), who said he's followed the airport issue closely, criticized Kramer's use of current growth to make forecasts.

"I'm concerned that we're going to spend \$6 to \$10 billion [on a new airport]. . . . The reality is the industry is leveling," he said.

Rep. Myron Orfield (DFL-Mpls) said there is a connection between Northwest Airlines' dominance in this market and their opposition to a new airport. Northwest runs 80 percent of MSP's flights. He supports studying the issue for another year.

Citing articles that say MSP is the third smallest international airport in the nation, Orfield questioned the lower flight projections which the MAC, the Metropolitan Council and Northwest Airlines are using to support their expansion plan.

Over the past four years, Northwest's annual growth at MSP has been between 3 and 4 percent. Growth has been around 10 percent over the same period at the Detroit hub.

"Is there a comparable [funding] package given by the Legislature so they could grow larger and faster than Minneapolis?" Orfield said, referring to the state aid Northwest has received. "We are talking about a company that has monopoly power over this airport, charges 30 percent more to some passengers, has huge profitability and more expansion in Detroit. . . . It seems to me this is being railroaded through just to serve the bottom-line needs of Northwest."

Richard Anderson, senior vice president for Northwest Airlines, said his company objects to a new airport because demand can be met at the current site through expansion. He also said the airline's Minneapolis hub is not suffering at the expense of its Detroit site.

"If you are trying to make the point that we have a preference for Detroit, that's not true,"



Metropolitan Airports Commission member John Himle, right, and Deputy Executive Director of Planning and Engineering Nigel Finney, left, presented a report to the Local Government and Metropolitan Affairs Committee March 20 that states expanding the 3,100-acre Minneapolis-St. Paul International Airport by 400 acres would cost about \$2.8 billion. That's compared to \$8 billion in construction and infrastructure costs to build a new airport in Dakota County.

Anderson said. "Minneapolis-St. Paul is incredibly important to us."

Anderson responded to both Orfield and Long's questions about higher fares. A recent General Accounting Office study found the airline charges metro-area flyers about 30 percent more for some flights than flyers in other markets.

Anderson said charging higher fares in some cases is standard procedure for airline hubs. In return for that higher price, metro-area flyers enjoy the increased non-stop flights and enhanced economy that an airline hub brings, he said.

Although much of the March 20 meeting revolved around Orfield's questions and officials' answers, Rep. Edwina Garcia (DFL-Richfield) and several citizens demanded more information on how MSP plans to reduce noise. Many citizens from South Minneapolis and Richfield spoke at the March 20 and 21 meetings in favor of a new airport in Dakota County, saying the noise level at MSP is unbearable and even unhealthy.

The commission has been charged by the Legislature to complete a noise mitigation plan in the next 180 days. Garcia and the city of Richfield object to the planning process moving through the Legislature without seeing a complete environmental impact statement (EIS) for a noise mitigation plan. A draft EIS has not yet been finalized.

"What kind of public policy integrity is there for the Metropolitan Council approving this without really having the process

completed, without an EIS?" asked Garcia. "It's not completed until the EIS is completed and the communities have had a chance to review."

Curt Johnson, chair of the Metropolitan Council, said the agencies cannot complete the draft EIS until the Legislature makes a recommendation on the expansion-construction issue. He also said a noise mitigation plan that's being considered would bring a 37-percent decrease in takeoff noise and a 17-percent decrease in landing noise for residents who live nearest MSP runways.

Osskopp said the noise issue — not the much-talked about capacity issue — is at the heart of airport debate.

"This whole thing was about noise from day one . . . what I am hearing is South Minneapolis and Richfield legislators and South Minneapolis city council members and people appointed by the Minneapolis mayor talking about capacity," Osskopp said. "People who are bringing up these arguments about capacity are coincidentally from South Minneapolis where noise is the issue."

It is unclear whether the issue will be decided before the end of the 1996 Legislative Session.

"I don't know what kind of action the Legislature will be taking, said Long. "But I think it's extremely important that members be as informed as possible."

— Kendall Anderson



BONDING

Bonding bill clears House

The House approved a bill March 15 that would authorize the sale of bonds to build a new state prison and help pay for a new Science Museum of Minnesota. The vote was 82-50.

The 1996 bonding bill (HF3273), sponsored by Rep. Henry Kalis (DFL-Walters), would spend \$70 million — considerably less than what was originally proposed — to construct a new prison in Rush City, Minn.

Another \$30 million would be committed to the construction of a new science museum along the Mississippi River bluff in downtown St. Paul.

Bonding legislation allows the state to sell bonds to raise revenue for public works projects including construction and remodeling of public facilities ranging from libraries to parks to prisons.

More than \$1.3 billion in bond funding was requested this year by state agencies, local governments, and lawmakers. Gov. Arne Carlson recommended providing \$598 million.

The House bill is for nearly \$544 million, including \$437 million in new general obligation bonds.

Under major provisions of the bill, the state would:

- allot \$70 million to construct a new 800-bed prison, which is well below the \$100 million requested by the Department of Corrections. The governor has said it will cost at least \$89 million to build a suitable facility;
- devote \$30 million to the effort to build a new science museum in downtown St. Paul. But the bill stipulates that the museum garner \$59 million in funding from other sources before the state money is released. Construction of the new museum is expected to cost a total of \$96 million. The museum requested \$33.8 million from the state, and the governor recommended providing that amount;
- make room for 100 geriatric prisoners at Ah-Gwah-Ching, a state-run nursing home near Walker, Minn. A total of \$1 million would be used to design and remodel the facility for correctional use. Elderly inmates would be transferred from the state's medium-security prison in Faribault;
- build a \$29.5 million library on the St. Cloud State University campus and make \$6.5 million worth of improvements at the University of Minnesota's academic health center, which includes the medical school

and dentistry, nursing, public health, and veterinary programs. The academic health center money would be used to construct a new building for the magnetic resonance imaging program and to remodel space for the molecular and cellular therapeutics program:

- use \$20 million to support after-school enrichment programs for children in grades 4 to 8. Grants would be issued to improve or construct parks and buildings which would, in turn, be leased to non-profit community organizations running programs that help at-risk children. A total of \$5 million in grant funds would be used in Minneapolis and another \$5 million would go to St. Paul. The remaining \$10 million would be used in qualifying suburban and rural areas;
- infuse \$41 million into farm loan programs overseen by the Department of Agriculture. Funds would be used for Rural Finance Authority (RFA) loan programs. The loans are designed to aid farmers — especially young, beginning farmers — by providing them affordable credit. The RFA program was established in 1986 to bolster Minnesota's agricultural production. The House bill matches the governor's recommendation for the RFA.
- spend \$12.5 million for a metropolitan-area public safety radio communications system, which would allow all metro public safety personnel to communicate through a common radio link. Bond money would be used to assist in construction of the backbone of the system, including radio towers, transmitters, and the computers needed to run the system; and
- provide grants for construction of ice arenas around the state with \$9 million included in the House bonding bill.

(See March 15, 1996, *Session Weekly*, page 12)

The bill now goes to conference committee.



BUSINESS

Playing our song



A new state law puts some order in the process by which performing rights societies enter into contracts with businesses that play their music for commercial gain.

Under federal copyright laws, there is a royalty charge for playing copyright-protected music for commercial gain in bars, hotels, restaurants, and other businesses. This charge and the manner of its collection

has been the cause of many disputes over the years, according to business owners and artist representatives.

The law prohibits societies such as the Broadcast Music, Inc. (BMI), SESAC, Inc., and the American Society of Composers, Authors and Publishers from attempting to collect rates that are higher than those set forth in contracts. Under the law, the copyright holders have to provide the schedule of rates and the list of works that are covered by the contract at least 72 hours before entering a contract. Representatives of societies also must identify themselves to proprietors upon entering affected establishments.

The law does not apply to contracts between copyright owners or performance societies and broadcasters licensed by the Federal Communications Commission or to contracts with cable operators, programmers, or other transmission services. Musical works for karaoke performances are exempt as well, according to the law.

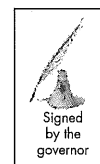
The law, sponsored by Rep. Tom Pugh (DFL-South St. Paul) and Sen. James Metzen (DFL-South St. Paul), is effective Aug. 1, 1996.

HF732*/SF950/CH336



CONSUMERS

No more slamming



It will be illegal for telecommunications companies to change a person's long-distance carrier without proper authorization under a new state law.

The law prevents "slamming," which is the practice of tricking telephone customers into changing their long-distance carriers.

Proponents have said the law stems from the (at times) confusing methods some telecommunications companies have used to persuade Minnesotans to change their carriers.

In one such case, a Minneapolis man received a \$50 check in the mail from a long-distance company, not realizing that if he cashed the check, he would be giving the company permission to supplant the long-distance provider he was using.

Under the law, telephone customers may require long-distance providers to receive their authorization before changing the long-distance service.

According to the law, the customer's authorization can be either written or verbal. In cases of verbal agreements, if the customer files a complaint over being switched, the

long-distance carrier will be required to provide proof that the agreement was made.

If a long-distance carrier is found to have violated provisions of the anti-slamming law, the company must immediately return the customers to their original long-distance providers at company expense. The company also must pay for providing long-distance service to the customers during the period of unauthorized service.

The new law, effective Jan. 1, 1997, was sponsored by Rep. Mike Delmont (DFL-Lexington) and Sen. Janet Johnson (DFL-North Branch).

HF2055*/SF2262/CH340



CRIME

Investigating physicians



The investigation of Minnesota physicians accused of sexual misconduct becomes a more open process Aug. 1, 1996, under a new state law.

The law requires a probable cause hearing to be held before an administrative law judge in cases where a doctor is accused of sexual misconduct. Current law requires no such hearing.

If a judge determines that the physician is guilty of violating Board of Medical Practices rules governing such behavior, the notice of and order for hearing filed by the board would become public, allowing other victims to come forward with new information for the board to consider.

Proponents have said the law also will improve the board's ability to keep complainants and victims — who are not always the same in such cases — informed of the progress of an investigation into allegations of sexual misconduct. Under current law, only the person filing the complaint can be given information about the status of an investigation.

The law provides that probable cause hearings be closed to the public. However, the board must make public a notice of the hearing; findings of fact, conclusions, and recommendations issued by the administrative law judge and arguments before the board in cases where the judge finds a violation of the state's sexual misconduct rules; and any final order of the board.

The law adds a seven-year statute of limitations for all complaints filed with the Minnesota Board of Medical Practice except sexual misconduct cases, which are subject to no statute of limitations.

The law was sponsored by Rep. Lee Greenfield (DFL-Mpls) and Sen. Gene Merriam (DFL-Coon Rapids).

HF2633/SF2332*/CH334

No trespassing



A new law, effective Aug. 1, 1996, makes it easier to punish those who trespass on private property.

Previously, trespassing was solely a criminal offense; punishable by up to 90 days in jail and a \$700 fine. Under the new law, local sheriffs and conservation officers can issue trespassers a civil citation at the time they are caught. Violators would be fined \$50 for a first offense, \$200 for a second, and could have their hunting license or other registration revoked for a third violation within three years.

Anyone caught removing a "no trespassing sign" will face a \$50 civil penalty as well.

While an offender can request a hearing to appeal the penalty, using a civil rather than a criminal approach eliminates the time and cost of a court proceeding.

The law applies not just to hunters but hikers, boaters, campers, or anyone engaging in "outdoor recreation."

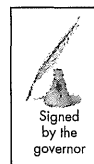
Additionally, the trespassing exemption for hunters retrieving wounded game is expanded to include all lands. Current law applies to agricultural land only.

The law also prohibits a hunter from carrying a firearm onto private land when retrieving a hunting dog.

The proposal was sponsored by Rep. Virgil Johnson (R-Caledonia) and Sen. Steve Murphy (DFL-Red Wing).

HF2411*/SF2556/CH301

No cloning allowed



A new law, effective Aug. 1, 1996, makes it a crime to engage in cellular phone "cloning."

The law addresses what phone company officials say has become an increasingly popular crime.

Cellular phone cloning — or counterfeiting — would be a felony under the bill, punishable by up to five years imprisonment and a \$10,000 fine. Current statute prohibits cellular phone eavesdropping but does not specifically address any other wireless phone violations.

House sponsor Rep. Chuck Brown (DFL-Appleton) has said cellular phone cloning is a \$500 million illegal industry.

Cellular phone cloning occurs when someone acquires a phone identification number — assigned by the manufacturer — and alters it. Cloners either use the number or provide it to a computer network system for others to use. Some use a combination of scanners, cables, computer chips, and software to create identification numbers themselves.

The proposal was sponsored in the Senate by Sen. Don Betzold (DFL-Fridley).

HF2526*/SF2170/CH331



ELECTIONS

Recalling public officials

A bill approved March 20 by the House Ways and Means Committee would let Minnesota voters decide whether to recall errant state officeholders.

The bill (HF343), sponsored by Rep. Betty McCollum (DFL-North St. Paul), would place on the November 1996 ballot a constitutional amendment to allow a voter-initiated recall of state officials. (See Feb. 13, 1996, *SessionWeekly*, page 13)

If approved by voters, the proposal would provide for the removal from office of legislators, state constitutional officers, and judges. Under existing law, county officials can be recalled.

"Elected officials should be held accountable for any possible misdeeds, and this bill would provide more due process of the law," McCollum said.

To begin the recall process, a petition would be filed with the secretary of state by a minimum of 50 sponsors. The petition would have to set forth the specific conduct that could warrant recall from office. Under HF343, the grounds for recall would be "serious malfeasance or nonfeasance in the performance of the duties of an office," or conviction of a serious crime during their term of office.

A serious crime, as specified in the bill, is one punishable as a gross misdemeanor.

After the petition is submitted and checked for valid signatures, the secretary of state would notify in writing the state officer accused and then forward the petition to the Minnesota Supreme Court for review.

The court then would appoint a judge to determine whether the petition merits a public hearing. If a hearing is conducted and the allegations are proven and meet the recall requirements, the petition for a recall election then would be issued.

To protect against false claims, the bill

includes a gross misdemeanor penalty, punishable by up to a year in jail and a \$3,000 fine for such an action. In such cases, a petition for recall also would be dismissed.

"This is included to discourage any claims by someone who disagrees with a judge's decision in court," said Rep. Tim Pawlenty (R-Eagan), a co-sponsor of the bill.

"It just makes all parties more accountable," added McCollum.

If the court decides there are legal grounds for recall, the secretary of state would then issue a petition to those who sponsored the original complaint. A number of signatures equal to 25 percent of the total eligible voters in the accused elected officer's district must be garnered to force a recall election.

Once the signatures are verified and certified by the secretary of state, the governor would then call for a recall election. No such election could occur less than eight months before the end of the elected officer's term.

HF343 now moves to the House floor.



EMPLOYMENT

Time off for kids



A bill to allow parents to take a few hours of unpaid time off to attend their child's school play or parent-teacher conference — regardless of how long they've worked for a company — was signed into law March 19 by Gov. Arne Carlson.

The new law, effective July 1, 1996, expands current law which allows parents who have worked for a company for at least a year to take unpaid leave for a school activity.

Committee testimony indicated that at least one company has strictly interpreted the law and denied an employee's request to attend a child's school lunch because the one-year requirement was not met.

As in current law, the new law allows parents up to 16 hours during a 12-month period to attend their child's school-related activities, provided the activities cannot be scheduled during non-work hours.

The law also keeps provisions in current statute which, in certain cases, require an employee to "provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer."

Employers are not required to pay for the leave, but if the employee has accumulated vacation time or other paid time off he/she may use it.

The measure was sponsored by Rep. Mindy Greiling (DFL-Roseville) and Sen. Ellen Anderson (DFL-St. Paul).

HF2682*/SF2438/CH341

No workers' comp study



Gov. Arne Carlson vetoed a bill that would have required the commissioner of employee relations to develop a proposal for a pilot project to determine the feasibility of coordinating workers' compensation and insurance benefits.

In his veto message, the governor said the legislation was unnecessary because the "agency already has the authority to perform this study." He also noted the bill said "this project shall be undertaken only if grants for this purpose are awarded to the commissioner." Therefore, "absent a funding source to carry out this requirement, this legislation has no purpose," he said.

The proposal could have included a pilot project for local units of government as well as state employees. The commissioner was to have consulted with the Joint Labor-Management Committee on Health Plans, the Public Employees Insurance Program Advisory Board, health plans serving state and other public employees, and three other state departments: Labor and Industry, Health, and Commerce.

The pilot project would have resulted in a report to the Legislature by Jan. 15, 1997.

The proposal was sponsored by Rep. Linda Wejcman (DFL-Mpls) and Sen. Linda Berglin (DFL-Mpls).

HF2953*/SF1871/CH342



ENERGY

Koch tax break

A bill exempting high-efficiency electric power generation plants from property taxes on equipment passed the House March 21. The vote was 102-30.

HF637, sponsored by Rep. Loren Jennings (DFL-Harris), aims to keep Koch Refining Co. from building its \$300 million cogeneration facility out of state. The company has said it wants to build the plant in Rosemount, Minn., and has lobbied hard for the bill.

"Passage of this bill will assure a number of trade jobs in the community to build the facility," said Jennings. "And it will be the cleanest burning facility of its type."

Cogeneration is a combustion process that uses heat more efficiently than does a conventional power plant. The exemption would be granted to plants that reach a certain level of efficiency. The measure aims to make Minnesota more attractive to other plants that use or plan to use the process.

Supporters of the bill have said Minnesota is unattractive to electric generation companies relative to other states. Some also say the state needs an energy policy that encourages cleaner burning processes such as cogeneration.

Critics, such as Rep. Mark Olson (R-Big Lake), have said the exemption unfairly favors one industry over others.

The bill was amended by Jennings to increase Koch's property tax break on equipment to 100 percent once it reaches a certain level of efficiency. The House Taxes Committee had lowered the tax break in the original bill to 60 percent. Proponents of that change,



Former Kansas state representative Nancy Brown, development director for the Women's NETWORK, an affiliate of the National Council of State Legislatures, gave a presentation about leadership training March 18. Representatives Mary Jo McGuire and Peggy Leppik sponsored the reception in the Great Hall of the Capitol.

including Rep. Steve Kelley (DFL-Hopkins), reiterated their arguments against a 100-percent exemption, saying it kills the incentive to increase efficiency beyond the required level. Others, such as Rep. Myron Orfield (DFL-Mpls), said Koch could survive without a 100-percent exemption.

The bill also passed with an amendment by Rep. Alice Hausman (DFL-St. Paul) that says plants that enjoy the tax break must sell their energy to utilities and not directly to consumers. The amendment aims to keep plants that get the tax break from undercutting companies such as Northern States Power Co.

The bill now moves to the Senate



ENVIRONMENT

Reimbursing the state

A bill that aims to help the state collect more insurance money to cover the costs of cleaning up contaminated landfills is on its way to Gov. Arne Carlson.

The House passed the bill March 19 by a vote of 126-3. The Senate passed it March 15 by a vote of 60-0.

HF2588, sponsored by Rep. Jean Wagenius (DFL-St. Paul), repeals portions of a 1994 law which simplified the clean-up of contaminated landfills. The law came after a rash of lawsuits were filed in connection with the contaminated Oak Grove landfill just north of the Twin Cities. That law took the responsibility for cleaning up contaminated sites away from landfill owners and made the state responsible.

But the attorney general's office found the 1994 law brought many problems, especially in recovering costs from insurance companies. Under that law, the state would determine an insurance company's liability in a contaminated landfill case by using general statewide market share percentages. For example, the state would determine that an insurance company owed 25 percent of the costs of cleaning up a given landfill because 25 percent of that company's business was in business liability insurance. The insurance company, in some cases, would then argue they weren't liable because none of their market share included landfill operators.

Wagenius' bill, carefully negotiated between the attorney general and the insurance industry, establishes a new process. Instead of using market share to determine what an insurance company should pay, it addresses each contaminated landfill on a case-by-case basis to determine liability. Proponents say this will make it easier for the state to recover

clean-up costs from insurance companies.

The case-by-case approach would mean extra work for the attorney general's office. A total of \$689,000 is included in the omnibus environment and natural resources finance bill (**HF3231**) to cover the additional costs.

Outbreak

The House unanimously passed a bill March 20 intended to help the Department of Natural Resources better contain the spread of harmful exotic species. The proposal (**HF2379/SF2503***), sponsored in the House by Rep. Loren Jennings (DFL-Harris), passed on a vote of 129 - 0.

The bill would create a general description in law applying to all exotic species defined as a wild animal or aquatic plant that can naturalize and possibly threaten native species and natural resources. Current law prohibits the transporting of only Eurasian water milfoil, and since, according to DNR officials, distinguishing between the different types of milfoil is nearly impossible, the DNR didn't issue one ticket for illegal transport last year.

The bill also would prohibit (with limited exceptions) the transport of all aquatic plants, including transport on public highways, an area not covered by existing law.

The bill does not apply to mammals and birds defined by statute as livestock.

The House amended the bill to provide an exception for incidental transport of aquatic plants on decoys used during waterfowl hunting season.

The bill now returns to the Senate.

(See Feb. 9, 1996, *Session Weekly*, page 10)



ETHICS

Panel suggests censure

The House Ethics Committee voted March 21 to recommend the censure of Rep. Jeff Bertram, a 10-year veteran lawmaker, for various acts of misconduct ranging from threatening and intimidating behavior to spreading false information about others and harassment.

The committee voted 7-3 to recommend that Bertram (DFL-Paynesville), on the House floor, publicly admit his acts of misconduct, publicly apologize to the individual victims of his misconduct by name, and publicly apologize to his constituents and the Minnesota House of Representatives.

The committee further recommended that Bertram undergo a psychological evaluation for anger and participate in any treatment, if

recommended after the evaluation. He also would have to resign from all chair and vice chair positions on House committees as well as resign any memberships on legislative commissions. Bertram currently serves as chair of the Business Regulation Division of the Commerce, Tourism, and Consumer Affairs Committee.

The Ethics Committee, in its resolution, identified the following acts of misconduct by Bertram:

- pressuring a radio station salesperson to contribute to his campaign by threatening to give his future business to a different salesperson;
- making false statements about a couple's marital status on a Twin Cities television station;
- pressuring individuals to consider dropping shoplifting charges against his brother Joe Bertram, a former state senator; and
- repeating false information about the reputation of two individuals.

The committee's recommendations now go to the House Rules and Legislative Administration Committee.



FAMILY

Foster children, adoption

A bill to make Minnesota's foster care and adoption laws conform with new federal standards passed the full House March 18. The vote was 132-0.

The federal Multi-ethnic Placement Act, which Congress approved in 1994, prohibits agencies from using race, color, or national origin as the sole criteria for denying or delaying placement of foster and adopted children. A bill (**HF2158/SF1885***) sponsored by Rep. Barb Sykora (R-Excelsior) amends the Minnesota Heritage Act to bring it into compliance with federal law.

Sykora said that the bill will increase efficiency and reduce the costs to counties of foster care and adoption placements. She noted that these improvements will help to bring stability into the lives of the children affected by these laws.

Under the bill, agencies could not delay the placement of children until a household of the same race has been found. In addition, the proposal would repeal current law that requires agencies to make special efforts to recruit a foster family of a certain racial or ethnic heritage. Placement of children in households of the same race would become one of several factors that agencies would consider, as opposed to current law that

makes same-race placement a priority.

Other provisions in the bill would prohibit agencies from using race as the sole basis for determining eligibility for the Adoption Assistance Program. This program provides assistance to households adopting children who have been severely neglected, abused, or have major medical problems.

The bill also establishes an appeals process for foster care providers who feel they haven't received the benefits to which they may be entitled.

Members gave considerable attention to a provision in the bill that defines "egregious harm," which is used as a criteria for removing children from the homes of foster care providers. Rep. Wes Skoglund (DFL-Mpls) argued that the bill's definition was too lenient, allowing agencies to remove a child only under the most extreme situations, such as intentionally blinding or maiming a child. Skoglund gained support for an amendment that would allow agencies to remove children from homes where parents have inflicted "substantial" harm upon children, including situations where people turn their children into prostitutes, engage in incest, or attempt to aid children in suicide.

The bill now returns to the Senate.

GAME & FISH

Hunting and fishing

A debate over whether Minnesotans should amend their state constitution to preserve the right to hunt and fish raised concerns about property rights, gun control, and constitutional "clutter" in the House Environment and Natural Resources Committee March 20.

HF1306/SF1111* was tabled giving committee members time to process amendments to the bill. It is expected to be heard again before the 1996 Legislative Session ends.

The bill, sponsored by Rep. Mark Holsten (R-Stillwater), would ask voters during November's general election whether they would support or oppose a constitutional amendment that gives citizens the "right to fish, hunt and take game . . . subject only to reasonable restrictions . . . as prescribed by law."

If the bill became law, Minnesota would be the only state with a constitutional amendment for hunters, fishers, and trappers. About 19 other states are considering similar legislation.

"We are leading the nation in our effort to preserve these rights," said Holsten. "This bill is about whether Minnesota wants to pre-

serve a cultural heritage that is more and more under attack."

Supporters of the bill, which include the Minnesota Waterfowl Association and the National Rifle Association, say hunting and fishing rights are endangered by animal-rights and anti-hunting groups, including People for the Ethical Treatment of Animals (PETA).

"I don't think we should deny that well-financed and organized groups want to stop all fishing, hunting and gaming," said Jim Klatt, president of the Minnesota Outdoor Heritage Alliance.

Opponents of Holsten's measure said the bill would open up a Pandora's box of legal challenges and would clutter the constitution.

There is also concern about how such a constitutional addition would affect recent court decisions granting the Mille Lacs Band of Ojibwe Indians specific hunting and fishing rights in northern Minnesota.

The Office of the Attorney General opposes the bill. They contend it is unclear and would likely invite lawsuits because it provides a new defense against current hunting and fishing laws.

Because Department of Natural Resources rules allow hunters to use handguns to shoot some large game, the constitutional amendment could be used to supersede current law governing who can obtain and carry a handgun on the streets, according to the attorney general's office.

Holsten said the phrase: "as prescribed by law," mentioned twice in the bill, means current law takes precedence over the constitutional amendment.

Supporters of the bill, which included

Reps. Thomas Bakk (DFL-Cook), Bill Haas (R-Champlin) and Arlon Lindner (R-Corcoran), agreed that language will keep legal challenges in check.

Rep. Myron Orfield (DFL-Mpls) said the bill doesn't make sense.

"If the advocates of this law are saying that we're providing a right subject to the reasonable exercise of law — a right that exists already — then we're cluttering up the constitution with many words that can create litigation," Orfield said. "If we are providing a right in excess of what exists now, then somewhere here we are providing constitutional protections that interfere with the exercise of law."

Rep. Jean Wagenius (DFL-Mpls) said she fears a constitutional right to hunt and fish will interfere with the rights of property owners.

The bill is too broadly written and could be interpreted to mean that hunters and anglers have unlimited rights including the right to hunt and fish on private property against an owners wishes, Wagenius said.

New turkey stamp

A bill to help boost the state's wild turkey population through additional license fees paid by hunters passed the House March 15. The vote was 116-6.

Under the proposal (HF1964/SF1775*), sponsored in the House by Rep. Tom Hackbarth (R-Cedar), the state's approximately 12,000 wild turkey hunters would be charged an extra \$5 each year.



Rep. Phil Krinkie presented Rep. Tom Hackbarth with a frozen turkey on the House floor March 15 after the members approved Hackbarth's turkey stamp bill. The measure would charge the state's turkey hunters an extra \$5 for a hunting permit and 90 percent of the money raised by the new turkey stamp would help expand wild turkey research and habitat preservation.

Under current law, turkey hunters apply for a permit with the Department of Natural Resources (DNR). The extra charge would be for an additional stamp that turkey hunters must purchase. (A similar stamp now exists for those who wish to hunt migratory waterfowl or pheasant.)

About 90 percent of the funds raised by the new turkey stamp would go to the DNR for expanded wild turkey research and habitat preservation. Although the bird is thriving in parts of south central Minnesota, wild turkeys are non-existent in other areas of the state.

"The money could be used to increase turkey habitats in areas where there are none," said Hackbarth.

Hackbarth said some turkey hunters are especially concerned, having heard that the DNR considered reducing the amount of funds going toward wild turkey research and habitat development in outstate areas.

Rep. Phyllis Kahn (DFL-Mpls) proposed an amendment that would have raised the license fee by \$12. Her proposal aimed to increase the amount of money going to wild turkey research and reduce the number of applications for such hunting licenses. According to Kahn, more than 23,000 turkey hunters applied for licenses last season but only 12,000 received licenses.

"What this amendment does is it attempts to both recognize the need we have for more healthy wild turkeys and the economics of the situation," Kahn said. She said increasing the fee would help the DNR, which sends out thousands of license rejection notices, by ensuring that only those who really want to hunt apply for the license. The amendment was not adopted.

The bill now returns to the Senate.

Eliminating the treasurer

Minnesotans would decide whether to abolish the office of Minnesota state treasurer under a bill approved March 20 by the House Ways and Means Committee.

HF87, sponsored by Rep. Mindy Greiling (DFL-Roseville), would put the question of abolishing the treasurer's job on a statewide ballot in the November 1996 general election.

Voter approval is needed because elimination of the post requires an amendment to the state constitution.

Greiling has said the move would produce significant savings for the state and would improve coordination and efficiency.

Legislators first discussed whether to eliminate the office in 1948, and the idea has been

introduced numerous times since then, according to Greiling.

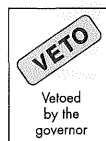
In 1985, lawmakers actually voted to transfer many of the responsibilities of the treasurer to the finance department; although the bill was signed into law by then-Gov. Rudy Perpich, it was declared unconstitutional by the Minnesota Supreme Court. The court ruled that the degree of change required by the statute could be accomplished only by a constitutional amendment.

If voters approve the amendment, the position of state treasurer would be eliminated in 2003. The duties of the treasurer would be transferred to the Department of Finance.

The bill now goes to the House floor.

(See Jan. 26, 1996, *Session Weekly*, page 8)

Non-English services



Gov. Arne Carlson has vetoed a bill that would have assessed whether non-English speaking Minnesotans are adequately being served by state agencies.

Under the proposal, the state Spanish-Speaking Affairs Council, the Council on Asian-Pacific Minnesotans, the Council on Black Minnesotans, the Indian Affairs Council, and other groups that work with non-English-speaking Minnesotans would have identified the languages of the clients they most frequently serve.

Liaisons for each group then would have formulated a plan that included the current status of each state agency's compliance with Minnesota laws governing communication services for non-English-speaking residents and suggestions for improving those services.

The state Department of Administration, in consultation with the attorney general, would have reviewed the plans and then submitted them to the Legislature by Jan. 15, 1997.

In his veto message, the governor said the bill "represents a solution in search of a problem." Minnesota state agencies have a track record of accommodating non-English speaking persons in need of assistance, according to the governor. The bill would have only burdened state agencies and their clientele with additional mandates, he said, stressing that the bill contained no mechanism to fund employees, mandated reports, or any activity resulting from these reports.

The proposal was sponsored by Rep. Carlos Mariani (DFL-St. Paul) and Sen. Sandy Pappas (DFL-St. Paul).

HF1303*/SF1299/CH325



HEALTH

Hospital stays after birth



Mothers and their newborn babies will have the option to stay in the hospital a little longer under a new law signed March 19 by Gov. Arne Carlson.

The new law, effective March 20, 1996, requires insurance companies to cover a minimum of 48 hours of inpatient care following an uncomplicated vaginal delivery and at least 96 hours of inpatient care following an uncomplicated cesarean section.

Currently, many mothers and newborns are being sent home 24 hours after delivery and doctors worry about the health risks to both patients.

Under existing law, hospital patients can sign a waiver to be released whenever they dictate, so a mother could still leave before 48 or 96 hours. No doctor or health plan, however, could force a mother and child to leave before 48 or 96 hours elapse following the delivery, depending on the method of delivery.

The new law also prohibits health plans from providing any compensation or other non-medical benefit to encourage a mother and newborn to leave the hospital early.

The provision represents a preemptive strike. While lawmakers acknowledged that this practice currently doesn't occur in Minnesota, it does in other states.

Should a mother leave the hospital before 48 or 96 hours have elapsed, her insurance company must provide coverage for the option of one home visit by a registered nurse, under the new law. Services provided by the nurse include parent education, training in breast and bottle feeding, and conducting any necessary and appropriate clinical tests.

The new law does not apply to businesses that are self-insured or to health plans administered by the state, such as MinnesotaCare or Medical Assistance.

The measure was sponsored by Rep. Joe Opatz (DFL-St. Cloud) and Sen. Don Betzold (DFL-Fridley).

HF2008*/SF1791/CH335



HOUSING

Problem tenants

A new state law aims to help landlords and residents fight drugs and prostitution.

The proposal, sponsored in the House by Rep. Karen Clark (DFL-Mpls), makes it easier for community members to get the names and addresses of suspicious drivers in the neighborhood. It also attempts to give landlords an easier route to both keeping out bad tenants and evicting drug dealers.

The law's provisions include:

- waiving the \$1.50 fee required to obtain motor vehicle registration information. Effective Aug. 1, 1996, community members who work to fight crime would be able to learn the identities of suspicious-looking drivers in their areas at no charge. Neighborhood groups would use this information to send "notice" letters to the drivers to let them know they are being watched. Minneapolis Police already do this, Clark has said, but the bill would allow more letters to be sent by enlisting the help of community members;
- adding to lease provisions the "purchase" of a drug as grounds for eviction, effective Aug. 1, 1996. According to Clark, community crime officers have said there is a loophole in current law that prevents landlords from evicting tenants solely for a drug purchase. She said it is easier to evict when drugs are found in a tenant's apartment, and
- specifying, effective Aug. 1, 1996, that tenant screening agencies must get the full name and date of birth of those seeking housing. Full names and dates of birth are required by the FBI to do criminal history searches. Full names are also required to do an accurate background check on previous residences, Clark said. She said many landlords end up with problem tenants because they didn't get such information before offering the tenant a lease.

The proposal was sponsored in the Senate by Sen. Linda Berglin (DFL-Mpls).

HF2040*/SF1811/CH328

Right to privacy

A bill to ease the requirements of current law governing the privacy rights of tenants passed the House March 18. The vote was 124-9.

HF2242/SF2196* changes a 1995 tenant's privacy law that some tenants and landlords have said is too strict, said bill sponsor Rep. Linda Wejcman (DFL-Mpls).

Under the bill, a landlord or resident caretaker can — without giving notice — enter the apartment of a tenant who is over age 55 to do prearranged housekeeping. Under the 1995 law, landlords are subject to monetary penalties if they enter an apartment without giving the tenant reasonable notice. Entering for anything other than showing an apartment or doing maintenance tasks also brings a fine under current law.

The bill now goes to the Senate.



INSURANCE

Omnibus insurance bill

Insurance consumers would have new protection under a bill approved by the House March 20. The vote was 124-5.

The omnibus insurance bill (**HF2378/SF1980***), sponsored by Rep. Tom Osthoff (DFL-St. Paul), would expand a ban on quotas on the sale of certain kinds of insurance.

And the bill would provide consumers some protection from predatory sales tactics. Other provisions in the bill would mandate that insurance companies pay for screening for one disease and for treatment of another.

Osthoff's bill now goes to conference committee. Here's a look at its major provisions.

Quotas banned

A 1995 law freed independent agents from company-imposed quotas on the sale of certain kinds of insurance. The bill would extend the ban on quotas to many agents who sell directly for one company.

Current law bars insurance companies from requiring independent agents to meet quotas on the sale of certain types or mixes of policies.

For example, companies cannot link an independent agent's right to sell property or casualty insurance, such as homeowner and automobile policies, to quotas on the sale of life and health policies, which are more difficult to sell.

Critics of the quotas claim they can put unreasonable demands on insurance agents and can be detrimental to the service that consumers receive.

Osthoff's bill would extend the quota ban to include agents who sell exclusively for one company, as long as the agent has been licensed for at least three years.

Protecting consumers

A provision in the omnibus bill aims to provide consumers with information about the potential risks involved in replacing an

existing life insurance policy or annuity contract.

Predatory sales agents target consumers — in many cases senior citizens — in a practice called churning, which sometimes leaves individuals stripped of their savings and life insurance.

Here's one way it works: A person with a policy of small cash-value is approached by an agent who promises additional life insurance coverage at little or no cost.

The consumer doesn't know that the new policy, in some cases, will be paid for by borrowing against the value of the old policy. That eats away at the policy's cash value and the death benefit.

When the cash value of the older policy runs dry, the consumer may be forced to pay large premiums or risk having the coverage lapse. In the end, the consumer can lose his or her savings and the insurance as well.

The bill would require life insurers to find out, before selling a new policy, if it would replace existing coverage.

If so, the insurance agent or company would be required to give the consumer a form discussing the possible disadvantages of replacing existing coverage.

Both the customer and the agent would be required to sign the form. The agent also would have to send the company holding the existing policy notice of the proposed replacement.

This provision was taken from a separate bill (**HF623**) sponsored by Rep. David Tomassoni (DFL-Chisholm).

Cancer screening

The bill would require insurance companies to cover prostate cancer screening.

Under the bill, companies would be required, under certain conditions, to pay for a blood test used to identify the disease.

Insurers would have to cover the prostate specific antigen (or PSA) test for all men older than 50 and for men older than 40 who have symptoms of the disease or are in a high-risk group.

The test is already covered by about half of the health insurance companies, according to Tomassoni. He argued the test is too important to be denied to any policyholder.

Tomassoni sponsored a separate bill (**HF2394**), approved by the House earlier this session, mandating coverage for the PSA test.

Lyme disease

The bill also would require insurers to cover the treatment for diagnosed cases of Lyme disease.

The disease — a bacterial illness transmitted by the bite of an infected deer tick — affects the skin, joints, and other parts of the body. It can have serious results including chronic arthritis and neurological impairment.

Rep. Mary Murphy (DFL-Hermantown) has said some insurers won't pay for adequate antibiotic treatment for the disease.

Murphy sponsored a separate bill (HF219) mandating coverage for the treatment of Lyme disease, which passed the House earlier this session.

Canceling insurance



Insurance companies and HMOs can no longer retroactively terminate a person's coverage without the person's consent under a new state law.

The law, effective March 14, applies to group health and life policies, including group accidental death and dismemberment policies, and disability policies. The law makes clear that insurers may not retroactively cancel, rescind, or terminate the coverage of an employee, dependent, or other person covered under a group plan without the affected person's written consent.

Rep. Wes Skoglund (DFL-Mpls), who sponsored the proposal in the House, has said the need for the law was illustrated by a man whose coverage was canceled after leaving a job where he was covered under a group plan. The employee successfully passed a three-month probation period and was formally granted health benefits. After receiving his insurance card, he went to the doctor, accumulating some bills that were less than a \$1,000. Several weeks after receiving the health benefits, his employment was terminated, and his employer instructed the insurer to remove the employee from the group coverage retroactive to the date he was added to the group policy.

Even though his premiums were paid, his insurer refused to pay for the doctor bills that were clearly covered under the plan.

The insurer relied on a provision in the contract allowing them to retroactively cancel in the event of an administrative "mistake."

But in this case there was no mistake, according to committee testimony. It simply

was a "bad faith" effort on the part of the employer and insurer to save money (the employer received a refund of the premiums paid to the insurer), said proponents of the law.

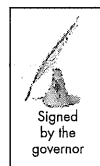
"Everyone who is in an accident would be canceled 'yesterday,'" if insurance companies were allowed to exercise such tactics, Skoglund has said.

If an employer does not notify an insurer about the termination of an employee, the insurer may retroactively terminate coverage, so long as the termination date is after the person's last day of employment. However, this provision does not limit a person's right to continuation of coverage under federal and state law.

The proposal was sponsored in the Senate by Sen. Ellen Anderson (DFL-St. Paul).

HF2044*/SF2516/CH304

Denying a claim



A new law will ensure that insurance companies are not denying a legitimate homeowner's claim due to a technicality.

The law affects homeowners' policyholders who have a property claim. In some cases, insurance companies require a "proof of loss" form (a formal document sworn to under oath) within 60 days of the claim. The proof of loss document is in addition to the claim filed with the company.

Under the new law, insurance companies cannot deny claims because a proof of loss document was not filed, unless they give written notice to policyholders that the document is required and provide the form. Policyholders then will have 60 days from receipt of the notice to file the proof of loss (or longer if it can be proven the deadline was missed for a good reason).

Rep. Bill Macklin (R-Lakeville), House sponsor of the law, said the law stems from a woman whose valid claim was denied because she did not know she had to file the proof of loss form. Although an insurance company representative interviewed the woman extensively, the woman was never informed that such a form was required. The company then denied the claim because the form was not filed within 60 days, under an obscure law.

The courts ruled on the side of the insurance company because of the way the obscure law was written; however, the judge said that it was an "egregious" result based on a technicality. The woman lost her battle for her rightful claim, but the law will prevent

insurance companies from using this type of legal maneuver in the future.

The law, sponsored in the Senate by Sen. David Knutson (R-Burnsville), became effective Feb. 28, 1996, and applies to losses that occur on or after that date.

HF1749/SF1622*/CH285

Day care coverage



A new law, effective March 19, 1996, clarifies that a homeowners' insurance policy does not cover liabilities arising from a home day care operation.

Insurance companies have, in some cases, been held liable under homeowners' policies for claims stemming from home day care.

The result is that some insurance companies are refusing to issue homeowners' policies to people who provide day care services in the home.

Some day care providers must now choose between having no homeowners' insurance or giving up their day care business, House sponsor Rep. Becky Lourey (DFL-Pine City) has said.

The bill would simply clarify that homeowners' policies do not cover day care unless it is specifically stated in the policy.

The proposal was sponsored in the Senate by Sen. Deanna Weiner (DFL-Eagan).

HF3078/SF2624*/CH326



LAW

Damages for bias crimes

The House March 20 passed a bill that would allow victims of hate crimes to seek civil damages for conduct that would constitute a crime committed because of race, color, religion, sex, sexual orientation, disability, age or national origin. The vote was 86-46.

Under HF1648, a person who is damaged by a bias offense could sue in civil court and recover either \$500 or general and special damages, including those for emotional distress, whichever is greater. The plaintiff may also seek punitive damages in certain cases and an injunction.

The bill, sponsored by Rep. Tom Pugh (DFL-South St. Paul), originally contained provisions relating to defamation of character by false reports in the media. It would have limited defamation lawsuits against the media if newspapers or broadcasters printed or aired retractions within 45 days. But a

successful amendment sponsored by Rep. Dee Long (DFL-Mpls) removed those sections from the bill.

The surviving hate crimes section was backed by Rep. Jim Rhodes (R-St. Louis Park).

"There are hate groups alive and well . . . they're not just in the metro area. This is one way of assuring you can get some kind of damages for the emotional distress," Rhodes said.

In cases where a minor commits the bias offense, the bill holds the parent or guardian liable for all types of damages if it is proven the offense was committed "at the direction or control of the parent or guardian."

The bill now heads to the Senate.

Unnecessary laws repealed

State statutes regulating the state's non-existent ferryboat industry will be scratched from the books Aug. 1, 1996, under a new state law.

The law repeals a diverse mix of obsolete, and in some cases, arcane laws ranging from outdated directives to state agencies to provisions regarding long-unfunded programs.

More than 250 provisions in current law — largely technical and inconsequential — are scheduled to be deleted from the books.

Eliminated will be 70-year-old sections of law regulating the state's ferryboat industry, which apparently disappeared after the 1958 completion of the Baudette-Rainy River Bridge.

Dashed will be measures, enacted in 1969, that set requirements for contracts for social

skills instruction and contracts for patrons of dance halls or studios. The measure forbids any such contracts exceeding \$500 in an apparent effort to protect consumers from unseemly dance teachers.

Also nixed will be a 1937 provision giving the University of Minnesota permission to establish a law enforcement school. The U of M has yet to set up such a school and wouldn't need statutory permission to do so, anyway.

The proposal was sponsored by Rep. Mike Delmont (DFL-Lexington) and Sen. Deanna Weiner (R-Eagan).

HF2377*/SF2092/CH310

License suspension

The Department of Public Safety will have to provide two weeks notice before suspending a driver's license under a new state law.

House sponsor Rep. Peggy Leppik (R-Golden Valley) has said the measure is necessary to give people who face a license suspension "some time to put their lives in order."

Under the law, a license suspension won't take effect until at least 14 days after the department mails notice to the driver.

Leppik said the measure stems from the troubles of one of her constituents.

The new notice requirements will not apply if the delay "poses a threat to public safety."

The legislation, effective Aug. 1, 1996, was sponsored in the Senate by Sen. Don Betzold (DFL-Fridley).

HF2012/SF1797*/CH346



LOCAL GOVERNMENT

Temporary vacancies

City councils and other local government bodies would be able to fill temporary vacancies in their ranks under a bill passed by the House March 18. The vote was 123-8.

The bill (**HF2425/SF2255***) sponsored by Rep. Phil Carruthers (DFL-Brooklyn Center) would provide a way to fill in for local elected officials who are unable to serve due to illness or for other reasons.

Under the bill, the city council, town board, or county board could declare a temporary vacancy after a member has been absent from his or her job for 90 days.

Another person could then be appointed to fill the vacancy until the ill or otherwise absent official is able to return or until the end of the term.

Current law already allows school boards to fill such temporary vacancies.

The bill now goes to the Senate.



METRO AFFAIRS

Eliminating a perk

Prominent Minnesotans who for years have enjoyed free, heated, valet parking at Minneapolis-St. Paul International Airport would lose that privilege under a bill on its way to the governor's office.

A House and Senate compromise bill (**HF2321**) passed the House March 19 by a vote of 128-1. It passed the Senate March 20 on a 53-0 vote.

About 100 people, including a handful of prominent Minnesota politicians, are on a Metropolitan Airports Commission (MAC) list of those who can park free in a heated underground garage anytime they have business that takes them to the airport.

The compromise bill states that the commission may only provide free airport parking to people who are attending a commission meeting or performing volunteer work at the airport. It goes on to say that the commission must keep records of who receives free parking, the value of that parking, and the purpose for which the person received free parking.

Jeffrey Hamiel, MAC's executive director, told lawmakers that MAC planned to take up the free parking issue at one of its commission meetings and discuss changing its policy.

However, according to House sponsor Rep. Howard Orenstein (DFL-St. Paul), MAC met Feb. 20 and apparently decided to table the



Participants in the Early Childhood Family Education (ECFE) Rally Day got a chance March 19 to dance and sing-a-long with the Teddy Bear Band on the front steps of the Capitol.

issue and let the Legislature handle it.

Orenstein has said it's grossly unfair for a "handful of the most powerful and wealthy Minnesotans" to park free in heated spots close to the airport terminal, while others must pay and walk greater distances.

(See Jan. 26, 1996, *SessionWeekly*, page 13; Feb. 2, 1996, *SessionWeekly*, page 14; and Feb. 23, 1996, *SessionWeekly*, page 19)



RETIREMENT

Pension bill vetoed



Gov. Arne Carlson vetoed a bill that would have allowed members of the Minneapolis Teachers Retirement Fund to purchase prior service credit for teacher service outside the state of Minnesota.

Such a law would have allowed for such teachers to contribute a lump sum payment to their pension fund to cover previous years in which no pension contributions were made. The benefits would then be received upon retirement.

The governor noted that "the bill does not expressly prohibit the school district or any third party from making payments on behalf of the member." He added that "this is a flaw that leaves the issue unresolved."

The governor also said that he is "very concerned about any pension legislation that might magnify already significant inequities among the benefit provisions of major public pension plans in Minnesota."

The proposal was sponsored by Rep. Richard Jefferson (DFL-Mpls) and Sen. Larry Pogemiller (DFL-Mpls).

HF1540*/SF2461/CH327



SAFETY

Stopping for pedestrians



Effective Sept. 1, 1996, Minnesota drivers must stop for pedestrians in a crosswalk or face a criminal charge under a new state law.

Current law requires only that drivers slow down and yield the right-of-way to pedestrians in crosswalks where there are no traffic signals or where signals are not operating. The new law requires drivers always to stop in such circumstances, not just slow down.

First-time offenders who fail to stop would be guilty of a misdemeanor, which is punish-

able by up to 90 days in jail and a \$700 fine. Drivers who violate the law within a year of a previous conviction would be guilty of a gross misdemeanor, punishable by up to one year in jail and a \$3,000 fine.

Statistics show that in 1994, the most recent year for which data is available, three Minnesotans were killed as they legally tried to cross streets in crosswalks; another 245 were injured.

The law also would require the Department of Public Safety, effective Aug. 1, 1996, to revise the state's driver's manual to include a section explaining when a driver must stop to yield to a pedestrian and the penalties for failing to do so.

In addition, the department will have to produce a series of public service announcements to educate the public on the law's changes. The announcements are to be aired on radio and television, according to the bill.

The proposal was sponsored by Rep. Jim Farrell (DFL-St. Paul) and Sen. Randy Kelly (DFL-St. Paul).

HF2930/SF2054*/CH333



TRANSPORTATION

Money-back guarantee

A bill to encourage the state to make obtaining a driver's license hassle-free was approved March 20 by the House Ways and Means Committee.

HF2895, sponsored by Rep. Phil Carruthers (DFL-Brooklyn Center), guarantees a refund of the fees paid by qualified applicants if they don't receive a driver's license or Minnesota I.D. card within six weeks.

Gov. Arne Carlson vetoed similar legislation last year, saying the bill was unnecessary because the delays that prompted the legislation were to be rectified within the Department of Public Safety.

But hooking up to a federal computer system that cross-checks driver's license applications proved problematic last summer, creating a backlog of applications and further delays in issuing licenses.

The bill has drawn opposition from Department of Public Safety officials who say past problems have been rectified, and that current applicants are receiving licenses within about two weeks.

Carruthers has said the bill is simply an attempt to keep pressure on the department and serve the public. If the licenses are being mailed out in two weeks, he said the department doesn't have anything to worry about and additional expenses or labor, won't be required.

The bill now heads to the House floor.

(See Feb. 23, 1996, *SessionWeekly*, page 20)

Feedback

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We thank you for your input.

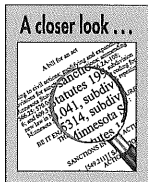
The editors



Mihai Hawthorn, Collin Cook, and Gabriela Hawthorn, left to right, sat outside the office of Rep. Linda Wejman March 20 while their parents discussed Early Childhood Family Education and learning readiness.

A closer look ...

Several bills propose changes to election laws



Two proposals that would increase voting by mail in Minnesota were among several elections-related bills recently approved by the House.

Other proposals passed by the House would allow fusion candidates — those nominated by more than one party — to appear on the ballot, allow public employees to stay on the job while running for office, and allow candidates to stump on election day.

Also, the House approved a bill that would exempt major party candidates for state office from spending limits when running against an independent who plans to exceed the limits.

Here's a look at changes proposed in the bills.

Mail ballots

Minnesotans would have more opportunity to vote by mail under two separate bills passed by the House March 18.

One bill (**HF220**), sponsored by Rep. Mindy Greiling (DFL-Roseville), would require voting by mail in some legislative special elections.

The other proposal (**HF2101**), sponsored by Rep. Jim Tunheim (DFL-Kennedy), would allow mail balloting in communities outside the metropolitan area with fewer than 1,000 eligible voters.

Greiling's bill would require that special elections be held at the same time as a primary or general election in September or November, both of which usually attract a higher voter turnout.

When timing rules out such a date for the special election vote, under **HF220** it would have to be conducted by mail.

Tunheim's bill would allow more rural communities to vote by mail than are permitted under current law.

Current law allows voting by mail in Greater Minnesota communities with fewer than 400 eligible voters. As many as 250,000 eligible voters live in communities now allowed to conduct mail balloting.

HF2101 would make about 600,000 voters — or about 15 percent of the state's voters — eligible to vote by mail. The bill would permit — but not mandate — mail balloting in communities with fewer than 1,000 eligible voters. The local governing board still would decide whether to conduct voting by mail.

The bills drew fierce partisan debate and both passed on votes of 68-66. Most DFLers

avored the bills, but Republicans opposed the measures.

House Minority Leader Steve Sviggum (R-Kenyon) said the proposal to allow voting by mail in special elections is a DFL effort to reverse its poor fortunes in such elections.

Sviggum noted that his party has prevailed in each of the last 18 special elections for legislative seats.

Majority Leader Phil Carruthers (DFL-Brooklyn Center) disagreed, saying the vote by mail measures would make voting more convenient and help increase voter turnout.

Both bills now go to the Senate.

Fusion candidates

A bill setting the framework for fusion candidates to appear on the ballot was approved by the House March 19. The vote was 116-14.

The measure (**SF2720/HF3123***), sponsored by Rep. Gene Pelowski (DFL-Winona), comes in the aftermath of an Eighth U.S. Circuit Court of Appeals decision issued in January. The court found state law forbid-

decision. Such candidates could have their name appear two or more times — once for each nomination they accept — if no new law is passed this year.

The state is expected to appeal the court decision to the U.S. Supreme Court, but a decision before the fall 1996 elections is unlikely.

Should the Supreme Court grant a stay or overturn the lower court decision, the state would revert to existing law barring fusion candidacies, under a successful amendment offered by Rep. Ron Abrams (R-Minnetonka).

Under Pelowski's bill, a candidate could be listed as the nominee of one major party along with one or more minor parties or as the nominee of multiple minor parties. The candidate and the state chairperson of each nominating party would have to approve a fusion candidacy.

A single candidate would not be allowed to be listed as the nominee of more than one major party.

The bill now goes to the Senate.



The House recently passed a slew of elections-related bills that would, among other things, increase voting by mail, permit candidates nominated by more than one party to appear on the ballot, and allow candidates to stump on election day.

ding fusion candidates on the ballot to be unconstitutional.

Pelowski's bill would provide a short-term solution to deal with fusion candidacies.

The bill, which includes a June 1997 sunset, would allow more than one nominating party to be listed under a candidate's name on the ballot.

With or without the bill, fusion candidates would still have to be allowed under the court

Campaign spending

A loophole in current law allows independent candidates to ignore spending limits that often bind major-party opponents, said Rep. Dee Long (DFL-Mpls).

Long is the sponsor of a bill (**HF667/SF840***) that would close that loophole. The bill passed the House March 18 on a 70-63 vote.

Currently, a candidate is held to campaign

spending limits only if he or she is a member of a major political party and accepts a public subsidy. Independent candidates can spend as they wish and do not qualify for public campaign subsidies.

State law stipulates that only major party candidates are eligible for public subsidies. In Minnesota, there are three major parties — Democratic-Farmer-Labor, Republican, and Independence.

If, for example, a DFL candidate's Republican opponent refuses a subsidy and ignores the spending limits, the DFLer also can exceed the limits — even if he or she has already taken the public subsidy. But under current law, this only applies when both parties are from major parties.

Long was affected by that hitch during her 1994 re-election campaign.

Long's opponent did not attach herself to a major party. Because the woman ran as an independent, her spending levels did not trigger the clause that would have allowed Long to exceed spending limits.

As a result, Long was bound by a \$21,000 spending limit while her independent opponent spent about \$50,000.

Long's bill would change current law to say that the candidate not agreeing to spending limits need not be from a major political party in order for the opponent to also ignore the limit.

The bill now goes to the Senate.

Election day campaigning

Candidates would be allowed to campaign on election day under a bill passed by the House March 18. The vote was 124-8.

Current state law includes a ban on election-day campaigning, including the broadcast of advertising and distribution of literature.

Bill sponsor Rep. Richard Jefferson (DFL-Mpls) said the one-day prohibition is largely unenforceable and likely is unconstitutional.

The ban was originally passed during a 13-day special session in 1912. It was part of a radical election reform package that also included campaign spending limits, a statewide primary election, and popular election of U.S. senators, who were previously selected by the Legislature.

In 1988, the ban on election-day campaigning was ruled unconstitutional by a

district court judge in Hennepin County. The ruling only applied to that county and was never appealed.

Jefferson's bill (HF289/SF315*) now goes to the Senate.

Running for office

Public employees who run for elected office could not be required to take unpaid leave from their jobs, under a bill passed by the House March 18. The vote was 113-18.

Under current law, state employees can stay on the job while campaigning, but local government employees can not.

At least 18 of Minnesota's 87 counties force employees to take unpaid leave if they become a candidate for office, according to Rep. Don Ostrom (DFL-St. Peter).

That means lost wages and benefits for those employees, Ostrom said, and public sector workers face no such penalties for seeking office.

Ostrom's bill (HF2549/SF2267*) now goes to Gov. Arne Carlson, who vetoed a similar proposal in 1995.

— Nick Healy

Minnesota House and Senate Membership

1 A • Jim Tunheim-DFL B • Tim Finseth-R Sen. LeRoy A. Stumpf-DFL	15 A • Tom Van Engen B • Roger Cooper-DFL Sen. Dean E. Johnson-R	29 A • Jerry Dempsey-R B • Mike Osskopp-R Sen. Steve L. Murphy-DFL	43 A • Tom Workman-R B • Barbara Sykora-R Sen. Edward C. Oliver-R	57 A • Walter E. Perlt-DFL B • Sharon Marko-DFL Sen. Leonard R. Price-DFL
2 A • Bernie Lieder-DFL B • Edgar Olson-DFL Sen. Roger D. Moe-DFL	16 A • Joe Opatz-DFL B • Jim Knobloch-R Sen. David Kleis-R	30 A • Fran Bradley-R B • Dave Bishop-R Sen. Sheila M. Kiscaden-R	44 A • Steve Kelley-DFL B • Jim Rhodes-R Sen. Ted A. Mondale-DFL	58 A • James I. Rice-DFL B • Richard H. Jefferson-DFL Sen. Carl W. Kroening-DFL
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12 A • Kris Hasskamp-DFL B • Stephen G. Wenzel-DFL Sen. Don Samuelson-DFL	26 A • Bob Gunther-R B • Henry J. Kallis-DFL Sen. Tracy L. Beckman-DFL	40 A • Mark P. Mahon-DFL B • Kevin Knight-R Sen. Phil J. Riveness-DFL	54 A • Mary Jo McGuire-DFL B • Mindy Greiling-DFL Sen. John Marty-DFL	
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Unofficial list as of February 12, 1996

Rep. Teresa Lynch ...

Signs point to family, school for eight-year veteran



If Rep. Teresa Lynch (R-An-dover) was concerned about power, now would not be the time to leave the Minnesota House of Representatives.

As a Republican, her political party is within reach of taking control of the House and she, with eight years in office, is the second-ranking Republican woman.

"The timing couldn't have been worse for the party," Lynch said.

She said she ultimately had to decide what was best for herself. The 42-year-old mother of four and grandmother of one is back in school at Metropolitan State University working on her bachelor's degree in communications.

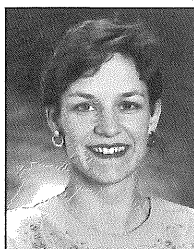
Now is the time to leave. Lynch, a sign language interpreter, said she's young enough to finish her degree and still establish herself in a career.

"[The Legislature] to me was never a career," she said. Raising her four daughters with her husband, David, however, has been a career.

Lynch said it took months for her to make the decision to leave. Although she is a strong proponent of term limits, she said that position had little to do with her decision to retire. It was all about personal growth and doing something for herself. "The [Republican] party was wonderful. Lucky for me they didn't pressure me too much," she said.

But the lawmaker did receive pressure from an unexpected source, her nine-year-old daughter, Tessa.

Tessa was two when her mother took office



Rep. Teresa Lynch

Noted achievements: Lynch's most noted legislative accomplishments include landmark legislation that requires teachers of the deaf and hard of hearing to demonstrate at least a minimal skill level in American Sign Language; the 1994 passage of a landfill bill she helped sponsor which established a trust fund to clean up contaminated landfills; and a 1992 parental empowerment law which gave parents more say about their children's school materials.

in 1988. She grew up with the Legislature and is distraught that her mother is leaving. Recently, she couldn't bear to enter her mother's office in the State Office Building because she knew it would be one of the last times she could.

"I never realized how much this job has become a part of her identity," Lynch said.

Lynch's stint in the Legislature spawned a variety of successful bills that cut government red tape, gave parents more power, improved schools and health care, and helped clean up contaminated landfills.

Among them include a law requiring teachers of the deaf and hard of hearing to demonstrate at least a minimal skill level in American Sign Language. For this, she won a national award from the National Association of the Deaf, the nation's oldest deaf consumer advocacy group.

Another was designed to give parents more control over what their children learn in school. It gives parents the authority to review class materials, and if they find something objectionable, to make arrangements

for alternative instruction.

Still another found a way around all the mess regarding who pays for the cleanup of a contaminated landfill. Under the old system, the burden for cleaning up a landfill was usually shouldered by a select group of businesses and local governments the state or federal government identified as responsible for contaminating the landfill.

Although not the chief sponsor, Lynch was instrumental in helping pass a new law that established a state-sponsored landfill cleanup program. The law tries to end the numerous court fights between and among Minnesota businesses and municipalities over who should pay to clean up landfills and in what amounts. Under the law, the state generates money to pay for the program by raising the fee businesses and local governments pay on the garbage they generate, whether it goes to a landfill, incinerator, or composing plant. It's called the solid waste generator fee.

— K. Darcy Hanzlik

Frequently called numbers

State Information	296-6013
Secretary of the Senate	
231 Capitol	296-2344
Voice mail/order bills	296-2343
Chief Clerk of the House	
211 Capitol	296-2314
Index, Senate	
110 Capitol	296-5250
Index, House	
211 Capitol	296-6646
Information, Senate	
231 Capitol	296-0504
Information, House	
175 State Office Building	296-2146

Committee Hotline, Senate	296-8088
Committee Hotline, House	296-9283
Sergeant at Arms, Senate	
Senate Chamber	296-7159
Sergeant at Arms, House	
45 State Office Building	296-4860
Counsel and Research, Senate	
G-17 Capitol	296-4791
Research, House	
600 State Office Building	296-6753
Legislative Reference Library	
645 State Office Building	296-3398
Revisor of Statutes	
700 State Office Building	296-2868

Governor's Office	
130 Capitol	296-3391
Attorney General's Office	
102 Capitol	296-6196
Secretary of State's Office	
180 State Office Building	296-2803
Capitol Security	
B-4 Capitol	296-6741
Emergency	296-2100
TDD*, Senate	296-0250
TDD*, House	296-9896
or 1-800-657-3550	

*Telecommunications Device for the Deaf

Bills Sent to the Governor

Bills await the governor's signature . . . or veto

Once a bill has passed both the House and Senate in identical form, it's ready to be sent to the governor for consideration. The governor, who has several options when considering a bill, 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 can have two different effects. The timing of these actions is as important as the actions themselves.

In the second year of the biennium (even-numbered years), a bill passed by the Legislature and presented to the governor before the final three days of the session will become law unless the governor vetoes it by returning it to the Legislature within three days. The governor

nor normally signs the bills and files them with the secretary of state, but his signature is not required.

But if a bill is passed during the last three days of session, the governor has a longer time to act on it. He/she must sign and deposit it with the secretary of state within 14 days after the Legislature adjourns "sine die" (Latin for adjournment "without a date certain"). If the governor does not sign a bill within this time frame, it will not become law, an action known as a "pocket veto." The governor is not required to provide a reason for the veto.

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/she objects. As with all vetoes (save pocket vetoes) the governor must include a statement listing the reasons for the veto with the returned bill. Here, too, the timetable is either 14 days after adjournment for bills passed during the final three days of the session, or within three days after the governor receives the bill at any other time.

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 the next year.

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

Chapter	HF	SF	Description	Signed	Vetoed
266	2281	1846*	Relating to energy; extending due date for a task force report relating to electric energy policy.	2/7	
267	2079*	1912	Relating to the city of New Market; permitting the city to incur debt not subject to the general debt limit.	2/15	
268	2308*	1962	Relating to state government; providing a condition on participation in the state employee combined charitable campaign.	2/15	
269	2110	1862*	Relating to state government; authorizing use of unmarked vehicles by the Division of Disease Prevention and Control of the Department of Health.	2/15	
270	2150*	1823	Relating to liquor; authorizing the city of Stillwater to issue one additional on-sale license.	2/15	
271	2239*	1843	Relating to local government; allowing the city of Morristown to maintain and pay for certain electrical power outside the city.	2/15	
272	2410	1946*	Relating to highways; designating POW/MIA Memorial Highway, Veteran's Memorial Highway, and John Riley Memorial Drive.	2/15	
273	1926*	1719	Relating to occupations; regulating the practice of dental hygiene.	2/21	
274	2634*	2324	Relating to local government; providing for one additional chief deputy sheriff in the unclassified service in Hennepin County.	2/21	
275	2114*	2320	Relating to driver's licenses; changing codes for two types of driver's licenses.	2/21	
276	2652*	2223	Relating to local government; granting the city of Minneapolis authority to negotiate certain trade and craft contracts for stagehands.	2/21	
277	2122	1798*	Relating to statutes; limiting the scope of an instruction to the revisor.	2/21	
278	2344	1815*	Relating to insurance; regulating the underwriting of life and health coverages for victims of domestic abuse.	2/21	
279	2092	1909*	Relating to highways; designating a portion of marked Trunk Highway 52 in Fillmore County as the "Amish Buggy Byway."	2/23	

Chapter	HF	SF	Description	Signed	Vetoed
280	2374	1984*	Relating to natural resources; modifying and adding to the list of canoe and boating routes.	2/23	
281	2836	2514*	Relating to civil commitment; clarifying the financial responsibility for hearings on the use of neuroleptic medications.	2/23	
282	2355*	1964	Relating to local government; authorizing a city, county, or town to require certain information in applying for or as a condition of granting approval of permits.	2/27	
283	2758	2698*	Relating to agencies; providing for the right to extend a deadline with certain conditions.	2/27	
284	2077	2019*	Relating to education; clarifying approved costs for a magnet school facility.	2/27	
285	1749	1622*	Relating to insurance; homeowner's; regulating proof of loss.	2/27	
286	2039	1812*	Relating to housing; securing vacant buildings.	2/27	
287	2439	2121*	Relating to highways; recognizing Czech heritage in a highway name.	2/27	
288	2316	1936*	Relating to the state lottery; providing that the director may permit a lottery retailer to sell tickets at more than one location.	2/28	
289	2188*	2147	Relating to motor carriers; modifying and reorganizing provisions relating to allowable truck lengths and combinations.	2/28	
290	2454	2111*	Relating to agriculture; changing requirements for certain commodity council referenda.	2/28	
291	3016	2813*	Relating to commerce; regulating heavy and utility equipment manufacturers and dealers.	3/1	
292	2280	2584*	Relating to veterans; eliminating certain duties of the board of directors.	3/1	
293	3125	2802*	Relating to natural resources; providing an appropriation for snowmobile grants-in-aid.	3/1	
294	2902	2596*	Relating to game and fish; providing an appropriation for emergency deer feeding.	3/1	
295	2365*	2384	Relating to natural resources; modifying open burning restrictions; empowering the commissioner to declare an emergency.	3/4	
296	2952	2020*	Relating to human services; requesting the commissioners of health and human services to seek a federal waiver.	3/4	
297	2680	2166*	Relating to capital improvements; permitting up to a 40-year term for certain bonds.	3/4	
298	2129	1925*	Relating to the Housing Finance Agency; making technical changes to requirements under single family housing programs.	3/4	
299	2032	1800*	Relating to the military; changing procedures for disposition of closed armories.	3/4	
300	2336	2009*	Relating to electric utilities; allowing the city of Willmar to enter into a joint venture with the Kandiyohi Cooperative Power Association.	3/4	
301	2411*	2556	Relating to game and fish; prohibiting trespassing on agricultural land and certain private land for outdoor recreation, etc.	3/6	
302	2889*	2581	Relating to local government; the cities of Norwood and Young America in Carver County and their consolidation.	3/13	
303	2670*	2189	Relating to the Minnesota Municipal Board; clarifying authority and procedures.	3/13	

Chapter	HF	SF	Description	Signed	Vetoed
304	2044*	2516	Relating to insurance; group life and health coverages; prohibiting retroactive termination of a person's coverage without the consent of the covered person.	3/13	
305	2938*	2598	Revisor's bill.	3/13	
306	2401*	2001	Relating to counties; Itasca; exempting the county from certain bidding requirements on the sale of the Itasca County Medical Center.	3/13	
307	2483*	2476	Relating to courts; clarifying the process for applying for a writ of certiorari.	3/13	
308	2391*	2010	Relating to commerce; petroleum tank release cleanup; regulating reimbursement; providing enforcement authority to the commissioner of commerce.	3/13	
309	2068*	1802	Relating to highways; designating the POW/MIA Memorial Highway.	3/15	
310	2377*	2092	Relating to state government; repealing obsolete laws.	3/15	
311	2154*	1845	Relating to manufactured homes; adding certain conditions for park owners to recover possession of land.	3/15	
312	2639	2317*	Relating to group residential housing; clarifying a rate exception.	3/15	
313	3162*	2821	Relating to local government; permitting the city of Cohasset to own and operate a gas utility.	3/15	
314	1998*	1735	Relating to trusts; regulating the investment and management of trust assets; providing standards.	3/15	
315	3146	2760*	Relating to agriculture; providing an exception to alien ownership of agricultural land for production of timber and forestry products.	3/15	
316	2951	1879*	Relating to Medical Assistance; combining the alternative care program and the home- and community-based services waiver for the elderly program.	3/15	
317	2420*	2258	Relating to cities; authorizing cities to establish a program to prevent the inflow and infiltration of storm water into a city's sanitary sewer system.	3/15	
318	2558*	2335	Relating to professions; modifying provisions governing the practice of nursing.	3/15	
319	2846*	2535	Relating to state lands; authorizing the sale of certain tax-forfeited lands in Aitkin, Anoka, Crow Wing, Faribault, Hubbard, St. Louis, Sherburne, Wadena, and Washington counties.	3/15	
320	2285*	2204	Relating to the Metropolitan Airports Commission; clarifying and extending noise mitigation spending requirements.	3/15	
321	2322*	2063	Relating to motor carriers; authorizing the transportation regulation board to issue charter carrier permits for operation within St. Paul.	3/15	
322	2509*	2098	Relating to public nuisance; clarifying definition of acts constituting a nuisance.	3/15	
323	2788*	2591	Relating to liquor; modifying restrictions for temporary on-sale licenses; discontinuing the use of the term "nonintoxicating liquor."	3/15	
324	2310*	1955	Relating to health; transferring certain authority from the commissioner of health to the emergency medical services regulatory board.	3/15	
325	1303*	1299	Relating to bilingual communication services; requiring state agencies to appoint persons to serve as liaisons with non-English-speaking people served by the agencies; directing agencies to prepare communication services plans.		3/15
326	3078	2624*	Relating to insurance; clarifying coverage under homeowner's insurance for day care services.	3/18	
327	1540*	2461	Relating to retirement; the Minneapolis teachers retirement fund association; providing for purchase of allowable service credit for public school employment outside the state of Minnesota.		3/18

Chapter	HF	SF	Description	Signed	Vetoed
328	2040*	1811	Relating to housing; providing for waiver of fees and surcharges imposed on motor vehicle registration data requests under certain circumstances.	3/18	
329	2380*	2270	Relating to motor vehicles; specifying percentages of motorcycle safety fund that may be spent on administration and motorcycle safety instruction.	3/18	
330	2116*	2071	Relating to agriculture; changing provisions of plant pests, fertilizer, and lime; changing licensing requirements for aquatic pest control applicators.	3/18	
331	2526*	2170	Relating to crime; making it a crime to obtain cellular telephone service through cellular counterfeiting; requiring forfeiture of cloning paraphernalia.	3/18	
332	2858*	2564	Relating to Camp Ripley; providing for use of the National Guard Education Center as the state education and training center.	3/18	
333	2930	2054*	Relating to traffic regulations; requiring drivers to stop to yield right-of-way to pedestrians within a crosswalk.	3/18	
334	2633	2332*	Relating to health professions; modifying provisions relating to sexual misconduct.	3/18	
335	2008*	1791	Relating to insurance; health; regulating childbirth and postpartum care benefits.	3/19	
336	732*	950	Relating to commerce; regulating the enforcement of copyright licenses on certain non-dramatic musical works and similar works.	3/19	
337	168*	191	Relating to insurance; modifying requirements related to non-renewal of homeowner's insurance.	3/19	
338	2155*	1838	Relating to civil law; real property and probate; providing conditions for registered property applications and records.	3/19	
339	2222*	2097	Relating to state government; excepting certain contract management requirements.	3/19	
340	2055*	2262	Relating to telecommunications; requiring notice to customers of the right to require written authorization before changing intrastate telecommunications carrier or local telephone company.	3/19	
341	2682*	2438	Relating to employment; modifying provisions governing school conference and activities leave.	3/19	
342	2953*	1871	Relating to state government; requiring a pilot project to determine the feasibility of coordinating workers' compensation and insurance benefits for public employees.		3/19
343	2525*	2201	Relating to commerce; providing for the relocation of an existing new motor vehicle dealership under specific conditions.	3/18	
344	2229	2319*	Relating to public safety; providing for response to state emergencies.	3/19	
345	2098	1793*	Relating to motor vehicles; allowing display of single original plate from 1911, 1944, 1945, or 1946.	3/19	
346	2012	1797*	Relating to drivers' licenses; providing that certain license suspensions are not effective until 14 days after notice has been mailed to the licensee.	3/19	
347	2115*	2301	Relating to agriculture; adjusting certain net worth definitions for certain rural finance agency programs.	3/19	
348	2149*	1847	Relating to state government; providing for a representative of organized labor on the Pollution Control Agency board.	3/19	
349	2513*	2576	Relating to economic development; authorizing port authorities to use certain provisions of the uniform municipal contracting law.	3/21	
350	2845	2418*	Relating to legislative auditor; requiring procedures for the appointment process.		3/21
351	2065	2499*	Relating to the environment; delaying the effective date for certain used motor oil and motor oil filter provisions.	3/20	

Bill Introductions

Tuesday, March 19

HF3274—Olson, M. (R)

Education

Locally controlled graduation rule provided as an alternative to a statewide graduation rule.

HF3275—Tunheim (DFL)

Rules and Legislative Administration

NAFTA superhighway; transportation and trade and economic development commissioners memorialized to designate Interstate Highway No. 35 as International NAFTA Superhighway.

HF3276—Bettermann (R)

Labor-Management Relations

Workers' compensation self-insurance cessation provisions modified.

Committee Schedule

Session times for next week were unavailable as this issue went to press. Please call (612) 296-2146 for updated information.

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

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It's said that during World War II everyone on the home front did their part — rationing gasoline and sugar, saving rubber, and selling war bonds. Minnesota's governor was no exception.

Harold Stassen was a young Republican governor then, elected in 1938, 1940, and 1942. He voluntarily resigned his post as the state's chief executive to go and fight.

Even while governor, some knew he had higher aspirations:

"... He was going to be president. A good war record was essential, but he had a collapsed lung, the result of tuberculosis that had come from overwork while putting himself through the university," wrote Frank P. Leslie, former treasurer of the Republican Party, in *The Resurrection of the Republican Party in Minnesota 1932-1950*.

After the Japanese bombed Pearl Harbor, Secretary of the Navy Frank Knox was left with the task of rebuilding the fleet and the troops, Leslie wrote. Jim Forrestal was under secretary of the Navy.

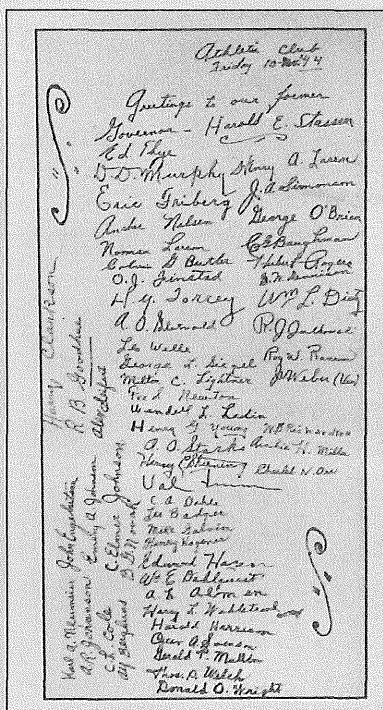
"Jim liked the looks of Harold Stassen, said a good word for him with Frank Knox and he was accepted for officer training at Great Lakes. Three months later he graduated as corps commander and was assigned to the Pacific Fleet."

Stassen, a part of the Naval Reserve since his University of Minnesota days, said it took three naval doctors to examine him before they would approve him for active duty.

Stassen, however, couldn't leave the governor's office without a successor.

Do you know?

Edward J. Thye, a Northfield farmer, was elected Lt. governor in 1942, and in 1943 Stassen was off to war. Thye was elected governor in his own right in 1944.



When former Minnesota governor Harold Stassen resigned his office to leave for World War II, he wasn't forgotten. On Nov. 10, 1944, his replacement, Gov. Edward Thye, and the Republican leaders in the House and Senate signed a tablecloth for Stassen, sending it to him while he was serving in the Pacific Theater.

Photo courtesy of the Minnesota Historical Society

On Nov. 10, 1944, Thye and the Republican leaders in the House and Senate met at the St. Paul Athletic Club to discuss the agenda for the upcoming legislative session.

The group took advantage of the opportunity and all present signed a tablecloth for Stassen, sending it to him while he was serving with Admiral William F. Halsey in the Pacific Theater, according to documents from the Minnesota History Center.

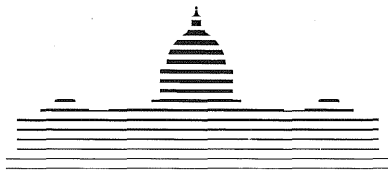
Stassen served on the U.S.S. Missouri as Halsey's assistant chief of staff for administration of the combat fleet and he remembers the day the tablecloth arrived.

"We were all eating when it came . . . I chuckled about it and the admiral got a big kick out of it."

Stassen said he was "surprised and delighted" to receive it. "It was always wonderful to receive mail from the United States because we were way out in the Pacific."

The former governor (and later one of eight men appointed by President Franklin D. Roosevelt to draw up the United Nations Charter) carried the cloth home with him. It was later framed by his sister and now can be found at the Minnesota History Center.

The signatories include Ancher Nelsen, former Second District U.S. Congressman from 1959 to the 1970s, and J.V. Weber, the grandfather of former Minnesota Congressman Vin Weber.



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Majority Leader: Phil Carruthers
Minority Leader: Steven A. Sviggum

MINNESOTA INDEX

Minnesota prisons and prisoners

Minnesota adult prison population, as of Jan. 1, 1996	4,591
in 1985	2,244
Expected number of prisoners, 2005	6,671
Percent of all prisoners incarcerated for a crime against another person	64
Prison beds occupied by a property offender	1 in 5
By a drug offender	1 in 10
Inmates serving a life sentence, 1985	76
in 1996	222
Spending for state adult and juvenile correctional facilities, in millions, 1980 ..	\$37
in 1995	\$162
California's prison operating budget, for 1996, in billions	\$3.4
Minnesota state correctional facilities	8
California prisons	32
Number of new prisons that California has proposed building in 1996	6
Average months served by violent offenders in a Minnesota prison, 1994	88
States with a higher average (Maine)	1
Average months served by violent offenders in a Wisconsin prison, 1994	26
States that spent less than Minnesota, as a percentage of the state budget, on corrections, 1991	2
Current shortage of prison beds	300
Projected shortage of prison beds, 2000	1,185
Beds contained in the new state prison to be built in Rush City, Minn.	800
State bonds authorized under HF3273 to build the facility, in millions	\$70
Amount requested by the governor, in millions	\$89
Annual operating costs once the facility is built, in millions	\$25
Prison beds added by Wisconsin since 1994	2,300
Average daily cost, per prisoner, in Minnesota correctional facilities, (not including administrative and health costs)	\$82
States with a higher cost per day	6
Average daily cost to use electronic home monitoring devices	\$8
Nationwide, number of federal and state prisons managed by for-profit companies	90
Salary for an entry-level Minnesota prison guard, 1994	\$25,307
States paying a higher rate	11
Percent of the state's prison budget that goes to labor costs	75

Source: *Paying the Price: The Rising Cost of Prison*, March 1996, Minnesota Planning.

For more information



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