

SESSION WEEKLY

A Nonpartisan Publication of the Minnesota House of Representatives ♦ May 2, 1997 ♦ Volume 14, Number 17



Session Weekly is a nonpartisan publication of the Minnesota House of Representatives Public Information Office. During the 1997-98 Legislative Session, each issue reports daily House action between Thursdays of each week, lists bill introductions and upcoming committee meeting schedules, and provides other information. The publication is a service of the Minnesota House. No fee.

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Session Weekly (ISSN 1049-8176) is published weekly during the legislative session by the Minnesota House of Representatives Public Information Office, 100 Constitution Ave., St. Paul, MN 55155-1298. Periodicals postage paid at St. Paul, MN, and at additional mailing offices. POSTMASTER: Send address changes to Session Weekly, Public Information Office, Minnesota House of Representatives, 175 State Office Building, 100 Constitution Ave., St. Paul, MN 55155-1298.

Printed on recycled paper which is 50% recycled, 20% post-consumer content.



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Minnesota House of Representatives • May 2, 1997 • Volume 14, Number 17

Update

In just four days, most House and Senate legislators and staff, individuals in the executive and judicial branches, and friends of friends in the Capitol complex joined together in nonpartisan unity to assist the flood victims northward along the Red River and down through the Minnesota River Valley. A phenomenal amount of food, household goods, and pet supplies were collected because it was a proper thing to do, and it was a way to ease a feeling of helplessness in a hopeless situation.

The effort began when two or three people in the State Office Building decided they needed to do something for the stranded Minnesotans devastated by the worst flood in 500 years. With a letter signed by the leaders of both political parties in the House and Senate, and flyers and signs asking for food, supplies, and financial donations placed all over the complex, the plan brought a flood of donated goods to the collection point in 96 hours! Even the Animal Humane Society of Hennepin County, Pets Plus, and Petfood Outlet called to lend assistance. The *Saint Paul Pioneer Press* donated two delivery trucks to haul the goods.

Early on Saturday, April 26 at the State Office Building, and with little fanfare, scores of volunteers loaded an extraordinary collection of diapers, gloves, bleach, water, ginger ale, sponges, bath soap, washcloths, blankets, toothpaste, squeegees, and many other items into one truck. Once it was full, they filled a second truck to capacity with pet food and supplies, kitty litter, cat crates, and dog kennels (*See photo, page 11*).

So, last week, while the lives of Minnesotans at the Capitol were controlled by a session deluged with controversial bills up for debate, political partisans and others rallied, united, and performed a highly commendable act of honor and duty. With a sense of purpose and much heartfelt compassion, their unselfish effort came together in spirit and action.

The volunteers responded with help for the courageous, yet displaced Minnesotans along the state's flooded areas in and near East Grand Forks as the Red River continued to flood the valley north toward Canada. Food, supplies, animal shelters and \$10,750 collected (\$6,385 designated for the American Red Cross, and \$4,365 for the Salvation Army) also was shared with people in Ada, Breckenridge, Brown's Valley, Kent and Moorhead — all victims who live to the south whose towns were devastated earlier in April by the river. And they gave to residents of cities along the Minnesota River — Ortonville at the headwaters, Granite Falls, Montevideo, and others.

A few hundred Minnesotans — Capitol officials and staff — once again demonstrated a united effort and responded to the call for making the needs of others far more important than divided political beliefs.

— LeClair G. Lambert

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On the cover: Twin Cities' kids helped plant a Little Leaf Linden tree as part of the Arbor Day celebration held on the State Capitol grounds April 24. The 1997 Arbor Day Fair, sponsored by the Minnesota Department of Natural Resources' Division of Forestry gives inner-city kids the opportunity to learn about the importance of planting and preserving trees and the impact trees have in their urban communities.

—Photo by Laura Phillips

Highlights

Educating students . . .

Statewide testing: accountability for schools, kids

— By Nick Healy

Minnesota would establish a statewide testing system requiring that uniform exams at several grade levels be given virtually to every student to measure individual as well as school performance, under a bill approved by the House April 29.

HF2179, sponsored by Rep. Joe Opatz (DFL-St. Cloud), would require uniform, statewide testing of third, fifth, and eighth graders beginning in the 1997-1998 school year and eleventh graders beginning no later than the 1999-2000 school year.

Opatz said the tests would be an integral part of the state's move toward an education system that demands schools and students be more accountable for the taxpayer funds invested in education.

"What we need to do is to tell schools what we expect, give them the resources they need, and — with these tests — measure their performance," Opatz said. "Right now, we don't know [how schools are performing]."

Statewide testing had been a controversial issue at the Capitol in years past, but this year it drew bipartisan support. Such testing is touted as a way to provide a reliable means for comparing the performance of schools and districts.

The move toward establishing a statewide testing system took a great leap forward early



Students like these third graders from Jackson Elementary School in St. Paul soon may be required to take a statewide achievement test. A bill moving through the House would require uniform, statewide testing of third, fifth, and eighth graders beginning in the 1997-1998 school year and eleventh graders beginning no later than the 1999-2000 school year.

A special House-Senate committee was then created to devise a more specific plan to implement statewide testing. Opatz's bill is the House version of the plan recommended by the special committee.

Under the bill, the basic skills tests in reading and math — already required under the state's graduation rule and first given to students in the eighth grade — would count

"overly prescriptive" about how the testing system will work. Instead, the Department of Children, Families and Learning will be given the authority to determine which tests would be given and at what time during the school year.

One of the dicey issues in the statewide testing debate concerns who would be tested and who would not. Opatz's bill would allow only narrow exceptions to the testing requirements. For example, students who are new to the United States and are not proficient in English would be exempt.

Another key provision in the bill would require that 1997-1998 test results from each individual school and each district be used to establish a baseline against which their future performance could be measured.

"This sets the stage for a more sophisticated system of accountability that relates to performance incentives for schools," Opatz said. "You can't do that efficiently until you set a baseline for each school, and that's what these tests would do."

Opatz said he eventually hopes to see a state aid system that rewards schools that improve from their baseline levels and targets assistance for struggling schools.

"This sets the stage for a more sophisticated system of accountability that relates to performance incentives for schools. You can't do that efficiently until you set a baseline for each school, and that's what these tests would do."

— Rep. Joe Opatz

in the 1997 Legislative Session when Senate Majority Leader Roger Moe (DFL-Erskine) successfully moved to attach a requirement for such testing to a separate bill.

Moe's action led to an agreement between legislative leaders to lift the statutory ban on statewide testing and instead institute such testing during the 1997-1998 school year. The pact was included in the first new law produced during the 1997 Legislative Session. (See story, page 6.)

as the statewide test for that age group.

Third and Fifth graders would be given tests selected by the Department of Children, Families and Learning. The department could use a test it has developed or a nationally recognized test such as the California Achievement Test or the Iowa Test of Basic Skills. Any test used for the statewide testing system would have to fit in with the state's graduation standards.

Opatz said his bill is not intended to be

The bill, approved by 109-23 margin, is headed for a conference committee. The Senate passed a statewide testing bill April 30 that is very similar to the House bill but does not include a testing requirement for 11th graders.

"If you don't include the 11th grade, you're removing from this testing system an entire segment of education — namely high school," Opatz said.

The push for statewide testing this year has received strong support from Gov. Arne Carlson's administration and from lawmakers on both sides of the aisle.

Bob Wedl, commissioner of the Department of Children, Families and Learning, who sat on the special committee created to craft statewide testing legislation, said he is satisfied with the "broad policy" for statewide testing included in the legislation approved by the House.

"We've had no comparable statewide information," Wedl said. "We felt [statewide testing] was really crucial to being able to understand how Minnesota as a whole is doing."

Rep. LeRoy Koppendray (R-Princeton), a long-time advocate of statewide testing, links the newfound consensus on the issue to press reports related to the performance of public schools and the need for reliable measurements of student learning.

"The key is to make sure no kid graduates from high school who doesn't have at least minimum competency in reading and math," Koppendray said.



AGRICULTURE

Milk prices slashed

Minnesota grocers would be allowed to sell milk at lower prices under a bill approved April 29 by the House Ways and Means Committee.

HF1646, sponsored by Rep. Steve Trimble (DFL-St. Paul), would temporarily lift current law forbidding retailers to sell milk for less than they paid for it. The change in milk pricing policy would be in effect for one year.

"It's an attempt to free up the market," Trimble said. The change should bring lower prices for consumers and may help farmers by driving up demand for dairy products, he added.

Trimble and other supporters of the bill argue that the current law has helped to create hardships for dairy farmers and consumers in the state. Minnesota's dairy farmers have seen the prices they get for their

product drop significantly in recent months, but the state's consumers continue to pay some of the nation's highest retail milk prices.

"That's what we're trying to deal with here," Trimble said. "We're trying to bring the free market to bear."

The one-year change in retail pricing regulation would allow lawmakers to assess the situation during the 1998 session. If the Legislature takes no action at that time, existing law setting a floor for retail milk prices would then be in effect.

Critics of the bill argue that it would lead only to instability in the milk market and could wind up hurting small grocers and dairy farmers.

The Ways and Means Committee rejected an amendment to extend the period during which lower milk prices would be allowed and another to make the change permanent.

Rep. Phyllis Kahn (DFL-Mpls) offered the amendment to allow lower milk prices to be allowed for two years. She argued that the new pricing policy would not be in effect long enough before the 1998 Legislative Session for lawmakers to make a solid judgment about whether it should be extended.

But Rep. Carol Molnau (R-Chaska) said extending the no-minimum pricing policy could hurt small, independent grocers who cannot afford to get into a price wars with large, chain-store competitors.

"Pushing it out for two years will be long enough to make sure [small grocers] go out of business," Molnau said.

Kahn's amendment was rejected by a margin of 12-9. An amendment proposed by Rep. Phil Krinkie (R-Shoreview) that would have made the pricing policy change permanent was rejected on a voice vote.

Trimble's bill now goes to the House floor.



CHILDREN

Open court for abused kids

The House passed a bill April 29 that would open to the public court cases involving abused or neglected children. The vote was 84-49.

Under current law, all juvenile court proceedings and records are closed. **HF254** would open the doors and paper work for cases involving Children in Need of Protective Services (CHIPS). The bill would not apply to juvenile delinquency proceedings.

Arguments for and against keeping the CHIPS hearings closed centered on protecting children.

"We need to open the proceedings so that

those who care about these kids can see what goes on," said bill sponsor Rep. Wes Skoglund (DFL-Mpls). Later he added that scrutiny often comes too late. "Why do we wait until they're dead?"

Skoglund was part of a team that went on a fact-finding mission to Michigan, where all juvenile proceedings are open. "Every last person told me that the system was improved when it was opened up. The lot in life of many poor, neglected, and abused kids got better."

Skoglund said that allowing courtroom access to organizations who care about children, as well as watchdog organizations like the press, will increase accountability and serve children's best interests. "Right now grandma, foster parents, aunts, and siblings, are locked out. This causes great harm to kids."

Detractors said that open hearings would subject children to additional suffering. "In rural areas especially [where there is less anonymity], press coverage and public scrutiny in the courtroom could be incredibly shaming, humiliating, and embarrassing to families," said Rep. Michael Paymar (DFL-St. Paul). Bill supporters have said they are depending on the press to not disclose children's names, similar to the policy it maintains regarding rape victims.

Rep. Loren Solberg (DFL-Bovey) said there are other ways to reform the system. "If there are problems we should solve them by looking at the system, not opening it up," he said, adding that it was risky to depend on the press to be responsible.

Bill supporters pointed out that many cases involving the neglect or abuse of children are open to the public already because they involve the criminal activity of an adult. "But what happens if the county wants to send a child back with a dangerous offender?" Skoglund asked. "It's happened in this state, I hate to tell you. That's when you want [others] to get through that locked door."

As it was first presented on the floor, the bill would have opened only CHIPS cases in Hennepin County, which accounts for about 40 percent of the children in the state, according to Rep. Richard Jefferson (DFL-Mpls). Jefferson submitted an amendment to open CHIPS cases statewide, which passed in a 69-64 vote.

Supporters also noted that judges would have the same authority to close hearings (at their discretion) as they do in cases regarding other areas of law.

"Right now we're protecting the system, not the children we supposedly care so much about," said Rep. Barbara Sykora (R-Excel-

sior). "If the system isn't working, it's high time we knew it."



CRIME

Crime bill clears floor

The House passed a sweeping omnibus crime-prevention bill April 25 on a 126-5 vote. The \$990 million proposal funds the state's court and correctional systems; law enforcement and public safety agencies; and departments such as the attorney general's office and its human rights division.

Under changes that took place on the floor:

- A provision to allow pharmacists to sell hypodermic needles and syringes without a prescription was amended to require that purchasers turn in an equal number of used needles before buying new ones. The program is intended to decrease the spread of HIV among drug users. The needle exchange element is to reduce the incidence of needle litter in public areas.
- People who interfere with facilities that are involved in selling or providing services for animals or use animals for research would be subject to prosecution under the state's anti-harassment and stalking laws.
- A provision that would have given prosecutors the right to rebut any statement made in the defense's final argument during a criminal trial was changed so that prosecutors can only respond to inflammatory statements or misstatements of fact or law. (The Senate version of the proposal would allow prosecutors the last word, regardless of what the defense says.)

Additionally, a prolonged debate to adopt the death penalty for first-degree murder was defeated on a 102-30 vote.

HF163/SF1880*, sponsored in the House by Rep. Mary Murphy (DFL-Hermantown), also includes a provision to give judges a raise. Caseloads for probation officers also would be reduced. Counties could implement drug courts; women leaving prostitution would get help; and funds would be supplied to community advocacy groups helping battered women. The state would pay the overtime costs for police in high crime areas.

The Department of Corrections would be expected to reduce the daily (per diem) cost of housing prisoners. Layoffs would be possible.

Low income families would have easier access to representation in court matters, as would low-income farmers. Courts also would be given money to launch a pilot program to improve the resolution of family

matters. The program would assign one judge to hear domestic abuse, probate, and juvenile and delinquency matters within a single family.

Dozens of other initiatives also would be funded. A House-Senate conference committee will negotiate a final version of the bill to be voted on later this session.

(See April 25, 1997, *Session Weekly*, page 5.)

Harassing, stalking, sentencing

A bill to strengthen the state's anti-stalking law and toughen penalties for those violating orders for protection and restraining orders passed the House April 28. The vote was 125-7.

House-Senate conferees agreed to define harassing or stalking behavior as intentional conduct that the offender knows or has reason to know would cause the victim to feel frightened, threatened, oppressed, persecuted, or intimidated. Importantly, the bill states that prosecutors would not be required to prove that the offender intended to cause those reactions in the victim, only that the offender knew or should have known that the conduct would cause the reactions and that the victim did, in fact, experience them. In the event a dangerous weapon is used during a harassment or stalking violation, the offense would be punished by a mandatory minimum sentence. (If the weapon is a firearm, a three-year penalty applies for the first offense, and a five-year penalty applies to subsequent offenses; if the dangerous weapon is not a firearm, a one-year penalty applies to the first offense, and a three-year penalty applies to subsequent offenses.)

The changes were necessary given a recent Minnesota Supreme Court ruling that weakened the current stalking law.

Similar anti-stalking language is included in the omnibus crime-prevention bill passed by the House on April 25. (See April 25, 1997, *Session Weekly*, page 5)

HF5, sponsored by Rep. Mary Jo McGuire (DFL-Falcon Heights), also would create felony penalties for violating an order for protection or a harassment restraining order under certain circumstances. Such cases would include violations occurring within five years after sentencing from two or more previous protection orders or a restraining order violation, or if the offender possessed a dangerous weapon during the offense.

Other violations of restraining orders would draw the felony penalty if the act is motivated by race, religion, sex, sexual orientation, disability, age, or national origin; if the offender intends to interfere with a judicial proceeding or retaliate against an official involved in a case; if the victim is a minor and the offender is at least three years older; or if the offender falsely impersonates another.

Under the bill, offenders could be sentenced to a maximum of five years in prison and a \$10,000 fine. A minimum of 30 days in jail (and counseling) would be mandated for a felony protection order violation in cases where the court stays the sentence as a condition of probation.

Finally, the bill would affect current law regarding how judges sentence criminals, stating that an offender may not waive the right to be sentenced under the state's sentencing guidelines. The measure is a result of the Minnesota Supreme Court's ruling in *State v. Givens* and is intended to promote consistency and predictability in sentencing.

In the *Givens* case, the defendant agreed to accept probation instead of incarceration for a purse-snatching offense. However, under the conditions of the agreement, if he

Big bang



Lt. John Fritsche of the New Ulm Battery fired a reproduction of an artillery cannon as part of the third annual Freedom Day celebration held on the Capitol mall May 1. The event re-enacts Civil War battles.

violated probation, he would serve double the jail time recommended under the guidelines. The offender later did violate probation, but appealed the sentence.

The bill would make it clear that while the guidelines are advisory to the courts, they are not rights that a defendant can waive.

The bill also states that if a defendant agrees to be sentenced outside the guidelines, he or she may not appeal the sentence after 90 days or after committing another crime, whichever is first.

HF5 now goes to the governor.



EDUCATION

Spending caps removed



The first new law produced during the 1997 session removed statutory caps on education spending and requires uniform statewide testing of public school students.

The law lifted a provision approved by lawmakers in 1995 that called for a \$337 million cut in state aid to school districts during the next two years.

Considered a top priority at the start of the legislative session, the proposal to remove the spending caps won broad, bipartisan support.

Statewide testing was initially linked to the spending caps proposal through an amendment approved on the Senate floor. The legislation that the House originally passed did not include any such language.

The eventual result was legislation to do three things: repeal the caps on education funding, repeal current law prohibiting statewide testing, and establish that Minnesota will require standardized testing of all students.

Supporters of statewide testing tout it as a way to increase accountability in public schools by providing a reliable measurement of student and school performance that can be compared to results from other schools and districts.

The specifics on how statewide testing will work are not included in the new law. A special House-Senate committee was created to devise separate legislation (**HF2179**) prescribing how statewide testing is to be implemented. (See related story, page 3.)

The repeal of the funding caps was effective Feb. 15. Statewide testing will be required beginning in the 1997-1998 school year.

The legislation was sponsored by Rep. Alice

Johnson (DFL-Spring Lake Park) and Sen. Keith Langseth (DFL-Glyndon).

HF1*/SF3/CH1



ENVIRONMENT

Relays added to mercury law



A bill regulating mercury-containing products was signed by Gov. Arne Carlson April 28.

Mercury is a potent neurotoxin that can cause permanent nervous system damage. Since mercury is a volatile element, it does not degrade in the environment, but becomes airborne and eventually returns to earth to contaminate watersheds. It also accumulates in animal tissue as it moves up the food chain. Consumption of fish from 90 percent of Minnesota's lakes is currently restricted because of mercury contamination.

The law, sponsored in the House by Rep. Jean Wagenius (DFL-Mpls), adds commercial electrical relays to a list of products from which mercury must be removed for reuse or recycling prior to disposal. The new restriction takes effect July 1, 1998.

"When we originally passed the bill to regulate mercury recycling in products, we left out electrical relays," Wagenius said on the House floor March 20. "These relays are showing up in the waste stream and need to be included [in the law]."

Regulations currently in effect include such devices as thermostats, thermometers, and switches. Manufacturers are required to label all mercury containing products and accept them back for recycling or proper disposal.

Sen. Janet Johnson (DFL-North Branch) sponsored the Senate proposal.

HF949*/SF885/CH62



FAMILY

Signing up for fatherhood

A bill to register the names of fathers — or potential fathers — with the state was approved April 29 by the House Ways and Means Committee.

HF296, sponsored by Rep. Linda Wejcman (DFL-Mpls), would require the Department of Health to establish a registry for men who want to be assured notification if their child is put up for adoption.

The registry would be for any male who is or may be a child's father but is not married

to the mother and has not otherwise established paternity.

The registry would protect a birth father's rights in the event his child is put up for adoption, and protect children and adoptive parents from having their families "ripped apart," Wejcman said.

The bill aims to address scenarios where the parents of a child have little or no relationship beyond the time of conception.

The bill would allow a father or potential father to register from the time of conception until 60 days after a child's birth. (A man would be able to register even without certainty that a pregnancy resulted from a sexual encounter.)

Under the bill, a father who does not register within 60 days of a child's birth would not — under most circumstances — be allowed to contest an adoption.

Registering also would serve as the first step in a paternity claim. The bill says that within 30 days of registering, the father would have to file with the court an intent to claim parental rights.

That way, a father would preserve the right to maintain an interest in the child and would receive notice of a pending adoption proceeding.

The bill would apply only to parental rights related to adoptions — not to child support, custody, or other parental issues.

HF296 now moves to the House floor.



GAME & FISH

Assistant anglers allowed

Anglers who need help wetting their fishing lines due to age, blindness, or disability are given a break by a bill (**HF311/SF574***) approved April 29 by the House. The vote was 131-0.

Seniors and the disabled currently receive free fishing licenses but those assisting them often must pay for a separate license. The bill, sponsored by Rep. Darlene Luther (DFL-Brooklyn Park), would allow aged and disabled persons to be assisted by an unlicensed person as long as only one line is in the water.

"One of my constituents, Mark Jacobson, of Brooklyn Park, brought the problem to my attention," Luther has said. Jacobson's mother is disabled and needs assistance to pursue her favorite sport. Since she has several different assistants, Jacobson found he would have to pay for a separate fishing license for each assistant.

The bill now goes to the governor.



GOVERNMENT

State-run drug program

The House approved a \$630 million omnibus state government finance bill April 24, after members voted to retain a section that would put the state in the prescription drug business. The final tally was 75-57.

Under **SF1905**, sponsored in the House by Rep. Tom Rukavina (DFL-Virginia), the commissioner of the Department of Administration would be required to establish a consortium to purchase pharmaceuticals in bulk. The drugs would, in turn, be sold to pharmacists who would then pass the savings on to consumers.

Opponents of the measure argued that it would greatly expand the role of government and that the issue needed further study.

Supporters said the program would reduce the price of prescription drugs by 10 percent and allow some senior citizens to avoid making a choice between buying the medicine they need and eating.

The House deleted language in **SF1905** that would have thrown a monkey wrench into the construction of a new steam plant at the University of Minnesota, which is currently under way at a site near the banks of the Mississippi River. The bill would have prevented Minneapolis or St. Paul from building a steam plant until the end of the 1998 Legislative Session.

"What it would do is effectively delay what is going on right now," said Rep. Hilda Bettermann (R-Brandon), who introduced the amendment to strike the steam plant section of the bill. "Any further delays continue to cost us money."

The members also adopted an amendment offered by Rep. Philip Krinkie (R-Shoreview) that would appropriate \$1 million for the Minnesota Film Board. The money, Krinkie said, would help the board bring a Hollywood film company to the state to produce a sequel to "Twins," which starred Arnold Schwarzenegger and Danny DeVito.

A conference committee will meet soon to resolve differences with the Senate version of the bill.

(See April 18, 1997, *Session Weekly*, page 10.)

If you will be visiting the Capitol in the near future, call the Capitol Historic Site Program at (612) 296-2881 to schedule a tour.

Meetings via interactive TV

The House passed a bill April 30 that would authorize state and local officials to conduct meetings via interactive television. The technology is like a telephone conference call with the addition of live video. Meeting participants at different places can talk to and hear one another through television.

Under the bill (**HF829/SF755***), sponsored in the House by Rep. Loren Solberg (DFL-Bovey), regular, special, and emergency meetings could be held via interactive technology. That means House committee members, for example, could vote on bills while in locations other than a legislative committee room.

The House has used the technology in a limited capacity over the past few years, with legislators meeting in the State Office Building linking to remote locations around the state. There is currently one House hearing room equipped for interactive television hearings.

The proposal also would apply to other local units of government, such as counties, cities, and school boards.

Under the bill, meetings would be open to the public and subject to the same notification requirements as other meetings. It also requires that all participants and observers be able to see and hear each other. Further, at least one legislator or member of a local government unit would have to participate from the committee's "home" location where the meeting would normally be held.

A successful amendment sponsored by Rep. Jim Tunheim (DFL-Crookston) would allow members of the Rural Finance Agency or the Minnesota Housing Finance Agency to officially meet — and vote — by phone. The move would save time and money, Tunheim said, given the diverse geographic representation of those governmental bodies.

A conference committee will be appointed to resolve differences in the House and Senate proposals.



HEALTH

More MinnesotaCare enrollees

Minnesota hospitals and health care providers would see a tax break and more of the state's poor would become eligible for state-subsidized health insurance, under a bill moving through the House.

The measure (**HF1441**) would expand the state's MinnesotaCare program and at the same time cut the 2 percent tax on hospitals

and health care providers (used to fund MinnesotaCare) to 1.5 percent.

Overall, it is expected to cost about \$30 million over the next two years to add more people to the insurance plan. The tax cut would save hospitals and health care providers about \$81 million over the same time period. The bill, sponsored by Rep. Lee Greenfield (DFL-Mpls), next goes to the House Ways and Means Committee.

Currently, the 2 percent tax generates about \$323.6 million over two years and that doesn't include separate revenue sources such as premiums and other taxes collected.

MinnesotaCare is a state-subsidized insurance plan created in 1992 to extend health insurance to the uninsured. The program serves about 97,000 people who pay premiums (based on income) and co-payments for some services. Currently, (depending on their income), single people, couples without children, and families with children younger than 21 are covered.

Specifically, the bill would affect single people and couples without children. It would increase the annual income limits of those two groups to 175 percent of the federal poverty level, or \$13,807 for single people and \$18,567 for couples without children. The current income limit is 135 percent of the federal poverty level or \$10,651 and \$14,323, respectively.

HF1441 also includes a prescription drug program for seniors over age 65 who earn less than \$9,468 per year (120 percent of the federal poverty level).

The program would provide coverage, effective Jan. 1, 1998, for certain prescription drugs. Participants would be expected to pay premiums based on their income.

To qualify, a senior citizen also must be enrolled in Medicare parts A and B and have no insurance coverage for prescription drugs.

The new program is expected to cost about \$3.2 million over the next two years.

The bill also sets aside \$9 million over the next two years to provide grants and loans to rural hospitals to make building improvements. The Department of Health would have the authority to award interest-free grants or loans of up to \$1.5 million per hospital.

If you have Internet access, visit the Legislature's web page at: <http://www.leg.state.mn.us>



HUMAN SERVICES

Welfare reform



It's official. Beginning January 1998, Minnesotans on welfare must work or lose a chunk of their monthly public assistance check.

After months of debate, Gov. Arne Carlson April 30 signed Minnesota's new welfare law, a response to a 1996 federal act that scrapped the long-standing welfare system and required states to move welfare recipients to work or face millions of dollars in federal penalties.

Minnesota's passage of the law meets the deadline (July 1, 1997) imposed by the federal government requiring all states to report just how they plan to move welfare families to work.

Both bodies of the Minnesota Legislature passed a compromise version of the bill April 28. The House voted 120-14 and the Senate voted 67-0.

While much of Minnesota's new law focuses on moving welfare families to work, there is a second theme — softening some of the cuts found in the federal law aimed at immigrants. Under the federal law, legal immigrants will lose almost all public assistance benefits, including food stamps, effective this summer.

Minnesota's welfare law (**HF159/SF1*/CH85**) will use state dollars to replace some of the cuts, but will leave most immigrants hundreds of dollars short each month compared to previous federal benefits.

Rep. Loren Jennings (DFL-Harris) and Sen. Don Samuelson (DFL-Brainerd) sponsored the bill.

Below is a summary of some of the new law's highlights.

Immigrants

Although the federal law has left legal immigrants with little, some in Minnesota will be eligible for about \$290 a month in cash assistance — \$203 per month as part of General Assistance (GA) and \$87 per month to replace lost food stamps.

GA is a state program that offers help to those in poverty who do not qualify for other state or federal welfare programs. However, only those legal immigrants living in Minnesota by March 1, 1997, will qualify for GA. Those who become elderly or disabled while living here also could receive GA. (Art. 3, Sec. 34)

It is important to note that the \$87 a month to replace lost food stamps is tempo-



Gov. Arne Carlson, center, gestures "that's it" after signing a landmark welfare reform law April 30 that requires families on welfare to work. He is surrounded by Lt. Gov. Joanne Benson, right, and legislators and state agency heads.

rary. It is only offered from July 1, 1997, to June 30, 1998. (Art. 3, Sec. 42) In Minnesota, an estimated 16,000 legal immigrants will lose their federal food stamps in 1997.

Another 5,400 elderly and disabled immigrants are expected to lose their federal Supplemental Security Income (SSI). SSI began in 1974 and provides about \$400 per month to the needy who are aged, blind, or disabled. The state's offer of GA will help replace that income.

In addition to GA, the new law keeps certain legal immigrants eligible for other Minnesota welfare programs, from Medical Assistance (a joint state-federal program for those who can't afford health care) to the state's new welfare-to-work program known as the Minnesota Family Investment Program (MFIP). (Art. 1, Sec. 7 and Art. 3, Sec. 19)

The measure, however, requires that the income of a legal immigrant's American sponsor be considered when determining eligibility for public assistance. This is in keeping with the federal law.

Work for welfare

For several years, Minnesota has experimented with a welfare pilot program in eight counties that requires poor families with children to work for public assistance.

Under the new law, that experiment will become permanent beginning Jan. 1, 1998, and cover all 87 Minnesota counties. (Art. 1, Sec. 1)

The Minnesota Family Investment Program, or MFIP as it is called, allows families to accept lower-paying jobs while receiving some public assistance such as extra monthly cash and subsidized child and health care. In

theory, allowing someone to work while still receiving benefits helps a low-skilled parent gain work experience and eventually obtain a better job.

MFIP replaces the traditional Aid to Families with Dependent Children (AFDC) program done away with by the 1996 federal welfare law. And, in keeping with federal law, Minnesota's law sets a five-year, lifetime limit on receiving MFIP welfare checks. (Art. 1, Sec. 32)

There are some exceptions to the five-year limit, including victims of domestic abuse who need time to find safety before they can settle into a job. (Art. 1, Sec. 32, Subd. 4)

Under MFIP, a parent or guardian is required to develop a job search and employment plan and accept any suitable job once they've completed all the steps in their plan. As is the case now, the state will continue to pay for employment and job training services.

In a two-parent family, at least one parent must find work right away. Single parent families have up to six months to find work. (Art. 1, Sec. 40)

Income limits

The new law does set income limits on how much a family can earn on the job and still continue to receive a monthly MFIP check.

For a family of three, a limit of \$1,311 per month is set. A family of three in the current pilot MFIP program, can earn up to \$1,554 per month before being cut off. Officials maintain the state couldn't afford the higher amount and still take the program statewide. (Art. 1, Sec. 13)

Penalties for no work

Families who refuse to work or otherwise break the rules will see their grant cut by 10 percent for at least a month and until the violation is corrected.

For subsequent occurrences, a county will directly pay a family's rent, and possibly utilities, out of a grant and cut the remainder by 30 percent before forwarding it to the family. (Art. 1, Sec. 36, Subd. 1)

Education limits

The law also limits the amount of postsecondary education a person may receive while on MFIP. Under the current AFDC program, some parents are allowed to attend college for four years while still receiving their monthly welfare check, child care, and health care services.

Generally, the measure limits approved postsecondary or training programs to a year or less but does allow for up to two years if the diploma or degree can be shown to help the welfare parent earn a better income and he or she agrees to pay back the cost of the second year when they earn 150 percent of the federal poverty level, which is now \$11,835 per year. (Art. 1, Sec. 44, Subd. 1 and 4)

New mom exemption

Although most welfare recipients would be required to work, the law does allow for certain exemptions, such as a parent who stays home to care for a child under the age of one. In two-parent households, only one parent could claim the exemption, and then only for 12 months in a lifetime. (Art. 1, Sec. 47)

Residency requirement

The law mandates a 30-day residency requirement to receive welfare and requires that, for the first year, families who move to Minnesota receive either the benefit amount they would have received in their previous state, or Minnesota's rate, whichever is less. (Art. 1, Sec. 8, Subd. 1a and 3; and Art. 3, Sec. 27))

Penalties split

The federal welfare law puts a great deal of pressure on states to move people off the welfare rolls or lose money. It is unclear, however, if the state plans to share that pressure with counties, which operate most welfare programs.

Beginning with fiscal year 1997, each state must show that 25 percent of its families on welfare are working at least 20 hours per week. By fiscal year 2002, that jumps to 50 percent working at least 30 hours per week. There are cash penalties for states that do not meet the percentages.

At one point a legislative proposal would have forced counties to share in the federal penalty. But the new law takes a softer approach. Instead, it requires the Department of Human Services and counties to work together to develop a plan on how to pay a federal penalty. They must report their conclusions to the Legislature by Oct. 1, 1998. (Art. 1, Sec. 63)

Drug offenses

Anyone convicted of a felony drug offense after July 1, 1997, will be barred from participating in MFIP until they complete their sentence. When and if they qualify for a monthly check, the law requires counties to pay rent and utilities first before mailing out the balance. Random drug testing also is required. (Art. 1, Sec. 16, Subd. 1)

Those convicted of a drug felony after July 1, 1997, will be barred from receiving \$203 per month under GA for five years after they completed their sentence. That is, unless the person is in treatment or on a waiting list for treatment. (Art. 3, Sec. 28)

Parole violators and felons on the run will face a lifetime ban for both MFIP and GA. (Art. 1, Sec. 16, Subd. 2 and 3; and Art. 3, Sec. 28, Subd. 2) Those convicted of fraudulently attempting to receive benefits in two or more states at one time will be barred from both MFIP and GA for 10 years. (Art. 1, Sec. 16, Subd. 4 and Art. 3, Sec. 28, Subd. 4)

HF159/SF1*/CH85

Omnibus bill passes House

A \$5.4 billion bill that pays for state health and social service programs passed the House April 28 but not before lawmakers underwent a lengthy debate about same-sex marriages. The bill passed 123-11.

The measure (SF1908) includes a hodgepodge of projects and policy changes but few drew debate like the one that prohibits marriages between people of the same gender. It also prohibits the recognition of such marriages in Minnesota even if the marriage occurred in a state where they are sanctioned.

Rep. Steve Sviggum (R-Kenyon), a supporter of the provision, introduced an amendment to delete it. His strategy was to force a debate and a public vote on the issue. Lawmakers voted 105-24 to keep the provision.

The proposal responds to the possibility that Hawaii may recognize same-sex marriages and would affect people who might move to Minnesota from that state. Hawaii had passed a law prohibiting same sex mar-

riages, but a lower court ruled the law unconstitutional. The state has appealed to its state Supreme Court.

Before passing the bill, the House added several provisions. One would revise the state's physician abortion-reporting form to include the specific reason why each mother seeks an abortion. Another would shift \$1.2 million from family planning services and spend it on programs to teach teens about abstinence. Still another would spend \$30 million over the next two years to increase the pay of people who work with seniors and people with disabilities in community-based programs.

The omnibus health and human services bill provides money for all sorts of programs ranging from welfare and nursing homes to restaurant inspections and clean needle programs for addicts.

A large chunk of the bill's price tag — \$1.8 billion — would pay to cover the health care needs of poor Minnesotans under two separate grant programs: Medical Assistance and General Assistance Medical Care.

Another \$2.7 billion would pay for certain nursing home, disability, mental health, group housing, chemical dependency, and other long term care services.

About \$432 million would fund state welfare grants. Minnesota's welfare program was overhauled this session after the federal government scrapped the old system, cut benefits to legal immigrants, and required welfare recipients to work.

SF1908 now sits in a conference committee where differences between the House and Senate versions of the bill will be worked out.

INSURANCE

Direct OB/GYN access



A new state law will forbid health insurers from requiring women to receive a referral in order to see an obstetrician or a gynecologist.

The law, effective Jan. 1, 1998, will require that insurance companies and health maintenance organizations allow female enrollees direct access to obstetricians and gynecologists.

Under the law, women will be allowed to schedule an appointment with either health professional without prior approval from the insurer or a referral from a "gatekeeper" primary care physician.

The law will require direct access for annual examinations, any subsequent treatment deemed necessary by the specialist,

maternity care, and treatment of acute or emergency conditions.

Health plans also will be barred from charging women extra for direct access.

The legislation was sponsored by Rep. Mary Murphy (DFL-Hermantown) and Sen. Deanna Wiener (DFL-Eagan). Gov. Arne Carlson signed the measure into law April 8.

HF447*/SF398/CH26



LAW

Inmate lawsuits



A new law will clarify when a prisoner may appeal a ruling that a lawsuit was frivolous or malicious.

Some prisoners, after having a lawsuit thrown out in court, have attempted to have the case "retried" through corrections department processes, according to Rep. Tom Pugh (DFL-South St. Paul), the bill's House sponsor. Effective Aug. 1, the new law states that inmates do not have a right to an additional hearing within the correctional facility's disciplinary system regarding such a finding, and that the corrections department must uphold the court's ruling.

Existing law provides penalties for filing the suits. Once the court has judged that an inmate's suit lacks merit, corrections officials may determine and impose the appropriate penalty, which may mean the loss of privileges, segregation, loss of credit for good behavior, or additional confinement. The bill states that the officials must limit punishment to that specified in the law and are "limited to the nature and extent of the infraction penalty to be imposed."

The law's Senate sponsor is Sen. Jane Krentz (DFL-May Township).

HF909/SF305*/CH33



LOCAL GOVERNMENT

Saving Roseville tax dollars



A new law will save the city of Roseville some of its citizens' hard-earned tax dollars. It was signed by Gov. Arne Carlson April 23.

For a variety of reasons, cities, townships, and counties must publish legal notices in local newspapers. The advertisements serve as public notice for land sales, class action lawsuits, and other government actions.

Under current law, local governments can publish such notices only in newspapers whose primary offices are within their jurisdiction.

But that limitation can cost local governments more than necessary when nearby newspapers charge substantially less for ad space.

Sponsored in the House by Rep. Mindy Greiling (DFL-Roseville), the law will allow the city of Roseville and Independent School District No. 623 to officially designate any newspaper with at least 25 percent of its circulation within the Roseville city limits or within the boundaries of the school district.

A letter from the Roseville City Council to the House Local Government and Metropolitan Affairs Committee detailed the problem that city has faced.

"The council designated the *Roseville Review* as the official newspaper for 1996, based on substantially lower cost." But the letter of the law required the city to select the *Roseville Focus*, based on the paper's office location. The restriction caused Roseville to pay approximately 75 percent more, an extra \$4,500, for legal notices in 1996.

Originally, the proposal was drafted to apply to all local governments in Minnesota but was restricted to the city of Roseville by an amendment in the Senate. According to Greiling, the Minnesota Newspaper Association feared that the law might be used by some local officials to retaliate against newspapers that disagreed with their governmental actions.

Another Senate amendment protects local officials if errors occur in the publication

of public notices.

The law takes effect upon approval of the Roseville City Council.

Sen. John Marty (DFL-Roseville) sponsored the bill in the Senate.

HF356*/SF284/CH56



MILITARY

Enlist and enroll

A bill that increases the amount of maximum grant-aid to cover educational costs for Minnesota National Guard members passed the House April 30 on a 133-0 vote.

HF297/SF4*, sponsored in the House by Rep. Loren Jennings (DFL-Harris), would cover up to 50 percent of tuition and textbook costs at any Minnesota public institution of higher education. For programs outside of Minnesota, the grants would cover the equivalent of half the cost of a comparable program at the University of Minnesota.

Currently, the tuition grant program covers the equivalent of up to 75 percent of the cost of undergraduate programs at the University of Minnesota or the same amount at another school. But because graduate programs often cost considerably more, the guard was having trouble enrolling members in programs such as medical school that it deemed necessary or beneficial to the organization. Bill sponsors have said that the provision is necessary to keep the guard attractive to potential members.

A little peek



Five-year-old Tessa Farrell peeks over the top of the desk chair of her father, Rep. Jim Farrell, while spending some time on the House floor April 29.

The national guard can target specific programs and students for grant aid. The change will not cost the guard any additional funds.

A conference committee will adopt a final version of the bill.

(See April 18, 1997, *Session Weekly*, page 14.)



OUTSTATE

State flood relief

The House passed a bill April 30 that would provide \$21 million in relief for victims of the flooding throughout Minnesota, but many lawmakers said the Legislature will eventually have to do more.

The bill (**HF2129/SF1894***), sponsored by Rep. Doug Peterson (DFL-Madison), would draw funds from the state's \$522 million budget reserve and would temporarily lift some bureaucratic regulations to ease relief efforts.

"I think this is a message to the people of Minnesota and the people who are affected [by the flood] beyond our imagination," Peterson said. His bill passed 133-0.

The bill would send \$20 million to the Department of Public Safety for distribution to counties, cities, and towns affected by the flood. The money could be used for costs associated with flooding, including their use as matching funds to receive federal emergency relief aid.

Another \$1 million would be earmarked to help state agencies deal with expenses related to flood relief efforts.

A variety of state agency rules and fees would be waived to speed flood relief efforts. For example, a business owner would not be required to pay fees for any state inspections that may be necessary to get his or her business up and running again.

The bill also would provide an adjustment in state aid to help school districts affected by the flood.

Flood relief funding included in the bill would be added to the \$3 million for flood costs that was part of a \$20 million emergency snow removal costs bill passed earlier this session and signed into law (**HF100*/SF114/CH12**). (See Jan. 24, 1997, *Session Weekly*, page 5; March 14, 1997, *Session Weekly*, page 12; March 28, 1997, *Session Weekly*, page 9.)

It's still unclear what the total price tag will be to clean up and repair the many homes, businesses, and schools damaged by the disastrous flooding this spring along the Minnesota and Red rivers.

President Clinton vowed to deliver \$488

million in federal aid when he visited the hard-hit Red River Valley in April, but some now say that amount may fall well short.

Earlier this week, Peterson said the damage to housing and infrastructure in Minnesota likely will exceed \$800 million. And a preliminary Federal Reserve Bank estimate of total property damage in the Red River Valley (including the hard-hit cities of East Grand Forks, Minn. and Grand Forks, N.D.) offered a figure of \$1.2 billion to \$1.8 billion.

"This is not going to be done for a long time yet," Peterson said.

Several other lawmakers whose districts include areas hit by flooding echoed Peterson's remarks.

"This is the first step, and it's going to be the first step in a long process of making these people whole," said Rep. Kevin Goodno (R-Moorhead).

Rep. Tim Finseth (R-Angus) said state lawmakers will have to continue to work on getting needed relief to flood victims.

Capitol relief



State staff, officials, and legislative lobbyists filled two trucks with cleaning and pet supplies for the victims of Minnesota's floods. They also raised \$10,750 for the Red Cross and Salvation Army.

"This is not going to be the only bill relating to the flood this year," Finseth said. "This is not enough. We will have to do more."

In the meantime, a separate bill (not yet assigned a House File number) that would put a moratorium on loan foreclosures for flood victims is advancing in the House.

The measure, sponsored by Rep. Irv Anderson (DFL-Int'l Falls), would allow people who have had their homes, business, or property damaged by flooding to avoid foreclosure on mortgages, car loans, and other types of loans.

Also this week, Rep. Loren Solberg (DFL-Bovey), who chairs the House Ways and Means Committee, announced the creation of an 18-member task force headed by Peterson to coordinate flood relief efforts in the Legislature.

The task force is expected to tour flood-damaged communities around the state and to hold hearings on relief proposals.

The bill now goes to the governor.



TAXES

Cabin tax break

The House of Representatives approved its 1997 omnibus tax bill April 25, setting the stage for comprehensive property tax and education finance reform.

"This bill fulfills our obligation to reform" the system, Rep. Dee Long (DFL-Mpls), who chairs the House Taxes Committee, said of **HF2163**, which passed on a 101-32 vote. "There are major relief elements . . . and there are also major reform elements."

Indeed, **HF2163** reduces the tax rates for many of the state's property tax classifications, compresses the tax rate structure, and requires the state to assume a greater share of the education finance responsibility. It also modifies the state's sales and income tax codes, and contains new restrictions for Minnesota's Tax Increment Finance districts.

Before passing **HF2163**, members stripped the bill of a measure designed to protect taxpayers from the increased local levies that some say could result from changing the education funding mechanism. By a vote of 78-53, members adopted an amendment by Rep. Ted Winter (DFL-Fulda) that removed the so-called "reverse referendum" provision.

Under the reverse referendum process, any new tax — over the amount specified by the bill's levy limits — imposed by local officials would be subject to voter approval if

Highlights continued on page 17

Video gambling on table to fund new Twins stadium

Several proposals aired at joint House-Senate tax hearing

— By Steve Compton

Lawmakers once again heard from proponents of several ideas, some old, some new, for building and funding an outdoor ballpark for the Minnesota Twins. State support for a new stadium was the subject of a joint meeting of the House and Senate tax committees April 30. No votes were taken on any of the proposals.

The April 30 informational meeting was co-chaired by tax committee chairs Sen. Doug Johnson (DFL-Tower) and Rep. Dee Long (DFL-Mpls).

"The public has debated this issue for the past year," Rest told the panel as she presented the latest version of her bill. "It is very clear that a new ballpark is not anyone's top priority, but preserving major league baseball in Minnesota is."

Now on the table and drawing the increasing support of lawmakers and the ire of tribal representatives is a proposed casino on the grounds of the struggling horse racing facility, Canterbury Park in Shakopee. Rep. Mark Holsten (R-Stillwater) and Sen. Dick Day (R-Owatonna) have proposed the state-run casino as a revenue source to pay for a new stadium.

Their bill (**HF1300/SF492**) would authorize the Minnesota State Lottery to place 1,500 video slot machines in a new facility at the racetrack, just a few miles from the most successful Indian-run casino in the state, Mystic Lake. Forty percent of the new gambling revenue would be dedicated to the Environmental Trust Fund, Holsten said. Another 2 percent would go to fund urban American Indian programs. But the remainder of the money could be used for whatever purpose the Legislature deems necessary, including a new ballpark, Holsten said.

"The citizens of Minnesota love to gamble," Holsten said in response to those who are opposed to the idea. "You can't go anywhere in the state and not gamble."

"The main thing we want to stress is that this doesn't involve one dime of tax money," said Day.

This idea is widely opposed by leaders of Minnesota's 11 American Indian reservations who

now have a monopoly on casino gaming in the state. (See related story on page 16.)

Twins owner, Carl Pohlad, wants the state to help him secure the new ballpark to help turn around the team's ailing financial picture. He says that without a new stadium he may be forced to sell the team outside the state. Gov. Arne Carlson supports Pohlad's request. But public opinion polls have consistently shown that, though Minnesotans want to keep the Twins, they don't want a new stadium built with tax dollars.

Major League Baseball's Acting Commissioner Bud Selig said without a new stadium, the Twins will leave.

"There isn't a doubt in my mind that a new stadium built the proper way, that produced the kind of revenue that I know Carl and Jerry and everybody wants, will keep this club competitive... But without it, they have no team," he said.

Rep. Ann H. Rest (DFL-New Hope) is the House sponsor of the bill (**HF1367**) now before the House Taxes Committee. It would authorize the Metropolitan Sports Facilities Commission or a similar entity to design and build a \$439 million retractable roof ballpark for the Twins in Minneapolis. Building the ballpark would be contingent on the Twins signing a 30-year lease and advanced sale of a substantial number of private boxes, club seats, permanent seat licenses and season tickets.

Rest is proposing an amendment requiring Pohlad to donate \$15 million toward construction costs and invest another \$35 million to be paid back with revenues from naming rights and concessions contracts. The bill currently requires that Pohlad donate \$50 million, a provision he finds unacceptable.

In exchange for the state's investment in the ballpark, Pohlad has offered, and the bill requires, that 49 percent of the team's ownership and net operating profits go to the Metropolitan Sports Facilities Commission. This would need to be approved by Major League Baseball.

Rest's bill pays for the stadium with taxes from



"There isn't a doubt in my mind that a new stadium and everybody wants, will keep this club competitive."

a special tax district; a 4 percent surcharge on player earnings; a \$1 per vehicle parking tax around the stadium; a \$1 ticket surcharge; a 9 percent sales tax within the stadium; a 10 percent wholesale tax on sports memorabilia; and a special state lottery game.

If the bill falls short of the \$37.9 million needed yearly to pay for the stadium, Rest told the committee that she would not object to adding a cigarette tax increase. Carlson's original deal with the Twins called for a 10-cents per pack cigarette tax to pay for the stadium. That provision was deleted from subsequent versions of the bill.

Some lawmakers have other ideas for how to make up the funding deficit. The most frequently discussed option has been the use of gambling revenue. Carlson has indicated that he would not be opposed to gambling as a source of stadium revenue. Rest has been more circumspect but has not closed off the gambling option.



... stadium built the proper way, that produced the kind of revenue that I know Carl and Jerry [Lind and Selig] are competitive . . . But without it, they have no team."

—Major League Baseball's Acting Commissioner Bud Selig

Other ballpark options

There is no shortage of ideas floating around the Legislature on how to address the Minnesota Twins' request for a new outdoor ballpark. They all got a hearing before a joint meeting of the House and Senate tax committees April 30. The proposals include the following:

• **HF936/SF1323:** "We are being told we only have two choices, either build the stadium or the Twins leave," said Sen. Ellen Anderson (DFL-St. Paul).

Anderson and Rep. Phyllis Kahn (DFL-Mpls) have sponsored a bill that offers a third option: buying the Twins. The bill would appropriate \$100 million in state funds to purchase the team from the Pohlad and resell it to the public. The Pohlads would be asked to continue operating the team for the state.

• **HF1962/SF1727:** Sponsored by Sen. Ed Oliver (R-Minnetonka) and Rep. Barb Sykora (R-Excel-

sior), this bill calls for the Pohlads, other private sector investors, and the Metropolitan Sports Facilities Commission to each invest \$80 million in the new stadium. The city of Minneapolis would provide \$30 million to purchase and prepare land for the ballpark.

The commission would pay for its investment with state revenues from an existing tax on sports, health, athletic, and country club memberships. Additional revenues would come from a ticket tax, rent on the stadium, and sale of naming rights on the facility. The Twins would retain all other stadium-related revenue.

• **HF107:** House Minority Leader Steve Sviggum (R-Kenyon) proposes to have the Metropolitan Sports Facilities Commission sell off its Met Center property, use the proceeds to pay off the remaining debt on the Metrodome, and sell the dome for \$1 to its current occupants, the Twins and the Vikings. The Metropolitan Sports Facilities Commission would be disbanded.

An amendment to **HF1367** offered by Rep. Bob Milbert (DFL-South St. Paul) mirrors the Holsten/Day proposal in nearly every way except location.

"The best site for a state run gambling facility is on land we already own in Bloomington next to the Mall of America," Milbert said.

Such a facility would bring in \$100 million per year, he said.

This proposal is strongly opposed by Bloomington city officials and legislators, said Sen. William Belanger (R-Bloomington).

Rep. Todd Van Dellen (R-Plymouth) also proposes putting slot machines at Canterbury Park, but the goal would be only to raise enough revenue to purchase Twins tickets and void the escape clause in the Twins' lease that allows them to leave the Metrodome after the 1998 season.

The Twins have lost money the last two seasons and the escape clause activates if operating losses continue this season. The Twins are projecting that will be the case. Van Dellen said that buying the tickets would prevent the team from moving. The tickets would be donated to charitable organizations.

Both the House and Senate tax committees are expected to take up the stadium bills separately next week.

• Marty proposal

Sen. John Marty (DFL-Roseville) proposes to finance the stadium by selling revenue bonds to private investors. The bonds would then be paid off with projected revenue increases generated by the new stadium. Surplus revenues would be turned over to the Twins as profit.

According to an economic analysis by David Welle for the Metropolitan Sports Facilities Commission, the new stadium would collect \$99.1 million in its first year of operation in 2001. Under Marty's plan, the Twins would get \$47.9 million off the top (their current annual revenue, adjusted for inflation). Debt payment on the ballpark would get the next \$37.9 million. The remaining surplus revenue of \$13.2 million also would go to the Twins.

The Pohlads would retain 100 percent ownership of the team under Marty's plan and the taxpayers would not be put at risk.

An interview with Bud Selig

Should public dollars be used to finance baseball stadiums? Is a new stadium the only way to increase revenue for small-market teams such as the Twins? These questions and others were posed to Major League Baseball's acting commissioner and Milwaukee Brewers owner Bud Selig, who agreed to an exclusive interview with *Session Weekly* prior to his appearance April 29 before a joint meeting of the Legislature's taxes committees.

— By F.J. Gallagher

***Session Weekly:* Why should the Legislature use public dollars — either a broad-based approach such as an expanded sales tax or a narrower set of user fees — to subsidize what is essentially a private business by building a new stadium?**

Selig: Well, that's an argument, of course, that's gone on in many places for many years, and I guess I would say to you that if I could take you on a trip today and show you what Camden Yards has done in Baltimore after their Memorial Stadium experience, and Jacobs Field in Cleveland, Coors Field in Denver, and many other places. There are two things to be made here. One is the economic argument, and economists debate that — and I've heard them all, and I've talked to them all — the other is what I call the sociological influence. Now, let me cite an example from my own hometown, where we've had the same kind of debate, as you know, in Wisconsin. Fifty years ago — 48 years ago, after a very long and bitter debate — these are always long and bitter — County Stadium [in Milwaukee] was built. No major league team had ever moved or contemplated being moved, and there was no expansion contemplated. And yet, they had the vision and courage to build a stadium without a tenant. As a result came the very moving Braves experience, with Hank Aaron and Eddie Mathews and Warren Spahn, the Green Bay Packers, with Vince Lombardi, Paul Hornung and Jim Taylor, who never would have survived without having Milwaukee and County Stadium. And then 28 years of the Brewers, with Paul Molitor and Robin Yount, Gorman Thomas, and so on and so forth. And so you must ask yourself the question, and I've asked this of many people: was Milwaukee, Wis., not a better place to live because of their vision and courage? And unequivocally, the answer is yes, and I submit to you that any area is a better place to live because it has a stadium — and the economic development, I think, is critical. The very worst people can say is, well, it's

a wash. Well, no other public spending of money ever creates an economic wash. At the best, it creates \$200 to \$300 million a year.

***Session Weekly:* I don't know how familiar you are with the proposal the Pohlads have put on the table here, but Twins owner Carl Pohlad has offered 49 percent of the team to the state in return for a new stadium, yet for years, baseball has ruled out the public ownership of teams. How will the other major league owners react to Pohlad's proposal?**

Selig: We don't know yet. Carl has been fastidious, and [Twins President] Jerry Bell, in keeping us informed. It's before the ownership committee and the executive council. It will continue to be. We're reviewing all types of new, suggested ownership forms, but at this point I couldn't tell you today how that's all going to come out. I think that Carl Pohlad and his incredible desire to keep a team here — remember, there are other communities willing to build stadiums, and so one has to ask themselves — I would ask the same question, and I'll do it today — if the concept of the public spending money is so foreign, is everybody in every other city and arena in America and the North American continent and the world wrong? I used to say in Milwaukee, Wis., are we the only smart people in the world? I'd say the same thing to all of you.

***Session Weekly:* Several of the representatives have said to me that the extraordinarily high player salaries offend many of their constituents. Wouldn't building a new stadium exacerbate that phenomenon — drive salaries up, and anger fans even more?**

Selig: Well, look, baseball economics and sports economics are what they are. We have, I think, made more progress in the last year and a half in dealing with these problems than ever before. We now have revenue sharing, which is very substantial for teams like the Minnesota Twins and the Milwaukee Brewers. We have cost restraints, while maybe not exactly what we wanted, certainly [they] are at least a quantum leap forward from anything we've ever had. But what do people really want? They want their team to be competitive and they want to win, and last year, when you see the top eight teams in the playoffs, the eight top payroll teams, they're drawing well. Their fans aren't angry about anything. The only fans that are angry are those that lose. So with all due respect, I may have to disagree with that.

***Session Weekly:* Building the stadium could essentially put the state on the hook for bonding payments for a number of years. What would happen if there was another strike. What would the state do, in terms of making that payment?**



"The very worst people can say is, well, it's a wash. Well, no other public spending of money ever creates an economic wash. At the best, it creates \$200 to \$300 million a year."

Selig: Well, number one, I can't forecast what's going to happen in terms of — I mean, we have labor peace for five years. I want to believe, and I do believe that all parties, after the 1994 experience, are not going to let that happen in their lifetime. I feel very comfortable with that, and I think that if Don Fehr [who negotiated the agreement on behalf of the players] were here, he'd would not disagree with that either. And so, I think that you're building — after all, when you build a stadium, you build it for a generation and a half, maybe two generations . . .

***Session Weekly:* Well, that depends. I mean the Metrodome here is . . .**

Selig: Well, okay, this has been a little bit unique, and it's true in other places, but most stadiums will last 40 to 45 to 50 years. There has been so much that's changed since 1982, that in all fairness, nobody could see.

***Session Weekly:* Getting to revenue sharing, as of June 1996, the owners did come to an agreement on a revenue-sharing deal, but teams in large markets still have an**

edge, to a large extent, because TV dollars are still mostly under local control. What can be done — besides putting the smaller market teams in new stadiums where they get a bigger slice of the revenue pie — to address that?

Selig: Good question, but you just made the compelling case. I said that I had run a small-market team for years. It's one of the advantages, doing this job, having had a lot of practical experience, when you look around at markets like Minneapolis-St. Paul, Milwaukee, Kansas City, Seattle, San Diego, you can look at the demographics of your market. Media revenues are tied to share demographics. They're tied directly to the number of households. And so when you explore your options, the only way for a small market to be viable is to have a stadium that produces the amount of revenue that will make it competitive, and we came to that conclusion, and there isn't a doubt in my mind that a new stadium built the proper way, that produced the kind of revenue that I know Carl and Jerry and everybody wants, will keep this club competitive, as it will the Brewers in Milwaukee. But without it, they have no team.

Session Weekly: Team values and profits, according to a February issue of *Financial World* magazine — I don't know if you're familiar with that . . .

Selig: I am. I'm familiar with it, but don't equate my familiarity with either accuracy or belief.

Session Weekly: The point of the article was that the values of the franchises and the profit margins have been growing, yet owners say their profit margins have taken a beating. That's essentially what Mr. Pohlad has been saying.

Selig: I don't think *Financial World* said the profit margins have been growing because they're showing the industry to have a huge loss and almost every team losing.

Session Weekly: Well, how can we reconcile the value of the franchise increasing, yet the profit margins . . .

Selig: I don't know that the values of franchises have increased in their local markets. I don't know that that's true at all. In fact, I would submit to you there is no empirical data to support that position. The fact of the matter is, a franchise is only valuable when it's on the loose, when it's moving, and that's when its value goes up. I would say that one of the things that gets lost in all of this is that when a Carl Pohlad — who struggles and strains to keep a team in his home town, which is remarkably different from most people who own sports these days — there is no question that he's taking a financial hit to do so, and a considerable financial hit. There is no doubt about it.

Session Weekly: A lot of people, specifically in Congress, have raised the point that baseball enjoys an anti-trust exemption. It's the only major sport that does. Why should baseball continue to enjoy the anti-trust exemption?

Selig: A simple reason and I can say it here: because it's good public policy. We haven't moved a team in 25 years, and so we have been good citizens.

Session Weekly: But the specter of moving a team crops up continually.

Selig: Well, the specter of moving a team — look, the National Football League moved a series of teams because they couldn't control it, not because they didn't want to — because the National Football League is very responsible, and I know Paul Tagliabue felt very deeply about it. The fact of the matter is, we've been good citizens. We haven't abused that thing. We also have a minor league system that needs protection. We have 177 minor league teams in this country that without an anti-

trust exemption would probably be out of business, and so it's still there. It may be an anomaly, I don't think there's any question about that, but it's there because practically, when you look at the effects of it, it's been good public policy.

Session Weekly: What would happen if Congress did decide to remove it?

Selig: It would make it easier to move franchises. It'll be interesting, because the very people who cried about it were crying the loudest after their football teams got moved. It would hurt the minor league system, as I just said, terrifically, to a point that would harm a lot of local economies. And then I would ask you the question: then what good was done as a result of all the damage that was created all over?

Session Weekly: Well, people who would be for the anti-trust exemption would say, certainly there would be some moving of teams around in the beginning as the free market shakes out.

Selig: But what about the hurting [of] the entire minor league system that affects the many small towns and small and medium markets in America?

Session Weekly: The people who were for the free market might say the market would answer that question, and some mechanism would crop up . . .

Selig: The market may answer that question, but not to the benefit of the communities that have minor league teams. The market will answer the question, but not happily.

Session Weekly: What do you think is the biggest problem facing baseball today?

Selig: Continuing to deal with the disparity of revenues between clubs and we've made an enormous amount of progress and we're going to continue to make an enormous amount of progress, but we need to continue to be very sensitive to that problem.

Session Weekly: A lot of the new parks being built — Camden Yards, Jacobs Field, PacBell Park in San Francisco — are baseball only facilities. Yet a lot of communities — Boston, New York, etc. — are investigating building facilities that are multi-purpose stadiums so that you can put more than one team there. Here in Minnesota, for instance the Twins share the Dome with the Vikings. How can one reconcile the apparent divergence of interests between the owners, who apparently favor baseball-only stadiums for their enhanced revenue opportunities, and the obvious public need to accommodate a number of different sports?

Selig: Well, I think what we have proved over the years — this debate has gone on in a lot of places — multi-purpose stadiums just don't work any more. They don't, for the



"There's no question, baseball will have a commissioner. It'll have one at the right time . . . but for anybody to think that this so-called strong, independent commissioner will clear up some of the things that we've discussed today is just, frankly, plain mythol-

baseball team, produce the kind of revenue they need, and for the football team, quite frankly, it's a problem for the football team. So when you look at what needs to be done, these cities like Baltimore, now Cleveland, and many other places, building a baseball-only park makes sense because it produces the economic result, and football, which has a different type of facility and needs to produce, can't do it together. So what you have when you have a multi-purpose facility, you have two unhappy tenants. What's the plan?

Session Weekly: Twenty years ago, everybody was saying multi-purpose was the way to go. What's changed?

Selig: The economics, the ability to produce revenue, everything.

Session Weekly: Well, what should we do with the Metrodome, given, let's say that the Twins move out?

Selig: Well, I think that's a problem that I shouldn't comment on because, after all, I'm not here and I don't know what the Vikings want.

Session Weekly: A lot of people say that what baseball needs is a strong commissioner who has the authority to address matters of public confidence and integrity in business areas. For better or worse, you, as acting commissioner, seem to be perceived as a sort of "chairman of the owners' board." When do you plan to step down in favor of a permanent replacement?

Selig: Well, let me just — without getting into a lot of detail here because it's very tough — this business about the strong, independent commissioner. The union has their own head. We don't intervene in that process. I've heard for years that commissioners in all sports, quote and unquote, work for the owners and so on and so forth,

and the fact is, there's a lot of mythology surrounding the commissioner's job. There's no question, baseball will have a commissioner. It'll have one at the right time — we have a search committee that's under way and looking for it — but for anybody to think that this so-called strong, independent commissioner will clear up some of the things that we've discussed today is just, frankly, plain mythology, and you have 70 years of history under the commissioners that prove that.

Session Weekly: Any names on potential candidates?

Selig: No.

Indian leaders speak out on stadium gaming option

—By Steve Compton

After several proposals to open a state-run casino were discussed at a joint meeting of the House and Senate tax committees April 30, five American Indian leaders weighed in with their opinions.

Currently, Minnesota's 11 American Indian reservations enjoy a monopoly on casino gambling operations in the state. The tribes operate 17 separate facilities from the large and lucrative Mystic Lake Casino in Shakopee to a tiny operation in Red Lake. However, three gaming proposals are being put forth as a source of revenue to pay for a new ballpark for the Minnesota Twins. (*See story on page 12.*) In a recent *Minneapolis Star Tribune* poll, 60 percent of the respondents favored allowing slot machines at Canterbury Park racetrack.

"Indian gaming was not granted to us by the state," said Bobby Whitefeather, Red Lake tribal chair. "It is inherent in our sovereign nation rights."

Whitefeather sought to dispel the myth that all of the state's Indian reservations are getting rich from casino gambling. Red Lake is in a remote area of the state, he reminded lawmakers, and its three casinos are tiny compared to some of the larger operations near population centers.

"We are a gaming tribe but we still do not have the resources to provide basic services for our people," he said. "We use it to fund medical services, a nursing home, youth recreation, elderly nutrition programs and basic government services."

Indian gaming in Minnesota has been one of the model operations in the country, Whitefeather said, with Indian gaming producing in excess of 14,000 new jobs in the state, mostly for non-Indians. "In Red Lake, we've created 300 new jobs without state assistance."

Whitefeather said that the proposals being discussed would open the floodgates to other non-Indian gaming developments.

Bill Lawrence, a Red Lake tribal member and newspaper publisher from Bemidji, told the panel that though there are currently 60,000 Indian people in the state, 80 percent do not live on reservations. Minneapolis' 25,000 member Indian community is one of the poorest in the country, he said. Less than 10 percent of Minnesota Indians receive any benefit from Indian gaming, Lawrence claimed, and less than 5 percent receive any noticeable benefit.

"If the Minnesota Twins and Canterbury Park are the vehicle that Minnesota Indians must use to work themselves out of poverty, then I and many other will support it,"

Lawrence concluded.

Dallas Ross, chair of the Board of Trustees for the Upper Sioux Community and a member of the Minnesota Indian Affairs Council, told the panel that the gambling proposals would have a negative impact on Indian tribes in the state. "With reservation gaming, we have been able to realize some benefits for our people," Ross said. "But you can't undo in seven years what took 150 years to put in place."

Ross asked the legislators how they would be able to say "no" to future gaming proposals for other causes if they say "yes" to this one.

"This is a divide and conquer proposal," said Harlan La Fontaine of the provision to give grants from Canterbury Park gambling to urban Indian organizations. "Many urban Indians are already benefiting both directly and indirectly from tribal gaming," he said. La Fontaine is a Sisseton Dakota who lives in Minneapolis and is a member of the Minnesota Indian Affairs Council.

Mike Bongo, executive director of the Minnesota Indian Chamber of Commerce and chair of the Minneapolis American Indian Center, said that only three tribes receive substantial benefits from the state's four suc-

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cessful casino operations. He added that since two of those tribes are the state's smallest, only about 1,000 Minnesota Indians receive direct benefits from casino profits.

He refuted the idea, however, that urban Indians get no benefit from casinos, citing jobs provided at nearby Treasure Island and Mystic Lake casinos and the many grants given to urban Indian causes from casino proceeds.

Bongo concluded by suggesting that gambling revenue for the stadium should have been discussed as part of the welfare reform package since it "is corporate welfare for the rich, elite, and privileged at the expense of Indian people."

Highlights *Continued from page 11*

5 percent of the electorate signed a petition objecting to the increase. If the voters failed to approve the measure, local officials could not assess the new tax.

House members also accepted an amendment, offered by Rep. Ann H. Rest (DFL-New Hope), that would reduce the rate at which seasonal and recreational properties worth more than \$80,000 are taxed. Opponents of the provision argued that approving the decrease would only shift the tax burden onto an area's year-round residents, many of whom are struggling with high taxes as it is.

"You're giving money to millionaires," at the expense of blue-collar workers, said Rep. Tom Rukavina (DFL-Virginia), whose district is home to some of Minnesota's most valuable lakeshore property.

The Senate has passed a different version of the bill. Differences between the two will be resolved by a conference committee.



TRANSPORTATION

Selling abandoned cars

Minneapolis and St. Paul police would be required to hold impounded vehicles for only 15 days before putting them on the auction block, under a bill passed by the House April 30. The vote was 116-17.

HF342/SF166*, sponsored in the House by Rep. Jim Farrell (DFL-St. Paul), was crafted to address a problem that has Minneapolis and St. Paul impound lots overflowing with cars abandoned by their owners.

Current state law requires a 45-day wait before an impounded vehicle can be sold. Farrell's bill would exempt Minneapolis and

St. Paul from that law and set a 15-day limit for those cities.

The bill would require local approval by the city councils in Minneapolis and St. Paul before it could take effect.

Farrell said current law causes real problems in the cities, especially during winter months. A winter that brings heavy snowfall — such as this winter — leads to a lot of parking violations and a lot of cars being towed from city streets to the impound lot.

In St. Paul, where the city impound lot holds 750 vehicles, space in the lot can run out quickly, St. Paul Police Deputy Chief Ted Brown told House Transportation and Transit Committee members earlier this session.

Most people pay the fine and pick up their cars from the impound lot within a few days, but others would rather lose their vehicles than pay up, according to Brown. As a result, vehicles that — in effect — are abandoned

must be allowed to take up valuable lot space for 45 days before they can be sold off.

"The 45-day rule simply makes it too difficult to operate efficiently," Brown said.

A conference committee will be appointed to resolve differences with a similar bill passed by the Senate.

Minnesota State Agencies

| | |
|--|----------------|
| Agriculture | 297-2200 |
| Commerce | 296-4026 |
| Corrections | 642-0200 |
| Children, Families and Learning | 296-6104 |
| Employee Relations | 297-1184 |
| Job Information | 296-2616 |
| Finance | 296-5900 |
| Gaming | |
| Gambling Control Division | 639-4000 |
| MN State Lottery Division | 635-8100 |
| Toll Free | 1-800-475-4000 |
| MN Racing Commission .. | 496-7950 |
| Health | 623-5000 |
| Human Rights | 296-5663 |
| Toll Free | 1-800-657-3704 |
| Human Services | 296-6117 |
| Economic Security | 296-3711 |
| Labor and Industry | 296-6107 |
| Military Affairs | 282-4662 |
| Natural Resources | 296-6157 |
| Public Safety | 296-6642 |
| Driver and Vehicle Services | 296-6911 |
| Fire Marshal | 215-0500 |
| Liquor Control | 296-6159 |
| State Patrol | 297-3935 |
| Pollution Control | 296-6300 |
| Public Service | 296-7107 |
| Revenue | |
| Taxpayer Assistance | 296-3781 |
| Toll Free | 1-800-652-9094 |
| Trade and Economic Development | |
| 297-1291 | |
| Office of Tourism | 296-5029 |
| Transportation | 296-3000 |
| Veterans Affairs | 296-2562 |
| State Information | 296-6013 |
| House Information | 296-2146 |
| | 1-800-657-3550 |
| Senate Information | 296-0504 |
| | 1-888-2341112 |

Really bugged



Michael Battle, an 11-year-old from Capitol Hill School, got up close and personal with a Madagascar hissing cockroach in the Capitol Great Hall April 25. Many exotic arthropods were on display to educate kids about the important role these creatures play in balancing the environment. The Department of Natural Resources hired Tree House Productions to "Bug" the Capitol as part of the Arbor Day celebration.

Grams views state, federal government as partners

— By Steve Compton

Using the 1997 floods as an example, U.S. Sen. Rod Grams urged a joint session of the Minnesota Legislature April 28 to view the federal government as a partner in solving state problems.

Grams, accompanied to the Capitol by representatives of seven Minnesota towns devastated by the floods, praised the work of volunteers and community leaders and the courage of flood victims. He introduced mayors and city council members from Ada, Breckenridge, Crookston, East Grand Forks, Granite Falls, Montevideo, and Moorhead.

President Clinton has requested \$448 million in disaster assistance for flood victims, Grams reminded lawmakers. "I anticipate it will pass quickly and with overwhelming bipartisan support."

Grams also has introduced legislation, the "Depository Institution Disaster Relief Act," which would give hometown bankers and credit unions more flexibility in lending practices in areas hardest hit by the floods.

Grams stressed that Minnesota's farmers will need special help. "Nearly two million acres of prime farmland are under water," he said. "The loss of livestock is enormous."

Speaking to "that complex, evolving relationship" between Minnesota and Washington, Grams said that the power of government has shifted dramatically over the past 50 to 75 years to the federal level. "There is no longer an appropriate balance between the powers of the state and those of the federal government," he said.

"What we are striving for in 1997 is to change the role of the federal government from that of a dictator to that of a partner," Grams said. "The goal of this new partnership should be for Washington to give back to the states the authority to meet the needs of our state's residents, without the historical burden of mandates or expensive federal rules."

Grams said that every area of responsibility currently held by the federal gov-



U.S. Sen. Rod Grams told lawmakers April 28 that the federal government should be a partner and not a dictator to the states.

ernment needs to be reexamined. "If certain powers and responsibilities would be more effectively carried out by the states, then those powers should be restored to the states," he said.

"Whether here in Minnesota or in Washington, there is no government issue more fundamental than that of budget and taxes," said Grams, sounding a popular conservative theme.

"It is ineffective for the federal government to continue playing the role of the middleman who collects the tax dollars from hard-working Minnesotans and then redistributes them, minus the high cost of the Washington bureaucracy," he said. "Contrary to what some people think, we don't have a national debt because people are not taxed enough. We have a debt because government spends too much money."

Grams outlined four steps he said the federal government must take to avoid a fiscal disaster: Balance the budget and pay down the debt through increased

efficiency; cut family taxes; cut taxes for small businesses and farmers; and "rip the tax system out by its roots and replace it with one built on simplicity, equality, and honesty."

The senator mentioned his own proposal for a \$500 per-child tax credit, which has yet to pass, as one method of cutting family taxes. "By leaving that money in the family budget, taxpayers are then empowered to use it to directly benefit their households," Grams said.

On nuclear power, Grams noted that Minnesota utility rate payers have contributed nearly \$270 million into a \$13 billion federal fund to pay for a permanent national repository for nuclear waste by Jan. 31, 1998. The federal government has yet to identify a site for that repository.

"Minnesotans have the right to expect Washington to live up to its legal obligations to store nuclear wastes. The D.C. Court of Appeals agrees, and will hand down a decision in the near future," Grams said. He warned that a Clinton Administration plan to pay any compensation the federal court orders in that case, could "make the [savings and loan] crisis appear small."

On a more positive note, Grams pointed to federal and state efforts in welfare reform as "a powerful sign" of the newly developing partnership between the federal and state governments. "This new approach to welfare is an acknowledgement that welfare is not a right — it is a charity from someone else's labor," he said.

Grams concluded by urging legislators to grasp and use the opportunity to build a state-federal partnership that serves first the interests of the people and then the interests of the government. "Minnesota has a strong voice that needs to be heard," he said. "It would be a tragedy if a lasting legacy of the twentieth century were the complete dominance of the federal government and the silencing of the voice of the people here on the state level."

Frank Kellogg: rural attorney, international diplomat

— By Celeste Riley

He was born to farmer parents in Potsdam, N.Y., in 1856, and moved with his family to Olmsted County, Minn., when he was 9 years old. Little about his youth distinguished him from others of mid-19th century America, according to biographer David Bryn-Jones, but Frank Billings Kellogg would go on to become a successful lawyer, a U.S. senator, U.S. secretary of state, and jurist on the World Court before dying on the eve of his 81st birthday in 1937.

Today Kellogg's memory is kept alive in St. Paul by Kellogg Boulevard, downtown St. Paul's major artery along the river bluff. His Crocus Hill home still stands on Fairmount Avenue in St. Paul. A high school in Roseville, Minn., bore his name until becoming part of Roseville Area High School in the 1980s.

Until recently the Nobel Peace Prize he won in 1930 for his extensive efforts to prevent war was on display in the rotunda of the State Capitol. He was the fifth American to win the prize.

In *Frank B. Kellogg: A Biography*, Bryn-Jones describes Kellogg's ascent during the World War I era and, especially, its aftermath, in which countries throughout the world struggled to define and establish interrelations. Kellogg's talents and interests were in this area and it is where, mostly in his role as U.S. secretary of state, he made his most important contributions.

But long before he would gain world renown for his diplomatic and peace work, Kellogg would make a name for himself in Minnesota as an attorney in partnership with Cushman Davis, at the time one of the state's best-known practitioners and later Minnesota governor and U.S. senator.

Kellogg had entered the legal profession through a means long-since closed. With very limited schooling, he left the family farm for Rochester, Minn., and began work in the law office of H.A. Eckholdt, a Norwegian immigrant. By the time he left the firm, Kellogg had prepared himself, through independent study, for admission to the state bar. "Something must be credited to the less exacting standards of legal practice in a state still comparatively new . . ." Bryn-Jones writes.

The author also quotes from Kellogg's memoirs about his education: ". . . we did have an educational institution, a modest little country school known as the Old Stone School House about two miles from our place, and in the winter I went to school for three months; and, besides, I should say that from my eleventh to my fourteenth year, I probably went to that school for a couple of months each summer. I think that after I was fourteen years old I never went to school at all."

That probably seemed insignificant years later, when, his career gaining momentum, Kellogg would win the first of a string of anti-trust lawsuits against railroad companies. The suits would establish Kellogg's reputation and enhance important friendships he was making along the way with the likes of Theodore Roosevelt. By the 1910s Kellogg would be known as "the Trust Buster," according to Bryn-Jones.

In 1916, the man who had once suffered a crisis of confidence due

to his limited schooling was ready for bigger things. After declining several proposals from party representatives to run for the U.S. Senate on the Republican ticket, Kellogg was finally persuaded when about 70 newspaper editors of the Press Association of Minnesota signed a petition asking for his candidacy, Bryn-Jones writes.

Kellogg had been an avowed and committed Republican since the day years earlier he was asked to run for county attorney in Olmsted on the Democratic ticket. "I was a Republican and I could not think that it was just the thing under the circumstances to run on the Democratic ticket . . . And I have never regretted my decision," Kellogg said years later.

The newspapermen, however, would ultimately hold sway over his decision to run. Kellogg served in the U.S. Senate from 1917-1923. Then, in his bid for reelection, he was astonished to be turned out of office. According to Bryn-Jones, Kellogg had not studied closely enough the social and political changes to visit Minnesota during his term and conducted a lackluster campaign. In 1922, times had been hard on agriculture and labor, ushering in the era of the Farmer-Labor Party. Kellogg had made no friends with brewers as a Prohibitionist. The Republican party was in disarray. Kellogg lost his Senate seat to Henrik Shipstead of the Farmer-Labor party. Shipstead was the first non-major party candidate from Minnesota to serve in the U.S. Senate, according to Joseph A. Burnquist in *Minnesota and its People, Vol. I*.

The loss, Bryn-Jones writes, may well have spelled the end of Kellogg's political career. He prepared to leave Washington for St. Paul to resume his law practice. Instead, his record and contacts conspired to alter that plan. In 1923, President Warren G. Harding recruited Kellogg to join the U.S. delegation at the Fifth Pan-American Conference in Santiago, Chile. The next year, with his friend Calvin Coolidge in office as president, Kellogg was asked to assume the office of ambassador to Great Britain. When Coolidge's secretary of state, Charles Evans Hughes resigned, the president asked Kellogg to take over the post, which he held from 1925-1929. "On the whole, Kellogg was a reasonably capable but undistinguished Secretary of state," writes L. Ethan Ellis in the *Dictionary of American Biography, Vol. XI*, edited by Harris Starr and Robert Schuyler. "He was generally conservative, an irascible but still a friendly colleague and chief, not prone to long flights of fancy or of leadership . . ."

Kellogg would become an ambassador for peace to nations across the globe, according to Bryn-Jones, with his crowning achievement the Pact of Paris in 1929, which renounced war.

Kellogg would live out his later years as an elder statesman, serving on the Permanent Court of International Justice (or World Court) and collecting awards and recognition. In 1928, Carleton College conferred upon him an honorary LL.D degree; in 1931, University of Minnesota echoed the gesture. Hamline University awarded him a DCL degree, also in 1931. That was in addition to honorary degrees from 12 other colleges and universities in the U.S. and around the world. Health problems forced him to resign from the court in 1935.



Frank B. Kellogg

Photo from *Frank B. Kellogg - A Biography* by David Bryn-Jones, 1937; an AP photo

Pipestone quarry site long sacred to Indian peoples

At an ancient time the Great Spirit, in the form of a large bird, stood upon the wall of rock and called all the tribes around him, and breaking out a piece of the red stone formed it into a pipe and smoked it, the smoke rolling over the whole multitude. He then told his red children that this red stone was their flesh, that they were made from it, that they must all smoke to him through it, that they must use it for nothing but pipes: and as it belonged alike to all the tribes, the ground was sacred, and no weapons must be used or brought upon it.

— Dakota account of the origin of pipestone, as recorded by George Catlin, 1836.

— By Steve Compton

Pipestone National Monument in southwestern Minnesota marks a stone quarry that has been in use by Native Americans since prehistoric times. Stone pipes have been used in North America for at least 2,000 years, with ancient specimens found at archeological sites as far away as Florida and Ohio.

Digging at the pipestone quarry was first

ing had evolved into a true art form with elaborate animal and human effigies. The popular T-shaped calumet pipes became widely known as “peace pipes” because they were often encountered by whites at treaty ceremonies.

As America grew westward in the 19th century, pipes found their way into white society through trade. Pipes became a source of income for their makers, taking on a significance beyond their cultural use. By the



Indians at Pipestone Quarry in 1893.

Photo courtesy Minnesota Historical Society

noted by French trappers in the 17th century. Indian carvers prized this durable yet relatively soft stone, which ranged in color from mottled pink to brick red. Minnesota's pipestone deposit was originally used by most of the Plains tribes. By about 1700, though, the Dakota Sioux controlled the quarries and distributed the stone through trade.

Smoking was regarded as a sacred activity and marked many ceremonies of the Plains people. By the time writer and artist George Catlin visited the quarry in 1836, pipe carv-

late 1840s, pipestone was an item of some value in frontier commercial trade.

Increasing contact between whites and Indians inspired new subject matter for carvers. Effigies often depicted white politicians and explorers, sometimes with caricatures far from flattering. In 1849, a piece of pipestone was sent to Washington, D.C. to be incorporated into the Washington Monument.

The Sisseton and Wahpeton bands of Dakota signed a treaty in 1851 at Traverse de

Sioux, Minnesota Territory, relinquishing their rights to most of southwestern Minnesota, including the pipestone quarry area. The treaty did not, however, include the Yankton Dakota Band. A separate treaty with the Yankton in 1858 restricted the tribe to a reservation 150 miles north of the quarry but set aside one square mile of land centered on the quarry as a reservation for their use.

As the quarry became increasingly lucrative, white settlement threatened to consume the Indian claim. The city of Pipestone, a mile south of the quarry, was platted in 1876, and whites were soon digging new pits and extracting the sacred stone. Other settlers erected homesteads on the Yankton land. For decades the Indians struggled to maintain their rights to the quarry and surrounding reservation. During this period, efforts to create a state park at the quarry stalled due to the dispute over ownership of the land. Finally, in 1928, the Yanktons sold their claim to the federal government.

Ironically, as soon as the government took over the property, local residents in Pipestone began clamoring for the establishment of a “National Indian Pipestone Park” to preserve the historical and ethnological values of the area and to “grant quarrying rights to Indians of all tribes.”

Formal legislation to make the area a national park was introduced by Minnesota Sen. Henrik Shipstead in 1934 but stalled in committee. A similar bill put forth the following year passed the Senate but was ignored by the House. Reintroduced two years later with the name changed to Pipestone National Monument, the bill finally passed and was signed into law by President Franklin D. Roosevelt on Aug. 25, 1937.

Federal park recognition did not unleash a flood of money to develop the 116 acre site, however. Sporadic local and federal improvement efforts continued for the next few years. The register for 1941 showed 1,500 out-of-state visitors. Development activity was renewed after World War II when federal regulations governing Indian quarrying rights were adopted. The monument was placed on a year-round operational basis in 1948. During the next decade, roads were improved, trails added, and visitor facilities upgraded. An exhibition pit was opened and later, an adjacent visitor center. In 1957, an additional 167 acres were annexed to the park, bringing it to a total of 283 acres. The

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Uncovering history . . .

Map discovery reveals details of Fort Snelling's past

— F.J. Gallagher

Almost 175 years ago, a United States Army officer named Josiah Vose, who served at Fort St. Anthony during its construction, sent a detailed map of the outpost back to his family in Massachusetts, perhaps as a sort of postcard from the frontier.

For years, the map lay undiscovered, tucked away in the Vose family collection, even as historians struggled to accurately reconstruct the old outpost, now known as Fort Snelling. Recently, though, in what representatives from the Minnesota Historical Society are calling perhaps their most important acquisition, the document has resurfaced.

Last week, in the rotunda of the State Capitol, accompanied by guards clad in period uniform, state officials displayed the map for the first time since purchasing it for \$11,500 from a Connecticut military document dealer.

"The map provides insight as to why some changes were made . . . in the transition from fort to community," historical society archaeologist Bob Crouse said. "We also know that there were other changes made and that some of the things constructed here were later moved within a year and a half."

Scholars involved with reconstructing the fort in the 1970s based their work on construction plans now housed at the National Archives in Washington D.C., and archaeological evidence gathered at the site, Crouse said. Many times, they had to guess at the answers to basic questions. This map, Crouse said, not only confirms as correct many of those decisions, it gives historians a much more accurate picture of the fort's evolution.

"Almost all the maps made at that time were done for official use," and consequently are owned by the federal government, Jon Walstrom, historical society map curator, said at the April 25 unveiling. "This is rare."



Students from Bloomington's Oak Grove School were among the first to get a glimpse of an 1823 hand-drawn map of what is now Fort Snelling. The map is a recent and significant acquisition by the Minnesota Historical Society displayed in the Capitol rotunda April 25.

The state purchased the 19-inch by 26-inch map with a donation made by John and Elizabeth Driscoll, of St. Paul. The hand-drawn document is signed by its maker, Joseph E. Heckle, a quartermaster stationed at the fort, and Vose apparently used the margins to describe for his family many of the living conditions of the day.

Vose arrived in the area around 1819 as part of a military expedition, under the command of Lt. Col. Henry Leavenworth, to establish an outpost on the frontier. The soldiers, looking to protect the burgeoning fur trade with a permanent American presence, built a stockade at the confluence of the Minnesota and Mississippi rivers, about a half-mile away from where the permanent structure would be located.

Conditions at the time, according to a recent *Minneapolis Star Tribune* story, were brutal. Leavenworth begged his superiors

for a transfer, even as his troops died building the permanent fort. By the spring of 1820, 30 men were dead, but Leavenworth got his wish. Command of the facility was assigned to Col. Josiah Snelling, for whom the structure was named in 1825.

The map can be seen at the Minnesota History Center, near the State Capitol, where it will be on display until June 2, when curators will move it into environmentally controlled storage. The historical society also plans to reproduce the map and publish a book explaining the margin notes and the process by which the map was created.

"It is rare to have an opportunity to add such a remarkable map to the collections of the Minnesota Historical Society," Walstrom said. "Both the information value and the artifactual value of the map are immeasurable."

Continued from page 20

site today includes a waterfall on Pipestone Creek, quartzite bluffs, native tallgrass prairie land, and a three-quarter-mile trail.

Pipestone National Monument is currently visited by more than 100,000 people

each year. Any registered member of a recognized Indian tribe may obtain a permit to dig pipestone in the quarry.

Plains Indian culture has undergone radical change since the era of the free-ranging buffalo herds, yet pipe carving is by no means

a lost art. Pipestone carvings today are still appreciated as works of art and for their spiritual and cultural significance.

Governor's Desk

CH67-CH85

Bills await governor's action

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

- sign the bill and it will become law;
- veto the bill;
- line-item veto individual items within an appropriations bill; or
- do nothing, which results in the bill becoming law in the first year of the biennium. The timing of these actions is as significant as the actions themselves.

In the first year of the biennium, the important thing to remember is that the gover-

nor has three days from the time of "presentment" to veto a bill. If the governor doesn't sign the bill within this time frame, it will become law with or without his signature. (Sundays are not counted in the three-day time limit, but holidays are.)

Only on appropriations bills can the governor exercise the line-item veto authority. This option allows the governor to eliminate the appropriation items to which he objects. As with all vetoes, the governor must include a statement listing the reasons for the veto with the returned bill. Here, too, the timetable is within three days after the governor receives the bill.

A two-thirds vote of the members in each

house is needed to override a veto. But because only the governor can call a special session of the Legislature, anything vetoed after the Legislature adjourns is history — at least until the next year.

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

Internet access to this information is available at:
<http://www.governor.state.mn.us> (select "legislative issues" folder)

Key:

CH=Chapter; HF=House File; SF=Senate File

| Chapter | HF | SF | Description | Signed | Vetoed |
|---------|-------|-------|---|---------|--------|
| 67 | 591* | 578 | Faribault Trunk Highway 218 easement transfer requirement. | 4/29/97 | |
| 68 | 1123* | 1156 | Telecommunication company slamming and loading prohibited. | 4/29/97 | |
| 69 | 750 | 652* | Autism treatment options advisory task force. | 4/29/97 | |
| 70 | 1223 | 1025* | Impounded vehicle notice required within 10 days. | 4/29/97 | |
| 71 | 571 | 465* | Long-term care insurance policy sales regulated. | 4/29/97 | |
| 72 | 473* | 197 | Metropolitan Council employee recognition services program. | 4/29/97 | |
| 73 | 1183 | 1094* | Real estate tenant referral compensation regulated. | 4/29/97 | |
| 74 | 271* | 608 | Re-employment insurance wage reporting requirements modification. | | |
| 75 | 2169 | 1928* | Counties and cities flood assistance authority. | | |
| 76 | 1075* | 891 | Professional health services regulation. | | |
| 77 | 1637* | 1424 | Fire insurance provisions modification. | | |
| 78 | 601* | 869 | Boundary commissions provisions modifications. | | |
| 79 | 1162* | 363 | State employment provisions modifications. | | |
| 80 | 1880* | 1519 | Employer re-employment compensation payment schedule. | | |
| 81 | 1383* | 1081 | Occupational safety and health notice service provision modified. | | |
| 82 | 317* | 16 | Municipal wastewater infrastructure action authorized. | | |
| 83 | 966* | 911 | Wages payment requirements modification. | | |
| 84 | 807* | 456 | Tax bill. | | |
| 85 | 159 | 1* | Welfare reform bill. | 4/30/97 | |

*The legislative bill marked with an asterisk denotes the file submitted to the governor.

Bill Introductions

HF2174-HF2185

Friday, April 25

HF2174—Kelso (DFL)
Education
Omnibus K-12 education statutes recodification.

HF2175—Lieder (DFL)
Ways and Means
Gasoline and special fuel additional taxes imposed, money allocated for repair and reconstruction of highways and roads damaged by 1997 spring flooding, and money appropriated.

HF2176—Jefferson (DFL)
Ways and Means
Local relief association benefit plans modified, post-retirement adjustments for certain retirees and recipients provided, Richfield fire department relief association benefit plan changed, and St. Paul police and fire accounts consolidated.

Monday, April 28

HF2177—Long (DFL)
Taxes
Dependent income tax subtraction expanded.

HF2178—Long (DFL)
Taxes
Minnesota working family income tax credit increased.

HF2179—Opatz (DFL)
Education
Statewide education testing and reporting system formulated.

Tuesday, April 29

HF2180—Huntley (DFL)
Education
University of Minnesota, Duluth, library construction provided, bonds issued, and money appropriated.

Wednesday, April 30

HF2181—Pelowski (DFL)
Education
Minnesota science and math foundation established, and money appropriated.

Thursday, May 1

HF2182—Kubly (DFL)
Taxes
Business property tax due date extension provided.

HF2183—Dempsey (R)
Economic Development and Int Trade
Hastings Le Duc mansion refurbished, bonds issued, and money appropriated.

HF2184—Finseth (R)
Ways and Means
Flood hazard mitigation grants provided, bonds issued, and money appropriated.

HF2185—Bettermann (R)
Economic Development and Int Trade
Douglas county; Ida and Lake Mary townships sanitary sewer improvements provided, bonds issued, and money appropriated.

Coming Up Next Week . . . May 5 - 9, 1997

Committee Schedule

MONDAY, May 5

8 a.m.

WAYS & MEANS
5 State Office Building
Chr. Rep. Loren Solberg
Agenda: HF313 (Milbert) Fish habitat and propagation provisions modified, special hunting events established for youth, airboats restricted, minnow taking provisions modified, and money appropriated.
HF2157 (Jennings) State agency heads, judges, and legislators compensation regulated.
HF1299 (Jennings) Electric Energy Task Force renamed the legislative commission on utility competition, and electric industry restructuring review process established.
HF647 (Jefferson) Public pension benefit accrual rates increased, defined contribution early retirement options authorized, homestead and agricultural credit aid modified, and money appropriated.
SF412 (Terwilliger); HF1389 (Jennings) Public employee and official salary and compensation provisions modified.
SF985 (Foley); HF1004 (Entenza) Omnibus DWI Bill.

9:30 a.m.

The House meets in session.

TUESDAY, May 6

8 a.m.

Joint
CAPITAL INVESTMENT/
Senate
STATE GOVERNMENT FINANCE
123 State Capitol
Chr. Rep. Henry Kalis,
Sen. Richard Cohen
Agenda: Presentation by Jim Steinmann, Revenue Building Consultant, SGS Group.

WAYS & MEANS
5 State Office Building
Chr. Rep. Loren Solberg
Agenda: SF94 (Moe); HF551 (Sekhon) State land boundary line and trust sale provisions modified, property tax payment by natural resources commissioner provided, and public land sales authorized.
HF1390 (Solberg) Floodwood Joint Recreation Board tax levies regulated.
SF164 (Wiger); HF535 (Juhnke) Bison designated as livestock, and federal food rule conformity provided.
HF1579 (Swenson, H.) Game and fish license subagent sale commission retention allowed.
HF1441 (Greenfield) Health insurance loss ratios limited, health care commission repealed, health technology advisory committee modified, MinnesotaCare program eligibility

expanded, and Medicare assignment provisions modified.

9:30 a.m.

The House meets in session.

WEDNESDAY, May 7

8 a.m.

Civil & Family Law Division/
JUDICIARY
400S State Office Building
Chr. Rep. Andy Dawkins
Agenda: Presentation on Electronic/Digital Signatures.

9:30 a.m.

The House meets in session.

THURSDAY, May 8

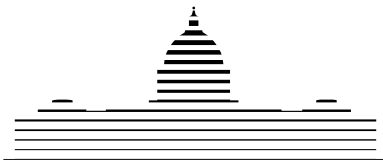
9:30 a.m.

The House meets in session.

FRIDAY, May 9

9:30 a.m.

The House meets in session.



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

Speaker of the House: Phil Carruthers
Majority Leader: Ted Winter
Minority Leader: Steve Sviggum

MINNESOTA INDEX

Special education in Minnesota

| | |
|--|----------|
| Year that Minnesota adopted a broad special education system..... | 1957 |
| States that had adopted some form of legislation requiring school districts to educate kids with disabilities by 1973 | 45 |
| Year that Congress passed what has come to be known as the Individuals with Disabilities Education Act to help states provide children with disabilities a "free appropriate public education" | 1975 |
| Percent increase in the number of special education students served, 1977-1996 | 43 |
| Special education students served in Minnesota public schools, fiscal year 1996 | 101,000 |
| As a percent of all K-12 students | 10.9 |
| Number of "primary disabilities" used to categorize special education students ... | 13 |
| Percent of special education students with learning disabilities | 38 |
| Percent with emotional/behavioral disorders | 17 |
| Special education students with speech or language impairments | 1 in 5 |
| Amount that Minnesota school districts spent on special education students, in billions, fiscal year 1995 | \$1.1 |
| As a percent of total school district budgets | 21 |
| Cost per special education student, fiscal year 1995 | \$12,100 |
| Regular education students funded with the same amount | 2.1 |
| Percent of special education costs paid for with school districts' general funds, fiscal year 1995 | 40 |
| Percent paid by state categorical aid | 37 |
| Percent of costs paid by special education property tax levies | 17 |
| Percent paid by federal categorical aid | 6 |
| Special education students age 6-21 taught in a regular classroom setting, fiscal year 1995 | 6 in 10 |
| Maximum age that special education students may remain in class as high school seniors, if necessary | 22 |

Source: *Special Education*, January 1997, Office of the Legislative Auditor

For more information

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

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

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

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giving committee meeting times and
agendas, call:
Committee Hotline
(612) 296-9283

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