

# SESSION WEEKLY

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To subscribe, contact:  
Minnesota House of Representatives  
Public Information Office  
175 State Office Building  
St. Paul, MN 55155-1298  
(651) 296-2146 or  
1-800-657-3550  
TTY (651) 296-9896

**Director**  
LeClair G. Lambert

**Acting Assistant Director/Editor**  
Nick Healy

**Acting Assistant Editor**  
Sandy Donovan

**Art & Production Coordinator**  
Paul Battaglia

**Writers**  
Jon Fure, Sarah Hallonquist,  
Grant Martin, Paul Wahl

**Chief Photographer**  
Tom Olmscheid

**Photographers**  
Gina Dabrowski, Laura Phillips,  
Andrew Von Bank

**Office Manager**  
Nicole Wood

**Staff Assistants**  
Christy Novak, Jennifer Ridgeway

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## Reflections

Late April at the state Capitol is a time for change. The deadline for finance bills to move out of committee has passed and lawmakers are now spending more days in the House chamber debating some of the 2,417 bills they introduced this session so far. Most of those bills may not reach the General Register, a step in the House agenda through which bills must first be approved before they are debated on.

Late April is also a time when the yellow color of hundreds of visiting school buses around the complex is no longer the only hue one sees during the first months of winter. Spring brings the color green to the Capitol, and to legislative debates about spending.

In almost a week, the lawn around the Capitol complex has turned a deep green luster that dominates the fading winter drabness. And it gets used more often now for protests like the one for tax cuts, or one for returning greenback dollars to the people.

Inside the Capitol, lawmakers have begun the hours-long task of passing omnibus finance bills that will make some states "green with envy," because the state has so much money to work with. Their debates, bill amendments, and final passage could also make some citizens plan for "greener pastures" yet cause some businesses or individuals to be "green around the gills."

Obviously, the color green is not exclusive to the Capitol or its surrounding lawn. The color makes itself known to all entities. It shows up in the form of fried green tomatoes, golf course putting greens, vegetarians' "green cuisine," and as a green thumb on the hands of successful gardeners.

You can also find it as green mold, as part of the name of a Wisconsin football team, and even as Great Britain's "Big Green Gathering," the nation's largest and liveliest gathering of sideshows, art, and environmental activists.

As Coach Green builds his 1999 Vikings team, the band "Green Day" keeps building its following. And during the rest of April, legislators will continue to discuss and debate how Minnesota gets to use or not use "the green" from its built-up surplus.

Though Sesame Street's Kermit the Frog says, "It's not easy being green . . . It seems you blend in with so many things. And people tend to pass you over 'cause you're not standing out . . ." he also adds, "But green is the color of Spring. And green can be cool and friendly-like. And green can be big like an ocean...or tall like a tree."

As April brings green to all things, lawmakers continue to do what they are elected to do — make laws to keep the state running with no budget shortfalls.

—LeClair Grier Lambert

## INSIDE

Highlights .....	5
A Closer Look: State government finance bill .....	17
Feature: Capitol cafeteria restoration .....	19
Governor's Desk (CH60 - CH86) .....	22
Bill Introductions (HF2408 - HF2417) .....	23
Committee Schedule (April 26 - 30) .....	23

On the cover: Herman Krumpholz applies a layer of paint to a cartouche stencil in the center of the ceiling in the Capitol cafeteria.

—Photo by Tom Olmscheid

# First Reading

Health & human services . . .

## Hefty omnibus bill would aid nursing home workers

By Paul Wahl

**P**ersonal care and nursing home workers would get a raise, new restrictions would apply to abortion procedures, and an all-out effort to encourage organ donation would begin, under a health and human services spending bill the House passed April 22. The vote was 92-40.

The \$5.86 billion bill proposes slightly more health funding than recommended by Gov. Jesse Ventura.

Almost equal chunks of the proposed spending would be split between the Department of Human Services and the Department of Health.

The bill (**HF2412**) is sponsored by Rep. Kevin Goodno (R-Moorhead). Here are some of the highlights of the omnibus spending package.

### Care provider pay hikes

Those who care for the state's handicapped and elderly are often paid only minimum wages, and many lawmakers said they consider providing better pay for those workers to be a priority.

The omnibus bill proposes a 3-percent cost-of-living raise for direct care workers and a two-tiered increase for nursing home attendants — 4.75 percent in rural areas and 2.75 percent in metro areas.

Improving pay is also designed to entice more people into the health care field to alleviate a statewide shortage of workers. That shortage is deemed to be more acute in rural areas, hence the larger pay increases at those facilities.

The pay raises would cost the state more than \$75 million during the next biennium.

In 1998, lawmakers passed a measure that provided \$20 million to improve the pay for workers at long-term care facilities, which mainly serve senior citizens and the developmentally disabled.

### Abortion initiatives

The omnibus bill also contains several provisions designed to limit or track the number of abortions performed in Minnesota.

One proposal would ban certain late-term abortion procedures. So-called partial-birth abortions would be made illegal except in cases where the mother's life is in danger, and violating the ban would be made a felony-level crime, punishable by imprisonment and fines. Also, women and their families would be al-



Nursing homes would benefit from several provisions of an omnibus health and human services bill passed by the House, including a plan to increase the salaries of long-term care workers.

lowed to sue doctors for psychological and physical damages related to the procedures.

The bill would require that women provide voluntary, informed consent before receiving an abortion. To meet the requirements, the woman would have to receive specific information at least 24 hours before the procedure is performed. The information would have to include details of medical risks and options other than abortion.

The measure also calls for more public reporting about certain abortions performed on minors. Under current law, doctors are required to notify parents or guardians at least 48 hours before performing an abortion on a minor, but minors can bypass the parental notification with a judge's permission.

The House bill would require doctors who perform abortions under those circumstances to report information about their patients, including the age and race. The information would be made public.

Proponents of that provision said there is no good documentation showing how often, or in what circumstances, the judicial bypass process is being used.

The bill would provide data privacy protection for minors and doctors, but opponents said it would not afford enough protection for the judges who approve the procedures, especially because the public reports would list information by county and some counties have only one judge.

### Organ donation program

The omnibus measure would allocate \$1 million to establish the Minnesota Donor Decision Campaign to encourage organ, eye, and tissue donation. The provision was originally in a separate bill sponsored by Rep. Darlene Luther (DFL-Brooklyn Park), herself a recipient of a donated organ.

The money would be used for advertising and public education campaigns, which could include a mobile donor information center to travel to communities across the state. Although the bill doesn't direct the proposed funding to a specific group, it is expected that the Lifesource Upper Midwest Organ Procurement Organization in St. Paul would receive the grant.

### Nursing home regulation

Disputes spurred by 1998 fines on nursing homes because of side rail use on patients' beds prompted several provisions in the omnibus bill.

Under the bill, the Department of Health would be required to hold orientations on any new regulatory guidelines and to release to nursing homes copies of reports and letters pertaining to the evaluation of the homes.

The bill would change the conditions under which a nursing home could be fined for placing patients in what is called "immediate jeopardy," and it would offer an informal dispute resolution process. Federal law prohibits



practices that place patients in immediate jeopardy, and that law was often cited by the state health department when it assessed fines on facilities that were using bed rails.

The bill also would require the health department to pursue options for reimbursing nursing homes that may have been fined improperly for use of bed rails.

#### Aid to developmentally disabled

Nearly \$12 million over the next biennium would go to increase the availability of home- and community-based services for persons with mental retardation or related conditions.

Throughout the session, lawmakers on the Health and Human Services Committee heard from parents and guardians of developmentally disabled adults who said their resources for providing care were nearly exhausted and their options were few.

The proposed spending would allow group homes in the state to serve an extra 250 people each year and would eliminate a current waiting list for services.

Another \$2 million annually would be set aside for semi-independent living services, and \$2.5 million a year would go for family support grants to further assist the developmentally disabled.

#### Tobacco prevention program

The omnibus bill would also provide \$15 million over the biennium for tobacco use prevention grants targeting smoking among young people.

That amount, which would come from the state's general fund, is the same as requested by the governor in his proposed budget. However, the House bill does not contain the endowment proposals that Ventura asked to be created with some of the state's tobacco settlement money.

The bulk of the \$15 million would fund grants to community health boards to develop anti-tobacco programs. Other money would be spent on competitive grants and on evaluating the new programs.

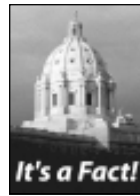
#### Encouraging abstinence

The bill would prohibit state family planning money from going to "any entity that is an organization or affiliate of an organization which provides abortions, promotes abortions or directly refers for abortions."

It also would require AIDS prevention programs that are targeted toward children to exclusively promote abstinence from sexual activity outside of marriage.

And it would amend the goals of the state's Education Now and Babies Later program to include "promoting abstinence until marriage." 🐾

## False claims on prime St. Paul property



work ever again.

However, if you hold a deed to such property and the document has the name Carver on it, you may want to think twice before you submit your two-week notice.

Carver grant deeds were sold in a land speculation scheme in the early 1800s, long before Minnesota was a state, even before the first American settlers began coming to the area.

The scheme was based on a claim that a tract of land was given to the explorer Capt. Jonathan Carver by two Dakota chiefs on May 1, 1767.

Carver, after whom Carver County is named, was one of the first English colonists to explore Minnesota, venturing into the area in the 1760s.

Although originally from New England, Carver went to London following his journey through Minnesota and Wisconsin to seek payment he felt was owed him by the crown for his explorations. While there, he published a memoir of his travels.

And although his book became a bestseller, Carver died impoverished two years after it was published, leaving two wives and two families — one in England and one in America.

In 1781, Carver's doctor, feeling pity for the English widow, financed a new edition of the memoirs to provide much needed income for the family.

In that printing, the doctor added an obscure passage, allegedly provided by Carver, about a grant of land given to the explorer by the Dakota tribe. The grant included a strip of land from St. Anthony Falls east about 100 miles, into present-day Wisconsin.

With the details of the deed in print, Carver's descendants — both in England and America — realized that if it were true, they would have rights to the property.

In 1804, Samuel Peters was contacted in London by an American descendant of Carver and asked to find the original grant

in England and bring it back to America. Peters, a 70-year-old Episcopalian minister, was booted out of his native Connecticut because of his loyalist views during the Revolutionary War.

Peters met with the English family but couldn't find the original deed. And he soon discovered evidence that family members had already been selling shares of the land, including proof that Carver himself may have sold some rights to the claim before his death.

Peters returned to America without the original deed in 1805 and attempted to lobby Congress for official recognition of the Carver grant for the American family.

Peters also sent several missions into the Dakota territory to have the leaders of the tribe authenticate the document. And he financed these missions by selling shares of the land.

These sales angered the American family and they also began selling shares of the Carver grant. Three groups — Peters, the American Carvers, and the English Carvers —

were then selling overlapping claims to land they technically didn't possess.

Reports back from Minnesota stated that the Dakota tribe would not recognize any land grant, and, in fact, didn't even recognize the names of the chiefs who had allegedly signed the grant.

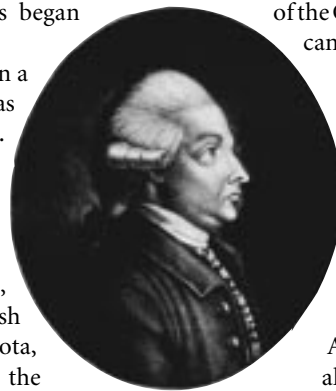
In 1817, the 83-year-old Peters attempted a trip up the Mississippi to meet with the Dakota. He made it as far as Prairie du Chien, Wisconsin, but he wasn't given permission by the U.S. government to proceed.

Congress gave the final word on the Carver grant in 1825, stating that the U.S. government refused to legally recognize any claims to the land. However, that decree didn't stop Carver's descendants and they continued to sell rights to the land.

Peters died a year later, penniless and disappointed. He had spent the last 22 years of his life pursuing the grant.

In 1897, a new round of speculation

*Continued on page 23*



Capt. Jonathan Carver

Photo from *The Journals of Jonathon Carver and Related Documents 1766-1770*, edited by John Parker, 1976.

# Highlights



## AGRICULTURE

### Minus rebate, farm aid OK'd

The House passed a plan April 19 that would spend \$70 million to help Minnesota's farmers. The vote was 126-4.

The move came after an agreement was reached on a bill (HF1) that had once included provisions calling for tax rebates based on income taxes in addition to the aid package for farmers.

The bill emerged after a long deadlock over proposed rebates. The Senate had approved a bill that instead called for rebates based on sales taxes, and the two bills had been tied up in a House-Senate conference committee for weeks.

Members of that conference committee recently agreed to set aside the rebate debate and send a farm aid bill back to lawmakers for final approval.

Rep. Ron Abrams (R-Minnetonka), who is the House sponsor of the bill, said the debate on farm assistance began with the governor's recommendation of \$10 million in aid, the Senate's proposal to spend \$40 million, and the House's plan to provide \$70 million.

The bill that emerged from the conference committee would provide payments to farmers under one of two plans.

Crop farmers would receive a payment equal

to \$4 per acre with a \$5,600 maximum per farm. Livestock producers on operations less than 160 acres would receive a payment equal to the first half of their 1999 property taxes.

Payments would be made to farmers who rent farmland, as well as owner-operators. Payments would be prorated among partners — according to the percentage of risk — when multiple parties are involved in the operation of the farm.

Most farmers would receive between \$2,000 and \$3,000 in aid. The money would be in the hands of farmers by June or July.

Under the plan, the Department of Revenue would send forms and instructions to the county Farm Service Administration offices, which would be charged with contacting farmers.

On the House floor, the aid package was hailed by some as an unprecedented step to assist people affected by a troubled agricultural economy.

"If you're a livestock farmer or a production agriculture farmer in Minnesota, you need to know the state Capitol is listening and that they know you need assistance at this point in time," said Rep. Torrey Westrom (R-Elbow Lake).

Rep. Elaine Harder (R-Jackson) said approval of the bill is a response to the prevailing message from farmers that the agricultural property tax burden is causing hardship.

But not all lawmakers were as laudatory.

Rep. Doug Peterson (DFL-Madison) said he was disappointed the bill does not include any means testing — a method of singling out farmers most in need, rather than giving money to everyone. Gov. Jesse Ventura supports providing aid on a need-based formula.

Peterson also said the bill does not address the long-term needs of farmers and would be only a "half-a-loaf" fix.

Abrams said several different methods of writing a means test were considered, but he said none could be found that "could be administered for literally less than what the program costs."

Abrams' bill was introduced solely as a tax rebate plan in early January, but within a few days, a farm assistance proposal was amended onto the bill. The legislation was approved by the House in early February, and after the Senate refused to concur with the House language, a conference committee was appointed.

Since early February, that committee met several times but made little progress. Finally, the conferees agreed to split the aid package from the rebate and report back to their respective bodies, with an eye toward getting a bill to the governor as quickly as possible.

A tax rebate plan based on a sales tax formula was approved on the House floor last week, as part of a separate bill (HF878) that also calls for income tax cuts in all three of the state's tax brackets. And a similar version of that rebate and tax cut plan is contained in the omnibus tax bill (not yet assigned a House File number), which was unveiled April 19 by Abrams.

The Senate passed the agricultural relief bill April 20 and sent the measure to the governor.



Sen. Doug Johnson, left, and Rep. Ron Abrams, co-chairs of a House-Senate conference committee on a key tax bill, shook hands after agreeing to a \$70 million property tax relief program for farmers on April 16.



## BANKING

### ATM fees survive

A bill that would make minor changes in banking regulations was passed on the House floor April 19. The vote was 109-17.

Rep. Bill Haas (R-Champlin), sponsor of the bill (SF1330\*/HF1175), said representatives of the banking industry and credit unions support the measure.

Proposals were suggested that would have addressed fees at automatic teller machines and policies regarding checks that are written with insufficient funds, but none of those provisions made it into the bill.

Rep. Mark Gleason (DFL-Richfield) proposed prohibiting banks with more than four automatic teller machines from charging a fee on transactions, but lawmakers rejected it.

Rep. Greg Davids (R-Preston), chair of the House Commerce Committee, said the issue is complicated because sometimes the fees are charged by a convenience store or other business where the machine is located, not by the banks. And state law would not apply to banks that are federal institutions. Davids said his committee will study that issue over the interim and the 2000 session.

A proposal from Rep. Karen Clark (DFL-Mpls) would have required banks to honor the checks in sequence according to the check number. She said some banks clear the largest check first, which can cause much higher fees if there is an accidental overdraft. Honoring the largest check first can cause several smaller checks to bounce, which Clark said causes an "avalanche" of overdraft fees from the bank and from the businesses where the checks were written.

"This happens to people with very limited incomes who are working hard from paycheck to paycheck, and they occasionally make a mistake," she said.

That proposal was narrowly defeated on a 65-64 vote.

A slightly different version of the bill was approved by the Senate, and the measures now move to a House-Senate conference committee to reconcile the differences.



## BONDING

### Funds for urgent needs

Members of the House Capital Investment Committee approved a \$41.9 million bonding bill April 15.

The bill, sponsored by Rep. Jim Knoblach (R-St. Cloud), would authorize the state to borrow money to fund several capital improvement projects considered to be high-priority statewide.

The Legislature typically produces its main bonding bill in the second year of the session, which is the even-numbered year. But smaller bills for emergency needs are usually passed in the first year.

One of the projects in this year's bill comes as a result of the tragic death of 11-year-old Kara Kavanagh in Brooklyn Park.

In March, Kara and her friend were attempting to cross Minnesota Highway 252 in Brooklyn Park on their way to McDonald's when she was hit by a car. She died a few hours later.

Residents of Brooklyn Park say that a pedestrian bridge at that intersection has been planned for years and they want the city to build it as soon as possible.

In 1997, city voters approved a local park bond proposal to provide \$100,000 for the \$550,000 project.

The bill would provide a \$440,000 loan to the city to help finance the building of the pedestrian bridge and related costs. The financing is contingent on the receipt of additional funding from the federal government.

The bill (HF2205) now goes to the House Ways and Means Committee.

Other highlights of the bill include providing \$16.7 million to the Department of Natural Resources to be used for dike construction in East Grand Forks and Warren. Both cities were hard hit by the 1997 floods.

Also in the bill, \$6.4 million would go to the Minnesota State Colleges and University (MnSCU) system. The bulk of that amount would go to Winona State University for a new boiler system and emergency generators.

The Department of Administration would get \$3 million for various capital improvement projects statewide, and \$1.8 million would go to the Department of Corrections for renovations to the sewer system at a correctional facility in Faribault.

And the bill would direct the Legislative Audit Commission to investigate a mold problem at the state veterans home in Luverne. The Department of Administration is in the middle of a \$6 million project to remove the mold from the facility.



## CHILDREN

### Increasing child care

The House voted April 16 to pass a \$465,000 spending measure for family and early childhood programs. The vote was 78-54.

Although many amendments were offered that would have further increased child-care funding, the omnibus family and early childhood finance bill passed the House floor in the same form as it emerged from the House Family and Early Childhood Education Committee.

Some lawmakers objected to the bill because they said its funding provisions are spread too thin.

"I think we've missed a wonderful opportunity to kind of have our cake and eat it, too," said Rep. Carlos Mariani (DFL-St. Paul), who pushed for more child-care dollars.

But others spoke in favor of the measure as a responsible spending bill that provides support to families.

"This isn't cookies. This is meat and potatoes and vegetables," said Rep. Jim Abeler (R-Anoka). "This is a healthy bill."

The bill (HF1467) is sponsored by Rep. Barb Sykora (R-Excelsior), chair of the Family and Early Childhood Education Committee.

It boosts funding for some child-care programs, early childhood education, and adult basic education. And the spending would be matched by \$70 million in federal funds. The measure spends about \$14 million more than Gov. Jesse Ventura requested.

The bill moves to a House-Senate conference committee.

### Children and families

The bill would allot \$396.5 million in state and federal funds for child-care programs. The state's basic sliding fee child-care program would get an 11-percent funding increase.

The state's at-home infant care program, which pays subsidies to working parents who want to stay home to care for their babies, would be expanded. Currently, parents who apply for the program are placed on the same waiting list as applicants for basic sliding fee child care. Because of the long wait, the parents' children are often too old for the at-home program when their names come up. The bill would separate the programs on the waiting list, allowing parents to opt for the at-home program right away.

Lawmakers said those two initiatives are aimed at removing more families from an already burdensome waiting list for child-care programs. However, family co-payments for child-care subsidies would be increased to fund the expansions.

The House measure would also increase funding for early childhood education programs by \$2.8 million more than the governor's recommendation. The bill would raise per-pupil funding to \$120 per child from \$113.50 per child.

In addition, the bill includes a plan that would investigate child-care assistance fraud. The bill includes a proposal for a new universal form for applicants seeking public child-care subsidies. The proposed form is aimed at helping county and state officials keep track of families receiving child-care assistance.

### Self-sufficiency programs

Nearly \$4 million would go to support adult basic education programs in rural Minnesota, on top of \$41.6 million to support statewide programs.

Transitional housing programs would see an increase of \$300,000, but no dollars were included for grants to emergency shelters.

A lead-abatement program that was not



recommended in Ventura's budget would be funded with a one-time appropriation of \$57,000.

And \$1 million from state and federal resources would go toward a program to promote saving money among low-income families. The program, called Family Assets for Independence, is a measure brought forward by House Majority Leader Tim Pawlenty (R-Eagan).

### Prevention and intervention

Many small programs that focus on preventing chemical abuse, violence, and juvenile delinquency would also be funded under the bill.

Adolescent parenting grants total \$88,000, and \$100,000 would go to Native American youth programs. Another \$550,000 would fund a St. Louis Park housing program, chemical abuse prevention projects, and organizations that educate young fathers.

In addition, \$4.9 million would fund grants to communities for crime prevention initiatives.

In other provisions of the bill, \$100,000 would go to support First Call Minnesota, a statewide information and referral system for families who need to locate social services organizations.



## CONSUMERS

### Reviving rent-to-own deals

Businesses would be allowed to establish rent-to-own contracts with customers, under a bill the House passed April 19. The vote was 79-51.

Buying furniture, appliances, or other items through rent-to-own contracts has not been allowed in the state since 1994. State law subjects credit sales transactions to a maximum percentage of interest, and a 1994 Minnesota Supreme Court decision found that rent-to-own contracts should comply with that law. That effectively ended the rent-to-own business in the state.

Rep. Tom Workman (R-Chanhassen), sponsor of the bill (HF1163), said the laws regarding credit sales should not apply to rent-to-own contracts because the customer does not actually own the merchandise. The company delivers the merchandise to the customer's home and is responsible for repair and maintenance, and the customer can return the merchandise at any time.

Workman acknowledged concerns that buying something through a rent-to-own contract costs more than buying it up front, but he

compared it to paying \$80 to rent a \$200 tuxedo for only two days.

"You cannot have an interest charge when there is no debt," he said, making his case that laws capping interest should not apply to the contracts.

He added that Minnesota is the only state that prohibits rent-to-own arrangements.

The bill would limit the customer's total cost in a rent-to-own contract. The total payments required for ownership could not be more than four times the price the company paid for the item or two times the price the item could be purchased for from another merchant, whichever is greater.

The bill also would require rent-to-own companies to inform customers that other options would enable them to purchase the merchandise for less money.

Several amendments offered on the House floor would have reduced the maximum costs in rent-to-own contracts, but none of the proposals were adopted.

Rep. Gregory Gray (DFL-Mpls) pointed out that laws limit the maximum interest rates on credit cards. Because many people with lower incomes often do not have access to credit cards, they resort to rent-to-own contracts, he said. And those people should be protected by similar limits.

"It really comes down to asking, 'Should everyone receive the same protection under the law?'" he said. "You have to realize that people are going to get hurt if this bill gets passed."

The bill now moves to the Senate.



## CRIME

### Judiciary spending bill

The House passed the \$1.1 billion judiciary finance bill April 20. The vote was 119-13.

The spending bill would fund the state court and correctional systems, law enforcement and public safety agencies, and agencies such as the human rights department and the crime victim services center.

The measure, sponsored by Rep. Sherry Broecker (R-Vadnais Heights), also contains several policy provisions that have an impact on the state's criminal justice budget.

The proposal includes provisions from the so-called three strikes sentencing bill. Courts would be required to sentence a person who is convicted of a third violent felony to a life in prison. Offenders serving a life sentence could not be released into a supervised release program until they had served a minimum of 30 years.

For second-offense violent felons, the bill would lower the threshold necessary to use increased sentences already in place in current law.

The proposal would limit the scope of crimes that could be counted toward the mandatory sentence and allow some judicial discretion. The measure would exempt several felony-level crimes from consideration, including certain drug crimes, third-degree assault, second-degree arson, and burglary.

And the bill would give judges the power to waive the mandatory life sentence if the court

### Tobacco kids



Rep. Wes Skoglund passes by a row of students wearing red sandwich boards displaying the rising rate of youth tobacco use as he makes his way to the House chamber April 22. Lawmakers were about to debate the omnibus health and human services finance bill.

finds substantial and compelling reasons to do so.

The bill now goes to conference committee where members of the House and Senate will work out differences between their two versions of the bill.

Here are some other highlights of the House bill (HF2404/SF2221\*).

### Police chases

The omnibus bill addresses several issues involving police chases. It would mandate additional training time for officers, create a statewide pursuit policy, provide new technologies for training and pursuit, and strengthen the current laws against fleeing an officer.

Under the bill, the Peace Officer Standards and Training (POST) Board would establish a pursuit training course for police officer cadets. The bill would mandate that each cadet receive at least seven hours of training and that all current officers receive at least eight hours of training every two years. And the bill would provide \$800,000 in grants to local law enforcement agencies to assist with the new training requirements.

The bill also would require the POST board to develop a statewide model pursuit policy. And the bill would provide funding for technologies that would both train officers and, supporters hope, end pursuits more quickly.

### Public safety spending

The Department of Public Safety would get \$77.8 million over the next two years, under the bill. Of that amount, the Bureau of Criminal Apprehension would get \$50.3 million, the division of Alcohol and Gambling Enforcement would receive \$3.6 million, and the state Fire Marshal would get \$6.4 million.

Also included in the public safety department's appropriation, the Emergency Management Division would be given \$7.7 million. And \$9.7 million would go for law enforcement grants to be awarded to individual communities.

### Court costs

The state court system would receive \$221.3 million over the two years, under the bill. Of that amount, the Supreme Court would get \$49.9 million, the Court of Appeals would get \$13.2 million, and the trial courts would get \$156.4 million.

Included in the trial court appropriation, the bill would provide six additional district court judges. The proposal would increase the number of judges in four of the state's 10 judicial districts, and it would provide \$3 million for these new positions and related costs.

### Paying for prisons

The bill would provide \$684.4 million to the Department of Corrections for the operation of the state's correctional system over the next two years.

Included in that amount, the Community Service Division would receive \$197 million. Of that amount, \$450,000 would go toward youth intervention programs and \$8.4 million would go for probation caseload reductions and intensive supervisions programs.

The bill would close the Camp Ripley adult work program, providing a \$2.7 million savings. The work program was established by the Legislature in 1997 to provide a sentencing alternative for nonviolent offenders. The program was seen as a way to relieve pressure on county jails. But the program hasn't been used by counties to its full potential, and lawmakers are proposing to discontinue the program.

### Last word for prosecutors



Gov. Jesse Ventura got the last word on a new law giving prosecutors the final arguments in criminal trials. He signed the measure into law April 20.

Current Minnesota law states that the prosecutor goes first in final arguments and is followed by the defense attorney. Judges are allowed to give the prosecutor a response to the defense's final arguments only to address misstatements of fact or law, or if the defense's argument is prejudicial or inflammatory.

The new law, effective Aug. 1, will guarantee the prosecutors an absolute right to respond following the defense's final arguments. The response can only address issues brought up by the defense's argument.

Majority Leader Tim Pawlenty (R-Eagan), the new law's sponsor, said it is only fair that prosecutors — who have the heavy burden of proving the case — be allowed to go last. He said that Minnesota is the only criminal system in the nation that allows the defense to go last.

Pawlenty also said that crime victims and victims' families suffer under the current system. He said sometimes the last thing that victims' families hear in the courtroom are disparaging remarks from the defense about the victim, and the prosecution doesn't get a chance to challenge the claims.

Critics argued that the measure violates the separation of powers clause in the state constitution and that the Legislature shouldn't interfere in court procedures, an area that should be overseen by the courts themselves.

The measure was sponsored by Sen. Randy Kelly (DFL-St. Paul) in the Senate.

HF197/SF198\*/CH72

### Protection for search dogs



The governor signed a new law April 20 that will impose criminal penalties for killing or harming search and rescue dogs.

Under current law, harming or killing a police dog is a crime that can be punished by up to two years imprisonment. The new measure, effective Aug. 1, will add search and rescue dogs to that law.

Search and rescue dogs often belong to private associations that offer volunteer services to police and fire departments. Those private associations sought the change in state law.

Rep. Darlene Luther (DFL-Brooklyn Park) and Sen. Dave Johnson (DFL-Bloomington) sponsored the new law.

HF67\*/SF32/CH77

### Paying for DWI enforcement



The governor signed a new law April 15 that will help county sheriffs pay for DWI investigations.

Under current law, sheriffs maintain a fund made up of fines collected for violations of controlled substance and liquor control laws. Sheriffs can use the money to finance investigations into violations of these laws.

The new law, effective Aug. 1, will expand the list of crimes the funds can be used to investigate to include DWI investigations.

Rep. Steve Smith (R-Mound) and Sen. Dave Johnson (DFL-Bloomington) sponsored the measure.

HF240\*/SF236/CH49

### Strict line on poisoning



A new law signed by the governor April 16 aims to get tough on the crime of poisoning.

Specifically, the new measure will expand the law against adulteration, which is the crime of intentionally adding a dangerous or poisonous substance to another person's food, drink, or medication.

Under current law, the person committing the crime must know that the dangerous substance will cause harm. The new law will require only a knowledge that the substance is capable of causing harm.

The measure, effective Aug. 1, also will increase penalties for the crime of adulteration. And the measure will create a penalty for cases in which actual physical harm does not occur.

Rep. Mike Osskopp (R-Lake City) and



Sen. David Knutson (R-Burnsville) sponsored the new measure.

**HF735\*/SF495/CH64**

### Violating rental deals



The governor signed a new law April 20 that will target people who rent items and then fail to return them on time.

The measure, effective Aug. 1, will change the criminal theft law to apply to rental situations where the value of the property is \$100 or more.

Rep. Tom Hackbarth (R-Cedar), House sponsor of the new measure, said that people sometimes keep expensive rental property past when it is due and the business owners have little recourse.

He said that these people are denying the owners potential income from other rentals, and he said that should constitute theft, regardless of whether or not the property is eventually returned.

The new law, effective Aug. 1, outlines conduct in rental agreements that will qualify as a violation of that law, including failure to return the property and failure to pay the agreed-upon rental charges.

The measure also will change the definition of value in the current theft law to include damages to the rental property and the potential rental value that the owner could have received had the property been in his or her possession.

Sen. Paula Hanson (DFL-Ham Lake) sponsored the measure in the Senate.

**HF868\*/SF866/CH76**



## DEVELOPMENT

### Bloomington land deal



The governor signed a new law April 20 that will allow the Department of Human Services to sell a piece of property to the city of Bloomington. The law took effect April 21.

The 14,000 square-foot parcel currently contains a state-owned group home for the developmentally disabled. It is one of three parcels the city is amassing to accommodate construction of a 41-unit seniors housing facility at the corner of Beard Avenue and Old Shakopee Road.

The department hopes to build another group home in the Bloomington area. Legislative action was required so that the proceeds from the sale could be used for purchasing a new site, rather than being channeled into the state's general fund.

Rep. Alice Seagren (R-Bloomington) and Sen. William Belanger (R-Bloomington) sponsored the measure.

**HF960/SF829\*/CH80**



## EDUCATION

### No sex offenders on boards

The House passed a bill April 19 that would prohibit registered sex offenders from becoming school board members. The vote was 130-0.

Any person who has been convicted of a sexual offense and is a registered predatory offender would be ineligible to run for election to a local school board, under the measure.

The bill comes on the heels of a New Ulm school board election that included a candidate who had served 41 months in prison for sexual abuse. The man's history was revealed shortly before the election, and he was not elected.

Sen. Dennis Frederickson (R-New Ulm), the Senate sponsor of the bill, said that incident prompted him to introduce the bill this year. He said sex offenders should not have access to positions of authority over children, especially those that would allow them entrance to school facilities.

Rep. Marty Seifert (R-Marshall) is sponsoring the bill in the House.

The bill (**HF1845/SF1527\***) now goes to the governor.

### Classroom disruptions

The House passed a bill April 21 that would give more authority to teachers when dealing with disruptive students. The vote was 127-5.

House Majority Leader Tim Pawlenty (R-Eagan) is sponsoring the bill (**HF16**), which is supported by many education organizations including the teachers union Education Minnesota.

The bill would lower the standard for student behavior that constitutes grounds for expulsion, dismissal, or removal from the classroom.

Current law allows schools to dismiss students for conduct that "materially and substantially" interferes with other students' rights to an education or a teacher's ability to teach. Such conduct can include carrying a weapon in school, but there is no clear-cut definition.

Pawlenty's bill would clarify that conduct as behavior that "significantly" affects the classroom atmosphere. The provision would also

### Look who's listening



Jack Anderson Dawkins, who is 22 months old, decides to listen to floor debate with headphones during a noisy April 19 session. Jack is the son of Rep. Andy Dawkins and Sen. Ellen Anderson.

extend beyond the classroom into any school function such as recess, a school assembly, or a meeting in a principal's office.

Supporters of the bill said it would let teachers have more control of their classrooms. By allowing teachers more authority, Pawlenty and others said the measure could prevent one disruptive student from keeping an entire class from learning.

"This doesn't solve all the problems in the world," Pawlenty said. "But this is a step in the right direction."

Rep. Matt Entenza (DFL-St. Paul) voted for the bill, but he said he is not convinced changing the conduct standard language will make teachers' choices any clearer than they are now when dealing with students.

The bill moves to the Senate.

## Special education requirements

The House passed a bill April 21 that would lower the age until which schools are required to provide special education instruction. The vote was 130-0.

Rep. John Tuma (R-Northfield) is sponsoring the measure. He said the bill is a "fair and reasonable compromise" to a tense process of reviewing laws governing special education.

In 1998, lawmakers approved a new set of laws concerning special education policies to make them consistent with federal law. Tuma said his bill essentially wraps up that process by tying up some loose ends of certain state laws that exceed federal requirements. The 1998 law left those provisions to be examined by lawmakers and special education officials to determine which ones should still exceed federal law.

Under that law, Minnesota requires special education services to be provided until a student is 22 years old. Under federal law, that requirement is 21 years old.

Tuma's bill (SF296\*/HF483) would change the state law to age 21 and require school districts to provide instruction until July 1 after the student turns 21.

Other changes included in the measure deal with discipline procedures for students of special education and state reimbursement for litigation costs incurred by school districts.

The bill moves to the governor's desk.

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**Call the House Public Information  
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## ELECTIONS

### Voting rights returned



Signed  
by the  
governor

Gov. Jesse Ventura signed a new law April 16 that repeals an election measure passed in 1998 that some say could have placed the entire civil commitment process for sex offenders in legal jeopardy.

The 1998 law took away the voting rights of a person who is civilly committed because of conduct that caused the person to be convicted of a crime. For the most part, the law applied to people committed as "sexually dangerous persons" or "persons with a sexual psychopathic personality."

The new law, effective April 17, simply repeals those 1998 election provisions, returning the election law to its pre-1998 status.

Under that law, offenders who have completed their sentence but are civilly committed are given the right to vote, unless they have been found incompetent to vote by a judge.

Proponents of the repeal argue that the 1998 law could have been legally troublesome to the current law allowing for civil commitment. They say it would have applied a different standard for sex offenders who are committed. And they suggest that courts might have ruled the 1998 law a denial of equal protection under the law for those offenders.

The civil commitment procedure for sex offenders has often been the source of legal controversy. The courts have, in some cases,

ruled that the process is unconstitutional and is used to punish — not to treat — the offenders.

In 1996, the state Supreme Court upheld the current Sexually Dangerous Persons Act, stating that the law allowing for commitment of sexually dangerous individuals did not violate the offenders' constitutional rights.

Rep. Dave Bishop (R-Rochester) and Sen. Don Betzold (DFL-Fridley) sponsored the 1999 measure.

**HF643\*/SF676/CH61**



## EMPLOYMENT

### Legal protection for references

The House passed a bill April 21 that aims to make it easier for employers to provide job references for former employees. The vote was 85-47.

Bill sponsor Rep. Jim Knoblach (R-St. Cloud) said the current system encourages past employers just to give "name, rank, and serial number" because employees can easily sue if they feel they have been unfairly characterized.

Knoblach's bill would raise the bar for lawsuits in these cases. It would require that employees prove that the employer intentionally and maliciously gave false information and that the information caused harm to the employee.

The bill also outlines how past employers should provide the information to prospective employers.

Knoblach said the bill strikes an appropriate balance between employers and employees.

"It will solve the problem in Minnesota by getting employers the information they need while still providing employees the protections they deserve," he said.

But Rep. Rob Leighton (DFL-Austin) said that the standard of proof in these cases would be too high under the Knoblach bill, and he said the bill would take away important legal protections for employees in current law.

"This bill is going to virtually take away the rights of employees in these cases," he said.

Rep. Len Biernat (DFL-Mpls) offered and the House accepted an amendment that would require school districts to release employee records related to violence or inappropriate sexual contact with students to other school districts that are looking at hiring the employee.

"It's only fair that the new district have this information," he said.

The bill (HF310) now goes to the Senate.

## Capitol RASSL'er



**An anonymous protester wears Groucho Marx glasses to turn herself in for violating "silly and senseless laws." She appeared at an April 20 Capitol rally held by a group called RASSL — Repeal All Silly and Senseless Laws.**



## ENVIRONMENT

### Spending for the environment

The House Ways and Means Committee approved an omnibus spending bill for agriculture, environment, and natural resources projects on April 19.

The bill (**HF2388**) combines the omnibus agriculture and omnibus environment and natural resources bills.

Disaster relief, marketing initiatives, and a proposed \$74.7 million appropriation for ethanol producer payments are among the agriculture provisions of the bill.

The ethanol funding would bring several processing plants to full capacity. It would also add funds to begin producing at an ethanol plant in St. Paul.

And marketing initiatives would be developed through the Agriculture Utilization and Research Institute and the commissioner of agriculture.

One provision from the environment and natural resources bill would increase fees for hunting and fishing licenses and add a general fund match for game and fish projects.

Many environmental programs are financed through funds specifically dedicated for those purposes and created by fees such as those on fishing licenses. The increased fees would generate an estimated \$4.5 million in the game and fish fund, and the bill would match that amount with \$2.1 million from the general fund. Additional matching funds would be carried over from a supplemental 1998 appropriation.

Only 15 percent of the general fund match would be available to the Department of Natural Resources (DNR) for administrative costs, and 85 percent would go to regional field offices throughout the state.

Rep. Mark Holsten (R-Stillwater), chair of the House Environment and Natural Resources Finance Committee and sponsor of the bill, said the general fund match is appropriate because game and fish projects include stabilizing stream banks and shorelines, establishing game and non-game wildlife management areas, and other projects that provide significant benefits to the general public.

"Sportsmen and women can no longer be providing the financial resources for environmental benefits that are now being conducted out of the game and fish fund," he said. "It's not just fish stocking and boat landings. There is tremendous environmental benefit in these projects."

The bill also would appropriate \$42.2 million from the lottery-financed Environment and Natural Resources Trust Fund to the

Legislative Commission on Minnesota Resources (LCMR) for environmental and recreational projects.

The commission receives requests for projects and conducts a series of public hearings to determine priorities for those projects. Of the 463 requested projects, the LCMR has proposed funding 120. The House bill would fund most of those projects. Many of the projects are funded through grants that require local matching funds from the areas that benefit from the project.

John Velin, director of the LCMR, stressed that the projects are designed to enhance the quality of the state's natural resources, not to supplement the budgets of state agencies.

The bill would eliminate state funding to the Minnesota/Wisconsin Border Commission and to the Voyageur National Parks Commission.

Holsten said the bill would also scale back some of the DNR's technology initiatives, such as electronic licensing, so that more money can be directed to programs that provide the most benefit to the quality of the state's environment and recreation areas.

The bill now moves to the House floor.

### Koch promises cleaner future

An April 22 Earth Day meeting of the House Environment and Natural Resources Policy Committee brought the company that holds a state record for pollution penalties before some of its harshest critics. And the outcome couldn't have been more optimistic.

At the request of committee chairman Rep. Dennis Ozment (R-Rosemount), officials from Koch Petroleum Group presented lawmakers with a history of the Rosemount refinery's

environmental violations and an update on the strides they have taken toward improving their environmental performance and public image.

"Our history has not been good," said Jeff Wilkes, refinery manager and vice president of Koch's Minnesota operations.

"We paid a \$6.9 million fine last year and we are not proud of that in any way," he said. "We are trying very hard to gain back that trust that we lost through our lack of communication and or performance in the past."

Koch, the upper Midwest's leading producer of transportation energy and fuel products, provides 80 percent of the jet fuel used at the Minneapolis-St. Paul International Airport.

Koch Petroleum Group is a subsidiary of Koch Industries of Wichita, Kan., the country's second largest privately-held company.

In response to criticism from neighbors, employees, the Legislature, and the Minnesota Pollution Control Agency, Koch has formed a 19-member community advisory council and pledged \$80 million or "whatever it takes" to improve the refinery's environmental performance.

Koch officials announced last week that they voluntarily intend to cut the plant's emissions by 50 percent in the next five years.

"We think it's good business," Wilkes said. "We don't have to do this."

This initiative, called "fueling a clean future," will establish an unusual partnership between Koch and the Minnesota Center for Environmental Advocacy (MCEA), an independent environmental watchdog group that has long been one of the refinery's harshest critics.

Together, Koch and MCEA intend to



Jeff Wilkes, *right*, vice president for Minnesota operations and refinery manager at Koch Petroleum Group, and Tim Sullivan, director of public affairs for the company, testified April 22 about the refinery's history of environmental violations before the House Environment and Natural Resources Finance Committee.



develop a model comprehensive emissions reporting system.

MCEA will verify Koch's emissions figures, track the figures against product output, translate the results into language designed for the general public, compare them with other refineries across the country, and post the results on the Internet.

"I will tell you, I got as positive a reaction from my employees as I did from my neighbors," Wilkes said of the emissions reporting initiative. "We're here for the long haul."

## Groundwater relief



A new law effective April 16 allows extended use of a permanent groundwater relief system at the Blue Lake Wastewater Treatment Plant in Scott County. The plant is located in the Minnesota River flood plain in Shakopee.

The new law allows the commissioner of natural resources to issue a permit to the Metropolitan Council to exceed the limit of 2 million gallons of water per day in a 30-day period.

A quarry located near the treatment plant currently pumps a high volume of water, which eases the demand at the treatment plant. However, that quarry is expected to close in the near future, and the treatment plant will have to make up the difference, especially in temporary flooding conditions.

Sen. Claire Robling (R-Prior Lake) and Rep. Mark Buesgens (R-Jordan) sponsored the measure.

**HF1403/SF1173\*/CH56**

## State recycling initiative



Gov. Jesse Ventura signed a bill April 20 that will make the Office of Environmental Assistance (OEA) responsible for part of the state's Waste Management Act.

The Waste Management Act is a state law that requires the Minnesota Pollution Control Agency and the commissioner of public service to recommend policy changes to help the state reduce the amount of waste that is sent to landfills. Goals of the program include purchasing products that contain recycled material, conducting tests on agencies' experiences using those products, and keeping other data related to recycling.

The OEA administers other programs that are designed to reduce waste generated in the state. The new law transfers the Pollution Control Agency's responsibility in the Waste Management Act to the OEA. That office,

along with the commissioner of public service, will recommend waste management policy changes to the governor and the Environment and Natural Resources committees in the House and Senate.

The law is effective Aug. 1. It was sponsored by Sen. Janet B. Johnson (DFL-North Branch) and Rep. Larry Howes (R-Hackensack).

**SF1176\*/HF1151/CH73**



## GOVERNMENT

### Support for Kosovo action

The House passed a resolution April 21 to urge the U. S. government to send humanitarian aid to Kosovo. The vote was 84-2.

The resolution (**HF2415**), sponsored by Rep. Steve Wenzel (DFL-Little Falls), states that the atrocities against the Kosovars by President Slobodan Milosevic are comparable to those of the Nazis against the Jews during World War II.

The increasing crimes against the people of Kosovo have caused hundreds of thousands of people to flee the region, which has created other problems where refugees are living in inhumane conditions, the resolution continues.

So far, the efforts of NATO forces have not deterred the crimes, and the resolution urges all Minnesotans and all levels of government to be involved in efforts to provide humanitarian aid to the Kosovars.

The resolution also pledges support for the efforts of President Bill Clinton, Congress, and the U. S. government and its armed forces to "meet United States and NATO objectives in Kosovo and the Balkans."

It also states that Clinton and his administration "should actively and vigorously pursue a policy that will bring Slobodan Milosevic and his top paramilitary lieutenants before the International Court of Justice at the Hague to be put on trial for crimes against humanity."

The resolution now moves to the Senate.



## HEALTH

### Research opportunities



The governor signed a bill April 15 that will exempt some researchers from medical licensing requirements.

The new law, effective Aug. 1, will apply to those performing medical research for a tax-exempt, non-profit organization operated primarily to conduct scientific research on causes and cures of human disease.

To qualify, researchers must perform duties that are related to public health education and are conducted under the supervision of one or more licensed physicians.

The law will enable organizations to benefit from the expertise of researchers from other countries who are not licensed to practice medicine in the United States.

Rep. Fran Bradley (R-Rochester) and Sen. John Hottinger (DFL-Mankato) sponsored the measure.

**HF1660\*/SF1650/CH54**

## Health care solvency



The state's three community integrated health care service networks would have to maintain a net worth reserve of three times their minimum net worth requirement, under a new law the governor signed

April 15.

The networks, often called CISNs, are managed health care networks similar to health maintenance organizations (HMOs), but the networks have smaller enrollments and operate mostly outside the urban areas.

The net worth holdings are required to assure financial solvency.

The new law, effective Aug. 1, is designed to treat CISNs in a way similar to the way the state treats HMOs, which were required to up their net worth holdings under a bill passed last year.

The new law also accords peer review protection to the CISNs, which shields deliberations among medical professionals from the legal process should a lawsuit arise.

Rep. Greg Davids (R-Preston) and Sen. Doug Johnson (DFL-Tower) sponsored the measure.

**HF614\*/SF913/CH51**

## Duties for pharmacists



The governor signed a bill April 16 that will make changes to the Minnesota Pharmacy Practice Act. The new law is effective Aug. 1.

The measure will allow pharmacists to engage in monitoring of drug therapy, selection of therapeutic devices, drug research, and drug administration for first dosage and emergencies.

It also would allow pharmacists to manage and modify drug therapy on a case-by-case basis according to a written agreement between the pharmacist and a health-care practitioner.

Rep. Kevin Goodno (R-Moorhead) and

Sen. John Hottinger (DFL-Mankato) sponsored the bill.

**HF408\*/SF170/CH62**

## Testing chiropractors



The governor signed a measure April 15 that will change state licensing requirements for chiropractors. The new law is effective Aug. 1.

Under the law, chiropractors practicing in Minnesota no longer will have to pass the Minnesota licensure practical exam, as long as they have passed any examination that is approved by the Board of Chiropractic Examiners.

The intent of the law is to follow a nationwide effort to standardize the chiropractic field.

Rep. Jim Abeler (R-Anoka) and Sen. Pat Piper (DFL-Austin) sponsored the measure.

**HF1216\*/SF1391/CH55**

## Bed rails by prescription



A new law to clarify the permitted uses of bed rails in Minnesota nursing homes was signed April 22 by Gov. Jesse Ventura.

Under provisions of the measure, nursing home residents' right to bed rails and other restraints will be affirmed. Fear of falling will be included as a legitimate medical reason for prescribing bed rails, and a study of the use of restraints will be initiated.

The measure was proposed after a number of nursing homes were fined by the Minnesota Department of Health last spring for improperly using bed rails according to the department's interpretation of federal regulations.

Concern about use of bed rails arose because of injuries and even deaths caused when patients became entangled in the rails. The federal regulations called for a moratorium on rail use in cases where a patient would be put in "immediate jeopardy." Many nursing homes subsequently removed bed rails entirely, hoping to avoid fines but leaving some residents and their families upset.

The idea was to craft a bill at the state level that would spell out patient rights under federal guidelines but wouldn't jeopardize the state's Medicare and Medicaid reimbursements.

If the law is eventually found objectionable in the eyes of the federal government, it may have to be revisited next session, said

Rep. Fran Bradley (R-Rochester), who sponsored the bill in the House.

The new law took effect April 23.

Sen. Don Samuelson (DFL-Brainerd) sponsored the measure in the Senate.

**HF40\*/SF25/CH83**

## Help behind the counter



A new law signed by the governor April 16 allows the state's Board of Pharmacy to authorize pharmacists to supervise more than two pharmacy technicians. The law is effective Aug. 1.

Until 1997, the board had been given the power to change the ratio on a case-by-case basis; however, after the 2-1 ratio was incorporated into statute, the board believed it no longer had that authority.

To be granted the waiver, a pharmacy must prove the consumer's health and safety is not jeopardized. Pharmacies that request the waiver often are automated, which means the work of the technicians is less intensive and requires less supervision.

Rep. Kevin Goodno (R-Moorhead) and

Sen. David Ten Eyck (DFL-East Gull Lake) sponsored the measure.

**HF1714\*/SF1693/CH63**

## Podiatrists in residency



The state's Board of Podiatric Medicine will be allowed to extend temporary permits to podiatrists participating in clinical residencies, under a new law signed by the governor April 20.

The law was necessary to clarify a discrepancy between current state statute and state rules. Statute mandates the permit to run 12 months; the rule allows the board to extend the permit for additional years under certain conditions.

With the new law, effective April 21, the applicant for a permit extension must have had his training interrupted by circumstances beyond his control and be enrolled in a residency that lasts longer than one year.

Rep. Tim Wilkin (R-Eagan) and Sen. Roy Terwilliger (R-Edina) sponsored the measure.

**HF1421\*/SF1239/CH67**

## Protected peer review



Ambulance services and first responders will have the benefit of peer review, under a new law signed April 22.

The law allows ambulance services to consider controversial incidents without being subject to discovery should a lawsuit arise.

Peer review is used extensively in a number of medical professions to find solutions and to prevent further problems. In many cases, information exchanged in peer reviews is protected from legal discovery. The idea is that the protection will allow a free discourse so medical professionals can learn from each other's experiences and improve service.

The law, which takes effect Aug. 1, extends that peer review protection to ambulance services and their employees.

Rep. Greg Davids (R-Preston) and Sen. Becky Lourey (DFL-Kerrick) sponsored the measure.

**HF463\*/SF578/CH83**

## Blind services request



Four-year-old Catherine, who is blind, stays near her mother, Nadine Jacobson of Edina, as she describes the potential effects on her daughter if the Legislature does not pass a deficiency bill that includes supplemental funding for the State Services for the Blind. Jacobson, who is also blind, spoke at an April 21 rally in the Capitol rotunda.

**Legislative history can be researched in printed materials at the Legislative Reference Library or, for the years since 1995, on the Internet. Find directions at: <http://www.leg.state.mn.us/leg/leghist/histstep.htm>**



## HIGHER EDUCATION

### Funding bill passed

The House passed a \$2.6 billion omnibus higher education finance bill April 16. The vote was 104-26.

The measure would provide funds to increase financial aid for students, provide salary increases for faculty at Minnesota colleges, create a University of Minnesota campus in Rochester, and make changes to the way University of Minnesota regents are selected.

The bill (**HF2380**) proposes the same spending amount called for in Gov. Jesse Ventura's budget recommendations. However, funds would be distributed differently than under Ventura's plan for the major higher education organizations the state finances.

The measure is sponsored by Rep. Peggy Leppik (R-Golden Valley).

Leppik's bill would provide \$1.13 billion to the Minnesota State Colleges and Universities system (MnSCU) and \$1.2 billion to the University of Minnesota.

The bill does not include a Ventura proposal of \$1.3 million for four endowment funds that would come from the state's tobacco settlement. Under that proposal, a \$350 million endowment would go toward the U of M's Academic Health Center.

The bill also would allow for the establishment of a new, non-residential U of M campus in Rochester and would direct \$5.3 million in funding toward the project.

In addition to the funding provisions, the bill would tinker with the university's Board of Regents election process. It would set up a task force to look at more aggressive recruitment strategies for potential regents and direct the Regent Candidate Advisory Council to automatically forward incumbent candidates for the Legislature's selection.

The Higher Education Services Office (HESO), which serves as Minnesota's financial aid bureau, would receive \$285.4 million to fund the state grant program, operate library systems, and provide informational services to current and prospective post-secondary students.

Through several different programs, the bill would provide financial aid increases to Minnesota's higher education students.

First, the minimum state grant would be reduced from \$300 to \$200. That means some students who did not previously qualify for grants could be eligible for grants.

And the state's budget would be adjusted to allow for annual tuition increases of 3 percent at public and private institutions, respectively.

Another change, known as the "Pell pass-

through," would cap the amount of federal Pell Grant awards recognized when calculating a state grant. Rep. Lyndon Carlson (DFL-Crystal) offered the provision as an amendment to the bill.

In Minnesota, the state grant is decreased when the federal grant goes up, so students receive the same amount of money. For the 1999-2000 school year, the Pell Grant will increase to \$3,125 from \$3,000. Under Carlson's proposal, students would be able to receive future increases in the federal grant without having their state grants reduced.

The bill originally called for reducing the assigned student responsibility—the amount the state expects students to contribute to their education—but that provision was taken out on the House floor. The money that would have been used for that provision was put into the HESO, MnSCU, and U of M budgets.

The Mayo Foundation would receive its full funding request of \$3.2 million for the biennium, under the omnibus bill. That amount would fund an increase in the base budgets for the Mayo Medical School, a family medicine residency program, and a residency program at St. Cloud Hospital.

Other provisions in the bill include an updated policy on private career school regulation and how information on hazing rules is distributed to students.

Lawmakers also approved a plan for general education requirements for technical college students. Under the bill, general education courses such as math or English would only be included in a technical course of study if they

are occupational requirements or part of a two- or four-year degree program.

The bill moves to the Senate.



## INDUSTRY

### Port authority name change



A new law signed April 20 changes the name of a Duluth port authority.

The Seaway Port Authority of Duluth will be known after Aug. 1 as the Duluth Seaway Port Authority.

The name change was requested to make it easier for people to find the facility in directories. Because most port authorities contain the location in the first part of their names, many people look up the "Duluth Port Authority" and do not find a listing.

Rep. Mike Jaros (DFL-Duluth) and Sen. Sam Solon (DFL-Duluth) sponsored the measure.

**HF1809/SF1554\*/CH68**



## LAW

### Seat belt gag rule

Car accident victim Jodi Carlson would have her day in court, under a bill the House passed April 20. The vote was 118-11.

Carlson, a Bemidji resident, has been in a wheelchair since a car crash in 1995. She alleges that her injuries came as a result of a defective seat belt.



Joel Carlson, an official from the Minnesota Trial Lawyers Association gets a hug for his help from Jeanne Duranski, the mother of Jodi Carlson, right, who was injured in a 1995 car crash in which her seatbelt allegedly failed. Jodi Carlson, no relation to Joel, was accompanied by her mother and her future sister-in-law, Tonelle Suttan, center, to support legislation that would make it possible for victims like herself to sue automobile companies for damages caused by defective seatbelts.



But Carlson cannot seek compensation from the automobile company through the courts because of a 1997 state Supreme Court ruling on Minnesota's so-called gag rule law.

The gag rule law states that the fact that a person is wearing or not wearing a seat belt cannot be considered by the courts when deciding personal injury or property damage claims resulting from a car crash.

In a 1997 case, the Supreme Court ruled that the gag rule law, as it is written, also applies to cases in which the claim is filed against the auto manufacturer for a defective seat belt.

If plaintiffs can't establish that they were actually wearing the seat belt, they can't prove that the seat belt caused the injury. And the cases cannot move forward.

The bill approved by the House would simply exempt claims of defective or malfunctioning seat belt from the gag rule law.

Bill sponsor Rep. Mary Jo McGuire (DFL-Falcon Heights) said that there is agreement that the law needs to be changed to allow cases like Carlson's to go forward.

"Everyone agrees that you should be able to file a claim for a defective seat belt," she said.

But others argued McGuire's bill does not go far enough.

Rep. Jim Seifert (R-Woodbury) offered an amendment that would eliminate the gag rule altogether. That amendment failed on a 90-35 vote.

Seifert argued that all of the relevant information in these cases should be considered by the courts, including whether or not the plaintiff was wearing a seat belt at the time of the accident.

Critics of the Seifert amendment said that it would give insurance companies too much power in these cases.

The McGuire bill (**HF462/SF303\***) now goes to the governor.

## Legal cover for dispatchers

The House passed a bill April 19 that would allow emergency dispatchers to give over-the-phone medical instructions to callers without fear of legal troubles. The vote was 130-0.

The measure, sponsored by Rep. Rich Stanek (R-Maple Grove), would exempt dispatchers from civil liability when in the course of an emergency call, they provide medical information before emergency responders arrive on the scene.

Currently, some municipalities are advising dispatchers not to give medical information over the phone because the local unit of government could possibly be held liable in a lawsuit.

Stanek said his bill would give emergency dispatchers the ability to do their jobs "without fear of superfluous litigation."

The bill (**HF541/SF436\***) now goes back to the Senate.

## Better pay for jurors



A new law signed by the governor April 20 will ask the state's highest court to give the final verdict on the issue of jury pay.

The measure, effective Aug. 1, will request that the Minnesota Supreme Court study the several issues involving juror compensation, including a study of daily pay rates, reimbursements for child care and travel, and special considerations for longer civil trials.

The law also will require the court to examine ways to balance these concerns with a desire to have juries represent a cross-section of society. The report is due back to the Legislature in December.

The measure came as a result of the hardships reported by jury members serving during Minnesota's tobacco trial in 1998. Three members of that jury would receive additional compensation, under the claims bill advancing in the House (**HF2221**), sponsored by Rep. Dennis Ozment (R-Rosemount).

Minnesota courts currently pay jurors a \$30 stipend per day for expenses related to jury duty.

Rep. Michael Paymar (DFL-St. Paul) and Sen. Randy Kelly (DFL-St. Paul) sponsored the measure.

**HF1153/SF973\*/CH71**



## LOCAL GOVERNMENT

### Mandated minimums



Gov. Jesse Ventura signed a new law April 20 that allows county recorders to require a minimum deposit in accounts to assure payment of charges.

County recorders are responsible for keeping track of property records. Under current law, companies may post a security deposit with county recorders to pay for fees when records are filed. This allows the county to deduct the fees from the company's account and does not require company couriers to carry money with them when they deliver documents to the county recorder.

The new law, effective Aug. 1, allows county recorders to require a minimum balance in company accounts to guarantee the payment of fees. It applies to all counties in the state.

The measure stems from a recent state auditor report that found Ramsey County requiring the minimum deposit without the legal authority to do so.

Rep. Andy Dawkins (DFL-St. Paul) and Sen. Sandy Pappas (DFL-St. Paul) sponsored the legislation.

**HF908/SF465\*/CH69**



## TAXES

### Omnibus tax bill

A \$1.3 billion sales tax rebate and more than \$3 billion in income tax cuts over the coming biennium are the pillars of an omnibus tax bill being considered by the House Taxes Committee.

Both the rebate and the income tax cuts have already been endorsed by the House, as provisions of another bill (**HF838**) passed on the House floor April 13.

The new omnibus measure, which has yet to be assigned a House File number, would require the state to begin processing sales tax rebates by June 1 and to offer taxpayers the opportunity to sign their rebate check over to the state for one of five specially designated funds or for the general fund.

The bill would give \$1 million to the revenue department to finance the rebate process. Checks would be in the hands of taxpayers by the end of July.

The plan would also reduce income tax rates from 6 percent to 5.5 percent on the first \$34,500 in taxable net income, from 8 percent to 7 percent for income from \$34,501 to \$113,360, and from 8.5 percent to 8 percent on all income over \$113,360.

And it would eliminate the so-called "marriage penalty," a hitch in state law that forces married couples filing jointly to pay more taxes than single filers with the same income.

A variety of additional income, sales, and miscellaneous tax changes are also included in the measure.

Under a provision sponsored by House Majority Leader Tim Pawlenty (R-Eagan), more Minnesotans making contributions to charitable organizations would be rewarded with a deduction.

Current law only allows deductions for charitable giving if a taxpayer itemizes his or her return. Those who don't itemize would be allowed to deduct 50 percent of their contributions over \$500, under the bill.

Holocaust survivors who receive certain financial settlements would not have to pay state income tax, under a section of the bill backed by Rep. Ron Abrams (R-Minnetonka), who chairs the Taxes Committee.

The state's medical services provider tax — often called the "sick tax" — would not be completely eliminated under the bill; however, a three-year phase-out is proposed. That move is expected to cost the state just over \$292 million. The gap in revenue would be filled by a portion of the state's tobacco settlement money.

Among the proposed sales tax changes are exemptions for those filming television commercials in the state, counties purchasing equipment and supplies for road maintenance, vehicles given as gifts by individuals, and prizes for games of skill or chance at carnivals and fairs.

The exemption for those filming commercials was requested by Gov. Jesse Ventura as a way to spur business activity in the state. The exemption would likely cost the state more than \$2 million during the biennium.

County and city officials had sought a complete exemption from paying sales tax on all goods and services purchased, but they received only the exemption for road maintenance purposes in the bill.

Finally, the bill would reduce taxes on lawful gambling and exempt a certain type of kerosene and racing fuel from the motor fuels excise tax.

The Taxes Committee has not yet voted on the measure.



## TRANSPORTATION

### Highway funds, none for rail

After a lengthy debate over spending priorities, the House passed an omnibus transportation finance bill April 15. The vote was 78-52.

The bill (**HF2387**) includes \$3.3 billion in spending provisions for road construction, transit, public safety, airports, and railroads. Rep. Carol Molnau (R-Chaska), chair of the House Transportation Finance Committee, is sponsoring the measure.

Of the spending total, about \$202.9 million would come from the state's general fund. The remaining dollars would come from the constitutionally dedicated funds for state and local highways.

The House did not approve a \$60 million proposal for light-rail transit, a project favored by Gov. Jesse Ventura. While the Senate has included money for that project in a transportation bill, House opponents of the planned light-rail line in Minneapolis view the project as too costly for the state in the long run. But the light-rail initiative did not go down without a fight.

Lawmakers offered several amendments that would re-prioritize how the state would spend its transportation dollars. Advocates of light-

rail transit and bus service spending tried unsuccessfully to increase the bill's funding for those initiatives.

Instead, the House set its transportation target \$28 million below the Ventura budget proposal, with plans to invest the money in state and local road construction and a revolving loan fund to help cities complete transportation projects.

The measure is headed to a House-Senate conference committee. Here's a look at the bill's major spending provisions.

### Highways, runways, waterways

The Minnesota Department of Transportation would receive \$38.7 million for aeronautics projects, such as airport construction and maintenance funds.

Greater Minnesota Transit, a service that aids rural areas in providing bus service, would receive \$29.9 million, and \$4.7 million would go toward railroads and waterways.

A sum of \$1.5 million would aid local port developments, and \$150,000 would help fund a railroad corridor improvement plan in southern Minnesota.

State and local road construction programs would see a boost under the House bill, with \$10 million allocated for matching funds to repair local bridges.

The bill would provide a \$60.5 million increase in state road construction funds, which is \$10.6 million more than recommended by Ventura. The bill also includes a \$3.2 million proposal to purchase equipment for the new 800 megahertz metropolitan radio system.

The transportation department would receive a total of about \$3 billion from the bill.

### Bus money

The Metropolitan Council would receive an increase in funding to preserve and expand its transit service.

Council officials initially asked lawmakers for a \$14.9 million increase over two years. However, the bill allots an additional \$11.2 million, bringing the state appropriation for Metro Transit — the city bus system — to \$109.9 million for the biennium.

### Patrols and plates

The Minnesota Department of Public Safety would receive \$218.5 million for its transportation-related programs.

About half of the money would go to the Minnesota State Patrol, with \$1.4 million to replace radios in patrol vehicles. The bill denies, however, the State Patrol's requests for a new helicopter and for increased funding for a trooper training academy.

Three troopers would be transferred from the state's highways to provide security for

Ventura, but further requests for increased security for the governor were not included in the House proposal.

The department's Driver and Vehicle Services Division would see more money to replace equipment, hire more driver's license testing examiners, and make more license plates, which are currently in short supply.

About \$1.9 million in the bill would beef up driver's license testing sites by hiring 19 new examiners. But a request from the Driver and Vehicle Services Division to begin Internet vehicle registration was not included in the bill.

The measure also would repeal a tax credit for disabled license plates, which will help pay for an initiative to crack down on illegal use of handicapped parking permits.

In other provisions, a \$12.50 fee for state identification cards would be lowered to 50 cents for individuals who suffer from mental illness, and the department would be allowed to solicit paid advertising for Minnesota driver's license manuals.

### Title transfers

The omnibus bill would create a detachable postcard people could mail to the state transportation department after they sell a motor vehicle.

The form, which would be attached to a vehicle's title, is intended to decrease registration fraud.

The seller would send in the form to notify the state of the sale, which could put more pressure on buyers to make sure the vehicles get registered. The provision comes from a separate bill (**HF1985**) sponsored by Rep. Mark Buesgens (R-Jordan).

### Other changes

The bill does not include state funding for two projects — a children's information line and an elderly safety program — within the Minnesota Safety Council, a non-profit agency that educates citizens. However, the council would receive \$134,000 over the biennium.

The legislation also would dedicate \$20 million to the transportation revolving loan fund that can be used by municipalities to construct and repair bridges or roads.

## Where to find information

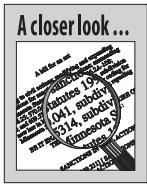
### Chief Clerk's Office

211 State Capitol (651) 296-2314

The Chief Clerk's Office provides copies of bills at no charge, all agendas for House sessions, and the Journal of the House.

# Proposal would put state employees under salary cap

By Jon Fure



A proposal to slow down the overall growth of salaries for state employees is among the major provisions of the House state government finance omnibus bill.

Under the measure, a maximum increase would be applied to the total amount of state salaries in all executive branch agencies and the Legislature. The amount spent on salaries for fiscal year 2000 could not exceed 101 percent of the amount spent in fiscal year 1999. And in the year 2001, the amount could not exceed 103 percent of the amount spent for fiscal year 2000.

Rep. Phil Krinkie (R-Shoreview), chairman of the state government panel and sponsor of the bill, said some agencies may need to increase their number of employees but others — like the Department of Revenue, which is receiving more and more electronically-filed returns — are expected to cut staff.

said the proposal could likely be achieved by attrition — as employees retire or leave to pursue a job outside of state government, the agencies could just hire fewer people to replace them.

“This seems to be a very appropriate and humane way to do it,” he said.

Rep. Lyndon Carlson (DFL-Crystal) disagreed, saying the proposal is an across-the-board cut that doesn’t take into account emergency needs. And employees in some agencies bring in revenue to the state, he said, so cuts in those areas would have other negative impacts.

But Krinkie compared the proposal to salary caps on professional sports teams. If a significant increase is given to one bargaining group of state employees, that would limit the amount of money available for other groups, he said.

“If a team pays (a high salary) for a star player, obviously less money will be available for the other players,” Krinkie said.

“I think members of the committee and of the Legislature need to be informed that 1,200 families in east Richfield are going to have a new neighbor that is going to make their homes unlivable,” he said.

Rep. Ron Abrams (R-Minnetonka) suggested that Gleason should seek an appropriation to help homeowners through the House Capital Investment Committee in the next session, and Rep. Jim Knobloch (R-St. Cloud), chair of that committee, said he would consider giving a hearing to such a proposal from Gleason.

Another proposal removed from the omnibus measure by the Ways and Means Committee would have canceled a \$750,000 payment to the Target Center.

Lawmakers on the state government panel had approved that plan, citing an inconsistency between the original motives for state support of the facility and the arena’s actual use. One condition of supporting the Target Center deal was that the Minnesota Amateur Sports Commission could have access to the facility, but Rep. Phyllis Kahn (DFL-Mpls) and other lawmakers pointed out that the costs of using the Target Center are too high for amateur teams.

Rep. Mike Osskopp (R-Lake City) said the Minnesota Timberwolves could easily make the payments now covered by the state, considering the high salaries they pay the players.

But Sviggum said canceling the payment would hurt the credibility of the Legislature.

“When the Legislature makes an agreement, whether good or bad, we can’t go back on our word or agreements,” he said.

## State agency cutbacks

Budgets of several state agencies would be cut under the omnibus bill.

The measure would eliminate funding to the Office of Citizenship and Volunteer Services, except for a \$306,000 appropriation for the biennium to the Alliance With Youth program. Gov. Jesse Ventura recommended providing \$977,000 for the biennium to that office.

Bonnie Esposito, director of the office, told lawmakers on the State Government Finance Committee that the office has an extensive library of information on training, recruiting, and keeping volunteers active in the community. It includes information on screening potential volunteers to prevent people with criminal histories from volunteering with children, senior citizens, or other vulnerable people. The office also maintains a Web site.

But Krinkie and some of his colleagues said



The omnibus state government finance bill advancing in the House would limit salary increases for state workers like plant management employee Gary Davis, shown here sweeping the “Star of the North” in the Capitol rotunda.

“It’s designed to give the executive branch flexibility while controlling overall growth,” said Krinkie, whose bill (SF2223\*/HF2386) was approved April 16 by the House State Government Finance Committee and April 20 by the House Ways and Means Committee.

But Rep. Matt Entenza (DFL-St. Paul) said the proposal could harm state agencies that need to add employees, such as the Department of Public Safety. Entenza said it could force layoffs in some areas.

House Speaker Steve Sviggum (R-Kenyon)

## Proposals cut

Lawmakers on the Ways and Means committee rejected some attention-getting provisions of the bill that had been approved by the State Government Finance Committee.

One such proposal, backed by Rep. Mark Gleason (DFL-Richfield), would have halted construction at the Minneapolis-St. Paul International Airport. Gleason said he wanted to raise awareness of the problems that the construction of a new runway will cause for residents in his district and nearby areas.



volunteer activities will likely continue with or without state funding to that office.

"I don't understand what people can find in your area that they can't find in any one of a dozen places around the state," Krinkie said.

Also, funding for the Government Innovation and Cooperation Board would be phased out under the bill, and the board would be required to develop a plan to become an independent agency. The board administers revolving funds to give grants to local units of government. The grants are awarded for projects that make government more efficient at that level, and the money saved goes back into the revolving funds. The bill would require that money to be returned to the state's general fund as the board is phased out.

The budget for the Minnesota Humanities Commission would be cut almost in half. The governor's budget proposal calls for \$1.8 million for the biennium, but the House bill would reduce it to \$937,000. Krinkie proposed cutting state funding to one of the commission's main programs, a literacy program for parents and children in low-income areas. Krinkie said that program should be funded through the state's K-12 education or early childhood and family education budgets.

### Cutting paperwork

The bill would repeal requirements that state agencies file performance reports to the Legislature in January before the budget planning process.

Krinkie said removing the mandate would save printing and paper costs as well as staff time within each agency. It also would ease the burden on the Department of Finance, which assists agencies in making the reports.

"My feeling is there has been a lot of effort by the agencies in preparing these reports that did not give us a lot of information we didn't already have or couldn't easily get," Krinkie said.

The Office of the Legislative Auditor analyzes state agency budgets and provides detailed information to the Legislature, and state law also requires agencies to include data on performance in their budget documents. Krinkie said those factors make the in-house reports redundant.

### Departmental mergers

Some legislative departments with similar functions would be combined under the bill. House and Senate television and media services would be combined, as would House and Senate information offices and House and Senate administrative services offices.

Another proposal to promote efficiency would allow legislative staff to work on temporary assignments in state agencies when the Legislature is not in session.

### Privatizing services

A step would be taken toward privatizing the operation of the state correctional facility in Rush City, under the bill.

The commissioner of administration would be required to develop a request for proposals to operate the facility. Private vendors and the state Department of Corrections would be allowed to submit proposals between Aug. 1 through Sept. 1 of this year. The commissioner would have to select a vendor to operate the facility by Oct. 1.

A similar provision would require the commissioner of finance to develop a request for proposals for a private vendor to manage the state's payroll system.

### Public radio

The governor recommended phasing out state funding for public radio stations, but smaller stations would receive additional funding under the House bill.

Grants of \$662,500 per year would be given to stations based on recommendations of the Association of Minnesota Public Educational Radio Stations.

### Scrapping the primary

About \$3.5 million is expected to be saved by replacing the proposed presidential primary election with an informal ballot to be distributed at the precinct caucuses, which are held the first Tuesday in March. On that ballot, participants would indicate their preference for presidential or gubernatorial candidates, and the results would be reported to the Office of the Secretary of State.

Under current state law, a presidential primary is set to be held the first Tuesday in April 2000. Printed ballots will have to be prepared, and all of the state's precincts will have to go through the formal election process. Paying election judges, printing the ballots, and other expenses will cost local units of government about \$3.5 million.

Secretary of State Mary Kiffmeyer estimated the costs of reporting the results of the informal preference ballots is estimated at about \$8,000, and she said it would accomplish the same goal as the more formal — and more expensive — voting process.

### Y2K preparation

In anticipation of some computer systems failing to make the transition from the year 1999 to 2000, the bill would appropriate \$20 million from the general fund to allow school districts and other local units of government to apply for emergency grants.

The grants would be administered as loans and would be used to correct problems that are likely to affect public health and safety or

cause "catastrophic loss to property or the environment." The loans would have to be paid back by the end of the fiscal year 2001.

### Other provisions

Also under the omnibus measure, the attorney general's office would have to submit reports to the Legislature on some billing policies. The office would have to work with the commissioner of finance to ensure that money for legal services is spent as it is intended by the Legislature, and other policies regarding billing for legal services would have to be clarified.

Another provision would make business licenses available over the Internet through a system being developed by the Office of Technology. Eventually, the office plans to expand the system to include all types of licenses issued by the state, including driver's licenses and game and fish licenses. The office requested \$756,000 for the system, but the bill would give the office \$500,000. The difference is largely due to the fact that some lawmakers said electronic game and fish licenses would not be feasible. Under the House bill, the system would be used only for business licenses.

Also, state agencies would be prohibited from increasing a fee or imposing a new fee without legislative approval. Budget proposals for each state agency would have to list proposed fee changes or new fees, including admission fees to state facilities and fees for goods, services, regulation, or licensure.



**Who is Alice Jefferson?** That's what people were asking when Rep. David Tomassoni (DFL-Chisholm) introduced "Rep. Alice Jefferson" to lawmakers in the House chamber April 22.

House members were surprised and delighted when Rep. Alice M. Johnson (DFL-Spring Lake Park) announced that she married former Rep. Richard Jefferson the night before.

The newlyweds were elected to the House in 1986. Jefferson retired last year, but Johnson assured everyone that she intends to continue her political career.

"And no, I'm not going to change my name," Johnson said. "I invited Richard to change his name to mine, but he said no."

Painstaking restoration . . .

## Layer by layer, the Capitol's rathskeller returns

By Sarah Hallonquist

**N**early a century after the grand opening of the Capitol eatery, diners will once again be able to enjoy their meals as intended by the original designers.

The cafeteria — first created as a full-service restaurant — was completed along with the rest of the Capitol building in 1905. The design style replicated a German rathskeller (or beer hall), featuring freehand paintings of squirrels, eagles, grape leaves, and slogans in German along the room's arched ceilings.

But by the 1990s, a series of remodeling and painting projects had erased the beer hall theme and left the cafeteria with as many as seven layers of paint covering up the original artwork.

Historical preservation artists began chipping away at the paint and plaster in the late 1980s, but funding was not available for further restorative efforts. However, the cafeteria's luck changed three years ago with a \$1.2 million legislative appropriation, and the German rathskeller is on its way back into the Capitol basement. An additional \$1.04 million was made available in 1997.

Now in its second phase, the renovation project began in May 1998 and is scheduled to be completed in January 2000. The Minnesota Department of Administration is supervising the project, with the assistance of the Minnesota Historical Society and the Capitol Area Architecture and Planning Board.

Dan Tarnoveanu, the conservator in charge of the restoration effort, spends his days atop a 20-foot scaffold as he works to make the cafeteria's arched ceilings resemble their German-influenced beginnings.

Located in the north wing of the Capitol basement, the long, narrow room is divided into seven main bays, with vaulted ceilings reaching 21 feet at the highest point. Ceramic tiles cover the floor, and a grand staircase marks the main entrance.

Stenciling on the staircase that leads from the Capitol's ground floor to the basement eating area also will be restored to its original vine pattern. The decorative set of two spiral staircases allows entry at the center of the room, but access is also provided from the lower tunnel level.

In the dining area, 32 painted scrolls will once again stretch across the walls and ceilings. The decorative scrolls will contain 29 German mottoes, most of them encouraging productivity, hospitality, and, especially, the drinking of beer and wine.

In the face of anti-German sentiment dur-



**Dan Tarnoveanu, an artist and historic conservator, is supervising the restoration of the Capitol cafeteria. The project is scheduled to be finished by January 2000.**

ing World War I, Gov. J.A.A. Burnquist ordered the mottoes and other artwork to be painted over in 1917.

But in 1930, Gov. Theodore Christianson ordered the restoration of the mottoes. He got his wish, but after a request from the Women's Christian Temperance Union, three of the slogans were changed to reflect the "dry" ideals of the times. One that when translated into English had originally read "Better be tipsy than feverish" was changed to "Temperance is a virtue of men." In two others, references to the benefits of wine and drinking were changed to encourage eating and good food. But all of the slogans were painted over again in 1937, during the first of many redecorating efforts.

It took Tarnoveanu and his co-workers nearly six months to uncover the original designs and draw their replications. Paint samples were sent to Boston to be matched while artists constructed full-sized samples of the designs they would be replicating. Photos, slides, and drawings continue to aid the artists through the second phase of the project, which began in late March.

The walls and ceilings are painted in olive gray tones, and the eagles, vines, squirrels, and flag motifs are slowly emerging on top of the solid colors. Replicas of the original chandeliers will hang above tables in the same style as the originals.

New bathrooms, a serving station, kitchen, and disposal area have been constructed. A side room known as the private judges' dining room also will be restored.

The work, Tarnoveanu said, is unique among projects in the United States. It combines restoration and replication in a style used commonly in Europe on projects such as the Sistine Chapel.

Layers of paint and plaster left much of the cafeteria's original artwork impossible to salvage.

About 85 percent of the designs and mottoes have been redrawn and will be repainted on the ceiling. The remaining artwork has been uncovered, and the plaster will be touched up so that the original work is restored.

Instead of finding an exact paint match for each of the original 37 colors, slightly different hues are being used to recreate the ceiling's scenes. That way, Tarnoveanu said, people can tell the difference between the restored parts and the original paintings. The difference, however, won't be too striking; mostly those with a keen eye for restorative painting will be able to detect it.

Tarnoveanu figures if he were to use the exact same colors, the effect could be too harsh.

"It's like putting makeup on a very old lady," he said.

A native of Romania, Tarnoveanu owns a studio in St. Paul. He has completed restoration projects for the American Swedish Institute in Minneapolis, the Minnesota Masonic Home in Bloomington, and the University of St. Thomas in St. Paul. Tarnoveanu recently won an award for his work on the historic reconstruction for the House of Hospitality in San Diego. 🐼

# Experts restore Capitol cafeteria's ori



Herman Krumholz applies a layer of paint to the cartouche stencil in the center of the cafeteria's ceiling.



Dan Tarnoveanu, who is supervising the restoration, applies the base layer of paint to a stencil.



A section of the cafeteria wall reveals the original artwork, *right*, and a painted reproduction will serve as a model from which new stencils will be made and transferred to the walls.



# ginal old world flavor



An original stencil of an eagle will be brought back to life during the restoration of the Capitol cafeteria.



Mike Slagle, an intern from the College of Visual Arts in St. Paul, punches outline holes in a stencil as part of his duties during the restoration of the Capitol cafeteria. Slagle also mixes all of the paints used to restore the stencils on the ceilings and walls.

## The cafeteria's German character

The following are examples of the phrases that were hand painted in German on the walls and ceiling of the Capitol cafeteria when it opened in 1905. The slogans were eventually painted over, but a restoration now in progress will bring them back.

One more for that dismal weather  
A guest who pays for what he orders is always welcome  
More people get drowned in the cup than in the creek  
After hearty eating you can do some hearty drinking  
Hearty welcome in this hospitable house  
Enjoy a glass after a duty well performed  
Cheerfulness bring in with you, worry leave outdoors  
As time flies we are nearing eternity  
Time is money and money rules the world  
No prize without effort



An original stencil reveals the date Minnesota became a territory.

# Governor's Desk

CH60-CH86

## 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 governor has three days from the time of "presentment" to veto a bill. If the governor doesn't sign the bill within this time frame, it will become law with or without his signature. (Sundays 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.mainserver.state.mn.us/governor/>  
(Select "It's a New Day" and then click on "Legislative Logs")

**Key:**CH=Chapter;HF=HouseFile;SF=SenateFile

CH	HF	SF	Description	Signed	Vetoed
60	1132*	1116	Delinquent real estate taxes duplicate publication copies filing requirement.	4/16/99	
61	643*	676	All persons under civil commitment status provided the same legal rights.	4/16/99	
62	408*	170	Pharmacy practice definition modification.	4/16/99	
63	1714*	1693	Pharmacists to pharmacy technicians ratio requirements waiver.	4/16/99	
64	735*	495	Crime of adulteration scope expansion and penalty increases.	4/20/99	
65	841	881*	Stearns, Benton, and Sherburne counties regional parks and trails plan.	4/20/99	
66	645*	651	Water and wastewater treatment system modifications.	4/20/99	
67	1421*	1239	Podiatry temporary permits extension.	4/20/99	
68	1809	1554*	Duluth Seaway Port Authority new name.	4/20/99	
69	908	465*	County recorders minimum security deposits requirement authority.	4/20/99	
70	1507	1600*	Motor vehicle registration requirements modified.	4/20/99	
71	1153	973*	Juror compensation system study.	4/20/99	
72	197	198*	Criminal trials closing arguments rebuttal limits elimination.	4/20/99	
73	1151	1176*	Waste Management Act technical modification.	4/20/99	
74	53	129*	Uniform Child Custody Jurisdiction and Enforcement Act modifications.	4/20/99	
75	182	257*	Statutory cities special elections to fill office vacancies.	4/20/99	
76	868*	866	Crime of theft expansion to personal property rental.	4/20/99	
77	67*	32	Killing or injuring a search and rescue dog provided felony penalties.	4/20/99	
78	793*	1497	Rental motor vehicle lien and right of retainer.	4/20/99	
79	1171	98*	Crime victims' and witnesses' birthdates confidentiality.	4/20/99	
80	960	829*	Bloomington Housing and Redevelopment Authority surplus state land purchase.	4/20/99	
81	1404	972*	Migratory waterfowl refuge designation.	4/20/99	
82	1097	1188*	Uniform municipal contracting law dollar limit increases.		4/22/99
83	40*	25	Nursing home residents allowed to request the use of restraints.	4/22/99	
84	463*	578	Ambulance services and first responders health care review.	4/22/99	
85	836*	833	Business corporations regulation provisions modifications.	4/22/99	
86	1037*	950	Revisor's bill.	4/22/99	

# Bill Introductions

HF2408-HF2417

## Friday, April 16

### HF2408—Molnau (R)

#### Transportation Finance

Automobile registration tax modified, public transit mobility fund established, motor vehicle sales tax percentage dedicated, metropolitan transitway land use standards required, transit funding eligibility defined, and money appropriated.

### HF2409—McElroy (R)

#### Taxes

Local units of government required to adopt resolutions to increase property tax levies.

## Monday, April 19

### HF2410—Seifert, J. (R)

#### Civil Law

Mediation and mediator testimony regulated, and nondisclosure privilege provided.

### HF2411—Ozment (R)

#### Local Government & Metropolitan Affairs

County tax increment financing decisions approval required.

### HF2412—Goodno (R)

#### Ways & Means

Omnibus health and human services bill.

## Tuesday, April 20

### HF2413—Boudreau (R)

#### Crime Prevention

Minnesota Correctional Facility-Faribault sewer system repairs provided, bonds issued, and money appropriated.

### HF2414—Tuma (R)

#### Education Policy

University of Minnesota constitutional autonomy repealed and constitutional amendment proposed.

### HF2415—Wenzel (DFL)

#### Rules & Legislative Administration

Kosovo; U.S. government memorialized to act with speed to provide humanitarian aid.

## Thursday, April 22

### HF2416—Schumacher (DFL)

#### Local Government & Metropolitan Affairs

November election adoption authorized for all towns.

### HF2417—Schumacher (DFL)

#### Education Policy

Profile of Learning; statewide accountability and district autonomy balanced.

Coming Up Next Week . . . April 26 - 30, 1999

# Committee Schedule

Schedule is subject to change.

For information updates, call House Calls at (651) 296-9283.

All meetings are open to the public. Sign language interpreter services: (651) 224-6548 v/tty

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## WEDNESDAY, April 28

8 a.m.

### Conference Committee Early childhood and family education bill HF1467/SF2222

200 State Office Building  
Chrs. Rep. Barb Sykora,  
Sen. Pat Piper.

**Note: This meeting will reconvene at 6 p.m. in 200 State Office Building.**

10 a.m.

The House meets in session.

6 p.m.

### Conference Committee Early childhood and family education bill HF1467/SF2222

200 State Office Building  
Chrs. Rep. Barb Sykora,  
Sen. Pat Piper.  
Continuation of morning meeting.

## THURSDAY, April 29

10 a.m.

The House meets in session.

## FRIDAY, April 30

No meetings have been scheduled.

*Continued from page 4*

stirred up when the original Carver grant deed was allegedly found in Chillicothe, Ohio. Again the claims proved to be false.

As late as 1921, historian Milo Quaife noted that claims to the land were still being made.

"If the present governor of Minnesota has not been addressed by some person believing himself a rightful beneficiary of the claim, his experience is exceptional," he wrote.

But you can't say copies of the deeds sold by the family aren't worth the paper their printed. History buffs would probably pay a pretty penny for an authentic copy.

Still, if you have one, you should keep your day job.

## MONDAY, April 26

12 noon

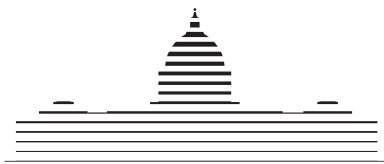
The House meets in session.

## TUESDAY, April 27

10 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: Steve Sviggum  
Majority Leader: Tim Pawlenty  
Minority Leader: Thomas W. Pugh

## MINNESOTA INDEX

### Minnesota State Lottery

Total Minnesota State Lottery sales in fiscal year 1998, in millions .....	\$373
Prize money paid out that year, in millions .....	\$224
Unclaimed prizes that year, in millions .....	\$5
Cents of every lottery dollar that goes to state's Environment and Natural Resources Trust Fund .....	7
To state's general fund .....	16
To lottery administration .....	11
To lottery retailers .....	6
To compulsive gambling treatment programs .....	0.3
Minnesota adults who have gambled at some time in their life, as percent .....	89
Percent of men .....	93
Percent of women .....	85
Minnesota adults who have bought a Minnesota State Lottery ticket at least once, as percent .....	63
Minnesotans who have bought lottery tickets from other states, as percent .....	28
Number of new instant games launched by Minnesota State Lottery in first five months of 1998 .....	25
Retailers selling lottery tickets in Minnesota, 1998 .....	3,341
Commission rate, in percent .....	5.5
Amount those retailers earned in commissions and incentives in fiscal year 1998, in millions .....	\$21.5
Percent of prize money that goes to newly-instituted cashing bonus for retailers ....	1
Minnesota voters who approved a constitutional amendment to authorize a state lottery in November 1988, as percent .....	57
Percent that voted to dedicate 40 percent of lottery proceeds to the Environment and Natural Resources Trust Fund until 2001, 1990 .....	70
Percent that voted to extend the dedication until 2025, 1998 .....	77.2
Amount won by Moorhead resident on Oct. 8, 1998 (largest prize in Minnesota history), in millions .....	\$28.4
Amount of unclaimed Gopher 5 award from July 28, 1998 .....	\$759,520
Numbers on that unredeemed ticket .....	11 14 23 34 36

Sources: *Annual Report, Fiscal Year 1998, Minnesota State Lottery*; Minnesota State Lottery Web site (<http://www.lottery.state.mn.us>); and Office of the Secretary of State Web site (<http://www.sos.state.mn.us>).

### For more information

For general information, call:  
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(651) 296-2146 or  
1-800-657-3550

To obtain a copy of a bill, call:  
**Chief Clerk's Office**  
(651) 296-2314

To find out about bill introductions or  
the status of a specific bill, call:  
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(651) 296-6646

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