

# SESSION WEEKLY

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## Reflections

*Let us have faith that right makes might, and in that faith . . .  
let us to the end dare to do our duty as we understand it.*



These words of Abraham Lincoln can very well be noted today as his portrait watches over lawmakers in the House chamber. The painting is seen behind the speaker's desk by 134 members, staff, and hundreds of school children and other guests on a daily basis.

Lincoln's portrait has a long history. The painting hanging in the chamber is a replica by St. Paul artist, Edward V. Brewer. The original, which hung in the same place of honor for about 30 years was painted by portrait artist, George P. A. Healy, and now hangs in the National Portrait Gallery in the nation's Capitol.

Brewer's copy of the Lincoln portrait was added in 1932 when the family who loaned the original requested its return.

Other similar paintings of Lincoln also exist. They are found at the Chicago Historical Society and Chicago's Newberry Library. Healy also used sketches of the same pose of President Lincoln to paint the classic "The Peacemakers" depicting the president consulting with his chief military advisors.

Another rendering of the painting by Healy was donated by Robert Todd Lincoln to the White House. It now hangs over the mantel in the State Dining Room as one of the works Jacqueline Kennedy utilized in building a White House permanent collection of American art in 1961.

When the Minnesota House chamber was restored in 1990 to its original look of 1905, the restoration committee decided that the Lincoln portrait should remain, for it had earned its place in the chamber. They hoped architect Cass Gilbert would not mind, for after all, Lincoln was the first U.S. president that Minnesotans helped to elect after they gained statehood in 1858.

The portrait was also threatened with banishment one other time when a member wanted it removed because he felt it was too politically partisan. But custom prevailed.

How one of the original paintings got to Minnesota is no mystery. It was originally owned by Elihu Washburne, a U.S. Minister to France, and close friend of Lincoln. He was a brother of Israel, Cadwallader, and William Drew, all politicians and members of the prominent Washburn family of Maine. (Elihu added an "e" to the family name.)

The painting was passed through the family to William Drew Washburn, who moved to Minneapolis. He and his son, William Jr., were Minnesota House members. William Jr. served six non-consecutive terms, from 1901 to 1925. When the portrait was returned to the family, it was purchased, then donated to the National Portrait Gallery.

If Lincoln were to speak to the lawmakers as time gets closer to adjournment, he would probably advise:

*With malice toward none . . . with firmness in the right . . .  
let us strive on to finish the work we are in . . .*

—LeClair Grier Lambert

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On the cover: The east side of the Capitol is framed in a portion of a wall on the Judicial Center grounds. The wall is inscribed with Article III of the Minnesota Constitution which reads, in part, "The powers of government shall be divided into three distinct departments, legislative, executive, and judicial."

—Photo by Tom Olmscheid

# First Reading

Profile of Learning . . .

## Conference committee holds fate of education program

By Sarah Tellijohn

**A**fter a nearly three-month reprieve, lawmakers from both bodies met May 5 to consider one of the most talked-about school subjects of this legislative session — the Profile of Learning.

While the House has passed a bill that would entirely do away with the controversial state initiative, a Senate-backed measure would severely modify the program. Five House members and five senators comprise the conference committee that will decide the fate of what amounts to one-half of the state's Graduation Standards program.

The Profile of Learning is one part of a two-pronged program. The second part calls for students to pass basic skills tests before they can receive a high school diploma.

who chose early implementation — as all districts did.

But after a few months, educators, parents, and legislators criticized the Profile of Learning as a set of mandated curricula with a burdensome system of record-keeping.

Long hours of testimony in Senate and House committee meetings drew both high praise and fierce criticism; some called for the program to be abolished.

And even teachers who said they like the Profile of Learning have suggested changes, so it's likely the product of the House-Senate committee won't keep the Graduation Standards in their current form.

With just over a week until the session adjourns, lawmakers must work out a deal on the Profile of Learning that will pass muster with

implementation and curriculum up to school districts.

It calls for a foundation of reading, writing, and math, and it would establish 15 subject areas that school districts must offer. In addition, the House plan would require abstinence-based sex education in school health classes.

But the Senate has moved in an opposite direction with its measure. Instead of getting rid of the Profile of Learning, the Senate's version would rename some of the 10 learning areas, change reporting requirements, and allow school districts to opt out of the program.

The plan would change the current implementation schedule by letting districts phase in the number of content standards offered for students entering the ninth grade in 1999-2000. The following year, the full Profile of Learning would have to be in place.

In addition, under the Senate plan, districts could apply for waivers from the Department of Children, Families and Learning to offer fewer content standards than required by the state. A majority vote of the district's teachers and school board members would be required before a waiver could be granted. In some cases waivers would be given for individual students if they are participating in alternative or more rigorous academic programs that would interfere or be duplicated by a content standard.

The Senate plan would gradually increase the level of difficulty for basic skills testing as student performance improved. It also includes provisions that describe the kinds of records school districts must keep, and it would require the state's education department to develop a uniform reporting system for student assessment. Districts would be left to determine assessment methods for measuring student performance.

And Education Minnesota, the state's teachers union, would be given grants to conduct Profile of Learning training seminars for teachers.

Gov. Jesse Ventura has stated that he disapproves of both bills. He does not favor the Senate's waiver provision. Christine Jax, commissioner of the Department of Children, Families and Learning, told lawmakers that the governor does not support state-mandated curriculum, but he wants a set number



Heidi Hanson, a fifth-grader in Mrs. Post's class at Richfield Intermediate School, watches as a marble makes its way down a ramp that she and classmate Erica Guggenberger constructed as part of a classroom project under the state's new Profile of Learning initiative. The Richfield students were invited to the Capitol May 4 by Lt. Gov. Mae Schunk to demonstrate their projects to Gov. Jesse Ventura.

The Profile of Learning was designed to ensure students can apply knowledge on real-world tasks. In order to graduate from high school, students must complete a minimum of 24 content standards in 10 learning areas.

During the 1998-99 school year, Minnesota school districts began implementing the Profile of Learning into their curricula. State law mandates that districts phase in the new requirements by the 2000-01 school year, but the state offered financial incentives to schools

teachers, parents, students, and — most importantly — the governor.

The House passed a bill (HF15) in February that would repeal the Profile of Learning. That bill is sponsored by Rep. Tony Kielkucki (R-Lester Prairie).

The bill would do away with all provisions of the Profile of Learning and create a "rigorous academic standards" plan that would incorporate basic skills testing and required subject areas. But the measure would leave the



of statewide, uniform content standards.

On May 4, Ventura invited students from the Richfield school district to show off what they've learned under the Profile of Learning. He said he wants to keep the program but change some of the record-keeping and scoring methods.

Jax said the governor has recommended having an outside expert evaluate the content standards. She said the students who have started under the Profile of Learning should not be held to "high stakes" just yet, meaning that as educators become more acclimated to teaching the Profile of Learning, students will be held more accountable to its requirements.

Jax told lawmakers that the House bill sets up local standards, instead of the statewide standards the Profile of Learning was intended to provide when it was created.

Judy Schaubach and Sandra Peterson, co-presidents of Education Minnesota, did not offer their praises for either bill. Instead, they said there are good and bad elements of both bills.

The message they said they are hearing from teachers is that the Profile of Learning needs time to be understood and implemented. However, some changes are needed to make the program a success for both teachers and students.

"I think that with the course that we're on we can get there," Schaubach said, when asked by Sen. Larry Pogemiller (DFL-Mpls) if the profile can be fixed.

Schaubach and Peterson recommended reductions in class sizes and paperwork requirements, more teacher training, a delay in implementation, and a better scoring method for evaluating student performance.

The bill awaits action in conference committee. 🐾

## Where to find information

### House Public Information Office

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The House Public Information Office is a nonpartisan office that provides committee meeting schedules; legislator information; and publications, including the *Session Weekly* news magazine, educational brochures for all ages, and member directories. All information is available at no charge.

Most of what this office publishes can be viewed on the Legislature's World Wide Web page. To connect, point your Web browser at: <http://www.leg.state.mn.us>

## Ramsey set course out of railroad mess



Gopher State.

The trouble began when four railroad companies, which had received about \$2.3 million from state bond sales, failed to complete the railroad project the money had been intended to finance. A popular cartoon compared the businessmen — who, the cartoonist implied, had eaten up the public's money and trust — with the pesky gophers that destroy farmers' crops. Before long, references to Minnesotans as gophers were becoming common.

Meanwhile, the two-year-old state was left with what Gov. Alexander Ramsey called "financial embarrassments."

In his 1860 State of the State address, Ramsey told lawmakers that the state faced a serious problem because it would have to honor the bonds without the economic growth that was expected to come from the railroad.

Farmers, for example, had already demonstrated success in producing crops. But without a thriving railroad they would have trouble getting those crops to markets where demand was high. Ramsey said wheat farmers had averaged 20 bushels of wheat per acre, which was "double that of so-called wheat-growing states."

He said the apparent solution to the high production and low demand was to develop a "cheap and speedy transit to those who have to buy."

Assuming the state would have to pay the debt from the railroad bonds, Ramsey urged the Legislature to start by reducing expenditures, so that "taxation shall not eat up the substance of the people."

Ramsey recommended cutting his own salary from \$2,500 to \$1,500, cutting the

secretary of state's salary from \$1,500 to \$1,000, and cutting the attorney general's pay from \$1,000 to \$800.

Ramsey also advocated a future cost-savings plan to limit the legislative session to 60 days and to reduce the size of the Legislature following the 1860 federal census.

The Legislature approved those and other cost-cutting measures, which dropped the annual cost of state government from \$149,000 to \$95,000.

Ramsey also proposed raising money by implementing various fees, including charging people to bring civil actions in courts.

He advocated adopting banking laws that would prevent people from selling worthless stocks, revising laws to reduce expenses to local and county governments, requiring the state treasurer to provide detailed fi-

nancial reports, and dedicating funds for specific purposes as much as possible, leaving only "very small sums, if any, for contingency funds."

Ramsey said the population of the Minnesota Territory had grown from 5,000 to 180,000 in the 10 years before it became a state. In that time, the overall land value rose from \$800,000 to \$40 million. He also described advances in lumber and mining industries that he said were obvious sources of future revenue.

"What may we not reasonably hope to attain before 1870, having now a capital, a population, a name, and a history?" Ramsey asked.

He said immigration would be "the grand solution for our present difficulties."

"The more men, the more labor, the more production, the more prosperity, the greater development of all our resources," he said.

Ramsey suggested starting a department



Gov. Alexander Ramsey

*Continued on page 21*

Photo courtesy Minnesota Historical Society

# Highlights



## BONDING

### Emergency bonding passed

The House passed a \$47.9 million emergency bonding bill May 3. The vote was 93-38.

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.

The bill (HF2205) now goes to a conference committee where members of both the House and Senate will work out the differences between their two versions of the measure.

And there are differences between the bills. The Senate version contains more than \$140 million in projects — about \$95 million more than the House bill.

"I guess everyone has a different definition of emergency," Knoblach said. "Ours is a little more stringent than the Senate."

The largest appropriation in the House bill — \$18.5 million — would go to the Department of Natural Resources to be used for dike construction in East Grand Forks, Warren, and Crookston. The cities were hard hit by 1997 floods.

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

The pedestrian bridge project comes as a result of the tragic death of 11-year-old Kara Kavanagh. In March, Kavanagh was hit by a car while attempting to cross Minnesota Highway 252 in Brooklyn Park.

The proposed bridge would cross the highway a few blocks from where the accident took place.

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 \$6.1 million. Of that amount, \$2.8 million would go for planning and design of infra-

structure projects for a possible steel mill that may be constructed in Itasca County, and \$190,000 would go for improvements at the state veterans' homes in Hastings. The department also would get \$250,000 for planning and design of a monument to honor World War II veterans.

The Department of Corrections would get \$1.8 million for renovations to the sewer system at a correctional facility in Faribault.

And the Department of Trade and Economic Development would receive \$4.6 million. The majority of that amount would go toward the development of a transit hub in the Lake Phalen area of St. Paul.

The bill would also 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.



## CRIME

### Check fraud cases

A bill that would create a diversion program for bad check writers cleared the House on May 5. The vote was 109-22.

But an amendment that would have called for a policy of processing drafts upon an account in order of check number rather than check amount bounced.

The bill, sponsored by Rep. Rich Stanek (R-Maple Grove), would allow prosecutors to establish a diversion program and to dismiss charges for offenders who complete the program.

Stanek said that his bill would separate people who intentionally write bad checks from those who just have money management problems. He said his bill would get the unintentional offender out of the criminal justice system and into programs that could provide help.

The bill also provides a list of criteria that prosecutors must consider when accepting offenders into the program, including past dishonored check complaints, evidence of intent to defraud, and the victim's wishes.

Offenders in the program would be required to successfully complete a class on check writing and money management, pay restitution to the victim, and pay all service charges required.

The bill would also create a new five-year felony penalty for a dishonored check valued at more than \$500.

An unsuccessful amendment, sponsored by Rep. Karen Clark (DFL-Mpls), would have suspended some service charge fee increases in Stanek's bill. The suspension would have been lifted when the Legislature enacted a law prohibiting financial institutions from processing the largest checks from checking accounts first.

Clark said that banks and other financial institutions take the larger checks first to increase the odds that smaller checks will bounce after the larger checks have cleared. The banks can then collect more in penalties from their customers, she said.

Clark said the practice hurts both consumers and business owners who have a more difficult time collecting payments from their customers.

"We are creating a situation that makes criminals out of a lot of people, and we also hurt our retailers," she said.

Critics of the Clark amendment said that financial institutions use this practice to ensure that the more important larger checks — such as mortgage and car payments — clear the account before the smaller ones do.

They argued that only some banks have the practice and that customers can choose which banks they want to do business with.

The Stanek bill (HF624/SF441\*) now goes back to the Senate.

### Drug ban passed

Gamma hydroxybutyrate — a drug commonly known as GHB — would become a controlled substance in Minnesota, under a bill passed on the House floor May 5. The vote was 129-0.

GHB is a central nervous system depressant with effects similar to alcohol. Overdoses of GHB can lead to seizures, respiratory problems, or coma. It has also been reported that GHB is being used as a date-rape drug.

The drug can easily be manufactured from chemicals available from mail-order supply houses and recipes can be found on the Internet.

The bill, sponsored by Rep. Wes Skoglund (DFL-Mpls), would classify GHB as a schedule III controlled substance. Doctors could prescribe GHB if the federal Food and Drug

Administration (FDA) approves the drug, under the bill.

Schedule III drugs are classified under the law as serious controlled substances, although not as serious as schedule I and II drugs — such as heroine, cocaine, and marijuana. To be classified as a schedule III drug, the substance must also have an accepted medical use.

In 1987, the FDA classified GHB as an orphan drug, meaning that it may provide treatment for people with rare diseases or disorders. The FDA approved GHB for investigational research, but has yet to approve the drug for medical use in the United States.

Minnetonka-based Orphan Medical, Inc. — a company that specializes in orphan drugs — is currently researching a GHB-based drug for people who suffer from narcolepsy. The company hopes to eventually get FDA approval to market the drug nationwide. The bill would also allow the company to continue its research.

Skoglund said his bill classifies GHB as a dangerous drug while recognizing that some people — such as people who suffer from narcolepsy — may need the drug for legitimate purposes.

“It will protect people who need this drug in their daily lives,” he said.

The FDA recently went after several companies making dietary supplements containing Gamma Butyrolactone (GBL). When taken orally, the body converts GBL into GHB.

Companies that manufactured the dietary supplements claimed that the products improved physical performance, restored hair, reduced stress, enhanced sex, increased life expectancy, and helped with sleeping problems.

Most companies ceased manufacturing the dietary supplements and recalled their products.

The bill (HF1255/SF2120\*) now goes to the governor.

## Phony products of all kinds

The House passed a bill May 3 that would provide criminal penalties for counterfeiting products. The vote was 125-3.

Bill sponsor Rep. Chris Gerlach (R-Apple Valley) said that the practice of attaching registered trademarks or trade names to unauthorized products is growing. He said counterfeiters can see big profits from the sale of the fake goods and face no risk of prosecution.

And, he said, the fraudulent products can pose a danger to consumers. He showed lawmakers a counterfeit automobile brake pad that had been sold under a registered name.

The pad had been made from pressed wood.

“Counterfeiters seek to capitalize on the efforts of legitimate businesses by stealing names and product ideas and tying them to inferior goods,” Gerlach said. “This is an enormous problem and we need to do something.”

The bill would create a new crime of counterfeiting intellectual property. The crime would prohibit the manufacture, possession, or sale of counterfeited property.

Current Minnesota law has no criminal penalty for counterfeiting property. Counterfeit claims must be brought forward by the person or company owning the rights to the property, and must go through the civil court process.

The bill also outlines penalties for the counterfeiting crime based on number and value of the items counterfeited. The maximum penalty would be a five-year prison sentence and a \$100,000 fine.

And the bill would include the new crime under a list of crimes that can apply to racketeering charges. Increased penalties could be applied if the counterfeiting crime is proven to show a pattern of organized crime.

The bill (HF263/SF411\*) now goes to the governor.

## Frivolous inmate lawsuits

The House passed a bill May 4 that seeks to stop frivolous legal claims made by the state’s prison inmates. The vote was 121-7.

Under current law, inmates cannot bring lawsuits against the state challenging the amount of funding for rehabilitation programs in the state’s correctional facilities.

The bill, sponsored by Rep. Mark Olson (R-Big Lake), would prohibit inmates from challenging rehabilitation employee assignments.

Current law also provides disciplinary penalties for inmates who bring frivolous claims to court. The bill would apply the same penalties to inmates who bring frivolous claims before licensing boards.

The bill directs judges and licensing boards to use a set of criteria already outlined in current law when deciding when a claim is frivolous.

Olson said his bill would provide protections for employees of correctional facilities while allowing inmates to make reasonable claims.

The bill (HF1494) now goes to the Senate.

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

## Cutting supply to underage

Penalties for providing alcohol to people under the legal drinking age would be tougher, under a bill passed by the House on May 4. The vote was 90-38.

Under current law, a person is guilty of a gross misdemeanor crime if he or she provides alcohol to someone under the age of 21 who then becomes intoxicated and causes death or great bodily harm. A person is guilty of a felony if he or she sells the alcohol to the underage person.

The bill, sponsored by Rep. Matt Entenza (DFL-St. Paul), would increase the crime of providing alcohol to someone underage from a gross misdemeanor to a felony. It would still only apply in cases where the minor causes death or great bodily harm, but the bill would essentially do away with the distinction between selling and simply providing alcohol.

The bill is in response to the tragic deaths of teenagers such as Janice Rabideaux of Cloquet and Kevin Brockway of St. Paul.

Rabideaux died from alcohol poisoning after a 1997 Halloween party where alcohol was provided by an adult. Kevin Brockway died in an alcohol-related car crash following a 1997 New Year’s Eve party, where vodka had been provided by an adult. Both were 16 years old when they died.

The bill (HF1289) now goes to the Senate.

## Crackdown on child porn

Investigators say they are seeing a proliferation of child pornography on the Internet, and lawmakers want to give them the tools to fight it.

The House passed a bill May 4 that aims to give investigators the tools they need. The vote was 129-0.

The bill, sponsored by Rep. Wes Skoglund (DFL-Mpls), would clarify the definition of these crimes to make it easier to prosecute Internet offenders.

The bill would also increase penalties for distributing child pornography from five years to ten years in prison. And it would increase the crime level for possessing child pornography from a gross misdemeanor to a felony.

The bill (HF1081/SF1404\*) now goes back to the Senate.

## Keeping reservations safe

The House passed a bill May 3 that would allow tribal law enforcement agencies to share authority with local sheriffs on tribal land. The vote was 128-0.

The bill, sponsored by Rep. Steve Smith

(R-Mound), would outline the conditions under which a tribal law enforcement agency could exercise concurrent jurisdictional authority over criminal violations with the local sheriff.

The bill also would allow tribal police officers to become certified by the state's officer licensing board.

Supporters of the bill said the proposal would help ensure public safety on reservations and that the certification provisions would help the tribal governments recruit and retain qualified police officers.

Some tribes have recently established police agencies or beefed up existing police forces in response both to an increase in crime and a 1997 Minnesota Supreme Court decision.

In that decision, the court ruled that non-tribal state and local law enforcement agencies don't have jurisdiction over civil and regulatory violations — such as traffic violations — on tribal lands.

Current law authorizes the Mille Lacs Band, the Lower Sioux Indian Community, and the Fond du Lac Band to exercise concurrent jurisdictional authority. Smith's proposal would expand the law to include the other eight tribes in Minnesota.

The bill (HF1607) now goes to the Senate.

## Used guns for sale

The House passed a bill May 4 that would allow sheriffs and police chiefs to sell confiscated firearms. The vote was 97-30.

Current law requires that those agencies destroy all forfeited weapons that they cannot use, including firearms, ammunition, and firearm accessories.

The bill, sponsored by Rep. Roxann Daggett (R-Frazee), would give agencies the authority to either destroy those weapons or to sell them to federally authorized dealers.

The bill also would require local agencies to sell any antique guns they seize. But semi-automatic, military-style assault weapons would continue to be destroyed, under the bill.

A House-Senate conference committee added a provision that would allow the Hennepin and Ramsey county boards to prohibit their respective sheriffs from selling confiscated firearms.

Under current law, local law enforcement agencies keep 70 percent of the proceeds from the sale of any forfeited property, county attorneys and other prosecutors get 20 percent of the proceeds, and the state receives the remaining 10 percent.

Critics of the plan say that the bill would just put guns back on the streets to be used illegally.

The bill (HF70\*/SF197) now goes to the governor.



## EDUCATION

### Limits on special education



Signed  
by the  
governor

A new law signed May 4 will lower the age until which Minnesota schools are required to provide special education instruction.

In 1998, lawmakers approved a new set of laws concerning special education policies to make them consistent with federal law. The new law finishes 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 current 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.

Effective July 1, 2002, the state law will change to age 21 and school districts will be required to provide instruction only until July 1 after the student turns 21.

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

Most of the bill's provisions, except the age change, are effective July 1, but some administrative rules are repealed effective May 5.

Rep. John Tuma (R-Northfield) and Sen. Martha Robertson (R-Minnetonka) sponsored the legislation.

HF483/SF296\*/CH123

### Grant to district cut



Signed  
by the  
governor

A new law effective May 5 reduces a 1998 grant to the Isle School District. Gov. Jesse Ventura signed the measure May 4.

The grant, originally in the amount of \$1 million, was given to the school district to convert a school building into a community center.

The law decreases the grant to \$700,000 and eliminates school district kitchen facilities from the community center's description. Lower than expected bids and the change in kitchen plans brought the cost of the project down.

In addition, the law requires that the grant money will only be available as matching funds are committed on a dollar-for-dollar basis.

Rep. Sondra Erickson (R-Princeton) and Sen. Dan Stevens (R-Mora) sponsored the measure.

HF585\*/SF595/CH119



## EMPLOYMENT

### Time off to fight fires

Employees would be protected from being disciplined for missing work if they are serving as volunteer firefighters, under a bill the House passed May 3. The vote was 124-3.

The bill (HF553), sponsored by Rep. Phil Carruthers (R-Brooklyn Center), would allow employees to bring civil action against their employers if they are disciplined after being late or missing work because they are fighting a fire.

Under the bill, employers would not be required to pay the employee for the time that is missed in that situation.

The bill now moves to the Senate.



## ENVIRONMENT

### Green companies

A program designed to help companies cut down on pollution would be kept in place, under a bill the House passed May 4. The vote was 128-0.

The Environmental Audit Program began in August 1995 and is scheduled to be repealed June 30. The program is administered by the Minnesota Pollution Control Agency (MPCA) and has received strong support from companies that have participated.

The goal of the pilot program is to help companies voluntarily comply with environmental regulations so they can identify and fix potential problems with the MPCA's assistance without the fear of fines or penalties.

Companies that participate develop a specific set of procedures, called an environmental management system, to prevent, detect, and correct violations of federal and state environmental regulations. MPCA employees then review and comment on those procedures.

The bill (HF1477/SF1541\*), sponsored by Rep. Jim Rostberg (R-Isanti), would make that program permanent.

The bill now goes to the governor.

### Honoring DNR leader

A bill that would rename the visitor center at Gooseberry Falls State Park in honor of a former Department of Natural Resources (DNR) commissioner was passed by the House on May 4. The vote was 118-9.

In addition to honoring Joseph N. Alexander, the bill (HF1301/SF1449\*) would



permit additions to several state parks and allow land within another to be sold.

Alexander was the state's longest-serving commissioner. He began his 33-year DNR career as a game warden in 1957 and was promoted to regional enforcement supervisor in 1966. In 1971 he became assistant commissioner for administration. He was serving as special assistant to the commissioner in July 1978 when Gov. Rudy Perpich appointed him commissioner, a position he held until January 1991.

Alexander died Oct. 22, 1998.

The bill, sponsored by Rep. Ray Vandever (R-Forest Lake), also would authorize additions to Banning, Camden, Charles A. Lindbergh, Forestville/Mystery Cave, Judge C.R. Magney, St. Croix Wild River, Scenic, Temperance River, Whitewater, and William O'Brien state parks.

The measure would permit a land exchange at Lake Bronson State Park and stipulate that Cross River State Wayside would become part of Temperance River State Park. Another provision would delete a four-acre parcel from Blue Mounds State Park and allow it to be sold.

The bill now moves to the Senate.



## FAMILY

### Child support in court

The House passed a bill May 5 that would create a new process for child support hearings to replace an administrative law process recently struck down by the Minnesota Supreme Court. The vote was 124-0.

Rep. Steve Smith (R-Mound), a co-sponsor of the bill, said that providing an efficient child support system in the state is very important. He said about \$800 million is owed in back child support in Minnesota, and when these payments are not made, the burden falls to the state.

"Everyone in this room and in this state becomes the child's obligor," he said.

Under the previous system, child support cases involving public authorities were heard through an administrative law process. Because counties often enforce child support payments, such cases accounted for most child support cases.

The Legislature had moved the cases from the state district courts in an effort to provide a more expedient process and a more informal setting in which to decide child support issues.

But in a ruling released Jan. 28, the Supreme Court found that the administrative hearing process for child support cases is unconstitutional.

The court stated that the process violates the separation of powers outlined in the state constitution. And the court concluded that such decisions belong in the judicial branch and not in the executive branch.

The Supreme Court stayed the effect of the ruling until July 1 to give the Legislature time to modify the system.

The bill, sponsored by Rep. Len Biernat (DFL-Mpls), would repeal the unconstitutional administrative process and would create a new expedited process in the judicial branch.

The bill would establish child support magistrates to oversee the hearings, and the state courts would outline rules for this process.

The Office of Administrative Hearings had about 12,000 child support hearings last year. Officials said that 93 percent of all child support orders were issued within 30 days of the hearing.

The bill (HF510/SF23\*) now goes back to the Senate.



## GAMBLING

### No cards at Canterbury

An effort to allow a card club at Canterbury Park appears to have stalled.

The House passed a bill May 3 that would make only minor changes in gambling laws. The vote was 78-49.

Under the bill (HF1825), establishments that can sell pull-tabs would be able to use dispensing machines instead of having a staff person sell them over the counter.

The bill would also increase the maximum consolation prize for bingo games that allow carryover prizes, and set a maximum prize for tipboard games. Tipboard games are those that sell tickets for numbers on a board, and when all the numbers have been purchased, the winning numbers are revealed.

Rep. Mike Oskopp (R-Lake City), sponsor of the bill, proposed adding provisions that would allow Canterbury Park, a horse track in Shakopee, to operate a card club, but lawmakers rejected the proposal.

Oskopp said the card club would be considered pari-mutuel betting, which is already legal at Canterbury Park. Participants would play cards against each other and make wagers on each hand. Canterbury Park would receive a percentage of the total amount that is bet, and some of the proceeds would go toward increasing purses for horse races.

Oskopp said that the higher purses would help Canterbury Park attract more horses to its races and provide an overall benefit to the state's economy. The nearest horse racing track is Prairie Meadows in Des Moines, Iowa, where annual purses are about \$15 million compared to Canterbury Park's \$4 million. (Prairie Meadows also has slot machines.)

Raising the purses in Minnesota would help

## National Day of Prayer



Several hundred people listen to music and words of inspiration May 6 as part of the National Day of Prayer rally at the Capitol.



prevent horse farms from moving to Iowa, proponents said.

Rep. Phil Carruthers (DFL-Brooklyn Center) argued that there are many negative consequences of gambling, and the main benefits of Osskopp's proposal would be to give more money to the owners of Canterbury Park.

But Rep. David Tomassoni (DFL-Chisholm) said when horse racing was at its peak in Minnesota, horse farms used about \$250 million per year in oats and straw. He said a boost of that magnitude would be a big benefit to Minnesota farmers.

The bill, without the card-club proposal, now moves to the Senate.

## Rolling the dice for drinks

Dice games in bars would be made legal in Minnesota, under a bill the House passed May 4. The vote was 88-40.

Rep. Steve Dehler (R-St. Joseph), the bill's sponsor, said current gambling law allows "private, social bets." But under liquor statutes, dice are not allowed in bars.

The bill would allow people to play common dice games, such as "liar's poker," "500 rummy," or "6-5-4," for small stakes or to buy drinks.

When the bill was approved by the House Governmental Operations and Veterans Affairs Committee in March, Dehler said many people already play those games at bars in small cities and towns and the liquor laws banning dice are seldom enforced. Dehler said he contacted many county sheriff's departments and law enforcement groups and found no opposition.

The Senate passed a different version of the bill that would limit the bets to food and beverage stakes, but the House measure does not place a restriction on the bets that would be allowed.

The bill (HF686/SF2044\*) now moves to a House-Senate conference committee to work out the differences.



## GOVERNMENT

### Payment for tobacco jurors

Three jurors from last year's tobacco trial would receive payments totaling \$30,000 for financial losses during the four-and-one-half month trial, under a bill the House passed May 5. The vote was 116-11.

The bill, sponsored by Rep. Dennis Ozment (R-Rosemount), is the work of the Joint House-Senate Subcommittee on Claims, which annually hears private restitution claims that

have been refused by the courts or state government departments.

This year's claims bill (HF2221/SF2052\*) would authorize payment of some of those claims against the state, as recommended by the subcommittee.

Rep. Bill Haas (R-Champlin) said that the payment to the jurors came as a request of the chief judge in Ramsey County who testified before the subcommittee. Haas said that when the jurors were selected they were told they could submit a letter to the trial judge outlining any financial hardships caused by the trial and that the judge would relieve them of jury duty.

But when the jurors sent the letters, the trial judge ignored their request and wouldn't release them from jury duty. The case eventually ended in a settlement.

"We instructed the courts at this point to put procedures in place so this type of situation doesn't happen again," Haas said.

A separate new law (HF1153/SF973\*/CH71) signed by the governor last month also requests 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.

Also in the claims bill, \$10,000 would go to a couple in LeRoy for costs related to the construction of a new well unnecessarily directed by the health department. And \$5,000 would go to a man who suffered lost wages due to an erroneous criminal background check done by the Bureau of Criminal Apprehension.

The bill also would provide several payments to inmates or former inmates who suffered injuries while incarcerated and to persons injured while performing court-ordered community service work.

The bill now goes back to the Senate.

## Covering budget shortfalls

A bill that would pay \$17 million to state agencies and departments with budget shortfalls in the current fiscal year is on its way to the governor.

Both the House and Senate agreed to a compromise version of the bill. The House passed the measure May 3 on a vote of 115-9.

Under the bill (SF2234), the Minnesota Zoo would receive \$800,000 to make up for lower than anticipated revenue over the past year. The Senate had earlier agreed to fund the zoo's total request of \$1 million, and the House had proposed funding only \$600,000 of that request.

Rep. Dave Bishop (R-Rochester), the bill's sponsor, said the Senate also agreed to a House

provision that would require the zoological board to submit a report to the governor and Legislature on possible alternatives to the zoo's current status as a state agency, including converting the zoo to a private nonprofit.

Among the other proposed payments in the measure are \$3.5 million to the Department of Children, Families and Learning to pay legal costs of two major lawsuits — one in Minneapolis and one in St. Paul. Both involve claims that school districts are providing constitutionally inadequate education.

The Department of Public Safety would receive \$629,000 to pay for license plates for new automobiles, due to higher than expected automobile sales and other factors. That money would be paid back as the license plates are sold. The department would also receive \$200,000 to pay for additional security for Gov. Jesse Ventura.

Other areas that would receive funds are the Campaign Finance and Disclosure Board, Department of Human Services, and State Services for the Blind.

## Pension bill advances

A bill that would make minor changes in the state's policies regarding pensions for public employees was approved April 30 by the House State Government Finance Committee.

The bill (HF1180) had included provisions that would reduce early retirement penalties for state patrol and corrections department employees, but lawmakers on the state government panel voted to delete those provisions. Under current law those employees' pensions are slightly lower per year if they retire before age 55. The bill had proposed to reduce the penalty, but the measure was amended to retain current law.

Proponents of reducing the early retirement penalty said the dangerous nature of the work makes it harder for those employees to do the work as they get older. Rep. Harry Mares (R-White Bear Lake), the bill's sponsor, said he has toured prisons and other facilities and that the employees constantly deal with stressful and dangerous situations.

But Rep. Phil Krinkie (R-Shoreview) said both of those groups are looking to increase employees, so it wouldn't be prudent to encourage current employees to retire early. He also said there are better ways to address the dangerous demands of those jobs.

"I would rather spend money on risk management than offer early retirement," he said.

Another provision of the bill addresses plans for three pension boards to share office space and administrative services. The bill would allow the boards of the Minnesota State

Retirement System, the Public Employees Retirement Association, and the Teachers Retirement Association to construct, lease, or otherwise acquire new space for the administration of their pension systems.

The bill also would increase the membership of the Legislative Commission on Pensions and Retirement from 12 to 14 members. Rep. Phyllis Kahn (DFL-Mpls) proposed the increase, saying it would give more House and Senate members a better understanding of pensions.

The measure was later approved by the House Rules and Legislative Administration Committee and by the House Ways and Means Committee. The bill awaits action on the House floor.

## Considering state regulation

Proposals to regulate any legal occupation would have to be brought before the chairs of the applicable legislative committees, under a bill the House passed May 3. The vote was 122-7.

Under the bill (HF2023/SF1746\*), such proposals would have to include answers to several questions, including why the regulation is necessary, who is advocating the regulation, and how the proposal would affect the practitioners of that occupation and students who are preparing to enter that field.

The information would have to be submitted to the appropriate committee at least 15 days before a bill on that subject is introduced.

The state has regulations in place that dictate if people in many fields — ranging from architecture to acupuncture — must be licensed and that set framework for how they can perform their jobs.

The measure, sponsored by Rep. Phil Krinkie (R-Shoreview), now goes to the governor.

## Data practices bill

The House passed a bill May 4 that would modify state government policies for dealing with requests for information and other data practices. The vote was 132-0.

The bill (HF2058/SF653\*) would clarify certain situations under which public data could be considered private, and it would make other minor data practices changes.

Building code violations, for example, would be public, except for the names of people who submitted complaints and any data on civil or criminal investigations.

Also, data that identifies locations where the Minnesota Pollution Control Agency is studying deformed frogs would be classified as nonpublic until the agency completes its

investigation or determines it will not investigate a particular site.

And state and local governments would be allowed to maintain official records on computer, whereas current law requires those records to be stored as hard copies.

The bill also amends the so-called “whistle-blower law” to classify as private data the identity of a person who reports a suspected violation of a law or a situation where the quality of health care violates a law or ethical standard. The identity of the person could be disclosed if it is necessary for prosecution, under the bill.

Rep. Phil Carruthers (DFL-Brooklyn Center) is sponsoring the bill, which was sent to a House-Senate conference committee.



## HEALTH

### Midwifery bill delivered

After more than 60 years in limbo, the state’s traditional midwives may soon have their status affirmed through a system of licensing.

The House passed a bill May 5 that contains provisions for a voluntary licensing procedure for those who provide assessment and care outside a hospital for women and newborns during pregnancy, labor, birth, and the postpartum period. The vote was 130-2.

Rep. Jim Abeler (R-Anoka), the measure’s sponsor, proclaimed the day “Midwifery Day” on the House floor.

Abeler said the state’s Board of Medical Practice had been uncertain about how to regulate practicing midwives and thus had virtually ended the custom of issuing licenses under the existing law more than six decades ago.

But the development of a national standardized test for midwives several years ago provides a basis for establishing credentials, Abeler said. His bill combines a list of educational and training requirements for licensure.

Under the bill, midwives would have to prepare a written plan for each client to ensure continuity of care, including what would happen should something go wrong and a physician be required.

Abeler said the practice of midwifery had been driven underground because of fears of being prosecuted for unlicensed practice of medicine.

Consequently, if a woman in labor were transferred to a medical facility, the emergency room physician often had to assess her condition and determine treatment without the benefit of the midwife’s input.

Under other provisions of the bill, the mid-

wife would have to keep extensive records on clients. It also would establish a five-member midwifery advisory council to review applications for licensure and field complaints from the public.

The bill (HF949/SF383\*) goes to the governor.

## Help wanted in homes

A bill that would make it easier for nursing homes to employ nursing assistants trained in other states and countries was passed on the House floor May 4. The vote was 125-3.

Under the measure (HF1119/SF1099\*), sponsored by Rep. Mike Osskopp (R-Lake City), the commissioner of health would be allowed to establish categories of nursing assistants who are exempt from the state-mandated 75-hour nursing assistant educational requirements.

In response to a labor shortage, nursing homes have begun to consider bringing in workers, many of whom have already undergone extensive training programs, from other countries such as the Philippines and Canada.

If the bill becomes law, such workers would simply be required to take and pass a competency test. It also would exempt nursing assistants who are in good standing in another state from Minnesota’s training requirements.

The bill moves to the Senate.

## Providing emergency care

The House passed a bill May 5 that would allow physician assistants to provide assistance in an emergency, even when they are not accompanied by their supervising physician. The vote was 128-0.

Physician assistants are trained and licensed to help lessen the load for doctors, and they assume much of the responsibility for routine care services in clinics and hospitals. Each physician assistant is required to have a signed agreement to practice under the supervision of a physician.

But Rep. Betty McCollum (DFL-North St. Paul), who is sponsoring the measure, said that during the 1997 flooding in the Red River Valley, physician assistants were reluctant to render aid because of laws restricting their activities. In many cases, they were hundreds of miles from the physician to whom they were attached.

The bill (HF598/SF369\*) would allow physician assistants to provide care within their scope of practice in disaster situations without having a physician-physician assistant agreement.

In those situations, physician assistants

would be supervised under the direction of an emergency medical doctor who is not medically responsible for care rendered by the assistant.

The bill moves to the Senate.



## HOUSING

### Stopping real estate scam

The House passed a bill May 6 that seeks to address the real estate scam known as mortgage flipping. The vote was 128-0.

Mortgage flipping is a scheme to defraud homebuyers and lending institutions based on a fraudulent appraisal of a house's value.

In one scheme, a buyer purchases a house at market value and has an appraiser file a fraudulent appraisal that sets the value of the house higher than the market value.

The owner then re-sells the house at the inflated price, making a huge profit, and the appraiser gets a kickback.

The victim is then stuck with payments on a home much higher than the actual value. And if the victim defaults on the mortgage, the bank cannot recoup the inflated mortgage by re-selling the house.

Bill sponsor Rep. Gregory Gray (DFL-Mpls) said his district in north Minneapolis has been one of the areas hardest hit by the scam and officials say it's becoming more common elsewhere.

"This is an urgent concern not only in my community but in communities across the state," he said.

The bill would address the problem by going after the appraiser. It would make the intentional violation of the laws governing appraisers a gross misdemeanor.

Under current law, real estate brokers and agents can be charged with a crime for intentionally violating the terms of their licenses. But appraisers are only subject to license revocation, not criminal prosecution.

Gray's bill also would set aside \$100,000 for an education program aimed at stopping the fraudulent practice.

Under the bill, the Department of Commerce would administer the program and would seek additional funding from private organizations also affected by flipping, such as banks, mortgage companies, and economic development groups.

The bill (HF743/SF171\*) now goes back to the Senate.

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## Landlords seek protection

Landlords say that housing advocates are using Minnesota's human rights law to force them into the Section 8 rental assistance program, and they want lawmakers to put a stop to it.

To that end, the House passed a bill May 3 aimed at clarifying that the state's human rights law doesn't require landlords to participate in the federal Section 8 program. The vote was 70-58.

Supporters of the bill, sponsored by Rep. Arlon Lindner (R-Corcoran), say that landlords are not discriminating against people who receive public assistance — which is illegal under the human rights law — by choosing not to participate in an optional federal program that often puts additional burdens on landlords.

Proponents say that the bill would clarify the law and would save landlords legal costs associated with fighting the claims of unfair housing practices.

Under the current human rights law, landlords cannot discriminate against tenants based on the fact that the tenant receives public assistance. But the bill would make it clear that landlords who don't accept Section 8 vouchers because of business practices are not guilty of discrimination.

For example, the Section 8 program requires a year-long lease between the landlord and tenant. Landlords who use month-to-month leases cannot accept section 8 vouchers. And they aren't discriminating against Section 8 recipients when they tell them that they don't participate in the program.

The bill (HF1026) now goes to the Senate.



## HUMAN SERVICES

### Fathers' registry



Several changes to the Adoption and Putative Fathers' Registry were part of a new law signed by the governor May 4.

The registry was created by a 1997 law and allows any man who believes he may be the biological father of a child to register with the state Department of Health so he will be notified if his child is put up for adoption.

Changes effective Aug. 1 include making all data in the registry private, requiring that fathers on the list be notified of the jurisdiction where an adoption petition will be filed, and providing that post-adoption reporting

requirements of another country be given full faith and credit by the courts in Minnesota.

Twenty-eight men registered under the program in 1998 and seven infants were matched with their birth fathers. Another 282 adoptions were run through the registry and turned up no matches.

Officials hope the changes enacted this year will raise participation in the registry.

The new law also broadens the scope of people who may have communication or contact with adoptive parents to include foster parents.

Rep. Kathy Tingelstad (R-Andover) and Sen. David Knutson (R-Burnsville) sponsored the measure.

HF863/SF834\*/CH122



## INDUSTRY

### Keep the change



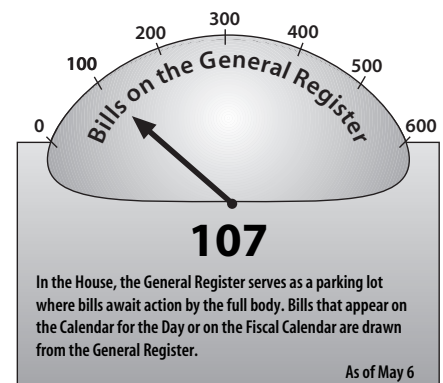
Gov. Jesse Ventura signed a bill May 3 that will let port authorities keep excess money earned on lease or management contracts paid for with state bonding funds.

Under current law, extra money not needed for operating costs or debt service payments that is earned from a bond sale financed by the state must be paid to the state.

Effective Aug. 1, the new law will allow Minnesota's five port authorities to use those profits to reinvest in improvements to their terminals. Proponents of the measure say it will let the port authorities better manage the money earned by their projects.

Rep. Jerry Dempsey (R-Hastings) and Sen. Steve Murphy (DFL-Red Wing) sponsored the measure.

HF1161/SF480\*/CH114







## INSURANCE

### AIDS study volunteers



People who participate in AIDS vaccine research cannot be unfairly denied insurance, under a new law signed by the governor May 4.

AIDS vaccine clinical tests involve injecting candidates with a synthetic substance designed to cause the immune system to develop antibodies against the HIV virus. The vaccine itself doesn't contain the virus.

However, people who participate in the trials may develop antibodies to the HIV virus. And when insurance companies test applicants for life, disability, and other types of insurance, they often test for the presence of HIV antibodies as a method of determining whether a person is HIV positive.

The new law, effective Aug. 1, requires insurers to look more carefully before denying coverage. When informed that a client has participated in a vaccine test, an insurer must obtain a confidential certificate from the sponsor of the trial verifying the person's HIV status.

If it can be proven that the person's HIV antibodies are a result of exposure to the vaccine and that the person was HIV negative prior to the injection, the insurer cannot refuse to issue a policy.

The legislation was requested by the Minnesota AIDS Project, which is coordinating four test sites in the state involving about 200 volunteers.

The National Institutes of Health has evaluated over 20 vaccine possibilities, which are undergoing nationwide trials to determine the safety of the vaccines and their impact in stopping the disease.

Rep. Peg Larsen (R-Lakeland) and Sen. John Hottinger (DFL-Mankato) sponsored the measure.

HF1106\*/SF1075/CH121

### Cash in now, lose later

A bill that would regulate the practice of buying a person's rights to structured settlement payments from an insurance company is headed for a conference committee.

The House passed the measure May 3. The vote was 111-17.

The bill (HF478/SF148\*) would require companies that pay up front for a person's rights to those future payments to disclose detailed financial information about the transaction.

Rep. Bill Haas (R-Champlin), sponsor of the bill, said those transactions, known as "factoring transactions," are not regulated. They involve complicated financial information, and people selling the payments often are not used to making such decisions. In some cases, people have squandered the cash they received and are unable to pay their bills without the future payments.

Under the bill, the person who is selling rights to future payments would receive legal and financial advice before the transaction is finalized. The company buying the rights to the payments would have to disclose how the present value of the cash compares to the money the person is scheduled to receive over time.

The transaction could be done only if the court determines it is necessary for the claimant to avoid an "imminent financial hardship" and would not cause undue hardship in the future because of the lack of payments.

### All's FAIR in insurance



A new law signed by the governor May 5 will make several changes in the way the state's Fair Access to Insurance Requirements (FAIR) plan operates.

FAIR is a high-risk pool for homeowner's insurance and business property insurance designed to provide coverage when it is not available through the normal private market.

Effective Aug. 1, FAIR must issue a policy if the property meets preliminary underwriting requirements; however, the coverage may be rescinded in the next 59 days if further analysis shows the policy should not have been issued.

The new law also requires a standard form to be used in all dealings with FAIR and broadens the FAIR plan's exemption from liability to include criminal liability.

The changes were requested by the board that oversees operation of the plan.

Rep. Jim Seifert (R-Woodbury) and Sen. Linda Scheid (DFL-Brooklyn Park) sponsored the measure.

HF1708\*/SF1675/CH121

### Rental car insurance

The House approved a bill May 5 that would increase the types of insurance that can be sold by rental car companies. The vote was 132-0.

Current law allows rental car companies to sell vehicle personal accident insurance, and the bill (HF1932), sponsored by Rep. Loren Jennings (DFL-Harris), would allow those

companies to offer liability and personal effects insurance.

The House debated whether those companies should be required to rent vehicles to adults between the ages of 21 and 25. Rep. Andy Dawkins (DFL-St. Paul) said many companies only rent vehicles to people 25 and older, which he said is discriminatory.

Rep. Bill Haas (R-Champlin), spoke against Dawkins' proposal. He said people under age 25 in general have more driving accidents, which is why their insurance costs are usually higher than people 25 and older. If the companies have to pay more costs for accidents, the result would be higher rates for everyone, Haas said.

Rep. Dan McElroy (R-Burnsville) said New York is the only state that has such a mandate and that it has been a controversial issue throughout the country. He said some other states have addressed the problem by adding surcharges for people under age 25.

The House voted in favor of a proposal from Rep. Phyllis Kahn (DFL-Mpls) that would prevent those companies from "discriminating" against people between the ages of 21 and 25 and would allow the companies to add a reasonable surcharge.

But Rep. Greg Davids (R-Preston), chair of the House Commerce Committee, proposed allowing the commissioner of commerce to study the issue in more detail and the House accepted that amendment.

The bill now moves to the Senate.



## LAW

### Limits on liability

The House approved a bill May 4 that, proponents argue, would put a stop to the unfair practice of going after "deep pockets" in multiple defendant lawsuits. The vote was 71-59.

The bill would change Minnesota's joint and several liability law. That common law principle states that in cases where there are multiple defendants, each defendant is responsible for all the damages if other defendants cannot pay.

Under current law, joint and several liability is somewhat limited. Defendants found by the court to have a small amount of fault — 15 percent or less — can only be held liable for up to four times the percentage they are found to be at fault. That can mean they end up paying up to 60 percent of the total award if another defendant cannot pay because of bankruptcy.

The bill, sponsored by Rep. Dave Bishop (R-Rochester), would change the law so that

defendants found to be less than 40 percent at fault would only be required to pay for their percentage of the damages, even if their co-defendant is bankrupt.

If that defendant is found to be over 40 percent at fault, the defendant could be responsible for the entire amount of the damages, under the bill.

Bishop said that the current law unfairly targets defendants with a small amount of fault.

"This becomes a method of skewing financial responsibility different from legal responsibility that the juries assess," he said.

Rep. Joe Opatz (DFL-St. Cloud) said that joint and several liability punishes businesses, non-profits, units of government, and individuals with insurance, but rewards people who don't carry insurance.

"Joint and several liability shifts the responsibility from the people with a lot of fault and little insurance to people with little fault and a lot of insurance," he said.

But Rep. Kevin Goodno (R-Moorhead) said that the plaintiff who may have his or her total award reduced suffers under the Bishop bill. He said the current law on joint and several liability recognizes that "but for" the actions of all defendants, the person wouldn't have been injured.

"We should hold people responsible for their actions that cause injuries to people," he said.

Goodno also said that the Bishop bill could cost the state financially because the state receives third party payments as a plaintiff in lawsuits. He said defendants paid \$78 million to the state in 1997.

Rep. John Tuma (R-Northfield) said that the law should side with the injured in these cases and not with the ones who caused the injury.

"We should think about those individuals and make sure they're protected," he said.

Also under the bill, several types of lawsuits remain joint and severally liable — liable for the entire amount if another defendant cannot pay — even under the 40 percent threshold.

Certain environmental cases, defendants who act in a common scheme, and civil actions requiring an element of intent would still be held joint and severally liable.

The bill (HF90) now goes to the Senate.

**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/hist/histstep.htm>



## LOCAL GOVERNMENT

### Funding historical projects

Most Minnesota cities would be able to make unlimited donations to historical projects under a bill the House passed May 4. The vote was 116-11.

A \$500 cap on what cities can spend on historical projects was enacted in 1957 and later raised to \$2,000 in 1977.

The proposal to eliminate that cap was supported by the Minnesota Historical Society as a way of encouraging additional historical investment by cities.

The bill (HF371) also would clarify state law regarding contributions to senior and youth centers. That provision was requested by the city of Paynesville, where officials discovered that while the city could operate a transit program, it couldn't legally give financial support to an existing service operated by someone else.

The measure, sponsored by Rep. Doug Stang (R-Cold Spring), moves to the governor.



## SAFETY

### Amusement park rides

Safety requirements for amusement rides would become state law, under a bill approved May 3 by the House. The vote was 72-56.

The bill (HF180) would require amusement parks to have safety rules posted where people can see them before going on the ride. It would also require people to report any injuries they sustained on an amusement park ride to the operator of the ride. The injured person, or guardian of the person if he or she is a minor, would have to report the injury before leaving the premises, or as soon as possible if it is a severe injury.

Rep. Ken Wolf (R-Burnsville), sponsor of the bill, said the measure is designed to promote safety with common sense. The bill also states that people who sustain injuries could still pursue civil action, and Wolf said it would not diminish the responsibility of the operators of the rides or other responsible parties in case of an injury.

Rep. David Tomassoni (DFL-Chisholm) proposed changing the bill so that reporting an injury before leaving the premises would be a recommendation instead of a requirement, but the House rejected his amendment.

Tomassoni said he supports the concept of the bill but that he opposes some provisions, such as requiring people to read the posted

signs, which he said is unnecessary and would be hard to enforce.

The bill now goes to the Senate.



## SPORTS

### New stud plan

The House passed a bill May 3 that would require snowmobilers to buy a \$10 sticker to use metal traction devices — or studs. The vote was 108-19.

Under the bill (HF928), proceeds from the \$10 fee would be used to repair damage to public paved trails. The sponsor of the bill is Rep. Tom Hackbarth (R-Cedar).

State law prohibits snowmobiles with studs from paved trails. The \$10 fee is designed to pay for damage caused by those who illegally drive snowmobiles with studs on paved trails.

A 1998 law banning the use of studs on all public lands was repealed effective March 5.

The \$10 fee would be charged only to Minnesota residents to avoid discouraging tourism in the state.

Lawmakers rejected a proposal from Rep. Kris Hasskamp (DFL-Crosby) that would have increased the fee to \$25.

The bill now moves to the Senate.



## TRANSPORTATION

### School bus seat belts

The House passed a bill May 3 that would allow school districts to install and purchase seat or shoulder belts on school buses. The vote was 99-28.

Under the bill (HF935), if a school district chooses to install seat belts on its buses, it would have to train students and parents to use them. The Minnesota Department of Public Safety would be required to develop a seat belt standard for districts to follow.

Any school bus equipped with seat belts would have to have a seat back height of at least 28 inches. However, buses manufactured before 1999 would be exempt from that requirement.

Parents also would be able to opt out of seat belt use for their children, but they would have to notify the school of their choice.

The use of seat belts in school buses has long been an issue of controversy because studies have differed on whether seat belts would improve or endanger the safety of students in the event of a crash.

In the case of accidents that result in civil lawsuits, school bus owners and operators

would not be held liable solely for passengers not using seat belts, but districts would be liable for maintaining the equipment and following district policies.

Rep. Mark Olson (R-Big Lake) is sponsoring the bill, which now moves to the Senate.

### Bus safety requirements

The House passed a bill May 3 that would, among other things, allow school buses to be longer. The vote was 125-1.

The bill would extend to 45 feet the maximum length of a school bus. Under current law, school buses cannot measure longer than 40 feet. The extension would allow buses to carry more passengers.

In addition, the definition of a type III school bus would have added safety requirements. A type III bus is a station wagon, car, van, or small bus that is used specifically as a school bus.

Under the bill, some vehicles that are modified to fit 10 people and operate as a school bus would have to comply with federal passenger safety standards.

Another provision of the bill would require

road work vehicles such as snow plows to stop for school buses. Those vehicles are now exempt from such traffic laws and do not have to stop when a school bus extends its stop arm and has its lights flashing.

Rep. Howard Swenson (R-Nicollet) is sponsoring the legislation (HF1291).

Swenson's bill also would extend the school bus driver licensing authority held by the state's public safety commissioner. It would allow the commissioner to waive restrictions in some cases where applicants have criminal convictions.

This would apply when an applicant has a past conviction, such as burglary at a young age, but has shown responsible behavior over time as an adult.

The bill moves to the Senate.

### No limits on milk carriers

A bill that would ease restrictions on milk haulers passed the House on May 3. The vote was 125-0.

Until 2003, vehicles carrying milk will be exempt from seasonal road restrictions and

the state's 5-ton per axle weight limit.

The seasonal weight restrictions, in effect statewide from March 20 to May 15 each year, are designed to prevent costly wear and tear on roads that can be caused by heavy vehicles. But the springtime restrictions often put milk haulers in positions where they are breaking the law.

Under federal food regulations, milk carriers are not allowed to make two trips on one load and often end up carrying more than allowed under the seasonal limits. Penalties for such violations include fines and can put a milk carrier's license in jeopardy.

The measure exempts milk carriers from the weight restrictions from one point of production to the first processing point. Subsequent trips would not be covered under the measure, which would prevent haulers from carrying many farmers' loads at one time.

It would allow carriers to exceed restrictions by 2 tons per axle on roads with restrictions of 5 tons per axle.

Rep. Al Juhnke (DFL-Willmar) is sponsoring the bill (HF1641/SF1645\*).

The measure moves to the desk of Gov. Jesse Ventura.

### 1999 adjournment approaching

This year lawmakers will be leaving the Capitol relatively early in May.

The Minnesota Constitution stipulates that the Legislature cannot meet in regular session after the first Monday following the third Saturday of May in any year.

May 1 fell on a Saturday this year, which means the 1999 Legislature must adjourn no later than May 17. That's the earliest possible date for the constitutionally mandated deadline.

### 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.



### Tours at Jesse's place

Free Friday tours of the governor's residence on Summit Avenue in St. Paul begin May 7 and continue through the end of October.

The 30- to 45-minute walk-throughs include lower-level public rooms of the English Tudor-style house at 1006 Summit Ave.

The tours, directed by docents of the Minnesota Historical Society, will be offered to the public between 1 p.m. and 3 p.m. on Fridays, except for holiday weekends. For reservations, call (651) 297-8177.

### NOTES

Of the 49 bicameral state legislatures in the country, 41 call their lower houses the House of Representatives.

Four of the other eight (California, Nevada, New York, and Wisconsin) call those bodies the Assembly. And three (Maryland, Virginia, and West Virginia) refer to them as the House of Delegates.

But only the state of New Jersey has a General Assembly.

Although Minnesota ranks fifth in the country for the size of its Legislature, the state has fewer state lawmakers per resident than most states. With 23,510 people per legislator, Minnesota ranks 28th on that list.

Coming in at number one in both rankings is New Hampshire, where 424 lawmakers comprise the largest state legislature in the country. Each New Hampshire lawmaker represents an average of only 2,795 residents.

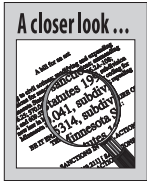
And although Nebraska's 49-member unicameral state house is the country's smallest, it's the state of California that brings up the rear in terms of residents per lawmaker. The 120 California legislators represent an average of 272,221 Californians each.



Emissions testing . . .

## Program could go up in smoke early next year

By Nick Healy



Almost from the start, there was no mistaking how some people felt about the state's auto emissions testing requirements.

"Why shouldn't we do away with it? We're just putting money down a rat hole," former Rep. Eileen Tompkins said during a debate of a 1995 bill that aimed to abolish the Twin Cities-area program.

It appears that relief is in sight for those who, like Tompkins, have fumed year after year about what they perceive as nothing but a costly, ineffective inconvenience.

A bill that would eliminate emissions testing emerged from a House-Senate conference committee May 4, and it is expected to win final passage in both legislative bodies.

The bill would do away with the inspections no later than March 1, 2000, and the program could end earlier if the state gets official word that the metropolitan area meets air-quality standards.

The move would mean the owners of about 1 million motor vehicles would no longer have to comply with the annual testing requirements.

The conference committee produced the bill after reaching a compromise on an end date for the program. The House had passed a bill calling for testing to cease Jan. 1, 2000, or as soon as the Twin Cities area was found to be in compliance with U.S. Environmental Protection Agency (EPA) standards for carbon



Motor vehicle emissions tests, like the one being performed here at a Roseville testing site, would become a thing of the past as of March 2000, under a bill backed by a House-Senate conference committee.

reached the end of its maturity and is no longer needed in the state," she said.

Haake said she doubts the program was ever effective, arguing that carbon monoxide levels in the Twin Cities area have continued to fall at the same rate as they did in the years immediately before the testing began.

Studders disagreed with that assessment of the program, saying the testing "clearly was very effective." However, carbon monoxide emissions are no longer the chief concern of

and Senate that year passed different versions of a plan to exempt new cars from testing, but the effort died in a conference committee.

Lawmakers in 1995 debated a plan to eliminate the testing altogether, and they ended up passing a measure that exempted newer vehicles — those no more than five years old — from testing.

Proposals to eliminate testing for all vehicles have surfaced in some form every year since then.

One factor that held up earlier attempts to scrap testing was a fear on the part of lawmakers and other officials that the state could lose federal highway funds if the Twin Cities again failed to attain EPA air-quality standards.

"If the program ends only after the EPA redesignates the area to attainment status, then it's not a problem," said Pat Bursaw, inner agency liaison for the Minnesota Department of Transportation.

Officials now believe the EPA will move to officially place the Twin Cities in compliance soon, which largely alleviates concerns about the lost highway dollars.

"It's just about time," Haake said. "We were told that we were going to find out from the EPA sometime last year, and then it moved to this year. I am confident — and the Pollution Control Agency is confident — that we will get attainment (status)."

*Continued on page 21*

***"I would say that 80 percent of the public is in favor of abandoning the testing,"***

***—Rep. Barb Haake***

monoxide. The Senate bill called for testing to end July 1, 2000.

"I would say that 80 percent of the public is in favor of abandoning the testing," said Rep. Barb Haake (R-Mounds View), who is the House sponsor of the bill (HF7). "We all know that there are still environmental concerns, but carbon monoxide from automobiles is not what's causing those concerns."

Karen Studders, commissioner of the Minnesota Pollution Control Agency (MPCA), said the bill has the support of the Ventura administration.

"This is an example of a program that has

the MPCA.

The agency is now focusing on reducing a number of "air toxics" that the emissions testing program is not sophisticated enough to detect. Studders said they are beginning to search for new solutions to deal with the concerns about air quality.

The 1988 Legislature enacted the vehicle emissions testing program because the Twin Cities area was found to be in violation of federal clean air requirements. The testing began in mid-1991.

By 1994, critics of emissions testing were making headway at the Capitol. The House

# Tales of Capitol quirks — real and imagined



Two murals that adorn the inner walls of the Capitol rotunda are the subject of popular myths about oddities in the Capitol. Onlookers often mistake two figures for having missing fingers or incorrectly painted hands. In fact the figure holding a rock, *left*, does have all his fingers — two are held closely together. And as for claims that the other painting shows a man with a right hand attached to his left arm, that's simply not the case.



Another mural on the third floor of the Capitol shows two men on either side of a quotation. A close look reveals that the one on the left has six toes on his left foot.





Story by Sarah Tellijohn  
Photos by Tom Olmscheid

Portraits of architect Cass Gilbert and Channing Seabury, chair of the state Capitol Board of Commissioners, are found along the left edge of the “Minnesota, Granary of the World” mural in the Senate chamber. Artist Edwin Blashfield inserted the portraits in keeping with a European tradition of honoring patrons in a commissioned work.

Cass Gilbert designed the Capitol with a level of detail that many of today’s architects would be hard-pressed to match. Ornate paintings, grand granite and marble columns, and elegant staircases are some of the building’s most obvious gems.

But some details aren’t so recognizable, especially those little quirks that can occur when such a large project is coming together.

Over the years, Capitol aficionados have traded stories about some of the strange attributes of the building’s architecture and artwork. Some are fact-based, and others are merely myths. These pages show a collection of Capitol quirks and their stories.

Some tales of Capitol oddities turn out to be myths. For example, two murals that adorn the inner walls of the Capitol rotunda contain two figures that onlookers often mistake for having missing fingers or incorrectly painted hands. Looks can be deceiving, but despite conventional wisdom, a figure holding onto a rock does in fact have all his fingers — two are closely held together. And as for claims that one painting shows a man with a right hand attached to his left arm, well that’s simply not the case.

Still, there are some real quirks for the careful observer to notice. For example, the pattern in the marble columns doesn’t match up. One painting shows a six-toed figure, and another painting includes a small likeness of the Capitol’s architect, set in a scene where he clearly doesn’t belong.



In the House retiring room, careful eyes can find a few lucky shamrocks within the artwork bordering the room — the only non-native flora in the mural. The painting, by artist Elmer E. Garnsey, depicts Minnesota’s many varieties of lush forests, wildflowers, and greenery, as well as native fauna. But an anonymous Irish artist, filling in colors for Garnsey, added the shamrocks as a tribute to his homeland.



On the second floor, one column stands out among several mismatched pillars. When the marble columns were being shipped—some from as far away as Italy—they were cut into threes. However, they were not marked and workers ended up mismatching most when they put them together.



Capitol grounds . . .

# Crews hustle to keep up large lawns, many monuments

By Paul Wahl

As the icy fingers of winter begin to withdraw, the grounds around the Capitol come to life.

The vast expanses of lawn turn from brown to a lush carpet of green. Tulip buds swell, then burst into jaunty red blooms. Leaves appear magically on trees.

For most, it's a good time to throw off woolen coats, take a stroll, and revel in nature. But for the Capitol complex grounds workers, it means shifting into high gear.

There are acres of lawn to mow, dandelions to spray, trees and shrubs to tend, flowers to plant, and monuments to spruce up.

"It's definitely our busiest time of year," said Rick Rauhen, the grounds supervisor for the Capitol complex since 1980. "Every spring seems worse than the last because everything has to be done at once."

Rauhen and his crew of 15 full-timers and three seasonal employees maintain between 100 and 120 acres of ground, stretching from Como Avenue in the north to frontage areas of Interstate 94, south of the Capitol. Also included in their purview is the History Center on Kellogg Boulevard, and a half-dozen state-owned buildings scattered around the Twin Cities, including the governor's residence.

This year, the initial thrust was to refurbish the irrigation system. It's been a dry spring, and Rauhen said that there are already stressed areas scattered around the grassy knolls.

"I don't think we've ever seen it this dry this early in the season," Rauhen said.

Sprinkler heads will continue to be a challenge throughout the summer. Much of the workers' time is spent flagging them so people who use the grounds won't inadvertently break them.

A crew also spent the better part of a morning recently removing rust from the Peace Officers Memorial by using an acid solution.

Then their attention was turned toward trying to assure the rust wouldn't return. Rauhen explained that iron bolts were used to fashion the memorial when it was built four years ago. The bolts have since begun to rust and will have to be removed.

Other monuments on the grounds will



**Paul Storch, objects conservator for the Minnesota Historical Society, begins cleaning the Peace Officers Memorial on May 3. The project was done in conjunction with the Capitol grounds workers, who are completing a busy spring spent sprucing up the expansive complex.**

shortly be the subject of public ceremonies, so they too must be cleaned and groomed.

A new monument — a garden commemorating women's suffrage — is being built immediately south of the Capitol. Completion is expected by the end of June. Two as-yet-undesignated memorials will eventually be built to the south of that garden.

Later this summer, the Taste of Minnesota will descend on the grounds, bringing thousands of people to sample foods from area restaurants and listen to live music. The Fourth of July weekend event is by far the busiest time of year on the Capitol grounds.

Rauhen said he and his crew have been accommodating the celebration for so many years, it's become almost automatic.

Most of the actual clean up is done by "Taste of Minnesota" volunteers with Rauhen and his crew supervising.

Rauhen said collateral damage is generally minor after the event, although there have been years when trees and shrubs were ruined.

Finding and planting varieties that will hold up under all challenges — including deep-fried cheese curd eaters — has been a priority for Rauhen for the past several years. He's been trying to increase the diversity of plant life, particularly by adding native materials, which require less maintenance.

"Nothing is maintenance-free," Rauhen said. "But more-native species are less prone to require additional maintenance. Ten or 15 years ago, we were limited to a half-dozen or so species of trees."

Among the newcomers are a Kentucky Coffee Tree planted three years ago between the Department of Transportation Building and the State Office Building. Sugar maples were removed at the History Center and Swamp White Oaks were planted in their place.

Each spring, the department gets an assist with its efforts from St. Paul area school children who are part of the KEEY Program — Kids, Education, Environment, and Youth.

Busloads of children come to the Capitol and work on planting designated flower beds. The kids are offered the opportunity to learn about gardening, something most of them find quite exciting, Rauhen said.

The program is also designed to teach children to get involved in making the world around them a more pleasant place to live.

Much of the remainder of the spring and summer, and into late fall, will be devoted to lawn mowing. The expansive Capitol lawns require almost constant attention.

Watering will mean even more grass to mow. And then there are the dandelions. They're not considered native; they're unwelcome intruders.

Then, all too quickly, the lawns will begin to fade, the flower peddles will wilt and fall, a chill will return to the air and snow will gather in ever-growing heaps across the grounds.

Mowers will be replaced with plows, and hoes will be discarded for shovels.

For Rauhen and his crew, it's all part of a year's work. 🌱

# Minnesota State Government

## State Departments\*

### Administration

200 Administration Building  
50 Sherburne Ave., St. Paul 55155 ..... 296-6013  
**David Fisher** - Commissioner ..... 296-1424

### Agriculture

Agriculture Building  
90 W. Plato Blvd., St. Paul 55107 ..... 297-2200  
**Gene Hugoson** - Commissioner ..... 297-3219

### Children, Families & Learning

1500 Highway 36 W., Roseville 55113 ..... 582-8200  
**Christine Jax** - Commissioner ..... 582-8204

### Commerce

133 E. Seventh St., St. Paul 55101 ..... 296-4026  
**David Jennings** - Commissioner ..... 296-6694

### Corrections

Suite 200  
1450 Energy Park Drive, St. Paul 55108 ..... 642-0200  
**Sheryl Ramstad Hvass** - Commissioner ..... 642-0282

### Economic Security

390 N. Robert St., St. Paul 55101 ..... 296-3644  
**Earl Wilson** - Commissioner ..... 296-3711

### Employee Relations

Second Floor, Centennial Office Building  
658 Cedar St., St. Paul 55155 ..... 297-1184  
**Karen L. Carpenter** - Commissioner ..... 296-3095

### Finance

400 Centennial Office Building  
658 Cedar St., St. Paul 55155 ..... 296-5900  
**Pam Wheelock** - Commissioner ..... 297-7881

### Health

The Golden Rule Building, Suite 400  
85 Seventh Place E., St. Paul 55101 ..... 215-5800  
**Jan Malcolm** - Commissioner ..... 296-8401

### Housing Finance Agency

400 Sibley, Suite 300, St. Paul 55101 ..... 296-7608  
**Katherine G. Hadley** - Commissioner ..... 296-5738

### Human Rights

Suite 700  
Army Corps of Engineers Center  
190 E. Fifth St., St. Paul 55101 ..... 296-5663  
**Janeen Rosas** - Commissioner ..... 296-5665

### Human Services

Human Services Building  
444 Lafayette Road, St. Paul 55155-3815 ..... 296-6117  
**Michael O'Keefe** - Commissioner ..... 296-2701

### Labor & Industry

443 Lafayette Road, St. Paul 55155 ..... 296-6107  
**Gretchen Maglich** - Commissioner ..... 296-2342

### Military Affairs

Fourth Floor, Veterans Service Building  
20 W. 12th St., St. Paul 55155-2098 ..... 282-4662  
**Maj. Gen. Eugene R. Andreotti** - Adjutant General ..... 282-4666

### Minnesota Planning

Third Floor, Centennial Office Building  
658 Cedar St., St. Paul 55155 ..... 296-3985  
**Dean Barkley** - Director ..... 297-2325

### Natural Resources

500 Lafayette Road, St. Paul 55155-4001 ..... 296-6157  
**Allen Garber** - Commissioner ..... 296-2549

### Pollution Control Agency

520 Lafayette Road N., St. Paul 55155 ..... 296-6300  
**Karen Studders** - Commissioner, Board Chair ..... 296-7301

### Public Safety

North Central Life Tower  
445 Minnesota St., Suite 1000, St. Paul 55101 ..... 296-6642  
**Charlie Weaver** - Commissioner ..... 296-6642

### Public Service

200 Metro Square Building  
121 Seventh Place E., St. Paul 55101 ..... 296-5120  
**Steve Minn** - Commissioner ..... 296-6025

### Revenue

600 N. Robert St., St. Paul 55146 ..... 296-3781  
**Matt Smith** - Commissioner ..... 296-3403

### Trade & Economic Development

500 Metro Square  
121 Seventh Place E., St. Paul 55101-2146 ..... 297-1291  
**Gerald Carlson** - Commissioner ..... 296-6424  
1-800-657-3858

### Transportation

395 John Ireland Blvd., St. Paul 55155 ..... 296-3000  
**Elwyn Tinklenberg** - Commissioner ..... 296-3000

### Veterans Affairs

Second Floor, Veterans Service Building  
20 W. 12th St., St. Paul 55155 ..... 296-2562  
**Bernie Melter** - Commissioner ..... 296-2783

\* and other major agencies

Area code 651 except where otherwise noted.

## Boards & Agencies

### Board of Pardons

Suite 200

1450 Energy Park Drive, St. Paul 55108-5219 ..... 642-0284

**Jean Whitney** - Secretary ..... 642-0284

### Campaign Finance & Public Disclosure Board

First Floor, Centennial Office Building

658 Cedar St., St. Paul 55155 ..... 296-5148

**Jeanne Olson** - Executive Director ..... 296-1721

### Capitol Area Architectural & Planning Board

204 Administration Building

50 Sherburne Ave., St. Paul 55155 ..... 296-7138

**Nancy Stark** - Executive Secretary ..... 296-1162

### Higher Education Services Office (HESO)

Suite 350

1450 Energy Park Drive

St. Paul 55108-5227 ..... 642-0533/1-800-657-3866

**Robert Poch** - Director ..... 642-0502

**Donald M. Sudor, Rochester** - Co-Chair

**Cecil Smith, Minneapolis** - Co-Chair

### Iron Range Resources & Rehabilitation Board

P.O. Box 441, Eveleth 55734 ..... (218) 744-7400

1-800-765-5043

**John Swift** - Commissioner

### Law Library

Ground Floor Judicial Center

25 Constitution Ave., St. Paul 55155 ..... 296-2775

**Marvin Roger Anderson** - State Law Librarian ..... 297-2084

### Metropolitan Council

Mears Park Center

230 E. Fifth St., St. Paul 55101 ..... 602-1000

**Ted Mondale** - Chair ..... 602-1554

### Minnesota Historical Society

Minnesota History Center

345 Kellogg Blvd. W., St. Paul 55102-1906 ..... 296-6126

**Nina M. Archabal** - Director ..... 296-2747

### Minnesota State Colleges & Universities (MnSCU)

500 World Trade Center

30 E. Seventh St., St. Paul 55101 ..... 296-8012

**Morrie Anderson** - Chancellor ..... 296-8012

**Michael Vekich, St. Louis Park** - Board Chair

### Minnesota Tax Court

Minnesota Judicial Center

25 Constitution Ave., St. Paul 55155 ..... 296-2806

**Diane Kroupa** - Chief Judge

### Minnesota Veterans Homes Board

122 Veterans Service Building

20 W. 12th St., St. Paul 55155 ..... 296-2073

**Stephen O'Connor** - Chair

### Office of Environmental Assistance

520 Lafayette Road, Second Floor, St. Paul 55155 ..... 296-3417

**Arthur Dunn** - Director ..... 215-0283

### Public Utilities Commission

Metro Square Building, Suite 350

121 Seventh Place E., St. Paul 55101 ..... 296-7124

**Burl Haar** - Executive Secretary ..... 296-7526

**Edward Garvey** - Chair

### State Board of Education

1500 Highway 36 W., Roseville 55113 ..... 582-8787

**Marsha Gronseth** - Executive Director ..... 582-8787

**Susan Holderness, Edina** - Board President

### University of Minnesota

100 Church St. S.E.

202 Morrill Hall, Minneapolis 55455 ..... (612) 625-5000

**Mark Yudof** - President ..... (612) 626-1616

**William Hogan, Minnetonka** - Board of Regents Chair

### Workers' Compensation

#### Court of Appeals

Minnesota Judicial Center, Suite 405

25 Constitution Ave., St. Paul 55155 ..... 296-6526

**Steven D. Wheeler** - Chief Judge ..... 297-1594

Area code 651 except where otherwise noted.

## Constitutional Officers

### Governor

Jesse Ventura

130 State Capitol

75 Constitution Ave.

St. Paul 55155 ..... (651) 296-3391

### Lieutenant Governor

Mae Schunk

130 State Capitol

75 Constitution Ave.

St. Paul 55155 ..... (651) 296-3391

### Attorney General

Mike Hatch

102 State Capitol

75 Constitution Ave.

St. Paul 55155 ..... (651) 296-6196

### Secretary of State

Mary Kiffmeyer

180 State Office Building

100 Constitution Ave.

St. Paul 55155 ..... (651) 296-2803

### State Auditor

Judith H. Dutcher

Suite 400

525 Park St.

St. Paul 55103 ..... (651) 296-2551

### State Treasurer

Carol Johnson

303 Administration Building

50 Sherburne Ave.

St. Paul 55155 ..... (651) 296-7091



*Continued from page 4*

of emigration to promote the area on the East Coast and in Europe. He also urged the Legislature to develop a homestead policy that would make cheap land available for settlers.

Those efforts led to a significant growth in the state's population. And while the railroad helped bring immigrants into the state, it also provided many jobs as it expanded.


The first train ran from St. Paul to St. Anthony (present-day Minneapolis) in 1862, and by 1870 the railroad was operating throughout the state.

Railroads connected Minnesota to the east and west coasts and provided many benefits to the state's economy. While they helped farmers send their crops to markets, they also provided the means to import new equipment to help farmers continue to improve production. The state's population grew from 172,000 in 1860 to 250,000 in 1865, the production of wheat grew from about 4.5 million bushels to nearly 9.5 million, and the price of wheat nearly tripled.

But the question of how to pay off the outstanding bonds persisted for decades. In 1866, the Legislature established a commission to figure out who the bondholders actually were and what amount each had paid.

Several plans were proposed and rejected until the matter was resolved under Gov. John S. Pillsbury in the 1880s. The 25-year bonds would mature in 1883, and no interest had been paid on them, which gave the matter a sense of urgency. New refunding bonds were

issued in 1881 to take up the old ones on a compromise basis, and in 1882 a constitutional amendment was approved to allow those bonds to be purchased through a state trust fund, the Internal Improvement Land Fund.

All of those bonds were redeemed by 1910, which finally resolved the matter. 

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*Continued from page 15*

Studders said the March 1, 2000, end date for emissions testing makes sense because it would fall during the next legislative session, which would allow lawmakers to act if things go awry and federal highway dollars appear to be at risk.

Currently, owners of vehicles subject to inspection must pay \$8 for the testing each year, and they must pass before they can get license plate tabs. The state receives 55 cents of the inspection fee. The rest goes to Envirotest Technologies, a private firm under contract with the state to handle the testing.

The company initially operated 11 inspection stations in the metropolitan area and saw a volume of about 1.5 million vehicles per year. But after the 1995 law exempted newer cars, the number of vehicles dropped to about 1 million per year, and two inspection facilities were closed. The initial failure rate for vehicles subject to inspection is estimated to be between 6 percent and 7 percent.

Joel Unverzagt, general manager for Envirotest Technologies in Minnesota, refuted

critics' claims that the improvement in Twin Cities air quality owes more to better cars and cleaner-burning fuels than it does to the testing program.


He cited an MPCA report that credited the testing program with preventing 78,000 tons of carbon monoxide from being released into the environment during 1997. And he estimated that over the life of the program, about 400,000 tons of the pollutant have been kept out of the air.

"They're significant numbers," Unverzagt said.

Those numbers, he added, are based only on the number of vehicles found in violation at the testing stations and then repaired to get into compliance. They do not reflect the number of people who do necessary repairs in anticipation of having to pass an emissions test.

"It's the maintenance side where you see the true benefits of the program," Unverzagt said. "I've seen estimates that 16 percent to 20 percent do repairs prior to testing."

Envirotest Technologies is under contract to perform the testing through July. There is some question now about whether the company would continue to operate in the state — possibly on a month-to-month deal — with the end looming in early 2000.

"That's all on the table right now," Unverzagt said. "Our folks are reviewing that. We're obviously not real comfortable with the 30- to 60-day notice. That's a short time, especially when you're dealing with the public." 

## Sleepy Eye was redheaded stepchild among parks

Sleepy Eye State Park never measured up.

There are now 65 state parks in Minnesota, and they include impressive and important pieces of property.

For example, the oldest state park — Itasca — holds 32,000 acres of land and centers on the headwaters of the Mississippi River. Bison still graze the prairie of Blue Mounds State Park in the southwestern part of the state. And then there's Gooseberry Falls State Park, where water flows over spectacular falls and into Lake Superior.

But Sleepy Eye State Park, in Southern Minnesota, was an unremarkable plot that somehow managed to be a part of the state

park system for more than 50 years.

The 1921 Legislature passed a bill that created the park in Sleepy Eye. The bill included no money for the park, but it authorized the attorney general to acquire certain lands and, if necessary, to use condemnation to get the property.

In each of the next three legislative sessions, lawmakers approved \$2,000 for land acquisition at the park and for other purposes, according to *Everyone's Country Estate: A History of Minnesota's State Parks* by Roy M. Meyer. That was a fair amount of money for a park that never grew to include more than 40 acres of land.

Sleepy Eye State Park held no signifi-

cant statewide appeal. There was nothing to bring in travelers from other parts of the state, and the park was used almost exclusively by the residents of Sleepy Eye.

Calls to drop Sleepy Eye State Park from the state system and to turn it over to the city began in 1930. Still, the park benefited from the addition of a campground built in 1936 by the Works Progress Administration.

Sleepy Eye was downgraded from a state park to a wayside later in that decade, but it remained under state control until the 1965 Legislature transferred the land to the city.

# Governor's Desk

CH113-CH129

## 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=House File; SF=Senate File

CH	HF	SF	Description	Signed	Vetoed
113	1538	1463*	Towns capital reserve funds.	5/3/99	
114	1161	480*	Port authorities revenue retention.	5/3/99	
115	673	1012*	Itasca County road and bridge money authority.	5/3/99	
116	1622	1368*	Certain professions payment requirements exemption.	5/3/99	
117	1169	496*	Financial institution search warrants extension.	5/3/99	
118	489	283*	Civil commitment procedures modified.	5/4/99	
119	585*	595	Isle School District grant modification.	5/4/99	
120	1708*	1675	FAIR plan modifications.	5/4/99	
121	1106*	1075	Insurers restricted from using HIV vaccine information.	5/4/99	
122	863	834*	Putative fathers adoption registry modified.	5/4/99	
123	483	296*	Special education provisions modified.	5/4/99	
124	92*	397	DWI implied consent law modified.	5/6/99	
125	359*	684	Public Utilities Commission powers expansion.	filed without signature	
126	1553*	2078	Department of Corrections conditional release and other provisions modified.	5/6/99	
127	1707*	1602	Sex offender registration plea negotiation modified.	5/6/99	
128	132*	1138	Nursing home bingo game regulation modified.	5/6/99	
129	1905*	1993	Governor veto authority over state agency rules.	5/6/99	

### Senator

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Web site: <http://www.senate.gov/~wellstone>

# Bill Introductions

HF2433-HF2438

## Tuesday, May 4

**HF2433—Mares (R)**  
**Local Government & Metropolitan Affairs**  
Metropolitan Sports Facilities Commission restructured as the Minnesota sports facilities commission.

## Wednesday, May 5

**HF2434—Wagenius (DFL)**  
**Crime Prevention**  
Political subdivisions authorized to regulate firearms and restrictions provided.

**HF2435—Davids (R)**  
**Commerce**

Workers' compensation reinsurance association made a division of the Department of Commerce, and powers and duties transferred.

**HF2436—Dawkins (DFL)**  
**Agriculture Policy**

Dangerous dog regulations modified, animal disposition provisions expanded, and evidence preservation provided.

## Thursday, May 6

**HF2437—Dawkins (DFL)**  
**Crime Prevention**

Fighting animal possession provided criminal penalties, animal disposition and care procedures created, hearings provided, and evidence admissibility clarified.

**HF2438—Otremba (DFL)**  
**Jobs and Economic Development Policy**  
Clarissa wastewater funding provided, bonds issued, and money appropriated.

Coming Up Next Week . . . May 10 - 14, 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  
To have the daily and weekly schedules  
delivered to your e-mail address, send a  
message to:  
[listserv@hsched.house.leg.state.mn.us](mailto:listserv@hsched.house.leg.state.mn.us)  
In the body of the message type:  
**subscribe h-schedules**

## TUESDAY, May 11

10:30 a.m.

**Conference Committee**  
**Fire sprinkler and fire suppression system bill**  
**SF1204/HF853**  
229 State Capitol  
Chrs. Rep. Jim Rostberg,  
Sen. Dave Johnson.

12 noon or 30 minutes  
following the House or Senate session  
(whichever adjourns later)

**Conference Committee**  
**Data privacy bill**  
**SF653**  
125 State Capitol  
Chrs. Rep. Phil Carruthers,  
Sen. Don Betzold.

## WEDNESDAY, May 12

No meetings have been scheduled.

## THURSDAY, May 13

No meetings have been scheduled.

## FRIDAY, May 14

No meetings have been scheduled.

As *Session Weekly* went to press, the times for House floor sessions had not been set. Please check the House Web site at: [www.leg.state.mn.us/leg/schedule.htm](http://www.leg.state.mn.us/leg/schedule.htm) or call the House Public Information Office at 651-296-2146 or 1-800-657-3550 for schedule updates.

## MONDAY, May 10

No meetings have been scheduled.

## Frequently called numbers

(Area code 651)

**Secretary of the Senate**  
231 Capitol ..... 296-0271  
Voice mail/order bills ..... 296-2343  
**Chief Clerk of the House**  
211 Capitol ..... 296-2314

**Index, Senate**  
110 Capitol ..... 296-2887  
**Index, House**  
211 Capitol ..... 296-6646  
**Information, Senate**  
231 Capitol ..... 296-0504

**Information, House**  
175 State Office Building ..... 296-2146  
**TTY, Senate** ..... 296-0250  
Toll free ..... 1-888-234-1112  
**TTY, House** ..... 296-9896  
Toll free ..... 1-800-657-3550





Speaker of the House: Steve Sviggum  
Majority Leader: Tim Pawlenty  
Minority Leader: Thomas W. Pugh

## MINNESOTA INDEX

### School safety

Minnesota secondary students who said the level of violence in their schools increased over the 1997-98 school year, as percent of students responding to survey .....	20
Percent that said level decreased .....	19
Percent that said level stayed the same .....	57
Students who said they personally witnessed violence in or around their school between one and five times during the 1997-98 school year, as percent ....	60
During the 1996-97 school year .....	60
During the 1995-96 school year .....	55
During the 1993-94 school year .....	61
Students who said they felt safe at school during 1997-98 school year, as percent ...	46
During 1996-97 school year .....	53
Students who said they were verbally insulted at school during 1997-98 school year, as percent .....	66
Percent that said they had had something stolen from them .....	39
Percent that said they were pushed, shoved, or grabbed .....	38
Percent that said they were threatened with a knife or gun .....	4
Of students who experienced violence in 1997-98, percent that reported it .....	10
Students who said racial conflicts were a "major problem" at their school in 1997-98, as percent .....	18
In 1996-97 .....	19
In 1994-95 .....	23
Students who reported that most of their peers watched without doing anything when violence occurred at their school, as percent .....	42
Students who reported that most of their peers cheered, as percent .....	24
Students who reported that most of their peers went to find an adult, as percent .....	1

Source: 1998 Safe School Survey, Office of the Attorney General.

### For more information

For general information, call:  
**House Information Office**  
**(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:  
**House Index Office**  
**(651) 296-6646**

For up-to-date recorded message giving committee meeting times and agendas, call:  
**Committee Hotline**  
**(651) 296-9283**

The House of Representatives can be reached on the World Wide Web at:  
**<http://www.house.leg.state.mn.us>**

Teletypewriter for the hearing impaired.  
To ask questions or leave messages, call:  
**TTY Line (651) 296-9896 or**  
**1-800-657-3550**

Check your local listings to watch House committee and floor sessions on TV.

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