

A NONPARTISAN PUBLICATION   ★ ★ ★

# SESSION Weekly

MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION OFFICE

MAY 18, 2001  
VOLUME 18, NUMBER 20



In this issue:

REDISTRICTING PLANS

HEALTH BILL VETOED, TWINS STADIUM, AND MORE

HF2523-HF2540

# Session Weekly

*Session Weekly* is a nonpartisan publication of the Minnesota House of Representatives Public Information Office. During the 2001-2002 Legislative Session, each issue reports daily House action between Thursdays of each week, lists bill introductions and upcoming committee meeting schedules, and provides other information. The publication is a service of the Minnesota House. No fee.

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

**Director**  
LeClair G. Lambert

**Editor/Assistant Director**  
Michelle Kibiger

**Assistant Editor**  
Mike Cook

**Art & Production Coordinator**  
Paul Battaglia

**Writers**  
David Maeda, Theresa Stahl,  
Jonas M. Walker, Mary Kay Watson

**Chief Photographer**  
Tom Olmscheid

**Photographers**  
Andrew Von Bank, Sara Kirk

**Office Manager**  
Nicole Wood

**Staff Assistants**  
Christy Novak, Michelle Sorvari

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

Printed on recycled paper which is 50% recycled,  
30% post-consumer content.



## CONTENTS

### HIGHLIGHTS

Agriculture • 5	Ethics • 8	Insurance • 11
Business • 6	Gambling • 9	Local Government • 12
Crime • 6	Government • 9	Military • 12
Education • 7	Greater Minnesota • 10	Recreation • 13
Employment • 7	Health • 10	Transportation • 13
Energy • 7	Industry • 11	Veterans • 25
Environment • 7		

### FEATURES

**At Issue: Health** — As promised, Gov. Jesse Ventura vetoed the omnibus health and human services funding measure, containing more than \$7 billion in funding and an abortion consent measure. • 14

**At Issue: Recreation** — A plan for building a Major League Baseball stadium in Minnesota is moving through the committee process, though its form has changed along the way. • 16

**History** — The youngest four-year public university in Greater Minnesota was conceived by a legislative commission in the late 1950s. • 17

**History** — Minnesota has not had the death penalty for nearly 100 years, though the idea continues to be proposed in the Legislature. A botched execution in 1906 led to its abolition. • 18

### DEPARTMENTS/RESOURCES

It's A Fact: On the straight and narrow .. 4	Reflections: Crunch time ..... 27
Resources: Where have all the bills gone? ..... 20	Minnesota Index: Economic development ..... 28
Governor's Desk (CH92-CH120) ..... 24	
Bill Introductions (HF2523-HF2540) .. 26	

**On the cover:** Surrounded by their audience of lobbyists and media, House Speaker Steve Sviggum and Majority Leader Tim Pawlenty discuss the latest on end-of-session budget negotiations outside the House Chamber May 16.

—Photo by Tom Olmscheid

# Drawing the lines

Committee divided over redistricting plan, combining Minneapolis and St. Paul, forcing representatives to square off

BY DAVID MAEDA

**W**ith only five days left in the session and little time remaining for compromise, the House Redistricting Committee approved legislative and congressional redistricting plans by a straight 7-5 party line vote May 16, reflecting the unavoidably partisan nature of the process.

The bill now goes to the House floor.

HF2519, sponsored by Rep. Erik Paulsen (R-Eden Prairie), would combine St. Paul and most of Minneapolis into one congressional district.

Paulsen said at the core of the bill is the principle found in the Minnesota Constitution that districts be of equal population.

He said the bill takes into account the demographic shifts that have occurred in Minnesota during the past 10 years as 45 percent of the state's population now lives in the suburban Twin Cities metropolitan area.

If passed into law, HF2519 would establish seven congressional districts with the exact same population figure of 614,935. The eighth district would have one less person. The legislative districts would have more of a deviation, ranging from 36,452 people to 36,984.

"Overall this is a very fair plan," Paulsen said.

The congressional plan in the bill incorporates HF2505, sponsored by Rep. Marty Seifert (R-Marshall). The committee approved that bill May 10.

Seifert said HF2519's congressional districts have been drawn in keeping with the redistricting principles passed by the House May 1. The proposed districts are compact and with equal population and communities of interest are preserved in the bill, Seifert said.

The newly created fifth district incorporating Minneapolis and St. Paul would have a total minority population of 30.8 percent.

Rep. Gregory Gray (DFL-Mpls) said since the Senate's bill on redistricting principles differs from the House bill, that reaching a compromise agreement would be impossible.

Rep. Carlos Mariani (DFL-St. Paul) offered an unsuccessful amendment to incorporate a plan that would keep St. Paul and Minneapolis in separate congressional districts.

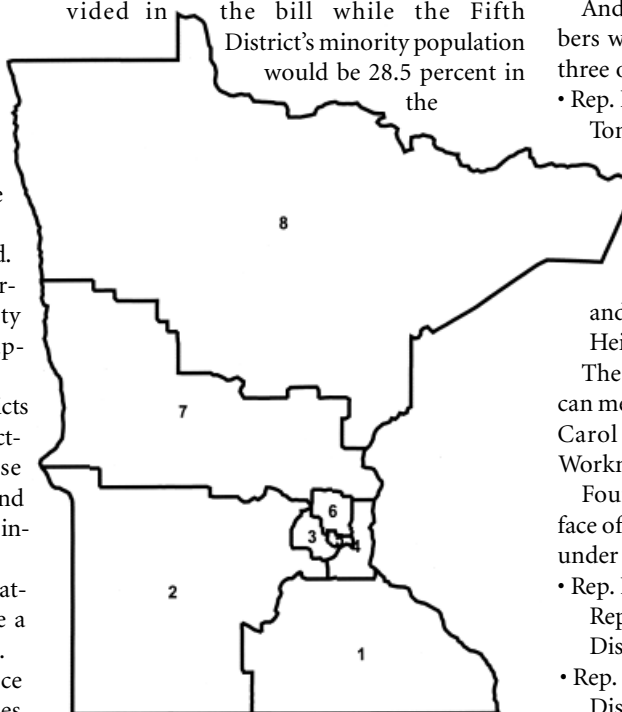
Mariani said the amendment would recognize the first ring suburbs have more in common with the core cities than with second and third ring suburbs. The amendment would split the state into four rural and four metro districts.

He said issues like transit, affordable housing, and redevelopment of older neighborhoods link the first ring suburbs with Minneapolis and St. Paul.

"Only one block separates Edina and Minneapolis," he said.

Under his amendment the minority population of the Fourth District would be 22.6 percent compared to the 7.6 percent provided in the bill while the Fifth

District's minority population would be 28.5 percent in the



The House Redistricting Committee approved a congressional district plan with the boundaries reflected in this map. Minneapolis and St. Paul are part of one district under the plan.

amendment versus 30.8 percent in the bill.

Mariani said in five years it is estimated the minority population will be more than 40 percent in each district and minority communities would thus have an opportunity to elect two representatives instead of one.

Rep. Jim Knobloch (R-St. Cloud) said the amendment didn't reflect the reality of the state's population shift during the past decade. He said if the amendment were adopted, 45 percent of the state's population in the suburbs would only be represented by 25 percent of the congressional representatives.

Mariani said in the amendment's proposal no congressional incumbents would have to run against each other unlike Paulsen's bill. In HF2519, two Democrat congressional incumbents are placed in the fourth district, Rep. Betty McCollum and Rep. Bill Luther. Mariani questioned the intention of putting only the second Minnesota woman to serve in the United States House of Representatives in a district with another member of Congress.

The amendment failed 7-5.

In the proposed legislative districts there would be six districts that would be composed of at least 30 percent total minority population.

And legislatively three current DFL members would be placed in the same district as three other DFL members under HF2519:

- Rep. Loren Solberg (DFL-Bovey) and Rep. Tony Sertich (DFL-Chisholm) in the new District 3A,
- Rep. Rep. Jean Wagenius (DFL-Mpls) and Rep. Wes Skoglund (DFL-Mpls), in District 63A, and
- Rep. Alice Hausman (DFL-St. Paul) and Rep. Mary Jo McGuire (DFL-Falcon Heights) in District 64A.

The bill would have two current Republican members placed in the same district: Rep. Carol Molnau (R-Chaska) and Rep. Tom Workman (R-Chanhassen) in District 50A.

Four incumbents from each party would face off against each other if they chose to run under the new plan in the bill:

- Rep. Kevin Goodno (R-Moorhead) and Rep. Paul Marquart (DFL-Dilworth) in District 5B,
- Rep. Ted Winter (DFL-Fulda) and Seifert in District 19B,
- Rep. Howard Swenson (R-Nicollet) and Rep. Ruth Johnson (DFL-St. Peter) in the new District 21A, and

• Rep. Kathy Tingelstad (R-Andover) and Rep. Luanne Koskinen (DFL-Coon Rapids) in District 33A.

"I would be OK with losing the election because I know this is a fair plan," Seifert said.

Knoblach said the reduction of seats in St. Paul and Minneapolis was expected because the cities' population didn't increase at the rate of the surrounding suburbs. Likewise, he said, decreasing populations in the southwest and northwest corners of the state caused the combining of some existing members' districts.

DFL members criticized the plan's proposal for the city of Rochester. Currently three members represent that city's population, but under the bill that number would increase to five. Mariani said that ideally the city would have 2.5 representatives.

Mariani also questioned the reasoning behind the splitting of the city of Northfield, and in particular the campuses of St. Olaf and Carleton colleges.

Paulsen said the city is currently split into three districts and the boundary line drawn in the bill follows a major highway in the city.

Gray was critical of the process used to develop the redistricting bill. He said getting the bill this late in the session prevents a comprehensive review and a chance to make improvements.

He said as a newer member he may have been naive but coming into the process he expected to work together as a committee on a House bill rather than have opposing DFL and Republican plans. He said as it has unfolded, it appears there is little chance for an agreement and the whole thing seems likely to end up in the courts.

By law, the legislative and congressional redistricting plans must be set by March 19, 2002.

Gray called the redistricting hearings a "sham" because people who wanted to have a say in the process didn't have an established proposal to testify about, and that meetings were scheduled on short notice and at times when many could not get off work to attend.

Paulsen said the committee held 16 hearings including three in Greater Minnesota. He said hearings were devoted to listening to concerns from members of minority communities as well as getting historical and academic background from experts.

"We made every attempt to be accountable," he said.

The committee also approved a bill, HF2516 sponsored by Paulsen, that contains the legislative redistricting plan by itself. Paulsen said it is unclear the process the Senate will use in its redistricting legislation and by passing HF2516 there would be another vehicle for the proposals to match up.

That bill was also sent to the House floor. 🐼



## On the straight and narrow

1950s committee set standards for state government ethics

In the midst of America's increasing self-consciousness in the face of Soviet space-race success and growing social discontent at home, 1950s civic groups began examining the functioning of governance with the hope of making it more efficient and just.

National and local leaders had to contend with the perceived threat of communism, racial unrest, and concern over unethical behavior by state officials.

Gov. Orville Freeman was at the helm of the state at the time, and no doubt felt the encroaching turbulence of the 1960s. He convened a Committee on Ethics in Government in 1957. Two years later, that committee published *Ethics in Government: A Report by the Minnesota Governor's Committee on Ethics in Government to Governor Orville L. Freeman*.



Gov. Orville Freeman

Freeman's statement calling the commission to order began with a testament to Minnesota's famous integrity. "High ethical and moral standards are essential to good and effective government," he wrote. "Minnesota does have high standards, and, as a whole, government at all levels in our state is carried on with a keen awareness of the public interest and the recognition that self-interest must at all times be subordinated to the public well being."

But Freeman conceded government in the state was not perfect. "It is my conviction that despite the progress we have made and the high standards generally held, there is much room for improvement in both the administrative and legislative branches of government in terms of eliminating or minimizing the effect of self-interest on decision making."

"It is easy to talk in general terms about ethical and moral standards and the elimination of self-interest in making government decisions. It is, however, often extremely difficult to apply these standards in specific instances. Countless situations arise in which honest public officials, sincerely devoted to the public interest, face real dilemmas in deciding on the right course of action."

Freeman appointed a nonpartisan committee composed of civic leaders, scholars, and prominent clergy to recommend improvements to ethical guidelines.

Their profound responsibility was not lost on members, who wrote that they approached their work "with a deep concern for ethical standards as they affect not only the current operations of our state government, but also the future strength and success of

popular government in the United States as a whole," according to the report.

They were charged specifically with examining lobbying and "the area of conflict of interest in both the administrative and the legislative branches of government."

As to the first topic, the committee recommended legislation that would require the disclosure of the

"activities and finances of legislative agents and of the related activities of their employers."

Although no statutory language was drafted, members made reference to a proposed Wisconsin law that would have registered all lobbyists, including their employers, pay, and issue of concern, with the Secretary of State.

Regarding conflicts of interest, the committee boldly suggested "the Legislature ... give serious thought to the passage of appropriate laws dealing with the activities of outside individuals and organizations who try to gain special advantages by the employment of legislators and public officials," according to the report.

The committee concluded with a prophetic assessment of American politics' most enduring ethical quandary. Although Freeman had primarily directed an inquiry into "the twin problems of conflicts of interest and lobbying ... there were several closely related issues that should have the attention of moral trailblazers."

As if anticipating today's affairs, members concluded, "One of these is the field of campaign finances and campaign methods."

(J.M. WALKER)



## ★ AGRICULTURE

**Biodiesel plan OK'd**

The House passed an omnibus agricultural policy bill May 15, moving the state closer to adopting some form of biodiesel content requirement.

After extended debate, the House passed HF1547/SF1495\*, sponsored by Rep. Tim Finseth (R-Angus), by a 93-40 vote.

The House version would require that all diesel vehicles owned or operated by the state, Metropolitan Council, or transit services receiving council funds, operate with at least 2 percent biodiesel. The commissioners of agriculture, transportation, administration and the Pollution Control Agency would also be required to report to the Legislature on the operating costs, performance, and environmental impact of the mandate.

Unlike the Senate's version, sponsored by Sen. Steve Murphy (DFL-Red Wing), which would require that all diesel fuel sold in Minnesota contain at least 2 percent biological material by July 2003, the House version would simply require the transportation commissioner to consult with industry leaders to "develop protocols for biodiesel fuel demonstration projects."

Rep. Andy Dawkins (DFL-St. Paul) successfully sponsored an amendment cutting off state funding to the Gopher State Ethanol plant if it fails to install a thermal oxidizer to reduce odor. St. Paul residents have complained bitterly since the plant began producing the fuel additive in the capital city last April. Saying that ethanol producers have been "good neighbors" overall, Rep. Bob Ness (R-Dassel) convinced Dawkins to change the amendment's deadline for installation from September until December 2001.

Proponents of biodiesel, chief among them farmers, say a mandate would trigger the development of "home-grown," ecologically friendly fuels and bolster the state's sagging rural economy. Opponents, including representatives of the trucking and airline industries, say that biodiesels are insufficiently tested, and they decry the measure as "good farm politics but bad public policy."

Biodiesel fuel is normal diesel fuel combined with a biodegradable, combustible liquid fuel derived from organic oils for use in internal combustion engines. According to the National Biodiesel Board, a nonprofit

industry association, soybeans provide 90 percent of the biological component of biodiesel fuels. Other sources include recycled oils from restaurants and even animal fats, although those are less commonly used.

The Senate originally passed the bill 62-3 May 7. The bill now goes to a conference committee to work out the differences between the two versions.

**House passes emergency plan**

A bill that would expand the authority of the state Board of Animal Health to counteract the spread of disease, such as Foot and Mouth Disease, passed the House floor May 16. After passionate debate, the bill (HF2514) passed by a 114-18 vote.

The Senate version (SF2368), sponsored by Sen. Steve Murphy (DFL-Red Wing), is awaiting action in the Senate.

The House Civil Law Committee approved HF2514, sponsored by Rep. Tim Finseth (R-Angus), May 14. The committee adopted an amendment specifying that the board's extended authority expires July 31, 2003. "Future legislators will have to decide if we want this," he said.

Rep. Mike Osskopp (R-Lake City) unsuccessfully sponsored an amendment both in committee and on the floor that would allow property owners whose animals or personal property are condemned by the board to seek a hearing by a panel composed of three state supreme court justices. Owners could contest the board's order on the grounds that the destruction "is not reasonably necessary for suppression of the disease."

Several representatives joined Osskopp's opposition to what he characterized as the bill's expansion of existing board authority to order the slaughter of herds deemed "highly susceptible" to an outbreak. Rep. James Clark (R-New Ulm) said that a disease outbreak "is a purely economic problem and is not a danger to our national security. (It) does not rise to the level of suspending civil rights."

Committee Chair Rep. Steve Smith (R-Mound) argued in the Civil Law Committee May 10 that curtailing the proposed authority would be inconsistent with the state's interest in limiting an outbreak and would not violate the state and federal constitution's prohibitions against governmental seizure of private property without due process or fair

compensation. The bill does not affect existing rights of farmers to seek court assistance regarding compensation for animals or other destroyed property.

The bill would authorize the governor to declare an emergency for the purpose of controlling dangerous domestic animal diseases. In such a state of emergency, the board may establish and enforce quarantine zones to prevent the spread of disease. Its jurisdiction would extend to people, property, and livestock, and would include the authority to order the condemnation of livestock and carcass disposal.

Under existing law, the board has the authority to destroy diseased animals. The bill would permit the board to petition the governor to declare the emergency. In doing so, the state's chief executive would make available all resources normally reserved for natural disasters such as floods or tornadoes.

The board could establish quarantine zones of no larger than a three-mile radius from animals believed to be infected and for no longer than 72 hours. Within the zone, the board could establish rules governing the movement of people, vehicles, or animals.

**Feedlot changes**

The House passed a measure May 11 modifying existing feedlot provisions.

Among other provisions, the bill (HF1734/SF1659\*), sponsored in the House by Rep. William Kuisle (R-Rochester), would forbid the Pollution Control Agency from requiring feedlot operators to maintain precipitation records as a condition of being granted a feedlot permit, as long as a government agency or educational institution already collects such data. The bill passed by an 86-44 vote.

Kuisle offered an amendment that would permanently exempt some land from feedlot rules as long as it remains "in pasture." He said the amendment would assist sustainable agricultural practices.

Rep. Jean Wagenius (DFL-Mpls) expressed concern that the language could be "too overbroad," allowing many large farms to escape important environmental language. However, she and other representatives dropped their opposition upon Kuisle's explanation that "pasture" land is legally defined as agricultural land that retains vegetation. Only farmland

that has been sufficiently trampled by livestock to lose its vegetation is regulated as a feedlot.

Sen. Steve Murphy (DFL-Red Wing) sponsored the measure in the Senate, where it passed 51-1 May 4. The bill now goes to the governor's desk.

### Fair foundation established

The state agricultural society may establish a nonprofit Minnesota State Fair Foundation under a new law signed by Gov. Jesse Ventura May 10.

Federal nonprofit status is defined by United States Internal Revenue Code, which specifies that the new foundation must benefit and carry out the purposes of the agriculture society.

Under the new law, sponsored in the House by Rep. Loren Jennings (DFL-Harris), the foundation may "solicit, receive, hold, invest, and contribute funds and property...in a manner consistent with the public good." The law says that funds received must be primarily used for capital expenditures and other needs not funded by other means.

Jennings explained in a May 14 interview that most other major public institutions in Minnesota enjoy the support of affiliated nonprofit foundations. "Now, corporations and individuals will be able to contribute their support to the state fair," he said.

Sen. Dallas Sams (DFL-Staples) sponsored the measure in the Senate.

The new law takes effect Aug. 1, 2001.

HF406/SF511\*/CH85

## BUSINESS

### Barber shop fees

Rep. Marty Seifert (R-Marshall) estimates only 15 of these situations exist in the state, but he said that barbers who own several shops and are the sole barber should receive a break on their registration fees.

A barber in Seifert's district in southwestern Minnesota, Bean Bernardy, travels to different communities in the area each week for the convenience of his customers. He doesn't charge much for the haircuts, and that makes it difficult for him to afford the renewal fees for each shop. "Some feel that the government is pinching them too much," Seifert told House members May 14.

Seifert is sponsoring a bill (HF156) that would allow barbers who own multiple shops and serve as the sole barber operating in each shop to pay only one renewal fee to renew the registration required for all the shops.

The legislation passed the House by a 117-11 vote. The Senate companion, sponsored by Sen. Jim Vickerman (DFL-Tracy), is awaiting action.

Registration fees are currently \$50 per shop. Seifert said the bill would save his constituent \$100 annually in fees.

Rep. Michael Paymar (DFL-St. Paul) said it "bothered" him that a bill that would save such a small amount of money, about \$600 per year, is costing hundreds or possibly thousands of dollars to be passed into law.

Seifert said the bill would effect all barbers for years to come, and would reduce the size of government because it would be reducing fees.

### Motor vehicle information

A new law permitting the Department of Public Safety to release a modified copy of its accident records database to the public upon request was signed by Gov. Jesse Ventura May 10.

Under the law, the commissioner may release the information to companies who meet requirements established in the law only if that company furnishes at least the cost of preparing the information "on a bulk basis." The

commissioner may not release the following information: names, driver's license numbers, license plate numbers, addresses, and "other identifying data."

However, under the law, the department may release a vehicle license number if a business that collects accident and damage information for the purposes of buying a vehicle certifies it will use the information only to identify vehicles or the vehicle history regarding its involvement in an accident. If the purpose is to identify individuals, then the department is barred from releasing the information.

The law specifies that illegal use of the information constitutes a misdemeanor, a conviction that carries a sentence of imprisonment up to 90 days and a \$1,000 fine.

The law was sponsored by Rep. Tom Workman (R-Chanhassen) and Sen. Grace Schwab (R-Albert Lea).

The new law takes effect Aug. 1, 2001.

HF1830/SF2006\*/CH 91

## CRIME

### Electronic monitoring study

Gov. Jesse Ventura signed into law May 10 a requirement that the commissioner of corrections conduct a study on electronic alcohol monitoring.

Specifically, the study will compare recidivism and pretrial conditional release violation rates among drunken driving offenders who are subject to electronic testing and those offenders who are not. It must be completed and reported to the chairs of the House and Senate committees having jurisdiction in this area by Feb. 15, 2002.

The study must compare several control variables, including: the offense level as determined by the number of prior DWI convictions, date of offense, length of incarceration, and length of time an offender is subjected to electronic alcohol monitoring. The commissioner has discretion to include additional variables in conducting the study.

"The study must also determine whether the impaired driving recidivism, if any, occurred during or following the period of electronic alcohol monitoring, and whether it occurred pretrial or following conviction," the new law states.

Electronic monitoring tools consist of a blood-alcohol measuring device and a telephone. Law enforcement officials are able to determine if offenders are violating conditions of parole or pretrial release by electronically observing the results of on-the-spot blood-alcohol concentration checks.

### PLANTING PROJECT



PHOTO BY ANDREW VON BAK

Third and fourth graders in the French Immersion Program at Highland Park Elementary School help beautify the Capitol grounds May 16. The planting was sponsored by Kids, Education, Environment, You (KEEY), a nonprofit organization that introduces children to such environmental projects.

Rep. Mary Jo McGuire (DFL-Falcon Heights) sponsored the law in the House. Sen. Satveer Chaudhary (DFL-Fridley) sponsored the bill in the Senate.

The law takes effect Aug. 1, 2001.  
HF782/SF773\*/CH80

### Investment fund latitude

Recipients of grants from the Minnesota Investment Fund will have more control over the money they receive, under a law signed by Gov. Jesse Ventura May 15.

Sponsored by Rep. Bob Gunther (R-Fairmont) and Sen. Dennis Frederickson (R-New Ulm), the new law will give more latitude to cities or counties that receive repayment of funds awarded as loans or grants from the investment fund.

Under the law, the entities would be able to contribute the money to larger projects, community capital funds, or a statewide revolving loan fund. The legislation adds new language to allow the projects to be statewide and not merely regional.

The law has no fiscal impact, and takes effect Aug. 1, 2001.

HF1392/SF1258\*/CH102

## ★ EDUCATION

### Asthma inhalers allowed

Gov. Jesse Ventura signed a law May 10 that will allow elementary and secondary school students with asthma to carry their inhalers in school.

The law was sponsored in the House by Rep. Kathy Tingelstad (R-Andover).

Tingelstad explained that students sometimes need inhalers before they can reach the nurse's office, where some schools require they be kept. About 43 percent of schools in Minnesota have this requirement, she said.

In order to carry and use the inhalers in school, students will need to have written parental permission that must be renewed each year. The law also requires the school nurse or other authorized party to "assess the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting."

Noting that asthma is the number one cause for missed school days, Tingelstad said the legislation would help students control asthma better.

The Senate version was sponsored by Sen. Charles Wiger (DFL-North St. Paul).

It becomes effective Aug. 1, 2001.  
HF1394/SF1706\*/CH84

## ★ EMPLOYMENT

### Termination requests

Employees and employers dealing with termination will have a longer period of time to request and provide the reason for the termination, under a new law signed May 14 by Gov. Jesse Ventura.

State law previously stated that employees who have been involuntarily terminated had five working days within the date of termination to request in writing the reason for the termination. Upon receipt of the request, the employer then had five working days to provide a written response.

The time for employees to submit the request will now be extended to 15 working days, and employers will now have 10 working days to fulfill the request.

Rep. Jim Rhodes (R-St. Louis Park) and Sen. Steve Kelley (DFL-Hopkins) sponsored the measure.

The new law takes effect Aug. 1, 2001.  
HF1920/SF1835\*/CH95

## ★ ENERGY

### Keeping the lights on

Voting down efforts to increase conservation measures in an energy security and reliability bill, House members passed the legislation that aims to ensure Minnesota won't be experiencing power shortages that California is currently facing.

House DFL members, dissatisfied with the lack of environmental measures in the bill (HF659/SF722\*), claimed it is a "missed opportunity" for emissions regulations, conservation standards, and energy assistance programs for low-income households.

The bill's sponsor, Rep. Ken Wolf (R-Burnsville), asserted the legislation is "not an opportunity" to help the environment.

"When the energy's not there," Wolf said, "all the goodwill we have for the environment will go down the drain." He said the bill is about "making sure the lights don't go out by making sure we have power in four to five years."

The bill passed by a 99-34 vote in the House May 14, and by a 59-0 vote in the Senate May 4. However, the Senate refused to concur with the House amendments, so the bill has been sent to a conference committee. Sen. Jim Metzen (DFL-South St. Paul) sponsored the measure in the Senate.

On the House floor, Rep. Dennis Ozment (R-Rosemount) introduced an amendment to incorporate a Conservation Investment

Program, which was taken out in committee earlier in the session. The program currently exists in law; the amendment would make minor changes the program.

New provisions would replace a pre-approval process with a post-implementation audit for cost effectiveness and compliance with program requirements. The program also could be used for agricultural energy projects, distributed generation, and renewable energy technologies.

Rep. Jean Wagenius (DFL-Mpls) opposed the amendment. "We could not define (in an environment committee) that we could get more conservation from it," she said. "There are no specific outcomes."

Ozment claimed the program would have an emphasis on reducing the need for power. The amendment was successful.

Unsuccessful amendments include one sponsored by Rep. Gary Kubly (DFL-Granite Falls) that would have required a certain percentage of energy come from renewables such as solar, wind, hydroelectric, or biomass. The provision is included in the Senate's energy bill.

Wolf said he's "not against renewables," but the measure would require a study. Rep. Loren Jennings (DFL-Harris) said the high cost of renewable energy would make it impossible for Minnesotans to afford. The amendment failed by a 69-63 vote.

Rep. Carlos Mariani (DFL-St. Paul) attempted to amend the bill with a measure that would mandate each of the four metro coal-fire electric generating facilities to comply with the federal Clean Air Act. The Public Utilities Commission and the utilities themselves would be responsible for costs incurred. Wolf said he opposed the measure. By a 42-87 vote, the amendment failed.

## ★ ENVIRONMENT

### Gross overlimit bill fails

A bill that would increase penalties for gross violations of the state's game and fish laws was defeated 95-38 May 14. The bill was returned to the General Register, allowing it to be reconsidered yet this session.

Sponsored by Rep. Bill Haas (R-Champlin), HF94 went through eight different committees before its appearance on the House floor.

"Every game and fish organization in the state is behind this," Haas said. "This is going to stop the game hogs who are stealing our fish."

But those speaking against it were more vocal than supporters.

"This is a bill searching for a problem," said

Rep. Tom Bakk (DFL-Cook), who served on the House environment and natural resources policy and finance committees that approved the bill.

The bill would authorize conservation officers to seize all equipment used in a gross overlimit violation. It would institute penalties based on restitution values of fish and animals. And it would require seizure of the license involved if the restitution value is at least \$500.

Bakk and several others said they could envision the potential for conservation officers going through people's freezers in search of excess fish and game.

"This bill does not in any way give any conservation officer the right to go into someone's home to search your freezer," said Rep. Dennis Ozment (R-Rosemount). "To maintain our resources we have to stop the people who are taking far more than they have the right to take."

Rep. Tom Rukavina (DFL-Virginia) said he didn't think the majority of people would support what he termed a "heavy-handed" measure.

The Senate companion, sponsored by Sen. Jane Krentz (DFL-May Township), was referred to the Senate Environment and Natural Resources Committee May 15.

### Expediting permits

Gov. Jesse Ventura signed a law May 17 authorizing the Pollution Control Agency (PCA) to expedite permits for new or expanded facilities.

The new law will allow persons who want to construct or expand a facility regulated by the agency to pay for additional expenses incurred in expediting a permit.

This payment will be in addition to regular permit fees and must reflect the costs of staff overtime or consultant services that are needed to expedite a permit review.

The agency may agree to an expedited permit process as long as it does not interfere with its permitting program priorities.

An applicant's reimbursement must be paid in advance and is not contingent upon the actual issuing of a permit.

The law was sponsored in the House by Rep. Howard Swenson (R-Nicollet) and in the Senate by Sen. David Knutson (R-Burnsville).

The law takes effect Aug. 1, 2001.

HF1827/SF1613\*/CH116

### Water protection

A new law signed by Gov. Jesse Ventura May 15 entitles the land around the Camp Coldwater Springs in Minneapolis to the protection of the Minnesota Historic Sites Act, as well as the Minnesota Field and Archaeology Act.

Under the new law, there is a restriction on the state or any of its political subdivisions from using or taking any action that affects the land in a way that diminishes the flow of water to or from the spring located near Fort Snelling.

The land is currently owned by the Bureau of Mines of the United States Department of Interior. Researchers are conducting studies in the area to determine how the construction on Highways 55 and 62 in the area might affect the spring's flow.

The historic sites act states the sites are "significant state resources that the Minnesota Historical Society is preserving, developing, interpreting, and maintaining for public use, benefit, and access during open hours."

The measure was sponsored by Rep. Mark Gleason (DFL-Richfield) and Sen. Julie Sabo (DFL-Mpls).

The law is effective May 16, 2001.

HF1764/SF2049\*/CH101

deliberate. The committee is scheduled to meet publicly again May 18 to further discuss the case.

Abeler, who leases two buildings to a charter school, has been accused by four House DFLers of voting five times on issues that directly affect charter school funding. Those members are House Minority Leader Tom Pugh (DFL-South St. Paul), Reps. Irv Anderson (DFL-Int'l Falls), Margaret Anderson Kelliher (DFL-Mpls) and Wes Skoglund (DFL-Mpls).

The complaint says Abeler "betrayed the public trust" and violated "accepted norms of House behavior" for failing to disclose he had "an immediate interest in a question before the body."

Skoglund, who presented the case for the DFL members, said since the votes in 1999, Abeler has received at least \$838,000 in rent, 90 percent of which comes from the state.

"Minnesota law allows charter schools to only use state funds to lease a building, not buy a building," Abeler said. He noted that he leases the building at below market rental rates so the school can have enough operating money.

Much of the committee's discussion centered on trying to clarify what a conflict of interest is.

Skoglund said Abeler was in violation of House Rule 2.05, which states "A member who has an immediate interest in a question must not vote on it."

David Schultz, an ethics professor at Hamline University, defined immediate interest as something that benefits you or a small class of people. He said because there were 38 charter school landlords in 1999 and 53 last

## ETHICS



### Conflict confusion

An ethics complaint against Rep. Jim Abeler (R-Anoka) may soon be resolved.

The House Ethics Committee heard the complaint regarding Abeler May 10 before adjourning into executive session to

### 'AMAZING' BOYS



PHOTO BY ANDREW VON BANK

House members and staff listen to a rendition of "Amazing Grace" performed by "The Richardson Boys" of Nerstrand, Minn., prior to the May 15 session. Brothers Michael (7), Alex (10), Daniel (9), and Justin (12) are accompanied by their father, Carl.



year, including Abeler, that he had an immediate interest in the votes. Abeler said there are now approximately 60 charter school landlords in the state.

Schultz argued this case is different from teachers voting on appropriations that help fund their salaries or farmers voting on per-acre benefits because Abeler is a part of a small group of landlords who benefit from the lease aid, while others are part of a larger group.

Part of Abeler's defense centered on a portion of state statute 10A.07 that says it is a conflict of interest "unless the effect on the official is no greater than on other members of the official's business classification, profession or occupation." Abeler said he benefited no more than other charter school landlords as the amount received is set by state formula.

Abeler and his attorney, Rick Morgan, said if this conflict of interest case is upheld, teachers should not vote on education funding issues and farmers on agriculture funding issues as they would benefit from the legislation.

"I want to implore you as my colleagues to remember to what extent our state benefits by regular citizens serving here," Abeler said in his closing remarks. "What will this body look like 10 or 20 years from now if our citizen Legislature is replaced by professional bureaucrats with political expertise but without practical, real-world experience?"

"Our state is stronger when its representatives bring to the Capitol the life experiences of teaching, owning a small business, farming the land, and caring for the sick. I hope we never see the day when a farmer-legislator cannot serve on the agriculture committee or a police officer has to recuse himself from voting on a crime prevention package. If this happens, all Minnesotans will be worse for it."

## **GAMBLING**



### **Fair play at card clubs**

It won't pay to cheat at a card club, under a new law signed May 14 by Gov. Jesse Ventura.

The law allows card club employees at Canterbury Park to detain a person suspected of cheating. The club's security personnel are allowed to detain a person if there is reasonable cause to believe the person has cheated at gambling.

The law allows the security personnel to require that the suspect provide or verify identification. Security can also inquire as to whether the person possesses any illegal contraband.

The detained person has the right to be promptly informed of the purpose of the detention and may not be subjected to

unnecessary or an unreasonable amount of force. The person cannot be detained for more than one hour or until a peace officer who requests detention has accepted custody.

Upon being detained, a person may request at any time that a peace officer be summoned.

The measure was sponsored by Rep. Mark Buesgens (R-Jordan) and Sen. Don Betzold (DFL-Fridley).

The law becomes effective Aug. 1, 2001.

HF1021/SF1008\*/CH92

## **Rule changes**

Gov. Jesse Ventura signed into law May 14 several changes to the state's lawful gambling rules.

The new law increases from \$250,000 to \$300,000 the level at which an organization that conducts charitable gambling is required to submit an annual financial audit to the Department of Revenue.

The threshold level for organizations required to have an annual financial review of gambling funds has also been increased from \$50,000 to \$150,000.

Noontime bingo also will be allowed under the new law. Currently establishments that conduct bingo games are restricted to having no more than 10 bingo occasions each week. At least 15 bingo games must be held at each occasion, and each bingo event must continue for at least 90 minutes, but not more than four hours.

The new law will allow an organization to conduct bingo between 11 a.m. and 2 p.m. to avoid the 15-game and time limit requirements.

The new law also allows the card club at Canterbury Park to hold one tournament per year lasting no longer than 14 days. It would allow for more than 50 tables to be in use during tournament play.

The maximum wager amount on card games is also increased from \$30 to \$60.

Rep. Mike Osskopp (R-Lake City) and Sen. Jim Vickerman (DFL-Tracy) were the sponsors.

The law becomes effective Aug. 1, 2001.

HF1069/SF986\*/CH96

## **GOVERNMENT**



### **Changing the budget year**

The House approved a bill that would rearrange much of its legislative work. The vote was 72-59.

HF2205, sponsored by Majority Leader Tim Pawlenty (R-Eagan), would change the budgeting process. Under the current system the

Legislature does most of its budget work during the odd-numbered year of the session. The bill devotes odd-numbered years to organizational sessions not to exceed 30 days.

Pawlenty said the bill could lead to a more citizen-based Legislature that the current system discourages because of its prohibitive schedule. He said the bill would also allow new members to better understand the budget process before they have to make decisions in the even-numbered years.

Under the bill the Legislative Coordinating Commission, or a joint subcommittee appointed by the commission, would prepare recommendations to implement the changes. The change would take place in 2005.

Rep. Dave Bishop (R-Rochester) spoke against the bill, saying it would give more power to the executive branch. Bishop said under the bill the governor would release the budget forecasts without legislative response and constituents would be critical of lawmakers who had little to do in the year following their election.

Bishop said putting most of the budgeting work in an election year would lead to "real political hazards."

Rep. Dennis Ozment (R-Rosemount) said the change in the bill would be of great benefit to new members who currently have to learn about a \$28 billion budget months after they are elected.

Rep. Al Juhnke (DFL-Willmar) questioned why reform was needed.

"We are looked at around the country as a model Legislature, not as one that needs change," he said.

The bill has not been heard in the Senate but Pawlenty said the bill still serves a purpose.

"This sends a signal to the Senate that we are serious (about reform)," he said. "Hopefully they'll engage us in discussion over the interim."

### **On the air longer**

The life of the Metropolitan Radio Board would be extended by another year, under a measure passed by the House May 11. The vote was 131-0.

The board was created in 1995 to adopt a regionwide public safety radio system communication plan. Its membership includes a county commissioner from each of the seven counties in the Twin Cities metropolitan area, elected officials from St. Paul, Minneapolis, and Bloomington, and a sheriff and police chief appointed by the governor.

The board is scheduled to sunset July 1, 2002, but the bill extends the date until July 1, 2003.

Rep. Jim Rhodes (R-St. Louis Park), who sponsored the bill (HF1218/SF1154\*) in the House, made a successful motion to reinstate the House language in the measure. The House language includes a provision requiring the board to submit a status report to the Legislature by Feb. 1, 2002.

Sponsored in the Senate by Sen. Steve Kelley (DFL-Hopkins), the bill would extend the life of the board until July 1, 2005. It passed that body 63-0 April 5.

The bill now goes to a conference committee.

### Membership increase

Gov. Jesse Ventura signed a new law May 10 that will increase by one the membership of the Urban Indian Affairs Advisory Council.

Established in 1963, the Indian Affairs Council is the official liaison between state and tribal governments. This council is governed by the elected tribal chair of the 11 reservations in the state, and two at-large members representing American Indians who live in Minnesota, but are enrolled in other states.

The new law will add a member from Bemidji increasing the advisory council from five members to six. The existing law requires members from Minneapolis, St. Paul, and Duluth.

The urban advisory council's role is to advise Indian Affairs Council board members on the unique problems and concerns of American Indians who live in urban areas of the state.

Rep. Karen Clark (DFL-Mpls) was the House sponsor, and Sen. Tony Kinkel (DFL-Park Rapids) sponsored the measure in the Senate.

The law becomes effective Aug. 1, 2001.  
HF1687/SF1206\*/CH88

### Officer testing change

A new law signed by Gov. Jesse Ventura May 10 will make it easier for qualified applicants for openings on police departments to become eligible for hire.

Under current law police civil service commissions administer periodic examinations for candidates. Notice must be published stating the time, place, and scope of each examination.

The commissions grade and classify all the employees and maintain a register of the names, classes, age, compensation, period of past employment and other facts and data.

The commissions also keep a second register of those who have applied for positions.

The new law will allow police civil service commissions to administer additional

examinations from time to time during the life of the eligible register without further publication requirements or 10-day notice to applicants meeting threshold requirements.

Applicants who pass the later examination will then be added to the eligible register.

Rep. Rich Stanek (R-Maple Grove) and Sen. Charles Wiger (DFL-North St. Paul) were the sponsors.

The law becomes effective Aug. 1, 2001.  
HF1465/SF1432\*/CH87

## GREATER MINNESOTA

### ★ Worthington program management

Gov. Jesse Ventura signed a new law May 10 that will allow the Southwest Regional Development Commission to establish a nonprofit corporation to operate programs and manage facilities at the Prairieland Exposition Center in Worthington.

Prairieland is an interactive discovery center exploring the 6,000 square miles of southwestern Minnesota attractions.

Representatives from the commission testified in committee hearings that management of the center will be more efficient and effective.

### SUMMERTIME REFLECTIONS



PHOTO BY ANDREW VON BANK

**Matt Kleczka of Arden Hills, a tuba player for the Minnesota State Band, takes a break after playing "In the Good Ol' Summer Time." The band performed May 16 on the Capitol lawn to kick off events on National Employee Health and Fitness Day.**

tively run by the new entity rather than the commission.

The commission's mission is to address the economic, social, and governmental needs of the region.

The new law requires the corporation be governed by a board of nine directors to be named by the commission. No more than five of the directors can be currently serving on the commission. Board members will not be compensated for their services but may be reimbursed for reasonable expenses incurred as part of their duties.

Rep. Ted Winter (DFL-Fulda) and Sen. Jim Vickerman (DFL-Tracy) were the sponsors.

The law becomes effective Aug. 1, 2001.  
HF390/SF110\*/CH81

## HEALTH

### ★ Patient protection modifications

The House passed a bill May 14 that would change some patient protection provisions for health plan enrollees. The vote was 134-0.

The House amended (HF560/SF491\*), sponsored by Rep. Kevin Goodno (R-Moorhead), to reflect the House language. The Senate version, sponsored by Sen. Linda Berglin (DFL-Mpls), was passed May 4 on a 55-5 vote.

Among the provisions in the bill are:

- Any civil penalties collected by the Department of Commerce for a violation of laws or rules on the part of health carriers must be shared 50/50 with policyholders affected by the violation. The same would hold true for administrative penalties that might be levied by the Department of Health;
- No health plan could exclude or reduce coverage for a person covered by the plan whose health care needs arise from a suicide attempt;
- Health plans would be required to cover anti-psychotic drugs, even if they are not listed in the company's drug formulary, if the prescribing physician submits in writing that the drug is the best treatment for the condition. It also would allow more continuity in other drugs for mental or emotional illness;
- All health plan companies that provide coverage for mental health services would be required to do the same for court-ordered mental health treatment;
- Continuity of care would have to be provided in specified circumstances for up to 120 days for people changing health plans; and
- Health plans would be given more latitude in setting co-payments and deductibles.

Rep. Ron Abrams (R-Minnetonka) sponsored a successful amendment that would require medical directors of health plans with more than 50,000 enrollees to be licensed as physicians in Minnesota. He said that most medical directors of the state's health plans are not licensed by the state.

"I do not believe it is too much to ask that physicians who oversee medical policy in the state be licensed to practice medicine in Minnesota," Abrams said.

The bill now goes to a conference committee.

### Immunity change

The "Good Samaritan Law" grants immunity from civil damages to people who provide emergency medical care without expectation of being compensated unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance.

Under a new law signed May 17 by Gov. Jesse Ventura, that immunity is limited for people who use automatic external defibrillators to restart a heart.

The law says that civil immunity extends only to people who use a defibrillator in the course of normal employment, unless that normal employment includes giving emergency medical care. Therefore, professional emergency medical care providers are explicitly exempt from the state's Good Samaritan protections.

Good Samaritan laws are designed to encourage average citizens to offer emergency medical assistance by providing immunity from civil claims arising from "acts or omissions" in rendering care, advice, or assistance.

Rep. Kevin Goodno (R-Moorhead) sponsored the measure in the House and Sen. Randy Kelly (DFL-St. Paul) sponsored it in the Senate.

The bill is effective May 18, 2001.

HF935/SF824\*/CH107

### Peer review among hospitals

The House passed a bill May 11 that would provide an Internet-based system for sharing information among hospitals on a vote of 89-38.

"It is estimated that there is \$1 billion a year loss in Minnesota relating to medical errors," said Rep. Carl Jacobson (R-Vadnais Heights), House sponsor of HF1081/SF560\*.

The idea behind the measure is that sharing information about medical errors and how they are corrected would help prevent such incidents in other facilities, thereby improving the safety of care given to patients.

House Minority Leader Tom Pugh (DFL-South St. Paul) offered an amendment that would make data from this peer review process available to someone who sues a doctor or medical institution for medical malpractice.

"This amendment would assure that victims can have information relating to medical errors," he said.

Lawmakers who supported the amendment echoed Rep. John Tuma (R-Northfield) who said, "The peer review process hides the facts. People have the right to know the facts when they are maimed or hurt by medical malpractice."

Opponents of the amendment said they were concerned that making information from the peer review system readily discoverable would have the effect of silencing discussion after mistakes were made.

"We need to have a system that when you make mistakes you have a process in place to learn from them," said Rep. Fran Bradley (R-Rochester). "This amendment guts that process. I'm persuaded we already have protection against bad acts."

Pugh agreed that peer review allows providers to learn from their mistakes, "but at the expense of their victims."

His amendment failed 65-63.

The Senate previously passed the bill, sponsored by Sen. Dallas Sams (DFL-Staples), April 25 63-0.

It now goes to the governor.

## ★ INDUSTRY

### Gas price minimum

To protect small, independently owned gas stations from large retailers engaging in predatory pricing, the House voted in favor of a bill that would prohibit gasoline retailers from selling gas below cost.

HF1007/SF970\*, sponsored by Rep. Greg Davids (R-Preston), passed the body May 14 on an 85-46 vote. The same measure in the Senate, sponsored by Sen. Steve Murphy (DFL-Red Wing), passed 48-11 on May 15. It now awaits the governor's signature.

The bill defines "cost" as the average terminal price, plus state and federal taxes, plus "the lesser of six percent or eight cents."

Davids said it is "cost prohibitive" for small companies to take large retailers to court for predatory pricing, which is when major companies drop their prices below what their smaller competitors can afford, therefore driving them out of business.

However, some members said the legislation should not only apply to gasoline costs, but should include other products, as well.

"We should look at state as a whole, rather than just one industry," said Rep. Barb Sykora (R-Excelsior).

"We already have laws that deal with predatory practices," said Rep. Fran Bradley (R-Rochester). "We see this in everyday commodities."

Rep. Bill Haas (R-Champlin) told his colleagues to consider the long-term effect of this bill. "In the long run ... small competition is eliminated and we have the big guys who can set the price for gasoline," he said. "Consumers will suffer."

"We're losing theaters, clothing stores ... office supply stores, but we have been able to hang on to little gas stations," said Rep. Tom Baak (DFL-Cook). "The path we're on (without the bill) is dangerous for our rural communities."

## ★ INSURANCE

### Senior citizen auto coverage

Rights for senior citizens who become disabled in an auto accident might change under legislation passed by the House May 14.

HF694/SF1264\*, sponsored by Rep. Greg Davids (R-Preston), passed in the House by a 131-0 vote. The Senate version, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), passed 56-0 on April 20.

Minnesota residents who have no-fault automobile insurance are covered for loss of wage or other labor income if the insured person becomes disabled in an auto accident. This coverage is now mandatory, except for people over age 65 who have no wage or other labor income.

Current law permits people over 65 to decline no-fault coverage for income loss as part of their auto insurance. Under the bill, seniors would have an unconditional right to decline the no-fault coverage for income loss.

Under current law, the coverage must be there unless the person "will not reasonably be expected to be able to receive" benefits from the coverage, as determined as a result of inquiry by the insurance company.

The bill would require the insurance company to notify seniors of this right, at the first issuance or renewal after age 65 and annually thereafter. It also states that a request by the insured not to have this coverage remains in effect until revoked by the insured.

The bill now awaits the governor's signature.

### Schedule update

As this issue of *Session Weekly* went to press, there was no advance meeting schedule available.

## ★ LOCAL GOVERNMENT

### Gift-giving approved

Local officials will be able to enjoy certain conferences a little bit more, under a new law signed by Gov. Jesse Ventura May 14.

Current law prohibits government officials from accepting gifts from a person or a representative of an association that has a direct financial interest in a decision the official is authorized to make.

The new law provides that the prohibition does not apply when the recipient is an attendee at a conference sponsored by a national or multi-state organization where the gift is food or a beverage given at a reception or meal and an equivalent gift is given or offered to all other attendees.

Rep. Larry Howes (R-Walker) and Sen. John Hottinger (DFL-Mankato) were the sponsors of the measure.

The law is effective May 15, 2001.  
HF2110/SF1441\*/CH93

### Code uniformity

In an effort to stimulate the construction of more affordable housing, the House passed a bill May 11 that would provide more standardization of government regulatory fees. The vote was 126-4.

HF1310, sponsored by Rep. Ron Abrams (R-Minnetonka), would prohibit municipalities from adopting an ordinance or including a provision in a development agreement that is different from the state building code.

Abrams said the bill was a compromise by groups representing building contractors, realtors, and state and local building code administrators. He said city and county officials were neutral on the bill.

The different fees charged by jurisdictions can mean that the cost of construction of identical homes can vary from city to city, Abrams said. Establishing more standard building regulations would lead to lower costs and thus more affordable housing in the state.

Among the amendments adopted was one offered by Abrams that he said addressed a concern raised in the House local government committee's hearing of the bill. It would allow a municipality to adopt an ordinance that is more restrictive than the state building code when geological conditions warrant stricter restrictions.

Rep. Mary Liz Holberg (R-Lakeville) said the city of Lakeville has a drain tile requirement in its building regulations in order to prevent flooding issues unique to that city.

Rep. Karen Clark (DFL-Mpls), one of the four members to vote against the bill, spoke

against the amendment because she said it would limit cities from imposing stricter health standards than the state code. As an example, she said that the city of Minneapolis might want to adopt stricter standards for the amount of arsenic allowed in wood, and under the amendment that would not be allowed.

Although he had concerns with the bill, particularly giving the state building inspector too much authority, Rep. Tim Mahoney (DFL-St. Paul) said he was voting for it because it was a good start in addressing many issues involving the state building code.

Rep. Bob Milbert (DFL-South St. Paul), a co-sponsor of the bill, said local fees are a driving factor in the lack of affordable housing in the state. "This bill is getting rid of barriers that shouldn't be there," he said.

The bill awaits action on the Senate floor.

## SOYBEAN SUPPORT



PHOTO BY TOM OLMSCHIED

Ken Grever from Blooming Prairie carries his sign in front of the Capitol along with other members of the Minnesota Soybean Growers Association in support of biodiesel. The House passed an agriculture bill May 15, which carried a section mandating the use of biodiesel in state-owned vehicles.

## Federal grant fairness

Certain elected officials would be eligible to participate in a federal grant program, under a bill passed by the House May 14. The vote was 101-31.

Rep. Loren Solberg (DFL-Bovey), the House sponsor of HF610/SF974\*, said the bill was originally brought forward on behalf of a business owner from Floodwood who served on the city council and therefore was not eligible for the same community development block grants that other business owners in the city received.

The bill is limited to cities in St. Louis County with populations fewer than 5,000. An officer who wishes to apply for the grant must abstain from voting on the measure and must disclose as part of the official city council meeting minutes that he or she has applied for the funds.

Solberg said federal law does not prohibit a person serving on a city council from applying for grant money but state conflict of interest law does.

Sen. Bob Lessard (Ind.-Int'l Falls) is the Senate sponsor. The bill passed the Senate April 9 by a 60-2 vote.

It now goes to the governor for his signature.

## ★ MILITARY

### Honoring citizens

The House passed a measure May 14 that would authorize a plaque honoring the service of civilians who contributed during World War II. The vote was 130-0.

HF1023/SF1222\*, sponsored by Rep. Len Biernat (DFL-Mpls), would allow a memorial plaque to be placed on the Capitol grounds recognizing those civilians who served in support of the war effort and who years later were given the status of veteran by Congress.

Biernat said those who served in groups like the Merchant Marines and the Women's Airforce Service Pilots played a significant role in the country's war effort and many of them ended up giving their lives for their country.

"This recognizes valiant civilians who were later turned into veterans by Congress," he said.

The bill would require the plaque be furnished by a person or organizations other than the Department of Veteran's Affairs. But the bill would also require the commissioner of that department and the Capitol Area Architectural and Planning Board to approve the plaque.

The measure, sponsored in the Senate by Sen. Charles Wiger (DFL-North St. Paul), passed the Senate April 19 by a 62-2 vote.

It now goes to the governor.

## ★ RECREATION

### Task force touchdown

A task force created to study football stadium issues would be created under a bill approved by the House Taxes Committee May 11. The vote was 19-5.

The bill now goes to the House floor.

Sponsored by Rep. Doug Stang (R-Cold Spring), HF2241 would create a privately funded task force that would report back to the Legislature and governor by Oct. 31, 2001.

The bill specifies that membership of the task force include legislators, representatives from business and labor, members appointed by the governor, and members appointed by the University of Minnesota Board of Regents. It must also contain, under the bill, at least one person who opposes direct state appropriations or tax incentives.

Stang said the appropriate role of the Legislature was to bring people together to find a workable solution to the stadium issue.

The task force would study proposals to construct a new sports facility or renovate an existing facility to be used as a joint college and professional football and/or soccer facility.

Under the bill interested parties could submit proposals to the task force by Aug. 1, 2001. At a minimum the proposals must include a credible estimate of total costs along with an analysis that a substantial market exists for the sport proposed for the stadium.

The proposals must also include a financing plan that identifies adequate funding, including at least a \$150 million contribution from private sources, and must specify a proposed site for the stadium.

Rep. Ron Abrams (R-Minnetonka), the committee chair, distributed an opinion for informational purposes issued by Attorney General Mike Hatch concerning legal remedies available to the Metropolitan Sports Facilities Commission under existing agreements should the Minnesota Vikings cease playing their home games in the Hubert H. Humphrey Metrodome.

In his opinion Hatch writes that the purpose of the 30-year agreement between the commission and the team signed in 1979 was to ensure the presence of the Vikings at the Metrodome.

Hatch concludes it would be reasonable for a court to grant "specific performance to the commission if the Vikings cease playing their home games in the Metrodome."

But Hatch notes that while the commission could seek to compel the National Football League from stopping a move, the agreement does not make it appear there would be legal remedies to compel the league to provide

another franchise should the Vikings move.

Dan Rivera, an employee of the University of Minnesota, spoke against the bill saying he was "surprised" the university was in support of the bill after the concerns raised about appropriate funding for higher education.

## ★ TRANSPORTATION

### Behind the wheel

Licensed child care providers will be allowed to operate school buses under limited conditions, under a law signed by Gov. Jesse Ventura May 15.

Under the law the holder of a Class D driver's license, without a school bus endorsement, may operate a van-type school bus with a gross weight of 10,000 pounds or less and a capacity of 15 or fewer persons including the driver.

This is only true if 14 conditions are met, including: the operator is an employee of the entity that owns, leases or contracts for the bus; the operator drives only from points of origin to points of destination, but not for home-to-school or vice versa trips; and the operator provides annual training in, among other things, training and certification in safe operation of the vehicle, understanding student behavior, handling misconduct appropriately and safe loading and unloading of students and a driver background check has been completed.

The bill also allows licensed childcare providers to use buses that look like school buses except that the stop arm has been removed, the eight-light system is deactivated, and it is identified as a "childcare bus" in letters at least eight inches high on the front and rear top of the bus. Such vehicles must be further identified with the name, address and phone number of the owner or operator on each front door in letters no smaller than three inches high.

Rep. Tom Workman (R-Chanhassen) sponsored the measure in the House. Sen. Sandra Pappas (DFL-St. Paul) sponsored the bill in the Senate.

The new law takes effect July 1, 2001 and expires July 1, 2003.

HF2181/SF2225\*/CH97

### Student safety

School districts, nonpublic schools, or private contractors will be required to annually verify the validity of driver's licenses of each person who transports students, under a new law signed by Gov. Jesse Ventura May 15.

The schools, districts, and companies may use the National Drivers Register or the Department of Public Safety to perform the verification.

According to commerce sources, the National Driver Register is a computerized database of information about drivers who have had their licenses revoked or suspended, or who have been convicted of such serious traffic violations as driving while impaired by alcohol or drugs.

Government entities can use the system to avoid granting drivers and other licenses to people convicted of offenses that may legally disqualify them from lawfully driving.

Rep. Tom Workman (R-Chanhassen) sponsored the measure in the House and Sen. Julie Sabo (DFL-Mpls) sponsored it in the Senate.

The law will take effect Aug. 1, 2001.

HF1172/SF1056\*/CH98

### Road rules

The House passed a state Department of Transportation housekeeping bill May 16.

Sponsored by Rep. Tom Workman (R-Chanhassen), HF1488/SF1769\* passed by a 132-1 vote after the House language was substituted and several amendments were approved.

Sen. Mark Ourada (R-Buffalo) sponsored the measure in the Senate, which passed it by a 63-0 vote May 7. Because of the House amendments, the bill must return to the Senate to approve those amendments.

In part, the bill allows MnDOT to post a speed limit of up to 55 miles per hour in work zones on divided highways. Current law sets that speed at 40 MPH. Furthermore, a "highway work zone" is redefined to exist only when workers are present.

It also transfers jurisdiction over various highways from MnDOT to local road authorities in Olmsted and Ramsey counties, Brainerd, and Minneapolis.

Truck weight is also an issue in this bill.

Current law sets a period of Jan. 1 to March 7 during which trucks may legally weigh 10 percent more than the normal weight limits. The bill would change that period to one set by MnDOT based on frost depth.

Supporters of the measure argue that allowing the department to actively set dates as needed will effectively protect roads from damage while avoiding unnecessary limitations on trucks. For example, vehicles may have increased weight due to agricultural schedules, such as harvesting seasons.

Finally, the bill deletes references to defunct federal and state regulatory agencies such as the Interstate Commerce Commission, Civil Aeronautics Board, and Minnesota Transportation Regulation Board.

Continued on page 25



# Informed dissent

Governor sticks to his word in vetoing multi-billion dollar health and human services bill

By MARY KAY WATSON

**A**s promised, Gov. Jesse Ventura vetoed the Legislature's health and human services funding package May 15, in part because it contained a measure requiring a 24-hour waiting period for a woman to issue consent and obtain an abortion.

The bill (HF1832/SF2361\*), which passed the House 89-43 May 10, provides \$6.3 billion in appropriations for health and human services programs, including the Minnesota Family Investment Program and other health entitlement programs. The total appropriation, after taking into account federal dollars and special funds, would be \$7.6 billion.

It also makes significant changes to reform long-term care, improve mental health programs, and address health disparities.

The Senate's version, sponsored by Sen. Linda Berglin (DFL-Mpls), passed 43-22 May 9. The Senate accepted House amendments May 11 rather than taking the bill to conference committee.

The bill was delivered to the governor May 15, and he vetoed it soon thereafter.

"I believe that no issue is so important that it justifies risking the integrity of the legislative process," Ventura said before rendering the veto.

He said with no health and human services finance law, state services funded in that law, such as prisons, health care facilities, and welfare would be shut down July 1.

In his veto message, Ventura said while he supported many of the priorities in the bill, such as long term care reform, he objected strongly to a number of its provisions, including restrictions on abortion, cuts in family planning services, and the lack of adoption and custody assistance.

The 10-hour debate on the House floor May 10 carried the heavy emotions attached with many of the issues addressed in the bill.

"This bill provides a safety net for all Minnesotans," said Rep. Kevin Goodno (R-Moorhead), the House sponsor. "We tried to address the most urgent needs out there."

Almost 50 amendments steered the House discourse May 10 down an intricate and varied path. The most contentious debate focused on abortion, family planning, welfare limits, and immunization. However, those topics make up a relatively small share of the almost 600-page bill.

The governor's veto threat because of the abortion consent measure weighed heavily on member's minds.

"We're playing politics with people's health," said Rep. Betty Folliard (DFL-Hopkins), who opposes the provision. "It seems a shame to risk a veto."

Rep. Dave Bishop (R-Rochester) reminded legislators that law already provides informed consent. "You'd better have enough votes to override a veto," he said. "This is a bad thing to do at this stage of the session."

The abortion language in the House version was replaced with that in the Senate bill through an amendment sponsored by Lynda Boudreau (R-Faribault). It passed 84-49.

The Senate language removes the requirement that the name of a physician who would perform an abortion must be revealed before



House Speaker Steve Sviggum, right, holds a copy of the bill, the governor during a May 15 press conference in the House center, sponsor of the bill, and Majority Leader Tim Pawlenty.

trying to do is block women's access to an abortion that is their legal right today."

A related amendment would have allowed pharmacists to refuse to dispense a prescrip-

---

***"This bill provides a safety net for all Minnesotans. We tried to address the most urgent needs out there."***

---

***—Rep. Kevin Goodno***

---

the time of the abortion. It also would establish a Web site and a toll-free number. However, it retains the civil penalties against any doctor who performs an abortion without obtaining informed consent after a 24-hour waiting period.

"This just gives women the opportunity to really think about it for 24 hours," said Rep. Alice Seagren (R-Bloomington). "We should not forget about the life we are ending."

"The true goal of this bill is not to protect women's right to know," said Rep. Scott Dibble (DFL-Mpls). "What supporters are really

tion that "the pharmacist opposes for moral or religious reasons," according to its sponsor Rep. Mary Ellen Otremba (DFL-Long Prairie). She said this was directed at RU486, also known as mifepristone, which was approved by the FDA in September 2000. Mifepristone can be used as a method of early abortion. The amendment failed 65-63.

The House passed an amendment sponsored by Rep. Tim Wilkin (R-Eagan) that would take \$5 million per year from the teen pregnancy prevention program and move it to welfare-to-work programs.



PHOTO BY TOM OLMSCHIED

omnibus Health and Human Services bill he signed and sent to the Chamber gallery. Joining Sviggum are Rep. Kevin Goodno, left.

The amendment was a tough call for lawmakers because, as Goodno put it, “both are very good programs.” But Dibble referred to the amendment as a “false choice.”

ing: the U. S. Public Health Service, the American Academy of Pediatrics, and the American Academy of Family Physicians. The changes would be reported to and reviewed by the Legislature at its next session.

An amendment that would require the commissioner of human services to study why outcomes for children in the welfare system differ by race and to make recommendations to the Legislature was approved.

Rep. Gregory Gray (DFL-Mpls), sponsor of the amendment, said 4.1 percent of children in Minnesota are African-American, yet they constitute 21.8 percent of children in out-of-home placements.

A number of programs funded in previous years either would not be funded in this bill or would be funded at a lesser level. One of these is the Minnesota Senior Service Corps.

“I know from personal experience this program works well,” said Rep. Barbara Goodwin (DFL-Columbia Heights), who offered an amendment that would fund the program from the Department of Human Services professional/technical consulting services budget.

“We purposely did not fund some of these programs,” Rep. Fran Bradley (R-Rochester) said. “Instead we set aside \$18 million in community development grants to stimulate growth in programs such as this.”

An amendment to the amendment offered by Rep. Marty Seifert (R-Marshall) would take the money from family planning instead of consulting services. The Goodwin amendment passed as amended by Seifert.

When all the amendment discussion was done, debate on the overall bill continued.

Rep. Thomas Huntley (DFL-Duluth) said one of the things he was most pleased with were provisions addressing rural health disparities. But he was averse to restricting teen

“The sky isn’t falling,” she said. “For the most part, we are way ahead of the rest of the country. Be proud of it.”

“I think what’s in this bill is revolutionary,” Bradley said. “What’s socially extreme is to focus on a few small things.”

He said the bill would do the following:

- Reform long-term care;
- Fund mental health issues such as civil commitment and suicide prevention;
- Provide alternatives for children with autism;
- “Unlock” the waiting list for people with developmental disabilities; and
- Address health care disparities.

“The numbers don’t add up to ‘we don’t care,’” Goodno said. “The people who put this bill together are change agents.”

In a surprise move May 14, Goodno presented the entire omnibus bill, unchanged, as an amendment to HF1397, a bill on licensure sponsored by Wilkin. The amendment was approved and the bill passed 84-49 but not without challenges.

The Senate also amended the provisions in the bill onto another unrelated measure May 15.

Debate on the amendment focused on process. Entenza brought up a point of order on germaneness. Several lawmakers wondered why Speaker Sviggum didn’t just sign the original bill and send it on to the governor.

“You’re starting the same process all over again,” Bishop said. “It’s hard for me to understand how we would go through the same bill again and not arrive at the same conclusion.”

Goodno said he was taking precautions to assure the passage of health and human services funding before the session ends.

“I know it’s an extreme measure, but I’m making a last ditch effort to get a conference committee on this,” he said. 🐼

***“We’re playing politics with people’s health.  
It seems a shame to risk a veto.”***

***—Rep. Betty Folliard***

A provision in the bill that would allow the commissioner of health to modify immunization requirements when the Legislature is not in session came under fire in the House discussion, as it did in committee, but remains in the bill.

“As science and technology advances, we have to update our immunization schedule more often,” said Rep. Richard Mulder (R-Ivanhoe), who is a physician.

The bill would allow the commissioner of health to make changes only if the changes were recommended by all three of the follow-

pregnancy prevention to abstinence programs, the lack of health insurance for children, and the reduction in and restrictions on family planning funding.

Folliard berated Goodno, saying the bill was “shameful. This bill creates winners and losers, and the losers are women and children.”

Rep. Matt Entenza (DFL-St. Paul) said the bill reflected “skewed priorities. This bill has been hijacked by special interest groups.”

Rep. Barb Sykora (R-Excelsior) said the “ranting” by the DFL members of the House reminded her of the story of Henny Penny.

## Where to find information

### House Public Information Office

175 State Office Building  
(651) 296-2146 or 1-800-657-3550

The House Public Information Office is a nonpartisan office that provides committee meetings 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>

## Here's the pitch

Plans for a Minnesota Twins stadium advance in the House and Senate; team won't say if they approve of either

BY DAVID MAEDA

If you don't count Abbott and Costello's "Who's on First?" comedy routine as poetry, then Ernest Thayer's 1888 "Casey at the Bat" is probably the most famous baseball poem ever written.

The poem is about a local hero letting his hometown down by striking out with the winning runs on base. Few might be as aware of the sequel written by Grantland Rice in 1906 that emphasizes a truism in baseball that there is always another at bat, another game, and another season to atone for past failures.

Such is true for stadium legislation at the State Capitol. Those that thought the defeat of a stadium bill for the Minnesota Twins in 1997 ended the debate on the issue might be surprised at the progress of a bill now making its way through the House.

HF2513, sponsored by Rep. Harry Mares (R-White Bear Lake), would help define the public finance involvement of an outdoor, but retractable roof ready, \$300 million baseball park for the Twins.

As it was originally introduced in the House, and the version that still currently exists in the Senate, Mares' original proposal (HF2214)

would provide a \$100 million interest-free loan to the team along with a sales tax exemption on construction materials and a property tax exemption on the land underneath the ballpark.

Under that proposal the Twins and other private entities would be required to put up \$150 million up front and would ultimately be responsible for 83 percent of the costs.

However, a delete-all amendment adopted by the House Taxes Committee May 11 to HF2513 changes the terms of the proposal.

The bill would authorize the issuance of state revenue bonds up to \$140 million to fund a loan to a local unit of government for one-half of the costs of the new stadium.

The bill also would permit the local unit of government to impose a 10 percent admissions tax to help repay the loan and would provide a sales tax exemption on construction materials. The local unit of government would be the owner of the stadium.

A property tax exemption for the ballpark including parking facilities would also be provided under the measure.

The bill would require the Twins to sign a 30-year lease with no escape clauses.

The issuance of the bonds would be

contingent on Major League Baseball and its players' association reaching an agreement creating a new financial structure ensuring the competitiveness of all the major league teams.

After holding two hearings the House Taxes Committee approved the bill May 14 by a 15-9 vote. Rep. Joe Mullery (DFL-Mpls) abstained from voting. One day later the House Ways and Means Committee also approved the measure and referred it to the House Capital Investment Committee, where it was scheduled to be heard May 17, after this edition of *Session Weekly* went to press.

Among the amendments adopted by the taxes committee was one offered by Committee Chair Rep. Ron Abrams (R-Minnetonka) that would oblige the commissioner of Major League Baseball to sign an agreement guaranteeing the continuance of a major league franchise for the entire term of the loan.

In an effort to ensure reform in the sport, another successful amendment offered by Rep. Rob Leighton (DFL-Austin) would require that the teams with revenues in the top quartile be on average no more than 40 percent higher than the average revenues of the teams in the bottom quartile.

Abrams said the Legislature has a history of providing sales tax exemptions for facilities that are deemed to be for the public interest. He said exemptions were provided for paper mills up north, as well as the Xcel

Continued on page 23



PHOTO BY TOM OLMSCHIED

Twins fans in the left field seats hold up a banner earlier this season to let their feelings be known about a new stadium.

# Still going strong

Minnesota's youngest four-year public university in Greater Minnesota founded after legislative study in the 1950s

BY THERESA STAHL

A young, little-known university in the southwest corner of the state has been growing as fast as the corn stalks around it.

As the state's newest four-year university in Greater Minnesota, Southwest State University in Marshall was founded when populations in the surrounding counties were declining. Today its enrollment is growing faster than other schools in the state, proving that leaders who said there was a demand for education in the region 40 years ago were right, though overall population in the area continues to decrease.

The school's inception came when those surrounding counties showed a heavy demand for public higher education.

In 1959, the Minnesota Legislature directed a legislative research committee to study the possible establishment of a four-year state college centrally located in the 19-county western and southwestern section of the state.

could have, according to a legislative report titled *The Feasibility of Establishing a State College in Western and Southwestern Minnesota*.

Data from the two schools, located in west-central Minnesota, showed the number of students going to college was on the rise and that most of the students attending those schools came from surrounding counties.

"The overall change in college attendance as a result of the new institutions indicates that this area of the state responds favorably to greater educational opportunities and that similar support should be forthcoming in southwestern Minnesota if a state college were to be created there," says the legislative report.

The report concluded that southwestern Minnesota would provide the "enrollments, civic encouragement, and continuing support necessary" to become "a successful and thriving institution."

A few years later, the 1963 Minnesota Legislature authorized Southwest State University

— opened its doors in 1967.

Modern conventions such as a tunnel system and handicapped accessibility were built in to the school from day one, while other schools had to develop those amenities from existing infrastructure.

Minnesota's other four-year universities have much longer histories, some beginning around 1858 when Minnesota became a state.

Six "normal schools" were created between 1860 and 1919 to provide a standard or "normal" training for teachers to serve in the state's school system. The schools were placed at various locations to supply teachers throughout most of the state's geographic regions, except in west-central and southwest Minnesota, according to the legislative report.

The school locations and year of organization are: Winona, 1860; Mankato, 1868; St. Cloud, 1869; Moorhead, 1888; Duluth, 1895; Bemidji, 1919. The state teacher's colleges were devoted exclusively to the preparation of teachers for public schools. In 1946 liberal arts education was added to the curriculums and in 1957 the name was changed to state colleges.

With the exception of Duluth, the schools now belong to the Minnesota State College and Universities system. Duluth became a co-ordinate campus of the University of Minnesota in 1947.

Compared to other state universities, Southwest State draws its students from one of the smallest local population pools in state, though the school does draw students from other areas. The southwest part of the state experienced the largest population decrease as a region in 2000, according to Chuck Myrbach, director of Research and Institutional Grants at the university. In that same area, Marshall, a town of about 12,000 people, is the only community that grew according to the 2000 Census, he said.

"We have to work harder at maintaining and increasing enrollment because of the region," said Myrbach, who has worked at the university for 32 years.

Nevertheless, over the past six years the university has quietly increased its numbers a staggering 64 percent, far surpassing any other four-year institution in the state. The university enrolled 2,691 students in 1995, which



Photo courtesy Southwest State University Department of University Relations

Located in Marshall, Southwest State University is the youngest of the state's four-year public universities in Greater Minnesota and opened its doors to students in 1967. This aerial picture reflects the campus as it stands today.

The University of Minnesota had only recently opened a campus in Morris. That, coupled with enrollment at Fergus Falls junior college, served as a testament to the success a college in that region of Minnesota

as the state's only four-year liberal arts and technical university. The first construction on the 216-acre tract of donated land took place in 1966. The unfinished college — called Southwest Minnesota State College at the time

Continued on page 27

# 'Capitol' punishment

Minnesota's historical struggle with the death penalty has cooled somewhat but still simmers in the Legislature

BY BRENDA VAN DYCK

**T**he death penalty is older than the nation itself and arguments for and against it have been around just as long. With the expected execution of Timothy McVeigh (convicted in the Oklahoma City bombing) looming, Americans are being forced to think about the issue once again.

Although Minnesota does not now perform capital punishment, it did at one time.

The last time Minnesota executed anyone was in 1906 when William Williams was hung for killing a teenage boy (see related story).

His poorly executed hanging was widely reported and gave fuel to a movement to abolish the death penalty, which at that point had been in place for the whole of Minnesota's statehood.

The territorial legislature first enacted the death penalty for first-degree murder, defined in statute as murder resulting from premeditation. But law required the person convicted to be kept in solitary confinement for a full year for each capital conviction before being executed. The first person to be executed in Minnesota was a Sioux man, hanged in a public spectacle on Dec. 31, 1854.

In 1860, the only woman to be put to death in Minnesota was hanged.

Anna Bilanski poisoned her husband with arsenic, although the evidence against her was seemingly questionable.

Officials thought Stanilous Bilanski died of natural causes, but two women later came forward to say that Anna Bilanski had purchased arsenic. After a postmortem exam, a coroner's jury ruled the cause of death was arsenic poisoning. During the trial, medical evidence was contradictory and the motives of the two women were questioned, but Bilanski was nonetheless convicted.

Days later she escaped from the Ramsey County Jail, but was caught a week later, and sentenced to "death by hanging," as required by law. The case was appealed, without luck, to the state supreme court.

Gov. Henry Sibley refused to set an execution date for her before his term expired on

Dec. 31, 1859. His successor, Gov. Alexander Ramsey, didn't seem to have the same qualms about executing Bilanski and set her date with death for March 23, 1860.

Meanwhile, the Legislature debated, but did not pass, a bill that abolished the death penalty in its entirety and another bill that abolished the execution of women and girls. The Legislature then passed a bill commuting Bilanski's sentence to life imprisonment, but Ramsey vetoed the bill.

On March 23, Bilanski was hanged in St. Paul's courthouse square at the corner of Fifth and Cedar streets. About 100 people witnessed the execution, but between 1,500 and 2,000 more observers had a restricted view from behind a fence around the gallows.

Including Bilanski, 26 people were executed by hanging in the state between 1860 and 1911. Additionally, in 1862, the federal government hanged 38 Sioux Indians in Mankato, which, at that time, may have been the largest mass execution in U.S. history.

After Bilanski's execution, the Legislature made several attempts to abolish the death penalty.

In 1868, a bill was approved that would allow "death by hanging" only if the jury verdict specifically prescribed that punishment. This had the practical effect of stopping executions.

In 1877, Gov. John Pillsbury called for a repeal of the law, but the Legislature didn't act on the issue until 1883, when it passed a bill that mandated the death penalty for first-



Gov. Adolph O. Eberhart signed the law abolishing the death penalty.



The execution of William Williams was big news on Feb. 1906 in Minnesota.

degree murder, except when "exceptional circumstances" warranted a life sentence. This law put the decision to carry out capital punishment back into the hands of judges, and executions resumed.

An effort to abolish the death penalty failed in 1905, but after Williams' messy execution, state legislators continued an effort to end the practice. They succeeded in 1911.

In debate on the House floor, the bill's sponsor, Rep. George MacKenzie (R-Gaylord), said, "If punishment is what you want to inflict, would it not be much more of a punishment to incarcerate the criminal within prison walls, where conscience might bring remorse to torture him through the slow lapse of years, cut off from the job and sunshine of freedom, not hearing the songs of the wild birds, sense the breath and perfume of the flowers, where no rustle of the autumn leaves could reach him?"

In addition to believing prison was the best punishment, MacKenzie thought capital punishment was immoral. He said, "Let us bar this thing of vengeance and the furies from the confines of our great state; let not this harlot of judicial murder smear the pages of our history with her bloody fingers, or trail her crimson robes through our halls of justice, and let never again the great seal of the great state of Minnesota be affixed upon a warrant to take human life."

The House then voted 95-19 to abolish the death penalty. The Senate did the same by 35-19. The bill was signed into law by Gov. Adolph O. Eberhart.

Up to that point, few other states had acted similarly: Rhode Island abolished the death penalty in 1852, Wisconsin in 1853, Colorado in 1897, and Kansas in 1907. Maine abolished





FROM "FOR THE RECORD, 150 YEARS OF LAW AND LAWYERS IN MINNESOTA"  
Feb. 13, 1906. Williams was the last person to be executed in

capital punishment in 1876, reinstated it in 1883, and abolished it again in 1887. Iowa also abolished the death penalty in 1872, but reinstated it six years later.

Today, 38 states, as well as the federal government and the military, have the death penalty. Since 1976, there have been 712 executions in the United States; the most recent was May 8 in Arkansas. The most common method of execution is lethal injection, followed by electrocution.

Those jurisdictions that have abolished the death penalty, in addition to Minnesota, are Alaska, the District of Columbia, Hawaii, Iowa (again in 1965), Maine, Massachusetts, Michigan, North Dakota, Rhode Island, Vermont, West Virginia, and Wisconsin.

Although opinion polls show that most Minnesotans — like the majority of Americans — support the death penalty, the Minnesota Legislature has never been successful in reinstating it.

Attempts to turn back the law have been made periodically since capital punishment was abolished, especially in the two decades following its initial repeal in 1911. In the last decade, legislators introduced bills to reinstate the death penalty during the 1991-92, 1995-96, 1999-2000, and 2001 legislative sessions. Most of these bills applied to first-degree murder, although some of the bills put the question to voters in the form of constitutional amendments.

Minnesota witnessed some alarming crimes in the early 1990s. In summer 1991, two women were abducted and killed, one in rural Minnesota, the other in St. Cloud. In the same year, Minneapolis set a record for homicides. These events, along with the public perception that society was increasingly unsafe, prompted calls for tougher legislation for criminals.

In addition to introducing bills to increase penalties for violent crime, legislators introduced bills to reinstate the death penalty in 1992. The death penalty provision was voted down 108-25 in the House that year. Members had earlier voted down a bill that would have posed the



Rep. George MacKenzie

question to voters in the form of a constitutional amendment. In the Senate, the death penalty bill was voted down in the Judiciary Committee.

In 1995, death penalty proponents tried to attach an amendment to the omnibus crime bill on the House floor. It was defeated 96-37. When that failed, supporters tried to pass a constitutional amendment proposal to put the question to voters in 1996. That effort also failed.

The last time legislators voted on the death penalty was in 1997. An amendment to establish the death penalty for the first-degree murder of police officers and children was defeated 102-30. Bills introduced in 1999, 2000, and 2001 were referred to committees, but made it no further in either body.

Brenda van Dyck is the editor/publications manager for the nonpartisan House Research Department.

## Botched hanging prompted abolition of state death penalty

It has been 95 years since the state of Minnesota last put someone to death.

William Williams was executed by hanging on Feb. 13, 1906. However, it was the problems associated with that event that ultimately led to the abolition of capital punishment in Minnesota.

In the basement of the Ramsey County Courthouse, only about 30 people reportedly watched what turned out to be a landmark day, according to *For the Record, 150 Years of Law and Lawyers in Minnesota*, by the Minnesota State Bar Association.

Like other hangings, the 27-year-old Williams, who was convicted of murdering a 16-year-old boy, was escorted from his cell to the gallows. Newspaper accounts suggested an "unnatural relationship" between the pair.

Williams's execution did not pass without a last statement. His final words, according to *The St. Paul Daily News* of that day were, "Gentlemen, you are witnessing an illegal hanging. This is a legal murder. I am accused of killing Johnny Keller. He was

the best friend I ever had, and I hope to meet him in the other world. I never had improper relations with him. I am resigned to my fate. Goodbye."

Moments later the trap door opened and Williams's body was supposed to dangle until he died from strangulation. Instead his feet hit the ground because Ramsey County Sheriff Anton Mieson miscalculated the length of the rope. The rope stretched 8 inches, but Williams neck only stretched 4.5 inches. His neck was not broken by the fall.

"Deputies then pulled the rope so that Williams's head was kept up and strangulation could slowly go on," the paper reported. "His feet touched ground all of the time that the death agonies were playing in his mind." It took 14.5 minutes until he was pronounced dead, 21 minutes after leaving his cell.

Prior to the execution, Gov. John Johnson had warned Mieson, sheriff from 1905-1907 according to Ramsey County Historical Society records, to observe statutory restrictions on who could witness an execution. A

subsequent investigation of the sheriff allowing media members to watch the event ended as Johnson believed Mieson's explanation that the reporters had sneaked in unnoticed.

Newspapers that published detailed accounts of the hanging were in violation of a state law enacted in 1889. The law said newspapers could only report that someone was executed, not give details.

According to the book, three newspapers were indicted by a grand jury. After a district court upheld state law regarding newspaper accounts of executions, the issue went to the Minnesota Supreme Court.

"On appeal, the supreme court upheld the district court," the book states. "In doing so the high court acknowledged approvingly the Legislature's determination that it is detrimental to public morals to publish anything more than the mere fact that an execution has taken place. On remand, a jury found all three of the newspapers guilty and the court imposed a \$25 fine against each."

(M. Cook)

# Where have all the bills gone?

Each legislative session, members introduce more than 2,500 bills, many of which receive hearings. However, only about 10 percent of those bills become law and the others wait their turn or never

resurface. If you've been wondering what happened to many of the measures discussed during 2001, the editors have compiled an unofficial list of bills and their status as of May 16.

Please note: this is not a complete list of all bills heard and introduced. It merely reflects some of the issues that received hearings, votes, and other attention this year.

HF1/SF1815	Income tax rate reduction	Not included in the House omnibus tax bill (HF2498) currently in conference committee
HF2/HF48	Sales tax rebate	Rebate included in the House omnibus tax bill (HF2498) currently in conference committee
HF4/HF279/HF380	MinnesotaCare premium and provider taxes repealed	Provided in House omnibus tax bill (HF2498) currently in conference committee
HF12/SF739	Three-fifths vote required to increase taxes	Awaits action on the House floor and in the Senate
HF13/SF323	Income limit raised for prescription drug benefits	Contained in omnibus health and human services bill (HF1832/SF2361*) vetoed by Gov. Ventura
HF14/SF260	Tobacco settlement money dedicated to shortfall in health care access fund	Provision included in the House omnibus tax bill (HF2498) currently in conference committee
HF18/SF144	Soccer grants	Included in House omnibus state government finance bill (HF218/SF2360*) currently in conference committee
HF47*/SF39/CH30	Allow closed iron mine facility to be maintained for two years; provides extra unemployment benefits	Signed by Gov. Ventura 4/12/01; effective retroactive to 8/1/00
HF58*/SF389	Registration of beer kegs	Passed House 4/23/01; awaits action in the Senate
HF82*/SF2359	Omnibus K-12 education finance bill	Passed both House and Senate; currently in conference committee
HF94/SF222	Game and fish gross overlimit penalties	Failed on House floor; awaits action in the Senate
HF111	Constitutional officers code of ethics	Awaiting action on the House floor; no Senate companion
HF118*/SF54	Resolution memorializing television networks to reduce violence and sexually explicit content	Passed by House; no action in Senate
HF130/SF221	Dangerous dogs	Provision allowing dangerous dogs destroyed in certain circumstances included in House omnibus judiciary finance bill (HF351) passed in House and tabled in Senate
HF148/SF151	Social security income tax subtraction	Not included in the House omnibus tax bill (HF2498) currently in conference committee
HF149*/SF505/CH54	Religious sanctioned food, Halal	Signed into law
HF175/SF98	Fire retardant cigarette standards	Failed in House committee; awaiting action in Senate committee
HF205/SF103*	Civil remedies for gas theft and insufficient funds checks	Passed by both the House and Senate; currently in conference committee
HF209*/SF434	Shooting ranges accepted	Passed House and awaiting action in Senate committee
HF218/SF2360*	Omnibus state government finance bill	Passed both House and Senate; currently in conference committee
HF219/SF258/Res. 3	Steel products importation ban	Signed by governor

HF260/SF38	Improvements to criminal justice information system (CriMNet)	Funding included in House omnibus judiciary finance bill (HF351) passed by the House and tabled in the Senate
HF262/SF217	Abortion informed consent measure	Included in both House and Senate health and human services finance bill; vetoed 5/15/01 by Gov. Ventura
HF274*/SF70/CH47	Restriction of mercury thermometer sales	Bill signed by governor 4/26/01; effective 1/1/02
HF281/SF179*	Civil commitment provisions modified	Passed by the Senate 5/9/01; passed by the House 5/16/01; awaiting agreement and presentation to the governor
HF351*/SF264	Felony drunken driving offense provided	Passed by both House and Senate; House bill includes all judiciary finance measures and will require conference committee
HF362/SF326	Biodiesel content mandate	Amended to omnibus agriculture policy bill in the House (HF1547/SF1495*), passed there on 5/15/01; Senate requested a conference committee 5/16/01
HF421*/SF460/CH2	Energy assistance program	Signed into law 2/2/01; effective 2/3/01
HF427/SF453*	Extends bleacher safety exemption of up to nine inch slats to Minnesota Amateur Sports Commission	Passed Senate 5/14/01; awaits action on the House floor
HF478/SF750	Attention Deficit/Hyperactivity Disorder evaluation	Study of incidence rate of diagnosed children prescribed Ritalin included in omnibus House K-12 finance bill (HF82*/SF2359); currently in conference committee
HF505/SF982	Racial profiling study	Contained in the House omnibus judiciary finance bill (HF351) passed by House and tabled in the Senate
HF510/SF554	Telecommunication laws modified	Awaits action in House and Senate committees
HF532/SF448	Minnesota River Basin conservation program	Nearly \$21 million provided in House omnibus environment finance bill (HF766/SF2351*) currently in conference committee
HF551/SF725	Second generation targeted ethanol development program	Funding provided in omnibus House agriculture finance bill (HF1266) in conference committee
HF625/SF607	Trunk Highway 62 (Crosstown) construction project restrictions	Language contained in House omnibus transportation finance bill (HF2189/SF2340*) currently in conference committee
HF628/SF1047*	Background checks for apartment managers	Passed Senate without amendment and House with job reference language (HF415) amended to it; currently in conference committee
HF643	Provides for initiative and referendum	Awaiting action on the House floor; no Senate companion
HF659/SF722*	Energy security and reliability act	Passed by the House and Senate; currently in conference committee
HF663/SF1017	Photo evidence in traffic violations	Stalled in House committee; included in Senate omnibus transportation bill (HF2189/SF2340*) currently in conference committee
HF678/SF837	Community corrections grants	Partially funded in House omnibus judiciary finance bill (HF351), passed by the House and tabled in the Senate
HF690	Prohibiting tattooing of minors	Bill returned to House sponsor; no Senate companion
HF701/SF1201	On-site employee drug and alcohol testing	Awaiting action on the House floor; awaiting Senate committee action
HF766/SF2351*	Omnibus environment and natural resources funding bill	Passed both House and Senate; currently in conference committee
HF782/SF773*/CH80	Electronic alcohol monitoring study	Signed by the governor 5/10/01
HF812/SF754	Mental health provisions and suicide prevention	Portions contained in omnibus health and human services bill (HF1832/SF2361*) vetoed by Gov. Ventura
HF818/SF929	Medical assistance asset limits modified for people with disabilities	Omnibus House health and human services finance bill (HF1832/SF2361*) vetoed by the governor contains language changing asset limits to 1996 AFDC standards for some recipients
HF857/SF1103	Picture identification required for registration and voting on Election Day	Awaiting floor action in the House and Senate; portions amended into omnibus state government finance bill (HF218/SF2360*)
HF886/SF852	Immunization schedule changes	Omnibus health and human services bill (HF1832/SF2361*) vetoed by the governor contains provision that certain schedules can be modified with report to the Legislature

HF898/SF993	Malformed frogs research grant	Funding for program discontinued in omnibus House environment funding bill (HF766/SF2351*) currently in conference committee
HF901*/SF1454	Overseas voting clarifications	Passed House 4/24/01; awaits action in Senate committee
HF911/SF776	Soda pop sales and distribution prohibited in schools	Stalled in House and Senate committee
HF915*/SF303	Pledge of Allegiance required in schools	Passed House; awaits action in Senate committee
HF1028	American heritage education in state public schools	Awaiting action on the House floor; no Senate companion
HF1054/SF257	I-394 "Sane Lane" study	Provided in the House omnibus transportation finance bill (HF2189/SF2340*) currently in conference committee
HF1132/SF890	Medical assistance asset limits modified for elderly and disabled	Omnibus House health and human services finance bill (HF1832/SF2361*) vetoed by the governor contains language changing asset limits to 1996 AFDC standards for some recipients
HF1200/SF1097	Income tax credit for adoption expenses	Not included in House omnibus tax bill (HF2498) currently in conference committee
HF1205/SF1107	Wine sold in metro area grocery stores	Bill withdrawn in House committee; awaits action in Senate committee
HF1238/SF854	Dairy supply management act	Stalled in committees in both House and Senate
HF1261*/SF1937	Department of Corrections bill	Passed by both the House and Senate; currently in conference committee
HF1304/SF1464*	Lead poisoning prevention/well water test results	Passed by both House and Senate; currently in conference committee
HF1314/SF1178	Blood-alcohol concentration lowered from 0.10 percent to .08 percent; minor seatbelt violations made primary offense	Awaits action in House Ways and Means Committee; measures are separate in the Senate and await committee action
HF1330/SF197	Aggravated cruelty to pets or companion animals made a felony	Included in omnibus House judiciary finance bill (HF351) passed by House and awaiting action in the Senate
HF1360*/SF1395	Minnesota citizens personal protection act	Passed by the House; failed in Senate committee
HF1391*/SF1318/Res. 3	"Grace" photo postage stamp	Signed by the governor
HF1446/SF1960	Child support, marriage dissolution, custody, and maintenance recodifications	Amended to omnibus House judiciary finance bill (HF351) passed by the House and tabled in the Senate
HF1470/SF978	Requires school district contracts to be structurally balanced	Included in House omnibus K-12 education finance bill (HF82) now in conference committee
HF1515	Omnibus family and early childhood education finance bill	Passed both House and Senate; currently in conference committee
HF1529/SF1436	Pesticide application in schools	Awaiting action in House committee; contained in Senate agriculture measure in conference committee
HF1547/HF1495*	Agriculture policy bill	Passed both House and Senate; conference committee called
HF1649/SF1803	Higher education tuition reciprocity program phased out	Language contained in both House and Senate higher education finance bills; House requires agreements to be renegotiated and Senate requires recommendation for renegotiation to the Legislature
HF1658	Long-term care provisions modified	Omnibus House health and human services finance bill (HF1832/SF2361*) vetoed by the governor contains significant modifications to long-term care
HF1671/SF1589	Sales tax revenue dedicated to heritage enhancement fund	Awaiting committee action in both the House and Senate
HF1734/SF1659*	Feedlot provisions	Passed both House and Senate; awaiting governor's signature
HF1832/SF2361*/CH118	Omnibus health and human services finance bill	Vetoed by Gov. Ventura
HF1848/SF2062	Marriage penalty on individual income tax reduced	House omnibus tax bill addresses marriage penalty; currently in conference committee
HF2057/SF2089	Profile of Learning repealed	Contained in House omnibus K-12 education finance bill (HF82) currently in conference committee

HF2132/SF1021	Marriage license fee reduced for premarital education	Contained in the House omnibus state government finance bill (HF218/SF2360*) currently in conference committee
HF2189/SF2340*	Omnibus transportation finance bill	Passed both House and Senate; currently in conference committee
HF2193/SF2039	"Choose life" license plates	Included in original omnibus House transportation finance bill; amended out in committee
HF2205/SF2073	Modifying odd-numbered year sessions	Passed House 5/15/01; awaits action in Senate committee
HF2241/SF2045	Stadium review task force (football)	Awaiting action on the House floor and in Senate committee
HF2486	Omnibus jobs and economic development finance bill	Passed both House and Senate, currently in conference committee
HF2489/SF2343*	Omnibus higher education finance bill	Passed both House and Senate; currently in conference committee
HF2498	Omnibus tax bill	Passed both House and Senate; currently in conference committee
HF2513	Stadium financing (baseball)	Awaiting hearing in House committee

Continued from page 16

Energy Center in St. Paul and the Minneapolis Convention Center.

Rep. Ann Lenczewski (DFL-Bloomington) offered an unsuccessful amendment that would have provided further sales tax exemptions to the 41 local projects that requested construction cost exemptions in bills presented to the tax committee but whose provisions were not included in the omnibus tax bill.

Nonpartisan House Research staff indicated the property tax exemption in the bill already might be included in present law that provides such an exemption for a municipally owned stadium.

But Abrams pointed out if the stadium were to include other amenities such as bars and restaurants, nothing in existing law would include those entities in the exemption.

Twins President Jerry Bell said the team would have to evaluate the final proposals in both the House and Senate before they could say whether they support the bills.

Bell said the Twins rank second to last in locally generated revenues, ahead of Montreal. He said if the team were to draw 2.5 million fans in 2001 and paid the industry average payroll of \$70 million, the team would lose \$38.8 million.

Information provided by the ballclub shows that 17 new ballparks opened since 1990 the average attendance has increased from around 2.3 million the last year in the old stadium to



PHOTO BY TOM OLMSCHIED

**Twins President Jerry Bell watches as the House Taxes Committee adds amendments to the stadium bill during a May 14 hearing.**

more than 3.2 million in the new park.

Bell said baseball remains the most affordable professional sport for families to attend with an average ticket price of \$16.80 compared to \$47.60 for the National Hockey League, \$48.90 for the National Football League and \$51 for the National Basketball Association.

A successful amendment offered by Rep. Dan Dorman (R-Albert Lea) would require that the stadium have at least 10,500 seats with a ticket price of \$5 or less.

In the May 15 Ways and Means hearing, that provision of the bill was changed to eliminate the \$5 requirement. Committee Chair

Rep. Dave Bishop (R-Rochester) said fixing the price was micromanagement and would be too restrictive in the overall deal.

Tom Goldstein, a publisher of a baseball literary magazine, said the Twins are using fear and threats to try and get public money to finance the stadium. Goldstein said last time around the team used the fear of relocation to prompt action on a bill and this time the threat of Major League Baseball contracting or folding some teams is being used to explain the timing of the proposal.

Goldstein said if the league was serious about giving the owner of the team \$200 million to fold the Twins, the league could just as easily loan the money for the construction of a new stadium.

Dan Coughlin, the former mayor of Mounds View and now the city's parks and recreation commission chairman, said historically government involvement in such projects has not been the driving force.

"The reason we had all the beautiful buildings, all the architecture, all the art and the like that came out of the Renaissance wasn't because government taxed people and then handed money out willy nilly," he said. "It was because of unbridled capitalism, allowing small and large businesses to be unfettered by government, make a lot of money and either save or spend it. And they spent it. And they spent it on great things." 🐼



## Tracking new laws, vetoes

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

- sign the bill and it will become law;
- veto the bill;
- line-item veto individual items within an appropriations bill;
- or do nothing, which can have two different effects. The timing of these actions is as important as the actions themselves.

In the 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 or she 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).

**This information is also available on the governor's Web site ([www.governor.state.mn.us](http://www.governor.state.mn.us)). Select the "Policy" link, then click on "2001 Bill Tracking."**

**Key:**

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

CH	HF	SF	Description	Signed	Vetoed
92	1021	1008*	Casino licensee authorized to detain persons suspected of cheating.	5/14	
93	2110	1441*	Limited exemption to local government gift policy provided.	5/14	
94	1657	1404*	Group long-term care insurance purchase authorized for retired state employees.	5/14	
95	1920	1835*	Employees authorized to receive employment termination information within 15 days.	5/14	
96	1069	986*	Lawful gambling regulation provisions modifications.	5/14	
97	2181	2225*	Certain school buses operation by licensed child care providers.	5/15	
98	1172	1056*	School bus driver's licenses validity verification requirement.	5/15	
99	1481	1164*	Landowner definition modified for participation in Reinvest in Minnesota program.	5/15	
100	724	1064*	State professional service contract procedures specified.	5/15	
101	1764	2049*	Coldwater Springs Camp area historical preservation ensured.	5/15	
102	1392	1258*	Minnesota investment fund loan or grant authority expansion.	5/15	
103	1549	1772*	C. Elmer Anderson Memorial Highway outdoor advertising restriction.	5/15	
104	481	520*	Combat Wounded Veterans Day designated as Aug. 7.	5/15	
105	1290	510*	County offices made appointive positions under certain circumstances.	5/17	
106	1537	780*	State agency rulemaking housekeeping and technical changes bill.	5/17	
107	935	824*	Good Samaritan law emergency care liability immunity clarification.	5/17	
108	1145	333*	Veterinary medicine cease and desist orders authorized.	5/17	
109	661	859*	Accountancy Act of 2001 established, rulemaking authorized, and penalties imposed.	5/17	
110	926*	1001	Minnesota uniform health care identification card standards modifications.	5/17	
111	1248*	1774	Veterans homes resident deposit accounts modified.	5/17	
112	1596*	1599	Small vehicle passenger service definition expanded to include wheelchair-accessible vehicles.	5/17	
113	2161	2005*	State Trooper Theodore "Ted" Foss Memorial Highway designated on I-90 in Winona County.	5/17	
114	1526	1528*	Edina authorized to restrict operation of recreational motor vehicles (ATVs).		5/17
115	1778	1269*	Bataan Death March commemorative plaque placement in the State Capitol provided.	5/17	
116	1827	1613*	Pollution Control Agency authority to expedite permits clarified.	5/17	
117	1955	1826*	Insurance producers licensing and regulation.	5/17	
118	1832	2361*	Omnibus health, human services and corrections appropriations.		5/15
119	887	910*	Residential roadway definition modification for traffic regulations purposes.	5/17	
120	1081	560*	Health care review organizations provisions modifications.	5/17	
Res. 4	208*	551	Resolution urging authorization of funding for modernization of waterways.	5/17	

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

## ★ TRANSPORTATION

### Width restrictions for RVs

Gov. Jesse Ventura signed a law May 10 that redefines the maximum legal width of recreational vehicles.

Existing law limits the total outside width of a vehicle to 102 inches, just short of nine feet. The new law specifies that the 102-inch limit will not include attachments that do not extend beyond the width of the vehicle's rear-view mirror if the RV is self-propelled, or beyond the width of the rearview mirror on the towing vehicle if a trailer is being towed.

The new legislation makes no changes to an existing provision giving municipal trucks bearing sewage sludge immunity from the width restriction.

Additionally, the new law declares that motor homes may not be longer than 45 feet. Motor homes are defined in existing law as a unit meant to provide temporary living quarters permanently attached to a vehicle. The general length limit for single-unit vehicles is 40 feet.

Rep. Tom Workman (R-Chanhassen) sponsored the law in the Sen. Keith Langseth (DFL-Glyndon) sponsored the measure in the Senate.

The new law takes effect Aug. 1, 2001.  
HF1085/SF1155\*/CH83

### Trooper memorialized

Interstate Highway 90 from its intersection with Trunk Highway 74 in Winona County to the Wisconsin border will be designated "State Trooper Theodore 'Ted' Foss Memorial Highway," under a bill signed into law by Gov. Jesse Ventura May 17.

The commissioner of transportation will be required to place appropriate signage

marking the highway. The funds for those signs will come from private sources.

Foss, a corporal with the State Patrol, was killed Aug. 31, 2000 by a semitrailer that crashed into his squad car parked along the interstate near Lewiston. Foss was making a traffic stop at the time. He died at the scene and four occupants of the stopped vehicle were injured.

The truck driver was found to not be under the influence of drugs or alcohol, but was charged with reckless and inattentive driving.

The House measure was sponsored by Rep. Rich Stanek (R-Maple Grove). Sen. Leo Foley (DFL-Coon Rapids) sponsored the bill in the Senate.

The law takes effect Aug. 1, 2001.  
HF2161/SF2005\*/CH113

## ★ VETERANS

### Honoring wounded warriors

Beginning this year, Aug. 7 will be designated as Combat Wounded Veterans Day under a new law signed by Gov. Jesse Ventura May 15.

The day will honor military veterans who were wounded while serving their country and whose sacrifices have entitled them to a Purple Heart Decoration.

The law stipulates that each year the governor shall issue a proclamation honoring the observance.

According to Rep. Mindy Greiling (DFL-Roseville), the House sponsor of the measure, Aug. 7 was selected because it was the date President George Washington awarded the nation's first Purple Hearts.

In 1782 Washington awarded three soldiers the honor which he designed, created and called the Badge of Military Merit. After the Revolutionary War no other soldiers received

the badge until it was revived and renamed by the United States War Department in 1932.

The Senate sponsor was Sen. Charles Wiger (DFL-North St. Paul).

The law is effective Aug. 1, 2001.  
HF481/SF520\*/CH104

### Providing a plaque

On Dec. 10, 1941 three days after the day President Franklin D. Roosevelt dubbed "The day that will live in infamy," the Japanese began their invasion of the Philippine Islands.

Months later United States troops isolated on the Bataan Peninsula west of Manila surrendered to the Japanese and were forced to march 60 miles.

The House passed a bill 129-0 May 11 that will provide a plaque on the Capitol grounds honoring those soldiers who were forced to participate in the Bataan Death March.

Rep. Dale Walz (R-Brainerd), the House sponsor of HF1778/SF1269\*, said that on April 9, 1942 tens of thousands of soldiers were forced to march up to 10 days without food or water. He said if any soldier was to fall or failed to march, they were shot, stabbed, or killed.

Gov. Jesse Ventura signed the bill May 17.

The law provides that after the plaque is approved by the Capitol Area Architectural and Planning Board it may be placed in the Capitol Rotunda or other appropriate place. The commissioner of the Department of Veterans Affairs is required to ensure placement of the plaque and may accept contributions from non-state sources to pay for its costs.

"This bill honors the hundreds who heroically fought for our freedom," Walz said.

Sen. Don Samuelson (DFL-Brainerd) was the Senate sponsor.

It is effective Aug. 1, 2001.  
HF1778/SF1269\*/CH115

## 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

## Friday, May 11

### HF2523—Buesgens (R) Governmental Operations & Veterans Affairs Policy

Rules effectiveness subjected to approval by the governor, constitutional officers required to sign rules to make them take effect, and governor's veto authority over rules removed.

### HF2524—Sykora (R) Local Government & Metropolitan Affairs City councils authorized to provide for election of council members by wards.

## Monday, May 14

### HF2525—Hackbarth (R) Commerce, Jobs & Economic Development Employers required to allow unpaid leave for employees performing volunteer firefighter duties.

### HF2526—Paulsen (R) Redistricting Congressional redistricting plan adopted for use in 2002 and thereafter.

### HF2527—Jaros (DFL) Higher Education Finance MnSCU Board of Trustees directed to adopt a policy requiring students preparing to teach foreign languages to study abroad for a year, and University of Minnesota regents requested to adopt the same policy.

### HF2528—Hackbarth (R) Governmental Operations & Veterans Affairs Policy Casino; privately operated casinos authorized with state share of net proceeds dedicated to highway purposes and educational infrastructure, and constitutional amendment proposed.

### HF2529—Kahn (DFL) Governmental Operations & Veterans Affairs Policy Municipal, county, firefighter and certain other public retirement aid provided contingent on compliance with filing requirements, and study provided on merger of certain retirement plans.

### HF2530—Kahn (DFL) Governmental Operations & Veterans Affairs Policy State retirement aid programs state aid receipt conditioned on compliance with economic interest and investment business recipient disclosure requirements.

### HF2531—Goodno (R) Health & Human Services Policy Hospice care providers regulated.

### HF2532—Huntley (DFL) Jobs & Economic Development Finance Sault Ste. Marie narrows Poe Lock state share expenses provided and money appropriated.

## Tuesday, May 15

### HF2533—Jennings (DFL) Regulated Industries Prairie Island and Monticello nuclear generating plants continued operation authorized, and nuclear waste escrow account required.

### HF2534—McElroy (R) Civil Law Public contracts relating to professional athletic teams definitions, legislative finding, and equitable remedy provided, and tortious interference prohibited.

### HF2535—Smith (R) Governmental Operations & Veterans Affairs Policy Minneapolis Teachers Retirement Fund Association member retirement age of 65 and rule of 90 provided.

### HF2536—Clark, K. (DFL) Commerce, Jobs & Economic Development Pollution Control Agency monitoring of potential conflicts with international environmental standards and Department of Labor and industry monitoring of potential conflicts with international labor standards provided.

### HF2537—Swenson (R) Taxes Farm implement tires included in the definition of farm machinery for purposes of sales tax.

## Thursday, May 17

### HF2538—Sykora (R) Civil Law Uniform interstate enforcement of domestic violence protection orders act adopted.

### HF2539—Howes (R) Taxes Cass Lake local sales tax authorized to pay for costs of area tourist information center.

### HF2540—Johnson, J. (R) Civil Law Uniform trust code enacted.

## Frequently called numbers

(Area code 651)

**Information, House**  
175 State Office Building ..... 296-2146  
Toll free ..... 1-800-657-3550  
**TTY, House** ..... 296-9896  
Toll free ..... 1-800-657-3550  
**Chief Clerk of the House**  
211 Capitol ..... 296-2314  
**Index, House**  
211 Capitol ..... 296-6646  
**Sergeant at Arms, House**  
45 State Office Building ..... 296-4860  
**Committee Hotline, House** ..... 296-9283

**Information, Senate**  
231 Capitol ..... 296-0504  
Toll free ..... 1-888-234-1112  
**TTY, Senate** ..... 296-0250  
Toll free ..... 1-888-234-1112  
**Secretary of the Senate**  
231 Capitol ..... 296-2343  
Voice mail/order bills ..... 296-2343  
**Index, Senate**  
110 Capitol ..... 296-5560  
**Sergeant at Arms, Senate**  
Senate Chamber ..... 296-7514/296-1119

**Committee Hotline, Senate** ..... 296-8088  
**Legislative Reference Library**  
645 State Office Building ..... 296-3398  
**Governor's Office**  
130 Capitol ..... 296-3391  
**Attorney General's Office**  
102 Capitol ..... 296-6196  
**Secretary of State's Office**  
180 State Office Building ..... 296-2803  
**Capitol Security**  
B-5 Capitol ..... 296-6741  
**Emergency** ..... 296-2100

climbed to 4,406 in 1999.

Some of that enrollment can be attributed to high national rankings among certain specialized schools.

Behind Southwest State, attendance from 1995 to 1999 is as follows: Minnesota State University, Moorhead rose 8.4 percent; St. Cloud State University rose 4 percent; Winona State University rose 1.7 percent; Bemidji State University dropped 0.7 percent; and Minnesota State University, Mankato dropped 5.9 percent. (This data is from a 1999 summary report by the Minnesota Higher Education Services Office.)

Some attribute the growth at the school, in spite of the population decreases in the area, to partnerships with surrounding cities and other campuses in the state.

For example, programs such as University Connection, which delivers two-year programs in surrounding cities, including Willmar, Alexandria, and Austin, transport professors and use Interactive Television; a graduate program in education; and post-secondary education options for high school students.

In addition, the university has a joint agriculture program with the University of Minnesota.

Other MnSCU campuses have also formed partnerships with the University of Minnesota system in order to increase student access to learning opportunities. 🐾

## 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.

### House Index Department

211 State Capitol (651) 296-6646

The House Index Department, a part of the Chief Clerk's Office, has a computerized index available for public use. House Index lists bills by committee, topic, author, file number, and other categories. The office can also give you the current status of legislation.

# Reflections

Between May 18 and May 21, the Legislature has 89 hours to complete its goals set for the 2001 session. By constitution, legislative business in an odd-numbered year must end by midnight of the first Monday after the third Saturday of the fifth month. If proceedings are not completed, only the governor can call a special session for lawmakers to finish their work.

As legislators discuss and amend bills in both the House and Senate chambers in the last few days of session, they are spending long hours late into the evening to accept or reject many of the 2,537 bills introduced between Jan. 3 and May 17. Still, lawmakers have "miles to go before (they) sleep."

Many bills which pass must go to conference committee for further deliberation. When the House or Senate refuse to concur on a companion bill, the Speaker of the House and the Senate majority leader appoint three or five members from each body to convene to produce a bill that will be acceptable to a majority of all lawmakers.

A few appointed members may be found in hearing rooms throughout the Capitol in the last few days of session, hammering out a compromise to companion bills. If either body still refuses to concur, conferees reconvene to produce a reasonable solution.

Staff members' responsibilities are more diverse during this time.

Some legislative staff put in hundreds of hours to guarantee that amendments made to bills are written in proper legal form and not repetitive, that parliamentary procedure is properly in place, that requested reference materials are available, and that caucus leadership and other members are

advised on issues that surface during legislative deliberations.

Visitors in the chamber gallery see a lot of busy activity on the floor below with many people going in and out of the doors to the left and right of the main desk. This area is the Retiring Room, a place of privacy for the lawmakers and key staff.

No reporters are allowed in and only special escorted guests may enter. Legislators utilize it as a retreat away from the hubbub of session.

Although the Senate allows only very

few staff members to enter their anteroom, House key staff may enter their own to meet with lawmakers — usually on issues or bills about to be presented. Most of them are part of each caucus' leadership.

Prior to 1990, before the cham-

ber was restored to its original look, lawmakers had a room on the third floor where they could relax or even take a nap when the session hours became too long. Now, when it is late in the wee hours, the Retiring Room is a place for lawmakers to stretch their legs while waiting to vote, or hear advice from staff.

Some lawmakers and staff who were only recently elected or appointed have not been at the Capitol to see a sunrise after an all-night weekend session as the hours continue to count down. But the number of hours of being involved in successful completion of the legislative process is no more important than applying whatever is necessary to maintain, "A government of the people, by the people and for the people."

—LECLAIR GRIER LAMBERT



House Majority Leader Tim Pawlenty confers with House Speaker Sviggum as staff works at and around the Chief Clerk's desk in the chamber.

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

SPEAKER OF THE HOUSE: STEVE SVIGGUM  
MAJORITY LEADER: TIM PAWLENTY  
MINORITY LEADER: THOMAS W. PUGH

## MINNESOTA INDEX

### Economic development

Minnesota job growth from 1990-2000, as percent .....	25
Job growth in the United States, as percent .....	20
National rank among states of Minnesota business expansion .....	9
Approximate number of jobs the Minnesota Department of Trade and Economic Development helped create in fiscal year 2000 .....	8,600
Average hourly wage of those jobs, in dollars .....	14
Millions of dollars invested in fiscal year 2000 by the Minnesota Investment Fund in projects .....	14.9
Number of jobs that money created .....	3,691
Average hourly wage of those jobs, in dollars .....	14.55
Number of Minnesotans trained by the state Job Skills Partnership in fiscal year 2000 .....	18,955
In fiscal year 1999 .....	9,513
In fiscal year 1996 .....	1,862
Dollars returned for every \$1 invested in tourism industry .....	9
Customers served by the Office of Tourism travel information centers from Dec. 1, 1999 to Nov. 30, 2000 .....	469,273
At the Explore Minnesota center at Mall of America .....	310,103
At the St. Paul phone center via mail and electronic inquiries .....	361,557
Through St. Paul phone center calls .....	61,311
Millions of page views in fiscal year 2000 on <a href="http://exploreminnesota.com">exploreminnesota.com</a> Web site .....	6
Gross sales, in billions, generated by Minnesota tourism in fiscal year 1999 .....	\$8.3
Fiscal year 1997, in billions .....	\$7.2
Fiscal year 1995, in billions .....	\$7
Billions of dollars of Minnesota's 1999 export distribution that went to other parts of the Americas (Canada, Argentina, Brazil, Chile, Mexico) .....	2.66
To Asia-Pacific area, in billions of dollars .....	2.62
To Europe, in billions of dollars .....	1.89
Millions of dollars in feed grains exported in 1999 .....	690
Soybeans, in millions of dollars .....	681
Vegetables, in millions of dollars .....	204
Live animals, in millions of dollars .....	185
Billions of dollars in industrial machinery exported in 1999 .....	3.19
Scientific instruments, in billions .....	1.42
Electronic equipment, in billions .....	1.22

Source: *Minnesota: World Competitor*, Minnesota Department of Trade and Economic Development's Big Plan progress report, January 2001.

### 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 an 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.

**Senate Information**  
(651) 296-0504  
1-888-234-1112

**Senate Index**  
(651) 296-5560

This document can be made available in alternative  
formats to individuals with disabilities by calling  
(651) 296-2146 voice, (651) 296-9896 TTY, or  
(800) 657-3550 toll free voice and TTY.