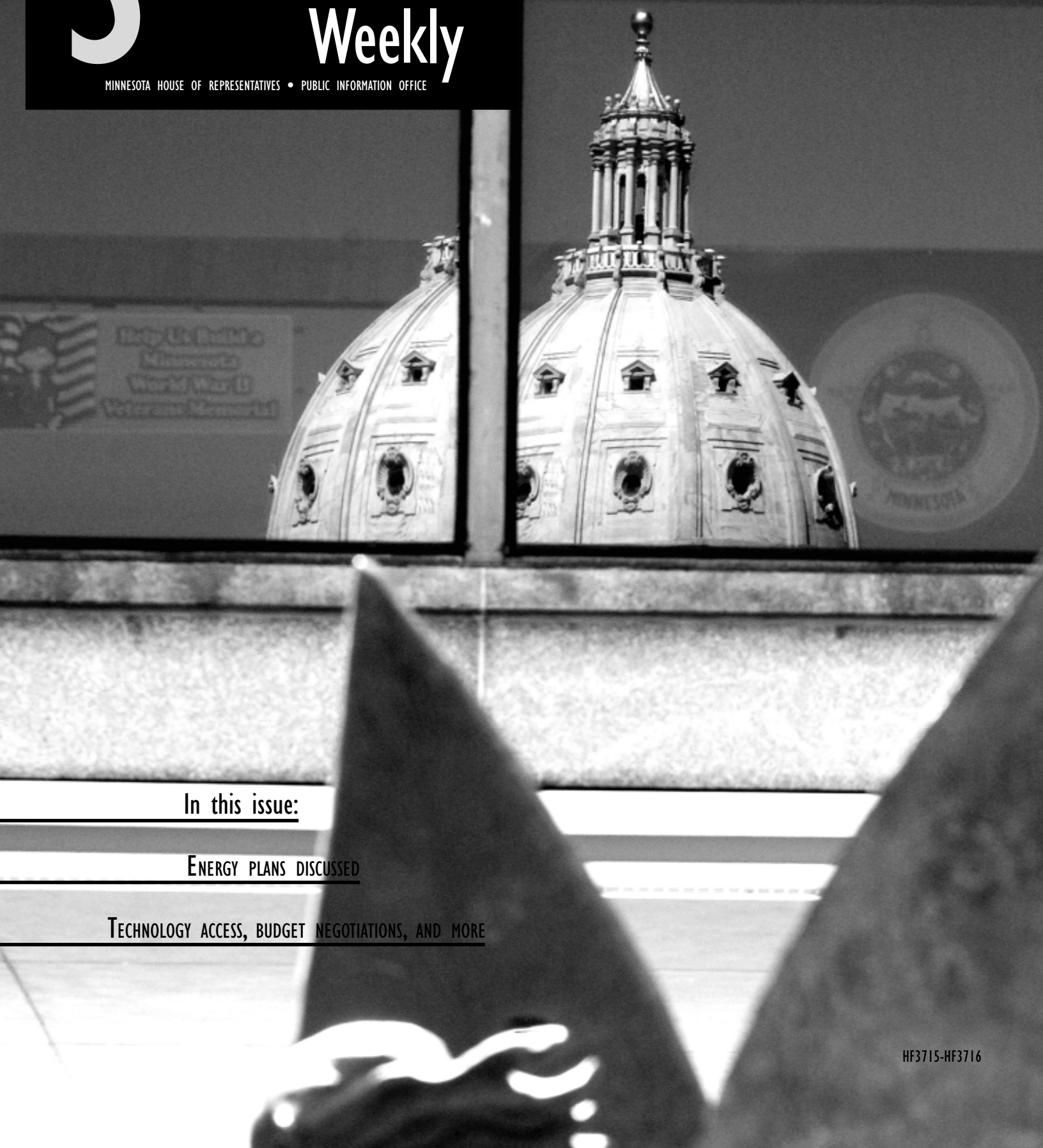


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SESSION Weekly

MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION OFFICE

APRIL 19, 2002
VOLUME 19, NUMBER 12



In this issue:

ENERGY PLANS DISCUSSED

TECHNOLOGY ACCESS, BUDGET NEGOTIATIONS, AND MORE

HF3715-HF3716

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.

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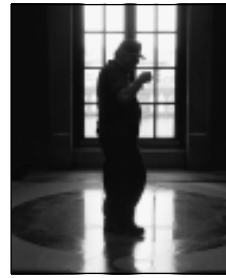
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Session Weekly (ISSN 1049-8176) is published weekly during the legislative session by the Minnesota House of Representatives Public Information Office, 100 Constitution Ave., St. Paul, MN 55155-1298. Periodicals postage paid at St. Paul, MN, and at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

Printed on recycled paper which is 50% recycled,
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On the cover: The State Capitol is reflected in a window of the Veteran's Administration Building to create an abstract and fragmented image.

—Photo by Andrew Von Bank

Budget stalemate

House, Senate conferees submit balancing proposals only to have them rejected by the other side

By DAVID MAEDA

Phase one of the budget reconciliation law was supported by enough members to pass both bodies twice and with the two-thirds vote necessary to override Gov. Jesse Ventura's veto.

Agreement on addressing the remaining \$439 million budget shortfall and how much of a projected \$1.3 billion deficit in 2004-2005 to deal with has been more elusive.

During the second week in April, House and Senate conferees have exchanged offers, but members of the conference committee say none have been significant enough to get closer to an agreement.

Even more difficult is crafting a final product that will receive enough votes to withstand another Ventura veto.

Rep. Kevin Goodno (R-Moorhead), a conference committee co-chair, said House conferees remain opposed to any new taxes and additional extensions of welfare timelines.

His counterpart, Sen. Doug Johnson (DFL-Tower), said the Senate remains firm that cuts in health and human services not be too

severe, and the state's budget reserves be replenished to a satisfactory level.

Entering the conference committee process, the Senate proposed an increase in the excise tax on cigarettes by 30 cents per pack beginning May 1 and an additional 30 cents beginning Jan. 1, 2003. The tax would be indexed to annual inflation rates beginning in 2004.

The Senate proposal includes a plan to convert \$245 million in planned spending for road improvements from cash to bonds.

An education provision would create a one-time savings to the state's general fund of \$312 million by changing the education aid payment formula. Under current law, payments are made on a 90 percent current year and 10 percent following year system. The Senate proposed changing the formula to an 85-15 system.

The initial House proposal would transfer \$325 million from the tobacco endowment fund and cut spending in a variety of areas, including about \$38.9 million in state government funding.

The largest cuts would come in health and human services, including \$61.6 million from

Legislature adjourned early in 1986 with budget unresolved

Members of the House, restless because budget-balancing legislation remains unresolved, have suggested the House should recess until an agreement is reached. Some have even said the House should adjourn for the year and leave the cuts up to the governor.

Such a move is not unprecedented in House history. In fact, that's just what House leaders did in 1986.

When a budget impasse prompted the Independent-Republican controlled House to pack up and head home for the year officially on March 17, 1986, the adjournment sparked a constitutional debate over whether one body can vote to end the session without the other's consent.

At issue was a \$384 million budget deficit and quarrel between the House and the DFL-controlled Senate about proposed cuts to the state's welfare program. The Independent-Republicans wanted a 30 percent cut in aid — a move opposed by Senate DFLers who countered with a plan for much smaller cuts.

Seeing no compromise in sight, House Speaker David Jennings (IR-Truman) said it was more responsible to adjourn sine die (Latin for without a date certain, signaling the end of a two-year session) than to have "201 people sitting around drawing per diem waiting for five senators to come to their senses."

His remarks in a newspaper report continued: "What this boils down to is we have offered compromise on critical points. The Senate has said 'no, no, no.'"

The motion to adjourn passed 68-26 in an early-morning vote, largely along party lines with many House DFL lawmakers voicing protest.

The move prompted DFL Gov. Rudy Perpich to label Jennings "arrogant."

Perpich called the Legislature back in special session on April 2 to resolve the budget deficit.

Senate Majority Leader Roger Moe (DFL-Erskine) called the House's decision to head home "absolutely irresponsible," arguing that conference committees were making progress toward a compromise.

The Senate adjourned three days after the House, but the motion was "subject to any court determination" on the constitutionality of the House adjournment.

Attorney General Hubert H. Humphrey III issued an advisory opinion arguing the House might have adjourned illegally because it failed to get consent from the Senate. The issue was not challenged in court.

Article IV, section 12, of the state Constitution, states that "neither house during a session of the Legislature shall adjourn for more than three days (Sundays excepted) nor to any other place than that in which the two houses shall be assembled without the consent of the other house."

(S. MCKENZIE)



PHOTO BY TOM OLMSCHIED

Members of the House-Senate budget reconciliation conference committee listen to a proposal April 12. The offer was one of many given by House and Senate conferees in an attempt to resolve the state's remaining projected budget deficit.



state services. Proposed adjustments include limiting General Assistance and Emergency General Assistance payments, consolidating the General Assistance Medical Care program into MinnesotaCare, and repealing an expansion of the number of children covered by the state's Medical Assistance program set to take effect July 1.

The initial offers reflected the House position of no new taxes and the Senate position of funding health and human services.

"There is no way 45 senators will vote for the mean and cruel cuts to Minnesota's most vulnerable citizens," Johnson said.

Goodno said the House focused its cuts on programs in need of examination and reform.

"The most vulnerable people we're taking care of. These were not just willy-nilly changes," he said.

While maintaining its cigarette tax increase, the Senate offered April 11 to remove a provision increasing corporate taxes.

The House countered with an April 12 offer reducing the cuts to health and human services to \$46.3 million in the current biennium and \$201 million in 2004-2005. The House proposed restoring \$3.4 million for state operated services including \$1.4 million to prevent closing the Fergus Falls Regional Treatment Center.

Rep. Philip Krinkie (R-Shoreview) was critical of the Senate proposal to raise taxes. Noting that government spending has increased at significant rates during the past four years, he found it difficult to believe that it would require increasing taxes, rather than reducing spending, to address the problem.

Johnson said the House's budget proposals contain tax increases. He said that without adequate funding for education and health and human services, the cuts would result in local property tax increases.

The latest House offer made April 16 would compromise on the Senate's proposed change to the education payment formula by going to an 87 percent first year, 13 percent second-

Continued on page 22

Clarification

In the April 12 issue of *Session Weekly*, a story about the distribution of tobacco endowment funds suggested that the Minnesota Partnership for Action Against Tobacco and Blue Cross/Blue Shield of Minnesota received funds from the endowment.

In fact, those two groups received funds directly from the settlement of the lawsuit, not the endowment. The endowment funds are a portion of the settlement specifically set aside for prevention efforts.

We regret any misunderstanding this may have caused.

From the Great Lakes to the Gulf

1887 resolution endorsed canal linking Lake Superior and the Mississippi River

In the early days of statehood, Minnesota's commercial development was propelled by a natural system of navigable waterways.

Although railroads were fast becoming the dominant mode of transportation by the 1870s, lawmakers had not abandoned water transport.

The 1874 Legislature proposed an intriguing civil engineering feat — the construction of a canal between Lake Superior and the Mississippi River, an idea hatched by the territorial legislature. The 1887 Legislature later urged Congress to chart the best route between the two bodies of water.

"The saving of distance through a canal connecting Lake Superior waters with the Saint Croix River would tend to open an immense trade, and result in carrying the agricultural surplus products of the Upper Mississippi Valley to eastern and European markets without transferring or breaking bulk," lawmakers wrote. "America's great inland seas, and the Mississippi River must be connected."

Subsequently, the federal government ordered the U.S. Army Corps of Engineers to chart the proposed waterway.

A 1909 letter to Congress from Secretary of War J.M. Dickinson, who also was the head of the Corps, reported the findings of Minnesota district engineers as to "whether existing conditions render such project now feasible and practicable, considering the necessary location, plans, cost of construction and maintenance, commerce affected, and water supply."

Various routes along the Nemadji, Kettle, Rum, and Snake rivers were considered, but ultimately a 210-mile canal between Allouez Bay on the Wisconsin side of the Duluth-Superior harbor via the Brule River to the St. Croix River was selected as the most favorable course.

Estimates put the cost of the channel at nearly \$8 million for construction and \$420,000 for annual maintenance and operation.

This would not have been the first waterway to connect a great lake with the Gulf. Illinois had dredged a 96-mile channel from

Lake Michigan in 1848 at the cost of around \$6 million and there was a second connection in Wisconsin, but the report found that by 1909 commerce on those waterways was greatly diminished.

Engineers questioned the commercial viability of Minnesota's proposed canal.

It would take six days under favorable conditions to complete a trip, they estimated, and barge traffic would be stymied by winter and face stiff competition from freight trains that could travel from Duluth to St. Paul in 10.5 hours.

Nevertheless, local business interests and citizens along the route were overwhelmingly in favor of the project.

"The value...is so self-evident that Congress must 'sit up and take notice,'" read a *Stillwater Daily Gazette* editorial from May 26, 1909.

In addition to potential economic benefits, proponents maintained that a canal would increase hydroelectric power generation in the region and bolster flood mitigation efforts.

"The more canals wisely planned, the better for the country they reach; the better also for the ports they leave," read a *Duluth Daily Star* editorial dated May 7, 1909. "Bring on your canal."

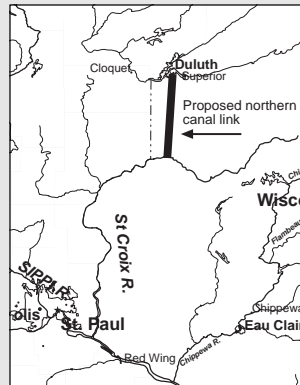
Conversely, railroad interests had obvious competitive reasons to oppose the canal and the report suggested that grain, coal, and lumber dealers also dismissed the idea.

"These business men, keen to scent of profit, would be apt to disregard even the cost of construction and maintenance of such a canal if the outlook for a saving in freight rates were promising, yet all of them oppose the canal as a useless waste of government money."

Ultimately, the report concluded that "while existing conditions render such a project practicable, from an engineering point of view, it is commercially impracticable, and that it is not now advisable for the general government to undertake the work."

A joint Minnesota-Wisconsin canal commissioner later failed to reverse the decision.

(N. Wood)



★ **BANKING****New credit union laws****Signed
by
the
governor
★ ★ ★**

Laws governing state credit unions will be up to par with those regulating their federal counterparts, under a new law signed by Gov. Jesse Ventura April 16.

The new law will allow state-chartered credit unions to assess fees for its member services and impose late charges for missed payments.

The number of people in a group that can join an existing credit union will be lowered. This may be a disadvantage to credit unions, which would rather expand existing locations than add new ones.

State-chartered credit unions have slowly been converting to federally chartered credit unions, which has resulted in a loss of state tax revenue. Rep. Doug Stang (R-Cold Spring), the House sponsor, said he believes the new law will be enough incentive to keep state-chartered credit unions from converting.

The new law is effective Aug. 1, 2002.

The law passed in the House April 4 on a 109-22 vote, and in the Senate April 9 on a 52-0 vote. The Senate sponsor is Sen. Don Samuelson (DFL-Brainerd).

HF2751/SF2650*/CH339

★ **BUSINESS****Ergonomics standards**

Minnesota businesses may soon have to abide by new state health and safety standards in an effort to prevent work-related injuries.

The legislation is part of the Senate jobs and economic development omnibus bill (HF3648/SF3431*), which was discussed April 17 by a House-Senate conference committee. The original ergonomics legislation never received a House hearing.

"I really believe we could save the state some money and keep workers employed," said Sen. Julie Sabo (DFL-Mpls), sponsor of the original Senate bill (SF2514).

The state Department of Labor and Industry would have the authority to enforce the standards, considered a step up from guidelines. There is no cost attached to the provision, and possible creation and enforcement expenses were not discussed at the meeting.

Representatives of the business community testified against the legislation, stating it would

incur additional costs, such as purchasing ergonomically correct work stations, that some small-business owners may not be able to afford.

Rep. Bob Gunther (R-Fairmont), a grocery store owner, said that many businesses already take steps to ensure worker safety.

"You can't afford as a businessperson in the private sector not to try to prevent injuries," he said.

The occupational safety and health standard would regulate "workplace ergonomic hazards ... to prevent work-related musculoskeletal disorders," the bill says. One such disorder is repetitive stress injury, often caused by extensive keyboard and computer use.

The standard, which would be developed by the department by June 30, 2004, would address awkward postures; repetitive motion; repeated impacts; and heavy, frequent, or awkward lifting.

Tom Hesse, director of labor management policy for the Minnesota Chamber of Commerce, spoke against the legislation, saying that the Occupational Safety and Health Administration's standards were sufficient to be applied nationwide so that states would not need additional regulations.

"I don't think Minnesota should deviate from that," he said.

Hesse also pointed out that if multi-state employers want to adopt an ergonomics program, they should not have to comply with different standards for each state.

The conference committee made no final decision on the provision at the meeting.

★ **CHILDREN****Home swimming pools****Signed
by
the
governor
★ ★ ★**

Family daycare providers will be allowed to let children they care for use their swimming pools, provided they meet a host of safety requirements, under a new law.

Gov. Jesse Ventura signed the measure April 12, and it will take effect Aug. 1, 2002. The new law exempts family daycare facilities from the state's public pool regulations.

The House passed the bill 108-20 on March 19, but the Senate amended the measure and passed it 63-0 on April 3. The House voted 106-16 April 8 to agree with the changes.

Under the new law, daycare providers must notify the county before children initially start swimming in the pool and annually

thereafter. A child's parents or legal guardian must provide written consent after reading state-prepared material on the health risks associated with swimming pools.

The daycare provider must also complete a swimming pool training operator course once every five years.

Additionally, an individual trained in CPR and first aid must attend the swimming pool when children are using the pool.

Daycare providers will be exempt from liability unless they fail to meet the state's licensing standards.

Rep. Tim Wilkin (R-Eagan) and Sen. Deanna Wiener (DFL-Eagan) sponsored the law.

HF1517*/SF1443/CH333

★ **CRIME****Temporary driver's licenses****Signed
by
the
governor
★ ★ ★**

Those who have lost their driver's licenses because of failure to pay child support may soon have a chance to receive a temporary license.

Gov. Jesse Ventura signed a new law April 17 that will grant a 90-day license to people more than three months behind in child support payments if the person needs a license to get to a job, go to a chemical dependency program, or attend post-secondary classes.

Homemakers who need a license to prevent disrupting their education, medical, or nutritional needs, or the needs of their family will also be eligible for a temporary license.

Effective July 1, 2002, the law provides \$95,000 from the trunk highway fund to the commissioner of public safety to pay for the cost of the temporary licenses.

Furthermore, the law makes some technical and clarifying changes to current law regarding payment agreements, and modifies the medical support law so it complies with federal requirements.

Driver's licenses are currently taken away from people who are more than three months behind in child support payments and have not made arrangements to pay.

The measure passed the House April 9 by a 124-8 vote, and the Senate 54-2 April 11.

During a Feb. 20 House Civil Law Committee hearing, Rep. Lynda Boudreau (R-Faribault), the House sponsor, said the change makes sense because people who owe child support have a hard time paying if they can't get to work.

The one-time license will expire after 90 days and cannot be renewed. Drivers who lose their license will still be required to pay a \$20 fee before their license is reinstated.

Sen. Thomas Neuville (R-Northfield) is the Senate sponsor.

HF3393/SF3114*/CH344

Updated penalties

A bill designed to discourage activist groups from taking public responsibility for crimes passed the House 119-8 on April 15.

The bill (HF3048/SF2460*) would make it a gross misdemeanor for people to assume responsibility for crimes they did not commit in order to impede or prevent a criminal investigation.

It would also allow those who destroy crops, animals, or other organisms used for research to be liable for up to three times the amount of the value of the damage, including the estimated value of the research related to the organisms or items destroyed.

A \$100,000 fine could also be assessed to compensate for any delays in research resulting from the crime.

Rep. Tom Workman (R-Chanhassen), the House sponsor, said the bill is aimed at groups such as the Earth Liberation Front.

That group took credit for millions of dollars worth of damage when a January fire damaged a lab and destroyed a construction trailer at the University of Minnesota's Microbial and Plant Genomics Research Center that is under construction on the St. Paul campus.

According to its Web site, the Earth Liberation Front takes responsibility for "the setting of incendiary devices" at the site, and claims responsibility for other criminal activities, as well.

Some representatives said the bill was too broad and could leave anyone who donates money to an organization liable for damages if the organization's spokesperson takes responsibility for a crime.

Workman and others disagreed, saying if an individual takes responsibility for the crime, only that person could be charged.

The amended bill was repassed by the Senate 57-0 on April 18. Sponsored in the Senate by Sen. Dave Kleis (R-St. Cloud), the bill now goes to the governor.

★ EDUCATION

Eliminating the Profile

The Profile of Learning — a central feature of the state's graduation standards derided by lawmakers for being too bureaucratic — would essentially be history, under a bill passed April 18 by the House.

RAY OF LIGHT



PHOTO BY TOM OLMSCHIED

Rep. Jim Davnie, right, talks with Cap O'Rourke on the third floor of the Capitol after an April 15 power outage darkened the building. The House recessed for about 30 minutes until power was restored.

Members approved an amendment offered by House Majority Leader Tim Pawlenty (R-Eagan) and Rep. Gene Pelowski, Jr. (DFL-Winona) that would bar the commissioner of the Department of Children, Families and Learning from implementing the Profile of Learning portion of the state's results-oriented graduation rule.

The amendment, attached to a bill (HF2625/SF3133*) limiting the health commissioner's rule-making authority related to the state's Clean Indoor Air Act, passed on 109-22 vote. It would not apply to the state's basic skills tests.

Overall, the bill, sponsored by Rep. Marty Seifert (R-Marshall), cleared the floor on a 110-23 vote. During a previous floor debate on the measure, the House attached an amendment to the bill offered by Rep. Mary Ellen Otremba (DFL-Long Prairie) that broadened the bill's scope to place checks on the rulemaking authority of all state agencies.

House members on both sides of the aisle spent more than two hours criticizing the Profile of Learning on the floor, arguing that it has hamstrung teachers and eliminated rigor from school curriculums.

"The Profile of Learning is suffocating education," said Pawlenty, who pointed to an *Education Weekly* report that gave Minnesota's graduation standards a 'D minus'.

Pelowski, a high school teacher at Winona Senior High School, said the graduation standards, which call for more qualitative assessments of students' skills than traditional tests, have turned Minnesota's public education

system into a top-down bureaucracy.

He likened reforming the Profile of Learning to carving up a "beached whale with a tiny knife."

Speaking against the amendment, Rep. Mindy Greiling (DFL-Roseville) argued that lawmakers should have brought forward an education bill reforming the system. She said the Profile of Learning is a "mile wide and an inch deep" and lawmakers need to scale back the program.

Greiling called the measure a "dead-end amendment" in the "dog days" of the session.

The bill now goes back to the Senate where Sen. Dan Stevens (R-Mora) is the sponsor.

Commission to become nonprofit

Signed
by
the
governor
★ ★ ★

A new law will convert the Minnesota Commission on National and Community Service to a nonprofit corporation, which will allow the organization to be more entrepreneurial, its advocates say.

The new law, signed by Gov. Jesse Ventura April 12, removes the commission from state oversight, providing more opportunity for it to engage the private sector in fundraising and to take advantage of new federal dollars.

The commission, which administers the Youth Works and federal AmeriCorps programs, was constrained by a hiring freeze in the Department of Children, Families and Learning. The commission was unable to

accept additional funds for AmeriCorps because they couldn't hire the staff to administer them, according to Rep. Andy Dawkins (DFL-St. Paul), the House sponsor and a commission board member.

In recent years, "they have become a more entrepreneurial board, going after private dollars," he said, and the private entities are "not as willing to fund government programs as much."

"We needed to be in a place where we could grow," said Audrey Suker, executive director of the commission. She said the organization's job is to make sure Minnesota sees benefits of the program.

Suker said the commission is excited about its "reinvention," which was a unanimous decision by the board. The commission is not increasing board members, she added, but more people may serve on its committees.

"It makes a lot of common sense to do this," Rep. Alice Seagren (R-Bloomington), said on the House floor April 8, where the bill passed 128-4. Seagren is chair of the House K-12 Education Finance Committee.

"Students and kids need this help to get on with their lives."

The new law relieves the commissioner of the Department of Children, Families and Learning of oversight responsibilities; however, the commissioner will still be a board member.

The nonprofit corporation will be subject to the data practices act, open meeting laws, and the legislative auditor's jurisdiction.

Most sections of the new law are effective the day after the commission certifies it is a nonprofit corporation.

The Senate passed the legislation 65-0 on March 20. The Senate sponsor is Sen. Steve Kelley (DFL-Hopkins).

HF2835/SF3028*/CH334

ELECTIONS

Campaign finance board

The House gave its approval April 15 to two nominees to the state's Campaign Finance and Public Disclosure Board.

The board is responsible for administering registration, disclosure, and enforcement programs to ensure that the state's government ethics laws are met. The board also provides financial information about public officials to the populace.

Gov. Jesse Ventura's two nominees come from Greater Minnesota. Last year while recommending confirmation of four candidates, all of whom were from the Twin Cities metropolitan area, House members expressed

concern about having rural representation on the board.

One of this year's nominees, Susan Stevens Chambers, is an attorney from Mankato who serves as the city attorney for Good Thunder. She has served on the board of directors of the Blue Earth County Historical Society, as well as being the president of the League of Minnesota Poets.

Ventura nominated Chambers to replace Shirley Chase who resigned last September to become the commissioner of the Department of Labor and Industry.

The other nominee, Clyde Miller, is an attorney from Cambridge. He ran an unsuccessful campaign in 2000 as a member of the Independence Party for the House seat occupied by Rep. Rob Eastlund (R-Isanti).

He has served as a supervisor for Cambridge Township and was a member of the governor's Citizen's League Task Force on Property Tax Reform.

Miller would replace Donald Roggenbauer whose four-year term expired in January.

The nominees now must have their nominations approved by the Senate.

EMPLOYMENT

House passes jobs bill

The House passed the jobs and economic development finance omnibus bill April 11, but the final version of the bill is still being debated in a House-Senate conference committee.

The House version would allocate new money only for unemployment benefits, as the Legislature, in separate legislation, continues to look for ways to cut the budget.

The bill (HF3648/SF3431*) would grant extra unemployment benefits to former Farmland Foods workers in Albert Lea, whose plant burned down in July 2001. The bill also makes housekeeping changes to state agencies, among other minor revisions.

The bill was amended by its sponsor, Rep. Dan McElroy (R-Burnsville), to provide extra unemployment benefits for employees that were part of a large layoff in rural areas. Workers eligible for the benefits would be those who lost their jobs permanently after Sept. 1, 2001 from a company that laid off at least 500 people.

The layoff would have had to raise the unemployment rate in the county to a rate higher than the state average. The benefits, up to 13 additional weeks, would be available for collection in 2003.

Much of the floor discussion revolved around unsuccessful amendments that would

grant extra unemployment benefits to workers in the Twin Cities metropolitan area.

"It helps a lot of people who have been hurt by this downturned economy," said Rep. Dan Larson (DFL-Bloomington), sponsor of an amendment that would have granted airline workers additional benefits.

"In many cases these are folks that aren't going to be called back," he said. "They have a highly trained skill that is not marketable."

McElroy said the unemployment rate in the metropolitan area is the lowest in the state, plus most of the workers qualify for the federal 13-week extension of unemployment benefits. He added that never in the past 75 years have extra unemployment benefits been granted to workers in the Twin Cities metropolitan area, and that no other state has extended benefits for airline workers.

Another unsuccessful amendment, proposed by Rep. Tom Rukavina (DFL-Virginia), would have cost \$147 million to ensure that people who don't qualify for state or federal extensions receive extra unemployment benefits.

McElroy said in the short-term the legislation would be good, but in the long term it would cost tens or hundreds of thousands of jobs because companies would pass along the extra costs in higher prices or lower wages.

ENVIRONMENT

Phosphorus fertilizer restrictions

A bill restricting the use of phosphorus-based lawn fertilizers is on its way to the governor's desk.

The House passed a conference committee report on the measure (HF1524/SF1555*) by a 115-14 vote April 15. The Senate passed the measure 58-1 on April 8.

The bill would ban the application of phosphorus on grass in the seven-county Twin Cities metropolitan area unless a soil test determines there is not enough of the nutrient present and replenishment is needed. Golf courses treated by licensed professionals would be exempt.

In Greater Minnesota, the use of phosphorus in granular fertilizers would be limited to 3 percent. In liquid fertilizer, a maximum 0.3 pounds of phosphate per 1,000 square feet would be allowed.

The restrictions would take effect Jan. 1, 2004.

The use of phosphorus-based fertilizer for agriculture applications would not be restricted under the bill, effective the day after enactment.

Overuse of the nutrient has been linked to algae blooms that have been shown to choke other aquatic plant life in water bodies.

Rep. Peggy Leppik (R-Golden Valley), the House sponsor, said the genesis of the bill came

from local governments increasingly confused by a “patchwork of local ordinances” related to phosphorus. She said conferees didn’t make substantive changes to the bill but added clarifying language to make sure it reflected legislative intent. Sen. Linda Higgins (DFL-Mpls) sponsors the Senate version of the bill.

Speaking in opposition to the bill, Rep. Mark Buesgens (R-Jordan) said the Legislature should leave regulating phosphorus to local communities.

“I believe this is a local issue,” Buesgens said. “We shouldn’t be dabbling in everything under the sun.”

Another bill opponent, Rep. Dan Dorman (R-Albert Lea), questioned its effectiveness and asked why it didn’t target grass clippings — a significant source of phosphorus pollution in water bodies.

Local units of government would be allowed to adopt restrictions on the sale of phosphorus-based fertilizer until Aug. 1, 2002.

Ordinances restricting use of phosphorus for agriculture purposes would be preempted as of that day.

The bill would also ban the application of fertilizer on “impervious surfaces,” such as highways, streets, or sidewalks.

Those found in violation of phosphorus-use regulation would be cited with a petty misdemeanor.

FAMILY

Postnuptial agreements

**Signed
by
the
governor**
★ ★ ★

A new law signed April 16 by Gov. Jesse Ventura will allow more married couples to enter into postnuptial agreements.

Effective Aug. 1, 2002, the new law will permit couples to enter into pacts regarding who has rights to what property no matter how many assets the couple has.

Current law requires each spouse to have at least \$1.2 million in assets before a postnuptial agreement can be entered into.

The change will also allow an exception to current law that states a postnuptial agreement is not valid if either spouse files for divorce or legal separation within two years of the execution of the postnuptial agreement.

The new law states that a postnuptial agreement is presumed to be unenforceable in such cases, but it allows for exceptions if the spouse who wants the divorce or separation can establish that the settlement is fair.

Sponsored by Rep. Rob Leighton (DFL-Austin) and Sen. David Knutson (R-Burnsville), the Senate passed the measure 63-0 on March 12 and the House passed it 133-0 on April 9.

HF3455/SF3380*/CH338

★ GAME & FISH

ATV study

House and Senate conferees reached a compromise April 16 on an omnibus game and fish bill, adopting a report that includes a provision calling for a task force to study all-terrain vehicle use in the state.

The Senate-passed version of the bill (HF2920/SF2674*) originally had language that would have banned cross-country ATV

travel in state forests after the state designates 2,000 miles of trails. It would have also required the Department of Natural Resources to close trails to ATVs and other off-road vehicles for up to 30 days when conditions make trails vulnerable to environmental damage.

The task force proposed by Rep. Dennis Ozment (R-Rosemount), the House sponsor, would include a number of stakeholders — representatives of off-highway vehicle users, forest users who don’t use motorized vehicles, forest land managers, and the DNR, among others.

It would require the group to review and make recommendations to the Legislature on the location and length of motorized trails in state forests and monitoring and enforcement guidelines by Jan. 15, 2003.

Ray Bohn, representing the All-Terrain Vehicle Association of Minnesota, said the group supports the task force, calling it a good way to reach a compromise.

Representatives of the environmental groups, the Sierra Club and the Minnesota Audubon Society, said they also backed the proposed study.

“A task force seems like the logical next step,” said Susan Solterman, public policy director for the Minnesota Audubon Society. “It seems inclusive.”

The House agreed to send another bill related to all-terrain vehicles to a conference committee April 15 to work out the differences.

The House-passed version of the bill (HF2970*/SF3010), sponsored by Rep. Tom Hackbarth (R-Cedar) and Sen. LeRoy Stumpf (DFL-Thief River Falls), would ban cross-country ATV travel for non-hunters in state forests. It would also appropriate \$1.2 million to trail maintenance and monitoring activities.

Among other things, the game and fish bill would also allow limited prairie chicken hunting and ban recreational shining in motor vehicles — an activity where people use car headlights to spot deer. It would also ban shining of livestock and poultry on lands posted with signs prohibiting the activity.

Duck hunters would also be prohibited from using motorized duck decoys at the beginning of the duck-hunting season — specifically the opening day through the Saturday nearest Oct. 8.

Sen. Doug Johnson (DFL-Tower), who offered an amendment to impose a total ban on the duck decoys, has argued the fake ducks compromise “fair chase.”

The conference committee report now goes back to the Senate and House floors.

CAPITOL VISITOR



PHOTO BY TOM OLMSCHIED

With coffee in hand, George Smithanson makes his way past a sun-filled window on the second floor near the Capitol Rotunda, during an April 12 visit.

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

★ HEALTH

Dentist disclosure

**Signed
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governor**
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A new law will require that the Minnesota Board of Dentistry be informed of dental professionals who are unable to practice because they have been impaired by an illness or drug use.

Gov. Jesse Ventura signed the measure into law April 17. It takes effect Aug. 1, 2002.

The law applies to dentists, dental hygienists, or dental assistants.

The House passed the measure 134-0 on April 4 after members adopted an amendment that narrowed the bill's scope.

Previous language would have required a report on "any conduct" by a dental professional that might warrant disciplinary action. The new law more specifically relates to professionals "unable to practice with reasonable skill and safety" stemming from a physical or mental condition or substance abuse.

The Senate agreed to the House changes 51-0 on April 11.

Healthcare facilities will be required to report any disciplinary action taken against the dental professional to the state Board of Dentistry along with notice if the individual resigned.

Additionally, dental associations will be obligated to report any termination of memberships related to a dental professional's impairment.

The disclosure requirement will also apply to any licensed health professional with knowledge of the individual's inability to practice.

Healthcare facilities and individuals that submit reports to the Minnesota Board of Dentistry in good faith will be protected from civil liability and criminal prosecution.

Rep. Dan McElroy (R-Burnsville) and Sen. Don Samuelson (DFL-Brainerd) sponsored the law.

HF3193/SF2957*/CH341

Commitment change

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governor**
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A new law will give police and family members of mentally ill people more discretion in having the person taken to a medical facility if they pose a danger to themselves or others.

Gov. Jesse Ventura signed the legislation April 16.

The change strikes the word "imminent" from current law used by law enforcement to determine whether a person poses an "imminent danger" to themselves or others.

Effective Aug. 1, 2002, the law will also

require the state Department of Human Services to conduct a study and report to the Legislature regarding the unmet health needs of Minnesotans.

In response to a March shooting by Minneapolis police of a machete-wielding Somali man, Rep. Karen Clark (DFL-Mpls) added a provision on the House floor that will require the Department of Human Services to study the specific mental health needs of the immigrant and refugee communities.

Rep. Mindy Greiling (DFL-Roseville), the House sponsor, said during floor debate that the measure is widely supported by those in the medical and law enforcement fields and has little opposition.

The House amended and passed the measure 122-10 on April 8, and the Senate agreed with the House changes on a 54-3 vote April 9. Sen. Linda Berglin (DFL-Mpls) also sponsors the law.

HF2735/SF2457*/CH335

CAPITOL REFLECTIONS



PHOTO BY TOM OLMSCHIED

Emily Koebe takes one last look at the Capitol after boarding her class's school bus April 15. Emily and her fourth-grade class from St. Anthony Park Elementary School in St. Paul had just finished a tour.

★ INSURANCE

Covering more people

A plan designed to expand health insurance coverage to rural Minnesotans is headed to the governor.

The House passed a conference committee report on the bill (HF2935/SF2909*) on April 15 by a 130-0 vote. It cleared the Senate earlier in the day 60-0.

Sponsored by Rep. Maxine Penas (R-Badger) and Sen. Dallas Sams (DFL-Staples), the bill would allow for five rural health maintenance organization demonstration projects in Greater Minnesota.

Many rural residents face challenges securing health insurance, Penas said.

A recent study by the Center for Rural Policy and Development in Mankato found that 33 percent of full-time workers and about 85 percent of part-time employees in Greater Minnesota do not have access to employer-sponsored health insurance.

The bill would waive some HMO-related regulations and allow providers to create purchasing coalitions with a large number of customers, which would likely lower the costs for policyholders.

Project participants would also be allowed to create a more flexible health plan based on their medical needs.

The health improvement and purchasing coalition involved in establishing the rural project would be required to present annual progress reports to the health commissioner and the Legislature on the following:

- the project's impact on the number of uninsured in the area;
- the effect on health insurance premiums; and
- the level of participation among enrollees in developing the project.

The plan would go into effect the day after enactment.

★ LOCAL GOVERNMENT

Neighborhood organizations

Certain nonprofit neighborhood organizations are allowed greater flexibility in membership voting, under a new law signed April 16 by Gov. Jesse Ventura.

Existing laws governing nonprofit corporations require that when a vote is to be taken on matters such as amending the corporate articles or bylaws, the board must notify the voting members of the election date up to 60 days prior to the vote. Only members notified are allowed to vote on the matter.

Sponsored by Rep. Jean Wagenius

(DFL-Mpls) and Sen. Jane Ranum (DFL-Mpls), the new law allows neighborhood organizations that are also nonprofit corporations the option of allowing others to vote without meeting the mandatory notice requirement.

Effective Aug 1, 2002, the new law allows members who are on a pre-existing membership list or who have a valid driver's license or state identification card with an address in the defined neighborhood boundaries to vote. Members will also be allowed to vote if they can show proof of ownership of a business or property within the neighborhood or have someone to vouch for their residency.

Wagenius said her own neighborhood group, which under prior law had to exclude certain residents from voting because of the nonprofit corporation notification requirements, brought the issue to her.

The new law applies to neighborhood organizations that represent a defined geographic area and have been accepted by a unit of government as the basic planning unit for the area.

It also allows neighborhood organizations that are also nonprofit corporations to use the options offered, but the provisions are not mandatory.

The House and Senate both passed the measure April 9, by 87-45 and 49-3 votes respectively.

HF3445/SF3238*/CH340

★ RECREATION

Park boundary adjustments

The House passed a bill April 15 that would redraw boundaries in a number of state parks.

After inserting the House language of HF3025 into SF2727 and adopting a number of amendments, members passed the measure 100-28. It now goes to a conference committee.

Sponsored by Rep. Doug Peterson (DFL-Madison) and Sen. Don Samuelson (DFL-Brainerd), the bill previously passed 64-0 in the Senate March 14.

The measure would allow the Department of Natural Resources to purchase permanent stream easements for fishing access and habitat management.

A number of state trails and parks would gain additional acreage including the Casey Jones Trail near Pipestone in southwestern Minnesota, the Crow Wing State Park near Brainerd, and the Big Bog State Recreation Area in Beltrami County, also in the north central region.

Big Stone Lake State Park, near Ortonville and close to the South Dakota border in west central Minnesota, would lose land under the plan.

The Cuyuna Country State Recreation Area

now under development about 15 miles northeast of Brainerd would have its boundaries reshaped — both losing and gaining acreage in some areas. The bill also calls for two trails, one paved and one unpaved, in the recreation area to accommodate different users.

A number of counties in the state would also be authorized to sell surplus, tax-forfeited, or trust lands, under the bill.

Members engaged in a lengthy debate on a amendment offered by Rep. Tom Rukavina (DFL-Virginia) that would have allowed a landowner to recover the replacement cost of a "non-conforming" building destroyed "by fire or other peril."

A "non-conforming" property refers to a building that no longer meets the city's zoning requirements for the land. Rukavina said the amendment was an attempt to bypass recent ordinances barring homeowners from building on their property.

Opponents of the amendment said it would raise homeowner's insurance premiums.

Members initially voted to adopt the amendment but after a reconsideration motion, the measure was removed from the bill on a 63-63 vote.

★ TRANSPORTATION

Projects planned, deleted

A House-Senate conference committee meeting to work out differences between transportation policy plans reached an agreement April 11.

Both chambers will now vote on the report to the bill (HF3199/SF3298*).

The committee agreed on provisions that would allow the Minnesota Department of Transportation to purchase land for future highway projects, would allow an exception to a recently passed moratorium on consulting contracts for projects paid for from the trunk highway fund, and would keep the Stillwater bridge project alive.

A provision also recognizes an agreement reached between the Minnehaha Creek Watershed District and the Minnesota Department of Transportation concerning Camp Coldwater Springs near Fort Snelling. A law passed in 2001 to protect the spring halted construction of the interchange at Highways 55 and 62.

A measure that would prohibit school buses from parking near the air-intake system of schools was also included in the bill, but the effective date was pushed back until July 2003 in order to give schools more time to comply.

The committee scrapped a number of

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provisions that failed to receive enough support from members of both chambers.

Among them was a provision that would have prohibited the Metropolitan Council from spending money on the study or design of the Dan Patch commuter rail project. Studies have shown that the line, which would connect Northfield and Minneapolis, was found to be unfeasible, said Rep. Mary Liz Holberg (R-Lakeville).

Sen. Claire Robling (R-Prior Lake) and others opposed including the prohibition, noting that the line would be the only one connecting the southern Twin Cities metropolitan area.

Also scrapped was a House proposal to prevent the city of Minneapolis from enforcing zoning ordinances that could force the closing of commercial or industrial activities along the upper harbor of the Mississippi River.

Saying they were leery of using trunk highway funds to pay for bus services, members also turned down an amendment brought forward by Rep. Sharon Marko (DFL-Cottage Grove) that would have allowed trunk highway funds to pay the operating costs of bus service while a highway is under construction.

Marko wanted the amendment to provide more bus service during the six-year stretch that the Wakota Bridge over the Mississippi River in South St. Paul will be under construction.

Possible progress

After criticizing opposing plans the day before, members of the House-Senate conference committee on transportation funding appeared closer to a compromise April 17.

Co-chair Rep. William Kuisle (R-Rochester) presented a new House offer that included the possibility of a modest gas tax increase.

The House's latest offer would include \$750 million in bonding over five years and would allow a gas tax increase of between 3 cents and 4 cents to pay for any additional bonding. It would also dedicate part of the increase to debt service on the bonds.

It also proposes a constitutional amendment to dedicate about 23 percent of the motor vehicle sales tax to transit needs.

The original House proposal (HF3364) would borrow about \$750 million over five years to pay for road construction projects. The money would be repaid with increases in current transportation funds.

The Senate plan (SF2812) would increase the gas tax by 6 cents to generate about \$5 billion over 10 years.

Absent from the new House plan is gas tax indexing, which allows for the tax to be increased yearly as needed.

FREEZE FRAME



PHOTO BY ANDREW VON BANK

Dillon Cummins, 4, of Apple Valley peeks at the audience attending the April 11 House-Senate conference committee meeting to work out differences between transportation policy plans.

Also unresolved is a Senate provision that would change the distribution of state funds to county state-aid highways. House members opposed changing the formula and the new plan states only that the issue would be determined by conferees.

Kuisle said most of the House leadership has not seen the new offer, which he called a proposal from renegade conferees, and joked that he may have to leave the country soon.

But Sen. Dean Johnson (DFL-Willmar), the Senate co-chair, called the offer a good starting place for a compromise. Senate members will now work on a counteroffer, which will likely be discussed after April 18.

Rep. Tony Kielkucki (R-Lester Prairie) said the offer is just a conceptual plan and the provisions to raise the gas tax and amend the constitution are contingent upon other factors.

Johnson said the possibility of discussing a gas tax increase raises some hope. "We have gone from 'no' to 'if.' Maybe next week we can get the 'yes.'"

But Rep. Mary Liz Holberg (R-Lakeville) warned that many representatives have pledged not to increase taxes, and many will be reluctant to vote for a tax increase with elections in the fall.

"We are way out on a very thin limb with a gas tax in the House," she said.

No political party or organization should have the final say in how members vote, Johnson replied, adding that transportation used to be a nonpartisan issue.

"No one should be attacked for doing the right thing," he said.



"I've learned something in my few years here at the Legislature," said Rep. Tony Sertich (DFL-Chisholm) during the House-Senate conference committee on the economic development omnibus bill.

Sertich and other House conferees were being asked if they had signed a particular petition. His comment lends insight into the nuances of legislative debate.

"Don't write down what you can say, and don't say what you can nod," he said, grinning.

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 meetingschedules; 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.mn>

Power plant criteria

Committee examines ideas for specific project on Iron Range, but companies, legislators express concern

BY THERESA STAHL

A slimmed-down plan for building new energy plants may become law without any House committee hearings.

The legislation, which is included in the jobs and economic development finance omnibus bill (HF3648/SF3431*), was discussed at the April 16 House-Senate conference committee meeting.

The goal of the plan, dubbed the Mesaba Energy Project, is to put a state-of-the-art coal-burning plant on the Iron Range that has "one-tenth the emissions of the next-best technology," according to Julie Jorgensen of Minneapolis-based Excelsior Energy, Inc., the sponsor of the project.

The original bill called for a 2,000-megawatt Integrated Gasification Combined Cycle (IGCC) plant to be built on the Iron Range at the abandoned LTV Steel site. In its current form, the bill would instruct the Public Utilities Commission to consider changing its criteria to include criteria describing the combined cycle plant.

The plant would take carbon-based fuel, such as coal, and turn it into a gas, taking out its impurities, then burn it. The result is much lower emissions than a traditional coal-burning plant.

Jorgensen said the criteria would attract more players to the state to meet its energy needs, and all of the risk would be on the company sponsoring the project.

A plant such as the Mesaba project would bring "hundreds of millions of dollars to the

state" and would create new jobs, she testified. All chambers of commerce on the Iron Range have endorsed the project.

"We have a skilled workforce that's ready to be put to work," she said.

Rep. Ken Wolf (R-Burnsville), chair of the House Regulated Industries Committee and a member of the conference committee, said the proposal never received a House hearing because he was waiting for the Senate to complete its hearings. Committee deadlines had approached by the time the House would have been able to hear the bill, he said.

Wolf, who sponsored major energy legislation in 2001 that took four years to become law, said the proposal warrants more hearings and will take more time than is left in the session. The bill was first introduced about three months ago.

"This is huge," he said. "This belongs in the legislative process."

Sen. David Tomassoni (DFL-Chisholm), the sponsor of the original bill, said the need for baseload energy—the most reliable type of generation—in the next few years is tremendous.

"We as policy makers need to decide where we're going to get our power from," he said.

Tomassoni's legislation would freeze requests for proposals for energy plants until the commission could draft new criteria. The bill lists nine provisions that the commission would be required to consider using as permanent criteria.

The criteria that would be up for

consideration include the following:

- competitiveness and long-term stability of cost,
- reduction of air emissions by using innovative technology,
- reuse of existing industrial sites,
- potential for new jobs and other economic benefits in economically depressed areas of the state,
- local support for the generation facilities of the project,
- use of agricultural by-products, and
- distributed generation to encourage new energy technologies and local economic development.

Wolf and others accused the criteria of being pointed a certain way.

"We think this steers the selection process toward one project," said Carl Lehmann, director of government affairs for Xcel Energy.

Xcel is the only utility that secures its energy through a competitive bidding process, which is regulated by the commission. Lehmann said results of the 2001 energy policy changes have been good and the company has seen more bids this year because of it.

But he warned, "If we insert the criteria, bidders may believe the process is a political one."

Tracy Bridge, director of government and public relations for Reliant Energy, said his company also opposes the legislation. He said instructing the commission to consider new criteria is unnecessary because it already has that authority.

Jorgensen maintained that the current process encourages existing technologies and the state needs to act this year if a project like Mesaba is going to be considered.

"This encourages creative new entrants ... to foster goals at competitive prices," she said.

Rep. Dan McElroy (R-Burnsville), co-chair of the conference committee, asked Tomassoni if he would be willing to see if the proposal could be scaled back so more people would be in agreement.

"That's why I'm here," Tomassoni said.

Negotiations on the energy legislation were scheduled to be continued at the time this edition of *Session Weekly* went to press.



PHOTO BY ANDREW VON BANK

Conferees discuss the omnibus jobs and economic development bill, particularly Senate energy provisions not originally heard by House committees.

Hot topics

Audit commission uses survey to help determine which issues need further study and examination

By LISA HILTON

When legislators want to know how many sex offender treatment programs there are in Minnesota, how well recycling programs work, or even how effective mosquito control programs are at reducing pesky bugs, they often turn to the Office of the Legislative Auditor.

The nonpartisan office was created in 1878 to provide accurate and useful information to lawmakers, and to conduct financial audits of government entities.

Originally called the Public Examiner, the benefit of the office was almost immediately clear to lawmakers. Only a few years after the position was created, Gov. John Pillsbury stated, “No single act of legislation in this state has ever been productive or more good in purifying the public service ... than the creation of this office of public examiner.”

Along with serving as a watchdog of state agencies by pointing out problems in programs, the office also makes recommendations as to how the agencies can improve.

Each year the office studies topics selected by a 16-member joint House-Senate delegation, called the Legislative Audit Commission.

A topic selection sub-committee makes recommendations to the full committee about which topics should be chosen. The office is then required by law to study those issues.

Although the office can usually study about six topics a year, this year is a little different because the budget is not yet set, Legislative Auditor James Nobles said. For now, the office is beginning only four program evaluation studies, but if more money becomes available, the office may add another study.

This year’s topics are:

- how the Department of Natural Resources maintains trails and enforces regulations on trails;
- how well state agencies manage contracts;
- how efficiently the Metropolitan Airports Commission uses its resources and whether it responded well to the financial crisis that followed Sept. 11; and

- how well the Department of Human Services ensures compliance with participant eligibility, renewal, and premium payment requirements for MinnesotaCare.

Full reports on the issues are expected to be released in January 2003.

Legislative surveys

Although the audit commission makes the final decision about topics to be studied, surveys of all 201 lawmakers have long been used as one factor to help decide what is important to legislators.

After the audit commission narrows a list of about 40 possible study topics down to about a dozen, the auditor’s office then pre-

out that some legislators are lobbying others to select certain topics on their surveys.

In an effort to limit the practice, Rep. Dan McElroy (R-Burnsville) suggested at a March 11 sub-committee meeting that this year’s survey ask which topic is the most important and why. The committee agreed, and for the first time, this year’s survey asked lawmakers to describe why their first choice was important to them.

But Roger Brooks, deputy legislative auditor for the Program Evaluation Division, said only about one-quarter of those who returned a survey wrote why they chose their top priority.

The surveys were also changed about three years ago to include each legislator’s name because some members were copying their completed survey form and asking others to sign it, he said.

Brooks pointed out other concerns during an audit commission meeting last fall.

Since topics are chosen during the middle of the legislative session, members are very busy and have little time to dedicate to the

“No single act of legislation in this state has ever been productive or more good in purifying the public service ... than the creation of this office of public examiner.”

— Gov. John Pillsbury, commenting on the creation of the office now governed by the Legislative Audit Commission

pare summaries of each topic and surveys legislators, who rank the studies based on their value. About half of the lawmakers usually return the surveys, Nobles said.

This year’s survey asked legislators whether an issue should be studied or not, and members were requested to write which is their highest priority for a study and why.

Of the 80 lawmakers who returned a survey this year, 40 said the state contract issue should be studied, and 11 picked the issue as their top priority.

The other three topics were nearly evenly ranked as the second priority.

Topic selection concerns

The audit commission has been in operation since 1975, but lately there has been some concern regarding topic selection.

For example, several lawmakers have pointed


commission.

The first year of the biennium also poses problems because legislators aren’t appointed to the commission until late in the session, he said.

Attendance at audit commission meetings is also a concern, since who attends a meeting can greatly influence what study topics will be selected, Brooks said.

Nobles has also expressed concern about study topics that have been assigned.

It’s important to study issues that future legislatures will have use for, he said. While some studies are used a great deal, others are not used as much, he said.

“I want us to utilize the resources we have available in the most effective way,” Nobles said. “The question we are always trying to answer is, ‘Is this really worth it?’” 

Logging on

Communities in Greater Minnesota want the same Internet access as those in metropolitan areas

By SARAH MCKENZIE

While many rural Minnesotans have access to the Internet, they often trail behind their urban counterparts on the information highway with slower connections.

High-speed Internet access has increasingly become a staple for schools and businesses in the Twin Cities metropolitan area, along with a few pockets in Greater Minnesota, such as Marshall in the state's southwest corner.

But many rural communities either lack access or connect to the Internet at slow speeds, making it difficult to compete in the fast-paced, Net-based economy — a trend that troubles rural legislators working to stymie the population drain in their districts.

Rep. Bob Ness (R-Dassel), chair of the House Agriculture and Rural Development Finance Committee, said he is working to establish continued funding for the state's Telecommunications Access Revenue Program in this year's budget bill. A provision is contained in the Senate version. The program leverages federal dollars and provides school districts with an additional \$5 per pupil to pay for high-speed networks and other telecommunications systems. It also provides funding for public libraries.

Minnesota school districts received about \$15 million to expand information technology this year under the program.

The budget deficit has made it more difficult to find money for the program for fiscal year 2003, but Ness said he would like to see House and Senate conferees include funding for the program in the budget compromise.

"The basic question is this: in this modern era of technology is access to the Internet as important as electricity?" Ness said. "It absolutely is. We have to deal with the state's interest of equity for all citizens so all Minnesotans can share in economic growth."

Rep. Doug Peterson (DFL-Madison), the agriculture finance committee's DFL lead, has also been a strong proponent of expanding high-speed Internet access in Greater Minnesota.

Peterson, who will step down at the end of



PHOTO ILLUSTRATION BY PAUL BATTAGLIA

Legislators are pushing to fund access to high-speed Internet connections for rural Minnesotans.

the session to become head of the Minnesota Farmer's Union, said the state's agriculture community needs to have equal access to faster Internet connections to stay competitive.

Ness said he would like to see a permanent funding model based on a provider surcharge to mitigate funding disparities between large and small school districts — similar to recommendations made by the state's Department of Children, Families and Learning, which were presented in February.

"We need to come up with some permanent funding instead of riding this wave of doubt when we come up to another session," Ness said.

The department recommended that the state work with its Public Utilities Commission and the Legislature to adopt a universal service fund model that would create a permanent fund for K-12 public schools and libraries.

Under the model, the fund would generate \$24 million annually for school and library telecommunications access costs by tacking a surcharge on to monthly wire and wireless customer bills.

A bill (HF3301) in the House aimed at creating a permanent funding source and a

companion measure (SF3346) in the Senate have stalled this session. Ness and Sen. Steve Kelley (DFL-Hopkins) are the sponsors.

The bill, aimed to increase statewide accessibility to broadband services, would tack a 42-cent surcharge on to bills issued by Internet service providers and other utilities providing telecommunications services to fund installation of broadband infrastructure for schools.

Besides funding for schools, the state Department of Trade and Economic Development has provided \$1 million in grants to rural cities and counties to expand high-speed Internet access.

Although the projects have taken longer than expected to implement, according to a department report, many communities have reported back with success stories.

In Sibley County, for instance, agricultural high-speed Internet subscribers have been able to access commodity prices at much

faster rates.

Another project report indicates that a business in Madison Lake was able to avoid a relocation to Mankato by purchasing a wireless connection with grant money. It turned the "business's nightly file downloads from a 6-7 hour ordeal to a 7-12 minute task," according to the report.

"Interestingly, two of his employees, (both) computer technicians, have purchased homes and are raising their families in Madison Lake, population 688, as a result of the firm's decision to stay in the community," the report continued.

Despite uncertainties over additional state funding, Jack Geller, president of the Center for Rural Policy and Development at Minnesota State University, Mankato, said high-speed Internet subscription rates in Greater Minnesota appear to be on the rise.

Geller said the center will release results from a survey tracking Internet use in June.

According to its most recent survey, 60 percent of rural Minnesota households have a working computer, and of that group, 80 percent are connected to the Internet.

Continued on page 22

Ready to relax

After 28 years of fighting for St. Paul, Osthoff says it's the right time to step aside

By DAVID MAEDA

Next to the walking trail around Lake Como in St. Paul sits a bench surrounded by newly planted trees dedicated in memory of Sandra Osthoff.

In many ways the memorial to his late wife is an appropriate symbol for Rep. Tom Osthoff's (DFL-St. Paul) career as a 28-year House member.

Osthoff is known for his work on environmental issues, currently serving as the DFL lead on the House Environment and Natural Resources Finance Committee after chairing the same committee in 1997-98. He was an advocate of the creation of the state lottery, with funds dedicated to the environmental trust fund.

He shared his environmental concerns with his wife, Sandra. Osthoff said she loved Como Park, serving on committees to clean up the lake.

highest minority populations in the state, and it is a great opportunity for someone to step up and add balance to the Legislature.

As a child, Osthoff shared a newspaper route in the Capitol area with his four brothers. He remembers watching lawmakers and staff scurry around from the balconies above the chambers.

Now he says one of the things he will miss and remember most fondly are the colleagues and staff he worked with.

"There's some really marvelous people here. You get to meet all different creeds, nationalities, religions, sexual orientation. If you lived in your own little neighborhood the chances of that are nil," he said. "I couldn't go out in the private industry and hire better people. They're incredibly gifted."

When Osthoff decided to run for a House seat in 1974, education issues topped his list

of concerns. He sponsored a law providing a tax deduction for tuition, transportation, and textbooks at private schools. The law was challenged all the way to the U.S. Supreme Court, which upheld its constitutionality.

Of his accomplishments over the years he is most proud of sponsoring legislation for property tax relief and the Minnesota renter's credit.

He also sponsored changes to the state's elections and public official ethics laws, having also worked as the manager of Ramsey County's property tax department, responsible for overseeing the county's election administration.

"I don't do the glitzy things. I'm trying to do the things that help the most people," Osthoff said.

Known for his sometimes confrontational debate style, he would agree with those who

have said he has mellowed over the years.

"Everybody used to be frightened of me because I would snap and growl and bite once in a while," he said. "I have grown intellectually and emotionally, I'm still evolving. ... If they want to call that mellowing, that's fine with me."

Rep. Ron Abrams (R-Minnetonka) said Osthoff will be very much missed by members from both sides of the aisle.

"Tom is one of the finest members of the Minnesota Legislature that I ever served with," Abrams said. "He never forgot his Rice Street roots and at the same time understood his job had an impact statewide."

Rep. Alice Hausman (DFL-St. Paul), who shares a Senate district with Osthoff, praised his efforts on behalf of the city, specifically projects dealing with infrastructure, Como Park, and the Science Museum of Minnesota.

"Tom is devoted to St. Paul and to his neighborhood. What he does with that commitment in his legislative career is to concentrate on projects that would help his city," she said.

House Speaker Steve Sviggum (R-Kenyon) said he will miss working with Osthoff.

"Without question he is the strongest advocate for his community, meaning St. Paul, that I know," Sviggum said. "He understands the process and he gets things done. In the Legislature there are voices in the wilderness. There are ineffective legislators, and there are effective legislators. He is one of the effective ones."

Osthoff said that he'll miss being in the House, but he leaves the Capitol with a smile on his face.

"I'm really proud to be a member of this Legislature. I consider it to be a very high honor. It's a privilege accorded to you ... bestowed on you by the voters and the people of your district. I don't know what's more honorable than to have somebody have confidence that you can do the job for them. How can you not feel humbled when that happens to you?" 🐼



PHOTO BY TOM OLMSCHIED

Rep. Tom Osthoff, who spent 28 years in the House advocating for St. Paul projects, will step down after his current term.

When new redistricting maps were released this spring, the district's boundaries greatly changed, reflecting the growing diversity in the city. Being at the retirement age of 65, Osthoff said he knew it was the right time to step aside.

"I just want to relax and enjoy whatever God gives me for the rest of my life on this good earth. And that includes my son, my daughter-in-law, and my two grandchildren," he said.

He said the new district contains one of the

STEPPING DOWN

Rep. Tom Osthoff
DFL
District 66A — St. Paul
Terms: 14

Career notes: Osthoff is known for his advocacy of several projects in the Como Park neighborhood, including funding for improvements to the Como Park Zoo and Conservatory. He also sponsored a number of environment-related bills.

New opportunities

Rifenberg opts against re-election after redistricting pairs her with another Republican House member

By THERESA STAHL

Listening to her colleagues, it is clear Rep. Michelle Rifenberg (R-La Crescent) will be missed.

"She is a very honorable person to work with, very straight forward," said Rep. Gene Pelowski (DFL-Winona).

"She's a great asset to this House, a great asset to her district," added Rep. Greg Davids (R-Preston).

But not even the distinction of being vice chair of the House Redistricting Committee could protect her from the consequences of the court-ordered district boundaries.

Due to new boundaries, Rifenberg and Davids would be paired in the upcoming election. New Senate lines pair two Republican senators, as well. Those factors helped Rifenberg, who is in her third term in the House, decide against seeking re-election.

"I've got a tremendous amount of respect for her," said Davids, who was with Rifenberg when she made the announcement not to run. "Even if we both would have decided to run, I think it would have been a good clean campaign — it would have been about issues."

Rifenberg said she is disappointed about the circumstances and hasn't decided what she's

going to do next. But she says she remains an optimist.

"I know that every day is a new opportunity," she said. "Just because you don't know what it is doesn't mean the opportunity's not going to be there."

The opportunity to run for state representative first presented itself to her in 1996. Rifenberg spent nine years at home with her son after working as a medical technologist in a hospital for seven years. She became involved in her son's school activities and was an active volunteer.

She taught Confraternity of Christian Doctrine (CCD) classes for eight years, served as president of the Council of Catholic Women, and was chair of the Houston County Republicans when she announced her candidacy for the Legislature.

Rifenberg said she ran on her own initiative.

"I was inspired by the example of a few good, true Republicans that understood the principles of limited government and the impact an over-reaching government has on a family," she said.

She said one of the biggest issues that motivated her to run was Minnesota's "burdensome tax situation." She's now served on the House Taxes Committee for four years and has sponsored several bills related to taxes.

She has also served on the House Regulated Industries and Agriculture Policy committees.

Rifenberg's philosophy on taxing is germane to her view of families.

"I want people to remember that I was a legislator that understood that families work hard for their money, and that they need to be able to keep more of their own

money, because they're the best decision-makers when it comes to caring for the needs of their family."

Although she's looking forward to spending more time with her own family, Rifenberg said she will miss the friends she's made in St. Paul.

"You form friendships that will last a lifetime" working in the Legislature, she said.

She also promises to keep a close eye on what continues to happen with tax policy.

"We've made a lot of progress and we still have a long way to go," she said. "I want to make sure we don't backtrack on the progress that we've made."

When Rifenberg looks at her life, she says, she sees progress and accomplishment.

"Women can be anything they want to be or do anything they want to do, but you just can't do it all at one time. So you have to segment your life."

Reflecting on her time at the Legislature, Rifenberg said a friend of hers reminds her of a saying from Mother Teresa about entering public service. "You're called to serve, not to succeed," Rifenberg quoted. "When I think about being motivated to run and wanting to do something about tax policy, there's a special sense of gratification and accomplishment to know that while I was fortunate enough to serve, I was lucky to succeed."

Davids wouldn't disagree.

"Michelle Rifenberg is one of the best legislators I've ever worked with ... she is great on all issues," he said. "She's smart, she's well-read, she's prepared. She really represents her district well."

The House is "much worse off" because she's not running again, Davids said.


"To serve the district as honorably as she has is really a tribute to her and her family," he said. "She'll be missed terribly." 



PHOTO BY TOM OLMSCHIED

Rep. Michelle Rifenberg will step down after this session. Part of her southeastern Minnesota district was combined with Rep. Greg Davids', prompting her to not run for re-election.

STEPPING DOWN

Rep. Michelle Rifenberg
Republican
District 32B — La Crescent
Terms: 3

Career Notes: Rifenberg sponsored a law for a loan forgiveness program for teachers to encourage more teachers to come to rural Minnesota. She has also sponsored a number of different tax proposals, including those dealing with income, property, and sales taxes.

Orderly annexation

Trio of new laws update the system, make it fairer for all sides, proponents say

By DAVID MAEDA

Minnesota's population density of 61.8 people per square mile ranks 31st in the nation. But as metropolitan areas continue to grow and rural areas lose population, the relationship between townships and cities, particularly when it comes to boundary issues, can cause conflict, though not frequently.

According to a 2002 Minnesota Planning report titled *City Limits: A Report to the Minnesota Legislature on Municipal Boundary Adjustments*, there were 691 municipal adjustments in the state between 1999 and 2001. Only 22 were filed as contested proceedings, of which 10 went to a hearing.

But not all agree that the system is working.

Brenda Dicken, chair of the Rochester Township board, said the state will see the "gradual demise of all but the most rural townships" if changes are not made.

"The changes in the annexation process in the past 10 years have swung the pendulum so far in the favor of cities that townships have completely lost their voices in the process," she said.

But Brenda Johnson, a Chatfield city council member, said township residents in some areas enjoy city services such as sewer and water, libraries, and parks without having to pay the taxes that support them.

"It is about subsidies not wanting to be subsidizers," Johnson said.

State law provides three types of annexation.

- Under certain conditions, cities may pass ordinances declaring specific land parcels as part of the city. Property owners can also petition for an ordinance. Such a plan must meet several criteria, including that the annexed land is completely surrounded by the city annexing it or the land equals 60 or fewer acres.
- Orderly annexation occurs when the city and township work together in developing a joint plan to address the needs of the community.
- State-ordered annexation often occurs when no orderly agreements are in place and city ordinance is not possible.

In 1959 the Minnesota Municipal Board was created to oversee the increasing number of disputes in the boundary adjustment process.

No governmental body previously existed to ensure an orderly process.

The three-member board appointed by the governor was given the responsibility of holding hearings and issuing orders for the creation or adjustment of municipal boundaries.

In part to address the growing issue of urban sprawl, the Legislature passed the Community Based Planning Act in 1997 establishing a voluntary planning process to coordinate development. A provision set a Dec. 31, 1999 sunset of the municipal board,



PHOTO ILLUSTRATION BY ANDREW VON BANK

Proposals to regulate municipal boundary adjustments, primarily through annexation, have passed into law during the 2002 session. One law allowed the cities of Rockville and Pleasant Lake in Stearns County to merge into one city with Rockville Township.

transferring its duties to the Office of Strategic and Long Range Planning.

The two-year sunset was to allow time to develop an alternative dispute process to compare with the existing process.

But the alternative process was never used because it was developed for two-party disputes and most contested cases involve more than two parties. As the board's sunset approached, its caseload increased and board members resigned. The Legislature then moved the sunset up to June 1, 1999.

Currently, in contested proceedings, a hearing date before an administrative law judge is set within 30 to 60 days after the appropriate documents are filed.

All sides are required to meet at least three times prior to the hearing and report back to the director of the planning agency on the progress of those meetings.

The director can summon a neutral third party mediator to work with the sides to find a mutual agreement. The parties can also choose binding arbitration, although that has not been used since the municipal board was sunset.

Kent Sulem, an attorney representing the Minnesota Association of Townships, said costs of contested proceedings are becoming a barrier to township participation.

According to the report, municipal board members formerly received a \$50 per diem, while the current administrative law hearing process involves judges paid on a fee-for-service basis at \$150 per hour.

As a result, recent proceedings involving the city of St. Cloud and St. Augusta Township cost about \$29,000. The board's estimated costs for the same time would have been \$1,800.


The Legislature continues to look at the municipal boundary adjustment process, passing three laws this session.

One law (HF1620*/SF2210/CH236), sponsored by Rep. Larry Howes (R-Walker) and Sen. David Tomassoni (DFL-Chisholm), reinforces that orderly annexation plans are binding contracts.

The second law (HF1189*/SF1376/

CH235), sponsored by Rep. Ray Vandever (R-Forest Lake) and Sen. Michelle Bachmann (R-Stillwater), requires election of new municipal officers when an entire township is annexed.

Finally, a law (HF1297/SF1471*/CH223), sponsored by Rep. Jerry Dempsey (R-Red Wing) and Sen. Jim Vickerman (DFL-Tracy), replaces obsolete language relating to the municipal board, as well as other housekeeping provisions.

The House Local Government and Metropolitan Affairs Committee rejected another Howes-sponsored bill (HF869). It would have allowed residents to vote on a proposed annexation of their area. The measure received support from townships but was opposed by city officials. 

Minnesota State Government

State Departments*

Administration

200 Administration Building
 50 Sherburne Ave., St. Paul 55155 296-6013
<http://www.admin.state.mn.us>
David Fisher - Commissioner 296-1424

Agriculture

Agriculture Building
 90 W. Plato Blvd., St. Paul 55107 297-2200
<http://www.mda.state.mn.us>
Gene Hugoson - Commissioner 297-3219

Children, Families & Learning

1500 Highway 36 W., Roseville 55113 582-8200
<http://children.state.mn.us>
Christine Jax - Commissioner 582-8204

Commerce

133 E. Seventh St., St. Paul 55101 296-4026
<http://www.commerce.state.mn.us>
Jim Bernstein - Commissioner 296-6025

Corrections

Suite 200
 1450 Energy Park Drive, St. Paul 55108 642-0200
<http://www.corr.state.mn.us>
Sheryl Ramstad Hvass - Commissioner 642-0282

Economic Security

390 N. Robert St., St. Paul 55101 296-3644
<http://www.mnwfc.state.mn.us>
Earl Wilson - Commissioner 296-3711

Employee Relations

Second Floor, Centennial Office Building
 658 Cedar St., St. Paul 55155 297-1184
<http://www.doer.state.mn.us>
Julien C. Carter - Commissioner 296-3095

Finance

400 Centennial Office Building
 658 Cedar St., St. Paul 55155 296-5900
<http://www.finance.state.mn.us>
Pam Wheelock - Commissioner 297-7881

Health

The Golden Rule Building, Suite 400
 85 Seventh Place E., St. Paul 55101 215-5800
<http://www.health.state.mn.us>
Jan Malcolm - Commissioner 215-5813

Housing Finance Agency

400 Sibley, Suite 300, St. Paul 55101 296-7608
<http://www.mhfa.state.mn.us>
Katherine G. Hadley - Commissioner 296-5738

Human Rights

Suite 700
 Army Corps of Engineers Center
 190 E. Fifth St., St. Paul 55101 296-5663
<http://www.humanrights.state.mn.us>
Janeen Rosas - Commissioner 296-5663

Human Services

Human Services Building
 444 Lafayette Road, St. Paul 55155-3815 297-3933
<http://www.dhs.state.mn.us>
Michael O'Keefe - Commissioner 296-2701

Labor & Industry

443 Lafayette Road, St. Paul 55155 284-5000
<http://www.doli.state.mn.us>
Shirley Chase - Commissioner 284-5010

Military Affairs

Fourth Floor, Veterans Service Building
 20 W. 12th St., St. Paul 55155-2098 282-4662
<http://www.dma.state.mn.us>
Maj. Gen. Eugene R. Andreotti - Adjutant General 282-4666

Minnesota Planning

Third Floor, Centennial Office Building
 658 Cedar St., St. Paul 55155 296-3985
<http://www.mnplan.state.mn.us>
Dean Barkley - Director 297-2325

Natural Resources

500 Lafayette Road, St. Paul 55155-4001 296-6157
<http://www.dnr.state.mn.us>
Allen Garber - Commissioner 296-2549

Pollution Control Agency

520 Lafayette Road N., St. Paul 55155 296-6300
<http://www.pca.state.mn.us>
Karen Studders - Commissioner, Board Chair 296-7301

Public Safety

Town Square
 444 Cedar St., St. Paul 55101 282-6565
<http://www.dps.state.mn.us>
Charlie Weaver - Commissioner 282-6565

Revenue

600 N. Robert St., St. Paul 55146 296-3781
<http://www.taxes.state.mn.us>
Matt Smith - Commissioner 296-3403

Trade & Economic Development

500 Metro Square
 121 Seventh Place E., St. Paul 55101-2146 297-1291
<http://www.dted.state.mn.us>
Rebecca Yanisch - Commissioner 296-6424
 1-800-657-3858

Transportation

395 John Ireland Blvd., St. Paul 55155 296-3000
<http://www.dot.state.mn.us>
Elwyn Tinklenberg - Commissioner 296-3000

Veterans Affairs

Second Floor, Veterans Service Building
20 W. 12th St., St. Paul 55155 296-2562
<http://www.mdva.state.mn.us>
Jeffrey L. Olson - Commissioner 296-2345

Boards & Agencies

Board of Pardons

Suite 200
1450 Energy Park Drive, St. Paul 55108-5219 642-0284
Jeffrey Shorba - Secretary 642-0284

Campaign Finance & Public Disclosure Board

First Floor, Centennial Office Building
658 Cedar St., St. Paul 55155 296-5148
<http://www.cfboard.state.mn.us>
Jeanne Olson - Executive Director 296-1721

Capitol Area Architectural & Planning Board

204 Administration Building
50 Sherburne Ave., St. Paul 55155 296-7138
<http://www.caapb.state.mn.us>
Nancy Stark - Executive Secretary 296-1162

Higher Education Services Office (HESO)

Suite 350
1450 Energy Park Drive
St. Paul 55108-5227 642-0533
1-800-657-3866
<http://www.mheso.state.mn.us>
Robert Poch - Director 642-0502

Iron Range Resources & Rehabilitation Board

P.O. Box 441, Eveleth 55734 (218) 744-7400
1-800-765-5043
<http://www.irrrb.org>
John Swift - Commissioner

Law Library

Ground Floor Judicial Center
25 Constitution Ave., St. Paul 55155 296-2775
<http://www.courts.state.mn.us>
Marvin Roger Anderson - State Law Librarian 297-2084

Metropolitan Council

Mears Park Center
230 E. Fifth St., St. Paul 55101 602-1000
<http://www.metrocouncil.org>
Ted Mondale - Chair 602-1554

Minnesota Historical Society

Minnesota History Center
345 Kellogg Blvd. W., St. Paul 55102-1906 296-6126
<http://www.mnhs.org>
Nina M. Archabal - Director 296-2747

Minnesota State Colleges & Universities (MnSCU)

500 World Trade Center
30 E. Seventh St., St. Paul 55101 296-8012
<http://www.mnscu.edu>
James McCormick - Chancellor 296-8012
Mary Choate, Bloomington - Board Chair

Minnesota Tax Court

Minnesota Judicial Center
25 Constitution Ave., St. Paul 55155 296-2806
<http://www.taxcourt.state.mn.us>
George W. Perez - Chief Judge

Minnesota Veterans Homes Board

122 Veterans Service Building
20 W. 12th St., St. Paul 55155 296-2073
<http://www.mvh.state.mn.us>
Wayne M. Sletten - Chair

Office of Environmental Assistance

520 Lafayette Road, Second Floor, St. Paul 55155 296-3417
<http://www.moea.state.mn.us>
Sherry Enzler - Director 215-0283

Public Utilities Commission

Metro Square Building, Suite 350
121 Seventh Place E., St. Paul 55101 296-7124
<http://www.puc.state.mn.us>
Burl Haar - Executive Secretary 296-7526
Gregory Scott - Chair

University of Minnesota

100 Church St. S.E.
202 Morrill Hall, Minneapolis 55455 (612) 625-5000
<http://www.umn.edu>
Mark Yudof - President (612) 626-1616
Maureen K. Reed, Stillwater - Board of Regents Chair

Workers' Compensation

Court of Appeals
Minnesota Judicial Center, Suite 405
25 Constitution Ave., St. Paul 55155 296-6526
<http://www.workerscomp.state.mn.us>
Thomas L. Johnson - Chief Judge 296-2253

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 second year of the biennium (even-numbered years), a bill passed by the Legislature and presented to the governor before the final three days of the session will become law unless the governor vetoes it by returning it to the Legislature within three days. The governor normally signs the bills and files them with the secretary of state, but his signature is not required.

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

Only on appropriations bills can the governor exercise the line-item veto authority. This option allows the governor to eliminate the appropriation items to which he or she objects. As with all vetoes (save pocket vetoes) the governor must include a statement listing the reasons for the veto with the returned bill. Here, too, the timetable is either 14 days after adjournment for bills passed during the final three days of the

session, or within three days after the governor receives the bill at any other time.

Policy items contained in appropriations bills may not be line-item vetoed. In order to veto such an item, the governor is required to veto the entire 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). Select the "Policy" link, then click on 2002 Bill Tracking.

Key:

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

CH	HF	SF	Description	Signed	Vetoed
261	3462	3080*	Funeral trust account provisions modified.	3/22	
262	3348	3136*	Workers' compensation provisions modified.	3/22	
263	2753	2590*	Carlton County recorder appointment authorized.	3/22	
264	2796*	2670	Minneapolis asphalt plant construction authority.	3/22	
265	2792*	2575	Appliance recycling required.	3/22	
266	3373	3045*	Fourth Judicial District domestic fatality review team pilot project extension.	3/25	
267	3362	3109*	Municipal police departments black patrol vehicles.	3/25	
268	2662	2611*	Interstate compact for adult offender supervision.	3/25	
269	1934	1030*	National crime prevention and privacy compact.	3/25	
270	94	222*	Game and fish laws gross overlimit violations penalties.	3/25	
271	2873	2578*	County human services and public health clients support programs.	3/25	
272	2993	2463*	Nurses overtime work hours regulation; border state nursing licenses reciprocity.	3/25	
273	3263	3167*	Sex offenders civil commitment determinations data access authority.	3/25	
274	1413	1226*	No-fault automobile insurance full medical expense benefits entitlement.	3/25	
275	3276	3100*	Medical assistance reimbursement for tribal health services.	3/25	
276	3291	3124*	Nursing and board care homes resident reimbursement classifications provisions modification.	3/25	
277	3245	3126*	Health care and human services programs provisions technical modifications.	3/25	
278	3061	3117*	Metropolitan Council interceptor facilities continued use determination.	3/25	
279	2600	2419*	Child care programs wading pools public swimming pools regulations exemption.	3/25	
280	197*	107	Noncommercial television station and metro bus garage grant provided.		3/27◆
281	2678	2768*	Medical assistance demonstration project provisions modified.	3/26	
282	3579	3073*	Domestic abuse order for protection or no contact order misdemeanor violations standards clarified.	3/26	
283	2570*	2553	Automobile insurance damaged window glass claims payment basis modified.		3/26◆
285	2882*	3122	Electric personal assistive mobility device and roadway and sidewalk regulations.	3/26	
286	3078	2821*	Real estate brokers and salespersons regulatory provisions modifications.	3/26	
287	2664	2459*	Supplemental nursing services agencies registration criteria expansion.	3/26	
288	1885	2115*	Motor vehicle dealers surety bond requirements clarification.	3/26	

◆ - veto overridden by the Legislature

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

CH	HF	SF	Description	Signed	Vetoed
289	3091	2764*	Mentally retarded persons incidents and emergencies reporting standards modification.	3/26	
290	2932	2614*	Foster care placement communicable diseases disclosure requirement.	3/26	
291	3080	3055*	Metropolitan transit police provisions modifications.	3/26	
292	2757	2692*	Human services licensure.	3/26	
293	2889	2933*	Individual sewage treatment systems installation.	3/26	
294	2635	2550*	Special education services costs reimbursement.	3/26	
295	3222	2953*	Fire insurance excess coverage prohibitions.	3/26	
296	2933	2546*	Rockville and Pleasant Lake consolidation plan joint development required.	3/26	
297	2884*	2715	Motor vehicle excessive gross weight civil fine imposition modified.	3/26	
298	3196*	2966	State procurement law ethical provisions clarified.	3/26	
299	3205	2890*	Public works contracts regulated.	3/27	
300	3223	2793*	Out-of-state facilities for children with severe emotional disturbance certification plan required.	3/27	
301	2842	3244*	Evidentiary laboratory blood sample reports electronic signatures.	3/27	
302	3224	3034*	Hennepin County Medical Center cooperative purchasing authority.	3/27	
303	3240	2814*	Electronic voting authorized for cooperatives.	3/27	
304	2596	2673*	Child custody provided for by de facto custodians and third parties.	3/27	
305	3328	3278*	Driver's education organ and tissue donation instructions.	3/27	
306	3079	2697*	Real estate transactions disclosure requirements.	4/1	
307	3492	3315*	Insurance provisions modification; medical malpractice insurance joint underwriting assoc. issuance prohibition.	4/1	
308	3221	3145*	Military justice code revisions.	4/1	
309	3506	3084*	State and local government units auditing and reporting requirements modifications.		4/1
310	1224*	887	Medical response unit registration provided.	4/1	
311	2785	2542*	Business and nonprofit corporations and limited liability companies regulation provisions modifications.	4/1	
312	3519	2675*	State agencies required to use biodiesel and clean fuels; recyclable material requirements for public entities modified.	4/4	
313	2647	2569*	Federal tax rebates not considered means of support relating to veterans home discretionary admission.	4/4	
314	2840	2580*	Criminal prosecution estoppel provisions modified.	4/4	
315	3169	2881*	Housing; municipal low-income housing authority specified.	4/5	
316	3076	2612*	Funeral procession escort private vehicle authorized to use flashing red lights.	4/5	
317	3029	2680*	Energy building code requirements changed in certain instances.	4/5	
318	3058	2739*	Cities additional liquor licenses; hotel rooms liquor cabinets hours of sale restrictions exemption.	4/5	
319	2706*	3076	Obstruction of emergency vehicle during emergency duty misdemeanor penalty provided.	4/5	
320	3030	3322*	Metropolitan Council existing service capacity external use provided.	4/8	
321	3034	2949*	Background check public criminal history data expanded.	4/8	
322	2841	2533*	Criminal offenders county correctional services costs payment.	4/8	
323	2684	2678*	Natural resources department provisions modifications.	4/8	
324	3432	3352*	Dry cleaner environmental response and reimbursement.	4/8	
325	3209	3054*	Petrofund consultant and contractor registration period modifications.	4/8	
326	3464	3174*	Money transmitters act small business category.	4/8	
327	1763	1811*	Public drainage systems jurisdiction transfer.	4/8	
328	1683	2150*	Technology circuits or systems contractors and power limited technicians.	4/8	
329	3125*	2987	Telecommunications access for communication-impaired persons program renamed.	4/8	
330	2988*	3023	Insurance licenses, fees, and coverages regulated; health care administration simplified.	4/8	
331	3497	3015*	Commerce Department insurance fraud prevention; crime of employment of runners.	4/10	
332	2719*	2827	Uniform athlete agents act providing student athlete agent registration adopted.	4/10	
333	1517*	1443	Swimming pool requirements established for family day care homes.	4/12	
334	2835	3028*	National and community service commission nonprofit corporation creation.	4/12	
335	2735	2457*	Civil commitment standards modifications; mental health system report.	4/16	
336	2763	2592*	Mutual insurance holding companies reorganization to stock companies.	4/16	
337	3537	3288*	Firefighters interest arbitration decision provision expiration date extension under PELRA.	4/16	
338	3455	3380*	Postnuptial contracts provisions modifications.	4/16	
339	2751	2650*	Credit unions regulation provisions modifications.	4/16	
340	3445	3238*	Nonprofit neighborhood organization members directors election, voting right notice option.	4/16	
341	3193	2957*	Dentist practice violations reporting requirements.	4/17	
342	3257	2988*	Financial institutions detached facilities, charges and fees, and mortgage prepayment penalties regulated.	4/17	
343	2687	3075*	Motor vehicle sales tax payment for sales in violation of dealer licensing requirements.	4/17	
344	3393	3114*	Child support obligors limited driver's licenses and payment agreements.	4/17	

◆ - veto overridden by the Legislature

† - Filed without signature

Continued from page 4

year system. Goodno said the change would mean a savings of around \$187 million, of which \$165 million would go to the budget reserves.

Sen. Dick Day (R-Owatonna) offered a proposal April 16 on behalf of the Senate minority caucus that he said represented a middle ground.

It accepts the Senate provision of the change to the education payment formula, as well as a shift in funding to human service programs of around \$36.9 million. The rest of the deficit would be addressed by a permanent transfer of \$100 million from the tobacco endowment fund.


House Minority Leader Tom Pugh (DFL-South St. Paul) said members of his caucus would be concerned with using tobacco funds to address the deficit and that the Senate Republican proposal did not address the issue of replenishing the state's budget reserve.

The Senate proposal offered April 17 would "blink" the cigarette tax on and off based on

the economy and the amount of the state budget reserve needed to deal with a deficit. Under the proposal, the tax increases would not be effective unless the state was facing a deficit. The rest of the Senate's original tax provisions were in the offer.

Goodno said there was no need for the committee to continue meeting until House and Senate leadership reach a global agreement. He said the budget bill is contingent on the work of other conference committees including transportation, bonding, and anti-terrorism. He said it was not productive for the two sides to continue to make "supposed proposals" to each other.


"I don't see a need for this if this is all we're going to do," he said. "We pretend we're making progress when we are not."

Sen. Len Price (DFL-Woodbury) questioned why the House position is contingent on whether the transportation bill includes a gas tax. He said it was important for the budget conferees to continue meeting to find some mutual ground. 

Continued from page 14

Poll respondents overwhelmingly used a dial-up connection with 13 percent using a high-speed digital subscriber line (DSL) or cable modem. The center polled 1,200 rural households between Jan. 21 and Feb. 2, 2001.

A more recent report by the Department of Administration indicates that 88 percent of communities in the Twin Cities metropolitan area had access to high-speed Internet connections as of March. Only about 18 percent of Greater Minnesota communities had similar access.

"So here's what it boils down to: the good news is that contrary to some concerns, rural Minnesotans are embracing the digital age and logging onto the Internet at rates equal to or higher than the national average," Geller wrote in a July 2001 column. "The bad news is that rural Minnesotans overwhelmingly connect to the Internet using slow, dial-up connections, due either to a lack of access to broadband services, or an inability to see how it benefits them at this time." 

BILL INTRODUCTIONS

APRIL 15, 2002

HOUSE FILES 3715 - 3716

Monday, April 15

HF3715—Dehler (R) Transportation Policy

Confiscated items at airports mailed to owners.

HF3716—Thompson (DFL) Local Government & Metropolitan Affairs

Longevity pay for local elected officials prohibited.

COMMITTEE SCHEDULE

APRIL 22 - 26, 2002

MONDAY, April 22

10 a.m.

HF3203 Conference Committee

Department of Public Safety Housekeeping Bill
500S State Office Building
Chrs. Rep. Bill Kuisle, Sen. Steve Murphy

1 p.m.

THE HOUSE MEETS IN SESSION.

TUESDAY, April 23

No meetings have been announced.

WEDNESDAY, April 24

8 a.m.

SF3172/HF3615 Conference Committee

Repeat sex offenders conditional release period extension and harassment and stalking crimes enhanced penalty provision modifications and expansion.
500S State Office Building
Chrs. Rep. John Tuma, Sen. David Knutson

THURSDAY, April 25

No meetings have been announced.

FRIDAY, April 26

No meetings have been announced.

Minnesota Memorials



Floyd B. Olson

The man remembered by many as a “Champion of the People” is memorialized at the corner of Constitution and Aurora avenues, between the State Office Building and the Capitol.

Sculpted by Charles Brioschi, the statue of Floyd B. Olson was dedicated in 1958.

As Hennepin County attorney, Olson earned a reputation for prosecuting corrupt businessmen, politicians, and racketeers. During this time Olson became a friend of labor, especially after winning a case against the Minneapolis Citizens Alliance, a group that hired a man to blow up a contractor’s home.

Olson’s political career began to take shape at about the same time.

In 1924 he was endorsed by the Hennepin County Farmer-Labor central committee for governor, and he later garnered the state party endorsement. He lost the election but did better than the democratic candidate.

Six years later Olson again earned the party’s nomination en route to becoming the first governor from the Farmer-Labor party. He easily won re-election in 1932 and 1934.

As governor, Olson continued his fight for labor and the state’s farmers. Among items passed during his leadership were public unemployment insurance, hour and wage bills for women, and a mortgage moratorium on farms.

After five-plus years as governor, Olson set his sights on the U.S. Senate. Like his run for governor, Olson easily earned the party endorsement. Some in the party even mentioned Olson as a presidential candidate in 1940.

His health would not allow higher office, however, as Olson was diagnosed with stomach cancer in 1935. He died in office on Aug. 22, 1936 at age 44.

He is buried in Lakewood Cemetery in Minneapolis.

An Olson tradition continues to live on each year. A bet in 1935 between Olson and Iowa Governor Clyde Herring gave birth to Floyd of Rosedale, the bronze pig awarded to the winner of the football game between the universities of Iowa and Minnesota.

(M. Cook)

Reflections

As the legislative session winds down, members continue to work on bills as they wait for a compromised budget and some other key bills to be worked out between the House-Senate conference committees. Many are still spending 12-16 hours a day working to support or oppose issues that affect the lives of Minnesotans.

Once they leave the Capitol, most will work on re-election campaigns and connecting with thousands of constituents in their current and new legislative districts. They will also go home to catch up with family activities and friends, as well as concentrate on their full-time professions and other activities.

Yet, since the state became a territory in 1849, it is difficult to find a legislator who could match the stunning, active nature of Joseph R. Brown, one of the founders of the state.



Joseph R. Brown

Brown was an original member of the Territorial Legislature and held offices that included secretary and chief clerk. Brown later served two non-consecutive terms in the state Legislature. Minnesota historian Theodore C. Blegen credited him as being “versatile and resourceful ... an exuberant worker for Minnesota Territory.”

Brown was 14 when he came to the territory as a drummer boy in 1819 with Col. Henry Leavenworth’s army to build Fort Snelling. By age 17, he had learned the Sioux language, and with Joseph Snelling, son of the Fort’s commandant, he searched for the source of Minnehaha Falls and located Lake Minnetonka. At age 19 Brown became principal musician and leader of Fort Snelling’s band.

As diverse and talented as legislators are today, Brown outdid them. By the time he died at age 65, he was a lumberman,

grogshop owner (otherwise known as a saloon), American Indian agent, fur trader, officer in Gen. Henry Sibley’s army, and inventor of a “steam wagon” that traveled at 40 mph.

Sibley was the state’s first governor in 1858.

As a land speculator, Brown founded an area he named “Dakotah,” but the city of Stillwater outgrew it and merged with it. Later Brown founded the town of Henderson. The town of Browns Valley and

Brown County are named in his honor.

While pursuing many goals, he was a confidant to important leaders of the day and editorial manager of the *Minnesota Pioneer* newspaper — now the *St. Paul Pioneer Press* — after its founder, James Goodhue died. Brown’s persona, as well as his name, was used by author Sinclair Lewis in his novel,

The God-Seeker.

In 1846, when Minnesota was still part of the Wisconsin Territory, Brown was involved in many governmental projects that laid the foundation for the state to enter the Union. He worked closely with Sibley and others in sharing his experiences as a justice of the peace and a one-term legislator for St. Croix County. He even suggested the territory be named “Minasota” but Congress decided it should be Minnesota when it was established.

While overall achievements in the lives of legislators are noteworthy, Joseph Renshaw Brown’s accomplishments are incredible. No wonder he was called “The most remarkable man who ever appeared in the Northwest.”

—LECLAIR GRIER LAMBERT

Photo courtesy of the Minnesota Historical Society

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

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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

I N D E X

On the road

Total miles of roads and streets in Minnesota, as of October 2001	132,251
Miles under state control	11,928
As percent	9
State rank by percentage	44
Number of highway projects planned statewide for 2002	246
Approximate total costs of new and continued projects	\$1 billion
Federal money used for the projects, in millions	\$499
Total interstate and non-interstate highway funds authorized to the state for fiscal year 2002 from the Federal Highway Administration, in millions	\$458
Average amount received in federal highway transportation dollars since 1990 for every dollar Minnesota sends to Washington D.C.	\$1.10
Amount received for transit for every dollar sent	\$0.76
Vehicle miles of travel in the state in 2000, in billions	52.6
Billions in 1991	30.25
Approximate percentage of roadway miles added in that time	2
Miles traveled in Minnesota per capita in 2000	10,692
U.S. average	9,771
Miles of interstate highway travel in 2000, in billions	11.9
Percentage of all state travel	22.6
Billions of miles in 1991	8.05
Percent of state interstate mileage in "unacceptable" condition, as defined by the Federal Highway Administration	0
National average, as percent	3.4
Bridges in Minnesota in 2001	12,830
Percentage deficient	13.9
State rank	49
Percentage deficient in lowest ranked state (Arizona)	10.6
Percentage of deficient state bridges in 1995	22
Minnesota drivers using seat belts in 2000, as percent	73.4
National average	73
State percentage in 1992	56
Number of highway fatalities in state during 2000	625
In 1990	566
In 1975	754
Millions of licensed drivers in Minnesota in 2000	2.94
Millions in 1991	2.55
Number of drivers per 1,000 driving age population	777
State rank	49
Number in only state lower (New York)	735
National average	878

Sources: Minnesota Department of Transportation; Minnesota Department of Public Safety; 2002 State Rankings: A Statistical View of the 50 United States; CQ's State Fact Finder 2002; Gale State Rankings Reporter, 1995; U.S. Department of Transportation

FOR MORE INFORMATION

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