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In this issue:

BUDGET AGREEMENT REACHED

UNEMPLOYMENT BENEFITS, BONDING UPDATE, AND MORE

HF3727-HF3734

SESSION Weekly

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On the cover: The chandelier in the Capitol Rotunda is illuminated once a year as part of the May 11 Minnesota Statehood Day celebration.

—Photo by Andrew Von Bank

Agreement reached

Budget bills use fund transfers, accounting shifts rather than spending cuts to erase remaining \$439 million deficit

By DAVID MAEDA

A plan that would balance the state's books for the current biennium cleared both bodies May 15 and now awaits the actions of the governor.

The budget agreement contains many components, most of which are contained in two large bills, HF3270 and HF2498, both on their way to the governor.

House leaders pushed to finish the bills by the end of the day May 15 so they would leave enough time in the legislative session to override any potential gubernatorial vetoes. Gov. Jesse Ventura has said publicly that he may veto any plan that does not include permanent spending reductions beyond the 2002-03 biennium.

The governor has three days, through midnight May 18, to sign or veto the bills. The Legislature may have to convene on May 19, a

bills may not be passed or vetoes overridden on the final day of a session.

Budget-balancing bill

The House passed a budget deficit reduction bill (HF3270) 88-44. Later in the day the Senate passed the bill by a 51-14 vote. If Ventura should choose to veto the bill a two-thirds vote in both bodies (90 votes in the House and 45 in the Senate) is needed for an override.

Supporters said that although the bill is not a perfect solution, it is necessary to prevent a situation where the governor would cancel previous appropriations in order to balance the budget.

The bill eliminates the state's \$439 million deficit by transferring funds and using accounting shifts, such as delaying some payments.

(R-Moorhead), who sponsored the bill along with Sen. Doug Johnson (DFL-Tower).

"If the economy does not improve we'll be dealing with those issues next year in a longer session and we have to recognize this," Goodno said. "This gets us through '02-'03, which is our constitutional mandate, but it does it in a way that minimizes the negative impact on people throughout the state."

House Minority Leader Tom Pugh (DFL-South St. Paul), who served on the budget conference committee, said the measure was better than not balancing the budget, but it is not something to be proud of.

"This bill is not good policy," he said. "This is the kind of policy that would make dead people cry."

The largest shift would come from a temporary adjustment in the K-12 aid payment formula. Under existing law state aid to school districts is paid in two-year cycles, with 90 percent in the first year and the remaining 10 percent the following year.

Under the bill, the percentages would change to an 83 percent -17 percent formula. The shift would save \$437.5 million this fiscal year.

A \$155 million transfer from the state's cash flow account would provide the next largest budget adjustment. The transfer would deplete the remaining funds in the account, portions of which were used in the first budget-balancing law. The account is used to meet deficiencies resulting from the uneven distribution of revenue collections and required expenditures.

The bill would allow the state finance commissioner to use \$1.1 billion in tobacco endowment funds to meet short-term cash flow needs. If funds are transferred, the amount plus interest must be returned to the endowment fund when sufficient cash balances are available in the general fund.

Repealing a scheduled reduction of a business tax payment provision would account for another \$25.5 million, under the bill.

Retailers with at least \$120,000 in annual sales tax collections must now pay 75 percent of their estimated June sales tax liability two business days before June 30, the end of the state's fiscal year. The rest of the year they are required to pay the taxes by the 14th of the following month.

As part of the 2001 omnibus tax law the June accelerated sales tax was to be eliminated by reducing the percentage to 62 percent this year



PHOTO BY TOM OLMSCHIED

House Speaker Steve Sviggum, right, explains a portion of the budget agreement reached by legislative leaders during a May 14 news conference. Also in attendance are, from left, Senate Majority Leader Roger Moe, Senate Minority Leader Dick Day, House Minority Leader Tom Pugh and House Majority Leader Tim Pawlenty.

Sunday, to take up any override motions. House parliamentarians say they do not remember the House ever convening on a Sunday before.

The constitutional deadline for adjournment is May 20. According to the constitution,

"On the whole I think this is a very good bill, it's a compromise, but it did avoid some of the hard decisions that have to be made with regards to tax increases and some severe spending cuts," said Rep. Kevin Goodno



and eliminating the payment shift altogether in June 2004.

The bill would add \$75 million to the general fund by converting cash appropriations for various projects to bonding. The biggest project involves a \$40 million appropriation to the Department of Administration to help pay for a new building for the Bureau of Criminal Apprehension.

One sticking point in the budget negotiations was the amount of budget reserves to be replenished. The bill would restore the reserve to \$302 million. In the previously approved budget-balancing law, the \$653 million in the reserves were depleted.

Among the new bill's budget reductions is a \$5 million cut to the Legislature's budget: \$3 million to the House, and \$2 million to the Senate.

The bill would provide \$375,000 to reopen the Governor's Residence making it available for public use. Of that amount, \$175,000 would be appropriated to the Department of Public Safety for security at the residence.

Nonstate entities using the residence would be required to pay the state for all costs associated with the use of the facility.

Another provision strikes a portion of the first budget balancing law (HF351*/SF264/CH220) passed this session that prohibited the administration from using funds for the operation of the governor's Washington D.C. office. The bill would remove that restriction but provides no further funds for the office.

House DFL members criticized the bill saying it sets the state up for even greater problems.

Rep. Rob Leighton (DFL-Austin) called the shifts in the bill "accounting gimmicks."

"You haven't made any of the tough choices that many of you promised you would make," he said. "We're simply sliding through this session looking toward the next election."

Rep. Mindy Greiling (DFL-Roseville) said that school districts would face even more difficult times because no inflationary increases are in the bill.

"We are doing a great disservice to our schools by doing nothing but mortgaging their futures," she said.

But Rep. Marty Seifert (R-Marshall) said no solution exists that could have satisfied all members, and the compromise was as good as could be expected.

"Balancing the budget is like going to heaven. Everybody wants to do it but nobody wants to do what it takes to get there," he said.

Continued on page 22

Recreational opportunity

Plan would have expanded underwater state park into Lake Superior for diving enthusiasts

Minnesota currently has 66 state parks, but a plan from the late 1980s looked at expanding one or more into a new area — underwater.

"The 1987 Legislature directed the Department of Natural Resources to study the feasibility of expanding the boundaries of Split Rock Lighthouse or other parks on the north shore of Lake Superior to include sunken ships for underwater interpretation," said a Dec. 31, 1988 feasibility study from the DNR's Office of Planning and the Division of Parks and Recreation.

To do this the DNR held meetings with many interested groups, including divers, the U.S. Army Corps of Engineers, Minnesota Historical Society, and community leaders in the area.

"The general consensus from divers and public agencies alike was that cooperation between divers

and federal, state, and local governments can enhance diving recreation on the north shore of Lake Superior," the report states. "Those efforts also can improve diving safety, protect historic shipwrecks, and increase tourism."

The report concluded that the North Shore of Lake Superior contained some of the best diving areas in the United States. "The water is exceptionally clear, it is relatively uncontaminated, it contains noted shipwrecks and underwater geology, and it has spectacular landside scenery and outdoor recreation opportunities."

Between Duluth and the Temperance River, there are seven known shipwreck sights, including the Madeira near the Split Rock Lighthouse and the Hesper near Silver Bay.

As for the geology, the report noted the terraces, caves, pillars and escarpments in the lake, all of which should appeal to divers. Above ground, "The area in and surrounding the park is unusually scenic, even for the North Shore," the report states.

It also said such a park would be an economic positive for areas along the lake.

At informational meetings Minnesota divers indicated they spent about \$2,315

annually on diving trips, about 25 percent of which were to the area. "If half the divers in Minnesota visited the north shore once a year and spent \$500 per person on the trip, total expenditures would be about \$8,750,000."

At the time the number of divers was increasing, with upwards of 52,000 Minnesotans partaking in the sport. The sport's growth rate was estimated at 8.5 percent annually.

Additionally, up to 50 diving parties sought access to the Madeira shipwreck on weekends.

However, the report noted there would be risks as well, such as liability from diving accidents, historic shipwreck protection (including taking artifacts), and the concern that emphasis on this plan would take away from other high-priority resource management efforts. It noted the DNR was ill-equipped at the time to manage a major program to promote North Shore diving.

The DNR put together a list of 13 recommendations for the Legislature to consider to promote the plan. Included was an expansion of water access points at Silver Bay and Split Rock Lighthouse State Park, an archeological survey of the underwater and landside historic features subject to increased use, the cost of producing information about diving opportunities, and a study of the costs of sinking a ship. The recommendations combined for \$187,800 in one-time costs.

The report said Minnesota divers expressed strong support for sinking a ship after it is made environmentally-friendly as it would diversify diving opportunities, reduce diving pressure on historic shipwrecks, and would attract even more divers from other states who would spend money in Minnesota.

According to Dennis Thompson, a co-author of the report, not all the recommendations were ultimately fulfilled, but some improvements for divers were made, including increased access points at Silver Bay and Gold Rock Point, which is part of the Split Rock Lighthouse State Park.

(M. Cook)

Photo courtesy of the Minnesota Historical Society



A 1988 study examined the expansion of Lake Superior area state parks to include underwater diving attractions.

Editor's Note: The Legislature is required by constitution to adjourn by midnight May 20. With several outstanding issues yet to resolve, the House will likely be meeting through the weekend to finish business before the deadline.

As a result, this issue will not contain all of the final bills that will likely be submitted to the governor for approval. *Session Weekly* staff have updated the proposals through the afternoon of May 16. Please refer to the final 2002 issue of *Session Weekly*, to be published May 24, or the Session Daily Web site at <http://www.house.mn/hinfo/sdaily/sdaily.htm> for further updates.

★ AGRICULTURE

Manure moratorium, policy changes

An agriculture policy bill calling for a methane digester loan program and a moratorium on new, open-air swine manure basins, cleared the House on May 13.

Members approved the bill (HF3183) 131-0 after adopting a conference committee report, sponsored by Rep. Tim Finseth (R-Angus) and Sen. Steve Murphy (DFL-Red Wing).

The Senate passed the bill 50-11 the same day. It now goes to the governor.

Specifically, the bill would bar the Minnesota Pollution Control Agency or a county board from approving any permits for the construction of a new, open-air swine manure basin.

Farmers would be allowed to use one basin with less than a 1 million gallon capacity provided that it is part of a permitted waste treatment program for resolving pollution problems. Producers converting the basin to one used by a different animal type would also be exempt from the ban.

The ban on the new open-air manure basins would take effect the day following enactment and expire June 30, 2007.

The methane digester loan program included in the bill would help finance capital investment costs associated with using manure to produce electricity.

Also included in the agriculture policy bill is a revision of the "county extension work" definition. It would strike "economic and human development" and "community" from the work areas of extension educators and add "agriculture finance, economic development, nutrition, and youth leadership development, including 4-H programs."

Members of the House Agriculture and Rural Development Policy and Finance committees have expressed concern that the

CAPITOL FIFE



PHOTO BY ANDREW VON BANK

The State Capitol is reflected in historic interpreter Jeff Nordin's spectacles as he plays the fife May 13 on the Capitol mall. Many historic interpreters, dressed in 19th century costumes, were on hand for a rally celebrating Grand Excursion 2004, a riverfront revitalization and economic development initiative.

University of Minnesota's Extension Service places too little emphasis on the needs of rural farming communities.

Additionally, importing animals known to be infected with or exposed to chronic wasting disease would be banned under the bill. The disease attacks the brains of infected deer and elk, causing the animals to lose weight and behave abnormally and eventually die.

The measure calls for a joint study by the Board of Animal Health and the Department of Natural Resources on chronic wasting disease. The agencies would be called on to make recommendations on how the state can best respond to the problem.

★ BONDING

Nearing an agreement

The House and Senate have agreed on spending limits for the bonding bill — \$976.5 million. Of that figure, \$880 million would be borrowed through general

obligation bonds and the rest would come from cash and user fee revenues.

However, the bodies were unable to reach a compromise on the contents of the bill (HF3618) in time to pass the legislation and still be able to override a veto by the governor.

The conferees were still meeting to finalize the agreement when this edition of *Session Weekly* went to press.

The compromise falls somewhere in the middle of the two original proposals: the House wanted to spend \$839 million, and the Senate \$1.2 billion.

Negotiations stalled over several items as conference committee members tried to beat the clock late into the night May 15.

For example, members argued over how \$13 million of a public safety radio system should be distributed between the Twin Cities metropolitan area and Greater Minnesota. The bonding bill would fund infrastructure for the system — such as towers for transmitting radio signals — and other portions of the system would be paid for separately through an anti-terrorism bill which is still under discussion in a conference committee.

The bonding committee is also hung up on how much to fund the Northstar Corridor project, a commuter rail line that would run between Minneapolis and the St. Cloud area. The Senate bill called for \$8 million and the House allocated nothing.

Gov. Jesse Ventura, a major proponent of the project, has said he wants \$50 million allocated for the corridor. He originally requested \$120 million. Ventura has threatened that if money for the commuter rail line is not included in the bill, he may line-item veto other projects.

Several arts projects that received no House recommendation would now be funded under the new proposal: the Guthrie Theater would receive \$24 million, the Minneapolis Children's Theatre \$5 million, the Minneapolis Planetarium \$9.5 million, and the Trollwood Performing Arts Center in Moorhead \$5.5 million.

The conference committee would also allocate funds for the Colin Powell Youth Leadership Center in Minneapolis, an Asian community center, Neighborhood House El Rio Vista in St. Paul, and the "Mighty Books" program, all projects that received no original House funding.

The bill would include \$20 million for the Northwest Metro Busway that would run along Hennepin County Road 81. No money is allocated for the Snelling bus garage in St. Paul, Cedar Avenue transitway in Minneapolis, or the St. Paul Union Depot.

Travel moratorium

A plan to restrict travel for some state employees cleared a House committee May 13.

The bill (HF1739/SF1438*), sponsored by Rep. Carol Molnau (R-Cologne) and Sen. Linda Scheid (DFL-Brooklyn Park), would call for a moratorium on out-of-state travel by executive branch state employees before July 1, 2003.

The House Ways and Means Committee approved the measure by a 9-8 vote. It now goes to the House Rules and Legislative Administration Committee.

Molnau said the bill is necessary because out-of-state travel costs as a whole rose 48 percent between fiscal years 1996 and 2001. Using numbers from the Department of Finance, she said some departments had large increases, such as a 174 percent jump for the Department of Children, Families and Learning. Conversely, she noted some departments decreased their out-of-state travel costs, such as the attorney general's office, which dropped 51.3 percent.

The governor's office travel costs decreased by 14 percent during the period to \$50,013 in fiscal year 2001.

"This bill is a matter of simple oversight," said Rep. Philip Krinkie (R-Shoreview).

Molnau said waivers to the moratorium would be available through the commissioner of the Department of Employee Relations. The commissioner would also be responsible for publishing a monthly report of granted waivers on the department's Web site and providing copies of the list to the Legislative Reference Library and select legislative committee chairs.

"For a waiver you would need proof that your travel is beneficial to the state," she said.

A successful amendment offered by Rep. Dave Bishop (R-Rochester) removed the Minnesota State Colleges and Universities (MnSCU) from the moratorium. MnSCU's out-of-state travel increased 45.9 percent between fiscal years 1996 and 2001.

Rep. Lyndon Carlson (DFL-Robbinsdale) said the proposed measure, without the Bishop amendment, would allow students to travel out-of-state for events, but not their coaches or directors, because they are state employees.

Bishop asked why legislative employees are not included in the moratorium. Molnau said the speaker has imposed one to a great degree, and that travel is only permitted by special request.

Carlson and Rep. Tom Rukavina (DFL-Virginia) said the expenses involved with all

PRESENTING THE COLORS



PHOTO BY BECKY EKSTAM

The Minnesota Law Enforcement Association Honor Guard presents the colors at the beginning of the May 13 floor session during a ceremony to honor fallen peace officers.

the paperwork may not save much money, if any, compared to what would have been spent on travel. "There is no money saved in this bill other than to look like we're doing something," Rukavina said.

★ **CONSUMERS**

Do-not-call list authorized

Signed by the governor
★ ★ ★

Gov. Jesse Ventura signed legislation that will create a telemarketers' "do-not-call" list that will be established by Jan. 1, 2003. He signed the new law on May 15.

At no cost to consumers, Minnesotans will be able to put their home telephone numbers on a list to which telephone solicitors will be required to subscribe, under the law. Residents' names will stay on the list for four years unless they choose to revoke them.

Nonprofit organizations, as well as political groups, will not have to subscribe to the list. Businesses that have a resident's

permission, businesses with a prior relationship to a resident, and businesses who will follow up the phone call with a face-to-face visit are exempt from the requirement to obtain the list.

Four times a year, telemarketing companies will have to purchase the updated list or face a fine. The fee for obtaining the list will be \$125 for each copy. In 2004 the fee will be reduced to \$90, and thereafter it will be \$75.

General fund monies totaling \$482,000 in 2003 will be used to establish and maintain the list.

A violator of the list will be charged a civil penalty up to \$1,000 for each call.

If a national do-not-call list is established, the phone numbers on Minnesota's list will be sent to the Federal Communications Commission to be included on that list.

The law is sponsored by Rep. Matt Entenza (DFL-St. Paul) and Sen. Richard Cohen (DFL-St. Paul). It passed the House 114-8 on May 9 and the Senate 58-0 the same day.

HF2710/SF3246*/CH367

Keeping fees down

Vetoed by the governor
★ ★ ★

Gov. Jesse Ventura vetoed a bill May 15 that would increase a fee for filing real estate documents.

Rep. Al Juhnke (DFL-Willmar), the House sponsor of the measure, said the bill was brought forward by the Electronic Real Estate Recording Task Force, of which he is a member, and is headed by the secretary of state.

The task force was created by the 2000 Legislature to study and make recommendations regarding the implementation of a system for electronic filing and recording of real estate documents.

Funding for the task force was provided by a temporary 50-cent increase in the surcharge of recording documents filed with the county registrars of title or county recorders, such as abstracts or Torrens items.

In real estate title law there are two systems: abstract, in which a private third party, such as a lawyer, makes determinations regarding the chain of real estate ownership over the property's history, and Torrens law, which certifies the parties who currently own or have mortgages or other interests in the property.

In filing real estate titles, abstracts are filed with the county recorder and Torrens documents are filed with the county registrar of titles. The bill would have distributed the funds from the increase in the surcharge equally.

Juhnke said the increased surcharge would have resulted in total revenue collected from the fee of \$657,000 in 2004.

The bill would also have extended the life

of the task force, due to sunset June 30, 2003 for another year.

In his veto message, Ventura wrote that it is unnecessary to extend the surcharge paid by home buyers and sellers for another year. He wrote that if the bill were not enacted, the task force would be required to finish its work within the original timeline and budget.

The bill passed the House 110-11 on May 8 and 55-0 in the Senate the same day. Sen. Steve Kelley (DFL-Hopkins) is the Senate sponsor.

HF2573/SF2707*/CH365

★ EDUCATION

Standards remain unchanged

The Profile of Learning — part of the state's graduation standards — has been spared from repeal this session.

A House-Senate conference committee voted May 14 to adopt a report on a bill (HF2625/SF3133*) without scrapping the Profile of Learning.

As approved by the conference committee, the bill would require that all rules adopted by a state agency after Jan. 1, 2002 be approved by a law enacted after that date. The measure would also permit school districts to offer students with limited English proficiency an additional testing opportunity to meet the state's graduation requirements for writing.

Ultimately, the bill would provide legislative oversight for certain administrative rules.

The compromise on the graduation standards came after three days of hearings. Essentially, the House conferees wanted to get rid of the state-wide standards while allowing schools to keep the standards if they decided to do so.

Senate negotiators wanted to grant the Department of Children, Families and Learning more rulemaking authority to fix the standards without eliminating them. However, a motion offered by Sen. Larry Pogemiller (DFL-Mpls) to accomplish that failed.

Opponents argue the profile standards have loaded teachers with burdensome paperwork and shifted focus away from content in the classroom. Supporters maintain that the standards encourage students to apply what they learn rather than simply regurgitating facts.

Sen. Dan Stevens (R-Mora), the Senate sponsor and conference committee co-chair, said while the profile standards remain intact until next year, legislative support for the standards has eroded significantly.

"The patient might not be on life support, but it's getting awfully close," Stevens said.

Rep. Marty Seifert (R-Marshall), the House bill sponsor and committee co-chair, pushed for the repeal, arguing it would force the Legislature to deal with the issue.



Vernae Hasbargen, executive director of the Minnesota Rural Education Association, testifies May 13 before a conference committee in opposition to a proposal that would scrap the Profile of Learning.

Seifert argued that the state's educational system worked fine before implementation of the Profile of Learning.

He also argued for future legislative oversight of rules issued by the department related to the standards.

A vote on the House repeal proposal failed despite receiving support from all three House conferees and Stevens.

Sen. Sandra Pappas (DFL-St. Paul) voted no, arguing it was too risky to dump the profile standards without offering an alternative plan for new standards. She also disagreed with conferees who suggested the standards needed to be eliminated rather than reformed.

She questioned why lawmakers wanted to "throw the baby out with the bath water."

Rep. Gene Pelowski Jr. (DFL-Winona), a teacher at Winona Senior High School, responded "because the bath water stinks."

Pelowski, one of the most outspoken opponents of the standards, said they have removed "rigor" from the classroom.

In April the House voted 109-22 to repeal the graduation standards, by adopting an amendment to the bill offered by House Majority Leader Tim Pawlenty (R-Eagan). When the Senate considered the House amendment, it failed on a tie vote.

The measure now goes back to the floors of the House and Senate.

Teacher insurance plan approved

Despite some members' concerns over the cost and need for a study that would create a statewide health insurance plan for teachers, the House overwhelmingly approved the measure May 15.

The body passed the conference committee agreement to the bill 109-22, following the Senate's 45-14 approval that took place earlier in the day. The bill (HF1868/SF1755*) now goes to the governor.

Under the measure, a 10-person labor-management committee would compare purchasing full insurance coverage through a pooling arrangement, use of a multiple-employer welfare arrangement, and existing coverage options.

Rep. Mark Buesgens (R-Jordan) was displeased with the committee's agreement.

"This goes far above and beyond" the House's original plan for the study, he said. "At a time where we are cutting ... we're now spending \$1.3 million for a plan and design that we've studied already and know doesn't work."

The House bill initially called for \$200,000, taken from the tobacco endowment funds, to be used for the study and plan design.

The Senate's cost, which ended up in the final report, would appropriate \$670,000 for each of next two bienniums. The money would cover staff, actuarial consulting, and legal expenses.

Rep. Bill Haas (R-Champlin), a conference committee member, said he doesn't expect the study to use all the funds allocated, partly because there is information in other actuarial studies that could be used for the plan.

A House floor amendment survived the conference committee. It would allow proceeds from the sale of raffle tickets at school events to be used by schools for transportation costs. Presently, it's illegal for schools to sell raffle tickets because it is gambling and schools cannot get a license to gamble, said Rep. Larry Howes (R-Walker), sponsor of the amendment.

Another provision, amended on the House floor during the initial debate but not included in the final version, would require the study to address issues involved with cost shifting in health insurance. Rep. Greg Davids (R-Preston), the House sponsor, said the provision did not receive any Senate votes.

Sen. LeRoy Stumpf (DFL-Their River Falls) is the Senate sponsor.

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

ELECTIONS



Error, contribution changes

Signed
by
the
governor

Gov. Jesse Ventura signed a new law May 9 making changes to the state's campaign finance laws.

Rep. Jim Rhodes (R-St. Louis Park), the House sponsor, said the measure was brought forward by the state Campaign Finance and Public Disclosure Board as a way to address issues with laws governing the board.

Many provisions of the new law change penalties for failing to file reports with the board from criminal penalties, primarily misdemeanors and gross misdemeanors, to civil penalties of either \$1,000 or \$3,000 depending on the nature of the violation.

Rep. Loren Solberg (DFL-Bovey) spoke in support of the measure, saying that the criminal penalties discourage people from serving as treasurers for campaign committees because of the fear of being prosecuted for making a mistake.

The new law will make it illegal for political committees and funds to donate money to a candidate at amounts greater than the amount legally allowed. Existing law only bans the candidate from accepting such contributions.

Further, the law will also allow a political candidate, who has agreed with his or her opponent to prescribed spending limits, to be released from the limits if the opponent does not adhere to them.

Effective Aug. 1, 2002, a principal campaign committee of a candidate for the Legislature will be allowed to transfer contributions to another principal campaign committee of the same candidate. The transfer is allowed for members of the House running for a Senate seat, and vice versa, or members of the Legislature running for constitutional officer positions.

The new law stipulates that if such a transfer occurs, the original principal campaign committee must provide a written statement of the committee's intent to dissolve and terminate its registration with the board within 12 months.

The House passed the measure 70-59 on May 6 and the Senate 47-9 May 2. Sen. John Hottinger (DFL-Mankato) was the Senate sponsor.

HF3379/SF3384*/CH363

EMPLOYMENT



Death benefits change

A bill that would change the fines for employers whose violations of the state's occupational safety and health regulations

contributed to the injury or death of an employee now moves to the House floor.

The bill (HF3206/SF3154*), sponsored by Rep. Dan McElroy (R-Burnsville), provides several administrative provisions, in addition to the fine adjustment. It was approved May 13 by the House Rules and Legislative Administration Committee.

Originally debated on the House floor March 18, the bill was amended to change the penalty limits for accidents in the workplace. The amendment, offered by Rep. Torrey Westrom (R-Elbow Lake) and further amended by Rep. Matt Entenza (DFL-St. Paul), would have provided a percentage of the fine paid by an employer to the family or estate of the injured or deceased employee.

McElroy said he then pulled the bill from consideration, because of concerns that the provision would have significant impact on the state's workers' compensation program.

He brought the bill to the rules committee May 13 to amend the bill further to clarify the fine structure.

The new bill removes the Westrom amendment, but it would also change the fine structure for large and small employers. According to the bill, businesses employing 26 or more employees would face fines of up to \$25,000 if workplace conditions cause or contribute to the death of an employee. The level in current law is \$7,000.

That amount would be in effect as a maximum fine limit for businesses with 25 or fewer employees in the same situation.

The fines are collected from employers and deposited in the special compensation fund to be disbursed to injured parties or their families in the case of death.

Rep. Ted Winter (DFL-Fulda) questioned the practice of having different fines for an occupational death, saying one life should not be worth more than another just because there are more employees at their workplace.

McElroy said the new fine structure was intended to reflect an employer's ability to pay fines and Westrom's concern that a small employer may be overburdened by excessive fines.

The Senate version, sponsored by Sen. Martha Robertson (R-Minnetonka), passed that body on March 4 by a vote of 55-0.

ENVIRONMENT



Funding amendment advances

A bill calling for a dedicated fund for the environment cleared the House State Government Finance Committee on May 15 and was broadened to include a plan to boost education spending.

The committee approved the measure

(HF1671) as amended and referred it to the House Taxes Committee.

Sponsored by Rep. Mark Holsten (R-Stillwater), the bill calls for a constitutional amendment, to be placed on the November 2002 general election ballot, that would dedicate three-sixteenths of 1 percent of taxable sales to programs improving wildlife habitat, Minnesota parks and trails, and zoos.

The Department of Revenue estimates that the bill would generate \$128.8 million in fiscal year 2006. To become law, a majority of the state's voters would have to approve the measure in the fall.

The committee also adopted an amendment offered by Rep. Phyllis Kahn (DFL-Mpls) that would set up a another dedicated fund for public education. It would ask voters to approve tapping another three-sixteenths of 1 percent of the sales tax stream for the state's schools.

Holsten pulled his bill from the committee May 8 when Kahn offered the proposal.

Kahn offered another amendment that would have asked voters to approve a sales tax increase of three-sixteenths of 1 percent for both the environment and education. She said it would bolster funding without leaving a "hole in the budget."

The amendment was defeated.

Rep. Phil Krinkie (R-Shoreview), the committee chair, also offered an amendment to the bill calling for voters to approve a constitutional amendment abolishing property taxes. The plan was defeated and criticized by other committee members for being offered without first being heard by the Taxes Committee.

Holsten said he objected to the amendments and urged the committee to let the bill go forward without revisions.

He said that in principle, he objects to dedicated funds but said in order for environmental funding to fare well in this "political environment" the protected account is necessary.

"The only way to compete is to have a dedicated fund," Holsten said.

A similar bill (SF1589), sponsored by Sen. Bob Lessard (Ind-Int'l Falls), awaits a Senate Finance Committee hearing.

Moth spraying allowed

A new law signed by the governor May 10 will allow the Department of Agriculture to proceed with plans to spray for gypsy moths.

The highly destructive forest insect strips trees of vegetation.

The House voted 121-1 to pass the measure on May 9 after it cleared the Senate 60-0 three days earlier.

Effective May 11, 2002, the new law provides

Signed
by
the
governor

exceptions to a state law banning aerial pesticide spraying in areas where people could potentially be exposed.

It will allow the spraying when:

- the pesticide is intended for use on a human, such as bug spray;
- for mosquito control operations before June 30, 2003; or
- to stamp out gypsy moths, tent caterpillars, or other “pest species” when a biological agent is used.

An opinion issued in April by state Attorney General Mike Hatch effectively derailed the department’s plans to conduct the spraying in portions of south Minneapolis, Golden Valley, and St. Louis Park.

The Agriculture Department has pegged this month as the ideal spraying time, prompting the Legislature to fast track the bill to the governor — two weeks passed between the bill’s introduction and the law’s enactment.

The department plans to use *Bacillus Thuringiensis* (B.t.) to kill the moths — a biological treatment considered safe for humans.

Although the measure had wide support in the House, some members raised concerns about the exemption for mosquito control operations.

Rep. Mindy Greiling (DFL-Roseville) said the benefits of curbing “nuisance” insects should be weighed against the mosquito pesticide’s potential effect on the health of children.

A number of legislators said they would like to examine the mosquito control issue in greater depth next session.

Rep. Tim Finseth (R-Angus) and Sen. Steve Murphy (DFL-Red Wing) were the law’s sponsors.

HF3719/SF3463*/CH369

★ GOVERNMENT

Correcting errors

The House passed a bill May 15 that would make technical corrections to laws passed during the 2001 session.

Known as the revisor’s bill, the measure (HF3163/SF2792*) passed 81-50. The Senate also passed the bill May 15 on a 57-0 vote. It now proceeds to the governor.

Although the bill is usually non-controversial because it traditionally carries only technical corrections such as typos and incorrect statute references, this year was different.

The measure contains a provision that would insert an expiration date inadvertently misplaced in the omnibus state government finance law, passed during the 2001 special session. The sunset clause would affect a provision that requires the attorney general’s office to deposit all litigation or legal settlement

proceeds in the state’s general fund.

The sunset clause was added in a conference committee last year but put in the wrong place of the final bill when the full House voted on the measure, so Rep. Tim Wilkin (R-Eagan) said he wasn’t aware of its inclusion. During an earlier conference committee this year he argued the clause should not be reinserted as a “mistake.”

But Senate members of last year’s conference committee felt differently and said that not inserting the sunset would be backing out of the agreement.

In the compromise bill, the expiration date is included but would be pushed back a year to 2004.

Rep. Eric Lipman (R-Lake Elmo), the House sponsor of the revisor’s bill, said the agreement is a middle ground, requiring funds from settlements to be deposited into the general fund, while pushing the expiration date back one year.

Rep. Wes Skoglund (DFL-Mpls) opposed including the correction in the bill since not all members of the conference committee approved the compromise. The bill obviously contains policy changes if not everyone agrees with it, he said.

Lipman agreed, but he said the Senate was prepared to scrap the bill to get the change included.

Sen. Don Betzold (DFL-Fridley) is the Senate sponsor.

★ HEALTH

Clean air rule-making

The House passed an omnibus health and human services policy bill May 15 that would require legislative oversight of rules adopted by the Department of Health related to the Clean Indoor Air Act.

Sponsored by Rep. Kevin Goodno (R-Moorhead) and Sen. Linda Berglin (DFL-Mpls), the bill (HF3236/SF3099*) passed 113-17 after clearing the Senate 57-4 one day earlier. It now goes to the governor.

The measure, tucked into a largely technical bill authorizing changes to state health and human services licensure requirements, has been debated throughout the session.

It was the original nucleus of another bill (HF2625/SF3133*) that was broadened to include legislative oversight of all state agency rules. Conferees working on that bill have reached a compromise and the measure awaits a vote by the full House and Senate.

Supporters of the rule-oversight provision have argued that the Department of Health has misinterpreted legislative intent on the Clean Indoor Act and used rule-making authority to clamp down on businesses without

proper ventilation systems.

Rep. Marty Seifert (R-Marshall) said the department’s actions have burdened small restaurant owners who are faced with purchasing costly equipment to properly filter smoke.

Meanwhile, Rep. Phyllis Kahn (DFL-Mpls) said the measure would cripple the department’s efforts to improve indoor air quality.

Another key provision in the bill would permit a local fire code inspector to charge a daycare provider a \$50 fee for an inspection.

Some providers in Greater Minnesota have requested the measure because the state Fire Marshal has cut back on inspections due to budget cuts.

Opponents of the provision have said it’s unfair to daycare providers since other businesses don’t have to pay for the inspection.

★ RECREATION

Border changes

The governor signed a new law May 15 that re-shapes a number of state park boundaries.

Sponsored by Rep. Doug Peterson (DFL-Madison) and Sen. Don Samuelson (DFL-Brainerd), the measure passed the House 104-17 and the Senate 58-0, both on May 9.

Under the law, the Department of Natural Resources will be allowed to acquire permanent stream easements to improve fishing access and wildlife habitat.

The new law also calls for multi-use, dual treadway trails on the Casey Jones Trail near Pipestone in southwestern Minnesota and Cuyuna Lakes Trail in Crow Wing and Aitkin counties in northern Minnesota.

A number of state trails and parks gain acreage under the law, including Crow Wing State Park near Brainerd, Myre-Big Island State Park near Albert Lea, and Big Bog State Recreation Area in Beltrami County in north central Minnesota.

Meanwhile, the Big Stone Lake State Park in southwestern Minnesota near the South Dakota border will lose land.

The Richard J. Dorer Memorial Hardwood State Forest in southeastern Minnesota and the Pillsbury State Forest near Brainerd will also gain land.

The Cuyuna Country State Recreation Area under development about 15 miles northeast of Brainerd will both lose and gain acreage.

A number of counties will also be permitted to sell surplus, tax-forfeited, or trust lands, under the new law.

HF3025/SF2727*/CH366

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★ SAFETY

Anti-terrorism plan debate

Frustrated conferees met May 10 in hopes of working out differences between the House and Senate anti-terrorism packages but had little success in reconciling differences.

No public hearings occurred between May 10 and when this issue of *Session Weekly* went to press.

At the meeting Rep. Rich Stanek (R-Maple Grove), the sponsor of HF2622 and conference committee co-chair, expressed frustration that Senate members continued to propose increasing the 911 emergency telephone service fee by 25 cents for improved emergency management and communications. He said the plan would not have enough votes to pass in the House.

"You call it a surcharge, the House calls it a tax," he said.

The original House plan called for using \$22 million of the state's tobacco endowment money to fund the measures, but only \$13 million was set aside for anti-terrorism measures in the budget agreement that passed the House and Senate May 15.

Stanek and other members expressed frustration that the debate continues to drag on after more than one month of negotiations.

"There are 5 million people in Minnesota who are counting on us to do our job," he said.

Aside from differing ideas about how to fund the package, the two sides disagree about numerous other provisions in the bill, including a House plan to color code the driver's licenses of foreign people in the country on temporary visas.

Whether the committee would debate the two plans item-by-item or as an entire package took up most of the May 10 discussion.

House members wanted to pass provisions separately, but Senators at one point threatened to walk out unless the House presented a counter-offer as an entire package.

Sen. Jane Ranum (DFL-Mpls), the sponsor of SF2683, has the authority to set the next meeting time.

No 911 debt cancellation

A conference committee decided against erasing the debt of emergency call centers, which are facing increased costs due to enhanced service for mobile phones.

The provision, sponsored by Rep. Matt Entenza (DFL-St. Paul), was amended onto a 911 emergency services bill on the House floor.

The bill (HF2550/SF2392*), in its final form, was re-passed by the House 132-0 on May 13. The conference committee made no other changes to the bill.

The Entenza amendment would have used

\$31.8 million of state money. The funds also would have paid for additional equipment to develop advanced call locator systems and to meet the increased demand of calls, which have mostly come from mobile phones.

Sponsored by Rep. Mike Osskopp (R-Lake City) and Sen. James Metzen (DFL-South St. Paul), the bill makes several technical changes to 911 emergency services to reflect technological changes, such as wireless telecommunications.

It also makes several changes to streamline the process by which phone companies are reimbursed for 911 services, which will help small telephone companies.

"This allows small phone companies to cut through the political and administrative red tape even faster," Osskopp said on the House floor.

Under the plan, the Public Utilities Commission would be removed from the billing process. Currently, the commission signs off on payments from service providers who are being reimbursed for providing 911 services.

Additionally, the bill would require that the Department of Administration, which handles the reimbursements, to pay the invoices within 30 days, instead of 90 days, as is in existing law.

The Minnesota Telephone Association supports the bill.

The Senate also approved the conference committee report May 13 on a 56-0 vote. It now goes to the governor.

★ TRANSPORTATION

Dead-end road

As the 2002 session wraps up it appears time may have run out for a transportation finance package.

A House-Senate conference committee met May 10 but was unable to reach an agreement on how to pump more money into transportation. No public meetings were held between then and when this issue of *Session Weekly* went to press.

The original Senate bill (SF2812), sponsored by Sen. Dean Johnson (DFL-Willmar), would increase the gas tax by 6 cents and would have allowed for annual increases to provide \$5 billion over 10 years for transportation. It also called for a referendum asking voters in the 11-county Twin Cities metropolitan area to decide on a half-cent sales tax increase for transportation costs.

The House proposal (HF3364), sponsored by Rep. Bill Kuisle (R-Rochester), would not raise taxes. Instead, the state would borrow \$750 million in highway bonds from 2003 to 2008 to be repaid with increases in transportation funds.

A Senate offer proposed on May 10 would have included reducing the gas tax increase to 5 cents and dropping the yearly increase, but

House members refused the offer.

Kuisle, a conference committee co-chair, opposed the plan and questioned whether Republicans in the Senate would support it either.

The House responded by proposing a 3-cent gas tax increase, but that plan did not have enough support from House or Senate conferees to pass.

Johnson, also a conference committee co-chair, said he would not support a plan that didn't raise the gas tax by at least 4 cents. "I don't see how there can be any resolve without it."

The two sides also disagreed about transit funding.

The Senate plan would have set up a multi-modal fund that would be used to support transit across the state.

"Transit is more than just metro," Johnson said. "Transit is an important part of the future."

Kuisle said that the House is also concerned about statewide transit, but doesn't want to raise the gas tax to fund it.

Disclosing vehicle information



A new law, signed by Gov. Jesse Ventura May 15, will allow limited access to motor vehicle records kept by the state.

Effective Aug. 1, 2002, the new law will allow the public safety commissioner to give people or organizations access to motor vehicle records if the information requested is related to the operation of a motor vehicle or public safety.

It will not change the law regarding driver's license records.

Under the law, the commissioner will have the authority to deny such requests if he or she feels the party asking for the information is likely to use the data for illegal, improper, or noninvestigative purposes.

Rep. Steve Smith (R-Mound), the House sponsor, said the law is a technical change that corrects what appears to be an oversight. A bill passed in 1996 changed state law regarding driver's license records to comply with federal regulations, but excluded motor vehicle records.

Media representatives have said such information is used for investigative reports, such as stories about chronic drunken drivers.

The federal Driver's Privacy Protection Act passed by Congress in 1994 protects the privacy of driver's license information and vehicle registration laws. That law allows states to grant 14 exceptions when information can be released.

The House approved the new law 124-0, while the Senate did the same on a 35-21 vote, both on May 9.

Sen. Don Betzold (D-Fridley) was the Senate sponsor.

HF2649/SF2448*/CH368

Unemployment assistance

Thousands of workers would receive extra benefits, long-term fund solvency addressed

By **THERESA STAHL**

The result of an eight-week debate between House and Senate conferees, mainly over deciding who should receive extra unemployment benefits, has been approved by both bodies and now moves to the governor.

"This bill is a compromise. Not everyone likes it," said Rep. Dan McElroy (R-Burnsville), co-chair of the conference committee and House sponsor of the bill. "We need to strike a balance between the short-term needs of Minnesota workers and the long-term need for the state to compete in a global economy."

The House passed the conference committee report to the bill 112-19 on May 16 and the Senate 48-14 on May 15.

Under the bill (HF3648/SF3431*), Farmland Foods Company workers, Fingerhut, Inc., workers in Greater Minnesota, and airline workers would receive a 13-week extension of unemployment benefits. In total, the workers could receive up to 52 weeks of benefits — 26 that state law permits for most workers, 13 from a federal extension, and 13 more from the state in this bill.

McElroy estimates the bill would cost nearly \$23 million and would serve about 10,000 people, adding that the original Senate proposal would have cost \$297 million. He said all employers would end up paying a little

more into the unemployment insurance fund, and that airlines would pay 100 percent of the benefit cost to their former employees.

The compromise includes a House provision to award a 13-week extension for laid-off Fingerhut, Inc., workers outside the Twin Cities metropolitan area, mainly St. Cloud and Eveleth. The Senate had wanted to grant extra benefits to all Fingerhut workers.

McElroy has maintained that the metro area can more easily absorb job losses than rural parts of the state. He said the House approved extra benefits for airline employees because many of the laid-off workers are mechanics who have skills that aren't applicable to many other jobs.

The House compromised to a Senate "fill-in" provision that would grant a full extension for several thousand laid-off workers that do not qualify for the 13-week federal benefits extension set to expire Dec. 31, 2002.

Some House members questioned the criteria used to determine who receives benefits, saying it's gone too far.

"If we keep changing the criteria, we may as well not have any criteria at all," Rep. Mark Buesgens (R-Jordan) said. He pointed out that the criteria was changed in 2001 to grant extra benefits for employees of LTV Steel Company's Hoyt Lakes plant when the

company went bankrupt.

McElroy said that Farmland meets the same criteria as LTV, because both have permanently closed. He also added that the bill includes specific findings that work lost as a result of an act of war or terrorism warrants extra benefits.

"What these people need the most are jobs," Rep. Arlon Lindner (R-Corcoran). "If the money stayed within community, how many jobs would be created?"

"I have thought of very little else but that question the last eight weeks," McElroy said. Along with striving for balance in the bill, he said he hopes people will get back to work faster.

Rep. Tony Sertich (DFL-Chisholm) praised the bill for addressing the solvency of the unemployment insurance fund, saying it will save money in the long run.

If the fund runs out of money, the state would borrow from the federal government, which would charge the state interest. Currently, the state has no good method to pay the interest, McElroy said, and the state will likely have to borrow at the end of 2002 or the beginning of 2003.

Under the bill, businesses would start paying on the interest sooner, spreading out the cost, and therefore reducing the total interest costs.

Also, the state's unemployment insurance fund would receive a boost in 2003, when the tax rate would jump from 0.1 percent to 0.38 percent for one year. The rate would take effect Jan. 1, but revenues would not come in until the end of the first quarter.

Under the bill, \$12 million would be transferred into the Workforce Development Fund to pay for a technology initiative project under the unemployment insurance program. The money is taken from a \$163 million 2002 federal grant to assist in unemployment compensation.

The bill also reflects a compromise on giving priority to the Minnesota Youthbuild Program to work on construction projects for early childhood and child protection facilities. Youthbuild helps at-risk youth gain job skills while working toward their high school diploma or GED and providing affordable housing to communities.

The bill would now require the involvement of Youthbuild if parties involved agree, heeding safety and skills needed, that using the workers would not increase the overall cost of the project.


Also, a Senate plan to establish a task force to report recommendations for workplace ergonomics standards is not in the bill. The House never heard the original bill. 



PHOTO ILLUSTRATION BY ANDREW VON BANK

A bill awaiting action by Gov. Jesse Ventura would extend unemployment benefits for workers from various Minnesota businesses that laid off employees either due to the economic slowdown or plant closings.

Success, then failure

Unicameral plan sent for a floor vote, but members send it back to committee, likely rendering it dead for 2002

By MICHELLE KIBIGER

After surviving three procedural moves, a bill that would provide for a one-house legislature lost a fourth motion and was returned to the House Governmental Operations and Veterans Affairs Policy Committee May 16, just a few days after being approved by the House Rules and Legislative Administration Committee May 13.

The bill (HF3722), sponsored by Rep. Ron Abrams (R-Minnetonka), is the second major unicameral proposal of the 2001-2002 biennium, though it has been actively debated since 1999, largely due to the strong support Gov. Jesse Ventura has lent to the plan.

Unicameral plans have been introduced in the Legislature for many years; however, none came as close to getting a floor vote as this one.

Earlier this session, another bill (HF2764), also sponsored by Abrams, was approved by the House Governmental Operations and Veterans Affairs Policy and State Government Finance committees, but failed in the House Ways and Means Committee on a 17-10 vote.

The bill would call for a constitutional amendment question to be placed on the November 2002 general election ballot. The question would ask voters to decide if the Legislature should have one house, comprised of 134 members, serving two-year terms.

In support of his motion to send the bill back to committee, Rep. John Tuma

(R-Northfield) said the unicameral idea is not the solution for Minnesota and may likely cause more problems than it fixes.

"I think I'm going to stand with the principle of how our government was designed to work," Tuma said. "This vote is clearly our statement that unicameral should die today."

Twice members of the rules committee tried to send the bill to another committee, saying that it should still be heard through that process. Abrams opposed the moves, both of which failed, saying they were merely procedural attempts to kill the bill.

"I know that this issue has been heard on a number of occasions," Abrams said. "The process that is being used here is a little bit unusual."

He said the issue is important enough, given the time left in the legislative session, to move it through the process quickly, particularly in light of the number of hearings it has already had.

However, the bill now must await a hearing in the governmental operations committee, which is unlikely at this stage of the session.

Abrams also said the way the Legislature has resolved outstanding issues shows a need for structural change. "The conference committee system, by its very nature, lends itself to a possible abuse of the system," he said.

Abrams main argument for unicameral was that the state has a history of restructuring the executive and judicial branches, but the legislative branch remains virtually unchanged from

its initial design in 1858. He also said that the checks and balances system is among the different branches of government, not within them, as often takes place under the current structure.

"The basic framework that was established in 1858 is the same," he said.

Members offered a number of opinions on the unicameral plan. Some, including Rep. Ted Winter (DFL-Fulda) argued that the two-house system allows certain ideas to be heard, even if a powerful committee chair in one house will not hear it, something you can't work around with only one house.

Abrams argued that the unicameral system will make voters more careful who they elect, since they will only send one representative to the Legislature, rather than two.

Ultimately, members argued that regardless of how they feel about the unicameral plan, it is appropriate for the voters to decide the structure of the Legislature.

Rep. John Dorn (DFL-Mankato) said there needs to be a high threshold for bringing issues to the people.

House Majority Leader Tim Pawlenty (R-Eagan), a co-sponsor of the new legislation, agreed that the threshold issue was a good one, but he contended that the Legislature would stir up debate, and should not alone decide issues that affect its structure.

"Who should decide whether half of us should lose our jobs?" Pawlenty asked. "Us or the people?"

Rep. Harry Mares (R-White Bear Lake) said he thinks that if placing the measure on the ballot provides education for the public about the Legislature, then it would be worthwhile.


"I think it's a good idea to involve the people," Mares said. "The debate we would raise in the state would be tremendous." 



PHOTO BY ANDREW VON BANK

Members of the House Rules and Legislative Administration Committee vote May 13 to approve a bill to ask voters if Minnesota should have a one-house legislature. It awaits action by the full House.

Good news, bad news

Budget reconciliation bill returns some human services and corrections proposals, delays payments of others

By SARAH MCKENZIE

House and Senate negotiators agreed to leave out a number of contentious health and human services provisions in the budget-balancing bill, including abortion language and an extension of welfare benefits.

The health and human services and corrections section of the supplemental budget bill (HF3270) would save the state about \$37 million by delaying payments to counties for social services programs.

The plan would spare many state services from cuts proposed by the House and did not include a Senate proposal to extend welfare benefits to a number of the families facing a five-year limit beginning July 1, 2002.

It would also restore funding for the Department of Corrections and the State-Operated Services (SOS) system, a network of regional treatment centers serving the mentally ill, chemically dependent, and disabled.

The bill calls for a one-time “buy back” of \$8.4 million for SOS and \$4.8 million for corrections to mitigate the impact of the hiring freeze included in the budget balancing law (HF351*/SF264/CH220) enacted in March.

Corrections and State-Operated Services would also be exempt from the statewide hiring freeze called for in the previously passed law.

Rep. Kevin Goodno (R-Moorhead), the lead House negotiator on the budget balancing bill and sponsor, called the measure a “good compromise,” but said it did “avoid some of the hard decisions” on heftier spending cuts.

Wes Kooistra, budget director for the Department of Human Services, said the agency was pleased with the bill, noting that previous cuts would have required trimming services to about 1,500 care recipients.

However, Kooistra expressed disappointment that the Legislature rejected the governor’s plan to consolidate a number of regional treatment centers that would have trimmed \$15 million a year from the department’s budget, he said.

The plan called for vacating the Ah-Gwah-Ching Center in Walker and portions of the Fergus Falls and Willmar campuses.

Many lawmakers, however, have expressed

support for maintaining those facilities. HF3270 calls for a study of strategies to consolidate the delivery of State-Operated Services.

When the House initially passed the second budget-balancing bill in March, it included a number of cuts to state economic assistance programs. All told, the proposed budget fix sliced \$61.6 million in health and human services and tapped \$325 million from the tobacco endowment to pay for programs.

The plan also included two contested abortion provisions: one requiring women to receive information about the procedure at least 24 hours before a scheduled abortion and another barring organizations that refer clients for



PHOTO BY TOM OLMSCHIED

Rep. Kevin Goodno, right, co-chair of the budget balancing conference committee, talks with state Human Services Commissioner Michael O'Keefe prior to a May 13 hearing.

abortions from receiving state grants.

The Senate’s original plan to shore up the remaining \$439 million deficit relied on a cigarette tax increase and largely avoided health and human services cuts. The abortion language was not included in the Senate proposal.

Rep. Mary Ellen Otremba (DFL-Long Prairie), a member of the Health and Human Services Finance and Policy committees, offered the abortion amendments when the House bill was working its way through the committee process.

Otremba said her amendments were “pretty moderate requests.” Opponents, however,

argued that they would place unreasonable burdens on women seeking abortions.

Gov. Jesse Ventura vetoed an omnibus health and human services spending bill in 2001 because it contained similar abortion language calling for “informed consent” 24 hours before a scheduled procedure.

The original House plan to balance the remaining budget deficit took the biggest cuts from health and human services programs.

The House proposal included limiting the availability of General Assistance and Emergency General Assistance — cash assistance programs — and raising the income limit for families on welfare.

It would have also consolidated General Assistance Medical Care into MinnesotaCare, yielding a net savings of \$37 million. Low-income Minnesotans receiving General Assistance Medical Care don’t pay premiums, like those covered by MinnesotaCare do.

Further, it would have halted a proposed expansion of children’s health insurance and

reduced family planning special project grants by 25 percent.

None of those items were included in the final agreement.

As for the Senate’s original proposals, House conferees opposed the extension of welfare benefits.

Goodno pointed to extensions already granted by the 2001 Legislature, which appropriated \$19 million to extend benefits to about 52 percent of the families expected to reach their 60-month

limit in fiscal year 2003.

HF3270 would provide extensions to welfare recipients who are victims of family violence.

But a number of DFL House lawmakers said the bill doesn’t go far enough for Minnesota’s poor families.

Rep. Karen Clark (DFL-Mpls) said the bill would shift the burden to counties and taxpayers to provide assistance for families who hit their benefit limit.

Goodno countered that the bill extends aid to the most “needy” recipients without undermining the state’s welfare reform effort. 🐼

Eager to serve

World War II era Legislature enacted laws to help with the war effort, under direction of Gov. Harold Stassen

BY BRENDA VAN DYCK

The world was different when the 53rd Legislature convened on Jan. 5, 1943. Since legislators had last met in session in 1941, the United States had entered World War II.

In his inaugural address, Gov. Harold Stassen said, “This war session of our Legislature will be one of the most important in the history of Minnesota. It will determine the thoroughness of Minnesota’s continuing support of the drive for complete victory. And it will lay the foundation for our important post-war problems on the home front.”

The Legislature, which met once every two years at that time, responded with promises for quick action and laws to help the country in the time of war.

The plans enacted by the 1943 Legislature are not unlike some of the provisions being

discussed by the current Legislature in response to Sept. 11. Sixty years ago, lawmakers passed provisions expanding the governor’s powers to respond during a time of emergency, provided extra benefits for soldiers, and provided an overall structure to protect the state and provide for its veterans.

Minnesota War Emergency Act

Stassen called for a war powers act, which would give the executive branch powers it would not normally have.

The law’s language was broad. It granted the governor the power “to do all acts and things necessary for the protection of life and property in the State of Minnesota and to perform all acts necessary to apply the military, civil, and industrial resources to the state toward the defense of the state and nation and toward the successful prosecution of the war.”



Photo courtesy of the Minnesota Historical Society

Harold E. Stassen, left, Edward J. Thye, center, and Luther Youngdahl awaiting Minneapolis election returns in 1943. Stassen resigned as governor after the Legislature adjourned to serve the war effort in the U.S. Navy.

The bill created a six-member War Emergency Committee, made up of three House members and three senators. The committee was to act in conjunction with the governor in prosecuting the war. The act also created a Division of Civilian Defense, under the governor’s direct supervision.

Responding to initial fears voiced by some that the bill would put too much power in the hands of the governor, legislators revised the bill so it limited the governor’s power. It restricted the governor from the following: subpoenaing any person to appear before him or subpoenaing any records; seizing, condemning or appropriating property; and removing anyone from office in a way that was not already provided for in law.

The law was set to expire 60 days after the end of the war or July 1, 1945, whichever came first.

Assistance for soldiers

At the outset of 1943, Stassen advocated for assistance to veterans and for the state to be ready to rebuild in the postwar era.

The Legislature created the War Veteran’s Fund, which provided up to \$250 per resident of Minnesota who served in the military between Dec. 7, 1941, and the end of the war. The benefits were limited to six months.

Relief was granted to military personnel from foreclosures of mortgages, judgments, and liens. Soldiers who owned real estate subject to these conditions were granted six more months after the war to settle the debt.

Minnesota residents who served in the military after Dec. 7, 1941, were allowed to deduct the first \$2,000 of military compensation from



Photo courtesy of the Minnesota Historical Society

Chief Frank M. Whitney, left, and assistant chief John I. Levin of the legal bureau of the Minnesota Legislature confer in 1943.

gross income in computing state income taxes.

Military personnel who served outside of the United States for at least 90 days were given a six-month, interest-free extension to file taxes once they returned. The Legislature made this effective for tax year 1942 and subsequent tax years until two years after the war ended.

Department of Veterans Affairs

As a result of the war, the Legislature created the Department of Veterans Affairs, headed by a commissioner whose salary was set at \$5,000 per year.

In addition to ensuring services and benefits for veterans, the commissioner was charged with things like compiling and maintaining records for all Minnesotans serving in military expeditions back to the Civil War, and administering laws relating to the burial of veterans. The commissioner was given the responsibility of reporting the department's activities annually, information that would be available to the Legislature.

Governor goes to war

Legislators felt the keen effect of the war when Stassen received his orders to report to

service in the waning days of the session. When Stassen ran for his third term in 1942, he said that he would only serve through the 1943 legislative session, then go into active service with the U.S. Navy. Earlier in 1942 he had been commissioned as a lieutenant commander in the U.S. Naval Reserve.

Lt. Gov. Edward Thye became governor when Stassen resigned after the Legislature adjourned *sine die*. The governor signed the last of the year's bills on April 24, and reported for duty three days later. 🐼

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

1943 Legislature faced limitations on spending, excessive bill introductions, and a longer session than they planned

After the 1942 election, incoming legislators were eager to lay the groundwork for the 53rd session of the Minnesota Legislature.

A special committee was created by a caucus of members-elect of the House to look at ways the 1943 session could be expedited. The committee took action intended to facilitate the organization of the House so it could begin its work as early as possible, and decide on pressing matters related to World War II.

Early in the session, the House adopted the committee report, which advocated that:

- Committees give preference to bills dealing with war emergencies,
- Members restrain themselves from introducing "wild game claim bills which have no hope of enactment,"
- Members refrain from introducing bills that would reroute or create new trunk highways,
- The House limit spending in anticipation of decreased state revenue,
- The House not borrow money or create any new debt for purposes not connected to the war, and



The clock in the House chamber is covered to extend the time of the legislative session.

- The House make "every effort" to adjourn by April 1, so farmers could return home to start spring farming.

The report also established new House committees to deal with war-related issues. The committees focused on aircraft and airways; civilian defense, veterans' and military affairs; and reapportionment and unemployment compensation.

Despite intentions to adjourn early, the Legislature was locked in a battle over property and income taxes that extended the Legislature beyond its constitutionally mandated adjournment date of April 21.

To avoid the deadline and artificially extend its time, the Senate stopped its floor clock at 9:50 p.m. on April 21, and the House covered its clock with a thick piece of canvas. The two bodies then continued to work for another 48 hours.

Gov. Harold Stassen signed the final bills of the year, including a war powers act, three days before leaving to serve in the U.S. Navy on April 27.

(B. VAN DYCK)

Photo courtesy of the Minnesota Historical Society

Frequently called numbers

(Area code 651)

Information, House

175 State Office Building 296-2146

Chief Clerk of the House

211 Capitol 296-2314

Index, House

211 Capitol 296-6646

TTY, House 296-9896

Toll free 1-800-657-3550

Information, Senate

231 Capitol 296-0504

TTY, Senate 296-0250

Toll free 1-888-234-1112

Secretary of the Senate

231 Capitol 296-2343

Voice mail/order bills 296-2343

Index, Senate

110 Capitol 296-5560

Getting his release

Called a 'master legislator,' Bishop to end his two-decade obsession that saw the passage of more than 200 laws

By SARAH MCKENZIE

Rep. Dave Bishop, a 20-year veteran Republican lawmaker from Rochester, likens his affinity for public service to an addiction.

He must be addicted, he contends, or else why would he subject himself to the pain of losing arguments, listening to bad ideas, seeing bills fail, and sometimes offending friends when tempers flare during debate.

But Bishop, 73, has decided to kick the habit and retire from the House.

"I think that it is appropriate to announce that my 20-year term has been served and I can be released to the public," Bishop said May 9 on the House floor.

He has been an influential member of the body during his tenure, serving as chair of the House Ways and Means Committee, which is charged with fiscal oversight of legislation.

Bishop's legislative achievements include sponsorship of the sex offender community notification law, the living will, and the Minnesota Groundwater Protection Act, which has become a model for the nation.

The lawmaker has also taken heat from others in his party for his views on abortion — irking abortion opponents in 1995 when he proposed that men seeking vasectomies should face the same legal restrictions imposed on women seeking abortions.

In an emotional speech announcing his retirement, Bishop lauded the service of his colleagues and spoke out against cynicism.

"The altruism that the members of this body give to the benefit of Minnesota is so poorly appreciated," he said. "This is a wonderful institution. We honestly deal with each other. We deal with the issues honestly."

An outspoken critic of unicameral proposals, Bishop also urged members to keep the structure of the Legislature the same.

Following his speech, members from both sides of the aisle lined up to embrace and shake hands with Bishop.

House Majority Leader Tim Pawlenty (R-Eagan) said Bishop "really personifies the spirit of the institution in terms of the ability



PHOTO BY TOM OLMSCHEID

Rep. Dave Bishop will retire from the House after serving 20 years, representing parts of Rochester.

to reach out to members in a bipartisan way."

In jest, he asked Bishop if he would support "community notification" upon his release to the public.

Rep. Loren Solberg (DFL-Bovey), the DFL lead on the ways and means committee, was elected the same year as Bishop. The two have developed a close friendship and were roommates at Harvard when they were working toward their master's degrees.

"This institution is going to miss Dave," Solberg said. "He is not afraid to take the politically tough road."

Bishop said his focus while in office has been to "pass good law."

"Partisanship should not be the primary goal and driver," he said.

Bishop points to his success in passing bills as evidence of his effectiveness as a negotiator. He said he has pushed through more than 200, last time he counted.

In part, he attributes the achievement to spending a lot of time making sure his ideas will have traction in the Senate and being asked to serve on a number of conference committees.

From the beginning of his time in the House, Bishop said he has approached lawmaking with an eye toward improving bills regardless of partisan support. When confronted with a good idea presented in bad form, Bishop said he has worked to fix the bill by offering amendments.

Bishop uses a chess board analogy when describing the legislative process.

The board has three layers — one each for the governor, Senate, and the House, he says. On the Senate and House layers, there are black and white pieces for the majority and minority. The governor's pieces represent different proposals.

Each move, Bishop explained, affects the pieces on every level. Effective legislators need to understand the interconnectedness, he said.

Rep. Fran Bradley (R-Rochester) called Bishop a "master legislator."

"He applies the science and art of lawmaking with extraordinary skill," Bradley said. "But Dave Bishop will also be remembered for his often unpredictable character. Sometimes jovial, sometimes serious, sometimes charming, sometimes outrageous, but always a character."

Bishop, who retired from his law practice at 53, said his work as an attorney helped shape his approach to legislating.

As a lawyer he strove to settle cases, gaining the negotiation skills he is known for in the House.

"The skills of listening and persuasion are so important," Bishop said.

Rep. Dan McElroy (R-Burnsville), who sits next to Bishop on the House floor, called the legislator a "master deal maker."

"He's relentless, very smart, and focused," McElroy said. "He's a cantankerous but lovable curmudgeon." 🐢

STEPPING DOWN

Rep. Dave Bishop
Republican
District 30B—Rochester
Terms: 10

Career notes: Since being elected in 1982, Bishop has passed more than 200 bills, including the 1996 sex offender community notification law. Bishop has also served as chair of the House Ways and Means Committee.

Family comes first

Decision to no longer uproot his wife and children causes Clark to step aside

By DAVID MAEDA

Rep. James T. Clark's (R-New Ulm) daughters aren't old enough to understand what their father does for a living. When the two girls, ages 3 and 5, watch televised legislative proceedings they call the Speaker of the House "Mr. Sneakers."

"Every time they come to visit there's cake or dilly bars in the retiring room so they think daddy has it pretty good," Clark, 39, said.

Now due to family matters he has decided not to seek a third term in the House. Since his election in 1998, Clark's wife, Cara, and children accompanied him to live in St. Paul during the session.

"I just refuse to leave my home at 6 a.m. on Monday morning and show up again Thursday night at 10 p.m.," he said.



PHOTO BY TOM OLMSCHEID

Rep. James Clark is stepping down after the 2002 session to spend more time with his family.

His eldest daughter will attend kindergarten in the fall. The Clarks discussed options, such as home schooling and having the girls attend school part of the year in St. Paul. But ultimately they decided it was time to return home year-round.

"I've been saying all along that when our daughters reached school age, that our family was going to come to a crossroads," he said. "Per-

haps I didn't necessarily want to face that, but I knew it was a decision we'd have to make sooner or later. I woke up one day and it was sooner."

Rep. Wes Skoglund (DFL-Mpls), who served with Clark on the House Civil Law Committee, said it is unfortunate that the demands of being a legislator are costing the House Clark's services.

"The funny thing about this place is the very people that should be here, that have their priorities right... cannot be here," Skoglund said.

Clark won a special election in January 1998 to fill a seat that was left vacant after the death of Rep. Barb Vickerman (R-Redwood Falls). Vickerman died of cancer.

The memory of his late father inspired him to run for the House. After discovering a letter his father, a World War II veteran, wrote to President Reagan asking how he could further

serve his country, Clark said becoming a public servant began appealing to him.

In a sense his father has continued to be with him every step of the way—he carries his father's military identification with him as a key chain.

"I'm reminded of my father when I walk over to the Capitol and I'm holding his dog tags and I know he'd be

very proud of what I've tried to accomplish over the last five years. But I know he'd be prouder of the decision I made to do what's right for my family," he said.

Clark said among his legislative accomplishments was sponsoring a law increasing the penalty for torture and cruelty to animals. He said studies have shown a clear link between those who are cruel to animals and those who

commit violence against humans.

He now plans to build his private law practice, as well as continue to serve as an assistant county attorney in Brown County.

Rep. Erik Paulsen (R-Eden Prairie), who sits next to Clark on the House floor, said his seatmate is "very bright and articulate."

"He's thoughtful and well-respected. He takes the position very seriously. In my opinion, if he was not leaving he would be future leadership material in the caucus," Paulsen said.

With daughters similar in age to Clark's, Paulsen said the two families have gotten to know each other outside the Capitol and will likely remain in touch.

Skoglund described Clark as a "thorough legislator" with a strength that may seem self-apparent: "He actually reads the bills."

He said Clark worked hard on complex issues like real estate laws that may seem boring but have a significant impact, and his preparation allows him to ask questions and suggest changes that ultimately improve the final product.

Upon his anticipated exit from St. Paul, Clark recalls his first speech on the House floor after being sworn in. He said three busloads of residents from his then hometown, Springfield, made the trip to witness the event.

"Part of what I said was the House of Representatives is a very important place. It's where we make laws that affect all of our lives. And I turned to my friends that were in the gallery and said, 'But please never let me forget that the most important house in my life is with my wife and children.' I've had a lot of people in the last couple of weeks, a lot of my friends, say 'Way to go, you were true to your word and you made the right decision.'" 🐾

STEPPING DOWN

Rep. James Clark
Republican
District 23A — New Ulm
Terms: 3

Career notes: Clark served as vice-chair of the House Transportation Policy Committee during 2001-2002 and also served on the transportation finance, civil law, and capital investment committees during his time in the House. Among his accomplishments, Clark noted laws that broaden the definition of child endangerment to include where drugs are manufactured and one that increases penalties for criminal sexual contact.

A well-worn path

Dibble plans to leave the House and pursue an open Senate seat, the same move his predecessor made in 2000

By LISA HILTON

After one term in the House, Rep. D. Scott Dibble (DFL-Mpls) hopes to continue serving, but this time in a different chamber.

Dibble, 36, recently received his party's endorsement and will run for the District 60 senate seat that will open when Sen. Myron Orfield (DFL-Mpls) steps down.

The idea of running for Senate is not new to the first-term legislator. When Sen. Allan Spear (DFL-Mpls) left the Senate in 2000, he encouraged Dibble to run. But when then-Rep. Orfield sought the seat, Dibble instead set his sights on the vacant House seat.

The political scene was nothing new to the freshman representative. Having worked for six years as an aide for Minneapolis City Council Member Dore Mead, and holding positions with several community groups, Dibble was accustomed to fighting for issues at the Capitol.

Seeing things from the other side has been an interesting and rewarding experience. Dibble said dealing with budget issues and the special session last year exposed him to the more colorful side of the Legislature.

"Some of my senior colleagues have told me I've seen quite a bit for a first-termer," he said.

Dibble admits that it was sometimes frustrating to be a member of the minority and not have bills heard, adding the Senate may provide new opportunities if a DFL majority remains after elections this fall.

He expects the more formal Senate to be somewhat different from the House.

"My perception of the Senate is that it's a little less taken with partisanship," he said. "I do think it will be a little more serious and maybe a little less fun. Things can get pretty interesting on the floor of the House."

A self-proclaimed "Air Force brat," Dibble was born in New York City and grew up in places such as Italy, Portugal, Bermuda, Texas, and Alabama, before moving to Minnesota when he was in middle school.

He attended Apple Valley High School,



PHOTO BY TOM OLMSCHEID

Rep. Scott Dibble is leaving the House after one term to pursue a Senate seat, being vacated by Sen. Myron Orfield, Dibble's House predecessor.

where he was a classmate of Rep. Chris Gerlach (R-Apple Valley), and later studied German and political science at the universities of Minnesota and St. Thomas.

Dibble said he enjoys knowing that those he represents are closely watching what he does. He said that he receives the highest number of contacts from constituents in the DFL caucus, and responds to each call personally.

"It's just a sign of how engaged the people in my district are," he said.

He is also proud of Minnesota's open Legislature, he said.

"It's very much an activist Legislature and very much an accessible Legislature," he said. "I think that's great. A lot of people over here aren't getting paid. It's not just hired-gun lobbyists."

Among the issues Dibble has fought for include affordable housing, transportation, airport noise reduction, and gay and lesbian issues.

Serving on the Local Government and Metropolitan Affairs, Ways and Means, and Transportation Policy committees, Dibble has supported plans to remove transit operation expenses from metropolitan property taxes, and he put a lot of work into an affordable housing bill during his first year in office.

Dibble, one of two openly gay House members, is also an outspoken critic of the House decision not to extend medical benefits to state employees' gay and lesbian partners.

Rep. Karen Clark (DFL-Mpls) who has worked with Dibble on a number of bills, said he has been a joy to work with.

"He is equally passionate about economic and social justice to rely on," she said. "I will miss him personally and as a very smart and strategic colleague."

Clark, who is a lesbian, said she has also enjoyed having a gay member to share feelings and ideas with.


"It's nice to have someone who shares the same values, concerns, and life experiences," she said.

Rep. Harry Mares (R-White Bear Lake), the sponsor of the Twins stadium bill, said he worked with Dibble on a number of bills, and fielded "some good, challenging questions" from him regarding the ballpark proposal.

"I've always found him to be very reasonable and very fair," he said. "He's a strong believer in his position."

If he wins the Senate seat, Dibble says he will stay in office as long as he is effective in getting things done for his constituents, but added, "I don't expect to be there forever."

Dibble said he would encourage his replacement to develop good relationships among colleagues and stay connected to the community.

"I believe strongly that public service is an honor, and an extremely rare honor." 

STEPPING DOWN

Rep. D. Scott Dibble
DFL
District 60B — Minneapolis
Terms: 1

Career notes: Dibble has fought for affordable housing, airport noise reduction, transportation, and gay and lesbian issues during his one term in the House.

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 |
|--------|-------|-------|---|--------|--------|
| Res. 6 | 2681* | 2469 | Resolution supporting personnel responding to Sept. 11 terrorist attacks. | 1/31 | |
| Res. 7 | 3411 | 3207* | Resolution urging delayed termination of LTV pension plan. | 2/27 | |
| 219 | 2698 | 2655* | Extending physical therapy board authority to adopt licensee ethics rules. | 2/27 | |
| 220 | 351* | 264 | Omnibus budget balancing and appropriations bill. | | 2/25♦ |
| 221 | 97 | 58* | Changing terminology in statute of references to mentally ill. | 2/27 | |
| 222 | 3049 | 3019* | Predatory offenders registration requirement expansion. | 2/28 | |
| 223 | 1297 | 1471* | Municipal Board authority transferred to Office of Strategic and Long-Range Planning. | 3/5 | |
| 224 | 2642* | 2760 | Mine inspector annual audit requirement modified. | 3/7 | |
| 225 | 3116* | 2822 | Environment and Natural Resources Trust Fund provisions modified. | 3/7 | |
| 226 | 2624* | 2441 | Shakopee Public Utilities Commission increased from three to five members. | 3/7 | |
| 227 | 3148* | 3025 | Speech-language pathologist and audiologist registration requirements modified. | 3/7 | |
| 228 | 2992* | 2865 | Occupational therapist temporary licensure terms modified. | 3/7 | |
| 229 | 3062* | 2839 | Hennepin and Ramsey counties juvenile court judge term limits repealed. | 3/7 | |
| 230 | 2748 | 2573* | Browns Valley school year start before Labor Day. | 3/13 | |
| 231 | 2695* | 2531 | Minneapolis Firefighters Relief Association retirement provisions corrections provided. | 3/13 | |
| 232 | 58* | 389 | Beer kegs identification and sales requirements. | 3/13 | |
| 233 | 3190* | 3111 | Juvenile court data in statewide supervision system. | 3/13 | |
| 234 | 2783* | 2671 | No-fault auto insurance residual liability coverage regulated. | 3/14 | |
| 235 | 1189* | 1376 | Election of municipal council members provided after annexation. | 3/14 | |
| 236 | 1620* | 2210 | Orderly annexation agreements strengthened. | 3/14 | |
| 237 | 2987* | 2873 | Cook County Mineral Center cemetery conveyance to Grand Portage reservation authorized. | 3/14 | |
| 238 | 3202* | 2801 | Delano Public Utilities Commission increased to five members. | 3/14 | |
| 239 | 2629* | 2913 | Retired professional designation for Board of Architecture, et al. licensed retirees. | 3/14 | |
| 240 | 3309* | 3082 | Nursing home licensed bed lay away authorized during moratorium projects. | 3/14 | |
| 241 | 2637* | 2472 | Temporary town officeholders authorized in event of inability or refusal to serve. | 3/14 | |
| 242 | 3344* | 2892 | Second Judicial District combined jurisdiction program authorized. | 3/14 | |
| 243 | 3296* | 3206 | State employee Social Security administrative duties transfer. | 3/14 | |

♦ - veto overridden by the Legislature

† - Filed without signature

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

| CH | HF | SF | Description | Signed | Vetoed |
|-----|-------|-------|---|--------|--------|
| 244 | 1547 | 1495* | Omnibus agriculture policy provisions modifications. | 3/15† | |
| 245 | 2612* | 2562 | Licensed architect, et al. requirement circumstances revised. | 3/15 | |
| 246 | 2899* | 2711 | Livable community demonstration account provisions modified. | 3/21 | |
| 247 | 3584* | 3302 | Judgment calculation interest rate formulas modified. | 3/21 | |
| 248 | 2813* | 2803 | Child care providers required to develop policies for reporting suspected child maltreatment. | 3/21 | |
| 249 | 2766* | 2475 | Motor vehicle fuel franchise sale federal code compliance expiration date removed. | 3/21 | |
| 250 | 3189* | 3135 | Street-sweeping vehicles defined as special mobile equipment for registration purposes. | 3/21 | |
| 251 | 2742* | 2757 | State agency contested case procedures regulation provided. | 3/21 | |
| 252 | 2531* | 2381 | Hospice care providers regulated, and criminal penalties imposed. | 3/22 | |
| 253 | 3275 | 2932* | Citizen water quality monitoring encouraged. | 3/22 | |
| 254 | 3133 | 2971* | State procurement competitive bidding for building and construction contract references codified. | 3/22 | |
| 255 | 1097 | 1072* | "Grace" state photograph designation. | 3/22 | |
| 256 | 3074 | 2834* | Steele County recorder appointment. | 3/22 | |
| 257 | 3512 | 3258* | Garfield state land exchange. | 3/22 | |
| 258 | 2652 | 2434* | Polk County recorder and auditor-treasurer appointment. | 3/22 | |
| 259 | 2603 | 2627* | Optometrists and physicians contact lenses prescriptions regulated. | 3/22 | |
| 260 | 3238 | 3115* | State energy efficiency installment purchases regulation provisions modified. | 3/22 | |
| 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◆ |
| 284 | 3274* | 3068 | Military active service protections. | 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 | |
| 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 | |

| CH | HF | SF | Description | Signed | Vetoed |
|-----|-------|-------|--|--------|--------|
| 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 cleaner fuels. | 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 Transmitter Act small business category created. | 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 | |
| 345 | 1524 | 1555* | Fertilizer use regulated. | 4/19 | |
| 346 | 2935 | 2909* | Health maintenance organizations rural demonstration project authorized. | 4/19 | |
| 347 | 2657 | 2540* | Probate property succession provisions modified. | 4/19 | |
| 348 | 3048 | 2460* | Criminal penalties for persons who take responsibility for criminal acts provided. | 4/24 | |
| 349 | 2473* | 2807 | Darlene Luther Anatomical Gift Act specifying intent and consent requirements. | 4/24 | |
| 350 | 2525 | 2960* | Certain fireworks legalized; unpaid volunteer firefighting leave. | 4/29 | |
| 351 | 2920 | 2674* | Omnibus game, fish, and forest bill provisions modifications. | 4/29 | |
| 352 | 2618* | 3373 | Personnel not public data sharing authority. | 5/1 | |
| 353 | 1359 | 2125* | Wildlife management areas land additions and ATV use regulations. | 5/1 | |
| 354 | 3249 | 2998* | Certain alcohol and drug counselors licensing requirements waived. | 5/1 | |
| 355 | 2970* | 3010 | Recreational motor vehicles use provisions modification. | 5/1 | |

| CH | HF | SF | Description | Signed | Vetoed |
|-----|-------|-------|--|--------|--------|
| 356 | 3509 | 3257* | Housing and redevelopment authority officers grant or loan eligibility. | 5/1 | |
| 357 | 2492 | 2363* | Homeowners and automobile insurers credit scoring use restriction and regulation. | 5/1 | |
| 358 | 2995 | 3168* | Walker authorized to maintain and operate state water tower at Ah-Gwah-Ching. | 5/1 | |
| 359 | 2906 | 2568* | Hennepin County parking facilities and real property leases provisions modification and repeal. | 5/3 | |
| 360 | 3443 | 3200* | Nonprofit environmental learning center insurance coverages regulated. | 5/8 | |
| 361 | 3346 | 3026* | Interstate telemedicine services regulation. | 5/8 | |
| 362 | 3359* | 3005 | Nurses protocol modifications. | 5/8 | |
| 363 | 3379 | 3384* | Campaign finance and public disclosure law provisions modified. | 5/9 | |
| 364 | 3199 | 3298* | Transportation provisions modifications. | 5/9 | |
| 365 | 2573 | 2707* | Real estate task force funding provisions modification and clarification. | | 5/15 |
| 366 | 3025 | 2727* | State park and recreation area land additions and deletions. | 5/15 | |
| 367 | 2710 | 3246* | Telephone solicitation calls regulation. | 5/15 | |
| 368 | 2649 | 2448* | Motor vehicle registration records personal information disclosure. | 5/15 | |
| 369 | 3719 | 3463* | Pesticides application prohibition exceptions (gypsy moth bill). | 5/10 | |
| 370 | 3200* | 3155 | Dentist and dental hygienist guest licenses and dental assistant guest registration established. | 5/15 | |

BILL INTRODUCTIONS

MAY 10 - 16, 2002

HOUSE FILES 3727 - 3734

Monday, May 13

HF3727—Rhodes (R)

Education Policy

Web-based program pupil unit calculation and Web-based study reimbursement appropriation availability provided.

HF3728—Clark, K. (DFL)

Governmental Operations & Veterans Affairs Policy

Investment of state and retirement funds in predatory lenders prohibited.

Tuesday, May 14

HF3729—Clark, K. (DFL)

Health & Human Services Policy

China; governor memorialized by resolution to convey the concerns of the people of Minnesota regarding human rights abuses committed by the government of the People's Republic of China.

Continued from page 4

Tax portion

The House and Senate later passed tax-related provisions of the budget agreement in another bill (HF2498). Sponsored by Rep. Ron Abrams (R-Minnetonka) and Sen. Lawrence Pogemiller (DFL-Mpls) it passed the House 129-4 and the Senate 63-0. It is now on the governor's desk.

Abrams said many of the provisions make corrections to the 2001 omnibus tax law, including one that would return bakery goods made by the seller to the list of items not subject to sales tax.

As part of the state's participation in an effort known as the Streamlined Sales Tax project in 2001, the definition of prepared food was

HF3730—Clark, K. (DFL)

Commerce, Jobs & Economic Development Policy

Consideration of lending practices permitted in designation of depositories of public funds.

HF3731—Mullery (DFL)

Taxes

Capital gains tax imposed on qualified sales or exchanges of franchises.

Wednesday, May 15

HF3732—Seifert (R)

Higher Education Finance

University of Minnesota previous appropriation reduction increased.

HF3733—Clark, K. (DFL)

Commerce, Jobs & Economic Development Policy

State and local government authority to protect the public interest urged by resolution relating to international trade agreements.

HF3734—Seifert (R)

Governmental Operations & Veterans Affairs Policy

State agencies allowed to contract printing services with the Department of Administration only through competitive bid.

changed. Specifically, prepared food included baked goods made by the seller, which affected a number of grocery-store based bakeries. The bill would exempt bakery items made by the seller, unless they are served with eating utensils.

Much of the House discussion of the tax provisions centered on a local provision that would allow cities in the St. Cloud area to impose local sales and use taxes to fund the regional airport. State law requires the Legislature to authorize imposition of local sales taxes.


Abrams said he reluctantly went along for two reasons — his desire to develop alternatives to paying for regional airports with property taxes, and the need for economic development assistance with the closing of the Fingerhut plant.

Two years ago St. Cloud voters approved a

sales tax to fund airport, library, and road improvements and park and trail needs.

Rep. Dave Bishop (R-Rochester) expressed disappointment that the city of Rochester was not granted similar authority.

Another provision would change the income tax reciprocity arrangement between Minnesota and Wisconsin. The bill would allow the interest on income tax payments from Wisconsin residents working in Minnesota to accrue beginning on July 1 of the tax year. The Senate and Ventura had proposed eliminating the reciprocity agreement altogether.

The agreement would terminate if Wisconsin does not agree to the payment of interest by Oct. 1, 2002. 

Minnesota Memorials



Leif Ericson

In a park just west of the State Capitol stands a 13-foot tall statue of Leif Ericson. Appropriately, the statue faces west.

Sculpted by John Daniels, the bronze statue was dedicated on “Leif Ericson Day,” Oct. 9, 1949. It was restored in 1996.

The son of Erik the Red, Ericson (also spelled Erickson, Ericsson, Erikson, and Eriksson in different reports) was the first European to set foot in North America in 1000 A.D. Ericson’s discovery signaled the opening of a new land rich with resources for the Vikings to explore.

After his father was banished from Iceland for killing another man, the family settled in what is now Greenland.

Following a round-trip voyage to Norway, Ericson became restless and decided to find lands to the west that Bjarni Herjulfsson had previously seen from a distance in 986 when, thanks to a fierce storm, his ship was blown off course while attempting to return to Greenland from Iceland.

Accounts differ on the details of Ericson’s voyage, but the most common belief is that Leif bought Herjulfsson’s ship and set sail with a crew of 35 men. They first landed at a site that was all rock, believed to be Baffin Island, then traveled south to the eastern coast of Canada, before settling for a winter in what is now L’Anse aux Meadows in Newfoundland.

On his return trip to Greenland, Ericson came upon a wrecked trading vessel whose crew he rescued. He was given the entire cargo and the nickname “Leif the Lucky.”

Ericson never returned to the new land, but his sister did, along with a small group of settlers who were killed by natives. His brother was later killed while exploring the new land.

A joint resolution approved by Congress on Sept. 2, 1964 officially established Oct. 9 of each year as Leif Ericson Day to commemorate the first arrival of a European in North America.

(M. Cook)

Reflections

One of the few spaces left unfinished when the Capitol was completed in 1905 was a large area located on the ground floor, beneath the Rotunda.

The area is now Room 15, the largest Senate committee room in the building. It seats 33 members around a circular table and has 120 seats for the general public during a regular committee meeting.

This is where much of the budget shortfall conference committee proceedings took place, in front of standing room only crowds.

A long negotiation table was placed in the middle for 10 lawmakers to be directly in front of each other as they tried to reach agreement on funding for some programs, financial cutbacks for others, and whether to increase taxes on cigarettes.

Before it was a hearing space, Room 15 went through many changes.

Early on, the space was informally called “the crypt.” In the 1994 *North Star Statehouse*, Thomas O’Sullivan quotes from a 1907 Minnesota State Capitol Guidebook that when an individual walked across the floor where Room 15 now is, only that person heard the echo that sounded like someone was following them.

A document on ground floor alterations supplied by Carolyn Kompelien, director of the Capitol historic site program, notes that the Division of Motor Vehicles moved in and made the area an office and storage space around 1940.

Once the new transportation building was completed to the southwest of the Capitol and the license bureau moved from its ground floor space in 1958, a

portion of the space was further adapted for several small offices and storage areas with plywood partitions for the Minnesota Benefit Association. The area was also utilized as food storage space for “Louie’s Lunch” kitchen.

But architect Cass Gilbert’s total vision for the building was always kept in mind. Design and color was added along the hall-

way walls by adding portraits of former governors from 1951 to the present in areas planned for that purpose.

From 1907 to 1968, planners did not pay as much painstaking attention to the ground floor area as the rest of the build-

ing, yet Gilbert’s basic themes were not hidden.

The thick glass star motif, on the floor of the Rotunda upstairs, was maintained as a reminiscence of northern ice and the four directions of the state. It continued to serve from below as the ceiling for the vault-like area of the room.

Also, the original Minnesota Kasota stone walls remained in place as adornments that served as a basic plan for constructing Room 15 in 1968. New doors, carpeting, lighting, ventilation, and other details were added as the number of lawmakers increased and the Senate needed more space. It was remodeled with other amenities added in 1975 and 1984.

The 2002 budget conferees have now added new memories to the Capitol’s original ground floor that someone, someday may once again write about.

—LECLAIR GRIER LAMBERT



Room 15 in the Capitol.

Where to find information

House Public Information Office

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

MINNESOTA INDEX

Minnesota housing

| | |
|---|-----------|
| Number of housing units gained in state during the 1990s | 217,501 |
| As percentage gain | 11.8 |
| Expected household gain in the Twin Cities metropolitan area from 2000 to 2030 | 460,000 |
| Percentage of Minnesota homes that were owner-occupied in 2000 | 74.6 |
| In 1990 | 71.8 |
| Percentage in West Virginia (only state higher) | 75.2 |
| National average, as percent | 66.2 |
| In 1990 | 64.2 |
| County with greatest percentage of homeownership (Chisago) | 87.1 |
| Lowest percentage (Ramsey) | 63.5 |
| Percentage of Minnesota housing units that were vacant in 2000 | 3.3 |
| National ranking | 1 |
| Percentage of vacant Minnesota housing units in 1990 | 5.5 |
| County with the highest vacancy rate, excluding seasonal housing (Kittson), as percent | 15.3 |
| Lowest (Anoka), as percent | 1.3 |
| Minnesota rental vacancy rate, in 2000, as percent | 4.1 |
| Percent in 1990 | 7.9 |
| County with the highest rental vacancy rate (Traverse), as percent | 17.1 |
| Lowest (Anoka), as percent | 1.7 |
| Number of counties where the vacancy rate increased in the 1990s | 19 |
| Average number of people in a Minnesota household, in 2000 | 2.52 |
| In 1990 | 2.58 |
| Number of seasonal housing units in state | 105,609 |
| National rank | 11 |
| County with most seasonal housing units (Crow Wing) | 10,257 |
| Median selling price of existing Minnesota homes between January 1999 and September 2000 | \$124,500 |
| Percent increase from 1998-99 numbers | 10.7 |
| Percent increase in housing sales prices statewide since 1989-90 | 78 |
| Increase in Consumer Price Index from 1989-90 to 1999-00, as percent | 33 |
| Median sale price in Carver County (state's highest) | \$171,000 |
| In Kittson County (state's lowest) | \$29,000 |
| Affordable house price for a family in the Twin Cities metropolitan area with an annual income of \$74,700 in 2001 | \$223,488 |

Source: *Minnesota Housing in 2000*, Minnesota Planning, August 2001; *Study of Inclusionary Housing Initiatives*, Report to the Minnesota Legislature, Minnesota Housing Finance Agency, February 2002.

FOR MORE INFORMATION

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