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# SESSION Weekly

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In this issue:

HOUSE PASSES STADIUM PLAN

LATEST VETOES AND NEW LAWS, AND MORE

HF3705-HF3707

# Session Weekly

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**On the cover:** Visitors to the State Capitol admire the architecture around the grand staircase March 27.

—Photo by Andrew Von Bank

# Field of their dreams

Funding for new Minnesota Twins ballpark calls for state revenue bonds to be paid back by team, interest proceeds

By DAVID MAEDA

**W**ith a floor debate that seemed to last a little longer than the average American League baseball game, the House passed a bill March 25 that could lead to construction of a new stadium for the Minnesota Twins.

The bill (HF2214), which passed by an 80-52 vote, would allow the state to issue up to \$330 million in revenue bonds at an estimated 6.5 percent interest rate to investors. The money would then go toward a loan to a host city for ballpark construction.

"The Minnesota Twins are a Minnesota resource. There's no doubt about that," said Rep. Harry Mares (R-White Bear Lake), the bill's sponsor. "Baseball is a very important fabric within our economy, within our society, and within our culture."

Under the measure the Twins and other private sources would be responsible for contributing \$165 million up front that would go

responsible for making annual payments of at least \$10 million. That amount, combined with the estimated \$11.5 million generated from the interest in the gift fund, would repay the bonds over a 30-year period.

The bill would authorize the host city, upon voter approval, to impose a sales tax on tickets; a parking surcharge; and hospitality, hotel, and motel taxes of up to 5 percent to help pay off the bonds.

Additionally, the bill would grant a property tax exemption on the stadium and would exempt construction materials used to build the ballpark from the sales tax.

Mares said the bill incorporates a proposal offered by Gov. Jesse Ventura's administration, developed from an idea by Peter Sausen, a deputy commissioner in the Department of Finance.

Passing the bill marks a contrast from the last time the House voted on a stadium proposal.

businessman to sell the team.

Calls to legislators' phone lines from constituents were so numerous that the phone system in the Capitol complex mechanically shut down.

Ultimately the House rejected a bill 84-47 that would have used revenue from personal seat licenses for season ticket holders, rent from the team, fees from broadcasters, ticket and parking taxes, surcharges on income taxes from the players, and a stadium sales tax to pay off bonds for a \$356 million stadium.

The divisive nature of public funding for stadiums has continued through the years, but Rep. Philip Krinkie (R-Shoreview) said during the March 25 debate there is a difference between the current atmosphere and 1997.

"The citizens have gotten tired of the debate. The citizens who don't want us to be a state bank for Carl Pohlad, who don't want their tax dollars used to finance a stadium, they've given up. They've gone away," Krinkie said urging members to listen to the "silent majority."

Before passing the bill members debated more than 30 amendments, the majority of which were rejected.

One failed amendment was offered by Rep. Tom Hackbarth (R-Cedar) that would have paid for the ballpark by allowing a private company to open a single casino in the Twin Cities metropolitan area. In order to get the exclusive license for the facility, the entity would have to provide \$330 million up front for stadium construction.

Speaking against the amendment, Rep. Bill Hilty (DFL-Finlayson) said relying on gambling revenues was a way to "dupe someone" into paying for the stadium.

A successful amendment from Rep. Matt Entenza (DFL-St. Paul) would require baseball owners and players to agree upon a new economic system that includes enhanced revenue sharing before state bonds could be issued.

Rep. Kevin Goodno (R-Moorhead), who co-chaired a stadium task force during the interim, said the group's report did not include specific reform recommendations for Major League Baseball because it was unrealistic to expect state legislation would cause the reforms to occur.

Entenza said threats to move or contract the Twins were attempts to "blackmail" the state into building a stadium, so it's fair to



PHOTO BY TOM OLMSCHIED

Joe Marble, left, and David Hoch of Citizens United for Baseball in Minnesota watch March 25 as the House debates a bill that would help finance a \$330 million stadium for the Minnesota Twins.

into a gift fund. Interest generated from the fund, at an estimated 8.5 percent rate, would go towards paying off interest on the bonds.

The Twins and the host city would also be

In November 1997 Gov. Arne Carlson called a special session after an announcement that Twins' owner Carl Pohlad had reached an agreement with a North Carolina

expect some commitment from the league.

The bill establishes a process for selecting a ballpark site by requiring interested cities to submit bids to the state's executive council, which consists of the governor, lieutenant governor, secretary of state, state auditor, and attorney general. The council would then select a city by July 1, 2002.

Before any local taxes could be imposed, the city would be required to get approval from voters at a June 4 special election.

The timing of the two deadlines means more than one city could put a referendum before its voters.

Rep. D. Scott Dibble (DFL-Mpls) offered an unsuccessful amendment that would have moved the date of a possible local referendum election from June to the November general election.

Mares opposed the amendment and said that due to current low interest rates on the bonds, it is likely the deal would not work if postponed until the fall.


Rep. Joe Mullery (DFL-Mpls) expressed concern that the bill would allow only a city to partner with the Twins. He said the Mares' bill should not limit the options of communities to put together a stadium proposal but should encourage plans that reflect what is good for the state.

In particular, a plan sponsored by Rep. Gregory Gray (DFL-Mpls) would include \$185 million in Hennepin County-issued bonds to build a stadium in Minneapolis. That city requires a referendum for city spending above \$10 million and may need the county's help.

Rep. Mike Osskopp (R-Lake City) said neither the bill, nor any proposal to finance a stadium would address the real issue — the discrepancy between the revenues of large and smaller market teams.

Osskopp, who is a fan of the Milwaukee Brewers owned by baseball commissioner Bud Selig, said a new ballpark for that team didn't help it produce a winning season last year. And despite increased revenues the team still traded away two of its best players in order to save money.

Goodno said those arguing for economic benefits from a new stadium were "going down the wrong path." He urged members to consider the "intangible" value of having professional sports in the state such as having the value of sharing a common interest with others.

The Senate stadium bill (SF1857), sponsored by Sen. Dean Johnson (DFL-Willmar), which passed 37-30 on March 13, incorporates a different funding mechanism. The two bills will need to be reconciled in a conference committee. 



## Exercising environmental rights

1971 law strengthens Minnesotans' legal claims to preserve past

With the enactment of the 1971 Minnesota Environmental Rights Act, the Legislature declared "it is in the public interest to provide an adequate civil remedy to protect air, water, land, and other natural resources located within the state from pollution, impairment, or destruction."

Protection of the state's natural resources isn't limited to wetlands and wildlife. Under the law, the definition of natural resources includes historic resources, and Minnesotans have the right to sue to protect historically significant structures from demolition or damage.

The legislation has become an important component within local, state, and federal preservation efforts.

"It gives citizen groups concerned about historic

resources some tools to work with ... particularly when the patchwork of laws that we have doesn't cover certain situations," according to Dennis Gimmestad, compliance officer with the State Historic Preservation Office.

Over the years, environmental rights lawsuits have fueled debate over which structures are worthy of preservation and when preservation efforts should trump property rights.

To determine historical significance, the courts turned to eligibility standards for the National Register of Historic Places, the official list of such properties. The criteria include deciding whether the sites or structures are associated with significant people, broad patterns of history, master builders and architects, or distinctive construction types.

Minnesota has close to 1,500 listings on the register; however, a structure does not need to appear on the list to be protected as a historic resource.

Once historical significance is proven, the defense must demonstrate that demolition or impairment of the site is unavoidable because no "feasible and prudent" alternatives exist. Economic considerations alone do not constitute a defense.

The Minneapolis Armory is an example of a structure saved from the wrecking ball through environmental rights litigation. Built in 1935, the armory is listed on the national

register as one of the best examples of Depression-era public works architecture.

A 1993 Minnesota Supreme Court ruling prohibited Hennepin County from constructing a jail on the armory site because, among other reasons, the county did not prove other locations were unsuitable.

The county eventually sold the armory to a private owner and built its jail near the site. Minneapolis officials have dreamed of renovating the armory into a youth center, a hotel, and even a sound

stage. But it is currently being used as a parking facility. Even modest use is better than allowing it to sit vacant and deteriorate, Gimmestad said.

Sometimes environmental rights petitioners claim the integrity of a historical site is at stake, even without the threat



The Minneapolis Armory, shown here during construction in 1935.

of demolition.

A lawsuit pending in Hennepin County District Court seeks to prevent the Minneapolis Parks and Recreation Board from finalizing construction of certain permanent structures, including light poles and fences, on a new athletic complex at Fort Snelling. A decision is expected soon.

Another citizen preservation group, SavetheGuthrie.org, has said that, as a last resort, it may exercise environmental rights to protect the Guthrie Theater in Minneapolis. The Walker Art Center, which owns and houses the theater, plans to demolish it to make way for a parking facility and expanded sculpture garden when the Guthrie's performance company moves to a new location.

The state preservation board recently determined that although the Guthrie doesn't meet the architectural and age requirements, it is eligible for nomination to the national register because of its contributions to regional theater and association with a world-renowned director, the late Tyrone Guthrie.

The art center has declined to pursue the nomination, a decision which ultimately rests with the owner of a property, but the theater's historical significance may put a kink in the Walker's expansion plans if they must challenge an environmental rights lawsuit.

(N. Wood)

Photo courtesy of the Minnesota Historical Society

## ★ ARTS

**New state photograph**Signed  
by  
the  
governor  
★ ★ ★

Bovey native Eric Enstrom's world renowned photograph "Grace" will be added as Minnesota's 14th state symbol, under a new law signed by Gov. Jesse Ventura March 22.

The law requires the secretary of state's office to display the photograph.

Shot by Enstrom in 1918, it features an elderly man sitting pensively with bowed head and folded hands. He is leaning over a table, and on the table sit a pair of spectacles resting atop a thick book, a bowl of gruel, a loaf of bread, and a knife.

Rep. Loren Solberg (DFL-Bovey), the House sponsor, also sponsored a successful resolution in 2001 that urged the U.S. Postal Service to create a postage stamp reproduction of the photograph. That stamp has not yet been made.

Solberg said he didn't pursue the proposal to make the picture the state photograph at the same time because he wanted to give an opportunity to anyone else who might have another picture to put forward. No one else did.

The photograph joins the other 13 state symbols, including the state song, flag, mushroom, fish, flower, muffin, and others. Most recently, the Legislature voted the monarch as the state butterfly in 2000 after a class of students from Mahtomedi brought the idea to their legislator, Rep. Harry Mares (R-White Bear Lake).

Sen. Bob Lessard (Ind.-Int'l Falls) was the Senate sponsor of the state photograph law. It takes effect Aug. 1, 2002.

HF1097/SF1072\*/CH255

## ★ BUSINESS

**Contractors get money**Signed  
by  
the  
governor  
★ ★ ★

Gov. Jesse Ventura signed a new law March 27 that will prohibit clauses in public works contracts that limit the rights of a contractor to recover costs or damages caused by the contracting

public entity.

Ventura vetoed a similar bill that unanimously passed both the House and Senate last session. The Senate voted 63-1 to override the governor's veto but a similar vote in the House failed 70-63.

The new law passed the Senate 63-0 on March 11 and the House 129-0 on March 22.

It is effective Aug. 1, 2002.

Rep. James Clark (R-New Ulm), the House sponsor, said the new law came as a result of instances such as one that involved a construction company scheduled to deliver fill but had the delivery substantially delayed by a Metropolitan Airports Commission decision to install a traffic light.

The company went to the commission to renegotiate a change in the contract due to the delay but was given no flexibility in the time of delivery clause, Clark said.

He said fears that the law would somehow affect the light-rail transit project in the Hiawatha Corridor led to the House's failure to override the governor's veto in 2001.

Those concerns have now been addressed, Clark said, adding that one of the lawmakers who voiced concern during the House debate, Rep. Bernie Lieder (DFL-Crookston), was a co-sponsor of the law.

Last year in his veto message, Ventura wrote that the "no damage for delay" clause is commonly used in public works contracts and the legislation would lead to increased litigation and higher contract costs.

The new law was sponsored in the Senate by Sen. David Knutson (R-Burnsville).

HF3205/SF2890\*/CH299

**Gas station owner rights**Signed  
by  
the  
governor  
★ ★ ★

A provision that gives gas station owners additional rights to the land they occupy is now permanent law. Gov. Jesse Ventura signed the measure March 21.

Gas stations are generally operated by franchisees that lease their locations. First passed in 2000, state law required that the operator of the station be given an opportunity to purchase the property before the franchisor could sell it to a new franchisor.

The provision had a sunset date of July 1, 2002.

Some controversy between franchisors and franchisees over the amount of flexibility each can retain has kept the law from becoming permanent. Rep. Bill Haas (R-Champlin), a sponsor of the new law, said this year there was no opposition.

He said the franchisees won't lose any money under the new law and that it will protect local businesses.

The law, also sponsored by Sen. John Hottinger (DFL-Mankato), passed the Senate 57-0 on March 14. The House passed it 130-0 on March 7.

The new law is effective March 22, 2002.  
HF2766\*/SF2475/CH249

**Real estate licensing**Signed  
by  
the  
governor  
★ ★ ★

Real estate licensing laws relating to making property disclosures and investigating statute violations will soon change.

Under the new law, signed March 26 by Gov. Jesse Ventura, the commissioner of the Department of Commerce will be prohibited from intervening in monetary settlements between licensed real estate agents and consumers.

Specifically, the provision addresses instances when the department becomes involved in investigating a complaint. Though parties may settle the situation on their own, the new law will not allow the department to encourage or negotiate any specific monetary settlement.

In addition, the new law clarifies further the material facts that brokers are not liable for disclosing. Those conditions include if the property was the site of a suicide or homicide and if it is located near a nursing home or group home.

Another bill that passed the House further clarifies that property owners are held responsible for disclosing certain information.

Technical provisions include no longer requiring agencies to retain disclosure forms for a property that did not produce a contract or services contracts where a buyer abandoned the agreement before services were provided.

Provisions in the new law are effective Aug. 1, 2002.

Rep. Doug Stang (R-Cold Spring) and Sen. Linda Scheid (DFL-Brooklyn Park) sponsored the law. The House passed the measure 129-3 on March 21 and the Senate 66-0 on March 18.

HF3078/SF2821\*/CH286

## ★ CHILDREN

**Daycare pool safety**Signed  
by  
the  
governor  
★ ★ ★

Let the splashing begin.

Gov. Jesse Ventura signed a bill into law March 25 that allows children to continue playing in portable wading pools at family daycare providers.

Although the Legislature approved a bill permitting the use of the wading pools in 1999, it has been interpreted as an expired provision.

The House passed the measure March 19 by a 120-8 vote. After concurring with a House amendment related to state assistance for an infant daycare program, the Senate re-passed the bill 62-0 on March 20.

Rep. Richard Mulder (R-Ivanhoe) and Sen. Arlene Lesewski (R-Marshall) were the sponsors.

Under the new law, a child's parent or legal guardian must sign a statement indicating they have read materials prepared by the state informing them of risks associated with swimming in the pools.

The wading pool must have a maximum depth of 24 inches and be capable of being manually emptied and moved.

The new law is effective March 26, 2002.  
HF2600/SF2419\*/CH279

### Gaining custody

About 71,000 children in Minnesota are being raised by their grandparents, siblings, or other caregivers, Rep. Mary Liz Holberg (R-Lakeville) told the House March 22.

A new law designed to help these de facto parents more easily obtain legal custody of the children they care for was signed by Gov. Jesse Ventura March 27. It is effective Aug. 1, 2002.

Since many caregivers were having a hard time getting custody of the children they cared for, Holberg sponsored the measure to lay out a simpler process to gain custody. The House passed the bill 132-0 on March 22.

Sen. Richard Cohen (DFL-St. Paul) sponsored the measure in the Senate, where the bill passed 62-0 March 19.

In order to be awarded custody, the caregiver must show that the parent has abandoned or neglected the child, or that it is otherwise in the best interest of the child to be raised with the caregiver.

Speaking in support of the bill, Rep. Luanne Koskinen (DFL-Coon Rapids) told of how she and her husband struggled to gain custody of their granddaughter after their daughter was murdered in 1994.

Although they did eventually win custody, legal battles with the child's father cost the couple about \$20,000.

Holberg said it is hard to determine how much the change in law would have helped in Koskinen's situation but it likely would have sped up the process.

HF2596/SF2673\*/CH257

### Reporting maltreatment

Signed  
by  
the  
governor  
\*\*\*

By Aug. 1, 2002 all licensed childcare providers in the state will be required to develop policies for parents to report suspected child maltreatment.

Gov. Jesse Ventura signed the measure into law March 21. The House passed the bill 132-0 on March 7 and the Senate backed and amended the measure 58-0 five days later.

The House concurred with the Senate amendments and re-passed the bill 120-0 on March 14.

Under the new law, the state is also required to print the licensing agency phone number on the daycare provider's license, directing concerned parents to call for more information.

The provider is required to post both the county and state licensing phone numbers.

A couple from Mayer promoted the bill, which was sponsored by Rep. Carol Molnau (R-Cologne) and Sen. Claire Robling (R-Prior Lake).

Jolene and Bill Devine's 5-month-old grandson, Isaiah, died of Shaken Baby Syndrome in 2001. He had been at a daycare in Victoria.

The Devine's daughter, Theresa, learned of the caregiver's criminal past after her son's death. The record included drug and domestic assault charges, which did not appear on the record at the time the caregiver underwent and passed a criminal background check.

"We thought a license would ensure safety," Jolene Devine told the House Health and Human Services Policy Committee Feb. 19.

HF2813\*/SF2803/CH248

## ★ CONSUMERS

### Ridding unwanted e-mail

Almost everyone with an e-mail account knows how annoying it can be to find unsolicited commercial messages in their mailbox.

To respond to the problem, the House passed a bill March 26 that would require people who send unwanted messages to label them as advertisements so they can be automatically filtered out by software programs.

Sponsored by House Majority Leader Tim Pawlenty (R-Eagan) and Sen. Steve Kelley (DFL-Hopkins), the bill (HF3625/SF2908\*) would also prohibit Internet service providers from giving out consumers' personal information, except under certain circumstances such as if it is needed for civil or criminal cases, or by the customer's request.

The bill would require the subject line of

unsolicited advertisements to begin with "ADV," or "ADV-ADULT" for messages with adult content.

Companies sending such messages would also have to include a toll-free phone number or return e-mail address at the bottom of the message so recipients could ask to be removed from the company's mailing list.

Although the bill easily passed 126-2, some members questioned how the state could enforce the bill, since many commercial messages are sent to Minnesotans from other states and countries.

Rep. Eric Lipman (R-Lake Elmo) pointed out that people in Texas would probably not be aware of the state's laws. But Pawlenty said similar laws are in place in other states and have worked well.

Several representatives suggested improvements to the bill during the floor debate.

Rep. John Jordan (R-Brooklyn Park) pointed out that the bill would not stop a company from removing a customer's e-mail address from their mailing list, but still selling it to another company.

He proposed an amendment that would impose a \$500 penalty for companies that distribute customers' addresses after they request to be removed from a list.

The amendment was approved, but Jordan was unable to answer questions regarding how the state would enforce the proposal, or how people would know if a company sold their e-mail address.

An amendment offered by Rep. Wes Skoglund (DFL-Mpls) was also added that would require Internet service providers to turn in people operating child pornography sites.

Further, phone companies would be required to print full foreign area code listings in phone directories, so customers can look up area codes before placing calls to unknown numbers, under a successful amendment offered by Rep. Phyllis Kahn (DFL-Mpls).

The Senate did not concur with the amended bill March 27, and a conference committee was requested.

## ★ CRIME

### Sexual misconduct law

The House passed a bill March 21 that clarifies the law regarding sexual contact of persons with mentally handicapped or mentally ill adults.

The bill (HF3304/SF2433\*) would make it a crime for the driver of special transportation buses to engage in sexual contact with riders. It was approved 132-0.

Rep. John Tuma (R-Northfield), sponsor of the bill, said a Hennepin County attorney

requested the change after a driver had sex with a mentally impaired rider and claimed the rider gave consent.

The bill would close that loophole by making it a crime regardless of consent.

Added to the bill was an amendment that would set a new mandatory minimum sentence for those charged with certain cases of second degree criminal sexual misconduct.

The amendment, proposed by Rep. James Clark (R-New Ulm) was heard by several House committees as HF3386. The amendment would create a minimum executed 7 1/2-year sentence, so the offender would not be eligible for parole until after that time.

Current law requires that those convicted of second-degree criminal sexual misconduct serve a minimum of four years.

The change is needed because many first-degree offenders were pleading guilty to second-degree criminal sexual misconduct and serving only four years in prison, Clark said. First-degree criminal sexual misconduct carries a 12-year sentence.

The amendment also clarified that costs related to criminal sexual misconduct investigations must not be borne by the victim.

The Senate did not concur with the amended House bill March 22, and a conference committee was requested.

### Sharing information

**Signed  
by  
the  
governor  
★ ★ ★**

Minnesota will become part of an interstate agreement that makes it easier for states to share criminal history data, under a new law.

Gov. Jesse Ventura signed a bill into law March 25 that makes Minnesota a participating state in the National Crime Prevention and Privacy Compact.

Sponsored by Rep. Rich Stanek (R-Maple Grove) and Sen. Charles Wiger (DFL-North St. Paul), the law was passed 125-7 by the House March 19, and 62-0 by the Senate March 8.

The compact is an agreement between member states and the federal government to share criminal history information for use in noncriminal background checks.

Karen McDonald, a director with the Minnesota Bureau of Criminal Apprehension, told members of the House Crime Prevention Committee Feb. 26 that the compact would better ensure that such data is shared among states.

Entering into the compact is not expected to cost the state any money.

In addition, the new law establishes the state commissioner of public safety as the person

## PIPPY PROCLAMATION



PHOTO BY TOM OLMSCHIED

Pippi Longstocking, right, played by Caroline Innerbichler, presents a proclamation for continued funding for the Children's Theatre Company to a member of Gov. Jesse Ventura's staff March 25 at the Capitol. Accompanying Pippi was the White Rabbit, center, played by Rachel Flynn, the Grinch, left, played by Patrick Dewayne, and a group of company supporters.

who will oversee the compact's rules and procedures in the state.

The law will take effect Aug. 1, 2002.

HF1934/SF1030\*/CH269

## EDUCATION



### Health insurance study

A bill to create a statewide insurance plan for teachers, previously downgraded to a three-year pilot project, has been further reduced to a study.

Concern of high health care costs expressed by teachers across the state has prompted Education Minnesota to help create legislation to obtain lower premiums in the field.

HF1868, heard in the House Ways and Means Committee March 25, would designate \$200,000 from the tobacco endowment fund for a five-member labor-management health insurance committee to produce a study.

A preliminary report to the Legislature would be due in December 2002, with the final report submitted in December 2003.

Rep. Bill Haas (R-Champlin) presented the plan on behalf the bill's sponsor, Rep. Greg Davids (R-Preston), who was not at the meeting.

Haas said the study will take 18 months because of the complexity of the issue and the amount of data that will have to be collected and examined.

"This is a big step," he said. "We want to look at all alternatives. We need to put together

hypothetical situations."

The bill was amended, upon the request of Rep. Steve Dehler (R-St. Joseph), to require the committee to produce a development plan so there would be no additional delays once the study is completed.

The health insurance plan, according to the bill, must address "the issues of costs, coverage provided, financial feasibility and solvency, and management." The study would compare full coverage through a state pool, use of a multiple-employer welfare arrangement, and use of an existing cooperative.

The bill now goes to the House Rules and Legislative Administration Committee.

A companion bill in the Senate (SF1755), sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls), awaits action by the full Senate.

## ELECTIONS



### Ballot box power

Minnesota voters would choose whether to establish an initiative and referendum process in the state, under a measure passed by the House 76-57 March 21.

HF643, sponsored by Rep. Erik Paulsen (R-Eden Prairie), would put a constitutional amendment question on the 2002 general election ballot asking voters whether the state should establish a system where voters adopt laws or amend the constitution directly on the ballot, without first getting legislative approval.

Currently 24 states have a form of initiative and referendum. Paulsen said he deliberately patterned the bill so it would not be like California's system that only requires a certain number of signatures before a question is placed on the ballot. The ballots in California tend to be several pages long each election cycle.

Under HF643 those proposing an initiated law, or a repeal of an existing one, are required to have a petition signed by a number equal to at least 5 percent of statewide registered voters who cast ballots for the governor's seat in the previous general election. In addition, the same percent of signatures must be collected from voters in at least three-quarters of the state's congressional districts.

Paulsen said initiative and referendum would increase voter turnout and create a better-informed electorate in Minnesota. He also said it encourages grassroots activism and has led to important legislation in our country's history, including women's right to vote, campaign finance reform, and tax and environmental reforms.

"This is a tool that will empower Minnesotans in a balanced, responsible manner," he said.

The House rejected two amendments that would have limited some of the scope in what issues could be brought forward by groups. Paulsen opposed both amendments, saying that one of the positive aspects of initiative and referendum is that any group can come forward with any issue.

Rep. Jim Davnie (DFL-Mpls) offered an amendment that would have prohibited initiative and referendum proposals from dealing with religion, public employee pensions, creating or abolishing courts, or changing the jurisdiction of courts. It failed 69-64.

An amendment offered Rep. D. Scott Dibble (DFL-Mpls) would have prohibited proposals from eliminating or diminishing human rights. It also failed by a 69-64 vote.

In the Senate, the bill has been referred to the Senate Rules and Administration Committee, where no action has been taken.

### Contribution modification

A House committee backed changes to the way politicians pay for their campaigns March 22.

The House Civil Law Committee approved HF3379, which would modify the campaign finance laws for the state. It now goes to the full House.

Sponsored by Rep. Jim Rhodes (R-St. Louis Park), the bill would 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.

It would also change criminal penalties for violations now prescribed by campaign finance law to civil penalties of up to \$1,000.

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

An approved exception would allow donations from one political committee to another only if the candidate is running for a different office.

As an example, Rep. Eric Lipman (R-Lake Elmo), who offered the exception amendment along with Rep. Tim Mahoney (DFL-St. Paul), said it would allow a House member who decides to run for the Senate to transfer funds legally.

Supporters of a candidate would want the person in the Legislature, and wouldn't care which body the person serves in, Lipman said.

The committee also pushed the effective date of the bill back so the new provisions would go into effect on Aug. 1, 2002 rather than immediately after approval by the governor.

The bill would also make changes regarding lobbyists and organizations that hire them.

Lobbyists would be required every April to update a list of issues that they lobbied for over the previous 12 months. It would also require companies and organizations that hire lobbyists to report how much they actually spend on lobbying, instead of only reporting a dollar range.

The Senate version of the bill (SF3384) includes a \$3,000 civil penalty for violations of campaign finance laws, and includes five sections where criminal penalties are left intact. The bill, sponsored by Sen. John Hottinger (DFL-Mankato) passed 65-0 on March 26.

### Two- or four-year terms

Voters would be allowed to decide whether House members should serve two- or four-year terms, under a measure approved by the House Ways and Means Committee March 25.

HF289, sponsored by Rep. Roxann Daggett (R-Frazee), would place a constitutional amendment question on the 2002 general election ballot asking voters whether the state should go to a system of staggered four-year terms in both the House and the Senate.

Under Daggett's proposal, one-half of the members of each body would be elected every two years. If approved by voters the new House term lengths would take effect in 2006.

The current system of having representatives

elected every two years, as opposed to their counterparts in the Senate who serve four-year terms, was to allow greater accountability in one chamber of the Legislature.

But Daggett said with increasing technology, legislators are more accessible than ever before. She said she spends much of her time responding to e-mails from constituents.

Serving for a longer term would allow representatives to focus more attention to the needs of their constituents rather than to the next campaign, she said.

Five states currently elect all their legislators to four-year terms.

Rep. Tom Osthoff (DFL-St. Paul) spoke against the bill, saying that two-year terms keep representatives more active in the community, and that requiring members to run less frequently would isolate them more.

Daggett said that just because members would participate in fewer elections doesn't mean that they would be any less active in their communities. "The burden is on us," she said.

The bill now goes to the House Rules and Legislative Administration Committee.

A companion measure (SF1514), sponsored by Sen. Keith Langseth (DFL-Glyndon), awaits a hearing in the Senate Rules and Administration Committee.

## ★ EMPLOYMENT

### Workers' compensation changes

**Signed  
by  
the  
governor  
★ ★ ★**

Gov. Jesse Ventura signed a law March 22 that clarifies workers' compensation provisions.

Previously, employers or insurers were required to pay \$60,000 to the estate of an employee who has neither left dependents nor designated others to receive death benefits.

Beginning Aug. 1, 2002, the new law will require the payment to be made to the estate within 14 days of when the insurer receives notice that a personal representative for the estate has been appointed.

A requirement for an injured minor or incapacitated person to have a guardian or conservator in order to receive benefits will now only pertain if the total amount of benefit exceeds \$3,000. Previous law required a guardian or conservator regardless of the amount of benefits.

The Department of Labor and Industry will no longer have to keep a list of neutral physicians for use in workers' compensation cases. Officials said they want the provision removed because they have never been able

to develop the list. This section is effective July 1, 2003.

The Workers' Compensation Advisory Council requested changes contained in the law.

The law was sponsored by Sen. Arlene Lesewski (R-Marshall) and Rep. Bud Nornes (R-Fergus Falls). It passed 62-0 in the Senate on March 11, and 131-0 in the House on March 19.

HF3348/SF3136\*/CH262

## ★ ENERGY

### Energy act revisions

A bill passed by the House would amend provisions in the 2001 Energy Security and Reliability Act, including those dealing with transmission lines and emissions.

Rep. Ken Wolf (R-Burnsville), the sponsor of the bill (HF2972), said many of the changes address unintended consequences of the legislation. It passed 111-16 March 22. The bill awaits action by the full Senate.

Part of the bill would restore the original intent of a law by switching back a provision amended last year. It relates to statute that allows landowners the option to sell an easement to or require purchase of property from a utility that wants to build a high-voltage transmission line across a landowner's property.

The original law only applied to transmission lines of 200 kilovolts and larger. Last year's law downsized the kilovolts to 100. That change had an impact on a different section of law, Wolf said, so this year's bill put that number back to 200.

A successful amendment from Rep. Loren Jennings (DFL-Harris) would extend the option for transmission lines between 100 and 200 kilovolts to landowners whose property is outside a city or town and situations where the transmission line would cross a national scenic river. The provision would directly affect Jennings' district, where Xcel Energy is proposing to build a 115-kilovolt line across the St. Croix River.

Rep. Phyllis Kahn (DFL-Mpls) offered an unsuccessful amendment that would essentially require the Public Utilities Commission to order utilities to reduce their emissions. The only costs of the amendment would be passed on to ratepayers.

"This is a serious health and safety issue," Kahn said.

Wolf said costs shouldn't be passed down to consumers.

Rep. Jean Wagenius (DFL-Mpls) said she doesn't want to raise costs to ratepayers, but "we have not looked at the other costs," referring to how it would effect the environment and the public's health.

"I think it's a little premature," said Rep. Mark Holsten (R-Stillwater), because utilities haven't had much time to act on the energy legislation passed last year.

The bill also includes a small change regarding the reliability administrator, a new position in last year's law. It says this person may not have been a party to or participant in an energy proceeding at the Public Utilities Commission for at least one year prior to their appointment of administrator.

In addition, the bill would restore more local control to the certificate of need process, and would give the Department of Administration more time to file a plan about conservation in existing public buildings.

## ★ ENVIRONMENT

### Using cleaner fuels

State agencies would be urged to purchase cleaner burning fuels and cars capable of operating on the fuels if those options are available, under a bill on its way to the governor.

The House passed the measure (HF3519/SF2675\*) by a 128-1 vote March 26 after amending it. The Senate concurred with the House changes and re-passed it 62-0 on March 27.

Rep. Dennis Ozment (R-Rosemount) and Sen. Jane Krentz (DFL-May Township) are the bill sponsors.

The cleaner fuels, as defined in the bill, include a 20 percent or greater biodiesel blend, compressed natural gas, a minimum 70 percent ethanol blend, hydrogen, and liquefied natural and petroleum gases.

State agencies would be directed to purchase the cleaner fuels if they are "reasonably available" at costs similar to other fuels and the vehicle would be able to run on them.

Further, when agencies purchase a new vehicle for a fleet, the bill would direct the department to buy cars that can run on cleaner fuels if they are comparable in price to other vehicles. Cars powered by electricity or a combination of electricity and fuel would also be preferred.

Rep. Marty Seifert (R-Marshall) raised concerns about the availability of cleaner burning fuels in Greater Minnesota. In response, Ozment said the bill would not place a mandate on the state agencies but instead, direct them to use the fuels when they are available.

The House defeated an amendment to the bill offered by Rep. Phyllis Kahn (DFL-Mpls) that would have required the state to adhere to an environmental sustainability policy.

The amendment defined sustainability as

"the use, development, and protection of resources at a rate and in a manner that enables people to meet their current needs and also provides that future generations can meet their own needs."

It would apply to practices affecting the environment, economy, and community.

### Monitoring more water

Signed  
by  
the  
governor  
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The Minnesota Pollution Control Agency (PCA) will have the authority to encourage a citizen-based, water quality-monitoring project, under a new law signed by Gov. Jesse Ventura March 22.

The PCA will not be required to develop the program. But if the agency determines that it has adequate resources, the new law directs the PCA to provide technical assistance and training to the volunteers to ensure the water quality data has uniform standards.

The House passed the bill 125-7 March 18 after adopting two amendments. The Senate concurred with the changes and re-passed the measure 59-0 March 19.

Rep. Chris Gerlach (R-Apple Valley) and Sen. Jane Krentz (DFL-May Township) sponsored the legislation.

Under the new law, the PCA is encouraged to seek public and private funds to facilitate the program and create clear guidelines for water quality monitoring procedures.

If the agency takes on the water monitoring initiative, PCA officials are encouraged to post data on the agency's Web site to better inform citizens about the state of Minnesota's water bodies.

Currently only a fraction of the state's lakes and river ways are tested for pollutants.

If the PCA launches the program, the agency is required to make progress reports to the Legislature by Jan. 15 of each odd-numbered year.

The law takes effect Aug. 1, 2002 and expires June 30, 2005.

HF3275/SF2932\*/CH253

## ★ GAME & FISH

### Overlimit penalties

Signed  
by  
the  
governor  
★ ★ ★

A new law will stiffen penalties for those who violate the state's hunting and gaming limit laws, targeting people who illegally take wild game or fish worth more than \$500.

Gov. Jesse Ventura signed the measure

March 25 after the House voted in favor of it 131-1 on March 19. The Senate passed the bill 61-0 March 12.

Effective March 1, 2003, the new law will allow Department of Natural Resources enforcement officers to seize boats, motors, and trailers used in the illegal activity. The DNR is also authorized to seize the hunting licenses of the individuals involved.

If the hunter or hunters unlawfully take more than \$5,000 worth of fish or wild animals, the state will be able to immediately seize all of their hunting and gaming licenses.

People who poach wild animals or fish worth more than \$1,000 will be guilty of a gross misdemeanor.

The law assigns dollar values for fish and wild animals. A canvasback, for instance, is worth \$100 while a trumpeter swan is valued at \$1,000. The base restitution value for a yellow perch is \$10.

The law will allow for those found in violation to petition the DNR commissioner or a court to review the seizure of the license.

People convicted of illegally taking wild animals worth more than \$5,000 will be barred from obtaining a hunting license for five years. The same restriction will apply to those who poach animals worth more than \$500 within 10 years of previous license revocations related to similar offenses.

Commercial anglers will be exempt from the penalties if they are found to "incidentally" take too many fish and then release them.

Rep. Bill Haas (R-Champlin) and Sen. Jane Krentz (DFL-May Township) were the bill sponsors.

HF94/SF222\*/CH270

## ★ GOVERNMENT

### Public TV veto

Gov. Jesse Ventura vetoed a bill March 27 that would provide \$7.8 million to public television stations to assist them with a conversion from analog to digital signals.

The bill would also provide \$7.8 million in bonds to the Metropolitan Council for design and construction of bus garages.

A mandate from the Federal Communications Commission requires that all public television stations convert to a digital signal by May 2003.

Beginning in 2003, stations will still be able to broadcast with an analog signal provided they have a digital signal, as well. Once

85 percent of the homes in the station's market are capable of receiving a digital signal, the station will be required to stop using its analog transmissions.

The public television grant was provided in the state government finance law passed during the 2001 special session. The law required the Department of Administration and the Minnesota Public Television Association to negotiate an agreement specifying uses for digital capability to serve state and local government needs before the grants could be distributed.

That stipulation was included in part to address the governor's 1999 veto of a \$113,000 appropriation to public television stations. Ventura said that veto was based on his view that digital TV conversion should be funded by non-state sources.

In his veto message of the \$7.8 million appropriation, Ventura wrote that the bill doesn't provide an adequate level of direct benefit for the state given the investment being made. He said the bill "adds to the state's obligations at a time when we have depleted our reserves and there is still a gap between revenues and expenditures, both in the current budget and the next."

The bill would fund the public television appropriation by transferring a general fund appropriation to the Met Council for the bus garages. The Department of Finance would then sell bonds and appropriate the proceeds to the council.

Rep. Dave Bishop (R-Rochester) and Sen. Keith Langseth (DFL-Glyndon) sponsored the measure.

HF197\*/SF107/CH280

### State contract debate

A bill that would remove same-sex domestic partner benefits from contracts negotiated between the state and its two largest employee unions last fall was passed by the House 78-52 March 22.

The measure (HF3575/SF3208\*), sponsored by Rep. Dave Bishop (R-Rochester) and Senate Majority Leader Roger Moe (DFL-Erskine), would reject labor contracts that provide the same-sex provision. Contracts that did not contain the clause and provisions of negotiated compensation plans without the benefit would be approved under the measure.

Though the contracts would officially be rejected, the bill specifies that until subsequent agreements are reached between the bargaining units and the state, the remainder of the current negotiated contracts continue to be in effect, with the exception of the same-sex domestic partner benefit.

The bill would expand an employee's sick leave to allow time off for an illness, disability, or death of a "regular member of the employee's immediate household for a reasonable period."

State law authorizes the commissioner of the Department of Employee Relations to enter into agreements with those representing the various state employee groups. The Legislature is required to accept or reject the bargained agreements.

Speaking in support of the bill, Rep. Tony Kielkucki (R-Lester Prairie) likened the Legislature's role to that of a corporation's board of directors that asks its negotiator to arrange for an agreement representing the wishes of the House and Senate. He said the Legislature sent a clear message last year that it didn't want the benefit included in the contracts.

"We said (the same-sex partner benefit) should not be a part of the bargaining process," Kielkucki said.

Last session the House voted to accept an amendment to the omnibus state government finance law that would limit the benefits state employees get to only cover an employee, his or her spouse, dependent child, or dependent grandchild. Other allowances would have been made for legally adopted children and other similar arrangements.

Although the measure initially passed the House in 2001, it was removed in conference committee.

House Minority Leader Tom Pugh (DFL-South St. Paul) said that although the majority in the House voted to prohibit the benefit in 2001, the majority of the Legislature did not. He said the bill would establish a precedent of the Legislature setting in law what should be included in bargained agreements.

The Senate version of the bill would remove the Legislature's role in accepting or rejecting contracts.

A conference committee will attempt to work out the differences between the bills. If no agreement is reached and approved by the House and Senate, the contracts would have to be renegotiated.

### Unicameral rejected

At one point during the March 25 House Ways and Means Committee hearing of a bill (HF2764) that would put a unicameral question before voters this fall, Rep. Tom Osthoff (DFL-St. Paul) turned to the audience and joked that the entire Independence Party caucus was in attendance.

Members from Gov. Jesse Ventura's staff, including Minnesota Planning Director Dean Barkley, and Jack Uldrich, a deputy director with the agency and chair of the state's

Vetoed  
by  
the  
governor  
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Independence Party, watched as the committee voted 17-10 against the bill.

Sponsored by Rep. Ron Abrams (R-Minnetonka), HF2764 would propose a constitutional amendment to have the state adopt a one-house legislature beginning in 2007. Members of the body would be elected to two-year terms.

Barkley read a letter written by Ventura urging members to approve the bill so that the entire House could vote on the issue.

"If you believe that bicameral is best, then put it to the test. If we are truly here to make government more open, then let's give the citizens a chance to speak," Ventura wrote.

The committee adopted an amendment offered by Abrams removing a provision proposing a second constitutional amendment question that would have the state adopt an initiative and referendum process. That provision was added during a March 6 House State Government Finance Committee hearing of the bill.

Four days earlier the House passed a separate bill (HF643), sponsored by Rep. Erik Paulsen (R-Eden Prairie), that would put the initiative and referendum amendment before voters.

House Speaker Steve Sviggum (R-Kenyon) spoke in favor of the bill saying that out of courtesy to the governor the full body should vote on the issue.

Sviggum said the current system gives the speaker the power of ultimately deciding the fate of issues based upon whom the speaker assigns to conference committees.

He said that the list of special interest groups representing labor, business, political parties, and others who have spoken against current and past unicameral proposals is an indication that those groups believe a one-house body would reduce their influence in the process, and thus was a reason members ought to support the bill.

A unicameral proposal in the Senate (SF2505), sponsored by Sen. Dave Kleis (R-St. Cloud), awaits a committee hearing.

### Claims bill passes

Individuals injured while performing community service or correctional sentencing-to-service work would receive their claims against the state, under a bill passed by the House 128-2 on March 22.

The annual claims bill (HF3643\*/SF3403) would appropriate \$17,673 to fund medical services claims.

By law, claims of less than \$500 are investigated by the state or local agency responsible for supervising the work to determine if the claim is valid and if the loss is covered by the claimant's insurance. Approved claims are then submitted to the Department of Corrections or any state

## FORMER SPEAKER PASSES AWAY

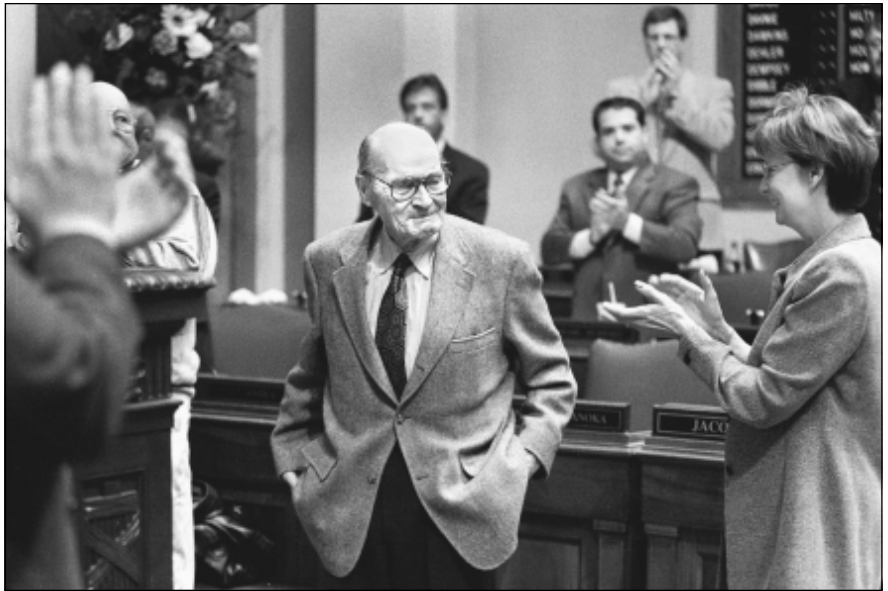


PHOTO BY ANDREW VON BANK

**Former House Speaker Lloyd Duxbury, Jr., is welcomed in the House chamber in January 2001.**

Former Speaker of the House Lloyd Duxbury, Jr., died March 23 after a brief illness. He was 80.

Duxbury, a conservative from Caledonia, served as speaker for 8 years, one of the longest spans served by a single speaker in the House. It was matched only by Speaker Lawrence Hall in the 1940s.

He was one of the last speakers to preside over alternate-year sessions in the nonpartisan Legislature. During those

sessions the Legislature enacted laws such as the sales tax.

Duxbury was living in St. Paul at the time of his death.

During his life he worked as a lawyer and was nominated U.S. Attorney for Minnesota by President Nixon in 1969. However, he declined the partisan post and his family moved to Washington where he worked as an attorney and lobbyist for Burlington Northern Railroad.

department that receives a legislative appropriation to make the payment.

A claim of more than \$500 requires legislative approval.

Compensation for the claims is limited to reimbursement for medical expenses and compensation for permanent total disability, permanent partial disability, or death. Payments for pain and suffering are not allowed under the law.

The bill awaits action in the Senate Finance Committee.

Rep. Bill Haas (R-Champlin) and Sen. Steve Murphy (DFL-Red Wing) are the sponsors.

## GREATER MINNESOTA



### New cities created

Two new Minnesota cities may be created, under a new law signed by Gov. Jesse Ventura March 26.

The new law would allow the

cities of Rockville and Pleasant Lake to consolidate with Rockville Township into a single city.

The cities of New London and Spicer would also be allowed to consolidate with the township of New London under the measure.

Under previous law, consolidation was allowed between two cities but not between a city and a township.

Rockville Mayor John Koerber told the House Local Government and Metropolitan Affairs Committee Feb. 6 that the consolidation will enable the community to provide better services to residents while cutting taxes "and maintaining the quality of life we enjoy."

"This will allow us to control growth aspects and develop the commercial base," he added.

The communities involved are required under the new law to hold public hearings after developing a consolidation plan. The plan must be developed within one year after the law's effective date, March 27, 2002.

The governing bodies of each participating city and town are required to approve the consolidation plan. Then voters in each community must approve the consolidation in a referendum election.

Signed  
by  
the  
governor  
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A provision of the new law also permits the city of Montgomery, by ordinance, to abolish its ward system and provide for election of at-large council members. The law requires the city to adopt the ordinance by July 1 of the year in which the wards would be eliminated.

Rep. Doug Stang (R-Cold Spring) and Sen. Michelle Fischbach (R-Paynesville) were the sponsors of the law.

HF2933/SF2546\*/CH296

## HEALTH



### Releasing prescriptions

**Signed  
by  
the  
governor  
★ ★ ★**

Patients have a right to their contact lens prescriptions under a new law.

The governor signed the bill March 22. The House passed the measure 127-0 on March 19 after it cleared the Senate 63-0 one week earlier.

Rep. Erik Paulsen (R-Eden Prairie) and Sen. Sheila Kiscaden (R-Rochester) were the sponsors.

Under the new law, any professional performing an eye exam, including an optometrist or physician, must provide patients a copy of their prescription after an exam and fitting. The patient, however, may be required to pay for the exam to receive the prescription.

The contact lens prescription will be valid for two years unless a different expiration date is warranted for the patient's eyesight.

Eye doctors will also be required to promptly respond to requests from other professionals who seek to verify the patient's prescription.

Further, optometrists and physicians will be barred from charging a fee for releasing the prescriptions and requiring patients to purchase a specific brand of lenses only available through the prescribing eye doctor.

Failures to comply with the new law will result in disciplinary action by the state Board of Optometry.

The law takes effect Aug. 1, 2002.

HF2603/SF2627\*/CH259

### Fulfilling one's wishes

A bill that would ensure the people who designate themselves as organ donors on their driver's licenses are actually donors after their death cleared the House March 22.

Rep. Phyllis Kahn (DFL-Mpls), the House sponsor of the measure (HF2473), said most people assume that marking the box on their driver's license form means they will be a

donor. But it turns out that designation is often ignored or overridden by family members after the person's death, she said.

The bill would make sure that the donor's wishes are followed, she said. Donors would still be able to change their donor designation at any time, she added.

During a Jan. 30 House Civil Law Committee hearing, Kathy Bakkenist, chief operating officer of LifeSource, an independent nonprofit organ procurement organization that matches donors to recipients, said that since organs need to be removed quickly after one's death, family members must make a fast decision about organ donation.

She said about 2,100 people in a region that includes Minnesota, western Wisconsin, and North and South Dakota are waiting for organ transplants. Nationwide, about 16 people waiting for a transplant die each day, Bakkenist said.

The measure passed 129-0 in the House, and it awaits action by the full Senate, where Sen. Jane Ranum (DFL-Mpls) is the sponsor.

### Nursing wage rates

**Signed  
by  
the  
governor  
★ ★ ★**

On March 26, the governor signed into law a measure regulating temporary nursing agencies that supporters say will end litigation stemming from a law enacted last year.

The measure (HF2664/SF2459\*), sponsored by Rep. Fran Bradley (R-Rochester) and Sen. Dallas Sams (DFL-Staples), will revise a 2001 law that caps temporary nurses' wages at 150 percent of what permanent workers earned.

The House passed the new law 133-0 on March 21 after the Senate endorsed it 53-0 one week earlier.

The legislation was drafted as part of an effort to rein in escalating costs to the state's nursing homes as Minnesota faces a serious nursing shortage — officials estimate 3,500 openings for nurses statewide.

Agencies objected to the cap and battled the prior law in court. The companies said the law neglected to factor in payroll taxes and differences in pay for weekend shifts.

The new law factors in those costs while maintaining the targeted 150 percent rate cap. The new rate cap will go into effect April 10, 2002.

Bradley said the temporary nursing agencies had assured him that the lawsuit would be dropped once the bill became law.

"This marks an important step forward," Bradley said.

Additionally, the new law will no longer exempt "in-house" temporary nursing pools from the regulations.

It will require the temporary nursing agencies to secure liability protections, maintain workers' compensation for employees, and register with the Department of Revenue. Further, the agencies will be required to document that independent contractors had not been hired.

John Hustad, who represents the Health and Housing Alliance, a group that primarily includes nonprofit nursing homes, testified earlier in the session that some agencies had operated with unsound business practices.

"We have found that there are some temporary agencies who, for a lack of a better phrase, operate out of the trunk of their car," Hustad said before the House Health and Human Services Policy Committee.

Rep. Luanne Koskinen (DFL-Coon Rapids) spoke in favor of the new law during debate on the House floor.

"This is appropriate legislation that helps the nursing homes," she said. "It puts a halt to the increasing costs to nursing homes that temporary workers present."

HF2664/SF2459\*/CH287

### Guest dental licenses

A bill designed to provide low-income Minnesotans living in border communities with more access to dental care easily gained approval from the full House on March 21.

Sponsored by Rep. Kevin Goodno (R-Moorhead), the bill (HF3200) passed 129-0. The Senate endorsed the measure March 27.

The measure would allow licensed professionals in bordering states to receive guest licenses to perform dental work on patients in Minnesota. It transfers \$3,000 from the state government special revenue fund to the state Board of Dentistry for the program.

The dentist or dental hygienist would be required to work at a non-profit provider that serves patients who face difficulty accessing dental care.

Further, the professional would be required to pay a \$50 annual fee to the state Board of Dentistry.

Professionals from bordering states would be obligated to abide by Minnesota regulations. If the Minnesota Board of Dentistry revokes the guest license or disciplines the professional for any reason, that action would be reported to the bordering state's professional board.

The bill would take effect the day following enactment.

Sen. Sheila Kiscaden (R-Rochester) is the Senate sponsor. It now goes to the governor.

## Organ donation

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by  
the  
governor  
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Gov. Jesse Ventura signed into law March 27 a plan to increase awareness about organ donation.

Sponsored by Rep. Carol Molnau (R-Cologne) and Sen. Linda Scheid (DFL-Brooklyn Park), the new law will require driver's education programs to teach new drivers about organ donation. Public and private school driver's education classes, as well as commercial driver training schools, will be required to teach students about their options.

It will also require schools to inform students of the opportunity to become a donor when they apply for a driver's license, and stress the importance of sharing the decision to be an organ donor with family members.

From now on, the State driver's manuals published after Aug. 1, 2002, will also contain information about organ donation.

During the Feb. 26 House Transportation Policy Committee meeting, Molnau said driver's education is a good time to teach people about donation because they are about to apply for a license.

The state now allows drivers to check a box on their driver's license application or renewal forms to indicate they wish to donate their organs when they die.

Most people support organ donation but many don't think about it when applying for or renewing their license, Molnau said.

The bill passed the House 129-0 on March 22 and the Senate 53-1 on March 4.  
HF3328/SF3278\*/CH171

## Reducing medical costs

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by  
the  
governor  
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A new law signed by Gov. Jesse Ventura March 27 will allow Hennepin County to save costs on purchases for the Hennepin County Medical Center and other clinics.

Under previous law the medical center contracted with a consortium to participate as a member of a group purchasing program. Municipal purchasing law requires the county to contract with the lowest bidder that meets specifications.

Sponsored by Rep. Ron Abrams (R-Minnetonka) and Sen. Martha Robertson (R-Minnetonka), the new law will allow the county to award bids based on "best value." The county will be able to base contracts on behalf of the medical center, ambulatory health center, and other clinics using price as a factor, but not necessarily as the lone determination.

Abrams said that through participation in the group purchasing program the medical center saves around \$1.6 million per year by accessing reduced prices for medical supplies, equipment, and pharmaceuticals.

The new law specifies that the county is authorized to enter into a contract with a private or public cooperative purchasing organization on behalf of medical centers and clinics if it can be established that the contracts have been awarded through a competitive request for proposal process.

"This would maintain the status quo and is a way to save money at HCMC," Abrams said.

The new law is effective Aug 1, 2002.  
HF3224/SF3034\*/CH302

## HIGHER EDUCATION

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### Regulating agents

A plan to register agents wanting to associate with student-athletes in Minnesota passed the full House 81-47 on March 26.

Sponsored by Rep. Peggy Leppik (R-Golden Valley), the measure (HF2719) would require agents to register with the state commerce commissioner before contacting a prospective client.

She said the bill was drafted by the National Conference of Commissioners on Uniform State Laws, has been enacted in 11 states, and is pending in many others. It is designed to standardize state regulations that govern agents conduct with student-athletes.

"There have be too many issues nationwide of the unethical performance of agents jeopardizing the eligibility of student-athletes," Leppik said. Although there have been no problems in Minnesota that she is aware of, she noted that "Minnesota is not an island unto itself."

An agent wishing to register in the state would be required to pay a \$500 fee that would be valid for two years. Renewals would cost \$400. Parents wishing to represent their child would be exempt from the fee.

Agents contacted by student-athletes, but not yet registered with the state, would be required to do so within seven days, and they cannot enter into an agreement until registered.

The bill calls for a contract to clearly state that signing with an agent could affect the student-athlete's eligibility. It would also give student-athletes 14 days to cancel an agreement after it is signed. Furthermore, once an agreement is signed the student-athlete's school would need to be notified within 72 hours, or before the next game, whichever is earlier.

Leppik said representatives from the

University of Minnesota and St. Cloud State University expressed support for the plan. The National Collegiate Athletic Association (NCAA) also is supportive.

During floor debate, Rep. Bob Milbert (DFL-South St. Paul) and Rep. Mark Buesgens (R-Jordan) called the plan "a solution looking for a problem."

Milbert said the bill tells student-athletes that they are not smart enough to tell good agents from bad ones, while Buesgens added, "You can't legislate common sense and that's what this does."

The bill, sponsored in the Senate by Sen. Deanna Wiener (DFL-Eagan), awaits a hearing before the Senate Rules and Administration Committee.

## HOUSING

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### Seller disclosure

People selling their homes should be required to tell buyers if there is something wrong with the residence, the House decided March 22.

The House voted 98-32 to pass a bill (HF3079/SF2697\*) that would require sellers to disclose any known problems with the house or property that could "adversely and significantly" affect the buyer's interest or use of the property. The bill is sponsored by Rep. Mary Liz Holberg (R-Lakeville) and Sen. Ann Rest (DFL-New Hope).

Certain property transfers, such as those between family members or those related to divorces or inheritance, would not be included.

The bill would also provide the option of a sale "as is" when both parties agree that no action will be taken.

Holberg said the bill would protect buyers from purchasing a home with known problems by holding the seller liable for not disclosing the problems.

It would also shield real estate agents from a lawsuit for not disclosing problems that they were not told about by the seller.

There are certain protections for sellers who did not disclose problems because they were unaware of the problems or did not have the technical knowledge to determine a problem existed.

A new law, signed by the governor March 26, clarifies that real estate agents are not liable for disclosing certain items about a house, such as if the house were the scene of a homicide or suicide and if it were located near a nursing home or group home.

Rep. Jean Wagenius (DFL-Mpls) worried

that the language in the bill was too vague and should be expanded to include any problems the seller knew about or should have known about.

As it is, the bill encourages people to not investigate potential problems with their homes before they sell them, she said.

"You are putting a premium on a lack of knowledge," she said. "The alternative to knowing is not knowing and moving."

Most people would investigate suspected problems with their homes in order to keep themselves and family safe, Holberg responded.

Rep. Ray Vandever (R-Forest Lake), agreed, noting that the bill would place the responsibility on the person who should be most aware of the problem.

The bill passed the Senate 61-2 on March 25. It now goes to the governor.

### Affordable housing prices

A new housing development, Arboretum Village, has recently gone up in Chanhassen. The western Twin Cities suburb granted the developers several breaks on regulatory provisions, such as zoning.

About one-half of the units were affordable at first, but the city had no ability to require the owner to keep those costs manageable for low- to moderate-income households.

A bill passed by the House would give "local governments another tool for creating affordable housing, specifically sustainable affordable housing," said Bob Generous, Chanhassen senior planner, in an interview.

For housing prices that are "going up double-digit (percentages) every year," he said, the bill would require cost qualifications to maintain affordability over time.

The bill (HF3169/SF2881\*) would allow cities to impose the following requirements on affordable housing:

- certain sale prices or rents for the affordable units;
- maximum income limits for buyers or renters of the units;
- means for maintaining long-term affordability, by using equity sharing, for example; and
- land trust agreements for the units.

A land trust is when an organization, usually a nonprofit, leases a lot to developers, who pay rent on the land over time. Developments built on leased land are much less expensive than those built on purchased land.

A city would be allowed to impose such requirements for up to 20 years.

Rep. Ray Vandever (R-Forest Lake) and Sen. Richard Cohen (DFL-St. Paul) sponsor

the bill. The House passed an amended bill 127-0 on March 26. The bill now returns to the Senate where it passed 39-19 on March 21.

## HUMAN SERVICES



### Employee screening

Signed  
by  
the  
governor  
★ ★ ★

A new law adds a number of crimes to a list of offenses barring applicants from jobs at facilities serving the state's most vulnerable citizens.

The governor signed the measure on March 26.

It passed the House 133-0 on March 21 after clearing the Senate 63-0 eight days earlier.

Additional offenses that will ban people from caring for children or adults at a licensed family daycare or a state facility include first- or second-degree manslaughter, aggravated robbery, kidnapping, and stalking.

The commissioner of the Department of Human Services will not be allowed to set-aside disqualifying records with those crimes.

The department's practice of setting aside the records and subsequently employing people with serious criminal backgrounds at facilities serving mentally retarded citizens and other vulnerable people came under fire last fall in news reports.

The law will allow the commissioner to continue using discretion in granting set-asides for other criminal offenses. However, the department will be required to inform the employee's supervisor of the individual's offense.

Rep. Jim Abeler (R-Anoka), the House sponsor, said after an examination of the department's policies, he found that overall, the system works well.

The state conducts thorough criminal background checks, he said, and the department has hired a relatively small number of people who would have otherwise been disqualified due to their criminal pasts. Of those granted set-asides, only two went on to re-offend, he said.

Rep. Fran Bradley (R-Rochester) said news reports failed to put the problem into context as "99.9 percent do wonderful work."

Nevertheless, Rep. Luanne Koskinen (DFL-Coon Rapids) said the state made a "serious mistake" in hiring people with criminal pasts and as a result, put "our most vulnerable citizens at risk."

Under the new law, the department will be directed to further review its criminal screening and set-aside policies. The report to the Legislature will be due Jan. 15, 2003.

The state Supreme Court will also be

required to make recommendations to the Legislature by July 15, 2003 on how best to track civil actions stemming from sexual abuse incidents.

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

The new law will go into effect Aug. 1, 2002.  
HF2757/SF2692\*/CH292

### Incident reporting mandated

Signed  
by  
the  
governor  
★ ★ ★

Physical aggression between mentally retarded residents at licensed group homes and other state facilities will warrant reports to the individuals' legal representatives and case managers under a new law.

Sponsored by Rep. Jim Abeler (R-Anoka) and Sen. John Marty (DFL-Roseville), the law would add "consumer-on-consumer" aggression to a list of incidents caregivers are required to keep guardians informed about.

Under the law signed by the governor March 26, a caregiver will be obligated to report the incident within one day of learning of the problem.

The bill cleared the House on a 133-0 vote March 21 after passing the Senate 64-0 March 14.

Besides physical aggression, the following circumstances will be added to the state's list of reportable incidents: medical emergencies, unauthorized absences, and coerced sexual activity between residents.

When the incident involves two residents, the caregiver is barred from disclosing "personally identifiable information" to the legal representative about the other resident.

If the caregiver has reason to believe the resident's legal representative or case manager is involved in the wrongdoing, he or she will not be required to report the incident to that person.

The information in the report will need to include the nature of the incident, the agency that received the report, and the telephone number of the Department of Human Services licensing division.

The new law goes into effect Aug. 1, 2002.  
HF3091/SF2764\*/CH289

### Full disclosure

A new law will require that foster parents be informed of children's communicable diseases before they begin caring for them.

The governor signed the measure into law March 26.

Signed  
by  
the  
governor  
★ ★ ★

Rep. Barb Sykora (R-Excelsior), the bill sponsor, said disclosure practices vary widely among the state's counties. Some officials have expressed concern that informing foster parents about the diseases would violate the state's Data Practices Act, she said.

Under the new law, counties and child-placement agencies will be bound by the disclosure requirement. It will also apply to adults with communicable diseases who need care by foster parents.

The agencies will further be obligated to determine whether the foster parents are able to care for the child.

That provision troubled Rep. Neva Walker (DFL-Mpls) when the House Health and Human Services Policy Committee heard the bill in February.

Walker said it would give counties and private agencies too much discretion.

Rep. Betty Folliard (DFL-Hopkins) suggested that the counties provide foster parents with proper training about how to handle the child's medical needs so as not to limit the number of eligible foster parents.

The House passed the measure March 21 on a 133-0 vote. Sen. Sheila Kiscaden (R-Rochester) is the bill sponsor in the Senate, which backed it 64-0 on March 14.

The new law goes into effect Aug. 1, 2002.  
HF2932/SF2614\*/CH290

### Hospice bill of rights created

**Signed  
by  
the  
governor**  
★ ★ ★

The governor signed a measure March 22 that will establish a bill of rights for hospice care patients.

The state will now be authorized to suspend a caregiver's license if the terminally ill patient's rights are violated. The provider will be entitled to receive notice from the Department of Health and a hearing.

Under the new law patients are entitled to 22 rights ranging from the right to "be free of physical and verbal abuse" to the right to refuse treatment. The law will take effect when the Department of Health updates the licensure guidelines regulating hospices under Minnesota Rules.

The House first passed the law on March 7 by a 131-0 vote. The Senate then amended and approved the measure 57-0 on March 12, after initial passage by the House.

After concurring with the Senate amendments, the House once again passed the bill March 18 on a 127-0 vote.

Rep. Kevin Goodno (R-Moorhead) and Sen. Linda Berglin (DFL-Mpls) sponsored the legislation.

Hospice caregivers will now be required to

inform prospective patients of their rights before they sign on to a care plan.

Once the patient has agreed to a care plan, the hospice provider must keep them informed of all medical costs even if the treatment is billed to a third party.

Medical and financial information will also be kept confidential, but patients have the right to access their own records.

Furthermore, the patient is entitled to have their pain managed at a "desired level of comfort."

The patient can assert his or her rights, or if the individual is deemed incompetent, the family can assert rights on their behalf.

If hospice providers fail to meet these standards, the state will be allowed to take action in court.

HF2531\*/SF2381/CH252

## ★ INSURANCE

### No more free steaks

A veto by Gov. Jesse Ventura of a bill changing the laws relating to auto glass insurance to more closely align them with other automotive repairs did not hold up.

The House overrode the veto 107-24 on March 26 and the Senate voted 52-13 to do the same one day later, making the bill law.

Sponsored by Rep. Ken Wolf (R-Burnsville) and Sen. James Metzen (DFL-South St. Paul), the new law changes the previous standard by which insurance companies had to pay glass claims from a "competitive price" to "fair and reasonable."

Previous law required insurance companies to pay market price for glass replacement as determined by a survey of costs charged in communities around the state.

The new law also prohibits glass replacement companies from offering inducements, such as a box of steaks, to consumers. Prior law restricted such incentives to items with a value of \$35 or less.

In his veto message, Ventura wrote that the bill does not support consumers and consumer choice. He said just taking into account the cost of the repair would ignore important factors such as advertising and service costs and would be detrimental to small shops.

Ventura also said no evidence exists that the bill would cause premiums to decrease.

Wolf said the state changed its laws in 1991 so that auto glass claims were treated differently from auto body claims. The law required insurance companies to pay all "reasonable" costs, which he said led to companies being

required to pay the cost of whatever was billed.

A compromise between the auto glass repair and insurance industries led to Wolf sponsoring the law that created the market survey, but he said that did not work.

According to information provided by American Family Insurance on claims filed between Jan. 1, 2001 and Oct. 31, 2001, the range of the costs was from \$334 to \$1,064. Wolf said that the national average is \$368 and in Minnesota it is \$441.

A compromise reached in the conference committee process addressed concerns expressed by members about the practice of "steering" where insurance companies allegedly point consumers to preferred repair shops.

The new law requires that when an insurer recommends a vendor, the insurer would be required to provide the following disclaimer: "Minnesota law gives you the right to go to any glass vendor you choose, and prohibits me from pressuring you to choose a particular vendor."

The new law is effective March 28, 2002. It is the eighth time the Legislature has successfully voted to override a Ventura veto.

HF2570\*/SF2553/CH283

### Rural health plans

A proposal to design health insurance plans tailored to the needs of rural Minnesotans is working its way through the Legislature.

Under a bill passed 130-0 by the House on March 22, the state Department of Health would be directed to designate five communities in Greater Minnesota as sites for the rural health maintenance organization (HMO) demonstration projects.

Communities outside of the seven-county Twin Cities metropolitan area would be eligible.

The House passed the measure (HF2935/SF2909\*), sponsored by Rep. Maxine Penas (R-Badger) and Sen. Dallas Sams (DFL-Staples), after substituting the House language for the Senate wording.

The measure passed 62-0 in the Senate on March 19.

Under the bill, the state would be able to waive certain rules that apply to other HMOs for purpose of the demonstration projects.

Goals for those who participate in the projects include becoming better informed of healthcare cost increases and engaging in the design of health benefit options.

Rural lawmakers rose on the House floor to support the bill.

Rep. Ted Winter (DFL-Fulda) said the plan would "bring people together" to design plans

that meet the needs of rural residents.

The health improvement and purchasing coalition involved in establishing the rural projects would be required to present annual progress reports to the health commissioner and the Legislature.

The bill will now be worked on in a House-Senate conference committee.

### Property insurance limits

**Signed  
by  
the  
governor**  
★ ★ ★

Insuring property for more than its value must now amount to the replacement cost, under a new law.

Previous law stated in excess of "fair value of the property."

Rep. Connie Ruth (R-Owatonna), sponsor of the law, said the legislation would help the Department of Commerce.

She said, as an example, an owner of a lake-property building worth \$50,000 on land worth \$150,000 has been asked by land insurers to pay for \$200,000 worth of coverage.

The new law also prohibits lenders from requiring excessive insurance, and provides that the Department of Commerce may penalize violators.

Gov. Jesse Ventura signed the law March 26, and it is effective March 27. The law was sponsored in the Senate by Sen. John Hottinger (DFL-Mankato), and received a 59-0 vote on March 22 from that body. The House passed the measure March 21 on a 131-0 vote.

HF3222/SF2953\*/CH295

### Accident victim protection

**Signed  
by  
the  
governor**  
★ ★ ★

A new law will clarify that auto accident victims are entitled to receive no-fault medical benefits. The governor signed the measure March 25.

Previous statute did not clearly state that these victims could receive full medical benefits for necessary care without the restrictions of managed care requirements.

The new law, effective June 30, 2002, will prohibit health insurance companies from contracting to provide managed care services to no-fault claimants.

Victims of accidents are generally unaware they are being pushed into managed care provisions, said Rep. John Tuma (R-Northfield), the law's House sponsor. He said the legislation is supported by several medical organizations.

The Senate passed the law, sponsored by Sen. Dallas Sams (DFL-Staples), March 13 by

a vote of 61-0. The House passed the measure March 19 on a 130-0 vote.

HF1413/SF1226\*/CH274

## ★ LOCAL GOVERNMENT

### Public finance bill passes

A bill that would make a number of changes in the authority of local governments to issue bonds and incur debt passed the House March 27 by a 115-15 vote.

The House Taxes Committee amended the Senate bill March 22 to incorporate the public finance provisions.

The Senate version of the bill (HF2836/SF2572\*), sponsored by Rep. Ron Abrams (R-Minnetonka) and Sen. John Hottinger (DFL-Mankato), would allow the Region Nine Development Commission the authority to incorporate. That bill passed the Senate 62-0 on March 8.

After the House amended the bill, it now contains a number of regional projects including one that would allow the Metropolitan Council to issue up to \$54 million in bonds to help purchase new buses.

Abrams said the council requested bonding authority of \$50 million to purchase buses. He said that members who worked on the bill thought that buying new buses was a better approach than repairing older ones and buying used ones.

The bill also would allow Anoka County to issue up to \$12.5 million in bonds to finance the costs of designing, constructing, and acquiring infrastructure and equipment for an 800-megahertz statewide public safety radio system.

Rep. Dave Bishop (R-Rochester) offered an unsuccessful amendment that would have allowed Olmsted County the same bonding authority.

Rep. Philip Krinkie (R-Shoreview) spoke against Bishop's amendment saying that Anoka County has already established the "backbone" of the system and is ready to move on to the next phase. Krinkie said the House bonding bill (HF3618) contains a public safety radio system provision relative to where Olmsted County fits into the statewide project.

Another amendment that received much discussion was offered by Rep. Richard Mulder (R-Ivanhoe). It would have deleted a section that would allow the Southwest Regional Development Commission to levy an amount sufficient to retire the remaining debt on the Prairieland Exposition Center project in Worthington.

The amendment would have required each county board in the development region to approve the levy. Mulder said the project was

a failure, and local taxpayers should not be required to pick up the costs.

Abrams said the alternative was to allow the commission to declare bankruptcy, and that allowing a local unit of government to do that would establish a bad precedent. The amendment did not pass.

The amended bill now returns to the Senate.

### Asphalt plant partnership

**Signed  
by  
the  
governor**  
★ ★ ★

Gov. Jesse Ventura signed a new law March 22 that will allow the city of Minneapolis to partner with a private company in building an asphalt plant.

Currently there are two existing asphalt plants within two blocks of each other in a Minneapolis neighborhood.

Sponsored by Rep. Dennis Ozment (R-Rosemount) and Sen. Linda Higgins (DFL-Mpls), the new law allows the city to enter into negotiations with a company. Ozment said the public/private partnership would allow for cleaner asphalt production in the future.

Though the city has been discussing the prospect with Bituminous Roadways in Minneapolis, the law does not specify which company the city must ultimately contract with.

Rep. Jim Davnie (DFL-Mpls), whose district includes both existing plants, said the two individual plants are old, inefficient, "a source of pollution, and a concern to the neighbors."

He added that building the new plant on one of the existing sites would reduce air pollution while keeping jobs in the neighborhood.

The new law will allow the joint venture to occur but will require the city to issue a request for proposals to allow competitive bidding for the project.

Officials representing the private company told the House Local Government and Metropolitan Affairs Committee Feb. 6 that the bill ensures a competitive process so that there is no advantage to any potential bidders, and would likely save 40 percent to 50 percent in asphalt production costs.

The new law requires the joint venture to provide a lower cost and reliable supply of asphalt for a 25-year period when compared to the current city facility.

HF2796\*/SF2670/CH264

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## County position changes

Signed  
by  
the  
governor  
★ ★ ★

Carlton and Pine counties will be added to the list of counties changing elected positions to appointed ones, under a new law signed by Gov. Jesse Ventura March 22.

The new law, sponsored by Rep. Bill Hilty (DFL-Finlayson) and Sen. Becky Lourey (DFL-Kerrick), passed the House 95-35 March 19, and the Senate 48-8 March 4.

It allows the Carlton County board, by a resolution approved by 80 percent of its members, to change the recorder position from an elected one to an appointed one.

The law also permits Pine County to use the same process to combine the assessor and recorder positions into one and make the newly created position appointed rather than elected.

Ventura signed similar new laws for Polk and Steele counties the same day.

Similar to legislation passed in previous years, each of the bills contains a reverse referendum provision that allows voters to petition to request a referendum on the issue.

Hilty said the increasingly technical duties of the positions are reflected in the number of bills that have come forward on behalf of counties.

"If there was a number of people standing in line for county recorder (positions) then we wouldn't be seeing these bills year after year," he said.

The law will take effect upon local approval.  
HF2753/SF2590\*/CH263

## Recorder appointee

Signed  
by  
the  
governor  
★ ★ ★

A new law signed by Gov. Jesse Ventura March 22 allows the Steele County recorder to become the latest county official to join the list of positions allowed to be appointed rather than elected.

The law, sponsored by Rep. Connie Ruth (R-Owatonna) and Senate Minority Leader Dick Day (R-Owatonna), allows Steele County to change the position to an appointed one by a four-fifths vote of the county board. The measure requires the county to provide voters an opportunity for a reverse referendum on the issue.

The governor also signed similar new laws for Polk and Carlton counties March 22. Last year the Legislature approved similar measures for Cass, Goodhue, Hubbard, and Wright counties. Several other counties have received similar authority in previous years.

State law allows all the state's counties to change the positions of auditor, treasurer,

sheriff, and recorder to appointed rather than elected by a referendum.

Ruth said county officials brought the issue to her. Officials testified in the House Local Government and Metropolitan Affairs Committee hearing Feb. 20 that the recorder position has increasingly become more technical in nature. The position involves decisions about office operations but has no broad county policy-making authority.

The law is effective upon local approval.  
HF3074/SF2834\*/CH256

## Appointing in Polk County

Signed  
by  
the  
governor  
★ ★ ★

Candidates for the county recorder and auditor-treasurer positions in Polk County may be able to put away their election brochures, under a new law signed by Gov. Jesse Ventura

March 22.

The new law, sponsored by Rep. Bernie Lieder (DFL-Crookston) and Senate Majority Leader Roger Moe (DFL-Erskine), allows the county board, by an 80 percent vote, to change those two positions so that they may be appointed rather than elected.

Lieder said the bill is similar to two other new laws signed by Ventura March 22 allowing Steele and Carlton counties to appoint their recorder position pending approval by the county board, and allowing Pine County to combine its assessor and recorder positions into one and make the new position appointed.

Because the duties of the positions are becoming more technical, county officials

requested the authority to appoint people to the jobs.

Like previous legislation allowing other counties to appoint certain positions, the bill contains a provision that would require the county to provide for a reverse referendum thereby allowing voters to restore the elected nature of the position by a petition signed by at least 10 percent of registered voters of the county.

The law is effective upon local approval.  
HF2652/SF2434\*/CH258

## METRO AFFAIRS

★

### Livable communities program

Signed  
by  
the  
governor  
★ ★ ★

Gov. Jesse Ventura signed a new law March 21 that will allow cities to opt out of a Metropolitan Council program rather than having to opt in every year.

The new law, sponsored by Rep. Mary Liz Holberg (R-Lakeville) and Sen. Ann H. Rest (DFL-New Hope), will allow cities to remain in the council's Livable Communities Program until they opt out.

Holberg said city councils were previously required to pass a resolution each year choosing to be a part of the program. The law reverses that process by allowing cities, once they have enrolled, to remain in the program until they vote to opt out.

"This will take a step out of the process," Holberg said.

The program awards grants to cities to clean up polluted land, creates affordable housing

## TARGETING COUNTIES



PHOTO BY TOM OLSCHIED

Target Market participants unfurl 87 banners around the Capitol Rotunda March 25. Each banner represents one of Minnesota's counties and the number of teens committed to not smoking in that county. The rally was part of the three-day grassroots effort to educate teens to spread the Target Market message against the tobacco industry.

opportunities, and creates development that incorporates efficient use of land, a range of housing types and costs, and access to transit and open space.

The new law will also allow the grants to go to development authorities. Under previous law the grants were required to go directly to a municipality.

Development authorities include redevelopment authorities, economic development authorities, and port authorities. The law requires that a grant to a development authority must be used for a project in the participating municipality.

The new law is effective March 22, 2002.  
HF2899\*/SF2711/CH246

## MILITARY

### More benefits

Minnesota's military personnel will receive the benefits of a federal act while performing state active duty, under a new law signed by Gov. Jesse Ventura March 26.

The law, sponsored by Rep. Greg Blaine (R-Little Falls) and Sen. Steve Murphy (DFL-Red Wing), aligns the state statute to conform to the federal Soldiers and Sailors Relief Act of 1940.

That act provides protections for military personnel including reduced interest rates on mortgage payments and credit card debt, protection from eviction, and temporary suspension of certain civil court proceedings such as bankruptcy, foreclosure, and divorce.

The measure passed the House 128-0 and the Senate 62-0.

Under previous law, if the state's military members were called into action under Title 32 the benefits of the act did not apply. That is because that particular section designates the service as federally funded state active service.

If members are called to duty under Title 10, the federal active service provision, they qualify for the benefits.

Military personnel that were called to beef up security at the airport following the events of Sept. 11 were called up under Title 32.

The new law is effective retroactive to Sept. 11, 2001.

HF3274\*/SF3068/CH284

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<http://www.leg.mn>

## SAFETY

### Firefighters and fireworks

The House Ways and Means Committee approved a bill March 25 that would grant unpaid leave to volunteer firefighters and allow the sale of certain fireworks during specific times of the year.

Originally the bill (HF2525/SF2960\*), sponsored by Rep. Tom Hackbarth (R-Cedar) and Sen. Debbie Johnson (R-Ham Lake), came to the committee dealing only with the volunteer firefighters provision. But the committee adopted an amendment incorporating the fireworks measure.

The amendment is identical to HF1543, sponsored by Rep. Mark Holsten (R-Stillwater), which was approved by the House Crime Prevention and Judiciary Finance committees and was awaiting action by the House Ways and Means Committee.

Hackbarth, a volunteer firefighter for 19 years, said the bill addresses an issue he has been working on for the past five years. The bill would prohibit employers with at least 10 employees from taking disciplinary action against an employee who misses time while performing volunteer fire fighting duties.

The bill allows employees to miss up to 40 hours of work per year to perform duties that are related to emergency response but not administrative or training duties.

Hackbarth said that while some employers already allow some flexibility in leave "many don't do this." He added that some firefighters might not respond to a call if it comes at a time too near to the start of a work shift.

Holsten said the amendment, offered by Rep. Tom Rukavina (DFL-Virginia), would allow fireworks approved by the federal government to be sold by licensed dealers from May 1 to July 15 and Dec. 1 to Jan. 2 and used on private land from July 1-7 and Dec. 25 to Jan. 2.

He said the Department of Natural Resources estimates the cost of the amendment would be around \$72,000 per year based on a "scientific guess" that there would be 24 fires per year caused by the use of fireworks.

The bill now goes to the House floor.

It passed the Senate 65-0, without the fireworks amendment, on March 8.

## TAXES

### Helping late officers' families

Taxpayers would be allowed to indicate on their income tax forms that they wish to designate \$1 to a peace officer and firefighter memorial and survivor account, under a bill heard

March 25 by the House Taxes Committee.

Sponsored by Rep. Ray Vandever (R-Forest Lake), HF2958 would add a checkoff box on the state's income tax return form similar to those that currently exist for taxpayers wishing to donate to the state elections campaign fund and the nongame wildlife fund.

The committee took no action on the proposal, but Rep. Ron Abrams (R-Minnetonka), the committee chair, said the bill would be considered for possible inclusion in an omnibus tax bill.

The Department of Revenue estimates that the plan would generate around \$300,000 annually. The current wildlife checkoff is used on about 2.4 percent of property tax refund forms and 3 percent of income tax returns. It generates a little more than \$1 million from the approximate 85,000 returns filed.

Capt. Larry Klink, from the Anoka County Sheriff's Department and board member of the Law Enforcement Memorial Association, said the estimated revenue from Vandever's bill would go towards helping families of officers killed in the line of duty.

He said that while serving as a police officer in Coon Rapids 26 years ago his partner was shot and killed. He said 200 officers have lost their lives in the line of duty in Minnesota.

William Gillespie, executive director of the Minnesota Police and Peace Officers Association, said the additional revenue would also be used to maintain the remaining public safety memorial located at the Minneapolis/St. Paul International Airport, scheduled to be transferred to the Capitol complex, and would demonstrate a commitment to "people on the front lines every day."

"To them terrorism is not a word, it's an act," Gillespie said.

A companion bill (SF2887), sponsored by Sen. Chuck Fowler (DFL-Fairmont), awaits a hearing by the Senate Taxes Committee.

## TRANSPORTATION

### Registration, license plate change

The House passed its vehicle registration and driver's license bill 121-8 on March 26.

Originally intended to be a non-controversial agency clean-up bill, several provisions were tacked on to the bill that stirred a long floor debate.

Rep. William Kuisle (R-Rochester), sponsor of HF3203, said the bill includes a leveling of fees so that many registration fees would be changed to a flat \$11 fee. Although some fees will be reduced and others increased, the net effect to the state is negligible, he said.

The bill also includes provisions that would authorize the Department of Public Safety to begin allowing electronic transfer of information.

Rep. Joe Mullery (DFL-Mpls) proposed an amendment that allows the state to issue special license plates for veterans. The amendment, approved 121-9, would allow any veteran to receive a special license plate that reads, "Proud to be a Veteran," and has a U.S. flag on it.

The state currently issues special plates for those who served in World War I, World War II, the Korean Conflict, the Vietnam War, the Laos War, and the Gulf War, as well as Pearl Harbor survivors and Purple Heart recipients. However, the new license plates would be available to any veteran.

Rep. Tom Rukavina (DFL-Virginia) carried a successful amendment that increases the overweight limits for commercial logging trucks from 4 percent to 5 percent.

The change is needed because the weight of wood can vary greatly based on the density of the wood, said Rep. Tony Sertich (DFL-Chisholm), who supported the amendment.

Although some representatives said the increase would result in more damage to roads, Rukavina said most loggers are only doing their job and would try not to have overweight vehicles.

The House also tacked on an amendment that was HF3226, sponsored by Rep. Tom Workman (R-Chanhassen). It would allow motorcyclists to go through red lights if their motorcycles do not trigger the stoplight when they stop and the light stays red for an "unreasonable amount of time." At the request of Rep. Phyllis Kahn (DFL-Mpls), bicyclists were also included in the measure.

A change made to the bill during an earlier House committee would have allowed driver's license application forms to automatically register young men with the selective service. That change, sponsored by Rep. Jim Rhodes (R-St. Louis Park), was removed on the House floor.

The bill, sponsored in the Senate by Sen. Steve Murphy (DFL-Red Wing), awaits floor action.

### Safe funeral processions

The House passed a bill March 27 designed to help safely lead funeral processions to cemeteries.

The measure (HF3076/SF2612\*) passed 129-0.

Rep. Jim Knoblach (R-St. Cloud), the sponsor of the bill, said police in Greater Minnesota often do not have time to lead funeral processions, leaving funeral home employees to lead the cavalcade.

The bill would allow funeral home vehicles to have a flashing red light on top to warn drivers that a funeral procession is following.

Since funeral home vehicles are not currently allowed to have a flashing red light, it is dangerous for drivers, Knoblach said.

In the past, drivers knew of a funeral procession because cars in the procession would have their lights on, he said. However, many cars now have their lights on all the time as a safety feature, so other drivers may not realize when cars are part of a funeral procession.

An earlier version of the bill called for funeral homes to be able to control traffic lights like law enforcement and emergency vehicles, but that plan was scrapped.

The bill was expanded on the House floor to include any motor vehicle belonging to a funeral home, instead of only a motorcycle, as the bill stated when it was brought to the floor.

Because it was amended, the bill now goes back to the Senate, where it previously passed 64-2. Sen. Dave Kleis (R-St. Cloud) is the Senate sponsor.

### Street sweeper licensing

**Signed  
by  
the  
governor  
\*\*\***

It's spring in Minnesota, and that means street sweepers will soon be out in full force, wiping away leftovers from the winter thaw.

And a new law signed March 21 by Gov. Jesse Ventura gives those who operate or drive the sweepers something to look forward to — beginning Aug. 1, 2002, they won't have to worry about being pulled over by police for vehicle license violations.

The law clarifies that street sweepers are special mobile equipment and are therefore exempt from licensing and taxation.

Rep. Tom Workman (R-Chanhassen) and Sen. Dave Johnson (DFL-Bloomington) sponsored the law.

During Feb. 21 testimony before the House Transportation Policy Committee, Bill Pilla, president of Clean Sweep, Inc., advocated for a change in the law. Several drivers who operate street sweepers for the company were pulled over and detained for license violations last spring, he said.

Although a judge eventually dismissed the cases, the company should not have to put up with the hassle of being pulled over and going to court, Pilla said.

Existing state law does not specifically require street sweeping vehicles to be licensed, like it does for automobiles, trucks and other equipment.

However, it did not specifically include

street sweepers as special mobile equipment, either. Law defines special mobile equipment as "every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway."

The new law clarifies that street sweeping equipment do not require licenses for operation, though drivers must still be licensed under state law and must also adhere to traffic laws.

HF3189\*/SF3135/CH250

## VETERANS

### Eligibility change

A bill that changes the criteria used to determine a veteran's eligibility for getting into a veterans home passed the House 130-0 March 26.

Under current law state tax refunds and rebates may not be considered as means of support when a veteran is applying for admission into a veterans home. Earnings that the person receives from participating in a work therapy program while the person is a resident of the veterans home are also excluded.

The bill (HF2647/SF2569\*), sponsored by Rep. Sondra Erickson (R-Princeton) and Sen. Dan Stevens (R-Mora), would include federal tax rebates in criteria that cannot be considered as a means of support.

Erickson said the bill would allow veterans to get into the homes more easily.

The bill, which was amended in the House, was re-passed by the Senate 63-0 on March 27. The bill now goes to the governor.

## Frequently called numbers

(Area code 651)

<b>Information, House</b>	
175 State Office Building .....	296-2146
<b>Chief Clerk of the House</b>	
211 Capitol .....	296-2314
<b>Index, House</b>	
211 Capitol .....	296-6646
TTY, House .....	296-9896
Toll free .....	1-800-657-3550
<b>Information, Senate</b>	
231 Capitol .....	296-0504
TTY, Senate .....	296-0250
Toll free .....	1-888-234-1112
<b>Secretary of the Senate</b>	
231 Capitol .....	296-2343
Voice mail/order bills .....	296-2343
<b>Index, Senate</b>	
110 Capitol .....	296-5560

# Proper preparedness

Bill clarifies emergency duties of governor, ensures rights of Minnesotans in case of a bioterrorism incident

By SARAH MCKENZIE

**R**ep. Richard Mulder (R-Ivanhoe), called “Doc” by many in the House because he is the only medical doctor in the body, made a convincing and rather frightening case for a bioterrorism bill March 22.

Standing on the House floor, Mulder held up a bottle of salt, and then went on to list the kinds of nightmarish scenarios the bill was designed to address.

He said the small bottle could hypothetically contain enough tetanus to infect the entire state if the germ spread unchecked. The same would be true for botulism or smallpox spores, he warned.

“We have a new enemy out there,” said Mulder, sponsor of the bioterrorism bill (HF3031). “And they are largely unknown to us.”

The House overwhelmingly passed the bill 120-11. The measure, which adds bioterrorism to the list of events triggering the governor’s authority to declare a national security or peacetime emergency, would largely add restrictions and checks and balances to the governor’s current emergency powers.

It would also add safeguards to protect the rights of people quarantined or isolated.

The bill’s revised definition of bioterrorism is the “intentional use or threatened use of a biological agent to terrorize with the intent to harm or endanger a considerable number of members of the public, and that is the likely or actual result of a terroristic attack.”

Some controversial proposals for responding to bioterrorism were removed from the bill. Instead, the health commissioner would study those topics, including provisions to protect healthcare providers from liability and requiring vaccinations to prevent the spread of diseases.

“This is just the beginning and I can assure you this issue will come before the Legislature next year and every year for decades to come,” said Mulder, a family physician in

southwestern Minnesota.

The emergency health powers bill made stops in six committees and was revised 42 times, Mulder noted.

The Senate’s companion measure (SF2669), sponsored by Sen. John Hottinger (DFL-Mankato), differs from the House bill in that it would make a “qualifying health emergency” a trigger of the governor’s emergency powers,



PHOTO ILLUSTRATION BY ANDREW VON BANK

**The House passed a bioterrorism preparedness measure March 22 that would more clearly define the governor’s powers to declare emergencies and respond to bioterroristic threats in Minnesota.**

including bioterrorism, a chemical attack, or nuclear attack, among other things.

The House file was substituted for the Senate file and awaits action in that body.

Mulder said the governor supports the House bioterrorism bill.

Rep. Thomas Huntley (DFL-Duluth), an associate professor of biochemistry and molecular biology at the University of Minnesota-Duluth, had previously proposed more sweeping bioterrorism preparedness measures. Like Mulder, he called the bill the first part of an ongoing process to shape state policy.

Rep. Fran Bradley (R-Rochester), chair of the House Health and Human Services Policy Committee, said the sponsors crafted a bill that doesn’t overreact to threats of bioterrorism in light of alarming anthrax cases on the East Coast last fall.

“This bill is a thoughtful and responsible

first step,” Bradley said.

The House bioterrorism bill would require the governor to call the Legislature into session at the same time a peacetime emergency is declared or renewed.

It would also direct the governor to consult with the commissioner of health and other public health experts before declaring an emergency related to bioterrorism. The emergency declaration would expire within 30 days unless the governor renews it.

Further, the Legislature would be authorized to terminate the emergency declaration by a majority vote in the House and the Senate.

As specified in the bill, the governor’s emergency powers related to bioterrorism would also include the authority to direct the disposal

of dead bodies to prevent further spread of the disease. Information about the cause of death and identity of the victim would be maintained.

The bill would also more clearly define the commissioner of health’s authority to quarantine and isolate people to curb the spread of communicable diseases. People infected would be isolated and those likely to have been exposed to communicable diseases would be quarantined. Both groups would be entitled to adequate food, clothing, and shelter, and would have the right to communicate with others outside the restricted area.

The health commissioner would be required to obtain a

court order before isolating or quarantining groups. If the delay would jeopardize plans to prevent the spread of disease, the commissioner could move forward but must obtain court consent within 72 hours.

Those quarantined or isolated would also have the right to request a hearing.

On the House floor, members approved an amendment that would allow individuals to “maintain their fundamental right to refuse treatment,” including tests, physical or mental examinations, vaccines, and other procedures.

Rep. Wes Skoglund (DFL-Mpls) said the amendment could interfere with vaccinations of school children and the court’s ability to examine a suspect’s mental state.

The provisions in the bill would expire July 1, 2005. 🐸

# Funding dilemma

House, Senate plans differ on amount and how to pay for transportation projects around the state

By LISA HILTON

It's no secret that residents of the Twin Cities metropolitan area spend a lot of time and money sitting in traffic jams.

At the same time, residents of Greater Minnesota have warned of driving on poorly maintained and sometimes dangerous highways. And that's if there are main highways in an area at all.

Of all the hotly debated issues in the House chamber this year, the pressing need for better transportation was not one of them. It took less than five minutes for the House to pass the plan with no debate, after weeks of debate in committee.

To provide transportation funding statewide, the House and Senate have each devised considerably different plans.

The House version of the transportation finance plan passed 71-61 on March 26.

five years.

Money for the projects would be borrowed through trunk highway bonds beginning in fiscal year 2003, when the state would borrow \$150 million.

Proceeds from the bond sale would be placed in a newly created major projects account.

In 2003, the money would be divided among three functions: Twin Cities metropolitan area bottleneck reduction, improvements to major interregional highways in Greater Minnesota, and safety and capacity improvements on dangerous highways.

In 2004 and subsequent years, 90 percent of the bond money would be split between interregional highways and bottlenecks, and the remaining 5 percent would go to transit advantages, such as bus lanes and park and ride stations.

In its earlier form, the House bill included

the bond debt.

Many DFL representatives criticized the House Republican plan, saying it doesn't include enough money for transit and is financed with money that is already budgeted for other things.

During the March 25 House Ways and Means Committee meeting, Rep. Andy Dawkins (DFL-St. Paul) said the plan should include more money for transit, such as buses and commuter rail.

Rep. Carol Molnau (R-Cologne), who was the original sponsor of the bill before Kuisle took over, said larger than expected increases in the motor vehicle sales tax last year will result in more funding than expected for transit.

That may be the case, Dawkins replied, but operating costs have outstripped the growth.

Others questioned what skimming inflation money off of current funds would do to legislators in the future.

"In 2003 there will be no inflation money to spend," Rep. Henry Kalis (DFL-Wells) said. "We're spending the inflation and borrowing money on top of it."

But Republicans see it differently. Getting the projects done now will save the state millions of dollars, Molnau said. Doing them piece by piece, as money is available, costs more because inflation drives construction prices up every year.

Basically, the longer the state waits to do projects, the more they will cost, she said.

The Senate's transportation funding package includes a more aggressive \$1 billion in spending over 10 years. It passed in that body 39-26 on March 21.

Sponsored by Sen. Dean Johnson (DFL-Willmar), SF2812 would increase the gas tax by 6 cents to help generate new funds for transportation. It would also increase the tax on other forms of fuel, such as petroleum and natural gas.

Further, the plan calls for the state revenue commissioner to compute the increase in the gas tax annually based on inflation.

Residents in the Twin Cities metropolitan area would also be asked to vote on a one-half cent sales tax increase, the proceeds of which would be used for transit purposes.

Now, with both sides having drawn up plans to boost transportation, an informal working group led by the House and Senate sponsors is scheduled to meet April 1 to try to find common ground. A formal conference committee will likely be appointed after the House and Senate reconvene on April 2 after the Easter/Passover break.



PHOTO BY TOM OLMSCHIED

The House transportation funding measure would provide \$750 million for road projects statewide over the next five years.

Republicans voted in favor of the plan, while Democrats, with the exception of Rep. Al Juhnke (DFL-Willmar), opposed it.

HF3364, sponsored by Rep. William Kuisle (R-Rochester), would designate \$750 million for transportation projects during the next

a yearly increase of the gas tax to pay for the improvements. However, gas tax increases were removed from the bill in committee.

Instead, the new plan simply targets the annual growth in current transportation funds to certain areas and uses that money to repay

# No contest

Dawkins will step down and return to role as community advocate so family can finally unite under one roof

By MICHELLE KIBIGER

For five years, they've had a high chair, a set of toys, and a crib at each house.

Some nights they'd stay at her house, and some nights they'd stay at his.

But for Rep. Andy Dawkins (DFL-St. Paul), and his wife, Sen. Ellen Anderson (DFL-St. Paul), the time has come for their family to live under the same roof.

And that means Dawkins will not seek reelection this November.

"I made a promise to the family that when the kids would go to school we would live in just one house," Dawkins, 51, said. He and Anderson have two children — Nick, 2, and, Jack, 4, who will begin kindergarten this fall.

But the parting is bittersweet for the eight-term legislator.

"I have loved every day of this job," he said. "I hate the idea of leaving."

First elected to the House in a November 1987 special election, Dawkins filled the district-65A seat vacated by former Speaker of the House Fred Norton (DFL-St. Paul) upon his appointment to the state Court of Appeals.

Originally from Chicago, Dawkins came to Minnesota in the late 1960s to attend college at Hamline University in St. Paul. He said he was impressed by the open Minnesota political system, including precinct caucuses.

Ultimately, he moved to Philadelphia to work with homeless youth while attending law school. But he knew he would return to Minnesota.

And that's what he did in 1978, establishing both a neighborhood law practice in the Frogtown neighborhood of St. Paul and a personal goal of gaining election to the Legislature within 10 years.

Dawkins said it was important to him that he get to know the neighborhood and the concerns of residents, so he volunteered for a number of community organizations and the DFL party.

Since his election, Dawkins has served on several House committees, including those governing capital investment, family and civil law, energy and regulated industries, environment and natural resources, financial institutions and insurance, housing, jobs and

economic development, and taxes.

Dawkins is also remembered for when he vowed not to cut his hair until funding for government functions shifted away from property taxes. Within a year, higher income tax revenues provided more balance between the two taxes, he said.



PHOTO BY TOM OLMSCHEID

Grace Dawkins, left, wipes away a tear as her son, Rep. Andy Dawkins, center, reminisces March 26 about his legislative career. Dawkins' wife, Sen. Ellen Anderson, right, holds their 4-year-old son Jack during his comments.

He sponsored youth works legislation to provide college tuition to students volunteering in communities, much like the AmeriCorps program; the Great Northern Corridor economic development project; and a homeownership program for urban and low-income residents.

Dawkins also sponsored several measures in an effort to raise awareness of drug crimes and prostitution problems in Frogtown and to study racial bias in the state court system.

In 1993, Dawkins took a shot at the St. Paul mayor's office, challenging Norm Coleman, who defeated Dawkins and served two terms as mayor.

Dawkins said as a runner-up prize he decided to start a family, so in 1995 he married Anderson, who represents the Senate district just north of Dawkins' in St. Paul. He said they knew the day would come when they would have to decide which district to live in.

"For myself and for my family, I'm really thrilled," Anderson said. "But I do think it is a

loss for our city and for our state."

Rep. Tom Osthoff (DFL-St. Paul) agreed. He said that Dawkins' advocacy for the people of his district and true belief in his causes would be missed in the House.

Osthoff noted that Dawkins has truly grown and evolved as a legislator. "And that's the beauty of this place, that you get to meet people," Osthoff said, "and hopefully you get to understand them a little. Andy has come a really long, wonderful way in this Legislature."

Dawkins said he encouraged several community members last fall to start looking for candidates because of the possibility he would not run again. Several candidates have emerged, and he said he's looking forward to the race.

His advice to his successor: establish specific goals and stay focused until they are accomplished; respect and use the legislative process, all the while holding to personal principles.

"To get there, sometimes you have to do things that people don't think lead to that," Dawkins said, referring to the necessary decisions legislators make to support projects in order to gain support from other legislators for their goals.

Rep. Ron Abrams (R-Minnetonka) echoed Osthoff's comments about Dawkins' effectiveness in working across partisan lines.

"He has contributed a great deal to public policy in Minnesota over the last 15 years," said Abrams. "I consider him a very good friend. I will miss him a great deal." 🐼

## STEPPING DOWN

**Rep. Andy Dawkins**

**DFL**

**District 65A — St. Paul**

**Terms: 8**

**Career notes:** Dawkins served one term as chair of the Family and Civil Law Division of the House Judiciary Committee during 1997-98. He sponsored legislation to help divorced parents develop parenting plans and to establish the working family tax credit, which he considers among his primary achievements.

# Conservative voice

Osskopp to step down after eight years because redistricting separates him from longtime constituents

By SARAH MCKENZIE

**R**ep. Mike Osskopp (R-Lake City) was stirred to public office by youth at his church.

As a youth pastor he encouraged the younger members of his congregation to take an active role in politics. When they told him to heed his own advice, Osskopp said he couldn't resist.

He was elected to the House in 1994.

After four terms, Osskopp has decided against running for re-election as a result of the redistricting process. He currently represents portions of Goodhue and Wabasha counties along the Mississippi River in southeastern Minnesota.

Under the state's new political map, he would be required to run in a redrawn District 29B, one that pairs him with another incumbent, Rep. Jerry Dempsey (R-Red Wing), and excludes his constituents in Goodhue and Wabasha counties.

"Those are the people who got me here," Osskopp said. "It's my passion to defend and help those people."

Osskopp is an outspoken leader of a conservative group of House lawmakers known as the "DOG" pound, which stands for Down On Government. The group earned the label in 1995 by Charlie Weaver, then a member of the House and current commissioner of Public Safety.

The group advocates for trimming state spending and other "common sense" ideas, Osskopp said. The DOG pound awards bones to members who stand up for those principles.

Rep. John Tuma (R-Northfield), who sits next to Osskopp on the House floor, called Osskopp a powerful speaker and someone he consults for legislative advice.

"He gives good speeches and knows the game of rhetoric," Tuma said. "His arguments are built on a sound philosophy."

During his eight years in office, Osskopp has been a proponent of measures bolstering the state's farmers, including the biodiesel requirement that recently became law.

He has served on the House Agriculture and Rural Development Finance and Policy committees and the Governmental Operations and Veterans Affairs Policy Committee.

As chair of the House gaming subcommittee, Osskopp championed 1999 legislation allowing card club gambling at Canterbury Park.

Osskopp, however, has been critical of recent proposals calling for state-operated casinos.

"It's a sucker's bet," Osskopp wrote in a February commentary piece. "All of the major casino options — state-owned and run, privately licensed and jointly run between the state and

Indian tribes — are iffy and unaffordable, and none would provide the desired results but would cost state taxpayers millions."

In addition to his political life, Osskopp, a radio broadcaster with a bachelor's degree in journalism and a master's degree in theology, has stayed active on the airwaves.

He works on the radio show, "Mike and Maggie," with his wife. A Rochester radio station airs the program, which is a blend of

political talk and comedy.

Osskopp said his broadcasting background has helped him "talk about things in a concise and authoritative way" while in office.

"You need to be able to think and talk on the fly," he said. "That's been my strength."

Maggie Osskopp, an independent who voted for Jesse Ventura, said she doesn't always agree with her husband's views but has been proud of his service. She's also toying with the idea of running for public office someday.

"He is not power hungry and doesn't want to stay there at any cost," she said, adding he understands his constituents' "quest for freedom."

"They want to be rural people and they want to have their own river identity," she said.

Osskopp said he isn't ruling out the possibility of running for office again. But for now he'll focus on the radio show and play more golf.

He will also be able to spend more time with his four children and five grandchildren.

Osskopp said he'll probably be best remembered for his "mouth" and being a passionate and often partisan defender of his principles.

"I hope that every member of this body would consider me a friend," he said. "I've learned that all 134 members of the House are wonderful people. They're all trying to do what's best for Minnesota."

A lawmaker from the other side of the aisle, Rep. Tom Rukavina (DFL-Virginia) said Osskopp's sense of humor and support of working people would mark his time at the Capitol.

Though Osskopp makes him "angry at times," he said he expects that from a Republican.

"While he is a super conservative on some issues, he has a heart," Rukavina said. "His sense of humor is infectious, his wit is incomparable, and his heart, when it comes to working people, is as big as the state of Minnesota."



PHOTO BY TOM OLMSCHIED

Rep. Mike Osskopp will step down from his House seat this year, after serving four terms in the Legislature. He would have to face incumbent Rep. Jerry Dempsey in November to retain his seat due to redistricting.

## STEPPING DOWN

**Rep. Mike Osskopp**  
**Republican**  
**District 29B — Lake City**  
**Terms: 4**

**Career Notes:** Osskopp advocated for smaller government, farmers, and working people while in office. As chairman of the House gaming subcommittee, he also sponsored a number of gambling-related bills, including one in 1999 that created a card club at Canterbury Park.

## 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](http://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	Mpls. Firefighters Relief Assn. 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	

♦ - veto overridden by the Legislature

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

CH	HF	SF	Description	Signed	Vetoed
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	
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◆
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	

CH	HF	SF	Description	Signed	Vetoed
289	3091	2764*	Mentally retarded persons incidents and emergencies reporting standards modification.	3/26	
290	2932	2614*	Foster care placement communicable diseases disclosure requirement.	3/26	
291	3080	3055*	Metropolitan transit police provisions modifications.	3/26	
292	2757	2692*	Human services licensure.	3/26	
293	2889	2933*	Individual sewage treatment systems installation.	3/26	
294	2635	2550*	Special education services costs reimbursement.	3/26	
295	3222	2953*	Fire insurance excess coverage prohibitions.	3/26	
296	2933	2546*	Rockville and Pleasant Lake consolidation plan joint development required.	3/26	
297	2884*	2715	Motor vehicle excessive gross weight civil fine imposition modified.	3/26	
298	3196*	2966	State procurement law ethical provisions clarified.	3/26	
299	3205	2890*	Public works contracts regulated.	3/27	
300	3223	2793*	Out-of-state facilities for children with severe emotional disturbance certification plan required.	3/27	
301	2842	3244*	Evidentiary laboratory blood sample reports electronic signatures.	3/27	
302	3224	3034*	Hennepin County Medical Center cooperative purchasing authority.	3/27	
303	3240	2814*	Electronic voting authorized for cooperatives.	3/27	
304	2596	2673*	Child custody provided for by de facto custodians and third parties.	3/27	
305	3328	3278*	Driver's education organ and tissue donation instructions.	3/27	

## BILL INTRODUCTIONS

MARCH 22 - 27, 2002

HOUSE FILES 3705 - 3707

### Friday, March 22

#### HF3705—Wilkin (R)

##### Agriculture Policy

Biodiesel fuel mandate repealed.

#### HF3706—Osthoff (DFL)

##### Taxes

Baseball stadium financing provided, donations required, construction and financing process described, conditions imposed, bonds authorized, and money appropriated.

### Wednesday, March 27

#### HF3707—McElroy (R)

##### Health & Human Services Policy

Health data release to county human and social services authorized in order to coordinate benefits and services.

## COMMITTEE SCHEDULE

APRIL 1 - 5, 2002

### MONDAY, April 1

1 p.m.

#### House-Senate Transportation

##### Working Group on HF3364/SF2812

5 State Office Building

Chrs. Rep. Bill Kuisle, Sen. Dean Johnson

Agenda: Walk through side-by-sides.

4 p.m.

#### HF2622 Conference Committee

Terrorism; Minnesota anti-terrorism act of 2002 adopted providing civil and criminal penalties for agricultural, biological, and other mass destruction, modifying open meeting law and data sharing provisions, and appropriating

money.

Basement Hearing Room

State Office Building

Chrs. Rep. Rich Stanek, Sen. Jane Ranum

### TUESDAY, April 2

8 a.m.

#### HF2618 Conference Committee

Public employees and officials required to report certain unlawful actions to law enforcement, and data provided to the state auditor for audit or law enforcement purposes notwithstanding the data practices act.

500N State Office Building

Chrs. Rep. MaryLiz Holberg, Sen. David Knutson

9 a.m.

#### Legislative Audit Commission

118 State Capitol

Chr. Sen. Ann H. Rest

Agenda: Review recommendations of the Topic Selection Subcommittee and Best Practices Local Government Advisory Council, and select studies for review by the Program Evaluation Division of the Office of the Legislative Auditor.

11 a.m.

## RULES & LEGISLATIVE ADMINISTRATION

400S State Office Building

Chr. Rep. Tim Pawlenty

**Agenda:** Calendar for the Day for Tuesday, April 2, 2002.

HF289 (Daggett) A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 4; providing staggered four-year terms for representatives and senators.

12 noon

## THE HOUSE MEETS IN SESSION.

**The later of 3 p.m. or  
30 minutes after session**

## FAMILY & EARLY CHILDHOOD

### EDUCATION FINANCE

5 State Office Building

Chr. Rep. Barb Sykora

**Agenda:** ECFE Reserve Accounts.

Cancellation of 1996 Early Childhood Facilities Bonding.

Forecast updates for committee programs.

Additional to be announced.

## WEDNESDAY, April 3 - FRIDAY, April 5

No meetings have been announced.

## Minnesota State Agencies

(Area code 651)

Administration .....	296-6013
Agriculture .....	296-4026
Children, Families and Learning .....	582-8200
Commerce .....	296-4026
Corrections .....	642-0200
Economic Security .....	296-3644
Employee Relations .....	297-1184
Job Information .....	296-2616
Finance .....	296-5900
Health .....	215-5803
Human Rights .....	296-5663
Toll Free .....	1-800-657-3704
Human Services .....	296-6117
Labor and Industry .....	296-6107
Military Affairs .....	282-4662
Natural Resources .....	296-6157
Pollution Control Agency .....	296-6300
Public Safety .....	296-6642
Driver and Vehicle Services .....	296-6911
Fire Marshal .....	215-0500
Alcohol and Gambling Enforcement Division .....	296-6979
State Patrol .....	297-3935
Public Service .....	296-5120
Revenue	
Taxpayer Assistance .....	296-3781
Toll Free .....	1-800-652-9094
Trade and	
Economic Development .....	297-1291
Office of Tourism .....	296-5029
Transportation .....	296-3000
Veterans Affairs .....	296-2562
State Information .....	296-6013

# Reflections

Minnesota lost another of its legendary leaders on March 21.

Roger Jourdain, 89, the first elected tribal council chairman of the Red Lake Band of Chippewa Indians, died of natural causes in a Bemidji hospital.

In 1959, Jourdain became head of the council. His election ended a rule by hereditary chiefs that began in the early 1700s.

His victory came after a constitution was written for a new representative government to rule over the nation with improved jurisdiction of its lands.

Jourdain subsequently led for 31 years, but not without controversy.

Many who disapproved of his sometimes dictatorial tactics often tried to unseat him. His last bid for re-election was in 1990, when he lost by 136 votes to a fellow council member and former supporter.

Over the years he battled his enemies and those who disagreed with his methods of governance.

A low point for Jourdain and the Red Lake band was an insurrection in 1979 after he summarily fired an employee. The two-day riot caused two deaths and millions of dollars in damage to public buildings. Jourdain and his family were spirited away, but their house and other property were burned down. Though not deterred, he continued to govern from Bemidji, 30 miles away.

But Jourdain was also well-respected for his strong convictions and vision. Those who supported him included vice presidents, congressmen, governors, and legislators, both nationally and at the State Capitol. And he negotiated with them to build schools, a state-of-the-art hospital

that bears his name, sports and recreation facilities, and economic development projects.

"The Chairman," as some called him, always managed to stay at the helm by working for improving the economy, trying to create jobs, and improving the education of the people — particularly the children.

Another successful goal for Jourdain was to maintain the sovereignty of the nation. Since he had no love for federal and state American Indian agencies, he set rules into place for history to not repeat itself, such as from 1863 to 1905 when land was ceded or taken by homesteaders and logging companies.

The Red Lake band remains a sovereign nation. It is only one of two "closed" reservations in the country — always owned by its people.

Under Jourdain's leadership, a police and fire department were created, the Red Lake band issued its own motor vehicle license plates, and it instituted a policy whereby outsiders must register for a passport to visit.

Jourdain was honored in part for his stamina. One such award was in 1986 as he was named the Indian Man of the Year by the American Indian Heritage Foundation, partly for "bringing Indian issues to the national forefront."

When Rep. Rod Skoe (DFL-Clearbrook) asked lawmakers for a moment of silence on the House floor March 22, it was an apropos time for reflecting on Roger Jourdain's words: "Let's get it done. I believe it's right. That's the way it should be."

—LECLAIR GRIER LAMBERT

## 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

### Older Minnesotans

Percentage of Minnesotans in the 2000 census that were age 55 or older .....	20
In 1990 .....	20.4
Percentage that was age 65 or older .....	12.1
In 1990 .....	12.5
Percentage of Minnesotans age 55 and older for whom social security is their main income source .....	34.8
Employment, as percent .....	28.6
Pension, as percent .....	24.4
Percentage of Minnesotans age 55 or older that were employed, 2000 .....	28.9
Of those, percentage employed full-time .....	56.4
Minnesotans age 55 and older that "never" worry about money issues, as percent .....	43.1
Worry "a little" .....	24.5
Worry "some" or "a lot" .....	32.5
Percentage of older Minnesotans who worry "some" or "a lot" about their own health .....	42
Those that "never" worry, as percent .....	24.5
Percent of older Minnesotans who "never" worry about getting older and needing care .....	37
Those who worry "some" or "a little," as percent .....	55.6
Minnesotans age 55 and older who worry "a little" or "never" about their ability to pay for prescription drugs .....	78.6
Those that worry about getting good healthcare, as percent .....	72.2
Percentage of older Minnesotans who participate in vigorous activity for at least 20-30 minutes, two to three times per week .....	54
Older Minnesotans, as a percent, that "never" have concerns about feeling safe .....	60.6
Those that have "a lot" of concern .....	2.7
Percentage of older Minnesotans who worry "a lot" about their children or grandchildren .....	16.4
Those that "never" worry, as percent .....	18.7
Older Minnesotans with at least one child living within a 30-minute drive, as percent .....	72
Of those, percentage that sees at least one of their children weekly .....	68.8
Percentage of Minnesotans age 55 and older reporting they have no one to confide in .....	7.3
Percentage that report loneliness is sometimes a problem .....	14.4
Percentage that has some problems with depression .....	15.3

Source: 2001 Survey of Older Minnesotans and 1995 Survey of Older Minnesotans, both by the Minnesota Board of Aging; U.S. Census 2000; U.S. Census 1990.

### FOR MORE INFORMATION

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