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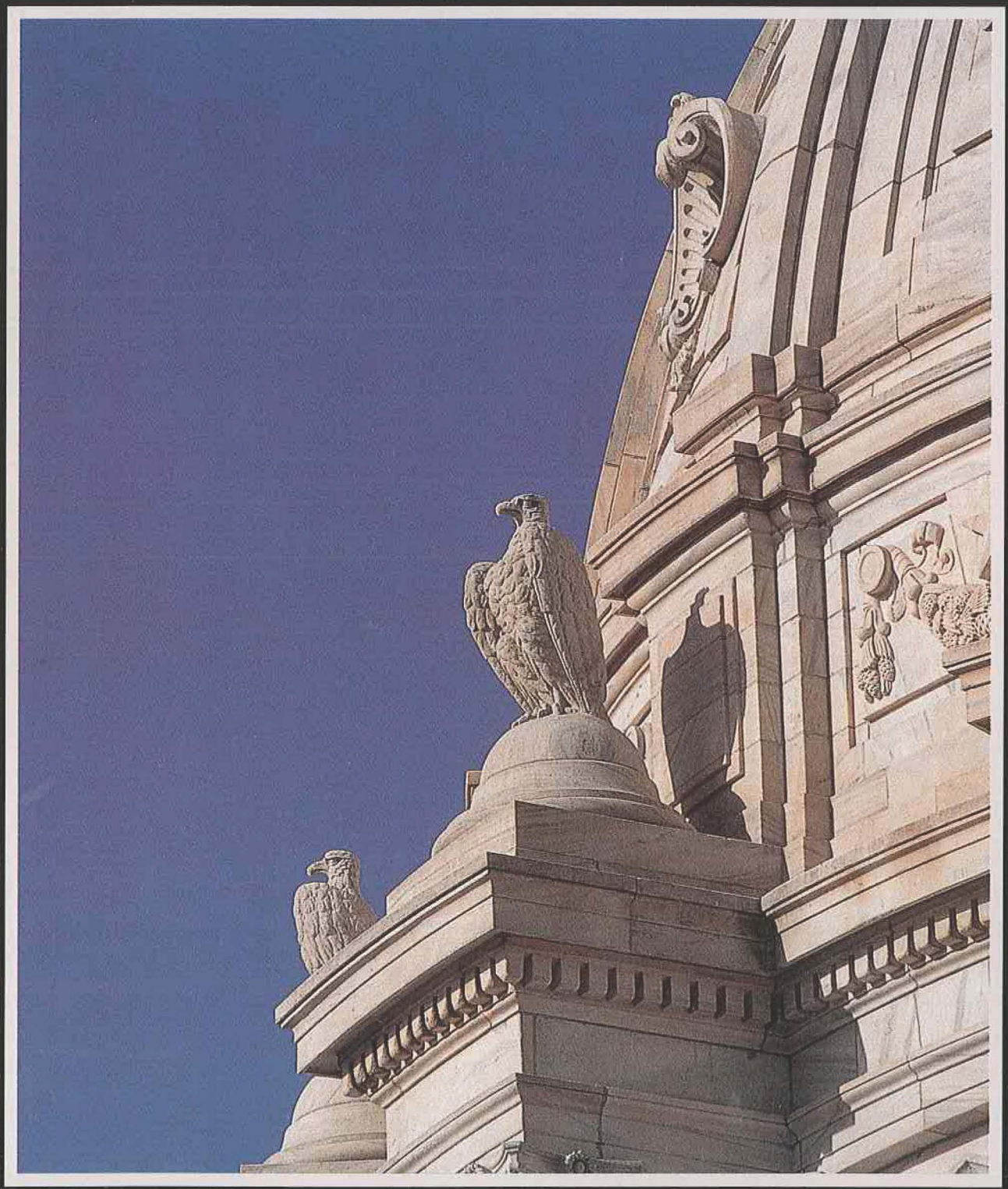
Perspectives

A Publication about the Minnesota Senate



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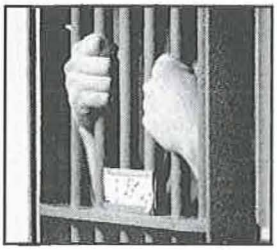

This issue of *Perspectives* presents some of the highlights of the 1993 regular and special sessions. Action during the special session, the anti-crime law, campaign finance reform and education funding changes are all profiled.

For the past three years, in an effort to reduce costs and eliminate duplication, the House Public Information Office and the Senate Publications Office have joined forces to produce a single year end review. This year, the Senate's *Session Review* will not be published. Instead, the House Public Information Office is publishing *New Laws 1993--Session Summary with Special Session*. The publication will profile laws enacted during both the regular and special session. All subscribers to the Senate's publications will receive the House's *New Laws 1993*.

On the cover:

An eagle stands guard from the Capitol dome overlooking the grounds of the Capitol Complex.
Photo by David Rae Morris

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Photo by David J. Oakes

The Senate met in special session Thurs., May 27

Special session wraps up business

By Karen L. Clark

The Senate adjourned the first portion of the 78th legislative session in a timely fashion at midnight May 17. Majority Leader Roger Moe (DFL-Erskine) pointed out that the Senate had completed work on all the major tax and funding bills three days earlier. However, Senators knew, even as they left the building, that they would be coming back for a special session. Earlier in the evening members of the Senate had endorsed a compromise budget plan worked out between Senate leaders and the governor. However, members of the other body rejected the compromise agreement. As a result, gubernatorial vetoes of two major budget bills--the omnibus higher education funding package and the omnibus health and human services appropriations bill--necessitated a special session.

Several high profile public meetings were held May 24-26 to resolve the differences between the Legislature and the administration. Moe and Sen. Dean Johnson (IR-Willmar) led the Senate negotiation team. The governor and the leaders of both the House and Senate endeavored to find common ground on the spending bills and on the campaign finance reform bill. Late in the evening of Wed., May 26, the governor and legislative leaders announced that an agreement had been reached and that a one day special session would be held the following day, Thurs., May 27. The compromise agreement included a number of provisions. First, the agreement granted the governor the authority to "unallot," or decrease funding, by up to one percent ($165 million) of the state biennial budget if the November 1993 state expenditure forecast projects that the state's reserve will fall below $400 million. The agreement also specifies that the authority to unallot may be exercised only with the agreement of the legislative Commission on Fiscal Policy and Planning after receiving a statement of impact of the proposed cuts at the time of the request for the authority. The leadership and the administration also agreed to a study of unallotment authority and other budget forecasting issues that must be completed by Feb. 1, 1994. The unallotment provisions were contained in Chap. 4 in the special session. The bill also specifies that appropriations for debt service and maximum effort school loans are excluded from calculation of the reductions and that any appropriations for which a reduction would violate federal law, such as AFDC, are also excluded from calculation of the reductions.

In addition, Chap. 4, carried by Sen. Gene Merriam (DFL-Coon Rapids), also contained an appropriation for a new state airplane. The appropriation generated some debate on the Senate floor. However, funding for the plane was defended by Merriam on the grounds that, contrary to media reports, the airplane is not for the sole use of the governor and that the plane is used by other officials from the administration and by members of the Legislature as well. In addition, the recent plane crash that took the life of George Mickelson, the governor of South Dakota, and an emergency landing by the current state airplane place further urgency on the necessity of having a safe aircraft, Merriam said.

Photo by David J. Oakes

Sen. Deanna Wiener

Other portions of the agreement reached by legislative leaders and the administration were carried in five additional bills for the special session. Chap. 3, carried by Sen. William Luther (DFL-Brooklyn Park), contained the provisions relating to campaign finance reform that had been agreed upon by leadership and the governor. The measure provides for an appropriation of $1.5 million over the course of the biennium to the general account of the state elections campaign fund. Under the proposal the funds are to be distributed the same way they are under current law except that the distributions from the general account in combination with distributions from the party account cannot exceed 50 percent of the campaign expenditure limits for any one candidate.

Another portion of the proposal requires the disclosure of all campaign contributions received from Jan. 1, 1993, through May 31, 1993, by Legislators and constitutional officers. The bill requires disclosure of contributions to nonlegislative campaign committees of current state Legislators who are candidates for federal or local offices. Chap. 3 also requires disclosure of contributions to "friends of" committees and recipients of "friends of" funds upon termination of the fund. Finally, the measure requires the disclosure report to be filed with the Ethical Practices Board on or before June 15, 1993.

The special session agreement also included repassage of the two major funding bills that had been vetoed. Chap. 2, carried by Sen. LeRoy Stumpf (DFL-Thief River Falls), contained the language and appropriations from S.F. 1407 for the higher education systems. The bill is identical to the conference committee report that had been repassed by both bodies of the Legislature. The measure appropriates $2.04 billion for higher education for the biennium. According to Stumpf, tuition increases will be kept to a minimum of about 3 percent each year under the bill and fee statements will now have to explain the percentage of the instructional costs paid by the student and paid by the state. The bill also continues the planned merger of the state's higher education system but creates a Joint legislative Committee on Merging Post-Secondary Education Systems to facilitate communication between the Higher Education Board and the Legislature. The measure also provides for the establishment of a telecommunications network to expand the availability of courses and degrees to students throughout the state. Under the measure, the U of M Board of Regents and the State University Board are requested to study the appropriateness of courses for meeting the admission requirements of the U or the state universities.

Chap. 1, the $4.4 billion omnibus health and human services appropriations bill, was also passed by the Senate. The measure, which is identical to the conference committee report on S.F. 1496 that had been vetoed. The measure restores $20.5 million for hospitals that had been in the $45.2 million in cuts recommended by the governor. Under the bill the hospital surcharge is increased from 1.4 percent to 1.56 percent on July 1, 1994. The measure includes a pilot project to encourage dentists to treat more Medical Assistance patients, provides for reimbursing masters-level mental health professions at 75 percent of doctorate level and 80 percent in F.Y. 95; requires a point-of sale electronic claims eligibility verification and claims processing system to be developed for Medical Assistance pharmacy claims; increases MA prescription reimbursement to compensate for the 2 percent wholesale tax; provides for a 3 percent cost of living adjustment (COLA) for ambulance services; increases the reimbursement rate for medical transportation services; provides $230,000 for lead abatement programs; and increases the funding for the consolidated chemical dependency treatment fund. The measure also provides for COLA increases for providers of personal care such as DAC providers, home health care providers, personal care attendants and others. Under the measure, the Moose Lake RTC is closed and converted to a medium security prison and a separate 100 bed facility for psychopathic personalities is to be built on the campus. In addition, the measure continues the downsizing of RTCs and the creation of state operated community services (SOCS). The proposal also provides for the creation of an integrated children's mental health system to coordinate community services.

In the area of family services, the measure provides increases for the child care basic sliding fee; increases for the women, infants and children program; increases for maternal and child health care grants; and increases for crisis nurseries. The law also provides an appropriation for a new family services collaborative to provide services at the local level and increases grants for subsidized adoptions. Child support enforcement is strengthened and pilot community work experience programs for work readiness clients are established. The measure also provides for intensive family preservation services for families in crisis with children at risk for out of home placements.

Two additional bills were passed during the special session. The first, a

revisor's bill carried by Sen. Ember Reichgott (DFL-New Hope), makes a number of technical changes to bills passed during the regular session. Chap. 6 makes no substantive changes. The last bill, Chap. 5, carried by Sen. Deanna Wiener (DFL-Eagan), makes technical changes to the provisions relating to stalking in the omnibus crime prevention bill.

The special session lasted less than three hours and provided the final touch to a session in which a number of major pieces of legislation were enacted.

The main business of the Legislature is to provide for a balanced budget. In addition to the bills passed during the special session, an omnibus tax bill and major appropriations bills for state government departments, jobs and community development, environment and natural resources, crime prevention, and K-12 education were all developed and passed during the regular session. In addition, the regular session was distinguished by the passage of several other pieces of significant legislation.

A new law enacted this year, building on the MinnesotaCare legislation passed in 1992, creates a new structure to control health care spending. The new law, according to sponsors Sen. Linda Berglin (DFL-Mpls.) and Sen. Duane Benson (IR-Lanesboro), is designed to curb the rising costs of health care, improve access to health care and implement the recommendations of the Health Care Commission. Under Chap. 345, a health care system of Independent Service Networks (ISNs) is created to increase competition among health care providers. The new law provides that ISNs are to begin forming July 1, 1994, specifies that the ISNs must be nonprofit corporations and specifies that the ISNs may be organized as a separate nonprofit corporation. Under the law, ISNs are not mandatory; doctors and hospitals are not required to join; they may choose to create an ISN, to contract with one or more ISNs, choose not to affiliate, or service both ISN and non-ISN patients.

The new law also provides for the development of a system to control spending growth outside the ISN system. The "all payor system" is designed to govern all services provided outside the ISN system and control costs, prices and uses of health care services.

One of the most controversial of the new laws enacted by the Legislature and signed by the governor was the measure adding "sexual orientation" to the Minnesota Human Rights Act. Chap. 22, sponsored in the Senate by Sen. Allan Spear (DFL-Mpls.), prohibits discrimination against gays and lesbians in employment, housing and public accommodations. However, the new legislation does exempt religious organizations, youth groups and owner-occupied duplexes from the new law's provisions.

Another highlight of the 1993 session is the omnibus anti-street crime law. Chap. 326, sponsored by Sen. Randy Kelly (DFL-St. Paul), provides tougher penalties for a number of crimes involving the use of firearms and also provides for crime prevention and intervention programs. The new law also contains provisions that strengthen penalties for stalking and harassment crimes.

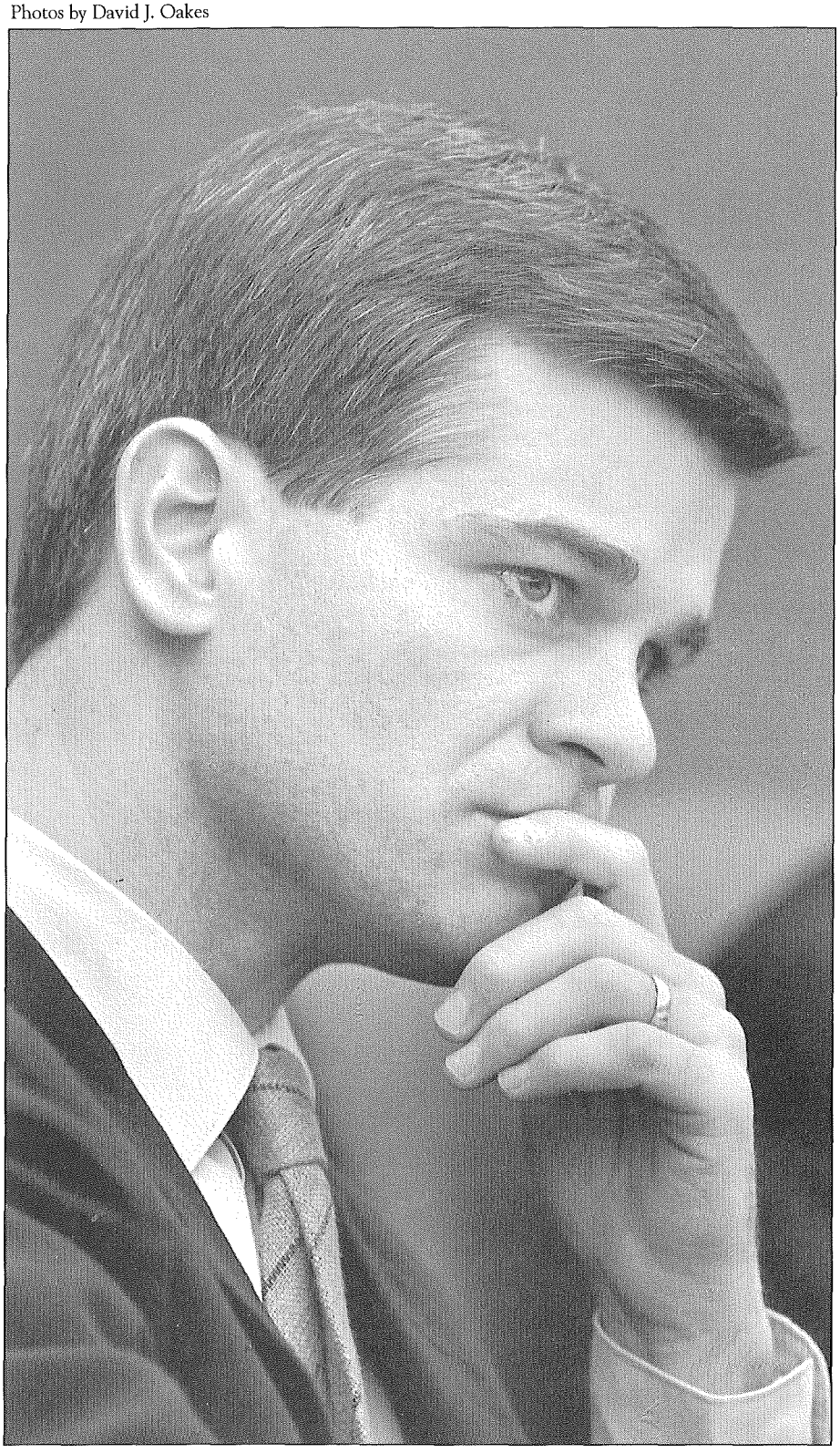
Other bills that became law this year covered a broad spectrum of subject areas. For a complete rundown of the new laws, be sure to consult the House Public Information publication, *New Laws 1993--Session Summary with Special Session*. In order to avoid unnecessary duplication and to cut cost, for the past three years the Senate has published a single publication--*Session Review*--in cooperation with the House. This year, the House is taking on the job of publishing a session end review of the new laws. However, all subscribers on the Senate Publications mailing list will get a copy of the House *New Laws 1993*.

Photo by David J. Oakes

As the 1993 special session neared, legislative leaders met with the governor to negotiate key provisions of the budget agreement.

Campaign finance law recast for reform

Photos by David J. Oakes



Sen. John Marty

By Carol Gardener

Just before adjournment this spring, the Senate put the final touches on a law that makes sweeping changes in campaign finance practices. Chap. 318 expands the requirements candidates for state offices must meet in order to qualify for public financing of their political campaigns and places tighter controls on sources of campaign funding.

The Senate sponsor of the legislation, Sen. John Marty (DFL-Roseville), gives a lot of credit to his colleagues in the Senate for supporting the bill despite the fact that some of its provisions clearly reduce the advantages of incumbents. "Not everything in this bill was in their best interest, yet they were willing to support it," Marty said.

The primary goals of the legislation, Marty said, are to get special interest dollars out of the campaign process and replace them with small contributions and public financing. Although he doesn't believe that special interest money buys votes in the Legislature, it can buy access and goodwill in the policy-making process, he said. "It's a question of who is going to control the political process," he said.

Opponents of campaign finance reform often liken special interest money to a balloon: when you try to clamp down on it, it simply bulges out in another place. Marty believes that the role of special interests in campaigns can be minimized with legislation. To strengthen this argument, he points to the judicial branch. Judges operate under more stringent election guidelines than are being imposed on other officials, Marty said, but no one claims that it is inevitable that special interests will find a way to buy judges' decisions. "You win in the courts on the merit of your argument," he said.

Winning an election, however, is often very dependent on how well the candidate communicates his or her message to voters. The means of communication -- lawn signs, postage, computers for managing mailings -- cost money. A candidate facing a competitive race who voluntarily minimizes campaign fund raising and spending must face a higher than average risk of losing.

The spending dilemma creates a niche in which well-heeled contributors

and political action committees (PACs) thrive. If, as proponents of campaign reform believe, those able to make large contributions make them in hopes of gaining influence in the policy-making process, then, arguably, large contributions can become a force that distorts the equalitarian aims of representative democracy.

Many voices in the policy arena have called for campaign finance reform that levels the playing field by imposing uniform rules by which all candidates must abide. The temptation to address the imbalances in campaign financing by legislating spending limits, however, is riddled with constitutional problems. In imposing spending limits, is the state violating constitutionally-granted freedoms? According to a 1976 Supreme Court decision, the answer is yes. In Buckley v. Valeo, the court ruled that limits may not be placed on candidates' campaign spending unless the candidate accepts the limits voluntarily as a condition of accepting public financing. Public financing has thus become the linchpin in any system for imposing spending limits on candidates for public office.

Another provision of Chap. 318 addresses contribution limits. Because contribution limits are not subject to the same constitutional concerns as are spending limits, they apply to all candidates.

The per-contributor limit for gubernatorial candidates, formerly $20,000 per election year and $3,000 in other years, is reduced to $2,000 and $500, respectively. For Senators, the limit is reduced from $1,500 in election years and $500 in other years to $500 in election years and $100 in other years. For Representatives, the limit is cut from $750 in election years and $250 in non-election years to $500 in election years and $100 in non-election years.

In addition, the law sets limits on how much money a candidate may contribute to his or her own campaign. A candidate who accepts a public subsidy may not contribute to his or her own campaign more than ten times the election year limit for the campaign. This amounts to a $5,000 limit for a Senate candidate and $20,000 for a gubernatorial candidate.

A portion of the law that creates a program to match contributions from small donors with public dollars was vetoed by the governor. In the special legislative session, however, the small-donor matching program was replaced by an appropriation of $1.5 million per election for campaign subsidies. These funds are to be distributed equally among all qualified candidates in the general election, provided that the money will not increase the public subsidy portion of a candidate's spending limit beyond 50 percent.

Another provision of Chap. 318 effectively limits the PAC contributions candidates may accept. In the new law, as in previous law, PAC contributions are subject to the same limits as contributions by individuals. The new law adds an aggregate limit for PACs and other types of contributions. Contributions from PACs, lobbyists, and large contributors are limited if accepting them would mean more than 20 percent of a candidate's spending limit would come from their combination. Thus, the traditional sources of large contributions cannot comprise a disproportionate share of a candidate's campaign chest.

For some Independent Republican Senators the law has positive aspects, but includes too many public dollars. Sen. Pat Pariseau, (IR-Farmington), an opponent of public funding of political campaigns, said that the state has gone too far in committing public money to the campaign process and that the detrimental aspects of special interests in the political process are being overstated. "I don't know that the total

Sen. Pat Pariseau

elimination of special interests is necessarily a good thing," Pariseau said. "In the long run, everyone is represented by some special interest."

Even so, Pariseau said the law as passed meets several goals set out at the beginning of the Legislative session by the IR caucus. Although Pariseau and other IR Senators would have preferred more discussion on term limits along with the bill, she cited the law's prohibition on providing matching dollars to unopposed candidates as a positive point.

Another IR goal realized in the law, Pariseau said, is the prohibition on "friends of" committees, or secondary campaign funds. Under the law, a candidate may establish only one campaign committee, which, as in the past, is subject to the scrutiny of the Ethical Practices Board. Other committees under the direct or indirect control of the candidate are prohibited.

A third IR objective, prohibiting a candidate from contributing campaign funds to other candidates' campaigns, is also met in the bill, Pariseau said. The new legislation also prohibits transfers to or from candidates for federal or local office.

The law also puts in place controls in response to several other campaign finance issues. It requires those making independent expenditures to give notice to the Ethical Practices Board and to each candidate in the race within 24 hours of the expenditure, increases the spending limit of the candidate against whom the expenditure was made, and increases the candidate's public subsidy by one-half of the amount of the independent expenditure. Such independent expenditures by persons or groups other than campaign committees are most often used to communicate negative messages against another candidate in the campaign. The penalty for failing to give the required notice of an independent expenditure or giving false notice is a gross misdemeanor.

The legislation includes a provision permitting first-time candidates to spend ten percent more than their incumbent opponents, an effort to counterbalance the inherent advantages of incumbents.

In addition, Chap. 318 prohibits legislative caucus fund raisers during the legislative session. The role of political parties in financing campaigns, however, is more prominent under the new law. Parties may now contribute up to ten times the individual contribution limit to a candidate's campaign. The previous contribution limit for parties was five times the individual limit.

The measure also addresses the establishment of subsidiary committees or funds by individuals, associations, political committees, or political funds and specifies reporting requirements. Under the law, establishing such subsidiary committees is legal, but a subsidiary committee's contributions to a campaign count toward the spending limits of both the subsidiary and the parent.

The legislation prohibits candidates' acceptance of earmarked contributions. Under the new law, knowingly accepting an earmarked contribution is a gross misdemeanor. This provision is aimed at preventing contributors from sidestepping spending limits by making a contribution to a political committee or candidate with the understanding that it is to be passed on to another candidate.

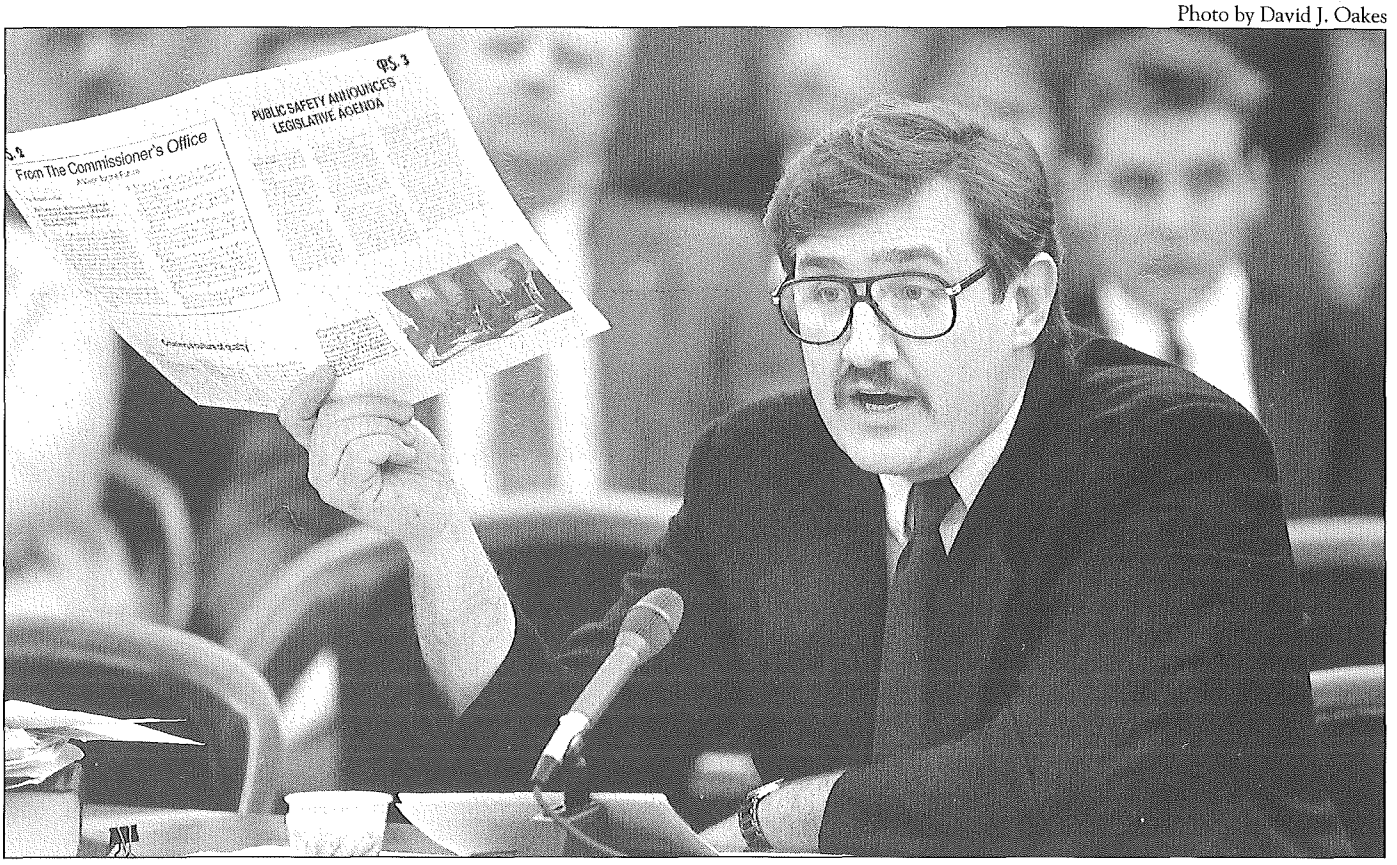
The measure also makes changes in several reporting requirements. First, political committees or funds that have solicited $5,000 or more in contributions from others between January 1 and 25 days before the primary or general election in an election year are required to file a report with the Ethical Practices Board that includes the names of contributors, the amount of each contribution, and recipients of contributions. The report is to be filed 10 days before the primary or election. Second, political committees or political funds that solicit aggregate contributions more than $5,000 between January 1 and 17 days before a primary or general election must file a report ten days before the election. Third, persons who solicit contributions of more than $5,000 in a calendar year must file a report each January 31 covering contributions made during the preceding calendar year.

Marty said while he is pleased with the final form of this year's legislation, he would like to see future work focus on equalizing the distribution of funds from the campaign funding checkoff. Demographic differences across the state result in candidates receiving an uneven share of checkoff money, Marty said, and would be better handled by giving all qualified candidates an equal share of the checkoff funds.

Future changes notwithstanding, few disagree that this year's legislative session yielded the most far-reaching changes to date in how political campaigns are funded. Marty said that while the law will need some fine tuning, it is a good foundation on which to build. "This reform is not the end-all in campaign finance reform," he said, "but it's a big step in the right direction. Now we can all watch to see how it plays out in the 1994 elections."

Chap. 318 emphasizes small contributions to fund campaigns.

Photo by David J. Oakes



Sen. Randy Kelly

Stopping crime before it starts

By Lynn A. Purcell

On May 20, the governor signed a bill which increases penalties for several crimes, provides definitions for others, and appropriates funds for various related agencies. But the 1993 omnibus crime prevention bill is in many respects most remarkable for the provisions which give the bill its name.

Building upon efforts begun during the 1991-92 legislative session, lawmakers have made crime prevention a priority. "Truly successful crime legislation must be proactive and prevent crime from occurring in the first place, rather than simply reacting to crime that has already occurred," said the bill's author, Sen. Randy Kelly (DFL-St. Paul), citing the philosophy shared by the authors of this year's crime legislation.

This philosophy, referred to as the "multi-prong approach" by Sen. Patrick McGowan (IR-Maple Grove), one of five senators serving on the conference committee, regards educational and prevention measures to be necessary elements in the war on crime alongside legislation which is effective only after a crime has been committed, such as increased penalties and fines.

Kelly said he is particularly pleased with the expansion of the Asian-American Juvenile Crime Intervention and Prevention Grant Program. The family-based project, introduced by Kelly and enacted during the 1992 legislative session, originally focused on prevention only; with a current budget of $200,000 for the biennium, crime intervention programs are also established. Similarly, the scope and budget of the Community Crime Reduction Grant Program is broadened in an attempt to, according to the language, "enrich the educational, cultural, or recreational opportunities of at-risk elementary or secondary school age youth." Priority funding is to go to areas with the largest concentrations of disadvantaged youth and the most community involvement.

The Higher Education Center on Violence and Abuse, which is to serve "as a clearinghouse of information" for professionals regarding the prevention of and response to problems of violence and abuse, is established with an allocation of $400,000. Another $65,000 is set aside to continue the planning process for the Institute of Child and Adolescent Sexual Health, initiated in the 1992 omnibus crime bill. And a total of $3 million is earmarked for a variety of violence prevention education grants for grades K-12.

Also included is $2.4 million for the expansion of community-based sex offender treatment programs and $380,000 for additional DARE programs in schools.

Convicted criminals are forced to make a greater contribution to crime prevention under the new law. Minimum fines, a portion of which are allotted for prevention programs, are increased by roughly $10 million.

Although prevention is highlighted in the bill, certain penalty increases and additional criminal activity definitions are also included. One of the most notable provisions imposes a life sentence without parole on a criminal convicted of first degree murder of a peace officer or correctional employee.

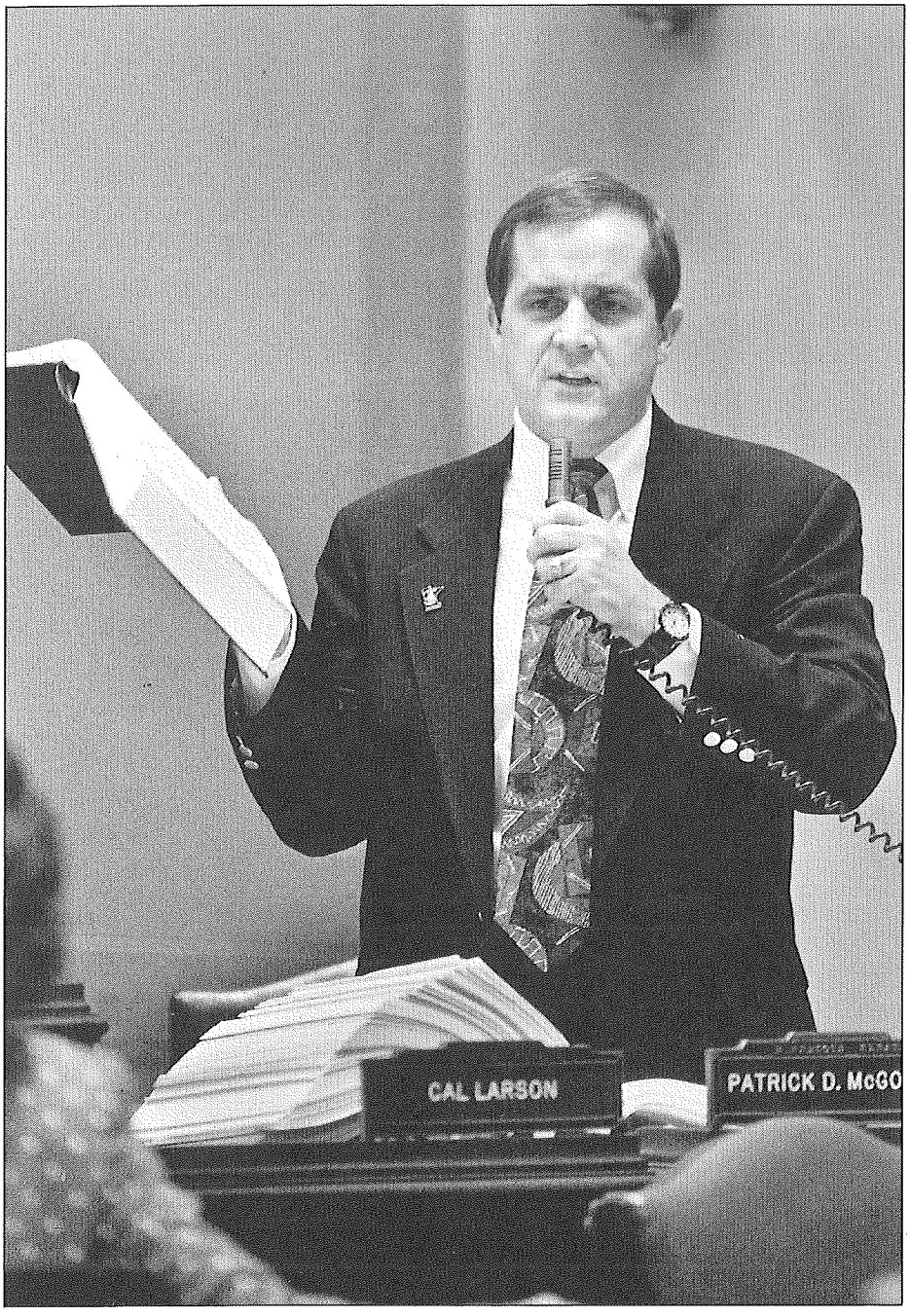
The crime of drive-by shooting is elevated to a felony (with a maximum penalty ranging from 3-5 years imprisonment and a $6,000-10,000 fine) and

allows for the administrative forfeiture of the vehicle involved. "Considering the marked escalation of drive-by shootings in the Metropolitan Area, I am especially pleased with the increased penalties that we enacted for those who participate in such activities," said Kelly, who had indicated earlier in the session that he felt the forfeiture provision to be a "key element" of the penalty.

Other actions involving the misuse of firearms also result in stiffer penalties. Reckless discharge of a firearm within a municipality is made a felony, as is the ownership, possession or operation of machine gun conversion kits. Negligent storage of loaded firearms in a location where a child under the age of 14 could gain access results in a gross misdemeanor under the law. Semiautomatic military-style assault weapons are now included under the handgun control act and purchasers must submit to a background check and seven-day waiting period. Anyone who is convicted of carrying a pistol without a permit for a second or subsequent time faces a five-year felony according to the legislation.

McGowan, a police officer, supports the new legislation involving firearms, but said he would like to get even tougher on criminals with guns. Currently, he indicated, 48 percent of those charged successfully plea bargain to drop the mandatory minimum sentence for using or possessing a firearm while committing a crime. McGowan said he would like to see future legislation which requires useful information to be exchanged for a plea bargain, such as the identity of any accomplices, the origin of the firearm or the current location of the firearm.

Photo by David J. Oakes



Sen. Pat McGowan

Kelly indicated he is very pleased with the increased penalties for the possession of dangerous weapons on school property and the unlawful sale or possession of LSD. A juvenile loses his or her driver's license or driving privileges until age 18 if in possession of a dangerous weapon while committing a delinquent act; an adult faces a felony charge. And LSD is now considered to be a controlled substance crime if sold or possessed in a school, park or public housing zone under the new law.

Early in the session, the Crime Prevention Committee was witness to emotional testimony from several citizens recounting incidents of stalking and harassment, and the lack of legal protection then available. The new crime prevention law attempts to alleviate some of the frustration in these cases by defining the crime and providing for both gross misdemeanor and felony offenses. According to both Kelly and McGowan, the provision is one of the key points of the law.

Harassing is defined in the new statute as intentional behavior which causes a reasonable person under the circumstances to feel oppressed, persecuted, or intimidated. Behavior included in the definition are threats, stalking or pursuit, trespassing, repeated phone calls or phone ringing, and the repeated mailing or delivering of unwanted objects. A first violation results in a gross misdemeanor; second and subsequent violations are five-year felonies. If the victim is a juvenile and the perpetrator is more than three years older, if a dangerous weapon is used, or if the crime is motivated by bias, the result is also a five-year felony. A ten-year felony is provided for persons convicted of a pattern of harassment. Finally, the law provides for a warrantless arrest based on probable cause, which means that police no longer have to witness the harassment. In the past, as committee testimony suggested, victims have felt the burden of proof taking precedence over their safety.

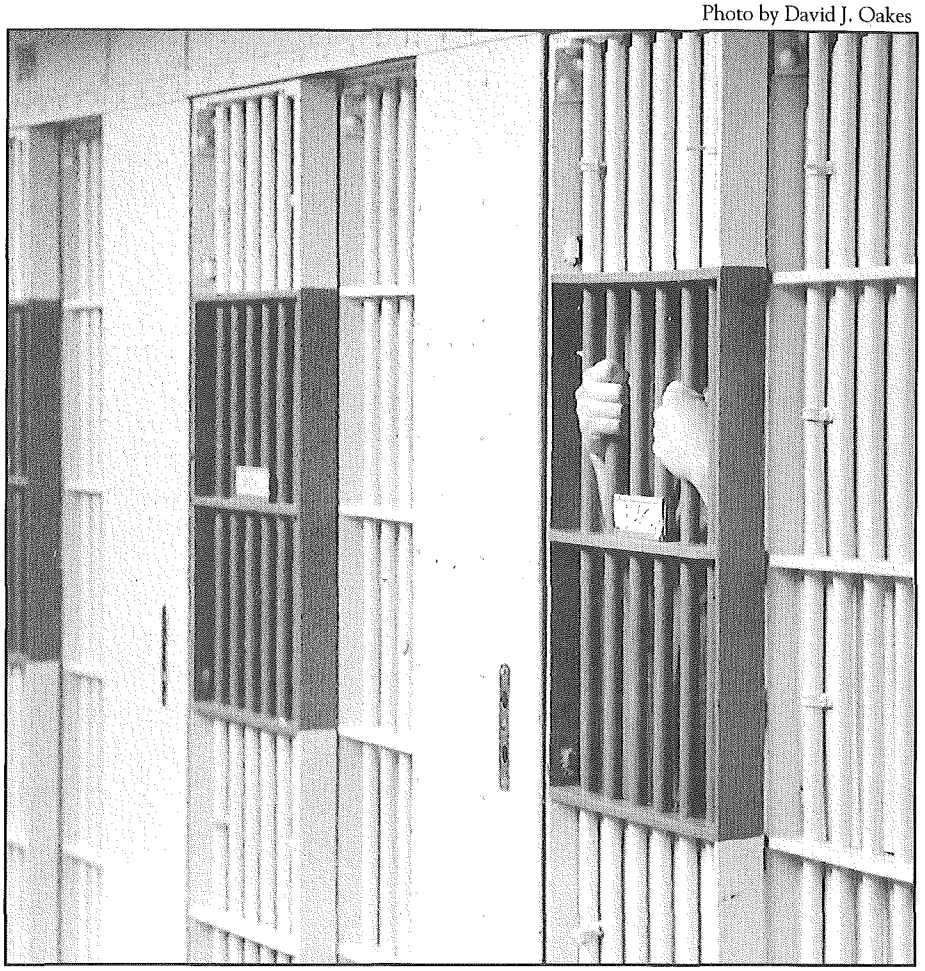
Another provision declares that the Supreme Court cannot modify or supersede existing statutes regarding the admissibility of DNA evidence in court. This will allow evidence based on statistical probability to be admissible.

McGowan said that, although the issue can "seem to be rather innocuous," he believes, from his perspective as a police officer, that it is important to make the full impact of DNA evidence allowable in court.

Bipartisanship played an important role in the successful creation of the law, according to McGowan, and he said he looks forward to continuing this positive relationship in the effort to fight crime. "Crime is not a political issue -- it affects every district and each taxpayer. The number one concern of the people is the safety for their community. People want to live in a crime-free, drug-free neighborhood."

Kelly summarized his confidence in the new law: "The 1993 crime prevention bill responds to the concerns of the people of Minnesota. It contains the right balance of prevention and intervention along with enhanced penalties and treatment. It is a thoughtful bill, with broad support that I am certain will benefit the people of Minnesota for years to come."

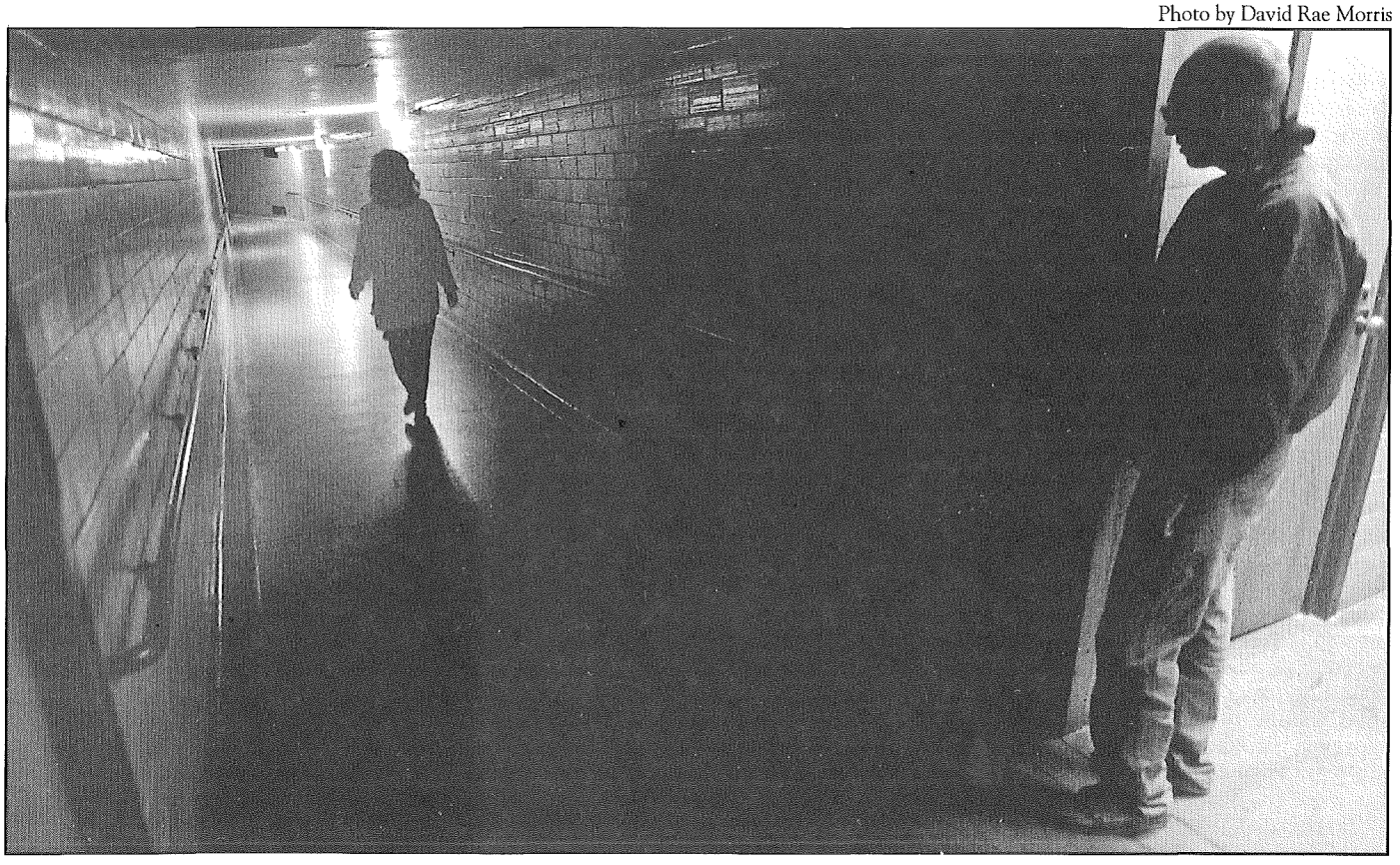
Photo by David J. Oakes



Right: Some sentences for crimes involving firearms are increased under Chap. 326.

Below: The new law more clearly defines stalking and harassment.

Photo by David Rae Morris



Photos by David J. Oakes

Equity and reform in education

By Joel Larson

Equal access to education has remained a common thread throughout the development of the Minnesota's public schools. Growing and developing since pioneer times, Minnesota's public education system has changed dramatically over the years. In 1993, the Senate Education Committee, chaired by Sen. Lawrence Pogemiller (DFL-Mpls.), set out to provide greater equity among public schools. Pogemiller said that as chair of the Education Committee, it is his goal "to make children our top priority and provide our education system with the tools necessary to move Minnesota into the 21st century."

The Senate's current efforts represent a continuing trend in Minnesota's history to provide equity in education. In 1849, the Territorial Legislature passed a law that authorized "universal taxation" for education purposes. The act also stated that the schools were to be open "to all persons between the ages of four and twenty-one years, free." In 1858, the United States Congress approved the state constitution and admitted Minnesota to the union, making it the 32nd state.

To this day, the "education clause" of the Minnesota Constitution serves as a guiding force for legislators as they develop education policy. The clause states that "[I]t is the duty of the Legislature to establish a general and uniform system of public schools." The document further instructs the Legislature to "make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the State."

Three years after approval of the Minnesota Constitution, the state boasted 466 schools, 235 of which were log-built. As more schools appeared across Minnesota's landscape, the Legislature developed policies to ensure funding for education. Beginning in 1895, the state helped local school districts by providing financial assistance in the form of flat grants. Ushering in what some historians called a "revolution in public education," the state in 1911 offered a special aid to school districts to encourage consolidation, which improved the educational opportunities for many residents of rural and village communities.

Legislative records show that in 1915, as high school education gained more importance, the Legislature provided equalization aid for school districts. And in 1957, the state created a foundation aid program, funded by both state and local taxes, that established a minimum level of spending for all school districts. However, large inequities in funding and tax rates intensified, creating the impetus for the so-called "Minnesota Miracle," a nationally hailed education finance plan adopted by the Legislature in 1971 during the longest special session in state history.

The Minnesota Miracle increased the state's share of funding for education and reduced the role of local property taxes for such purposes. Since the adoption of the Minnesota Miracle, the accumulation of changes to education laws have led to an education system that is disproportionately reliant on property taxes for funding, according to several parents and education officials.

The system's reliance on property taxes created large inequities between school districts, leading to a court case, Skeen v. Minnesota, which is currently on appeal in the Minnesota Supreme Court. The Tenth Judicial District Court stated that the existing financial inequities between school districts violate the Minnesota Constitution. According to the ruling, the "present financing system perpetuates an inefficient and non-uniform system of education as it relates to all schools."

In an effort to move the education

system toward greater equity, the Senate adopted the 1993 omnibus K-12 bill, authored by Pogemiller. Pogemiller said the act implements the mission of public education in Minnesota through innovation and systemic restructuring. The mission of public education in Minnesota, as stated in the new law, "is to ensure individual academic achievement, an informed citizenry, and a highly productive workforce."

The act provides policy changes and funding for the state's K-12 schools, addressing issues relating to general education revenue, transportation, special programs, community programs, infrastructure and equipment, education organization and cooperation, libraries, state agencies, and state board duties.

The reform measure creates an education system that "focuses on the learner; promotes and values diversity; provides participatory decision-making; ensures accountability; models democratic principles; creates and sustains a climate for change; provides personalized learning environments; encourages learners to reach their maximum potential; and integrates and coordinates human services for learners," according to the law.

Recognizing the need to prepare children for school, lawmakers increased the funding for the Learning Readiness program, which builds upon existing local services and resources to meet children's health, education, and social service needs. In addition to increasing the funding, the measure expands Learning Readiness by making 3-1/2 year olds eligible for the program.

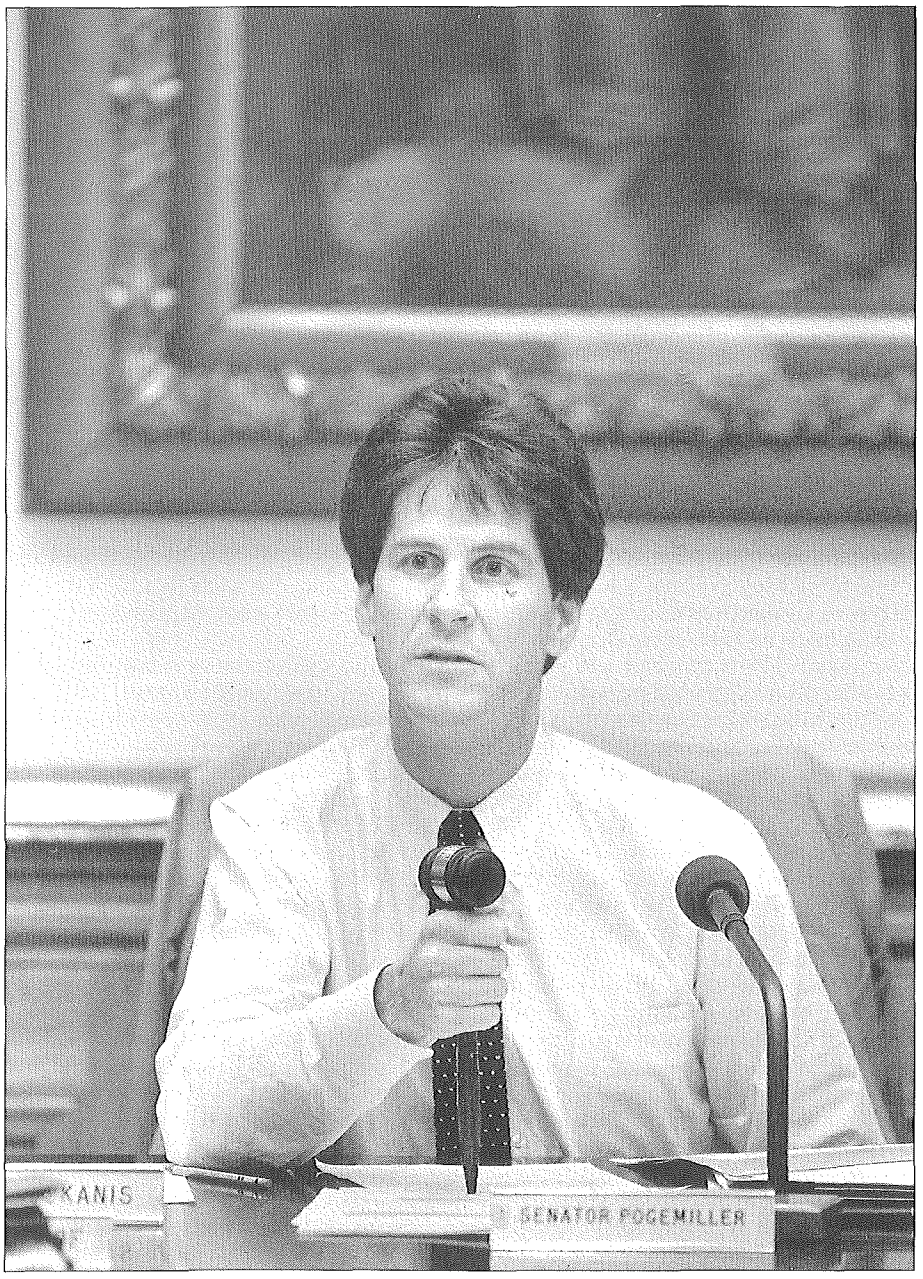
Another feature of the law that affects Minnesota's youngest students is a plan to reduce class sizes. The plan provides increased funding to reduce learner-teacher ratios to an average of 17 to one in kindergarten and first grade. After meeting the goal for kindergarten and first grade, schools must prioritize the use of remaining funds for reductions in learner-teacher ratios in subsequent grades--up to grade six. Pogemiller said the original Senate bill provided more money for class size reductions, but a compromise was reached in conference committee to use some of that money to fully fund pupil growth formulas, which benefits districts that are experiencing an influx of new students. The plan also offers more flexibility in school schedules to provide for the decrease in class sizes.

The $5.2 billion package increases the state's share of education funding. According to the finance provisions in the law, most schools will receive a funding increase; however, those districts that do not have property tax referendums will gain the biggest share of the increase. Some districts, primarily those with high property values, will realize most of the additional revenues through an increase in property taxes.

A provision in the law repeals local referendum levies as of July 1, 1997. Currently, some seventy-percent of Minnesota's 411 school districts have referendum levies. If voters reapprove referendums, assessors will levy the taxes based on market values, reducing the property tax burden on commercial/industrial properties.

Changes in the property tax laws in the measure include a plan to shift Homestead and Agricultural Credit Aids (HACA) from districts of greater property wealth to "property-poor" districts. Proponents of the plan contend the equalizing effect of the shift creates greater fairness in the system. However, several suburban legislators opposed the plan. Sen. Gen Olson (IR-Minnetrista), the ranking Republican member of the Education Committee, said she opposed the HACA shift because the policy forces some districts to raise property taxes in order to maintain current levels of funding. "We should not go overboard in trying to equalize a property tax system that needs major reform," said Olson. "Reformation of the education finance system is needed," she added, "but it must coincide with reformation of the entire tax system."

One reform that gained the support of most lawmakers is a plan to modify or



Sen. Lawrence Pogemiller

Photo by David J. Oakes

Sen. Gen Olson

repeal several restrictive and unnecessary mandates existing in current law. Pogemiller said the repeal of the mandates promotes local flexibility and innovation in the classroom. The Senate Education Committee held numerous hearings during the session to determine which of the mandates should be repealed. Advocating further repeal of state mandates, Olson said she strongly supports allowing more decisions to be made at the local level.

Pogemiller pointed out that the law accelerates the development of new high school graduation requirements. He said the new graduation rule will provide accountability for the increased decision making authority that schools and teachers gain under the bill. The new graduation rule will apply to students starting high school in 1996.

To ensure that teachers are properly trained and ready to handle more authority, the law increases funding for staff development. The plan to increase staff development coincides with an "educational effectiveness" program, which aims to "increase meaningful parental involvement in site-based decision making; improve results-oriented instructional processes; create flexible school-based organizational structures; and improve student achievement." Another provision raises the statewide cap from eight to 20 on the number of charter schools, which give teachers and parents more control over budgets, staffing, curriculum, and teaching methods.

The educational needs of the diverse cultures in Minnesota gained the attention of Senators in 1993. Members developed a plan that directs the commissioner of education to appoint a 12-member Multicultural Education Advisory Committee to advise the Dept. of Education and the State Board of Education. The committee will provide information on department procedures for reviewing and approving plans for multicultural education, curriculum and instruction, performance-based assessment, learner outcomes, and other aspects of inclusive education.

Because of the lack of minority teachers in Minnesota's schools, Senators appropriated funds to train and recruit more teachers of color. As part of the "Teachers of Color Program," the commissioner of education, in consultation with the Multicultural Education Advisory Committee, will award grants for professional development programs to recruit and educate people of color in the field of education, including early childhood and family education.

The measure also includes a directive that requires the Minnesota High School League to submit to the Legislature a written report that analyzes "the extent of the opportunities available for women to train and serve as referees at league-sponsored events." Other aspects of the law include a framework for the development of family services and community-based collaboratives which aim to promote cooperation and gain efficiencies; a program for radon testing in schools; an expansion of the school breakfast program; the establishment of a task force on education for children with disabilities; and a teacher residency program.

While writing the new law, Senators recognized the need to identify additional innovations that provide sustainable reform for Minnesota's public schools. To meet this objective, legislators approved the establishment of the Coalition for Educational Reform and Accountability, which is comprised of a diverse group of individuals representing parents, business leaders, labor leaders, educators, and journalists, as well as education and government officials. Looking towards the future, the coalition's purpose is to "promote public understanding of and support for policies and practices that help Minnesota students attain world-class education outcomes and succeed in the 21st century."

Pogemiller and Olson both said that they look forward to next year's work on the Education Committee, meeting future challenges and making further improvements to Minnesota's public schools.

Senate Members --- 1993 Session

Party	Phone	Name	Room		Dist.
DFL	296-5981	Adkins, Betty A	309	Cap.	19
DFL	5537	Anderson, Ellen R.	G-27	Cap.	66
DFL	5713	Beckman, Tracy L.	301	Cap.	26
IR	5975	Belanger, William V., Jr.	113	SOB	41
IR	3903	Benson, Duane D.	119	SOB	31
IR	6455	Benson, Joanne E.	153	SOB	16
DFL	5094	Berg, Charles A.	328	Cap.	13
DFL	4261	Berglin, Linda	G-9	Cap.	61
DFL	2084	Bertram, Joe, Sr.	323	Cap.	14
DFL	2556	Betzold, Don	G-24	Cap.	48
DFL	9307	Chandler, Kevin M.	111	Cap.	55
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IR	4123	Johnston, Terry D.	117	SOB	35
DFL	5285	Kelly, Randy C.	122	Cap.	67
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IR	4120	Knutson, David L.	133	SOB	36
DFL	7061	Krentz, Jane	235	Cap.	51
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IR	4125	Lesewski, Arlene J.	135	SOB	21
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DFL	4191	Spear, Allan H.	G-27	Cap.	60
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DFL	8660	Stumpf, LeRoy A.	G-24	Cap.	1
IR	6238	Terwilliger, Roy W.	115	SOB	42
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