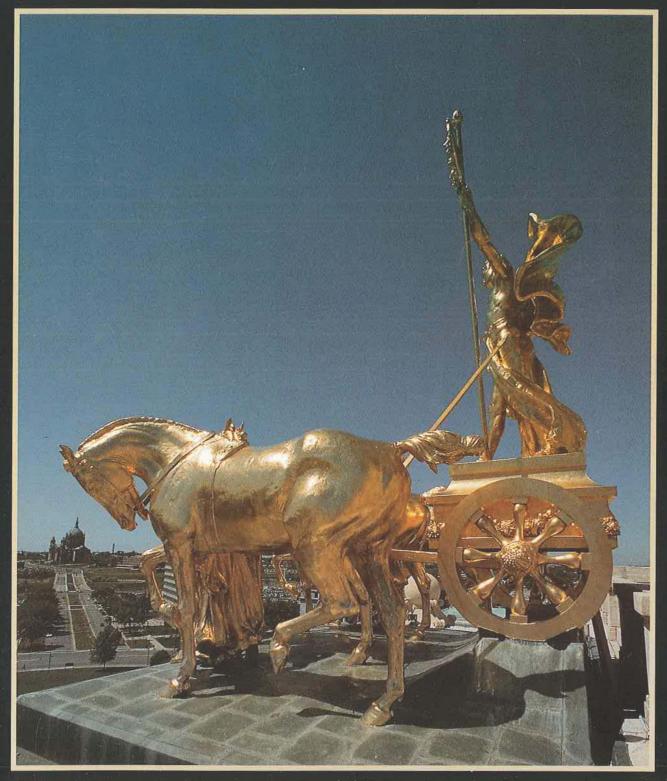
Perspectives

A Publication about the Minnesota Senate

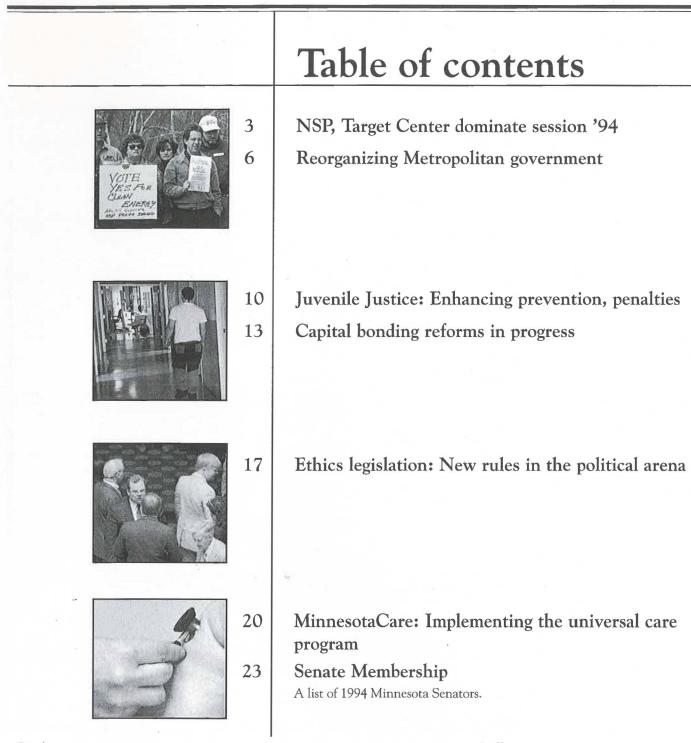
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On the cover:

The Capitol building's landmark quadriga will be removed this summer for extensive refurbishing. The golden rider and four horses will be missing from their accustomed vantage point for several months.

Photo by David J. Oakes.

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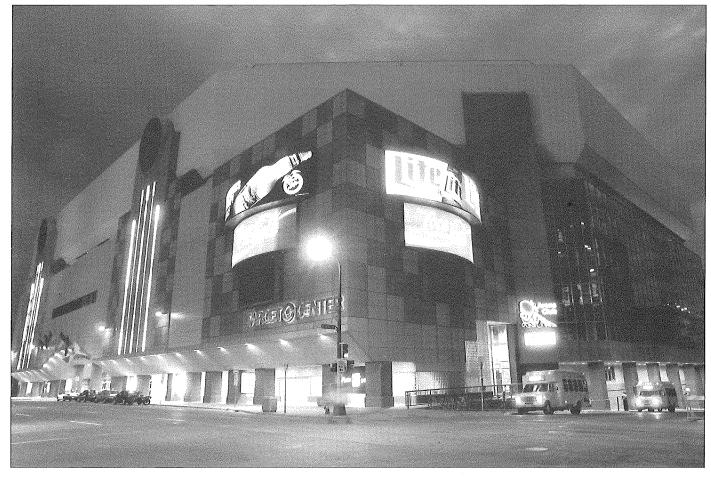
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Public ownership of Target Center hinges on the attempt to sell the Timberwolves.

NSP, Target Center dominate session '94

By Karen L. Clark

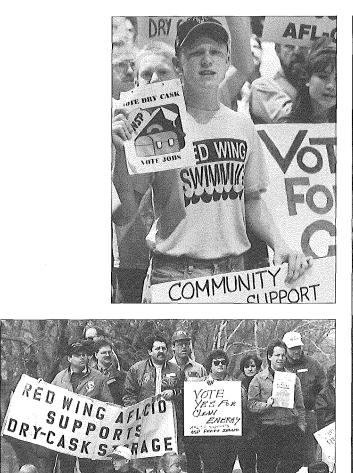
As the 1994 Legislative session drew to a close in the early morning hours Sat., May 7, it was evident that presession predictions of "a short, intense session" had been borne out. In addition to the normal course of legislative business--the formulation of the bonding bill for capital improvements, the changes to MinnesotaCare, changes to the juvenile justice system, revamping metropolitan government and enacting sweeping ethics legislation--two bills dominated the session. A bill to allow dry cask storage of nuclear waste at Northern States Power's Prairie Island facility and a proposal to provide for the buyout of

the Minneapolis Target Center were the focus of public attention during the closing days of the session. Public and media attention dramatized the legislative process for both proposals and generated unprecedented public debate.

Compromise versions of both bills were approved and sent to the governor on the last day of session. In fact, the vote on the Target Center bill was one of the last items of business before the Senate moments before adjournment.

Many legislators and veteran Capitol observers claimed that the proposal to allow dry cask storage at Prairie Island was the most divisive issue to come before the Legislature in many years. Proponents and opponents sparred throughout the session on whether the Legislature should authorize the storage

of nuclear waste. The Senate Jobs, Energy and Economic Development Committee had begun hearings on the issue months before the session began. Chair Steven Novak (DFL-New Brighton) authored a proposal to allow NSP to store nuclear waste in 17 casks at Prairie Island, to require the phaseout of nuclear energy production in Minnesota and to make a significant commitment to renewable energy sources. The measure was approved, defeated, altered, approved, amended and ultimately passed by the Senate. A similar proposal in the other body followed a similarly rocky path toward approval. The issue was resolved by a 10-member conference committee, repassed by both bodies and sent to the governor for signature.





The resulting measure, Chap. 641, gives NSP immediate authority to store spent nuclear waste in five casks at Prairie Island. The new law also authorizes four more casks after Dec. 31. 1996, if NSP has filed a license application for another storage site away from Prairie Island and is making a good faith effort to implement the site and if NSP has constructed, contracted for or purchased 100 megawatts of wind power. Under the proposal, an additional eight casks are authorized after Dec. 31, 1998, if NSP provides an additional 125 megawatts of wind power and 50 megawatts of biomass derived power. Further, NSP must provide an additional 200 megawatts of wind power and 75 megawatts of biomass power by Dec. 31, 2002. The new law also prohibits an increase in dry cask storage capacity in the state unless it is needed

RAGE

to accommodate the decommissioning of a nuclear power plant within the state and requires NSP to submit a detailed plan for the phase-out of all nuclear power. If a storage or disposal site becomes available outside of Minnesota, the new law requires the waste contained in the dry casks to be shipped to that site before the shipment of any waste from the spent nuclear fuel storage pool. In addition, if another site for storage becomes available, the law requires the contents of the dry casks located at Prairie Island must be moved immediately. The proposal allows the spent fuel storage pool at Prairie Island to be re-racked to increase pool storage capacity.

Construction of a new nuclearpowered electric generating plant is prohibited under the new law. The measure also specifies that if Prairie

Island electricity generation falls below 55 percent of capacity for three consecutive years, the plant must be shut down. The new law also requires that NSP must contribute two percent of its gross operating revenues from service provided in the state for energy conservation improvements. NSP is also required to provide a 50 percent electric rate discount on the first 300 kilowatt hours used by low-income residential customers. Finally, the measure establishes a task force to study future electric energy sources and costs and to make recommendations for legislation for an environmentally and economically sustainable and advantageous electric energy supply.

The other proposal that dominated the headlines during the last few weeks of the session was the bill providing for the public buyout of the Target Center

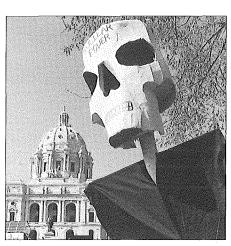
Photos by David J. Oakes





in downtown Minneapolis. The measure authorizing the buyout squeaked through both the House of Representatives and the Senate in the waning minutes of the session with only one vote to spare in each body, and was signed into law three days later. However, the new law, Chap. 648, may never go into effect because of the threatened sale of the Timberwolves basketball team to an organization in New Orleans. The law, as enacted by the Legislature, is contingent upon the Timberwolves organization signing a 30 year lease at the arena.

If the sale of the basketball team is not completed and the provisions of the new law do take effect, the new law provides for the purchase of the Target Center with the proceeds of \$42 million in bonds sold by the Metropolitan Council. Under the new law, the bonds are to be paid off by a 10 percent tax and a \$1 surcharge on all Target Center tickets. The measure also requires that the Metropolitan Sports Facilities Commission sign long term leases for the Target Center and requires full disclosure and due diligence on the part of the new owners of the Timberwolves basketball team, should the team be bought by local interests. In order to pay off the debt for the bonds, the new law specifies that the state contribute \$750,000 per year for 15 years and that the city of Minneapolis provide a guarantee with a backup tax on hotel, liquor and food. The backup tax is designed to "blink on" if revenues are not sufficient to pay off the bonds. In exchange for the state's \$750,000 commitment for the next 15 years, the new law requires that the Minnesota Amateur Sports Commission have use



The Prairie Island nuclear waste storage bill attracted protesters on both sides of the issue.

This page, top: Sen. Steven Novak

Left: The conference committee debated the bill at length.

of the arena for athletic events.

The chief author, Sen. Lawrence Pogemiller (DFL-Mpls.), said during his explanation of the conference committee agreement that the measure is not premised on any particular local owner of the basketball team, but that the bill does require a 30 year commitment to keep the team at the arena.

In addition, the new law requires changing the membership of the Metropolitan Sports Facilities Commission by adding two members, neither of whom may be Minneapolis residents. The new law also contains policy language expressing the hope that there will be future bonding for ice facilities for young people, particularly for female athletes. Also, if the backup tax blinks on, .25 percent of the tax is to be used for youth activities by the Minneapolis Park and Recreation Board.

Reorganizing Metropolitan government

By Jim Hoskyn

For nearly 30 years, the Metropolitan Council has been primarily responsible for developing long-range plans and coordinating region-wide responses to the issues facing the Twin Cities Metro Area.

That role is about to change. Starting July 1, the Metro Council will no longer be just a planning group. Over the subsequent three months, the council will assume responsibility for operation and management of the region's public transit and wastewater control systems.

This transformation is the result of the Metropolitan Reorganization Act of 1994, approved by the Legislature this session and signed into law May 10.

The reorganization act, which was introduced as S.F. 2015 and authored by Sen. Carol Flynn (DFL-Mpls.), eliminates the governing boards of the Regional Transit Board (RTB), the Metropolitan Transit Commission (MTC), and the Metropolitan Waste Control Commission (MWCC). Four divisions are established within the Metro Council - transportation, environment, community development, and administration. The responsibilities for providing and managing transit and wastewater disposal services, originally held by the abolished governing boards, are shifted into two of the newly-formed divisions.

"The Metro Council has been praised worldwide," Flynn said, in a recent interview. "This was one of the first metropolitan areas that set up an organization to address issues on a regional basis. We have had people from around the world come to see the Metro Council firsthand."

"But with all of that praise, I think it is interesting that no one has ever replicated this organization in other areas," Flynn said, "I think that others realized there was some kind of fatal flaw to the structure, and that flaw is the lack of accountability."

That need for accountability among the regional units of governments led to the introduction and eventual adoption of the bill, Flynn said. The Metro Council's 17 members will continue to be gubernatorial appointees and the legislation specifies that the members serve at the will of the governor. The act also clarifies that the members, except the chair, must reside in the Metro Area region they represent. The council chair is an at-large representative and has the primary responsibility for meeting with state and local officials and serving as the council's principal spokesperson.

The act also requires that the Metro Council establish an executive director position and select an individual to serve as the council's regional administrator. This administrator's responsibilities includes the day-to-day operation and management of the council's divisions.

Other provisions in the act set the annual salaries at \$52,000 for the Metro Council chair and \$20,000 for members, allow the council to acquire and own property, and shift various property tax levy provisions, used by the RTB to support public transit, to the Metro Council.

"The bill makes the governor directly accountable for the council," Flynn said, "and the Metro Council directly accountable for Metro Area issues."

While the reorganization occurs, Flynn said that "most people won't even notice that the change has taken place."

Sen. Ted Mondale (DFL-St. Louis Park), a co-sponsor of the bill and

author of earlier reorganization proposals, said the bill strengthens the positions of the Metro Council chair, as a regional policy-making leader, and the regional administrator, in directing the day-to-day operations of the council.

"I think that we moved farther with this bill than I thought we would," he said.

Certainly, legislative attempts to provide a responsive regional government system for the seven-county Metro Area are not new. Those attempts, extending back over the last 30 years, have recently taken on a new sense of urgency.

"Overall, there is the perception that the Twins Cities area is changing its character," Mondale said. "We are taking on many of the problems of a mature Metro Area."

The increases in population across the seven-county Metro Area provides some indication of the changes that are taking place. Since 1960, Minnesota's population has grown by more than 20 percent, from 3.4 million in 1960 to about 4.4 million in 1990. Over that same period, the state's population began to shift to the seven-county area. By the mid-80's, half of the state's population lived in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties.

While Hennepin and Ramsey Counties continue to be the state's most populous counties, it has been the rates of growth in the five other Metro Area counties that demanded regional approaches to the issues the population increases have raised. Since 1960, Dakota County's population has grown by 71 percent, while Anoka, Scott and Washington Counties have experienced increases of more than 60 percent. Carver County's population has more than doubled over that same period.

In anticipation of the impact that the population growth would have on the region's infrastructure and environment, the 1967 Legislature established the Metro Council as the lead organization in reviewing the long-term plans of all independent commissions, boards or agencies, if those plans had an effect on metro development. The council was required to review a variety of topics, ranging from air and water pollution controls to solid waste disposal, the region's tax structure to consolidation of local government services. Coordinating the activities among the more than

Photos by David J. Oakes

270 units of government that exist in the Metro Area was also a duty of the council.

Since that time, as new issues have emerged and other issues changed, the Legislature has occasionally altered the council's responsibilities. But the basic purpose has remained essentially unaltered over the years.

As the population has grown and changed, other factors have also come into play. Pointing to economic and community development as factors in the change in the council's role Mondale said, "We are also seeing growth in some areas and disintegration in others."

He said these kind of changes raise a concern that perhaps state and regional leaders have been unable to address the problem of providing transit services as the Metro Area has expanded. "We are the 23rd largest metropolitan area in the country, based on geographic size," Mondale said. "But we have not set up

Right: Sen. Ted Mondale

Below: Under the new Metropolitan governance statute, the Metropolitan Council is directly accountable to the governor.





links between where people work and where they live."

These kinds of issues have raised concerns among state and local officials about the Metro Council's effectiveness and ability to address regional issues.

From her own experience as a former member of both the MWCC and the Metro Council, Flynn said some of the impediments to the council's regional planning efforts came from elected officials. "When I served on the Metro Council, I didn't see myself being invited by county and local officials to take part in their planning," she said. "The elected officials didn't want the Metro Council to make any pronouncements and for the most part, they did not pay any attention to the work we did."

In response to various concerns, six different proposals were introduced during the 1993 session that called for the reorganization of Metro Area governments. All nine different regional agencies were mentioned in those proposals (which, along with the organizations involved in the 1994 reorganization, include the Metropolitan Airports Commission, the Metropolitan Sports Facilities Commission, the Metropolitan Mosquito Control Commission, and the Metropolitan Parks and Open Space Commission).

Mondale was the author of two of those bills. Both proposed making the Metro Council a public corporation and changing the MTC and MWCC to operating divisions of the council. One of his bills also placed the Metropolitan Airports and Sports Facilities Commissions under the council. The other proposed adding the Metropolitan Parks and Open Space and the Mosquito Control Commission to the Metro Council.

Another bill went so far as to propose abolishing nearly all regional units of government, including the Metro Council, and establishing a single policy board that would have the operational responsibilities held by all of the commissions.

Of the six proposals, only one survived the session. The last section of the last bill signed into law from the 1993 session was Flynn's proposal to establish a 15-member metropolitan governance advisory council whose responsibilities were to examine the present and future role of the Metro Council and other metro agencies in meeting regional needs.

Throughout the 1993 session and the work of the advisory council, there was a sense that reorganization was coming, according to Sen. Pat Pariseau (IR-Farmington). "This move, in the long run, was probably inevitable," Pariseau, who was both a co-sponsor of the reorganization bill and an advisory council member, said recently. "This bill really makes a drastic change in how the Metro Council operates. It does place a lot more burden on the governor to oversee what the Metro Council is doing."

An incident involving the RTB and Metro Mobility added to the impetus towards reorganization. Last October, the dispatching operations of Metro Mobility, a alternative public transit system serving Twin Cities residents with disabilities, was transferred from three firms under contract with the RTB to a single private contractor who would handle the dispatching duties for the entire system.

When Metro Mobility came under the new centralized dispatching system,

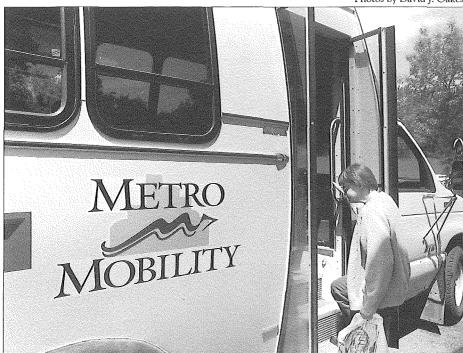


Sen. Carol Flynn



Sen. Pat Pariseau

Photos by David J. Oakes



One goal of the Metropolitan reorganization bill is improvement in programs such as Metro Mobility.

it nearly collapsed. A large number of Metro Mobility riders faced major delays in transportation or were unable to get rides. The governor eventually activated members of the state's National Guard to serve as drivers for the Metro Mobility buses until additional regular drivers could be hired.

The Metro Mobility incident added fuel to the advisory council's reorganization discussions. The incident raised questions over which regional bodies were accountable for the failure of the system. "The Metro Mobility situation couldn't have happened at a worse time for RTB_5 " Pariseau said.

The advisory council eventually recommended the reorganization proposal contained in S.F. 2015. Along with the changes that were approved as part of the final bill, the initial proposal called for a nonpartisan election, rather the appointment, of the Metro Council members.

Flynn said some members of the advisory council were particularly focused on electing a Metro Council, a provision which she also supports. "The elected council would have moved the council closer to the people," Flynn argued. "While the bill does not include the election, I think that we took a step in that direction."

Mondale agreed. "I think that it was surprising that there was as much support for electing the Metro Council as there was," he said.

But others did not support the

notion. Arguing against the election requirement as S.F. 2015 was consider in committee this session, representatives of county and local government groups opposed the provisions because it would lengthen an already confusing ballot. They added that partisanship would be a factor in the candidateselection process, regardless of the nonpartisan requirement.

Pariseau had opposed electing the members. "I would argue against adding another level of elected government," she said. "By appointing the members to the council, you can find the people who are the best-qualified to serve on the council."

But she added that the legislation does not add a new layer of government in the Metro Area, as some opponents had suggested. "This is a level that already exists," she said.

Pariseau said that there is some relief among local government officials in her southern Metro district over the shape that the reorganization has taken. She said that those officials have been accustomed to dealing with the Metro Council and understood their relationship to that organization. "When we began talking about metro reorganization," she added, "There was the concern that we would throw everything up in the air, see what comes down, and that's how reorganization would be done."

The Metropolitan Council's responsibilities have historically grown out of the necessity to develop regional responses to the transportation, environmental and community development issues that transcend local government boundaries. Now that it has operational and planning duties, how the council uses those duties to respond to Metro-wide issues remains to be seen.

Mondale said that he believes the reorganization legislation captured an opportunity that did not exist in previous years. He said that research shows metropolitan areas, like Detroit and Chicago, are failing because they have been unable to respond at a regional level. As those cities are, so the Twin Cities may be. "We are at a critical point in time," he said. "We are breaking new ground on what the right theory is and what the right answers might be. This is pioneering work."

As the Metro Council enters this new territory, it is certain that the Legislature will be watching. "We will be watching the appointing process, the duties they take on, and how well the divisions operate," Pariseau said. "We will certainly be looking at (reorganization) with caution to make sure that it's working."

Flynn believes that the legislation does provide what is needed for the reorganization to work. "Our goal," she said, "was not to attempt to solve the region's problems, but to provide a structure that can attempt to solve them."

Juvenile Justice: Enhancing prevention, penalties

By Kirsten Brooks

A major focus of this session was the increasing crime rate in Minnesota. Responding to increasing public concern over violent crime, the juvenile justice bill was passed to address the growing crisis in Minnesota. "Simply reading headlines tells you that younger children are committing more violent crimes," said Sen. Jane Ranum (DFL-Mpls.), chief author of the bill. The bill strengthens penalties for serious and repeat offenders by creating a new sentencing category, and funds prevention programs for juveniles who are at risk of turning to crime. Since 1973, the number of juveniles arrested for violent crimes has more than doubled, and the number of murder arrests of male juveniles has quintupled. By 1991, juveniles accounted for 43 percent of all arrests for serious crimes in Minnesota, according to a Supreme Court Task Force on Juvenile Justice.

Ranum identifies several social causes as the root of the crisis; in particular, younger parents, a society that has become increasingly violent, the proliferation of gang violence, the increased use of highly addictive crack cocaine, and the loss of community support systems in the 1980s. In addition to these social problems, there are structural weaknesses in the criminal justice system. Ranum said that she believes strongly that looking at the causes behind the crime is the key to changing these dangerous trends. "The hope is that if we have more effective programming in communities, then the kids' behavior won't escalate, and they won't go down the road to the adult system."

The bill reflects the recommendations of the Minnesota Supreme Court Advisory Task Force of the Juvenile Justice System, a two-year collaborative study by citizens, community leaders, law enforcement personnel, judges, and legislators. The current juvenile system has failed to provide substantial consequences for these violent offenders, according to Ranum. "Juvenile offenders are currently getting the message that this system is a joke and that there aren't going to be any consequences," Ranum explains. The



Sen. Jane Ranum

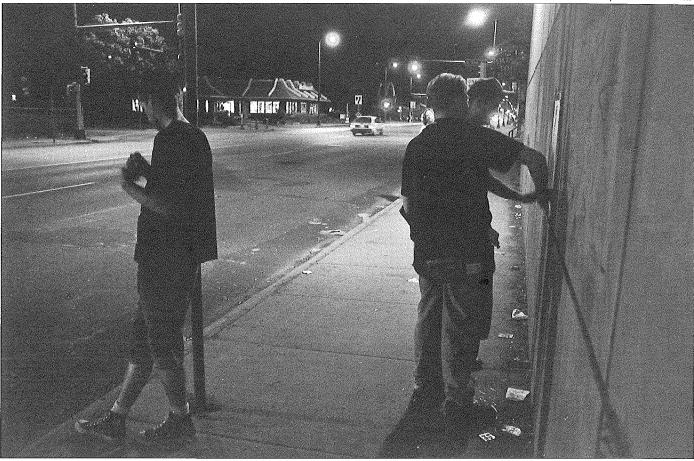
Photo by David J. Oakes

task force findings also indicated that a lack of adequate numbers of probation officers and judges caused a backlog of juvenile cases often prohibits swift and effective results. Coordination and communication between local law enforcement agencies have also proved problematic, according to the task force findings. The end result is "a system that doesn't hold offenders accountable," commented Sen. Patrick McGowan (IR-Maple Grove).

The task force recommended a stronger response system to serious repeat juvenile crimes, and a continuum of juvenile justice system response to juvenile crime.

The bill strengthens penalties for violent offenders, while funding prevention programs for at-risk juveniles. The bill makes it easier to certify juveniles to be tried in adult court for offenses that would typically send an adult to prison, and automatically certifies juveniles as adults for first degree murder. In an effort to strengthen consequences for violent offenders, penalties are increased for juveniles carrying assault weapons in public, for use or possession of a replica firearm or BB gun on school property, and for unlawfully transferring a pistol or assault weapon to a juvenile. In addition, juveniles convicted of a crime of violence are prohibited from owning firearms for ten years after completing their sentences. In a move to improve communication around Minnesota, the Bureau of Criminal Apprehension is given the ability to provide current juvenile criminal history data on a statewide basis. Efforts are increased in the bill to inform victims of juvenile crime of their rights in court, and to strengthen the right to counsel for all juveniles. The task force reports that 50 percent of juveniles in Minnesota courts do not have representation.

Responding to the problem of younger and more violent offenders, a new category is created, called the Extended Jurisdiction Juvenile (EJJ) for offenders between 14 and 17 years old who have committed serious or repeat offenses. The EJJ category gives the



New anti-crime legislation is directed at keeping juveniles out of trouble.

juvenile one last chance in the juvenile system, with the threat of adult sanctions if they don't comply. McGowan said that he sees this provision as one of the most important aspects of the juvenile justice bill. McGowan explains that the EJJ category says to the offender, "we're going to give you one more chance, but if you choose not to do the right thing, you are going to receive an adult sentence." The category holds juveniles more accountable and provides substantial consequences for their actions.

The juvenile justice bill adopts a philosophy of restorative justice that not only calls for protecting the public and holding juvenile offenders accountable for their mistakes, but also entails developing competency in offenders and reconnecting them to their communities. That idea, says Ranum, has evolved in Minnesota through increased awareness of the causes of juvenile violence. "The more the public is aware of the roots of violence, the more the public is willing to invest in prevention." The bill allocates approximately \$9 million to numerous crime prevention projects. Sen. Tracy

Beckman (DFL-Bricelyn), chair of the Crime Prevention Finance Division, said that the bill's funding shows a "significant response to the need for prevention and intervention by its support for community programming".

Several of the programs focus on community-based truancy action projects, providing coordinated intervention and education. "Truancy is a red flag for future escalation," Ranum said. Beckman also emphasized the need to support truancy projects. Statistics cited committee hearings indicate that there is a strong correlation that truants are more likely to become juvenile offenders.

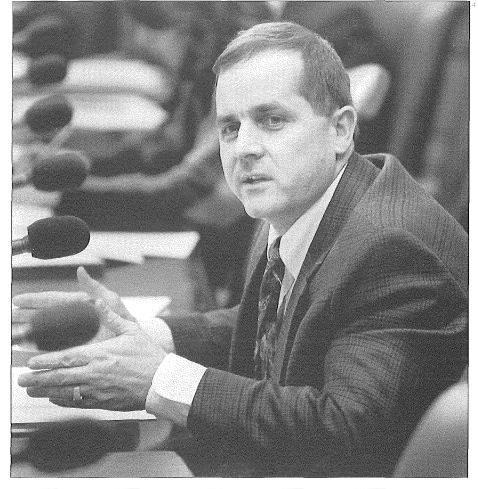
The bill invests in community projects providing early intervention for juvenile offenders and probationers, and a supporting network of community services. This network may include peer tutoring, skills building, adult role model matching, entrepreneurship programs, group home services, and counseling for female offenders and their mothers. Through the Dept. of. Education, \$1 million goes to violence prevention education grants, and \$2.2 million is earmarked for high-risk violence prevention program grants.

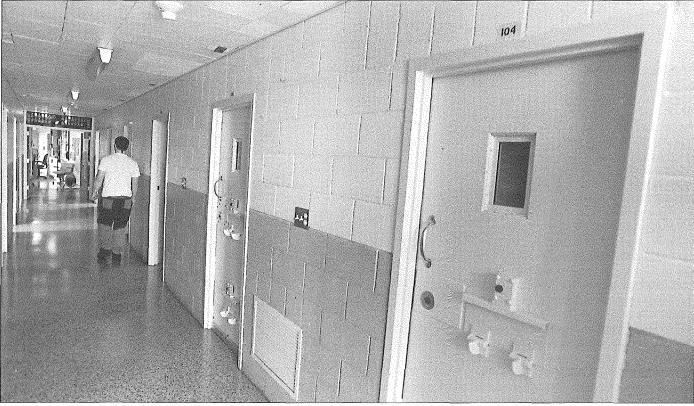
Both McGowan and Ranum have firsthand access to juvenile offenders. McGowan is a sergeant with the Minneapolis Police Dept. and Ranum is a Hennepin County prosecutor. Looking at the cases she handles daily, the offender's profile is evident to Ranum. Over 80 percent of repeat violent offenders are seriously abused as children, and 98 percent have some history of chemical dependency, according to Ranum. "We have to try to understand why the juvenile is acting the way he is, and help him get help." McGowan also wants to provide programming for juveniles, as well as make offenders responsible for their actions. "For repeat violent offenders that continually blow their chances, the system needs to hold them accountable," McGowan stated.

Overwhelmingly approved in the Senate by a vote of 62-0, the bill's appropriations total \$13.86 million. However, \$4.6 million was vetoed by the governor. The funds were intended to support public defenders, additional judges and probation officers. In his letter to the Legislature, the governor cited a lack of financial planning on the Legislature's part and the need for a healthy and balanced budget as reasons for the veto. "We can't look at the bill in a vacuum, we need to look at the whole fiscal picture," McGowan explained, "unfortunately, there are a finite number of dollars, and tough decisions have to be made."

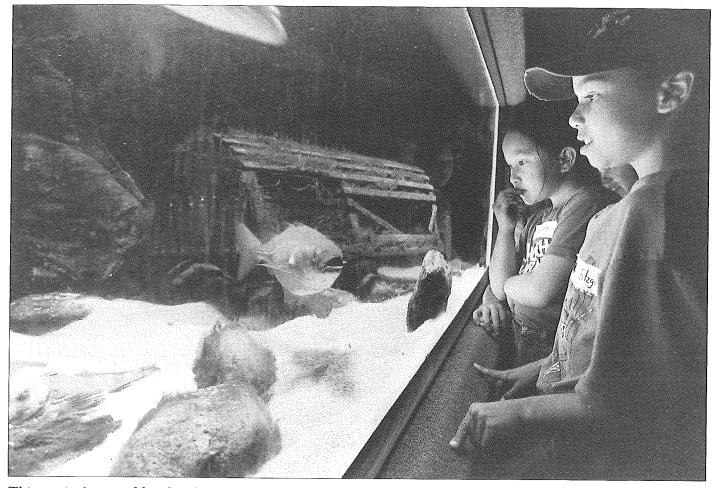
Several Senators, however, believe that the veto significantly curbed the bill's effectiveness. Beckman said that he had hoped for an "immediate response," without added bureaucracy, to the overloaded criminal justice system. Ranum explained, the governor "gutted out the funds for the people that can make the bill work." Despite differences of opinion on the budget cuts, Senators are optimistic about returning for the budgeting year to increase funding for public defenders, judges, and probation officers.

Budget cuts notwithstanding, supporters said that the bill sends a strong message to serious repeat offenders and supports community programming to divert juveniles at risk of entering the juvenile justice system. Beckman said that prevention programs are a wise use of funds: spending on them now saves the state ten times more in the future. He continues, "they are an investment in the future."





Top: Sen. Patrick McGowan Above: This year's crime bill provides for a 30-bed secure detention facility for violent juveniles at Red Wing.



This session's capital bonding bill funds a Marine Education Center at the Minnesota Zoo.

Capital bonding reforms in progress

By Carol Gardener

As in every even-numbered year, the 1994 legislative session had as its centerpiece the capital bonding bill. One of the chief responsibilities of the Legislature in even-numbered years is to authorize the sale of bonds for the state's bricks and mortar projects. Presently, the Legislature is changing the process by which it decides which capital projects are to be selected for bonding authorization. This year's bonding bill is the product of a reform process that has been taking shape over the past several years.

Sen. Gene Merriam (DFL-Coon Rapids), chair of the Senate Finance Committee, has led the committee in countless hours of discussion about refining and tightening the Legislature's fiscal processes. In recent history, Merriam has spearheaded a Senate initiative to infuse the capital bonding process with a longer-term outlook.

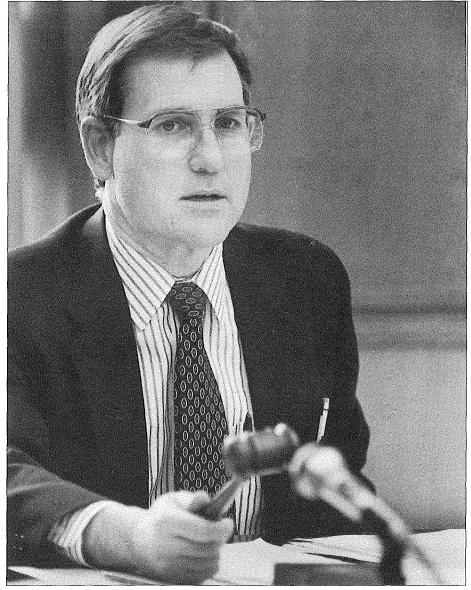
The cornerstone of the capital reform plan Merriam has been promoting is a six-year planning cycle for capital needs and expenditures from which all the contributors and decisionmakers in the process work. The goal is to back up the process so that the governor's preliminary recommendations are released to the Legislature in September, and final recommendations in January or February. Although preliminary recommendations were not released in time for early consideration for the 1994 session, some information about departments' needs was released in time for pre-session consideration by legislators. Even though the process didn't work perfectly the first time, Merriam is largely pleased with this year's improvements. "This year's capital budget is the first step in a reform process," Merriam said.

The payoff for adhering to a six-year planning cycle and pushing the recommendation process back to the fall is that legislators receive more in-depth information about state agencies' needs and time to consider the governor's recommendations before the crush of the legislative session. In addition, having a long-term process in place fosters cooperation between the executive and legislative branches.

As important as the Legislature's role in reforming the capital budget process is, Merriam is clear that it can't carry out that role without a high degree of leadership and cooperation from the governor and executive branch staff. "What I've said for years," Merriam said, "is that if the administration doesn't do a good job of presenting a long-term perspective and developing a capital budget, the legislature certainly never will."

As Merriam points out, the dynamics surrounding the capital bonding process are unlike those of any other legislative task. Capital projects by their nature engender a high degree of local political interests. Each proposed bridge, each community college building, is in only one Senator's district. One project often has the strong support of one or two Senators. For that reason, the Legislature has heard frequent charges in the press that the bonding process is dominated by pork barrel politics and political dealmaking.

The capital budget process can also be shaped by the natural tension of the budget allocation process and by the constitutional requirement that the state's budget be balanced. The bonding process, because it is separate from the operating budget and not subject to the same budget-balancing requirement, could to some extent be used to relieve the opposing pressures of public demand for services versus reluctance to accept increased taxes to pay for those services. For this reason, the Legislature follows a self-imposed



Sen. Gene Merriam

guideline that limits bonding bills to three pecent of general fund revenues.

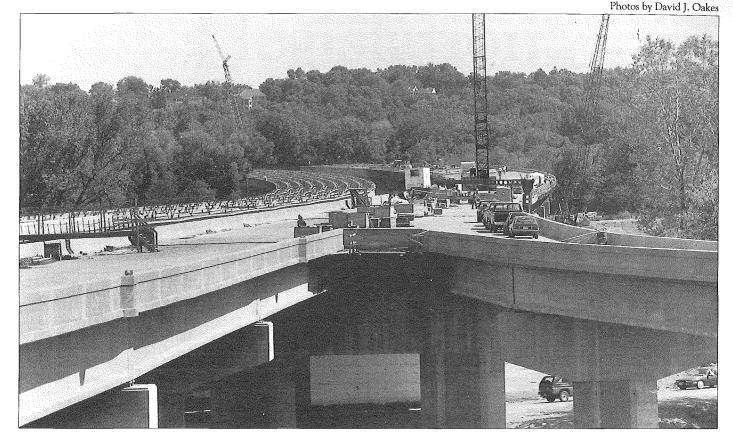
"Ideally," Merriam said, "people start thinking of budgets and resource allocation decisions, whether it's capital budgets or operating budgets, as dynamic rather than static. You're making decisions sequentially over a period of time in a rational fashion rather than just making decisions based on the considerations of the day." The outcome of that change from static to dynamic thinking, Merriam said, is that "there is better management of where the state is spending its money, and there's better integration of our capital budget and our operating budget."

Merriam cites the state's leasing of office buildings as an example of how improving state government's collective long-term perspective can save public dollars. On any one year's balance sheet, leasing a building is usually cheaper than purchasing it. Over a period of several years, however, the state's ability to borrow money at below-market interest rates makes purchasing a hands-down winner. The need to pay attention to situations like this, Merriam said, exists because the process of narrowing down needs to fit available resources doesn't naturally favor low-profile administrative needs. "There's not much political constituency for state office buildings," Merriam said. "They always get crowded out when the time comes to decide which projects receive scarce resources."

Merriam's efforts to reform the bonding process enjoys strong backing from Senate Majority Leader Roger Moe (DFL-Erskine). Moe is a former Finance Committee chair and a staunch supporter of tightening the fiscal reins.

Moe says that Merriam has done a good job of educating the Legislature on how to make the budget process a sustainable one by maintaining modest budget growth. In addition, he said, the effort to rethink the capital budget process from a big-picture standpoint has been effective. "I suspect you'll never get away from an individual legislator wanting a particular project for their district," Moe said. "But we have done a lot more thinking about what kinds of projects are needed that have a statewide impact. I think that has worked."

Sen. Gary Laidig (IR-Stillwater) shares the enthusiasm for the reforms that are in progress, as well as some of



the workload that has resulted. Laidig, a member of the capital budget subcommittee and the bonding conference committee, said he believes that the changes being made improve access to the legislative process and provide a better quality bonding packages. "Underlying everything," Laidig said, "you have to have a process that everyone understands," he said. "People may disagree with the plan, but they understand it, and it's fair, and they have a shot at it. Second, the system has to be as fair as possible."

Laidig, while acknowledging that the bonding process will always be a political one, believes that the changes being made are indeed resulting in a stronger, merit-based process. "You're never going to take the politics out of politics," Laidig said. However, he added, "I think we're getting to a system where merit is more important than politics. I'm very proud of the Senate. We came in with a very solid, sensible, fiscally sound proposal. I think we were fair in how we spread the money."

The bill that emerged from the bonding conference committee authorizes the sale of \$650 million in bonds.

The bill, signed by the governor May 16, includes \$72 million for corrections, most of which is for expanding prison



Top: Helping finance the new Bloomington Ferry Bridge was a priority item for the 1994 bonding bill.

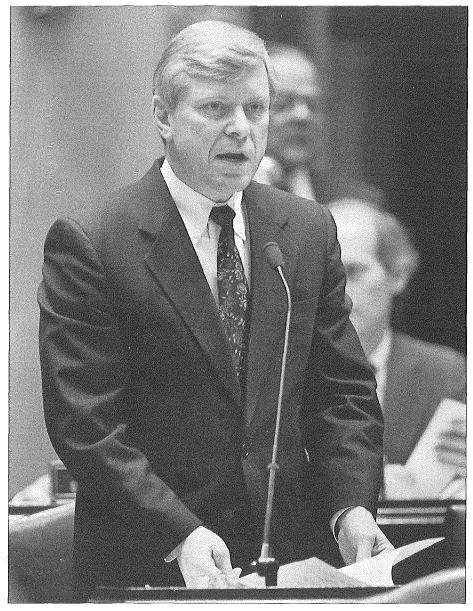
Above: Sen. Gary Laidig

capacity. Included is \$19 million for completing the conversion of the Moose Lake regional treatment center into a medium security prison and \$2 million for constructing a new 30-bed facility at Red Wing for detaining violent juvenile offenders. Dept. of Corrections officials have testified frequently in recent years regarding the inadequacy of the current cottage facilities for secure detention of violent offenders. Another \$16 million is provided for grants to counties for constructing secure juvenile detention and treatment facilities.

The bill's bonding authorizations for higher education include \$68 million for the University of Minnesota. Twenty-five million of that amount is for construction of a new facility on the Minneapolis campus to house the Carlson School of Management. Thirteen million is for reconstruction of the Mechanical Engineering building.

For other state universities, \$57 million in bonding is authorized, including \$20 million for a new library at Winona State University. The bill also authorizes \$12 million for remodeling and rehabilitation of two Metropolitan State University buildings and a power plant.

The bill also provides \$45 million for the state's technical colleges. Twenty-one million of that amount goes to Brainerd Technical College for construction of a joint campus with Brainerd Community College and \$10 million goes to Duluth Technical College for remodeling and construction of a campus integrated with the



Sen. Roger D. Moe

Duluth Community College Center. The bill authorizes \$36 million in bonding for community colleges, including \$10 million for building projects at Normandale Community College, \$8 million for Cambridge Community College Center, and \$6 million for North Hennepin Community College.

The new statute maintains the Senate's position that one-third of the funding for building projects for program-related space for higher education institutions be raised by the institution. The House of Representatives had adopted the position that such building projects be fully funded by the state.

The package's bonding for transportation totals \$58 million. The longawaited Bloomington Ferry Bridge project receives \$7 million of that amount. The bill includes \$10 million for matching a federal grant for preliminary engineering and final design of light rail transit in the central corridor between downtown Minneapolis and St. Paul; and \$13 million for trunk highway facilities projects, such as truck stations and rest stops. The bonding bill also includes some non-bonding transportation items -- a \$12 million appropriation from the trunk highway fund for replacement of local bridges that do not meet standards or do not meet the needs of the communities that use them, and a \$14 million appropriation from the trunk highway fund for remodeling of the Dept. of Transportation building.

The bill includes \$58 million in bonding for natural resources projects, including \$11 million for construction of environmental learning centers; \$10 million to the Metropolitan Council for improvements to the metropolitan parks system; \$4 million for dam improvements; \$4 million for wildlife and natural area land acquisition under Reinvest in Minnesota (RIM), as well as \$2 million for capital improvements to RIM land; \$4 million for trail acquisition and development; \$2 million for rehabilitating state park buildings; and \$2 million for flood relief projects for public lands.

Merriam sees this year's bonding bill as a large step in the right direction, with very little pork barrel politics involved. Now that the reform process is in place, Merriam said, "We're looking at big picture, long term considerations instead of just cutting political deals."

Ethics legislation: New rules in political arena

By Catherine Ryan

One of the first pieces of legislation signed into law this year, the ethics reform bill, dramatically changes a time-honored tradition between lobbyists and legislators. As of Aug. 1, lobbyists are forbidden from giving "freebies"-- gifts, meals, entertainment, lodging--to legislators. "This will really change the culture around here," said chief Senate author, John Marty (DFL-Roseville).

Intended to break the ties between big money and politics, Marty said that he believes the new law provides a level playing field for all involved in the political ball game, not just those with deep pockets. "A lot of the wining and dining will end as a result of the new law," Marty said.

Although deceivingly simple in language and brief in length, the impact of the legislation is significant. Lobbyists, legislators, staff, and citizens' groups agree that the new law changes a long standing custom that was never before questioned. The gift ban ends what is frequently thought of as old school lobbying: free lunches, cocktails, dinners, and tickets to sporting events. Not that legislators are expected to go hungry--lawmakers can still eat at the same table with lobbyists, but the lobbyist can't pick up more than a \$5 tab. As Sen. David Knutson (IR-Burnsville) said, "from now on it'll be Dutch treat."

The prohibition applies not only to lobbyists and legislators, but also to the lobbyists' principals and to legislative employees. In the past, legislative staff, who are often influential, were able to accept the same invitations that lobbyists extended to legislators. On the state level, the lengthy list of those banned from accepting meals or gifts includes constitutional officers, commissioners and deputy commissioners, members and chief administrative officers of state boards and commissions, and other agency heads. Marty points

Photos by David J. Oakes



The relationship between lobbyists and legislators was extensively debated during the 1994 legislative session.

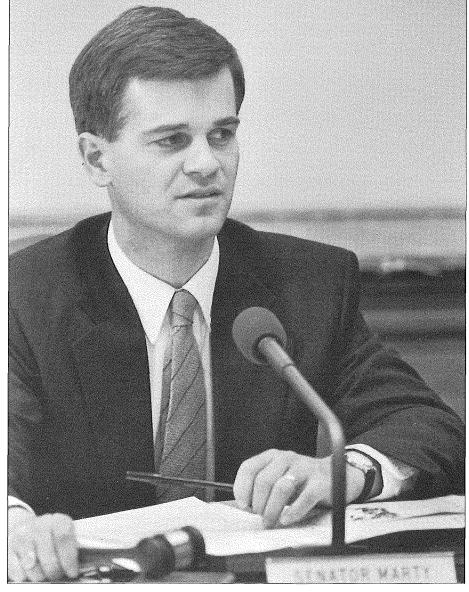
out that the ban has applied to the executive branch for several years, and that in the interest of fairness, the prohibition should apply to other positions as well. "It's time to end the double standard and require legislators, the governor, executive branch commissioners and local officials to live under the same rules," Marty said.

Outside the Capitol walls the ban applies to "interested persons." Senate Majority Leader Roger Moe (DFL-Erskine) explains that this approach is necessary because lobbying doesn't exist on a local level. But "interested persons" are plentiful in the local arena, and a real estate developer will no longer be able to take the mayor of a city to the local golf course for a round, followed by drinks and steak.

There are exceptions to the rule, of

course. The law does not apply to gifts of "insignificant value." Thus, plaques mementos, souvenir coffee cups and pens are still allowed. But the traditional trip to Duluth is now a part of history. So are season tickets to the professional sporting events. According to Senate Counsel Peter Wattson, the bill is intended to end certain practices, vet allow others to continue. For example, if an organization provides a meal to a Senator while he or she is participating in a program, such as making a speech or fielding questions, the ban does not apply. The language is such that exchanges with community and service organizations may continue, along with coffee klatsches in town cafes.

Heated debate surrounded the bill even before it was presented by Marty



Sen. John Marty

in the Senate Ethics and Campaign Reform

Committee last March. Opponents complained that the bill paints a characture policy makers as self-serving politicos, bought off by special interest groups while hoodwinking a naive public. Many officials were insulted by the implication.

Privately, some lawmakers felt that a vote for the bill signaled an admission of some sort of guilt. Nevertheless, the bill passed out of the Senate without a single dissenting vote.

Almost unanimously, critics claimed that a cynical press, particularly columnists and talk show hosts, is responsible for creating and fueling a phoney issue. "The general public perceived, and I underline the word "perceived", that legislators and lobbyists have, over the years, become too cozy," said Senate Minority Leader Dean Johnson (IR-Willmar). "The whole ethics thing was driven by the media, particularly down here among the metro media it was an absolute feeding frenzy," Johnson continued. Many legislators agreed with Johnson's analysis, stating that people in their districts had more pressing concerns, "real issues, such as jobs and taxes." Opponents also argued that there is no evidence of abuse.

But some Senators, especially amongst the newer ranks, disagree. "I think the problem is there," said Sen. Steven Morse (DFL-Dakota), "but it's not an overt problem..it's one of coziness and familiarity." Morse, who coauthored the bill with Marty, contends that relationships play a part in how officials operate. "Sometimes people are inclined to do things based on relationships, rather than on what's good for the state or their district," Morse said.

According to Johnson, in the 15 years he's been in office, he's only heard once from a constituent regarding ethics. "Having said that," Johnson continued, "Can we clean things up, yes. And we can go even further than we've gone this session...for example, looking at a system of rotating committee chairs." Even Marty acknowledges that constituents have never contacted him with concerns about how legislators and lobbyists do business.

Marty's focus, however, is not on complaints from voters, cynicism from the press, or insinuation. His question is two-pronged: Are officials being unduly influenced by the very nature of old fashioned lobbying--persuasion, and do those lobbyists have greater access to policy makers by virtue of providing incentives? Marty maintains that both thoughts are true.

"It's more than perception," Marty says. "It's human nature. If someone thinks that a person can take me out to dinner, do all kinds of favors for me, and that those things aren't going to have any, even a subconscious effect on my thinking, then they are not understanding basic human nature."

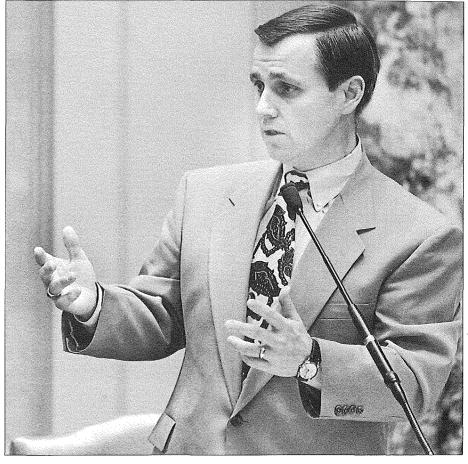
Human beings respond to people with whom they have established relationships, Marty said. He uses the analogy of phone messages on an answering machine. "When you arrive home in the evening and you have five messages on your machine, four from unknown callers and one from someone you know, who has been friendly to you in the past, that's the person you're going to respond to."

Marty finds it peculiar that holding office provides him with gifts and favors from those he refers to as "professional friends." He argues that these individuals are giving something to get something. "Frankly, they knew no more about me than they did about my next door neighbor until I got elected. And if, as others would say, their gestures don't make any difference, then why do they waste their money? I have yet to know a person who gives away money without any concern to whom he's giving it."

Sen. Don Betzold (DFL-Fridley), one of the first to support the reforms, echoes Marty's sentiment. He said, "When I was elected in Nov. of '92, I started getting a flood of mail inviting me to all kinds of things." Betzold cites the example of the state high school hockey tournament. "A few years ago that was the hottest event in town and nobody could get tickets to it...even the schools participating couldn't get them." But, Betzold said, an application for free tickets arrived in his mail suddenly after being elected.

"Then I got this invitation to go up to Duluth. I thought that was odd...I'd never been invited to go to things like that, all expenses paid. It struck me as being something I ought not be doing," Betzold said. He reasons that these items are being offered because something is expected in return.

That something is access, Marty claims. "The problem is that the people



Sen. Dean E. Johnson

who don't have health insurance aren't showing up to buy me lunch, and the people who need a better minimum wage aren't buying me Vikings tickets," Marty said. He's all for lobbyists presenting their views, but "they shouldn't be able to have extra advantages because of the money they spend."

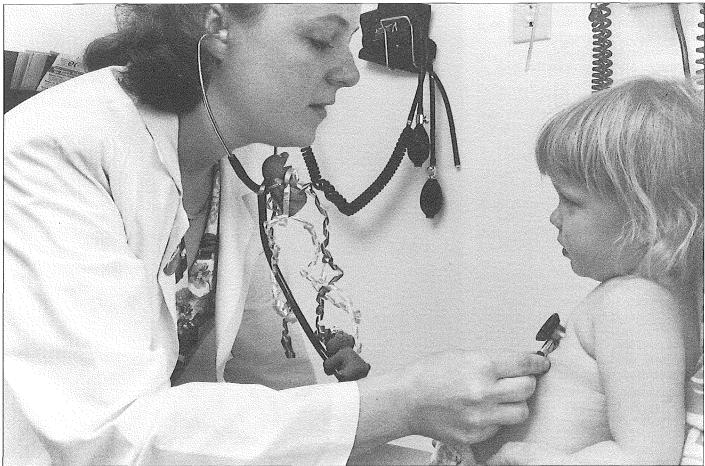
Some people agree, particularly those who represent citizens' groups, such as the League of Women Voters. Jane McWilliams, a representative of the league testified in committee hearings that such groups have a more difficult time getting a Senator's ear. The reasons, she explained, are twofold. First, the league, and groups like them, are volunteer operations and don't have ever-present staff. So when a bill is heard in committee at 11:00 p.m., and the league representative has long since gone home to put her children to bed, the paid lobbyist representing the insurance industry remains. Secondly, when a lawmaker must choose to book his or her time with either gift bearing lobbyists or empty handed volunteers, it is difficult to say "no" to the former, particularly if that lobbyist has already established a friendship with the

Senator. That's an unfair advantage, says the League.

Contrary to what one may expect, many lobbyists agree with Marty's bill. There are numerous firms that provide information to legislators, absent the perks. For the "informational lobbyists" the legislation doesn't much change how they operate. It will, however, provide a level playing field among lobbyists. Referring to the unrepresented and the under-represented, Marty says, "People who are disadvantaged and have less access to the process will be better heard now. Those who lobby for them will have equal access." The bill filters out some of the noise and clamor that accompanies influenced based lobbying, as firms are forced to move toward facts and figures.

The notion that there is no evidence to support the claim that an actual problem exists perplexes Marty. "Then why so much resistance?" he wonders. Marty sees the bill as a proactive stance, not a reactive one. Marty asks, "Why wait until there is trouble? This is a chance for us to do something to avoid problems...it benefits all of us."

Photo by Gina Dabrowski



Providing access to quality, affordable health care for all Minnesotans is a goal of MinnesotaCare.

MinnesotaCare: Implementing the universal care program

By Bruce Nustad

Government-provided universal health care coverage is a highly debated topic among government officials, corporations, small businesses, and citizens alike. The consensus by nearly all involved parties is that the citizens of Minnesota should have access to quality, affordable health care. In recent years, the state of Minnesota has taken steps to make the theory of universal coverage a reality by developing a state health care program called MinnesotaCare.

The concept behind the program is simple, but the specifics are extremely complex. Among the largest of the complexities, is how to fund a massive state government health care program. Questions relating to the structure of the health care system and the means of funding a universal care program provide a challenge to elected officials. The state of Minnesota has committed itself to providing universal health care coverage to all citizens by 1997. Sen. Linda Berglin (DFL-Mpls.), the author of the MinnesotaCare implementation legislation in the Senate, allocates much of her time and energy to the program. In the 1994 legislative session, modifications to the program were put into law. However, the issue of future funding was not resolved and still remains in question.

As of May 1, 1994, 69,566 Minnesotans are enrolled in the MinnesotaCare

program, enacted in 1992 to provide universal health care to the citizens of Minnesota. In 1991, the Legislature took on the enormous task of creating such a program. This year, like last year, the Legislature passed a bill that further implements the MinnesotaCare program. The goal of the MinnesotaCare program is to provide universal access to health care for all state residents while bringing down the rapid escalation of health care costs. In its first two years of work, the MinnesotaCare program has provided more than 68,000 Minnesotan families with preventive and emergency health care, at a total program cost of \$18.924 million. As estimates of a total program cost in 1994 reach \$68.306 million, the

funding dilemma becomes evident.

The MinnesotaCare program is considered one of the most progressive health coverage programs in the United States. Last year the Legislature was awarded the first-ever Merck State Legislative Achievement Award for the legislation. The program has caused an impact on the cost of health care that reaches beyond the state-run program. Medical cost increases for this year, originally projected at 10 to 12 percent, are actually between zero and five percent. In 1993, Minnesota ranked 21st in the nation for total health care expenditures at \$14.358 billion. Back in 1980, that figure was \$4.662 billion, or 16th in the nation. Businesses in the state paid out \$5.151 billion for employee health care in 1993, as opposed to \$1.661 billion in 1980. The state of Minnesota expended \$392.684 million in 1992 on health care, which equates to \$87.85 per capita. Although the overall cost of health care remains high, it appears that MinnesotaCare is making progress toward its goal of cost containment.

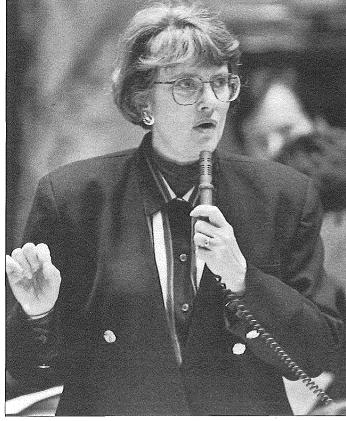
The health care implementation package signed into law this year makes numerous changes in the MinnesotaCare program. Included is

the establishment of a July 1, 1997, deadline for the restructuring of the health care delivery system and financing system for the program. The law also allows integrated service networks (ISNs) and community integrated service networks (CISNs) to organize and provide medical services comparable to those offered currently by Health Maintenance Organizations (HMOs). In order to collect data and consumer comments on the system in the form of health care quality report cards, an office of consumer information is created. Another provision in the new law delays the full implementation of the all-payer option for one year. The all-payer option is a coverage option for those who are not covered under an ISN plan. The option also regulates the rates that may be charged for the plan and does not take effect until January, 1996, with the full implementation taking place in mid-1997. The commissioner of health must provide the Legislature with a list of recommended standard benefits for health care plans. Along with that provision, all companies providing health coverage must offer the standard benefits by 1996, and may only offer those benefits, plus cost-sharing and

supplemental coverage after July, 1997.

The new law requires the commissioner of human services to develop plans to incorporate public health care programs into the all-payer option and the ISN system to integrate the state health care programs with each other. The Health Care Commission is required to make recommendations on the long-term funding of the program. A provision in the law mandates that health care providers achieve public health goals, as set by the commissioner of health. The law also authorizes the formation of locally based and controlled health care cooperatives. The organizations may include health care providers, businesses, units of local government, and health care consumers. Loans for starting up CISNs are provided for under the law. The loans are also designed to assist rural health care initiatives.

The financial provisions of the law allow enrollment of households without children to begin on October 1, 1994, if household income is under 125 percent of poverty level. Households with income of up to 275 percent of poverty level may enroll after October, 1995. Providers who service college and universities are exempted from the two



Sen. Linda Berglin



Sen. Duane Benson

percent provider tax currently passed through to the consumer to fund the program. The governor line-item vetoed a portion of the bill which transferred \$20 million from the health care access fund to the general fund. Essentially, the veto slows enrollment into the program and brings the health care deficit account up to an estimated \$98 million by 1997.

Berglin has earned a reputation as a tenacious fighter for universal and affordable health care. Berglin contends that a stable source of funding must be established if the program is to survive. Berglin said she sees the restructuring of the health care system, and its financing, as essential for a costeffective MinnesotaCare. The main obstacle to obtaining universal coverage is no longer the resistance by the health care industry, Berglin said, because the industry knows it must change. Rather, she cites the state's lack of long term financial commitment for the program as a major hurdle. Currently, the program is funded through a two percent provider tax. Every time a person seeking medical treatment is billed, a tax of two percent is added to their bill to fund the program. Berglin introduced legislation this year eliminating the two percent tax on providers and replacing it with increased income taxes on families with a personal income of more than \$200,000 and individuals who make more than \$100,000. The bill passed in the Senate, but was not acted on by the House of Representatives.

Berglin advocates revenue sources such as income taxes, cigarette taxes, payroll taxes, and provider taxes to fund the program. "The funding mechanism must be diverse," said Berglin. Berglin is satisfied with the bill that was signed into law this year, saying that it allows one-half to two-thirds of those eligible for the program to be enrolled by 1996. The new law "provides tools to rural communities," Berglin said, "by allowing rural health care cooperatives to form, administrative health care cooperatives to form, as well as providing funding for technical assistance to rural health care cooperatives."

Sen. Duane Benson (IR-Lanesboro) has continually worked with Berglin on the health care issue in order to insure political and economic balance remain in the initiatives. The road to reform has been rocky, despite the cooperation between the political adversaries. In early March, Benson had his name

removed for the MinnesotaCare implementation bill following the adoption of amendments that he said killed essential cost containment. Benson differs with other MinnesotaCare proponents in the funding mechanism for the program. Benson said that more of a correlation should exist between what causes health problems and the funding mechanism for the program. "An income tax driven source has no connection to health problems, a cigarette tax is better," said Benson. According to Benson, the two percent provider tax is health-related but does not provide enough revenue to fund the demands for the program, nor does it encourage healthy lifestyle changes. The cigarette tax notion has been introduced each of the past two legislative sessions. Once again, in 1994, the proposal did not make it through the legislative process. Benson said that two-thirds of smokers want to quit and do not oppose a cigarette tax increase to fund MinnesotaCare. Benson estimates that an additional tax on cigarettes can generate \$244 million in revenue, enough to fund the program without increased income taxes. Benson said one out of every six dollars spent on health care by the state can be attributed to problems related to smoking. "Only through habit and lifestyle changes can MinnesotaCare be effective," said Benson.

Sen. Douglas Johnson (DFL-Cook), chair of the Senate's Taxes and Tax Laws Committee, is a strong advocate of funding the program with income taxes. During the committee's hearings on MinnesotaCare, Johnson cited lack of action by the governor as an obstacle to funding the program. He said that the governor, who has said he is committed to universal health care coverage, has failed to make tough decisions on a broad-based funding mechanism for the program because of the upcoming election. Representatives from the governor's office contended that the 1994 legislative session was too short for the decision on funding to be made. Along with income taxes, Johnson insists that structural reform of the health care industry must take place in order to contain the costs of care. At the current rate, 30,000 eligible Minnesota citizens will not be able to be enrolled in the program by July 1, 1994 because the funding will not be there, he said. Johnson said he stands firm in his conviction that broad-based

income taxes are the most desirable and equitable source of funding for the program. "The program needs a large source of funds. Income taxes seems to be the equitable way," he concludes.

This past session Johnson introduced a bill transferring \$75 million from the general fund to the health care access reserve account. Johnson's bill is a reaction to current provisions in law that reduce the enrollment rate of the program. According to Johnson, "the bill puts MinnesotaCare back on track with its commitment made two years ago when it was passed into law." The bill made it through the legislative process, but was vetoed by the governor in the name of budget control.

The chair of the Health Care Committee Funding Division, Sen. Don Samuelson (DFL-Brainerd), said the state is trying to change the health care system too much, thus incurring far too much expense in the process of providing universal health care. "The cost of the [implementation] bill is out control. Too many administrative jobs have been created and the bureaucracy has increased too much," said Samuelson. As far as funding goes, Samuelson said the provider tax is not fair because it taxes the sick. Samuelson objects to funding the program with transfers from the general fund, as proposed by Douglas Johnson, because the program is then competing with other important programs for state dollars.

Despite his reservations about reforming the current health care system, Samuelson promotes the use of broad-based income taxes to fund MinnesotaCare. Additionally, Samuelson said provisions in current law will cause a burden to small businesses. "Why does the entire health care system need to be changed so dramatically in order to insure the five to six percent uninsured in Minnesota?"

Next year, the Legislature faces another phase of implementation decisions relating to MinnesotaCare. Despite the political and economic challenges of the program, Berglin said she is proud of what it has already done in terms of prevention and emergency services and that she is sincerely optimistic about the positive role the program will play in the state's future. "MinnesotaCare has come a long way since its conception," Berglin said. It shows Minnesota's commitment to its citizens by providing effective universal health care years ahead of other states and the federal government."

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