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# Perspectives

*A Publication about the Minnesota Senate*



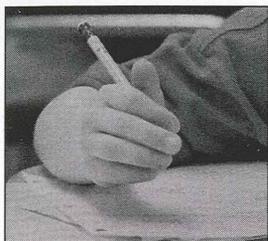
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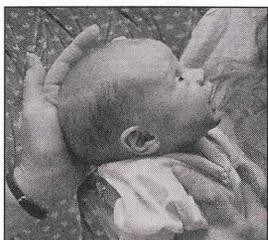
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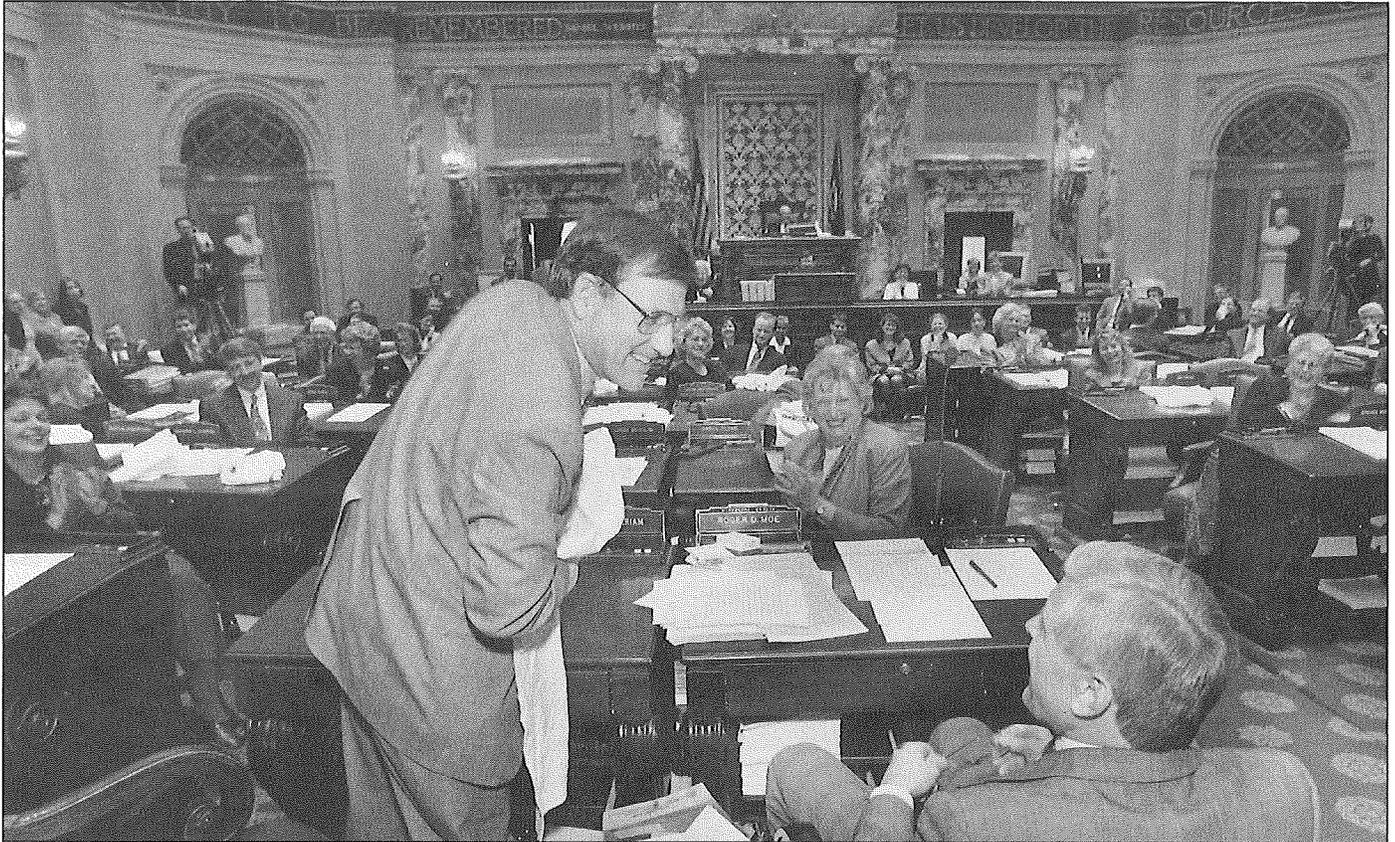
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This issue of *Perspectives* features interviews with six Senators who have decided to retire from the Minnesota Senate. In addition, there are articles about the challenges facing k-12 education funding, the prevention aspects of the omnibus crime prevention funding bill and the issues involved in the compromise wetlands legislation. One article also describes a portion of the omnibus health and human services bill concerning asset transfers. Finally, this issue contains a

listing of all the bills passed by both bodies of the Legislature. The listing, according to subject matter, gives chief authors, Senate file and House file numbers and effective dates. **On the cover:** May marks the 100th anniversary of the groundbreaking ceremonies for the Minnesota Capitol Building. The building was completed in 1905. The cover photograph shows the sweeping staircase leading up to the Senate Chambers from the Rotunda. Photo by David J. Oakes.

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Senators took a few moments at the close of the '96 Session to bid farewell to retiring members. Retiring Sen. Gene Merriam (left) trades quips with Majority Leader Roger Moe (right).

# Retiring Senators bid farewell

by Jim Wishner

Carl Kroening sits at his desk in his small, neat office on the first floor of the east wing of the State Capitol, cleaning out his desk. It is several days after the adjournment of the 1996 Legislature, his last. The north Minneapolis DFL-er has served at the statehouse for 22 years, the last 16 in the Senate. "There's other phases to life than politics," he says. "Your priorities change, and there's a spiritual factor." He pauses. "I've missed 22 springs coming over here, I should have a couple with my kids."

Kroening is one of six Senators not seeking re-election, one of five DFL-ers. Also retiring are Sens. Gene Merriam (DFL-Coon Rapids), Phil Riveness (DFL-Bloomington), Ted Mondale (DFL-St. Louis Park), Kevin Chandler (DFL-White Bear Lake), and Terry Johnston (R-Prior Lake).

Kroening is a University of Minnesota graduate who came to politics from education. He taught chemistry, and gave open book tests because "I wanted the students to think rather than memorize." He later served as an assistant principal in the Minneapolis Public School System and as President of the Minnesota Higher Education Coordinating Board. His motivation for public service is simply-stated: "I thought I'd be able to help."

His primary goal is to raise the living standard in his working-class district, which he calls the "poorest in the state." Improving the economy "through education and work study programs," he says, "through the minimum wage, the prevailing wage, low interest rates and opportunity. For me," he continues, "politics is about economics--helping people receive a fair share of our society's wealth." He cites his efforts to provide loans and grants to students for

education and young families for housing. He also points to the economic development grants he secured for his district and increased property refunds for homeowners and renters.

"People need a little space," Kroening explains, "a little green and some boundaries." That's why he worked to secure funding for the Central Mississippi Park and North Regional Park. "Perhaps my proudest moment," he told constituents in a recent letter, "was stopping the garbage burner from being sited on the river." He continues, "the battle to protect our neighborhoods and a middle-class standard of living is a constant one, and we must never relent in the fight."

Kroening, who chairs the Jobs, Energy, and Community Development Finance Division, is known for his "to the point" style, and his sense of humor. Minneapolis DFL-er Carol Flynn says Kroening has the ability to "synthesize"

what's going on. She relates when Kroening was dealing with an interstate banking bill, he complained "no matter which way he voted he was going to make some banker happy." She recalls that while serving on the Finance Committee Kroening had a "rough time with some of our rural colleagues," over taxes and spending, and the Minneapolis lawmaker was heard to remark "just being with you guys in the same room is more country than I can handle." Sen. Gen Olson (R-Minnetrista) says when she first came to the Senate, she met Kroening in the Senate retiring room. "He told me 'I have a policy that I never talk to freshmen' ...but I'm going to break it," Olson remembered, "and he sat down and we had a wonderful talk."

Minnesota is fairly well-served by the Senate, Kroening says, but he has some ideas on how to improve the institution.. He suggests allowing more authors on legislation, which he says would reduce the number of bills introduced. He wants standing committees to set priorities, so they don't "answer every bill that comes before them." He recommends Senators not vote for "anything beginning with 're', such as reorganization, re-codification, re-invention, resolution, or Republican." He laughs at the political reference, saying "in reality you have to be bipartisan to get the big, important things done." While Kroening is leaving the Senate, he's not leaving public life. He says the property tax system is heavily tilted against urban districts, such as his, and he plans to meet with and organize Metro-Area city councils and county boards. "Something has got to change," he says, "and I can probably be more effective on the outside rather than in the legislature."

Kroening says he has other interests to pursue. He enjoys golf, wood carving, dancing, and painting. And the track, where "you make order out of chaos. I've got a sense of prophecy," he confides, "and I use it at the racetrack."

He finds a picture in his top desk drawer. A quintet, five young women, seated, with instruments; in the foreground a table, covered with plates of pie. "Two of the musicians are my granddaughters," he says, "I invited them here to play and I brought everybody here to play and I brought everybody here. It was my birthday, and it was fun."

"That's what's missing from the

Legislature," he continues, "even while doing the people's business, you should have a little fun."

Phil Riveness says he has not tried to be a "head liner" during his 16 years in the Legislature. The Bloomington DFLer, serving his second Senate term, likes to work behind the scenes. "We all derive satisfaction in various ways," he says, "there's a lot of personal satisfaction in your colleagues or constituents seeing value in your ideas."

An example of his working behind the scenes is one of this session's major legislative initiatives, a \$522 million bonding bill. As Chair of the Finance Capitol Budget Subcommittee, Riveness played a major role in crafting it and carrying it on the Senate floor. He says the measure reflects his objectives; it preserves existing assets, advances higher education, and maintains and improves the environment. The package includes funding for higher education, wastewater infrastructure programs, a new prison, transportation projects, Head Start, an automotive training facility, a science museum and the Minneapolis Convention Center.

Riveness calls himself an "economic justice Democrat," who works to create

access to opportunity through education, jobs, and health care. This is the wave of the political future, he says, because "there is a growing apprehension among workers that their future is tenuous. We will see a re-emerging in focus on economic issues, away from social issues."

Riveness, a University of Minnesota graduate, says he has always been fascinated with public policy-making. "I understand the value of state-wide public policy, the role legislation plays in shaping it." He finds the Legislature mentally and intellectually challenging. "I like the big picture," he explains, "government's role in oversight, managing what we put into place, seeing how well the laws and policies work." When he took on the bonding bill, he tried to "understand the overall theme, to understand what the constitution says about bonds."

Riveness says his most satisfying accomplishment in the Senate was serving on and chairing the Legislative Audit Commission, where he worked to enlarge the role and visibility of the Office of Legislative Auditor, and direct it towards uncovering waste and misconduct. He served four years on the Legislative Commission on Pensions and



*Sen. Carl Kroening, retiring after a 21 year legislative career, reacts to a light hearted going away tribute.*

Retirement, two years as chair. During his tenure, the commission focused on pension fund solvency, the adequacy of benefits, and maximizing pension fund investments. He also authored the Environmental Enforcement Act, legislation strengthening criminal law, and shaped a comprehensive government reform initiative designed to cut government size and increase its efficiency.

Riveness acknowledges it's difficult to eliminate services or programs even when they are no longer effective or needed, but insists it's worth the effort. "There's probably a lot of programs that have outlived their usefulness," he says.

To make the Senate more responsive to the citizens of Minnesota, he recommends rotating chairmanships more often, perhaps every four or two years. He calls the present tenure system a "major public policy barrier to new ideas." Riveness wants a more balanced approach to staff assignments, and wants the Senate to "take government back to the people," by holding "mini-sessions" around the state. He does not support a full-time Legislature, saying a "citizen-legislature" works best.

Asked to name his political hero, Riveness selects Hubert H. Humphrey for his "eternal optimism and his interest in a whole range of issues. Humphrey was a tremendous role model," Riveness recalls, "a consummate generalist."

Riveness says he plans to continue working in the health care industry, and will be active as co-chair of the Clinton-Gore Minnesota campaign. He says he's excited about being elected to the board of the group "Books for Africa," which collects unwanted and discarded books and gives them to those who have a "thirst for knowledge."

Riveness doesn't rule out seeking public office in the future. "Being in public office is an honorable profession, a trust, and I want to leave while I still have positive feelings." He continues, "I haven't lost optimism about efforts to make the state a better place."

Gene Merriam says he is not a politician. Or much of a campaigner. The seven-term DFL-er from Coon Rapids says he got involved in politics after responding to an ad in the paper for a DFL club meeting. That led to a seat on the City Council, and, in 1974, to the state Senate. Merriam, who has a reputation of being detail-oriented, has



### *Sen. Phil Riveness*

chaired the Finance Committee since 1986. Hours after the end of the 1996 session, he sat in his office, soft drink in hand, reminiscing about his 22 year Senate career, and contemplating his future.

Merriam says he tried to raise the consciousness of the Senate about the long-term implications of the laws and policies being considered. "There is too much emphasis in process, in balancing the budget in the short term, in posturing for the next election," he said. "We ignore the long term aspects, and end up doing some foolish things" as a result. He continued, "I've tried to focus on the consequences of the spending decisions we make."

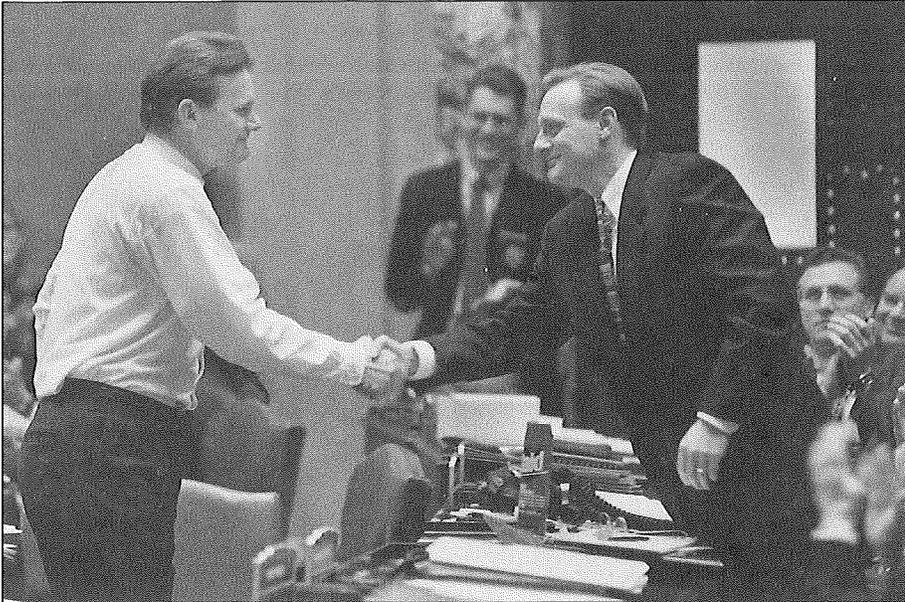
Merriam is also deeply involved in environmental issues. He says the most satisfying moment of his political career was winning passage of the State Superfund Law in 1983, which he says has "cleaned the environment, acted as an incentive for private initiatives, and prevented a lot of pollution through its strong liability provisions."

Among the pictures hanging on his wall is one featuring him, his wife, and

Hubert H. Humphrey at a 1976 fund raiser. Merriam says the former Vice President helped shape his model for public service. Other models are Eugene McCarthy; Jack Davies, former President of the Senate; the late Nick Coleman, former Majority Leader; and current Majority Leader Roger D. Moe (DFL-Erskine).

Moe and Merriam share a desk on the Senate floor. "He is an outstanding legislator," Moe says about his desk-mate. "He put together the original Waste Management Act, strengthened data privacy, and sees the nuances in bond ratings and cash flow charts. Thank goodness there was a Gene Merriam to spend time on all that." He said Merriam meets the tests of "courage and equality," goals etched by the state's founders on the walls of the Senate chamber.

Merriam says his pet peeve is conference committees. Legislation moves in a fairly "linear, rational, segmented way," he says, "people can follow what happens. But when a bill gets to conference three to five members



*Sen. Steve Murphy (left) says farewell to retiring Sen. Ted Mondale.*

try to take the product of this linear process and re-negotiate it into this non-linear process. Over the years, including this year, that has led to abuse.”

Merriam is a University of Minnesota graduate, and a certified public accountant by training. He said he ran for office because he wanted to get involved in public service. He notes a “dose of skepticism is good,” but “when skepticism turns to cynicism, that’s not healthy.” His response to political “cynics” is, “if you don’t like the decisions that are made, get involved and change things.”

However, Merriam admits frustration with the process was a factor in his decision not to run for re-election. “The tell-tale sign,” he says, “is I used to look forward for the session to begin, and hope it wouldn’t end. Now I dread the start, and look forward to the end. It is time, he continues, “for my own mental and physical health, to move on.”

On to where, he isn’t sure. “I candidly and literally do not know. I’d like to stay involved in government and public affairs in some capacity.” He says he has been contacted by a number of people, “it’s been flattering, but I decided not to consider anything during the session.”

An example of the widespread respect in the Senate for Merriam came when he flirted with retirement a decade ago. He was asked by a leading Republican to stay in the Legislature.

Merriam says political partisanship

can be a hindrance to governing. “Partisanship is important,” he says, “but it ought to be part of defining the person who runs for office, not the controlling factor in governing.” He added, “we confuse the political means and ends.”

Ted Mondale sees a bright future for the Metro Area. In fact, he says the Twin Cities region may become the “first mature Metro Area that works.” He attributes his optimism to policy decisions made during his six years in the Senate.

The St. Louis Park DFL-er was elected in a census year, and says the data that came from the count indicated the Twin Cities was showing similarities to such cities as Detroit and Washington D.C. “There was a feeling we needed to restructure the way we were growing, how the housing market worked, how communities were developing,” he says. Mondale helped pass legislation that he says will significantly change the way the region evolves in the next 20 to 25 years. He cites the Metropolitan Livable Communities Act, which he says will save 50 square miles from development; the Land Recycling Act, which encourages the redevelopment and cleanup of polluted lands; funding for Cedar Lake Park; and one of the 1996 session’s hot issues, legislation that maintains the present airport location and plans its future development. “We didn’t make the mistake of Denver and Kansas City and move the airport an hour away from the city,” he observes, adding the

decision “saves \$7 to 8 billion of the public’s money.”

Mondale, who serves as Vice-Chair of the Metropolitan and Local Government Committee, says his home town is on the right track. “I feel I have helped redefine our policies, and we’re headed in a different direction. “We have a strong economy with safe communities.” He says the national model for cities was “destined for failure, because it builds a new infrastructure for each generation.” Here, he says, we’ll “invest into the core.”

Mondale is a graduate of the University of Minnesota and the William Mitchell College of Law. Before his election to the Senate, he served as Midwest political director to the Dukakis for President Committee, and as a surrogate speaker and advisor to the Mondale for President Committee in 1984. He was a practicing attorney until his election, and currently is vice president of public programs for the Minnetonka-based United HealthCare Corporation.

Mondale says politics has become contentious and polarized because the nation is in a period of re-alignment--the way we work, the way we communicate, how we live. “Government works best on issues in which there is a consensus,” he says, “we are a service business.”

When the path is clear, we do a nice job.” He says most political debates over highly ideological matters don’t address people’s real needs and are “meaningless-- we focus on issues that make our opponents look bad, rather than long-term problems.”

The trend towards a full-time state Legislature, he warns, means fewer “citizen legislators,” and more “party activists and retirees” will run for office and serve. “A critical issue,” he says, “is re-examining what kind of Legislature we want, and implementing changes in the structure.” He calls public service a “noble calling,” and doesn’t rule out seeking higher office in the future. For now, he’s going to focus on his private sector career and “get re-connected with my family and my community. I leave with no regrets,” he says, “I had a good time, it was a real learning experience. I hope the state is a little better off for my service.” He adds, “When my colleagues are out knocking on doors this fall, I’ll be coaching T-Ball.”

Kevin Chandler says he's proud to be a "liberal Democrat, but says he's become disillusioned in his one term in the Senate.

"I've long felt the big and powerful interests have had more than their fair share of influence," the White Bear Lake DFL-er says, "the underdogs need their advocate. That's what led me to enter politics."

That's also what led him to be a "bit of a cynic."

"I was unfortunately surprised to see the influence of big money cut across every issue," he says. "I fought the insurance companies, the health providers, I fought for a higher minimum wage, a livable wage, I fought against the big power companies who need to store nuclear waste." He says he found "ordinary people are being shoved aside by government and big business."

Chandler is known in the Senate for his direct, sometimes partisan debate style. "I have felt in the end right will prevail, but I've seen powerful interests shape matters, and that has made me more aggressive," he says. "I don't have all the answers, but many times I feel policy is made because of money rather than the merits. What's happening is

legal, it just doesn't serve people."

His political mentor is U.S. Senator Tom Harkin (D-Iowa). "Harkin had a huge influence on my career," he says, "I admire his fiery populist debating style, how he sticks up for ordinary people." Chandler served as Minnesota campaign director for Harkin's 1992 presidential campaign. Harkin won the Minnesota caucuses before dropping out of the race.

Chandler is a graduate of the University of Minnesota and has a law degree from the Catholic University School of Law in Washington D.C. Before his election he practiced with a private Minneapolis law firm, focusing on class action antitrust and securities litigation. He served as communications director for DFL-er Ann Wynn's unsuccessful U.S. Senate race in 1994.

Chandler says many of the benefits of public service have "gone by the wayside. Politicians are not respected. They work hard, serve long hours, but many leave in frustration." That leaves "the very wealthy, the retired and those with flexible work hours to serve in a part time legislative job."

"We have the worst possible situation," he concludes. "The \$29,000 salary is not enough for a full-time

position, but too much for a part time job." He suggests Minnesota either have a full-time Legislature, or scale it back, meet every other year, and reduce pay.

Just as important, he adds, "candidates and incumbents have to stop beating up on government." Chandler says "government has never been more open and honest--while people think it has never been so corrupt. We make it sound bad, we run against government, people believe it is that corrupt, and that makes it hard to govern. People don't want less or more government," he says, "people want government that works."

As for his sometimes-confrontational approach to politics, he has no apologies. "There are too few people willing to stand up and do things that are not politically popular. The public wants politicians who say 'follow me, this is the way to go.'"

Chandler, who serves on the Environment and Natural Resources and the Commerce and Consumer Protection Committees, says his legacy may be legislation he blocked rather than legislation he helped pass. "Most of my time was spent trying to stop things from happening," he says, "and even when I didn't prevail I pointed out the hypoc-



Sen. Gen Olson (right) reminisces about Sen. Kevin Chandler's fiery debating style during the tribute for the retiring members.

risky and greed, for example how a big industry drives an issue." He cites nuclear waste storage, a new Metro stadium, and school vouchers as initiatives he helped stop.

Chandler says he's made no long-term decisions on his future. He'll spend time with his daughter, and practice law. He says being out of politics will be a "big challenge. The public and my constituents have been very understanding during this difficult time for me, allowed me to work through a terrible mistake.

Chandler quotes Harry Truman in defending his political outlook. "If you run a Republican against a Republican, a Republican will win every time." He says he's proud of his liberal political heritage. "I don't shy away from it, and voters appreciate honesty, even if they don't agree with me on all the issues." He continues "being a liberal Democrat isn't being a big spender, or being for big government. A liberal is someone who looks ahead, tries things, and takes care of people."

Terry Johnston considers herself a "citizen-politician," with the emphasis "very much on the citizen part."

The two-term Prior Lake Republican wasn't seeking public office in 1990--she was on the Senate District 36 Executive Committee helping recruit a candidate. When the chosen candidate balked, she stepped in.

"I had done thousands of hours of volunteer work-- scouts, campfire girls, softball coach, I've taught bible study, set up a youth activities help line-- before I started licking stamps for the Republicans. I thought, this isn't much different than public service." She adds, "a candidate should be someone who is already doing public service. We need people who are willing to serve the public rather than themselves."

That belief leads her to a sometimes critical view of politicians and the political process. "I've never had a high regard for people in political office, and I've always hated partisan politics." She continues, "as citizens we suspect too often politicians are in it for themselves, and very often we're right." However, she found many of her Senate colleagues attractive, likable people, including some excellent "public servants and statesmen."

Johnston, the ranking Republican on the Transportation and Public Transit Committee, says she derived much satisfaction from constituent service-- being able to get things done for people they couldn't do for themselves. One example is the Minnesota Child Protection Background Check Act, which she authored at the suggestion of a constituent. The law allows various groups and organizations that deal with children to require a criminal background screening of perspective employees or volunteers.

She says she's helped citizens get through the bureaucracy, from the Motor Vehicle Department to the justice system. "I was struck by the fact that a common citizen can not get the same treatment as someone with a title in front of their name," she says. "It makes me angry, and opened my eyes that we have people serving the public who truly are not 'serving the public.' It's a shame you need a title to get help."

Johnston says she focused on transportation issues because of the needs of her district, on the southwest edge of the Metro Area. She helped get matching money for the Bloomington Ferry Bridge in bonding bills; advocated a constitutional amendment to dedicate motor vehicle excise tax revenue to transportation; and proposed a gas tax index formula, based on the consumer price index.

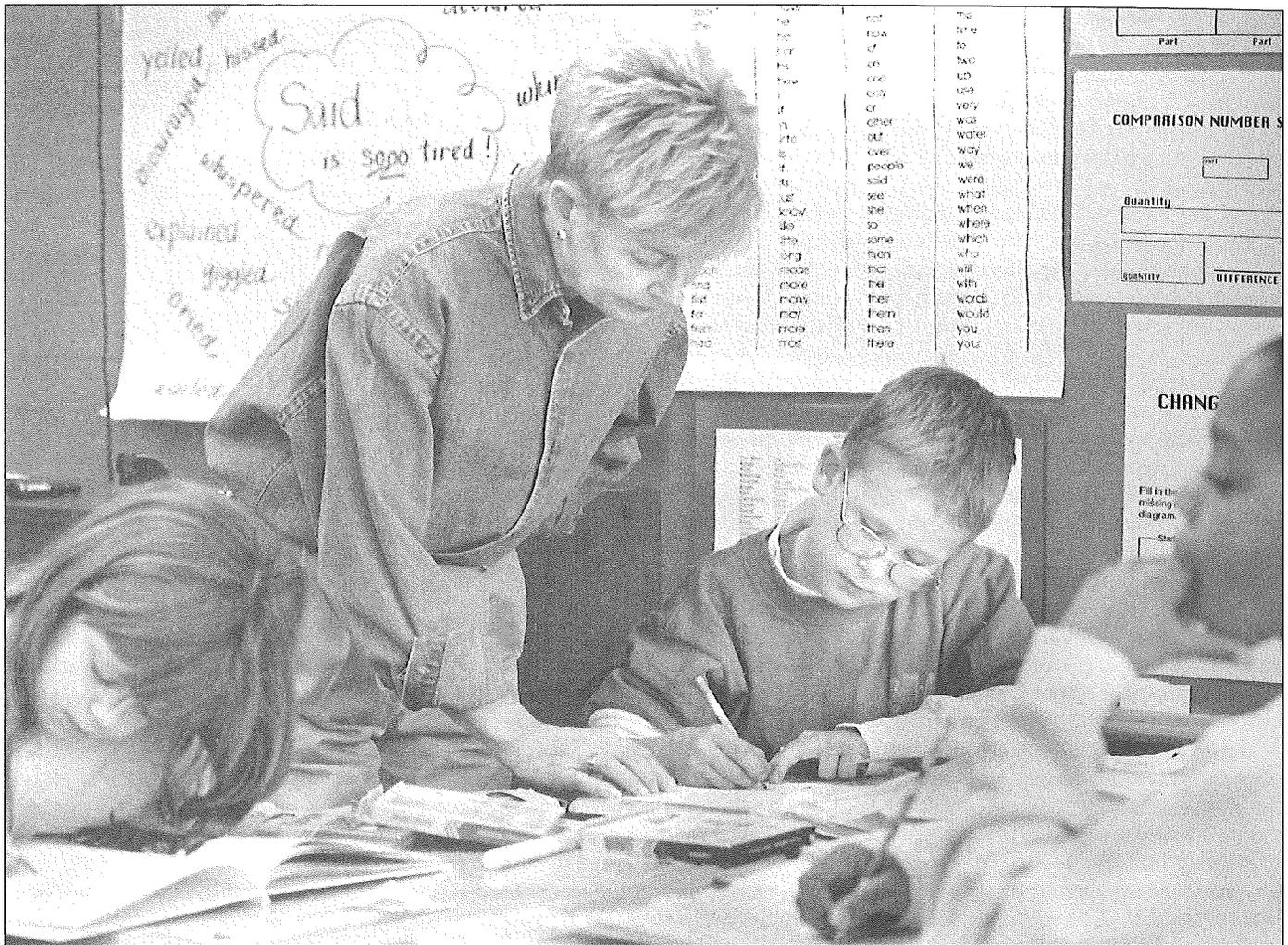
She supports the speed limit increase proposal the Senate passed. "I think it makes sense to set the speed close to where people are driving," she says. "I don't believe we ought to have laws that people aren't willing to obey."

"It's difficult serving in the minority," Johnston notes, "you have to work twice as hard, and there's a lot of political game playing." She says the Senate would be more efficient if members are limited in the number of bills they carry. "We cannot do nearly as much work as we attempt to do," she explains, "and we don't all need our special bills." She favors reducing the size of the Legislature, noting "Minnesota has the largest Senate in the nation." She favors a unicameral, or one-chamber Legislature, and recommends sessions be held every other year, with special sessions called to address urgent matters.

Johnston suspended her insurance practice when she ran for public office in 1990-- she says she may resume that career. She didn't announce her decision not to seek re-election until the 1996 session adjourned, although she made up her mind to retire last summer. "We're far better served by a citizen Legislature," she explains, "the longer you stay, the more you feel part of the establishment. You lose perspective." She says there are hundreds of people in her district who could do the job, and this is a "good opportunity for someone new to serve." Someone, Johnston says, who "hasn't always wanted to run for office."



Sen. Terry Johnston



Budget constraints are forcing the development of new strategies for improving K-12 education.

# Feeling the pinch:

## Dark financial predictions drive education reform proposals

by Sara Steffens

How do you improve public education without raising taxes?

Some people may answer, "you can't," but Minnesota Senators are pushing public schools toward innovation and efficiency, while simultaneously warning that little new money is on its way.

These days, public schools must slug it out for their share of an increasingly pressured state budget. Educating K-12 students now consumes 32 percent of state spending, according to the 1996-

97 biennium budget. Schools also account for the bulk of local property taxes. Nipping at education's heels is health and human service spending, weighing in at 27 percent of the budget -- and growing.

The future doesn't look much brighter. In a 1995 study, University of Minnesota economist and former State Sen. John Brandl and former Congressman Vin Weber demonstrated two expanding Minnesota populations: the elderly and children. Due to this demographic shift, the report predicts, health and human service costs will rise

48 percent by 2001, and K-12 education by 14 percent. At this rate, Minnesota will face a \$2.5 billion deficit by 2005, according to a report by Minnesota Planning.

"The squeeze has been on. A lot of the increases (in education spending) barely cover inflation," said Sen. Kenric Scheevel (R-Preston), a member of the Senate Education Funding Division. "One could say health and human services has become a competitor for some of the dollars education used to get."

Last session, the Legislature

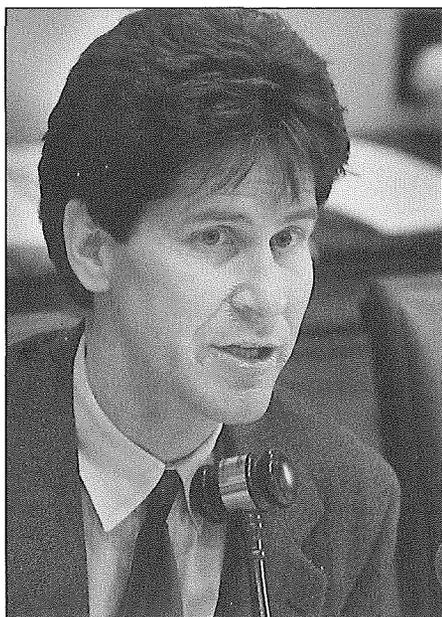
“capped” K-12 budgets, holding the next biennium at the current spending level. Proponents say the cap represents “discipline”; critics say it actually means less money for students, as enrollment increases and money lags behind.

For the Senate’s Education Funding Division, the budget squeeze heightens the need to improve the effectiveness of service delivery, or -- as Scheevel puts it -- “to get more bang for the buck.”

Cost-saving ideas introduced this session range from magnet programs to personalized education to competition between schools. Some Senators envision a flexible, decentralized system with power focused in each classroom. Others imagine dollars flowing directly to teachers, or given as bonuses to those districts that perform well. While the mechanisms differ, the common thread is a desire to improve student learning without introducing costly new programs or services.

By outward appearances, this was a quiet session in the Education Funding Division, conforming to Chair Lawrence Pogemiller’s (DFL-Mpls.) desire for a “breather” after several major funding changes approved by the division in 1995. The 1996 omnibus education bill contained just 30 pages and was passed by the division in record time.

But seeds of reform were also sown. In addition to the voucher proposal,



**Sen. Lawrence Pogemiller**

sponsored by Sen. Gen Olson (R-Minnetrista), Senators heard four bills to radically change public schools and their funding.

A bill authored by Sen. Gene Merriam (DFL-Coon Rapids) significantly restructures the flow of education dollars from the state to school districts. The bill sends 95 percent of general education funds and 25 percent of capital funds directly to “site councils” of teachers and principals governing individual school buildings. It also opens enrollment within a district, giving students and their parents the right to choose any of the district’s schools. A similar bill, by Sen. Jane Ranum (DFL-Mpls.), directed 5 percent of funding to site councils.

Sen. Ember Reichgott Junge (DFL-New Hope) presented a proposal for a transportation voucher system that would make it easier for students to use public transit or private services to get to schools outside their district.

As the Senate’s chief promoter of charter schools, Reichgott Junge also advanced her cause with a bill allowing more charter schools to form and receive better funding from the state. Charter schools, pioneered in Minnesota, are formed by groups of teachers who want to step outside the traditional public school structure to create a school based on innovative teaching or magnet programs.

Minnesota already boasts a rich menu of choices for public schools students, including charter schools, magnet schools, open enrollment, and post-secondary enrollment options (PSEO). Under open enrollment law, students may attend any public school district in the state, and PSEO allows high school students to take college courses for free.

Some argue that competition for students, and the funding they bring with them, will force schools to become leaner and more student-centered.

But for Pogemiller, open enrollment, charter schools and post-secondary courses are not an answer in themselves, but a mechanism: a way to open up a hierarchical system and decentralize public education.

“All of our focus needs to be on the student-mentor or student-teacher relationship,” said Pogemiller. That means smaller class sizes, he said, but it also



**Sen. Gen Olson**

means “personalized education,” addressing each student’s needs to help the student think critically, become creative and embark on entrepreneurship.

Pogemiller envisions a system with few mandates, unencumbered by categorical funding, where power is decentralized and the teacher, as a professional, is master of the classroom. “We need to get out of the business of telling faculty how to do the job,” he said.

Pogemiller said the Senate can help drive reform by empowering teachers, setting expectations for student achievement, and holding districts, parents and students responsible for results.

But higher expectations for student learning come with a price tag. For instance, development of the state graduation standards has spanned years and cost millions of dollars. And although the state spends enough money to maintain a 15:1 student/teacher ratio, according to Pogemiller, most class sizes are much higher. “We can do much, much better with the money we’re spending, but we also need to invest more,” Pogemiller said.

There are only two options to increase investment in education, Pogemiller said, raising taxes or taking money from another part of the budget. Pogemiller estimates the funding for enterprises like personalized education and the new graduation standards will come from reallocating about 30



**Sen. Jane Krentz**

percent of current education dollars, and spending about 30 percent more.

The graduation test now in development is only a small part of raising standards, Pogemiller said. More important is the accompanying "profile of learning," which maps a student's progress in a dozen or more competencies. "Nobody should be getting a diploma who doesn't meet high expectations in a multitude of competencies," said Pogemiller.

The ultimate test of learning, said Pogemiller, is to ask, "Can this person look at the world, and themselves, then create something to move us forward? ... We can't afford to spend money on citizens that can't help add value to society."

Pogemiller believes the public will be willing to pay more for schools when they start getting better results from schools. "Local school communities need to spend more time worrying about current spending, and less time wondering if there's going to be a Santa Claus," he said. "The current school system is not a disaster, it's not a failure -- it's just not good enough."

Olson, who has taught in both public and private schools, is a long-time advocate of "school choice" that offers options to students and parents. Before her well-publicized role carrying the voucher bill, she co-authored Reichgott Junge's ground-breaking charter-school legislation. Olson also avidly supports open enrollment,

PSEO, and any other program that gives parents and students more options.

"I have never feared choice and I don't think public educators should," she said.

This session, Olson authored legislation to update state laws governing aid to private school students. State dollars subsidize the cost of transportation, health services, and non-religious textbooks for students who leave the public system, but the laws governing the money's use have remained virtually untouched since written in 1975. The statutes allowed private schools to use the money for "pre-recorded film cartridges," but not CD-ROMs, Olson said. Aid to private school students, and the tax credits provided their parents, she said, are two little-known ways Minnesota supports an array of schooling options for its children.

For Olson, providing such options is a way to acknowledge that students have different needs. "Parents know best what a child's needs are, and in what fashion they can best be met," she said.

Whether the caps remain in place or not, most everyone recognizes the need for a cost-conscious K-12 system. Minnesota is already spending more than most states, Olson noted. (According to Minnesota Planning, Minnesota ranked fourth in the nation in 1990 health and human services spending and eighth in public school spending.) "I don't hear a lot of people saying we're not paying enough taxes," said Olson.

She believes competition drives efficiency, a conclusion also found in the Brandl-Weber report. Competition also helps schools reexamine their assumptions and teaching methods, said Olson. Even with many public education options, traditional public schools still enjoy tremendous advantages in attracting students, she said: they're convenient, enjoy the wealth of state resources, and are the focus of public goodwill in their communities.

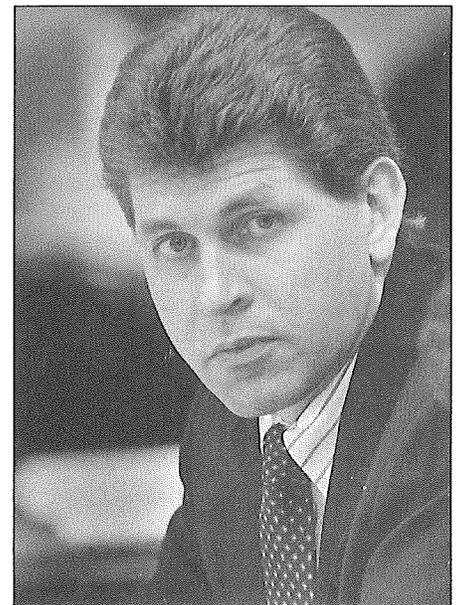
Sen. Jane Krentz (DFL-May Township) is less optimistic about the cost-saving potential of school choice and other classroom restructuring.

"I think we're in serious trouble if we don't get more money for the K-12 system," said Krentz, vice-chair of the

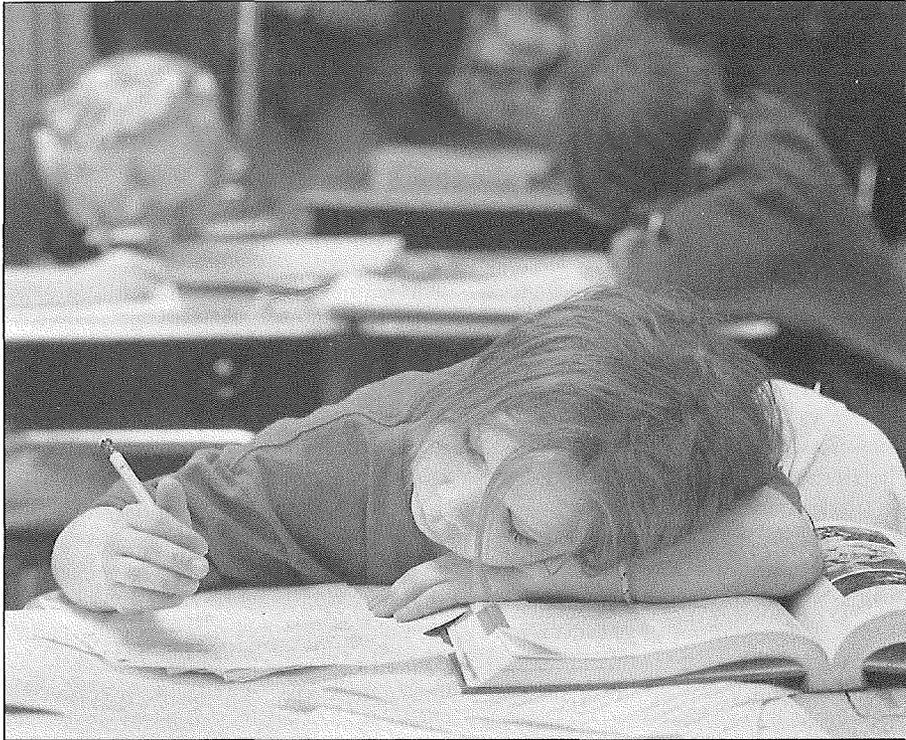
Education Funding Division. "I think they have done a lot to cut out the fat in many districts. Demographics show there's going to continue to be more kids and we can't ask the districts to keep cutting and cutting and cutting."

Krentz believes costs of providing long-term care to the state's elder residents will continue to compete for education dollars, and she sees only minimal savings in eliminating education mandates. While strategies like performance aid and site-based decision making are a good idea, she said, they're not necessarily an answer to controlling costs. "In many ways, with site-based decisions, you lose the economies of scale," she said. And charter schools operate on very low budgets, Krentz said, succeeding largely due to "conviction and personal sacrifice" on the part of teachers and parents. Sooner or later, she worries, these people will burn out.

Krentz does see a few possible areas of savings. Some special education programs would be better classified as health care spending, she said, and insurance providers should pay for special-education services like assistive technology, instead of foisting the cost on public schools. Consolidating social services between schools and county or city providers could also save money. But, Krentz says, there are no magic wands for K-12 education. "If there was a simple solution, people would have done it," she said. "Every state in the



**Sen. Kenric Scheevel**



*Minnesota has led the way in offering a broad range of choices for students.*

country is struggling with the same issues."

Parents need to see value for their dollars before spending more on education, she said. Many parents have told her they want it to be easier to get rid of a teacher that is not doing a good job. Bad teachers may be few, Krentz said, but they frustrate parents and impact the learning of dozens, sometimes hundreds of children. "The public is cynical about that," said Krentz. The challenge for the Senate, she said, will be to maintain protections and respect teachers' rights while making it easier for school boards to weed out those who don't belong in a classroom.

A clothing sales tax could help boost education spending, Krentz said. "I know people don't want to pay more taxes but I also think we have to prepare our kids for the future."

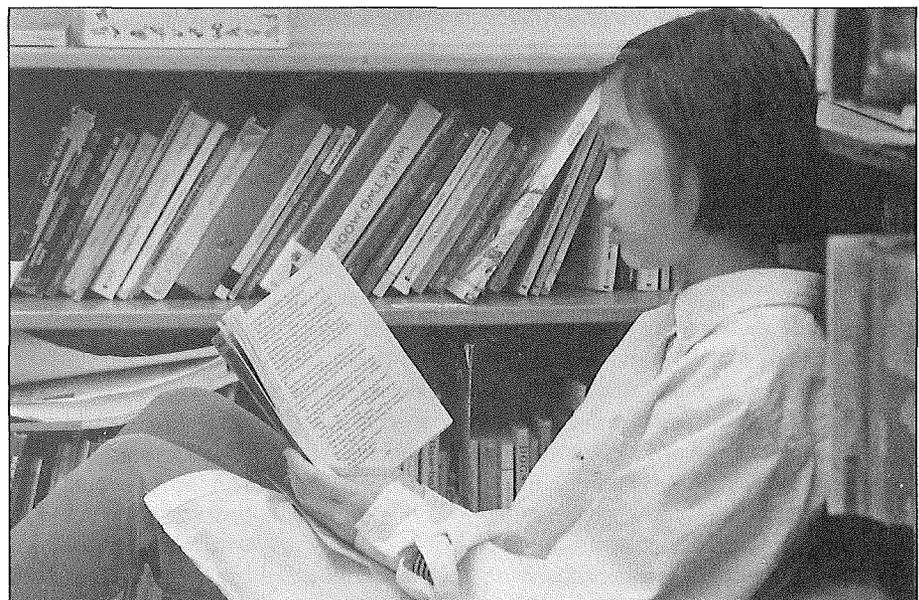
Like Pogemiller, Scheevel wants local school boards to have more flexibility, along with increased accountability. He said the Senate can help districts deal with rising costs and tapped-out tax bases by relieving "cost-drivers" such as state mandates.

Scheevel, father of two, is a former high school teacher and school board member. "Being in the Legislature is almost going the full circle," he said.

From time to time, the school board

member in Scheevel pops out and has a few words for his fellow division members. "I made a few comments last year, when an issue would come up, and I would say, 'It sounds wonderful, but school boards hate dealing with that kind of budgetary drain.'"

"The Senate Education Committee has really been moving in the right direction trying to reduce mandates," said Scheevel. "The general concept is to say: this is where you should end up.



*Education is a top priority for all members of the Minnesota Senate.*

How you get there is up to you."

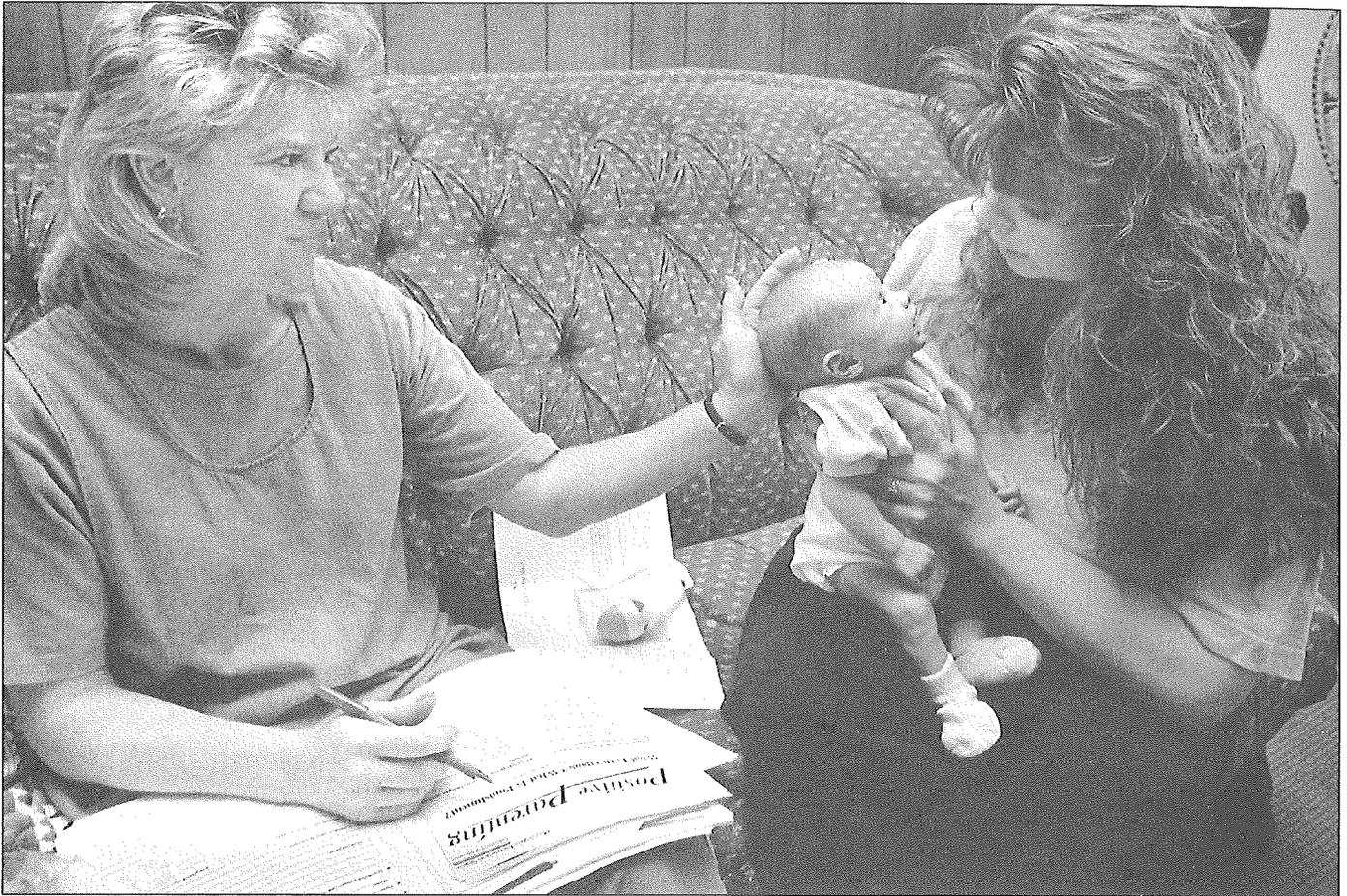
Districts in Greater Minnesota, particularly rural areas, are feeling the financial pinch in the form of pressure to consolidate. Many small districts have paired with neighboring districts over the last decade, in part due to state policies that deny bond equalization funds to Minnesota's tiniest schools, those with less than 66 students per grade.

"I have to challenge that," said Scheevel. "At the same time we're consolidating small rural schools, our very large districts are struggling with the problems inherent to their size."

In a small district, Scheevel said, parents, teachers and students know one another by name. Students don't feel anonymous, and there are more opportunities for students to join activities. Scheevel wants Senators to reexamine the bonding rules as they apply to small districts, particularly rural elementary schools.

Scheevel said he's pleased with the increased emphasis on school choice and efficient spending. While Senators on the Education Funding Division often differ on the means, he said, they're all pointing in the same direction.

"People are there because they're interested in the education of the kids," he said. "They may have different tangents or ideas, but all of them have the best interest of the education of our kids at heart."



*A home visiting initiative aimed at reducing domestic violence is included in the omnibus bill.*

# Juvenile Crime: *Prevention is the key*

by Catherine Ryan

Good news: crime in Minnesota is down. So is adult violent crime. Bad news: juvenile violent crime is on the rise, and the age of offenders drops every year. No news: crime is still the public's number one concern.

Confronted with these facts, the 1996 Legislative Session forced lawmakers to stretch both their imaginations and the state's dollars in search of innovative solutions to complex problems.

The omnibus crime prevention bill, S.F. 2856, does exactly that, said chief author Sen. Tracy Beckman (DFL-Bricelyn). "I think the bill is one of the

most exciting things that happened here this session. It contains a very strong prevention aspect, puts more community police into our neighborhoods and has initiatives that address the problem of prison cost containment. We cast a wide net with this bill."

The \$18 million proposal links programs from separate departments in a unique and exciting fashion, Beckman said. It includes funding for community based at-risk youth grants, juvenile offender monitoring, chemical dependency programs and school liaison officers. The measure also establishes a program for notifying communities of the impending release of a sex offender, sets aside funding for 40 beat cops and directs the commissioner of the Dept. of

Corrections to lease space from a private Appleton prison. Additionally, the bill authorizes funding for a systems-wide correction study and an independent consultant to study prison industries.

Traditionally, the Legislature has directed the bulk of funding to the Dept. of Corrections, explained Beckman. In recent years, however, lawmakers have been shifting monies from institutions -- or prisons -- to so-called soft programs -- prevention.

This year's legislation continues that trend, earmarking more money for prevention programs than ever before. Although the lion's share of the supplemental budget is still split between the two agencies historically associated with crime issues -- \$7 million each to the



**Sen. Tracy Beckman**

Departments of Corrections and Public Safety -- the remainder of the appropriation is divided amongst various agencies, including the Dept. of Human Services, the Dept. of Health, and the Dept. of Children, Families and Learning. "This is a collaborative effort," Beckman said. "We need to have agencies working together."

Although the bill adds tougher sentences for some crimes, its focal point is clearly prevention, Beckman said. "We don't spend enough on prevention. We know that early intervention with kids significantly improves their chances of staying out of the criminal justice system. We know that these programs make a difference."

The old view of "just lock 'em up and throw away the key" is most definitely not the answer, Beckman said. "Over

the years we've passed tougher sentences that have required longer prison stays, and now we're having to find a place to put these people. The problem has come home to roost."

The solution rests not only in prevention, but also in judicious use of prison space, Beckman said. Prison space is not cheap, he pointed out: on average, one year in prison costs the state \$30,000. "To the extent that people are dangerous to others, then of course we have to keep them off the streets," he said. "But let's reserve expensive incarceration for the violent offenders, the real bad apples -- and let's use alternatives, such as Challenge Incarceration, when and where we can."

Beckman credited many with the end product that finally reached the governor's desk and was signed into law.

"The bill fines tunes many proposals that preceded this year's legislation -- a lot of what we have here is the result of good, innovative thinking done in the past."

However, one of the cutting-edge measures contained in the bill is Sen. Ellen Anderson's (DFL-St. Paul) home visiting initiative, a proposal aimed at reducing child abuse and domestic violence. By encouraging families to take advantage of free home visits by public health professionals, the program takes a proactive approach to ending violence in its infancy, explained Anderson.

Modeled after Hawaii's Healthy Start, a program that regularly dispatches nurses and other trained health professionals to households with children, Anderson said, "they found that in the populations receiving home visits they virtually eliminated child abuse in those families."

Public health nurses have been around for a long time, Anderson added, "but they're normally used on a crisis basis." What's different about these visits is that they aim to educate parents and provide them with training. "We're not born knowing how to take care of a child," Anderson said. "With support systems of extended families and communities disappearing, the government is in a spot where it can provide a great service by helping parents with skills and education on effective parenting," she said.

Anderson acknowledged that the use of crime dollars to fund this type of initiative is new, but not untested. "If you look at the research and look at the experience, some of the programs that we have for children are extremely effective at changing their future behavior." She maintained that the sooner preventative programs are made available to those in need, the more effective society will be at reducing crime.

Other Senators agree. "I don't think we solve the problem by only punishing people," said Sen. David Knutson (R-Burnsville). "We need to bring the families in on this whole thing, particularly with juvenile offenders. You can take them out of the home and put them into foster care, provide three months of programs, but when you put them back into the family, you get the same problem all over again."

The key to breaking this cycle is conferencing, Knutson said. "You need to try to make people whole again." To meet that end, he advocates conferencing between the victim, the offender, the victim's family, law enforcement and other community members. And in fact, the measure includes \$95,000 to establish a conferencing pilot program in Dakota County.

Although Knutson supports the bill's push for prevention, "that's not to minimize some of the tougher sentences we've passed for other crimes." There are instances when stiff penalties are called for, he said, such as crimes committed with firearms and repeat domestic assault.

Knutson authored an initiative that toughens penalties for domestic assault. This year's bill imposes a mandatory 20-day jail sentence for a second offense, and in the case of a third offense, a 45-day sentence must be served.

Perhaps the most controversial initiative contained in the bill is the community notification program. As the

provision worked its way through committee hearings and floor sessions, civil libertarians raised concerns about denying an offender his or her right to a fresh start. Additionally, there were fears that notification might prompt action by vigilantes.

But the proposal's sponsor, Sen. Randy Kelly (DFL-St. Paul), said that individuals have a right to information that may affect their children and their communities. Several hundred sex offenders, the fastest growing criminal category, are released into Minnesota neighborhoods each year, Kelly pointed out. "And allowing law enforcement authorities to distribute information, where and when appropriate, is an effective way of letting communities prepare themselves for the presence of sex offenders in their neighborhoods."

Additionally, the bill is carefully crafted to protect the due-process rights of offenders and guard against possible backlash, Kelly said. "This is not designed to be punitive; it is regulatory."

The legislation defines risk assessment scales for determining appropriate

community notification policies. If the individual is a low risk offender, the releasing agency may notify law enforcement officials, victims and witnesses of the individual's offense. Information concerning a moderate risk offender might further be disclosed to groups the offender is likely to encounter, including educational institutions, day care facilities and establishments that primarily serve individuals likely to be victimized by the offender. In the case of a high risk offender, the agency is allowed to disclose information to members of the community whom the offender is likely to encounter.

The bill also contains significant corrections reform legislation, including Sen. Thomas Neuville's (R-Northfield) proposal to pay for an independent consultant's study of prison industries. "This is a logical aspect of the correction system that we should begin to expand," he said. Although only a study now, Neuville hopes that the initiative "will move the system down the road toward a combination of punishment and rehabilitation."



*Sen. Ellen Anderson*



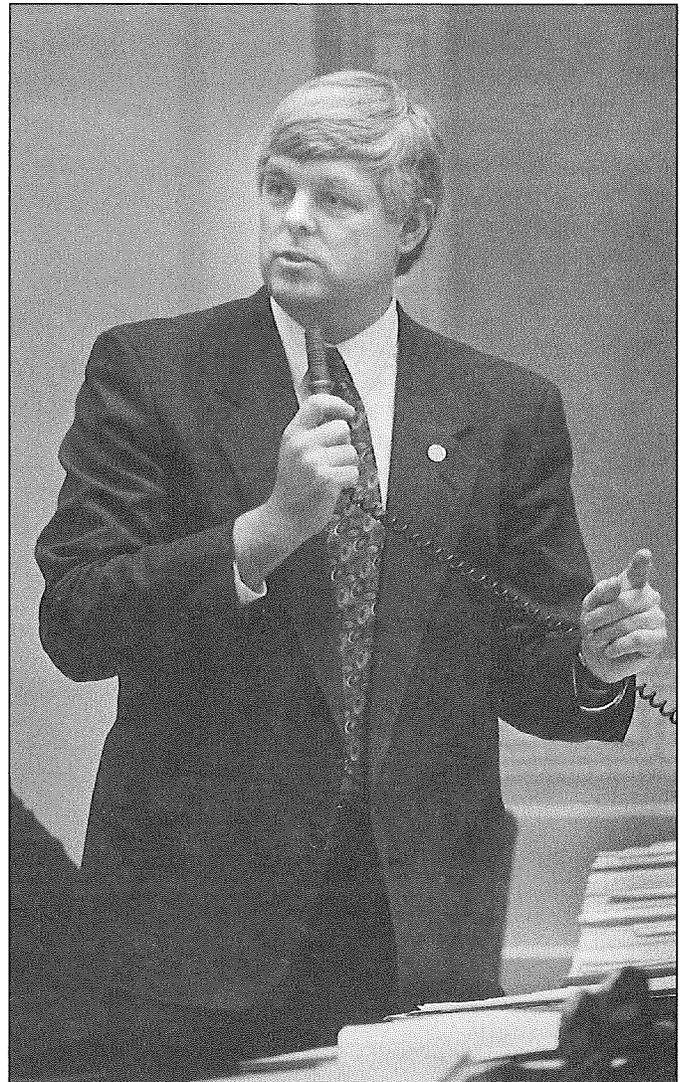
*Sen. David Knutson*



*Sen. Randy Kelly*

Prison industries fulfill a dual purpose, said Neuville. "Work instills dignity and discipline, which will ultimately benefit the inmate and the community." Eventually prisoners are placed back in society, he said, and if a correctional facility has provided them with a skill, a work ethic and an accompanying sense of pride, then the overall effect will be a safer society, he reasoned.

The second objective of prison industries is cost containment. As the prison population grows, so do prison expenses. In an effort to cut costs and contain expenses, Neuville advocates use of prison labor. "The whole idea is that if the state has to pay someone to do the work, then where we can, when it's appropriate, let's use inmates." Eventually Neuville would like to see



*Sen. Thomas Neuville*

state departments, such as the DNR and DOT, use prison labor to clean parks, build trails and perform maintenance work on highways and roads.

Another Neuville initiative, perhaps the bill's most radical, is the directive that requires the commissioner of corrections to lease up to 200 beds with a privately owned correctional facility located in Appleton by April 1, 1997. "This is the first time in Minnesota's history that we've directed the DOC to look at private, non-profit facilities," said co-sponsor Kelly.

"This is a major policy reform," agreed Beckman. The directive, coupled with the system-wide corrections study, will push prisons to find more cost-effective ways of operating, he maintained.

But it is not just prisons that need to

examine their fundamental operating procedures, Beckman cautioned. "As a society we need to re-examine how we approach crime and crime prevention." Prevention programs involve an element of risk, he said, and many individuals resist prevention because of that. "Prevention is long term and you may not see the results of an effort for years," he said. That unsettles some, Beckman added.

Nonetheless, Beckman praised the efforts of law enforcement officials, community leaders and prison officials. "Minnesota is way ahead of the rest of the country in terms of the number of people we have in alternative programs. We have far fewer individuals incarcerated and our level of safety is better. So we know we're doing something right here."



*Agricultural interests spurred efforts toward a wetlands compromise.*

# Wetlands:

## *Senators strike a balance*

by Sara Steffens  
and Ron Hebensperger

It's a soggy state. According to a national inventory, some 11 million acres of Minnesota qualify as wetlands -- from the sprawling cattail marshes that shelter ducks and geese to tiny, seasonal puddles that sprout semi-aquatic plants.

And everywhere there's wetland, there's state regulation.

Conservationists praised Minnesota's "no net loss" goal of the 1991 Wetlands Conservation Act, or WCA. The law originally required most of those filling

or draining wetlands to construct twice as much new wetland to compensate for the loss. Environmentalists maintain that wetlands are an essential piece of Minnesota's ecosystem.

According to the "Anderson-Craig" study upon which the WCA is based, more than half of Minnesota's presettlement wetlands have already been destroyed -- warranting intense efforts to preserve those remaining. Groups who pushed for passage of the WCA -- including Minnesota's Audubon Society, Conservation Federation, and Sierra Club -- point out that wetlands provide habitat for waterfowl and other wildlife.

They also prevent pollution by filtering rain and runoff before it reaches lakes or groundwater tables.

And as Sen. Steven Morse (DFL-Dakota) points out, wetlands can be beautiful as well as useful. "Particularly in the Metro Area, I think that wetlands are real amenities that we should protect," said Morse. "Some developers are doing a really nice job of accenting their wetlands. It would be wasteful to fill them all in and do only subdivisions."

But soon after the law went into effect, farmers and real estate developers began to criticize the law as too cumbersome, too costly, and too zealous



**Sen. LeRoy Stumpf**

in protecting the state's smallest wetland areas. They said Minnesota laws defy common sense in their insistence on protecting even tiny wetlands, regardless of the cost to landowners. Some 23 counties expressed various degrees of opposition to the WCA, some passing resolutions threatening to withdraw from enforcement duties if the act wasn't revised this session, and five -- Beltrami, Koochiching, Lake, Marshall and Pennington -- were so unhappy with the act that their commissioners refused to enforce it. Sen. Dan Stevens (R-Mora), who serves on the Senate's Agriculture and Rural Development and Environment and Natural Resources Committees, said he believes the issue heated up when enforcement of the wetlands law began last year.

"I think what happened is that people were getting cease-and-desist orders every time they tried to do something on their property," said Stevens.

"I think people got tired of the bureaucracy and 'wet tape.'"

The regulations also proved to be an obstacle for government itself: the Department of Transportation and local road authorities were forced to absorb the high cost of wetland mitigation when repairing or constructing roads.

Legislators began the daunting task of revising the WCA in 1995. During that year's session, the Senate passed a reform bill, H.F. 787, sponsored by Sen. Leroy Stumpf (DFL-Thief River Falls), that would have relaxed certain regulations and allowed more local control of wetlands policy. However, revisions made by the House were not acceptable to the Senate, prompting the beginning of what Stumpf said was "probably the longest conference committee in legislative history."

An attempt at compromise legislation was introduced during the 1995 special session, but that bill was side-



**Sen. Dan Stevens**

lined by Sen. Gene Merriam (DFL-Coon Rapids). Merriam said he opposed that measure because it was biased toward drainage and filling, and it was strongly opposed by environmental and conservation groups.

That event delayed WCA reforms for another year. Meanwhile, the frustration level in rural areas grew. According to Legislative Analyst Gregory Knopff, at five Agriculture and Rural Development Committee hearings held in Greater Minnesota last fall, "the entire discussion...was wetlands."

Progress toward a resolution began when the governor convened a "wetlands summit" in St. Cloud in January, just before the beginning of the 1996 Legislative Session. Several Senators attended the summit, as did representatives of local governments, the Department of Natural Resources, and both environmentalist and property rights groups. Knopff said the summit started



*Sen. Gene Merriam*



*Sen. Steven Morse*

from scratch because the positions of the two legislative sides negotiating in the conference committee were a source of conflict.

Stevens said he would have preferred that there was more representation by individual landowners at the summit, but was pleased with the consensus on several issues, including a continuation of "no net loss" policies. Stevens said a priority for him was making sure WCA revisions allow more local flexibility in achieving that goal.

Morse said he's more comfortable with this year's discussion of WCA revisions after the summit, saying that the ideas on the table have become more balanced and included more interested parties.

Once the Legislature reconvened for the 1996 regular session, the summit consensus catalyzed the discussions toward reaching a legislative compromise. Another development also helped

clear the impasse in the negotiations -- to accommodate changes in Senate membership, the conference committee on H.F. 787 was reappointed. One of two new members of the Senate delegation was Merriam.

Merriam said it was unusual for him to be on the conference committee because he opposed the bill when it was first passed by the Senate. He said his role as conferee was to "play the heavy and say if you go this far, the governor will veto it." He added that the final product of the conference committee didn't reflect what a majority of the conferees would have come up with on their own, but it was something that would pass the Legislature.

Like most compromises, few people were completely satisfied with the final product, but most found it to be an acceptable resolution. Stumpf liked the additional flexibility provided by the bill in exempting wetlands from draining

and filling regulations for agricultural purposes, but was disappointed that local controls proposed the previous year were removed. Summing it up, he said "the environmentalists compromised on the drainage requirements, and farmers compromised on the plan requirements."

Stevens was also pleased with the overall revision, particularly the state takeover of costs for wetlands impacted by public highways. Stevens said that previously the cost to local governments was a total of \$2.2 million, or \$400 per acre, "and that was just the administrative costs."

Many criticisms of the original WCA, including mitigation costs related to highway repair, were addressed by the bill. According to Merriam, the new law requires road authorities to report the acres of wetlands filled by road repair, and the state pays to maintain the "no net loss" policy. A \$3 million bonding appropriation tied to passage of the

measure funds the mitigation work. Additionally, the state maintains oversight of wetland mitigation work through the Board of Water and Soil Resources. "It's a real win/win situation," he added.

Recognition of different conditions throughout the state was another key to reaching a compromise. "Individual counties here are very diverse as far as the amount of wetlands," Stevens points out. "Some counties have only 2 percent public water and wetland; in others, 80 percent of the county is wet, and only 15 percent is dry. I think too often, as we saw with the first go-round of the Wetlands Act, you get a one-size-fits-all mentality -- an overly restrictive set of rules and regulations coming out of St. Paul vs. what the local people want to see coming out of their county," said Stevens.

The new law divides counties into three categories depending on the percentage of pre-settlement wetlands that are still in existence: greater than

eighty percent, between eighty and fifty percent, and those with less than fifty percent. Greater flexibility for local planning is given to counties with more of their original wetlands, and replacement requirements are greater for counties with less of their original wetlands still intact.

Another area Stevens wanted addressed was the allowable exemptions to WCA regulations. "Not all wetlands are equal, and we have to balance the preservation of the wetland against economic issues -- as well as aesthetic ones," said Stevens. Stevens says the law should ignore certain small wetlands. Under the original law, the "de minimus point," which triggers regulation, is 400 square feet -- a size Stevens likens to a two-car garage. The new law sets up varying de minimus points depending on the size and type of wetland, and which category of wetland preservation the county falls into.

One of only two Senate votes against the bill came from Sen. Bob Lessard

(DFL-Int'l. Falls). Lessard said he voted against the measure because it didn't do enough for the five northern counties that still have more than 80 percent of their pre-settlement wetlands. Those northern Minnesota counties pushed for the opportunity to form local conservation plans.

Merriam thought the work of the conference committee also saved the WCA itself. Merriam said there was a movement building against the law and it appeared that if nothing was done this year, by next year a lot more damage could be done to the law. He said, "the compromise that was reached this year put an end to that movement."

Stumpf was encouraged by the work of the conferees and said the major results were simplification of the rules and laws regulating wetlands, and a streamlining of the permitting process in terms of paperwork, time and dollars. Stumpf added, "the compromise has received a good response from both sides."



*Environmental groups joined in the wetlands negotiations.*

# Asset transfers:

## Changing public perception of MA eligibility

by Sally Smaida

Insults, blame and political bargaining chips flew; the stock market fluctuated; the country eagerly awaited a decision. And federal budget negotiations produced...? More waiting. Although the timeline has been pushed back until after the Presidential election, Minnesota state officials and Legislators actively discussed pending federal cuts to social service programs during this year's session. Concerns focused on ways to prepare for the predicted massive cuts to the country's health care programs as well as ways to mitigate the resulting uproar from providers and beneficiaries of such services.

"The difficulty with federal cuts is that we have a population eligible to receive Medical Assistance services growing at a faster rate than the Washington proposals take into consideration," said Sen. Linda Berglin (DFL-Mpls). "This means that we will either have to raise taxes, reduce services or raise eligibility standards. Most individuals don't think that any of these options are desirable," she said.

Berglin, chair of the Health Care Committee, said a variety of proposals to contain costs floated around the Capitol chambers during the '96 session, many dealing with limiting the access low-income individuals have to Medical Assistance (MA) programs. Proposals to limit chemical dependency programs, dental care coverage, as well as the savings low-income elderly can maintain while on Medicaid, all received the attention and discussion of many Senators. However, these proposals may be approaching the situation from the wrong angle, according to Berglin. "Before we take away benefits for those in need, we should make sure that those who are not in need do not abuse the system," Berglin said.

Pursuant to this goal, Berglin introduced a bill to ensure only those most in need receive MA for nursing



**Senators worked to insure MA will still be available for those who need it.**

home care. "It takes a long time to change public awareness of Medical Assistance," said Berglin. "People have the misconception that MA is for everyone, not just the poor," she said. In response to this concern, Berglin's bill, S.F. 1881, establishes a variety of restrictions on asset allowances and asset transfers.

"MA is not a system to protect inheritances," Berglin said. "We began work on the asset issue several years ago, although our work was pre-empted by action taken in Congress. I kept thinking just the fact that we were

working on the issue would discourage people from dishonestly becoming MA eligible, yet I continued to see seminars advertised to inform the elderly on ways to qualify for long-term care without spending their assets."

The lawyers presenting the seminars voiced the strongest opposition to the bill, according to Berglin, who noted the bipartisan acceptance of the measure. Her Republican counterpart, Sen. Sheila Kiscaden (R-Rochester), said she has supported the concept for a long time.

"I was made very well aware of the issue," said Kiscaden.



*Sen. Sheila Kiscaden*

"Before I was even sworn into office, a financial planner in my own community brought it to my attention, telling me it was common practice for people to come to her, wanting assistance in divesting their assets," she said.

Most of the public isn't aware of the loopholes that have existed up to this point, said Kiscaden. The laws have changed significantly, establishing protections so that individuals no longer have to be impoverished or forced to divest in order to receive MA, she added. "The new restrictions imposed by Berglin's bill are not even a concern unless you have substantial assets," said Kiscaden.

Kiscaden recalled an elderly woman she knows who was dramatically affected by earlier laws. The woman was forced to sell her home and move into a high-rise apartment building in order to pay for her husband's nursing home bills. "She visits her husband everyday. The couple was forced to divest themselves of everything," she said.

These situations no longer occur, said Kiscaden, due to changes and protections in Minnesota's MA eligibility laws. Currently, Minnesota Medical Assistance eligibility is established if individuals have no more than \$3,000 in assets, excluding household goods, personal items, a car or burial funds. A spouse who is not receiving MA can

retain up to \$76,740 in cash, financial assets and a home.

Under Berglin's bill, a six year "lookback period" is established during which time asset transfers, unless accompanied with convincing evidence, may be presumed to be for the purposes of establishing Medical Assistance eligibility. Additionally, the bill reduces the monthly cap on uncompensated transfers from \$1,000 to \$500, establishes a penalty period of ineligibility beginning with the date of application. Local agencies are required to inform persons denied eligibility that they may request an undue hardship waiver and the local agencies are charged with reviewing the waivers.

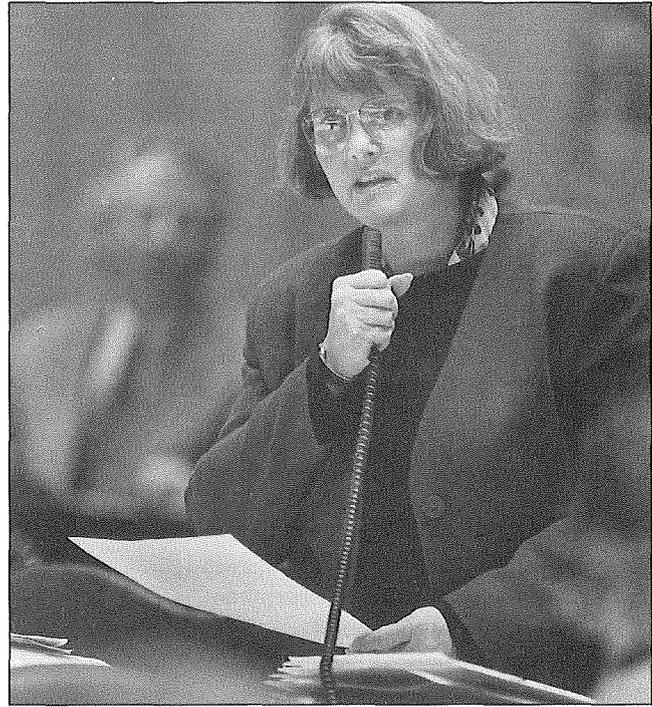
Berglin's bill maintains current eligibility standards, while placing responsibility on those who receive assets through transfers occurring to achieve MA eligibility. Under the bill, if an applicant for Medical Assistance transfers wealth within six years of applying for MA and the transfer is not reported on the application, the Human Services Department can recover the amount of the transfer from the person who received it. In order for the state to recover the transferred assets, however, the recipient must have knowledge of intent.

The bill makes it increasingly difficult to maintain eligibility when

large asset transfers have been made. Gift transfers, which previously had to be completed three years before applying for Medical Assistance, now would need to be completed six years before applications.

Similar to previous regulations, if the transfers do not meet requirements, a penalty is established, during which time the person is ineligible for all MA services (under current policy the person is only ineligible for long-term care services). However, a significant change in this area of the law was noted by Berglin. "The penalty period will begin when a person applies for Medicaid, not as before, when the gift was made," she said. This provision alone, will create substantial savings for the MA program, according to Berglin.

"The bill is designed to create a \$40 million savings," said Berglin, adding that this figure, an estimate made by the Department of Human Services, was conservative. The bill, which became part of the Health and Human Services Omnibus bill, was signed into law on April 12, 1996. Many of the provisions written into the bill include areas that would require a federal waiver of flexibility, said Berglin. If Minnesota receives the necessary waivers from the federal government, the law will affect those transfers made after March 1 of this year.



*Sen. Linda Berglin*

# 1996 Session Laws

All the bills passed by the legislature in the 1996 regular legislative session

## Agriculture and rural development

- Chap. 290** S.F. 2111\* H.F. 2454 Changes requirements for certain commodity council referenda. **Stumpf, Tunheim.** Effective date: *Feb. 29, 1996.*
- Chap. 315** S.F. 2760\* H.F. 3146 Provides an exception to alien ownership of agricultural land for production of timber and forestry products. **Lessard, Brown.** Effective date: *Mar. 16, 1996.*
- Chap. 330** S.F. 2071 H.F. 2116\* Changes provisions relating to plant pests, fertilizer, and lime and changes licensing requirements for aquatic pest control applicators. **Stevens, Harder.** Effective date: *Retroactive (Sec. 18) Dec. 30, 1995; balance - Aug. 1, 1996.*
- Chap. 347** S.F. 2301 H.F. 2115\* Adjusts certain net worth definitions for certain rural finance agency programs. **Sams, Harder.** Effective date: *Mar. 20, 1996.*
- Chap. 415** S.F. 1982 H.F. 2059\* Changes the Veterinary Practice Act. **Dille, Kelley.** Effective date: *Aug. 1, 1996.*

## Commerce and consumer protection

- Chap. 270** S.F. 1823 H.F. 2150\* Authorizes the city of Stillwater to issue one additional on-sale liquor license. **Laidig, Holsten.** Effective date: *Local approval.*
- Chap. 278** S.F. 1815\* H.F. 2344 Regulates the underwriting of life and health coverages for victims of domestic abuse. **Wiener, Long.** Effective date: *Aug. 1, 1996.*
- Chap. 285** S.F. 1622\* H.F. 1749 Regulates homeowners insurance proof of loss. **Knutson, Macklin.** Effective date: *Feb. 28, 1996.*
- Chap. 291** S.F. 2813\* H.F. 3016 Regulates heavy and utility equipment manufacturers and dealers. **Janezich, Daggett.** Effective date: *Mar. 2, 1996.*
- Chap. 304** S.F. 2516 H.F. 2044\* Prohibits retroactive termination of a person's group life and health coverage without the consent of the covered person. **Anderson, Skoglund.** Effective date: *Mar. 14, 1996.*
- Chap. 323** S.F. 2591 H.F. 2788\* Modifies restrictions for temporary on-sale liquor licenses and

- discontinues the use of the term "nonintoxicating liquor." **Scheevel, Frerichs.** Effective date: *Aug. 1, 1996.*
- Chap. 326** S.F. 2624\* H.F. 3078 Clarifies coverage under homeowner's insurance for day care services. **Wiener, Lourey.** Effective date: *Mar. 19, 1996.*
- Chap. 336** S.F. 950 H.F. 732\* Regulates the enforcement of copyright licenses on certain nondramatic musical works and similar works. **Metzen, Pugh.** Effective date: *Aug. 1, 1996.*
- Chap. 337** S.F. 191 H.F. 168\* Modifies requirements related to nonrenewal of homeowner's insurance. **Solon, Luther.** Effective date: *Jan. 1, 1997.*
- Chap. 343** S.F. 2201 H.F. 2525\* Provides for the relocation of an existing new motor vehicle dealership under specific conditions. **Janezich, Rukavina.** Effective date: *Mar. 19, 1996.*
- Chap. 384** S.F. 1981\* H.F. 2236 Regulates the enforcement powers of the commissioner of commerce. **Hottinger, Entenza.** Effective date: *Aug. 1, 1996.*
- Chap. 389** S.F. 1647 H.F. 697\* Permits the sale of long-term care insurance policies with longer waiting periods with disclosure of the purchaser. **Solon, Kalis.** Effective date: *Jan. 1, 1997.*
- Chap. 404** S.F. 2472 H.F. 2752\* Provides for the licensing and regulation of pawnbrokers. **Price, Luther.** Effective date: *Aug. 1, 1996.*
- Chap. 413** S.F. 1986 H.F. 2413\* Clarifies procedures for examination of certain cemetery accounts and records by the state auditor. **Johnson, J.B., Jennings.** Effective date: *Aug. 1, 1996.*
- Chap. 414** S.F. 2037 H.F. 2369\* Regulates consumer credit. **Metzen, Ostrom.** Effective date: *Various dates.*
- Chap. 418** S.F. 2116\* H.F. 2590 Modifies eligibility for manufacturer and wholesaler alcoholic beverage licenses. **Solon, Bertram.** Effective date: *Various dates.*
- Chap. 433** S.F. 2780 H.F. 3052\* Clarifies that existing law prohibits insurers from terminating agents as a result of contacts with any branch of government. **Hottinger, Ostrom.** Effective date: *Retroactive to May 18, 1989.*
- Chap. 439** S.F. 1915\* H.F. 2233 Makes numerous technical changes in provisions relating to the Dept. of Commerce. **Oliver, Entenza.** Effective date: *Various dates.*
- Chap. 446** S.F. 1980\* H.F. 2378 Omnibus insurance bill. **Hottinger, Osthoff.** Effective date: *Various dates.*

## Crime prevention

- Chap. 328** S.F. 1811 H.F. 2040\* Provides for waiver of fees and surcharges imposed on motor vehicle registration data requests under certain circumstances. **Berglin, Clark**. Effective date: *Various dates*.
- Chap. 331** S.F. 2170 H.F. 2526\* Makes it a crime to obtain cellular telephone service through cellular counterfeiting and requires forfeiture of cloning paraphernalia. **Betzold, Brown**. Effective date: *Aug. 1, 1996*.
- Chap. 334** S.F. 2332\* H.F. 2633 Modifies provisions relating to sexual misconduct on the part of members of health professions. **Merriam, Greenfield**. Effective date: *Aug. 1, 1996*.
- Chap. 344** S.F. 2319\* H.F. 2229 Provides for response to state emergencies. **Knutson, Cooper**. Effective date: *Aug. 1, 1996*.
- Chap. 380** S.F. 2275\* H.F. 2842 Requires victim's account of domestic assault or harassment to be considered in determining arrested person's release. **Reichgott Junge, Kelley**. Effective date: *Aug. 1, 1996*.
- Chap. 408** S.F. 2856\* H.F. 3242 Omnibus crime prevention supplemental appropriations bill. **Beckman, Murphy**. Effective date: *Various dates*.
- Chap. 411** S.F. 1872\* H.F. 2041 Requires peace officers to undergo training in community policing techniques. **Berglin, Wejzman**. Effective date: *April 3, 1996*.
- Chap. 442** S.F. 2340\* H.F. 2779 Expands the prohibitions of the driving while intoxicated and criminal vehicular operations laws. **Marty, Entenza**. Effective date: *Various dates*.

## Education

- Chap. 284** S.F. 2019\* H.F. 2077 Clarifies approved costs for a magnet school facility. **Merriam, Carlson, L**. Effective date: *Feb. 28, 1996*.
- Chap. 366** S.F. 2636 H.F. 2565\* Modifies licensing standards for private business, trade and correspondence schools. **Larson, Tuma**. Effective date: *Mar. 23, 1996*.
- Chap. 395** S.F. 2849\* H.F. 3239 Higher education supplemental appropriations bill. **Stumpf, Kinkel**. Effective date: *Line item vetoes; Sec. 17 par (a) - June 30, 1997; balance - July 1, 1996*.
- Chap. 398** S.F. 2143 H.F. 2206\* Removes mandates from higher education provisions. **Murphy, Pelowski**. Effective date: *Various dates*.
- Chap. 412** S.F. 1884 H.F. 2156\* Omnibus k-12 education supplemental appropriations bill. **Pogemiller, Johnson, A**. Effective date: *Line item vetoes; various dates*

## Environment and natural resources

- Chap. 280** S.F. 1984\* H.F. 2374 Modifies and adds to the list of canoe and boating routes. **Beckman, Gunther**. Effective date: *Aug. 1, 1996*.

- Chap. 293** S.F. 2802\* H.F. 3125 Provides and appropriation for snow mobile grants-in-aid. **Johnson, D.J., Hasskamp**. Effective date: *Mar. 2, 1996*.
- Chap. 294** S.F. 2596\* H.F. 2902 Provides an appropriation for emergency deer feeding. **Johnson, D.J., Bakk**. Effective date: *Sec. 1-July 1, 1997; Sec. 2-Mar. 2, 1996; Sec. 3-July 1, 1996*.
- Chap. 295** S.F. 2384 H.F. 2365\* Modifies open burning restrictions and empowers the commissioner to declare an emergency. **Lessard, Bakk**. Effective date: *Sec. 4 & 5 - Mar. 5, 1996; balance - Aug. 1, 1996*.
- Chap. 301** S.F. 2556 H.F. 2411\* Prohibits trespassing on agricultural land and certain private land for outdoor recreation. **Murphy, Johnson, V**. Effective date: *Aug. 1, 1996*.
- Chap. 308** S.F. 2010 H.F. 2391\* Regulates reimbursement under petroleum tank release cleanup provisions and provides enforcement authority to the commissioner of commerce. **Novak, Jennings**. Effective date: *Mar. 14, 1996 with varying application*.
- Chap. 319** S.F. 2535 H.F. 2846\* Authorizes the sale of tax-forfeited land in Aitkin, Anoka, Crow Wing, Faribault, Hubbard, St. Louis, Sherburne, Wadena and Washington Counties. **Beckman, Kalis**. Effective date: *Mar. 16, 1996*.
- Chap. 348** S.F. 1847 H.F. 2149\* Provides for a representative of organized labor on the Pollution Control Agency Board. **Hanson, Perlt**. Effective date: *Jan. 5, 1998*.
- Chap. 351** S.F. 2499\* H.F. 2065 Delays the effective date for certain used motor oil and motor oil filter provisions. **Stevens, Hackbarth**. Effective date: *Aug. 1, 1996*.
- Chap. 359** S.F. 2306 H.F. 3013\* Modifies provisions relating to the environmental improvement pilot program. **Mondale, Long**. Effective date: *Mar. 22, 1996*.
- Chap. 364** S.F. 1775\* H.F. 1964 Requires a turkey stamp to take turkey. **Merriam, Hackbarth**. Effective date: *Mar. 1, 1997*.
- Chap. 370** S.F. 2120 H.F. 2588\* Provides a process for resolving state claims for certain landfill cleanup costs and associated damages with insurers. **Morse, Wagenius**. Effective date: *Mar. 27, 1996*.
- Chap. 372** S.F. 1905\* H.F. 2264 Adds to and deletes from various state parks. **Laidig, Peterson**. Effective date: *Aug. 1, 1996*.
- Chap. 385** S.F. 2503\* H.F. 2379 Recodifies, modifies and expands provisions relating to the regulation and management of harmful exotic species. **Price, Jennings**. Effective date: *May 1, 1996*.
- Chap. 396** S.F. 2563 H.F. 2834\* Modifies the requirements for operation of a motor boat by a youth. **Johnson, J.B., Hasskamp**. Effective date: *Sec. 2 par (b), 4 & 5 - May 1, 1996; balance - Jan. 1, 1997*.
- Chap. 397** S.F. 2172 H.F. 2519\* Increases the amount of reimbursement available for cleanup of petroleum releases by certain responsible persons. **Morse, Pelowski**. Effective date: *April 3, 1996*.
- Chap. 403** S.F. 2409 H.F. 2580\* Modifies restrictions for nonresident fish houses. **Samuelson, Wenzel**. Effective date: *Aug. 1, 1996*.

**Chap. 405** S.F. 2252 H.F. 2171\* Clarifies powers of the Pollution Control Agency Board and commissioner. **Morse, Orment.** Effective date: *June 1, 1996.*

**Chap. 407** S.F. 2167\* H.F. 2512 Omnibus environment, natural resources and agriculture supplemental appropriations bill. **Morse, Johnson, V.** Effective date: *Line item vetoes, various dates.*

**Chap. 409** S.F. 1890 H.F. 2125\* Allows the Pollution Control Agency to issue an air quality permit without regard to certain particulate standards. **Frederickson, Boudreau.** Effective date: *April 3, 1996.*

**Chap. 410** S.F. 2445\* H.F. 2799 Makes numerous changes to game and fish provisions. **Johnson, J.B., Milbert.** Effective date: *Sec. 52 - April 3, 1996, balance - Aug. 1, 1996.*

**Chap. 427** S.F. 1987 H.F. 2112\* Authorizes the establishment of municipal individual sewage treatment system and well loan programs. **Morse, Bishop.** Effective date: *Sec. 2 - Mar. 1, 1996, balance - April 3, 1996.*

**Chap. 428** S.F. 2013 H.F. 2207\* Adopts changes to the Midwest Interstate Compact on Low-Level Radioactive Waste. **Novak, Trimble.** Effective date: *Aug. 1, 1996.*

**Chap. 437** S.F. 1956\* H.F. 2194 Provides for an environmental permitting project. **Dille, Weaver.** Effective date: *April 4, 1996.*

**Chap. 443** S.F. 1900 H.F. 2332\* Modifies water permit requirements and approves a consumptive use of water. **Laidig, Trimble.** Effective date: *April 12, 1996.*

**Chap. 449** S.F. 2114 H.F. 2282\* Modifies provisions of the Reinvest in Minnesota Resources Program (RIM). **Morse, Winter.** Effective date: *Aug. 1, 1996.*

**Chap. 462** S.F. 1116 H.F. 787\* Makes changes to provisions regulating wetlands. **Merriam, Munger.** Effective date: *Various dates.*

**Chap. 470** S.F. 1861\* H.F. 2259 Modifies provisions relating to the management of waste. **Johnson, J.B., Wagenius.** Effective date: *Various dates.*

## Ethics and campaign reform

**Chap. 368** S.F. 2267\* H.F. 2549 Prohibits public employers other than the state from requiring employees to take leave of absence upon becoming a candidate for elective office. **Hottinger, Ostrom.** Effective date: *Vetoed.*

**Chap. 375** S.F. 1086\* H.F. 1106 Prohibits lobbying by a principal campaign committee or political party committee that issues refund receipt forms. **Johnson, D.J., Cooper.** Effective date: *Vetoed.*

**Chap. 419** S.F. 2720\* H.F. 3123 Permits simultaneous candidacy for nomination by major and minor parties with their consent under certain conditions. **Marty, Pelowski.** Effective date: *1996 primary election.*

**Chap. 422** S.F. 2255\* H.F. 2425 Provides for certain vacancies in the elected offices of mayor or council members. **Betzold, Carruthers.** Effective date: *Aug. 1, 1996.*

**Chap. 432** S.F. 2283 H.F. 2101\* Allows mail balloting in certain elections in additional cities and towns. **Stumpf, Tunheim.** Effective date: *Vetoed.*

**Chap. 441** S.F. 315\* H.F. 289 Changes and clarifies provisions of Minnesota election law and the ethics in government law. **Sams, Jefferson.** Effective date: *Vetoed.*

**Chap. 459** S.F. 840\* H.F. 667 Changes the treatment of campaign spending limits and public subsidy in certain cases. **Cohen, Long.** Effective date: *April 12, 1996.*

**Chap. 469** S.F. 153 H.F. 343\* Proposes an amendment to the Minnesota Constitution providing for the recall of elected state officials. **Reichgott Junge, McCollum.** Effective date: *Upon ratification.*

## Family services

**Chap. 392** S.F. 1882 H.F. 2127\* Amends Minnesota Statutes relating to deaf and hard-of-hearing. **Samuelson, Lynch.** Effective date: *Aug. 1, 1996.*

**Chap. 416** S.F. 1885\* H.F. 2158 Clarifies foster care payment and placement. **Knutson, Sykora.** Effective date: *April 3, 1996.*

**Chap. 465** S.F. 221 H.F. 219\* Provides for the MNJobs Program, makes changes to the Minnesota Family Investment Program, makes changes to income assistance programs and requires coverage for treatment of Lyme disease. **Samuelson, Murphy.** Effective date: *Aug. 1, 1996.*

## Finance

**Chap. 360** S.F. 2835 H.F. 3217\* Provides for payment of various claims against the state. **Kelly, Olson, E.** Effective date: *Mar. 22, 1996.*

**Chap. 371** S.F. 2874\* H.F. 3271 Authorizes the settlement of a lawsuit for age discrimination. **Merriam, Solberg.** Effective date: *Mar. 27, 1996.*

**Chap. 390** S.F. 2857\* H.F. 3214 State government finance supplemental appropriations bill. **Merriam, Rukavina.** Effective date: *Line item vetoes, various dates.*

**Chap. 461** S.F. 2886\* Sets the amount of the budget reserve and reduces the property tax recognition shift. **Merriam.** Effective date: *April 12, 1996.*

**Chap. 463** S.F. 2879 H.F. 3273\* Capital budget bill that authorizes the issuance of bonds, provides for spending to acquire and to better public land and buildings and provides for other public improvements of a capital nature. **Riveness, Kalis.** Effective date: *Line item vetoes; April 18, 1996.*

## Gaming regulation

**Chap. 288** S.F. 1936\* H.F. 2316 Provides that the director may permit a lottery retailer to sell tickets at more than one location. **Janezich, Dorn.** Effective date: *Feb. 29, 1996.*

**Chap. 467** S.F. 2218 H.F. 2318\* Omnibus gaming bill, regulates the imposition of certain taxes on pari-mutuel racing and makes other changes to gaming provisions. **Berg, Dorn.** Effective date: *Sec. 1 - July 1, 1996; balance - April 12, 1996.*

## Governmental operations and veterans affairs

- Chap. 268** S.F. 1962 H.F. 2308\* Provides a condition on participation in the state employee combined charitable campaign. **Kramer, Perlt**. Effective date: *July 1, 1996*.
- Chap. 292** S.F. 2584\* H.F. 2280 Eliminates certain duties of the Veterans Home Board of Directors. **Metzen, McCollum**. Effective date: *Aug. 1, 1996*.
- Chap. 299** S.F. 1800\* H.F. 2032 Changes procedures for the disposition of closed armories. **Stevens, Koppendrayner**. Effective date: *Aug. 1, 1996*.
- Chap. 310** S.F. 2092 H.F. 2377\* Repeals obsolete laws. **Wiener, Delmont**. Effective date: *Aug. 1, 1996*.
- Chap. 325** S.F. 1299 H.F. 1303\* Requires state agencies to appoint persons to serve as liaisons with non-English speaking people served by the agencies. **Pappas, Mariani**. Effective date: *Vetoed*.
- Chap. 327** S.F. 2461 H.F. 1540\* Relates to the Minneapolis Teachers Retirement Fund Association and provides for purchase of allowable service credit for public school employment outside the state of Minnesota. **Pogemiller, Jefferson**. Effective date: *Vetoed*.
- Chap. 332** S.F. 2564 H.F. 2858\* Provides for the use of the National Guard Education Center at Camp Ripley as the state education and training center. **Samuelson, Wenzel**. Effective date: *Aug. 1, 1996*.
- Chap. 339** S.F. 2097 H.F. 2222\* Excepts certain state government contract management requirements. **Lesewski, Delmont**. Effective date: *Mar. 20, 1996*.
- Chap. 342** S.F. 1871 H.F. 2953\* Requires a pilot project to determine the feasibility of coordinating workers' compensation and insurance benefits for public employees. **Berglin, Wejcman**. Effective date: *Vetoed*.
- Chap. 350** S.F. 2418\* H.F. 2845 Legislative auditor housekeeping bill that makes technical changes. **Riveness, Rest**. Effective date: *Vetoed*.
- Chap. 353** S.F. 2532 H.F. 2783\* Permits state employees to donate vacation leave for the benefit of a certain state employee. **Anderson, Osthoff**. Effective date: *Retroactive to Dec. 15, 1995*.
- Chap. 369** S.F. 2056 H.F. 2256\* Changes the classification of the director of tourism in the Dept. of Trade and Economic Development. **Novak, Warkentin**. Effective date: *Aug. 1, 1996*.
- Chap. 373** S.F. 2260\* H.F. 2720 Modifies classifications for certain positions in the higher education system. **Price, Dorn**. Effective date:
- Chap. 394** S.F. 2529 H.F. 2298\* Extends the effective period of certain exemptions granted by the Board of Government Innovation and Cooperation. **Beckman, Marko**. Effective date: *Mar. 29, 1996*.
- Chap. 420** S.F. 1902\* H.F. 2193 Changes the names, membership and powers of several state councils. **Pappas, Entenza**. Effective date: *April 3, 1996*.
- Chap. 425** S.F. 2457\* H.F. 2213 Regulates the

salaries of certain higher education officers. **Flynn, Solberg**. Effective date: *July 1, 1996*.

- Chap. 429** S.F. 530 H.F. 532\* Proposes an amendment to the Minnesota Constitution permitting the payment of a monetary bonus to veterans of the Persian Gulf War. **Metzen, McCollum**. Effective date: *Aug. 1, 1996*.
- Chap. 438** S.F. 2048 H.F. 2417\* Makes changes in provisions relating to various Minnesota public pension plans. **Riveness, Jefferson**. Effective date: *Various dates*.
- Chap. 448** S.F. 2126 H.F. 2493\* Modifies provisions of various local pension plans and makes miscellaneous benefit and administrative changes. **Morse, Kahn**. Effective date: *Various dates*.
- Chap. 457** S.F. 2219 H.F. 2218 Modifies performance report requirements and requires that interagency bills be paid promptly. **Metzen, Kahn**. Effective date: *Aug. 1, 1996*.
- Chap. 460** S.F. 2175\* H.F. 2484 Modifies benefits for certain former participants in the Minnesota State Retirement System. **Metzen, Pugh**. Effective date: *April 12, 1996*.

## Health care

- Chap. 269** S.F. 1862\* H.F. 2110 Authorizes the use of unmarked vehicles by the Division of Disease Prevention and Control of the Dept. of Health. **Betzold, Haas**. Effective date: *Feb. 16, 1996*.
- Chap. 273** S.F. 1719 H.F. 1926\* Regulates the practice of dental hygiene. **Solon, Huntley**. Effective date: *Feb. 22, 1996*.
- Chap. 316** S.F. 1879\* H.F. 2951 Combines the alternative care program and the home-and community-based service waiver for the elderly program. **Berglin, Wejcman**. Effective date: *Aug. 1, 1996*.
- Chap. 318** S.F. 2335 H.F. 2558\* Modifies provisions governing the practice of nursing. **Samuelson, Cooper**. Effective date: *Aug. 1, 1996*.
- Chap. 324** S.F. 1955 H.F. 2310\* Transfers certain authority from the commissioner of health to the Emergency Medical Services Regulatory Board. **Sams, Cooper**. Effective date: *Various*.
- Chap. 335** S.F. 1791 H.F. 2008\* Regulates childbirth and postpartum care benefits. **Betzold, Opatz**. Effective date: *Mar. 20, 1996*.
- Chap. 352** S.F. 2312 H.F. 2630\* Permits nursing home administrators to be shared under certain circumstances. **Kiscaden, Cooper**. Effective date: *Aug. 1, 1996*.
- Chap. 363** S.F. 2158 H.F. 2340\* Provides for the registration of speech-language pathologists. **Sams, Lourey**. Effective date: *Aug. 1, 1996*.
- Chap. 393** S.F. 2308 H.F. 2818\* Omnibus health and human services supplemental appropriations bill. **Samuelson, Greenfield**. Effective date: *Vetoed*.
- Chap. 423** S.F. 891 H.F. 66\* Establishes the Board of Licensed Professional Counseling. **Solon, Cooper**.

Effective date: *Vetoed*.

**Chap. 424** S.F. 842\* H.F. 1157 Modifies duties of the Board of Psychology. **Betzold, Kelley**. Effective date: *Aug. 1, 1996*.

**Chap. 434** S.F. 2106 H.F. 2190\* MinnesotaCare expansion. **Berglin, Cooper**. Effective date: *Vetoed*.

**Chap. 451** S.F. 1703 H.F. 1584\* Omnibus health and human services bill. **Berglin, Lourey**. Effective date: *Various dates*.

## Jobs, energy and community development

**Chap. 266** S.F. 1846\* H.F. 2281 Extends the due date for a task force report relating electric energy policy. **Novak, Munger**. Effective date: *Aug. 1, 1996*.

**Chap. 286** S.F. 1812\* H.F. 2039 Provides for securing vacant buildings. **Berglin, Clark**. Effective date: *Aug. 1, 1996*.

**Chap. 298** S.F. 1925\* H.F. 2129 Makes technical changes to requirements under single family housing programs. **Johnson, J.B., Clark**. Effective date: *Aug. 1, 1996*.

**Chap. 300** S.F. 2009\* H.F. 2336 Allows the city of Willmar to enter into a joint venture with the Kandiyohi Cooperative Power Association. **Johnson, D.E., Cooper**. Effective date: *Aug. 1, 1996*.

**Chap. 311** S.F. 1845 H.F. 2154\* Adds conditions for manufactured home park owners to recover possession of land. **Novak, Delmont**. Effective date: *Aug. 1, 1996*.

**Chap. 340** S.F. 2262 H.F. 2055\* Requires notice to customers of the right to require written authorization before changing intrastate telecommunications carrier or local telephone company. **Johnson, J.B., Delmont**. Effective date: *Jan. 1, 1997*.

**Chap. 341** S.F. 2438 H.F. 2682\* Modifies provisions governing school conference and activities leave. **Anderson, Greiling**. Effective date: *July 1, 1996*.

**Chap. 349** S.F. 2576 H.F. 2513\* Authorizes port authorities to use certain provisions of the Uniform Municipal Contracting Law. **Anderson, Huntley**. Effective date: *Aug. 1, 1996*.

**Chap. 354** S.F. 2040 H.F. 2205\* Provides for the sale of nonoxygenated special recreational fuel. **Kelly, Johnson, A.** Effective date: *Mar. 22, 1996*.

**Chap. 355** S.F. 2793 H.F. 3070\* Modifies the neighborhood revitalization program. **Kroening, Wejcman**. Effective date: *Aug. 1, 1996*.

**Chap. 357** S.F. 2135 H.F. 2672\* Changes the interest rate on tenants' security deposits. **Metzen, Jennings**. Effective date: *Mar. 22, 1996*.

**Chap. 362** S.F. 2594 H.F. 2415\* Makes technical and policy changes to the low-income housing tax credit program. **Pogemiller, Rest**. Effective date: *Sec. 1 - 6, Mar. 22, 1996; balance, Aug. 1, 1996*.

**Chap. 367** S.F. 2196\* H.F. 2242 Permits a mortgagee to provide a resident caretaker for a premises. **Anderson, Wejcman**. Effective date: *Aug. 1, 1996*.

**Chap. 374** S.F. 2552\* H.F. 2867 Modifies provisions governing the calculation of workers' compensation insurance premiums. **Hottinger, Leighton**. Effective date: *Sec. 1, 2 - Jan. 1, 1996; Sec. 3 - July 1, 1996; balance - Mar. 27, 1996*.

**Chap. 382** S.F. 2471\* H.F. 2735 Modifies provisions regarding mandatory arbitration for charitable hospital employers and employees. **Janexich, Rukavina**. Effective date: *Aug. 1, 1996*.

**Chap. 386** S.F. 2397 H.F. 2841\* Modifies provisions regarding minimum wages. **Novak, Leighton**. Effective date: *Aug. 1, 1996*.

**Chap. 417** S.F. 1919\* H.F. 2319 Makes technical changes in provisions relating to reemployment insurance. **Runbeck, Perlt**. Effective date: *Various dates*.

**Chap. 436** S.F. 302\* H.F. 401 Increases the minimum wage. **Kelly, Rukavina**. Effective date: *Vetoed*.

**Chap. 444** S.F. 1147 H.F. 637\* Allows for a market value exclusion for electric power generation facilities based on facility efficiency. **Novak, Jennings**. Effective date: *Sec. 1 & 3 - April 12, 1996, Sec. 2 - for taxes payable in 1997 and thereafter.; Sec. 4 - Aug. 1, 1996*.

**Chap. 445** S.F. 2381\* H.F. 2615 Regulates intrastate interLATA telecommunications services. **Johnson, D.J., Jennings**. Effective date: *Aug. 1, 1996*.

**Chap. 447** S.F. 1997\* H.F. 2562 Requires some businesses with state or local financial assistance to pay at least a poverty level wage. **Hottinger, Clark**. Effective date: *Vetoed*.

**Chap. 450** S.F. 2238 H.F. 2419\* Regulates a mandate to generate electricity using biomass as a fuel. **Novak, Brown**. Effective date: *April 12, 1996*.

**Chap. 452** S.F. 2852 H.F. 3243\* Omnibus jobs, energy and economic development supplemental appropriations bill. **Kroening, Rice**. Effective date: *Line item vetoes, various dates*.

**Chap. 466** S.F. 1642 H.F. 374\* Exempts large electric power generating plants from the certificate of need proceeding when selected by the Public Utilities Commission from a bidding process to select resources to meet the utility's projected energy demand. **Novak, Trimble**. Effective date: *Vetoed*.

## Judiciary

**Chap. 277** S.F. 1798\* H.F. 2122 Limits the scope of an instruction to the revisor. **Betzold, Dawkins**. Effective date: *Aug. 1, 1996*.

**Chap. 281** S.F. 2514\* H.F. 2836 Clarifies the financial responsibility for hearings on the use of neuroleptic medications. **Hottinger, Ostrom**. Effective date: *Aug. 1, 1996*.

**Chap. 305** S.F. 2598 H.F. 2938\* Revisor's bill. **Betzold, Skoglund**. Effective date: *Aug. 1, 1996*.

**Chap. 307** S.F. 2476 H.F. 2483\* Clarifies the process for applying for a writ of certiorari. **Cohen, Carruthers**. Effective date: *Aug. 1, 1996*.

**Chap. 314** S.F. 1735 H.F. 1998\* Regulates the investment and management of trust assets and provides

standards. **Knutson, Bishop**. Effective date: *Jan. 1, 1997*.

**Chap. 322** S.F. 2098 H.F. 2509\* Clarifies the definition of acts constituting a public nuisance. **Ranum, Wagenius**. Effective date: *June 1, 1996*.

**Chap. 338** S.F. 1838 H.F. 2155\* Provides conditions for registered property applications and records. **Betzold, Macklin**. Effective date: *Various dates*.

**Chap. 361** S.F. 1492 H.F. 1704\* Makes various technical and conforming changes related to limited liability companies. **Reichgott Junge, Rest**. Effective date: *Various dates*.

**Chap. 365** S.F. 2672 H.F. 2778\* Extends the streamlined marriage dissolution procedure pilot project. **Cohen, Orenstein**. Effective date: *Mar. 23, 1996*.

**Chap. 388** S.F. 2084 H.F. 2385\* Establishes an evidentiary privilege for persons who preside at alternative dispute resolution. **Reichgott Junge, Carruthers**. Effective date: *Aug. 1, 1996*.

**Chap. 391** S.F. 1996\* H.F. 2357 Requires specificity in child custody visitation orders. **Kelly, Dawkins**. Effective date: *Aug. 1, 1996*.

**Chap. 401** S.F. 2372 H.F. 2478\* Restricts the provision of immigration services and regulates notaries public. **Pappas, Mariani**. Effective date: *Aug. 1, 1996*.

**Chap. 406** S.F. 1948 H.F. 2284\* Regulates reductions in monthly payments for overpayment of support or maintenance. **Betzold, Johnson, A.** Effective date: *Aug. 1, 1996*.

**Chap. 421** S.F. 2123\* H.F. 2368 Clarifies the procedures peace officers must follow when deciding where to place a child on a health and welfare hold. **Terwilliger, Jefferson**. Effective date: *Aug. 1, 1996*.

**Chap. 431** S.F. 2015 H.F. 2042\* Provides that making certain equal opportunities in athletic programs available on the basis of sex is not an unfair discriminatory practice. **Anderson, Kahn**. Effective date: *April 3, 1996*.

**Chap. 440** S.F. 2410\* H.F. 2386 Provides for the classification of and access to government data. **Ranum, McGuire**. Effective date: *Various dates*.

**Chap. 453** S.F. 2014 H.F. 2204\* Creates a nuisance action by individuals and neighborhood organizations. **Anderson, Dawkins**. Effective date: *Aug. 1, 1996, Sec. 1 & 2 repealed Aug. 1, 1999*.

**Chap. 458** S.F. 2198\* H.F. 2453 Revives and extends certain civil actions barred by the statute of limitations. **Limmer, Pugh**. Effective date: *Vetoed*.

**Chap. 468** S.F. 1500 H.F. 1648\* Provides for recovery of damages and injunctive relief for victims of bias offenses and imposes parental liability. **Hottinger, Pugh**. Effective date: *Aug. 1, 1996*.

## Metropolitan and local government

**Chap. 267** S.F. 1912 H.F. 2079\* Permits the city of New Market to incur debt not subject to the general debt limit. **Pariseau, Macklin**. Effective date: *Local approval*.

**Chap. 271** S.F. 1843 H.F. 2239\* Allows the city of Morristown to maintain and pay for electrical power outside the city. **Neuville, Boudreau**. Effective date: *July 1, 1996*.

**Chap. 274** S.F. 2324 H.F. 2634\* Provides for one additional chief deputy sheriff in the unclassified service in Hennepin County. **Mondale, Long**. Effective date: *Local compliance*.

**Chap. 276** S.F. 2223 H.F. 2652\* Grants the city of Minneapolis the authority to negotiate trade and craft contracts for stagehands. **Pogemiller, Jefferson**. Effective date: *Feb. 22, 1996*.

**Chap. 282** S.F. 1964 H.F. 2355\* Authorizes a city, county, or town to require certain information in applying for or as a condition of granting approval of permits. **Vickerman, Long**. Effective date: *Aug. 1, 1996*.

**Chap. 283** S.F. 2698\* H.F. 2758 Provides for the right to extend a deadline with certain conditions. **Cohen, Orenstein**. Effective date: *Aug. 1, 1996*.

**Chap. 297** S.F. 2166\* H.F. 2680 Permits up to a 40 year term for certain wastewater treatment system bonds. **Morse, Wenzel**. Effective date: *Mar. 5, 1996*.

**Chap. 302** S.F. 2581 H.F. 2889\* Relates to the cities of Norwood and Young American in Carver County and their consolidation. **Dille, Onnen**. Effective date: *After last local approval*.

**Chap. 303** S.F. 2189 H.F. 2670\* Clarifies authority and procedures of the Minnesota Municipal Board. **Vickerman, Schumacher**. Effective date: *Aug. 1, 1996*.

**Chap. 306** S.F. 2001 H.F. 2401\* Exempts Itasca County from certain bidding requirements on the sale of the Itasca County Medical Center. **Lessard, Solberg**. Effective date: *Mar. 14, 1996*.

**Chap. 313** S.F. 2821 H.F. 3162\* Permits the city of Cohasset to own and operate a gas utility. **Lessard, Solberg**. Effective date: *Day after local approval*.

**Chap. 317** S.F. 2258 H.F. 2420\* Authorizes cities to establish a program to prevent the inflow and infiltration of storm water into a city's sanitary sewer system. **Solon, Huntley**. Effective date: *Aug. 1, 1996*.

**Chap. 320** S.F. 2204 H.F. 2285\* Clarifies and extends Metropolitan Airports Commission noise mitigation spending requirements. **Riveness, Garcia**. Effective date: *Aug. 1, 1996*.

**Chap. 358** S.F. 2108 H.F. 2532\* Relates to the Minneapolis Park and Recreation Board and provides for the appointment of various employees. **Kroening, Long**. Effective date: *Local approval*.

**Chap. 376** S.F. 2214 H.F. 2625\* Allows the city of Baxter to expand its public utilities commission to five members. **Samuelson, Wenzel**. Effective date: *Aug. 1, 1996*.

**Chap. 378** S.F. 2339 H.F. 2321\* Prohibits the Metropolitan Airports Commission from providing free parking to certain individuals. **Marty, Orenstein**. Effective date: *Mar. 26, 1996*.

**Chap. 379** S.F. 2107 H.F. 2330\* Requests the St. Cloud area planning organization to assess and report on the land use planning and coordinating issues of the region. **Kleis, Opatz**. Effective date: *Vetoed*.

**Chap. 383** S.F. 2194\* H.F. 2556 Includes the Metropolitan Council and its agencies' employees in a certain definition of employee. **Flynn, Mahon**. Effective date: *Vetoed*.  
**Chap. 400** S.F. 2597 H.F. 2782\* Provides for creation of an Advisory Council on Intergovernmental Relations. **Metzen, Orenstein**. Effective date: *Vetoed*.  
**Chap. 402** S.F. 2073 H.F. 2375\* Requires a report to show the need and cost-effectiveness of local improvements. **Reichgott Junge, Rest**. Effective date: *Aug. 1, 1996*.  
**Chap. 430** S.F. 317\* H.F. 379 Permits cities to close certain unlawful businesses. **Betzold, Haas**. Effective date: *Aug. 1, 1996*.

**Chap. 454** S.F. 1655 H.F. 1800\* Requires a sustainable development planning guide and a model ordinance to be developed for local government use by the Office of Strategic and Long-Range Planning. **Johnson, J.B., Long**. Effective date: *April 12, 1996*.  
**Chap. 464** S.F. 2365 H.F. 3012\* Specifies that the metropolitan airport remain at its present location, provides for airport expansion and provides for local zoning conformity in certain cases. **Mondale, Long**. Effective date: *Sec. 1 & 2 - Jan. 1, 1998, Sec. 5 & 6 - July 1, 1996*.

## Taxes and tax laws

**Chap. 399** S.F. 1441 H.F. 1567\* Regulates the deposit and investment of public funds and the agreements related to public funds. **Pogemiller, Long**. Effective date: *Various dates*.  
**Chap. 471** S.F. 2304 H.F. 2102\* Omnibus tax and revenue bill. **Hottinger, Rest**. Effective date: *Various dates*.

## Transportation and public transit

**Chap. 272** S.F. 1946\* H.F. 2410 Designates POW/MIA Memorial Highway, Veterans Memorial Highway and the John Riley Memorial Drive. **Samuelson, Hasskamp**. Effective date: *Aug. 1, 1996*.  
**Chap. 275** S.F. 2320 H.F. 2114\* Changes codes for two types of driver's licenses. **Knutson, McElroy**. Effective date: *Aug. 1, 1996*.  
**Chap. 279** S.F. 1909\* H.F. 2092 Designates a portion of marked trunk highway 52 in Fillmore County as the "Amish Buggy Byway." **Scheevel, Davids**. Effective date: *Aug. 1, 1996*.  
**Chap. 287** S.F. 2121\* H.F. 2439 Designates the Czech Heritage highway. **Newville, Tuma**. Effective date: *Aug. 1, 1996*.  
**Chap. 289** S.F. 2147 H.F. 2188\* Modifies and reorganizes provisions relating to allowable truck lengths and combinations. **Murphy, Workman**. Effective date: *Aug. 1, 1996*.  
**Chap. 309** S.F. 1802 H.F. 2068\* Designates the POW/MIA Memorial Highway. **Hanson, Hackbarth**. Effective date: *Aug. 1, 1996*.  
**Chap. 321** S.F. 2063 H.F. 2322\* Authorizes the

Transportation Regulation Board to issue charter carrier permits for operation within St. Paul. **Pappas, Mariani**. Effective date: *Mar. 16, 1996*.  
**Chap. 329** S.F. 2270 H.F. 2380\* Specifies the percentages of the motorcycle safety fund that may be spent on administration and motorcycle safety instruction. **Langseth, Tunheim**. Effective date: *July 1, 1996*.  
**Chap. 333** S.F. 2054\* H.F. 2930 Requires a driver to stop to yield right-of-way to pedestrians within crosswalks. **Kelly, Farrell**. Effective date: *Sec. 1 - Sept. 1, 1996; Sec. 2 & 3 - Aug. 1, 1996*.  
**Chap. 345** S.F. 1793\* H.F. 2098 Allows display of a single original license plate from 1911, 1944, 1945, or 1946. **Hanson, Pellow**. Effective date: *Aug. 1, 1996*.  
**Chap. 346** S.F. 1797\* H.F. 2012 Provides that certain license suspensions are not effective until 14 days after notice has been mailed to the licensee. **Betzold, Leppik**. Effective date: *Aug. 1, 1996*.  
**Chap. 356** S.F. 2571\* H.F. 2780 Allows owners of residences to identify who may use the residence address on a driver's license. **Reichgott Junge, Carlson, L**. Effective date: *Mar. 21, 1996*.  
**Chap. 377** S.F. 2342\* H.F. 2587 Provides for deregulation of motor carriers of property. **Vickerman, Schumacher**. Effective date: *Sec. 8 - Aug. 1, 1996; balance - Mar. 28, 1996*.  
**Chap. 381** S.F. 1708 H.F. 1922\* Authorizes cities to establish a municipal involvement process for certain trunk highway construction or reconstruction projects. **Morse, Pelowski**. Effective date: *Vetoed*.  
**Chap. 387** S.F. 2053 H.F. 2163\* Prescribes conditions for granting medical waivers to truck drivers. **Vickerman, Cooper**. Effective date: *Sec. 3 - Mar. 28, 1996, balance - Aug. 1, 1996*.  
**Chap. 426** S.F. 2012\* H.F. 2313 Designates a portion of marked trunk highway No. 22 as Victory Drive and designates a portion of marked trunk highway No. 15 as Veterans Memorial Highway. **Beckman, Kalis**. Effective date: *April 3, 1996*.  
**Chap. 435** S.F. 2209 H.F. 2402\* Abolishes the vehicle registration tax exemption for representatives of foreign powers and makes other miscellaneous changes. **Hanson, Osthoff**. Effective date: *Aug. 1, 1996*.  
**Chap. 455** S.F. 2702\* H.F. 3137 Omnibus transportation and public transit supplemental appropriations bill. **Langseth, Lieder**. Effective date: *Line item vetoes, various dates*.  
**Chap. 456** S.F. 1947 H.F. 2152\* Allows highway service signs for gasoline service stations and other retail motor fuel businesses. **Ourada, Lieder**. Effective date: *Various dates*.

## Resolutions

**Res. 4** S.F. 2305 H.F. 14 Urges the United Nations to admit the Republic of China as a full member. **Berglin, Jaros**.

# Log onto the information revolution

## How to reach the Minnesota Legislature on the World Wide Web

There has been something of a quiet revolution going on lately in legislatures across the country. The revolution, in which the Minnesota Legislature has been a leader, makes information available to citizens with the touch of a button or the flick of the dial.

Because of the strong commitment on the part of members of the Minnesota Senate and House to make the legislative process as open and accessible as possible, the Minnesota Legislature has developed several innovative resources for persons seeking legislative information. The landmark Minnesota Legislative Gopher became operational in October of 1994. This year, the Legislature's unveiled its new World Wide Web "home page." In addition, television coverage of both the Senate and House of Representatives is now available on broadcast TV in the Metro Area.

### What's on the Net

The Minnesota Legislature was one of the pioneers in providing computer access to information via the Internet through the use of a Legislative Gopher. The Gopher provides a simple directory containing a wealth of text-based information, including Senate and House bills, Minnesota Statutes and member information.

**The URL for the gopher is:**  
**<gopher://gopher.revisor.leg.state.mn.us>**

The new Web site allows the presentation of all the gopher information through a user-friendly interface of point-and-click "links." A computer must be equipped with a "web browser" to view web pages.

**To access the Legislature's World Wide Web page, simply point your browser to:**  
**<http://www.leg.state.mn.us>**

At present, the Web site contains the texts of House and Senate bills, bill status information, brief biographies of members, current daily and weekly committee schedules, members' e-mail addresses, the complete Minnesota Statutes, committee membership listings, staff listings and more. Senate Journals will soon be available on the web page in portable document format (PDF). House Journals and daily orders of business are available in

a new format for the web, but they will also be available in the old format on the Gopher. The site also provides links to other state and federal government sites.

The web site is a joint effort of the Legislative Reference Library, the Office of the Revisor of Statutes, the House of Representatives and the Senate.

### What's on list-serv

Both the Senate and House have established "listservs" to automatically send daily committee schedules to subscribers with Internet e-mail access. It is necessary to subscribe to each listserv separately.

**To receive the Senate schedule, e-mail:**  
**[listserv@senate.leg.state.mn.us](mailto:listserv@senate.leg.state.mn.us)**  
**Leave the subject line blank and in the body of the message type: subscribe sen-schedules**

**To receive the House of Representatives schedule, send e-mail to:**  
**[listserv@hsched.house.leg.state.mn.us](mailto:listserv@hsched.house.leg.state.mn.us)**  
**Leave the subject line blank and in the body of the message type: subscribe h-schedules**

A welcome message with information about how to unsubscribe from the listserv will be sent to each new subscriber.

### What's on television

Easy access to the Legislature is not confined to the world of cyberspace. This year, for the first time, television coverage of House and Senate floor sessions and selected committee meetings was available in the Metro Area on broadcast TV.

KTCI Channel 17 carried Senate and House programming during the daytime hours throughout the session. KTCI reaches about one million households in the Metro Area.

Capitol Report, the weekly legislative public affairs program produced by Senate Media Services, will air on the PBS broadcast network throughout the state this year. The program airs at 9:30 p.m. Tuesdays on KTCI 17 (Twin Cities) and at 11:30 a.m. Sundays on KWCM 10 (Appleton), KSMQ 15 (Austin), KAWF 9 (Bemidji) and KAWB 22. The show also airs on WDSE 8 (Duluth) at 12:30 p.m. Sundays.



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