
Perspectives

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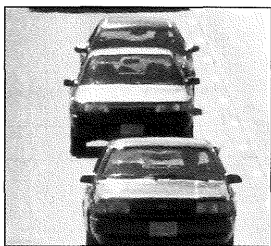
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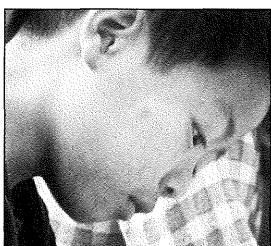


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On the cover: The Capitol Mall is the scene of a variety of gatherings throughout the year, including the annual Taste of Minnesota celebration over the 4th of July.

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In this issue: Session '97

The 1997 session came to a close a few moments before midnight Mon., May 19. Senators completed their work with the passage of several major pieces of legislation on that last day, including the tax bill, the K-12 education funding bill, the omnibus crime appropriations bill, a major DWI bill and a major bill amending MinnesotaCare. However, members were also aware in those closing moments that a special session would be necessary because of gubernatorial vetoes.

Most importantly, Senators were aware that the K-12 education funding bill faced a certain veto, and the fate of several other bills was uncertain as the session drew to a close. In addition, members knew that a special session was going to be necessary at some point in the summer in order to pass appropriations for additional relief to flood ravaged areas in the Northwestern portion of the state.

Senators, however, had passed significant legislation throughout the Session. This issue of Perspectives focuses on some of the major bills enacted into law this year.

Perhaps the most far reaching legislation is the new welfare reform legislation. Members worked tirelessly to reform welfare while at the same time protecting the most vulnerable Minnesotans. Senators also developed major crime prevention initiatives, provided job creation initiatives, set forth guidelines for statewide student testing, and wrestled unsuccessfully with transportation funding issues. In addition, members also responded to the crisis brought about by record flooding in some parts of the state by passing a series of bills designed to speed relief to hard hit areas of Minnesota.

Within a few days, the governor and key legislative leaders began meeting to work out a compromise K-12 education funding bill. The main sticking point in negotiations, and the reason the original bill was vetoed, was a controversy over



Senators convene for a floor session in the Senate Chamber.

tax credits for education expenses. The governor staked out a position in favor of tax credits for education expenses, including private school tuition. The DFL leadership, however, maintained that public schools would be harmed by the proposal.

In mid June, the governor announced that a special session of the Legislature would be scheduled for Thursday, June 26. The announcement set the stage for a final round of negotiations that resulted in an agreement between the administration and legislative leaders. The First

Special Session was held as scheduled and a new K-12 education funding bill was passed by both bodies.

In addition, the governor has indicated that two more special sessions will be held prior to the January 20, 1998 start date of the next regular session. The first, in late August, will provide additional funding for flood relief. The second, in September, is to be devoted to working out an agreement concerning an open air baseball stadium.

Karen L. Clark, editor



Welfare to work:

The Legislature responds to a new federal law requiring a major overhaul of the welfare system

by Jason A. Weller

In a legislative session racked with intense, controversial issues, it can be argued that no other issue had as many far reaching policy implications for state and local government as welfare reform. More than new sports facilities, property tax rebates, highway funding, or tax credits--welfare reform will affect the lives of more citizens more profoundly. Welfare recipients, case workers, employers, landlords, health care providers, non-profit job training services, local education systems--all are faced with a massive paradigm shift following the federal welfare reform package signed into law last year.

With the passage of the federal welfare reform act, Minnesota was faced with the daunting task of reshaping its welfare system to match the federal requirements within a strict time line, for the state risked losing substantial federal grants if a new welfare plan was not submitted by the end of April. Thus, the state government, particularly the Legislature, had less than four months to develop a plan that not



Photo by David J. Oakes

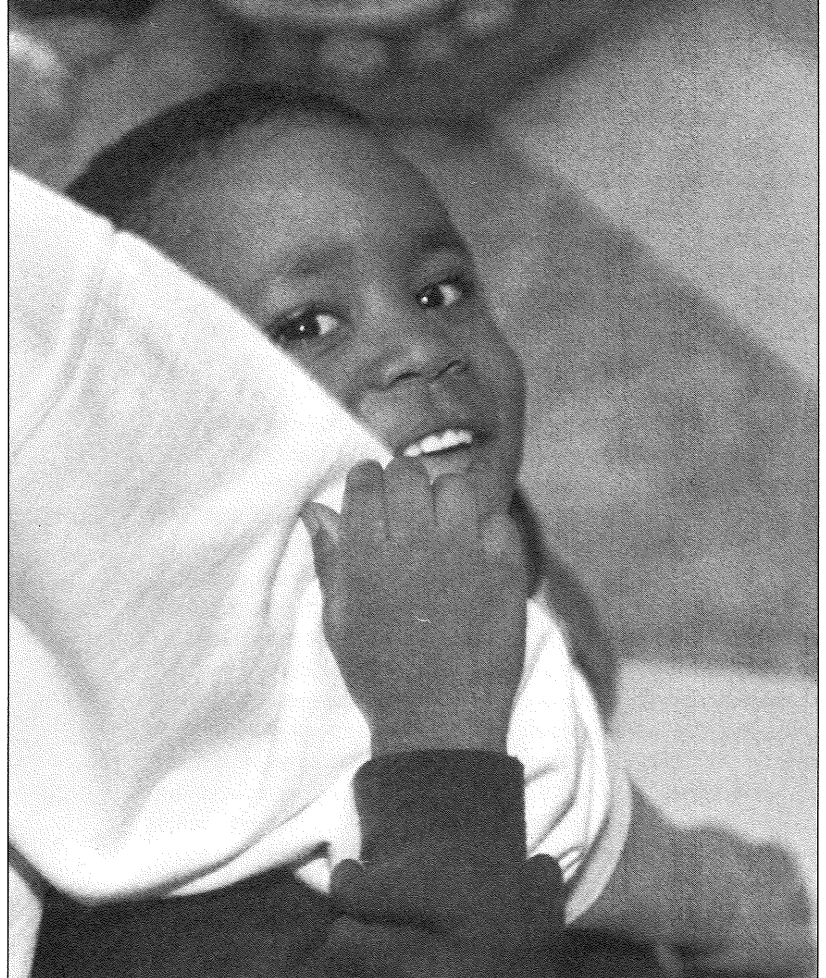


Photo by Ariana Lindquist

Opposite page: A bipartisan group of Senators and Representatives were on hand when the governor signed the welfare reform act into law. Above: The new welfare reform law will affect a broad range of Minnesotans.

only met the federal government's stringent requirements, but also met the exacting requirements of Minnesota and the values of its citizens. Those who would be central to the reform effort knew that such a task could not be done unless the effort was truly bipartisan. And thus began a notable public policy endeavor, marked by a bipartisan cooperative effort that has been called "unusual, excellent, and fundamentally important" by those Senators involved in the process. The bipartisan work commenced, without fanfare and before discussions began in the policy committees, when the administration sponsored a working group comprised of key Senators, Representatives, and departmental staff who were given the charge of discussing the policy decisions behind Minnesota's welfare reform. The end result of the task force's initial, pathfinding work was a welfare proposal that received unanimous support in the Senate and was signed by the governor April 30, 1997, just in time to beat the federal deadline.

Welfare reform was seized upon by candidates and political

pundits the past election cycle as an easy soundbite. The abuses of the system by a small minority of welfare recipients stigmatized all public assistance recipients as lazy. However, Sen. Dan Stevens (R-Mora) spoke to the stigma attached to welfare recipients. "The stereotype that people on welfare are lazy is erroneous. Two-thirds of the recipients in this state are children, in circumstances beyond their control." Stevens said, the welfare recipient pool can be broken down into three groups. He explained that 20 percent of persons on assistance have disabilities or children with severe disabilities that prevent them from finding sufficient work. "It's better for the state to invest in the family to keep them together. They may never go into the workforce, but as a society, nobody can deny these people help," he said. The second group of recipients, accounting for 60 percent of the welfare population, "hate being on public assistance, and are off within two years," he said. "The last group, about 20 percent of the recipient population," Stevens explained, "are

the persons the public has stereotyped. We found that many of them had been on welfare 10 years or longer, and we have to tell them not to expect this to be a way of life anymore." With taxpayers demanding that politicians "fix" the welfare system, welfare recipients desiring a new system that helps them out of poverty, and government officials struggling with an antiquated system, the federal government created a new welfare program with far-reaching consequences.

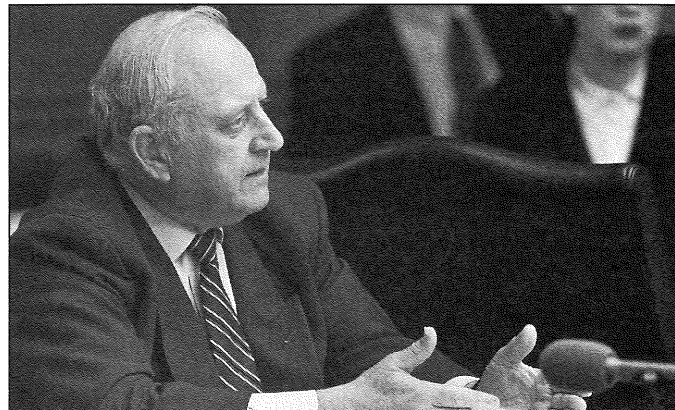
President Clinton signed the federal bill, dramatically titled the Personal Responsibility and Work Opportunity Reconciliation Act, into law Aug. 22, 1996, and the state and local governments have been racing to interpret the new federal mandates ever since. Much touted by national politicians on the campaign trail last fall, the nation was told the new federal welfare law places increased emphasis on work. The old system, Aid to Families with Dependent Children (AFDC), was supposedly broken because, instead of getting people who had fallen on hard times back on their own feet, the system "trapped" the assistance recipients in a cyclical web of dependence on welfare payments that never provided them with the vocational skills to support themselves and their families independently. The new system, popularly coined "workfare," requires welfare recipients to work if they are to receive full benefits. Federal law now requires an adult receiving public aid to participate in work activities within two years. Yet government assistance is no longer considered an entitlement, a right to aid that all citizens can access; the federal government has mandated a lifetime maximum of 5 years for federally funded assistance. Furthermore, federal funding will no longer be provided on a caseload population basis, but instead, the states will be allotted block grants over a 5 year term, called Temporary Assistance to Needy Families (TANF), that will be determined by the amount the state received in 1995. Thus, Minnesota will receive a set amount of \$268 million per year to operate its welfare system. The federal government has also placed high expectations on the states by stipulating strict work participation requirements. For example, by 1999, 35 percent of all families must be working at least 25 hours a week, and 90 percent of all two parent families must be working at least 35 hours a week. If the states fail to meet this requirement, among a whole recipe of other strict child support, child care, and maintenance of effort provisions, the states face large penalties.

Amidst all of the stringent requirements, however, the federal government has left the states some flexibility in their attempts to meet the new mandates. For example, states are allowed to specify what constitutes "work activity." By leaving this definition open, states are able to classify job training courses, education classes, and even English language classes as work. And herein lies the debate Minnesota legislators faced this January.

From the beginning of session in January, the welfare reform debate at the capitol was expected to be a contentious issue. In a symbolic gesture to the importance of the policy decision that would be required by Senators, the first bill introduced, S.F. 1, was the welfare reform package authored by Sen. Don Samuelson (DFL-Brainerd). Two other welfare reform initiatives were also quickly introduced during the first week, the administration's proposal, S.F. 146, carried by Stevens, and an alternative measure, S.F. 289, sponsored by



Several affected groups came to the Capitol to protest parts of



Sen. Don Samuelson



Sen. Dan Stevens



Sen. Linda Berglin



the welfare reform proposal.

Photos by David J. Oakes



Sen. Sheila Kiscaden



Sen. John Hottinger

Sen. Linda Berglin (DFL-Mpls.). However, before Senators even arrived at the Capitol for the start of session, they knew that welfare was going to be one of the big issues. "I felt last Fall that we should start working on welfare reform and get a work team together to start talking about this issue, but this was difficult to do during the election season," said Sen. Sheila Kiscaden (R-Rochester). Yet, once the elections were decided and the beginning of session loomed on the horizon, "I was afraid of a lot of rhetoric and deadlock, so I thought it would be useful to have a task force. I talked with the governor's office and they concurred," she said.

Once the various proposals were officially introduced, Sen. John Hottinger (DFL-Mankato), chair of the Senate Health and Family Security Committee, set aside several weeks to allow members to hear public testimony from stakeholders who will be impacted by welfare reform. "We did have a deadline, and we had to get something done that involved people from all sides. So we followed that up with the most extensive public testimony the Senate has held on an issue. And we heard almost exclusively from the people negatively impacted by welfare reform," said Hottinger. In addition, joint hearings were held with House members outside of the Metropolitan Area in Hutchinson and Faribault. "We felt it was vitally important to have the involvement of the whole state because there is just as much poverty in Greater Minnesota. No legislator can say that they didn't understand the consequences. No Legislator was unaffected by the testimony," Hottinger said. Samuelson concurred with Hottinger when describing the amount of public participation the Health and Family Security Committee allowed. "In my 26 years of experience as a Legislator, the public has never had more opportunity to participate on an issue as with welfare reform, he said."

Throughout the weeks set aside in the policy committee for public input, key Legislators and administration officials were meeting as a work group to discuss the issues. These meetings later proved to be essential for keeping the legislative effort on track. "An issue such as welfare reform could quickly become partisan if not dealt with properly," said Stevens, "Let's give credit where credit is due. From the beginning, the governor and his administration made a strong commitment to make this bipartisan." Samuelson agreed with Stevens' initial assessment about the need for the working group and said, "I think the real purpose of the working group was to get us on the same page. The federal government passed a very strong reform bill and we had a job to do in a very tight time frame. There were probably 3 or 4 proposals floating around that were going in different directions. It was essential that we all understood the federal and state laws so that we were all going in one direction. There was nothing to gain by sniping at each other." Samuelson explained that the working group was attended by not only legislators, but also by a large number of staff from the department of human services and the Legislature. He added that Commissioner David Doth, of the Dept. of Human Services, performed an excellent job as a facilitator, ensuring that everyone had input in the discussions.

"The bipartisan working group was unusual," said Kiscaden, "However, it was very useful. We had three bills going into the first task force meeting, and the work group was



Employment and training programs play a key role in the welfare reform law.

Photo by David J. Oakes

geared towards understanding what the policy choices were." It was emphasized by Kiscaden, Samuelson, and Stevens that no deals were struck, however, in the work group meetings. "No deals were made. Instead, everyone gained an in-depth understanding of what the options were and what approach we should take," said Kiscaden. Samuelson echoed Kiscaden's viewpoint when he said, "The intention was not to strike a deal or make a bill, but to put the issues on the table. If we adjourned the task force meetings with a consensus, fine, but we never intended to walk out of there with a deal." Stevens also recalled that there were no votes taken, nor was any deal structured by the work group.

Instead, what resulted from the task force meetings was a bipartisan consensus on what the central issues were. Kiscaden recalled, "On the whole, the meetings were not very contentious. We were there to get an understanding of the criteria necessary for making policy choices." She highlighted three areas as examples of central policy choices where the work of the task force was crucial. First, the key principle, in her opinion, Legislators had to face was how to meet the federal targets for work. She explained that, in essence, the work requirements were the heart of the welfare reform effort, and how the state defined work activity affected the rest of the proposal. Therefore, the work group chose to define work activity more broadly in order to capture job training and educational activities as work and still be able to meet the federal work participation targets. Second, she said, the residency requirements were a very big

issue. "We concluded that the residency requirements had to be tough in order to allow the state to do more for people who are residents. The strict residency requirements are consistent with Minnesota values because they allow the state to initiate a program that does more for its citizens," she said. The third example she provided centers around the right of a mother to stay home with a new born child, to continue receiving public assistance, and to be exempted from the work requirements. "There was a lengthy discussion about the equity of the policy, but the work group finally decided that a mother can be exempted from work requirements for up to 12 months," Kiscaden said. She explained that in the private sector, women are currently allowed to take 12 weeks off to care for a newborn, but it was decided the state could not afford the expensive infant child care that would be necessary to allow a mother to go back to work after twelve weeks--it is more cost effective to allow the mother to stay home for a year. It was on flash point issues such as these, Kiscaden concluded, that the work group proved most effective because it "allowed for open discussion that averted potential partisan flare up."

"I think the work group was helpful," said Berglin, "because it gave the major players in the process somewhat of a common basis for what the federal government had done and what we would be allowed to do." Berglin said the work group helped Legislators focus on the common elements of the three proposals that were on the table and provided a forum to allow members of both parties to "find agreement

on some of the items on each of the bills." Most importantly, Berglin emphasized, the work group opened up lines of communication between the two parties and the governor's office that might not have been there. "In the Senate, we continued to have a lot of dialogue, and I worked very closely with Senators Samuelson and Kiscaden. There were ideas that I had that were brought forward in the work group but were not addressed, but as work progressed, I remained in contact with the Republicans and the governor's office to see how they felt about them," she said.

Hottinger, though not a participant in the work groups meetings, said the task force "was fundamental to building the unanimous vote in the Senate." He said the task force was most useful because it closed the ideological boundaries between the participants. "The work group allowed the people with the strongest perspectives to talk about the practicalities and move the boundaries closer together." Hottinger also recalled potentially splintering issues--the level of education recipients would be allowed to seek and the types of state funded programs to serve as additional safety nets--that were resolved by the cohesion built in the work group. Thus, when the reform proposal eventually came before the policy committee, a consensus had already been formed on the most equitable, cost-effective solutions to policy questions.

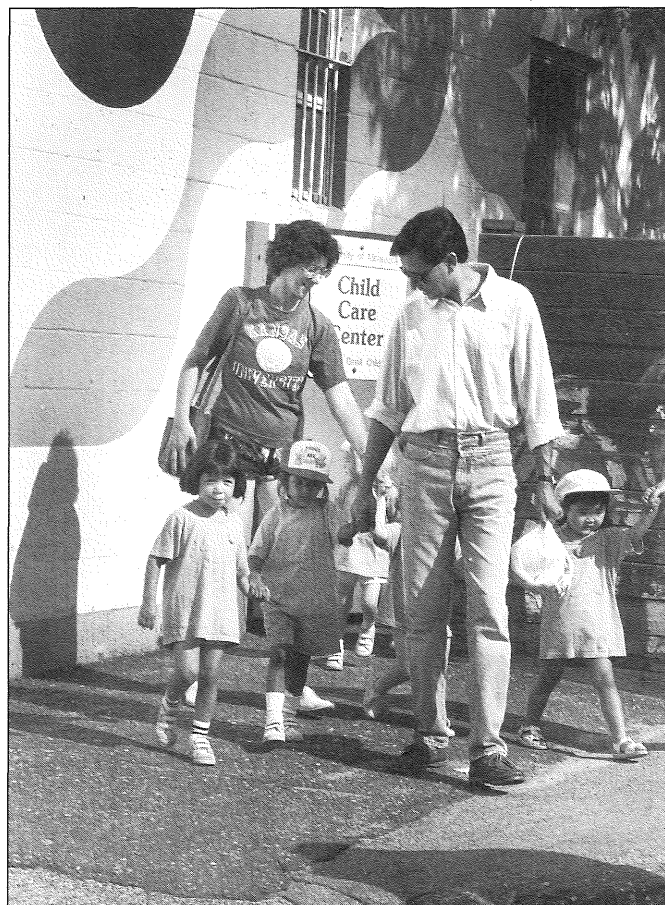
Once the work group meetings adjourned, the policy debate in committee began. However, now Legislators were faced with only one reform proposal. "In our task force, the hot spots were identified. We already had the blueprints of what we had to do in the three bills that were introduced, but after we were done with our task force meetings, the reform proposal began melting down in to one," said Samuelson. The three authors--Samuelson, Berglin and Stevens--agreed to work together and co-authored S.F. 1.

By no means was the work over, however, because the reform bill still faced two months of policy debate and discussion. What resulted in the end, though, in the words of Stevens, was a "middle of the road compromise and a common sense approach." Under the final bill, the statewide welfare program, called the Minnesota Family Investment Program (MFIP), is set to be implemented on Jan. 1, 1998, whereupon, the counties are required to have their social service programs in place by Mar. 31, 1998. The reform bill establishes a 60-month lifetime limit for individuals on cash assistance funded by the federal TANF block grant, with a few exceptions--domestic violence victims, pregnancy, advanced age, illness, or parents under the age of 20 who are complying with an education plan and are residing in an authorized setting. The bill also limits eligibility to U.S. citizens and qualified immigrants. However, certain non-citizens who are not eligible for the general MFIP plan may qualify for small state grants to be used in place of food stamps. A supplemental assistance grant of \$87 per month is available to qualifying legal immigrants who have lost eligibility for supplemental security income (SSI) and food stamps under the federal welfare reform bill. Furthermore, the MFIP applicant must be a resident of Minnesota; those arriving after the implementation date will not receive benefits the first 30 days they reside in Minnesota, and then for the remaining 11 months the new residents will only

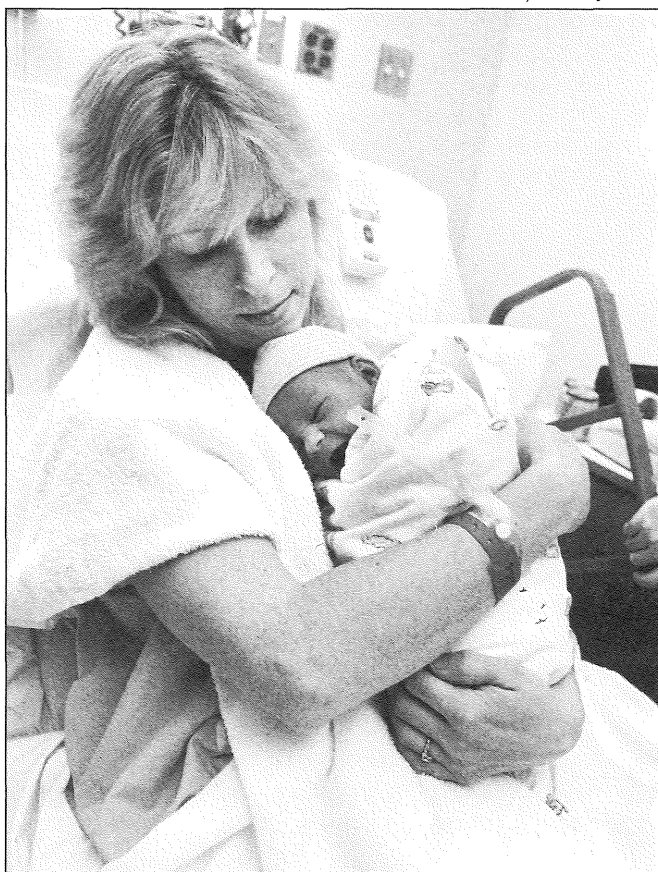
receive the level of assistance they would have been granted in their original state. Certain property and income limitations also are considered when determining an applicants eligibility. For example, applicants are limited to \$2,000 of personal equity, not including homesteads and vehicles, while on-going recipients are limited to a total of \$5,000. Applicants are allowed one vehicle with a market value of up to \$7,500. If a person in a family is convicted of a drug felony after July 1, 1997, the family's benefits for shelter and utilities will be vendor paid. Random drug tests for drug felons on assistance are also required and sanctions are levied on months when individuals test positive for drug use.

As for the employment and training component of MFIP, the bill directs each county to develop and implement an employment and training (E&T) services program. All counties must provide at least two employment and training service providers. Under MFIP, single parents must be participating in an E&T plan within 6 months of receiving assistance, and in two parent families, one parent must begin an E&T plan immediately. Participants are required to do a job search 30 hours a week for 8 weeks using a job search plan developed with a county job counselor. However, sanctions are levied against persons not in compliance with county developed education, job search, and work plans. For the first non-compliance, the participant is sanctioned 10 percent of their welfare payment, and for the second non-compliance, they are sanctioned 30 percent. In addition,

Photo by David J. Oakes



The new law contains funding for daycare to help parents make the transition from welfare to work.



Legislators concluded that mothers of newborns should be exempt from the work requirements of the new law for up to 12 months.

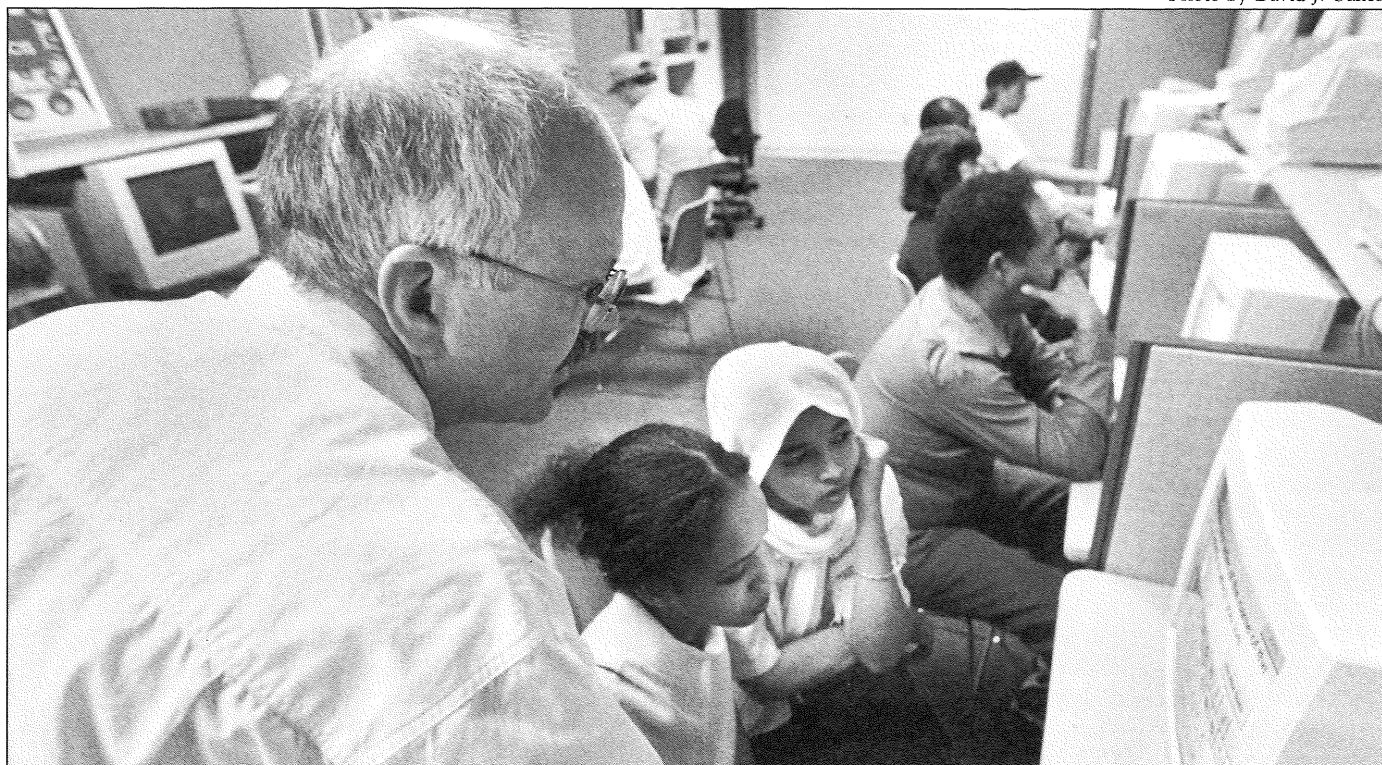
certain exceptions are made for individuals from the E&T requirements--persons 60 years or older; persons suffering from a professionally certified illness, injury, or incapacity which is expected to last more than 30 days and prevents them from working; caregivers for infants under the age of one; women who are pregnant and incapacitated; individuals experiencing a family crisis; and several good cause exemptions, including unavailability of child care or transportation. Finally, an employment plan may also include up to 12 months of post-secondary education if the applicant can show that their employment goals can only be met through additional schooling. Any additional education beyond 12 months must be repaid by the program participant once the individual's wages are 150 percent above federal poverty guidelines.

When asked if he could foresee any issues that will have to be addressed in the near future as a result of Minnesota's new welfare program, Stevens said he was aware of movement in Congress to readdress the issue of aid to legal immigrants. "Cutting funding for people who are here legally is something the federal government made a mistake on," Stevens said, "Aid to immigrants is a federal issue and Minnesota could not afford to make up all of the cuts that have been made. We also need to make sure that whatever money we're investing in the programs, we're getting performance for the state's dollars at a reasonable cost. For example, we need to look at the job skills training programs

and see how they're doing. We'll probably be working on some changes for the next couple of sessions." Samuelson also said the assistance cuts to immigrants are harsh. "They ought to be afforded some of the benefits that citizens are," Samuelson said. Furthermore, Samuelson said, the federal government will re-examine the changes it made with regard to food stamps and benefits for elderly and disabled persons. Kiscaden said if she could go back and start the process over again, she would like to have taken a broader look and included Senators from other policy committees, such as members of the Jobs, Energy, and Community Development Committee. "The welfare reform effort permeated the work of many different committees and the process would have benefitted to have some other perspectives involved in the discussions," she said. Kiscaden also listed a number of issues that she would like to see be addressed in future sessions. "The reality is, we put in place a framework for a welfare system re-design, and our work is not done. For example, there is always a mismatch between the location of jobs and where people live. Day care is another issue, as there are various predictions on how many more slots we need for adequate day care. The lack of available resources for immigrants and disabled persons also needs to be looked at. And nationally, the private sector has to step up and match the effort being made by the public sector. The federal, state, and local governments need to work on creating incentives and removing the disincentives for private businesses to employ public assistance recipients," Kiscaden said.

Berglin provided her own perspective on the final results of the welfare reform measure when she said, "It wasn't as good as I had hoped, but it was better than it could have been." She identified areas that she will target in the coming year, including looking at providing more short term exemptions from work requirements for persons with illnesses or temporary disabilities that prevent them from being gainfully employed. "There is also the issue of whether people fulfilling the federally mandated minimum work participation--20 hours a week for a single parent with a child under 6 years, and 30 hours a week for a parent with a child older than 6--should have their time-clock ticking against them," Berglin said, referring to the 60-month lifetime limit on federal welfare dollars. The federal reform law does not require that people working a part-time job and meeting the minimum work requirements have the assistance they are receiving count against their lifetime total, Berglin explained, but she was unable to add this provision to Minnesota's reform package. She was able to add language that directs the Dept. of Human Services to study the issue and return to the Legislature next year, however.

As for Hottinger's final thoughts about this session's effort, he said, "When beginning any grand new experiment, we will have to revisit it yearly. There will be some mistakes and some unintended consequences. But in an evaluation, we need to look at the construct of the final effort. The welfare reform bill has been central to so many things we have done here this session, but numerous other issues form the final construct. Child care, transportation issues, economic development, housing, medical care--how the state addresses these issues this session and in the coming years, in the context of welfare reform, will determine how successful we are."



The omnibus jobs, energy and economic development appropriations bill has a clear focus on training and technology.

Legislature concentrates on job creation

by Gregory G. Garramone

Is the free market the most efficient mechanism for job creation? Or is an interventionist approach best, one in which the government is actively involved in job growth? As the Senate focused this session on getting people from welfare to work, both approaches were well-represented. But the differences between both schools of thought extend well beyond jobs; such issues as livable wage, affordable housing and a variety of support concerns related to work were extensively debated during the first half of the 80th session.

While the debate itself isn't new, legislators this year were forced to conduct it with one eye on the clock. Failure to enact, by May 1, reform of state welfare programs consistent with federal welfare reform signed into law in 1996 would have meant the loss to Minnesota of \$15 million in federal funds. The governor signed the bill April 30, but much of the infrastructure supporting that reform, as discussed by the Jobs, Energy and Community Development Committee, was debated up to the passage of the committee omnibus bill at the end of the session.

"We want to do more than just give somebody a spatula and send them off to work," said committee Chair Sen. Steven Novak (DFL-New Brighton). "People also need an opportunity to make a livable wage and to get on a career path. And supplementary services that make all that possible are necessary--housing, training and other life needs have to be addressed; otherwise welfare reform won't be successful,"

he said. Sen. Arlene Lesewski (R-Marshall), a member of the committee, shares some of Novak's concerns. "We have to have some safety nets, some programs in place that give people the confidence to go to work. It's going to be very hard for people--this oppressive system has kept some families on welfare without hope for 3 and 4 generations. We have to find jobs, yes, but we have to restore hope, too."

Lesewski sees a minimal role of government in the transition. "We have to be careful that we're not repeating the mistake of throwing money at the problem in an effort to solve it. Unemployment is low; there are lots of jobs out there. I see the role of the state as a facilitator--connecting people with the jobs that are available. But what we don't want to do is have firms develop the same kind of welfare dependency on state money we're trying to get individuals away from."

Novak has a different perspective. "The private sector will have to put forth a sincere effort to be a part of reform. Businesses will have to be willing to take a risk, give people a chance and invest in employees, and I'm not sure they'll do it without the encouragement and involvement of the state. There will be some sparkling examples of leadership by some creative and courageous CEOs. But the bottom line is that because of competition and economic survival, some companies won't take that risk. We will need trade associations and chambers of commerce to spur their members on. And if that doesn't work, the state will have to somehow take the lead."

Going into this session of the Legislature, Novak and Lesewski were prepared to focus on the task of getting people from welfare to jobs. Lesewski met with the governor's Workforce Council. She said, "We had two meetings each month for a year before the session started, so we had a pretty good grasp about what the issues and the challenges were going to be. The council included legislators, agency heads, community leaders, business people, members of organized labor and welfare recipients--I think every group affected by reform was represented." Novak's committee studied the issue over the interim. He said, "Our focus was to expend the limited amount of state dollars to give people a better opportunity for productive work at a livable wage. As the administration was formulating its approach, there seemed to be little support for the supplementary linkages with training and housing. The committee brought those linkages to the table."

A focus on training is clear in the final bill for jobs, energy and community development produced by conference committee and signed into law by the governor (Chap. 200). Under the terms of the bill, \$26 million funds a variety of workforce preparation programs, such as prevocational and vocational job training programs, the displaced homemaker program, youth intervention, summer youth and Youthbuild programs and others. \$15.3 million is set aside for the job

Photo by David J. Oakes



Sen. Arlene Lesewski

skills partnership program, \$3.5 million of which is to be used for the Pathways program. The bill appropriates funds to the Minneapolis Foundation for grants to nonprofit organizations to assist them in redesigning services and implementing changes in federal and state welfare policy. And the Minnesota Workforce Center System receives funds to coordinate its career education planning system with other electronic job banks.

But Lesewski is concerned about the nature of the training. She said, "Even within the governor's Workforce Council, there were two very different philosophies. One position was to help people get two or four year degrees, and they'd use those degrees to get better jobs and higher wages. The other school of thought is to help people develop the skills needed to seek and hold a job, skills that aren't necessarily acquired in college, such as computer programming and carpentry." Lesewski puts herself in the latter camp. She said, "Some people choose college right away without knowing why when perhaps they'd be happier going to trade school and acquiring practical skills. And we should start earlier and teach children why they need to read and write and add, and how that relates to getting and keeping a job. They also need to know that learning is a lifelong process and that they should add skills continually."

For Novak, the key to the success of any training program is that it leads to jobs providing a livable wage. He said, "There are lots of nonlivable wage jobs out there, but we don't want to just get people out and get them working at jobs that go nowhere. We want them to find meaningful jobs so they can support a family and have a job that might lead to a career. That means spending the appropriate dollars on training and educational programs. I don't think we've put enough money into training, even with this bill."

Both Novak and Lesewski agree that Minnesota took the lead in implementing welfare reform. Novak said, "We're in a better place on this because we've been more sensitive to the issues around welfare reform. Some agencies have been doing some good work for some time now--community action agencies come to mind. Head Start has been a very effective program. And there are others. We didn't start from ground zero like many other states. And the state's economy is relatively healthy right now." Lesewski said, "Many people wonder why our unemployment rate is so low. It's not an accident; it's because agencies like the Workforce Council have been working to match people to jobs. The council also works with companies who are laying off workers, so they can work with employees before they're laid off--assessing training needs and the ability to relocate. Programs like this have given us an edge over some of the other states in getting people to work."

Without enough support, however, the whole reform effort could topple. Novak said, "Historically, as a state, we've been there for people. The approach we need to take, therefore, is to provide the basic and supplementary services that give people, that give families a chance to make it. Transportation, housing, affordable utilities--if we don't have these needs taken care of, reform can't work. And the transition itself from welfare to work is something we need to pay attention to as well." A number of employment transition services are funded in the bill as signed by the governor.



Sen. Steven Novak

Photo by David J. Oakes

These programs include the Job Training Partnership for economically disadvantaged adults and youth, Opportunities Industrialization Centers and assistance to displaced homemakers, refugees and other groups. Some needs have been addressed by other legislation. The omnibus transportation bill, for example, includes a \$2 million appropriation to Metro Area counties to facilitate the transition between public assistance and employment.

The economic development bill also provides support for housing services. The Housing Finance Agency will receive \$58 million over the biennium to fund such programs as the Affordable Rental Investment Fund, a fund that assists low income renters by providing interest-free deferred loans to help cover the costs of affordable rental housing, and the Community Rehabilitation Fund, a program that provides grants to cities for the acquisition or rehabilitation of single family homes. Other important programs funded by the bill include rent subsidies for the mentally ill, foreclosure prevention and rental assistance, rehab and accessibility loans, and assistance to urban and tribal Indians.

Lesewski is quick to point out that the agencies providing these services need to reform as well. "That's another tough part to tackle," she said. "We have to shift the focus of agency people, helping them to help others and to change their own way of thinking. While we need to retain those who have worked within the old system, we'll want to retrain them to meet the needs of the new system." Novak shares that perspective. He said, "It's important that we acknowledge that some viewpoints are tied to the old system.

Institutional memory can be so deep that agencies have a hard time changing their focus from the old programs to the new policies, and as a result, any reform tied to the old focus might be ineffective."

The first year of reform is crucial. Novak notes the importance of tracking the real life cases as this transition occurs. "We have to do whatever we can to figure out what deficiencies we have in the new system as early as we can. For example, some people will get jobs right away, but they'll be nonlivable wage jobs, and as a result, these people will become permanently underemployed," he said. "But they may not show up in the figures, and we'll be lulled into thinking we've done a good job, when in fact all we've done is moved people out and have them doing work that leads nowhere. And for those people who won't make it, we'll have to be ready with another approach."

Lesewski breaks it down in a different way. "Out of the people we need to move from welfare to work, we've probably already got the 25 percent that represent the easiest cases working now. The next 25 percent will be considerably harder, and the third 25 percent extremely difficult. But the final 25 percent might never make it--some of the elderly, the disabled. We need to help take care of them."

In addition to monitoring current reform, Novak, Lesewski and the committee will be looking at other items that will have impact on low income families. Novak said, "As we deregulate telecommunications and utilities, we have to ask ourselves if it's possible to protect low income families by making sure their costs don't increase and they don't suffer a loss of service. That's one of the things we'll be looking at over the interim so we're prepared to address them in the 1998 session." Lesewski will also continue to meet with the governor's Workforce Council. "In many ways, the council's work is just beginning. We have to stay on top of this effort. By continuing to do that, we'll know where the jobs are and the skills needed for those jobs, and this reform just might be successful."

Transit

Legislators consider how to move people efficiently to where they're going

Photos by David J. Oakes



Left: MTCO busses are the only form of mass transit in the Metro Area. Above: Sen. Carol Flynn

by Chris Bohrer

Traffic congestion, pollution, wear on roads and bridges and the pressing need for an efficient, reliable alternative to automobile travel continue to drive the Senate Transportation Committee to search for public transit improvements and transit alternatives. Possibilities include upgrading and expanding existing transit services and studying other public transit options, such as light and heavy rail commuter transit.

Transportation Budget Division Chair Janet Johnson (DFL-North Branch) said the biggest issue confronting public transit is the strict constitutional dedication of gas taxes and vehicle registration fees to roads and bridges. Johnson said a number of proposals have been offered that create special funding sources for public transit services. She and other Senators have considered changing the constitutionally dedicated

highway user tax-distribution fund to include transit funding. Currently, 100 percent of this fund, provided by gasoline and motor vehicle sales taxes, is dedicated to roads and bridges. Twin Cities transit operations are funded primarily by property taxes and fares.

Transportation Committee Chair Carol Flynn (DFL-Mpls.) said the absence of a stable, dedicated, transit funding source has left public transit struggling to compete with automobile-related road and bridge funding.

During the 1997 session, Flynn and other Senators again unsuccessfully attempted to establish a dedicated and stable transit funding source. One of Flynn's bills allowed the Metropolitan Council to levy a quarter-cent Metro Area sales tax. The sales tax revenues would have been dedicated entirely to transit funding. Notably, the quarter-penny tax would have finally removed transit funding from Metro Area property

tax bills, and made transit funds immune to market value and other property tax fluctuations. Flynn said that education competes for the majority of property tax generated revenues, leaving little available to pursue public transit alternatives, such as light rail.

Sen. Dick Day (R-Owatonna) said the present Metro Area transit system can be improved through better routing and scheduling, the use of smaller buses during non-peak hours, and possibly through privatization. However, Day said care must be taken in privatizing public transit because it serves the most needy and vulnerable of segment of our population. If we expect such individuals to be self-sufficient, we must assure them that they will receive transportation at a price they can afford, he said. Day said he opposed a Metro Area dedicated transit tax while a state budget surplus existed.

Sen. Sandra Pappas (DFL-St. Paul)

who also supports a one-fourth to one-half cent Metro Area transit-dedicated sales tax, said the sprawling Metro Area is ill-served by the current system and may be too expensive to fully serve because of its size. Nevertheless, she hopes to improve the existing system.

Pappas sees transit inadequacies and urban sprawl as related and serious problems. Part of her transit solution involves cleaning up polluted urban land and luring businesses located in outlying suburbs back to urban communities. She envisions businesses, paying living wages, operating near urban communities and served by circulating transit systems. She said it's more realistic to bring businesses to the inner city where there is ample labor, affordable housing and child care, than it is to redesign and fund a costly and impractical extended transit system. Making business accessible to transit is especially important with respect to imminent welfare reform, she said. Pappas said it's unrealistic to put an urban welfare-to-work mother, in need of child care, on a bus bound to a third-shift job in Eden Prairie, especially when service may be available less than once an hour.

Pappas said the existing Metro Area transit system can be used more efficiently. For example, she proposes removing 20,000 teenagers from school buses and putting them on the public transit system. Doing so will diminish the need to fund two costly systems and will expand and sustain the public bus system, she said. Her plan will require later school starting times, allowing students to board buses at 8 o'clock, after



Commuter rail lines, either heavy or light rail, could help alleviate highway congestion in the Metro Area.

most workers have gotten off. Pappas said her plan builds a stronger, multipurpose public transit system, offers kids more needed sleep, and moves school dismissal later into the afternoon, leaving children fewer unsupervised hours.

Most Senators recognize the importance of making any form of public transit appealing. Transit hubs linking various routes and offering services are among proposals considered by the Metropolitan Council and the Legislature. Sen. Jane Ranum (DFL-Mpls.) suggested that proposed transit hubs contain licensed child care centers. She said such facilities will always be necessary, and especially in the near future, to meet impending demands of welfare reform and associated child care needs.

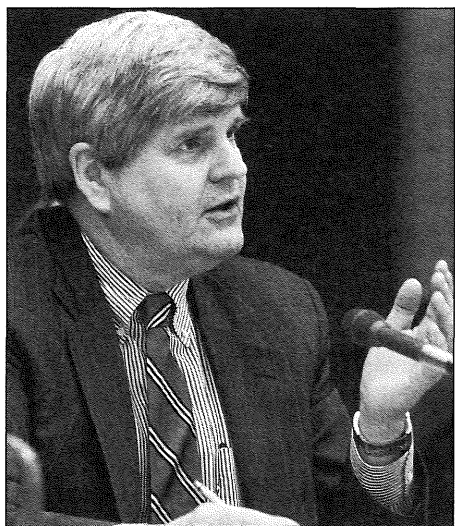
Sen. Keith Langseth (DFL-Glyndon), who has worked to improve and explore new transit alternatives, said it's difficult to change people's behavior concerning the freedom offered by their cars. He said people don't like to ride busses even though they know that public transit can save them substantial money. Langseth said the Twin Cities rank third lowest nationally in population density, and have less congestion than other major metro areas. He added that this picture will eventually change.

Langseth suggested traffic management as a means of postponing congestion. He proposes that larger Metro Area employers stagger their starting times by a few minutes to reduce the numbers of vehicles on Metro Area

freeways during commute times. As an example of his plan's feasibility, he recalls the recent Metro Area bus strike, when heavier than average traffic congestion was expected. The opposite occurred; there was less congestion than before the strike, Langseth said. People anticipated traffic problems and individually changed the whole system by doubling-up and leaving earlier or later, he said.

During an early session briefing of the Senate Transportation committee, Metropolitan Council Regional Administrator James Solem said that the Twin Cities ranks 13 among 59 urbanized areas in the numbers of cars per household. He said that overcoming Metro Area automobile usage presents one of the greatest challenges to transit system usage.

Sen. Janet Johnson said she would like the 1998 legislative session to develop a statewide transit "vision" or "master plan." She said it's more important for the state to be pro-active, instead of reactive, concerning the direction of transportation and transportation facilities. Johnson is pleased with a \$1 million appropriation passed this session enabling a study of heavy rail transit within the Metro Area. Heavy rail transit would use the large network of existing Twin Cities rail lines also used for freight movement. Johnson sees the study as a valuable beginning. "We've begun to realize that we can't build our way out of congestion," she said.



Sen. Dick Day



Photos by David J. Oakes

Transportation funding:

The long and bumpy road

by Chris Bohrer

Once again, a proposed gasoline tax-hike, providing needed additional funding for Minnesota's deteriorating 130,000 miles of highways, roads, and almost 3,000 bridges failed to receive full Legislative support. The gasoline tax hasn't been raised since 1988, even though the Senate has unsuccessfully attempted to do so for nearly decade.

According to a recent study by the Office of the Legislative Auditor, gasoline taxes currently account for about 35 percent of all highway maintenance and repair projects. Vehicle registrations and licensing account for approximately 31 percent. The rest

comes from federal aid and other sources. Minnesota's gas taxes are 100 percent constitutionally dedicated to highways and cannot be diverted to other uses.

Senate Minority Leader and Transportation Committee member Dean Johnson (R-Willmar) and other committee members share a concern that highway funding remains inadequate to correct continuing deterioration caused by increased traffic, pollution, and pavement-wrenching winters. Johnson said the state has twice the highway funding needs than revenue to meet those needs.

Seeking to reverse the situation, Johnson sponsored a bill that would have raised gas taxes an additional four cents

over the next two years, from 20 to 24 cents. Johnson said he sponsored the tax because it was the right thing to do. He said the tax would have raised an additional \$109 million each year for needed road projects and would have cost the average driver only \$20 more per year. Johnson said that wasn't much to pay for better and safer roads.

Soon, an additional penny increase found its way into the Johnson bill. Senate Majority Leader Roger Moe (DFL-Erskine) offered an amendment providing an additional one-cent gas tax to remain in effect from July 1, 1997 until June 30, 1998. The one-year increase was intended to finance the repair of flood-damaged highways,

streets, roads and bridges in Northwestern Minnesota. Moe said the penny tax would raise an additional \$27 million within the year and increase the state's eligibility level for matching federal disaster funding. Johnson's amended bill passed the Senate on May 5th.

Despite traditional House and public opposition to tax increases, Johnson remained guardedly optimistic that the bill would meet House and gubernatorial approval. It contained the one-cent tax for flood damaged roads, funding for 50 additional state troopers requested by the governor, and promised approximately 10,000 new highway construction jobs created by the increased tax revenues. The provisions weren't enough, however, and the bill died in the House.

In the final hours of the last day of session, May 19, Sen. Janet Johnson (DFL-North Branch) offered a scaled-down version of Dean Johnson's bill. Her amendment was a compromise designed to win eleventh-hour support from the other body and the governor, and to provide some level of additional funding for a transportation system in need. She said that without any revenue increase, highway maintenance and repair funds would be exhausted within several years. Her amendment offered a one-year, two-cent gas tax increase. The first penny was designated to plug potholes caused by the harsh 1997 winter. The second penny was earmarked for flood damaged roads and bridges in Northwestern Minnesota. The amendment would have generated \$54 million, one-half of the revenue the original bill would have generated. The amended bill also provided \$2 million for Greater Minnesota transit and \$16 million for Metro Area Transit funding. Finally, the bill included funding for 30 state troopers requested by the administration. The Senate passed the bill on a vote of 50 to 10, but the bill wasn't brought to a vote in the other body.

According to Dean Johnson, some House members oppose increased gas taxes because they're constitutionally dedicated to highways, and cannot be used to further mass transit initiatives favored by those members. However, gasoline tax increases are, in themselves, generally unpopular, he said.

Transportation Committee Chair Carol Flynn (DFL-Mpls.), who also offered a bill increasing gas taxes and

replacing property taxes used for Metro Area transit with a quarter-cent sales tax, dropped her bill after finding Johnson's acceptable. Flynn said people generally oppose a gas tax increase because they see their vehicles as freedom. She said even a small gas tax increase may be perceived as threatening to that freedom. This attitude began after World War II, when the government promoted automobile sales and related automotive products to boost the economy, Flynn said. She said the growth of suburbs also contributed to generational lifestyles based on high mobility and limitless supplies of inexpensive fuel. Flynn noted that gas taxes are high profile taxes, whereas other tax increases are not easily seen. For example, she pointed to the state sales tax that rises commensurately with the prices of consumer items, while still remaining at 6.5 percent.

Flynn became familiar with state transportation resources during her years with the Metropolitan Council. She said that higher registration fees have helped offset inadequate fuel tax revenues caused by more fuel efficient cars. Registration fees have increased, she said, because the cost of vehicles has skyrocketed.

Although a four-cent tax increase would have considerably boosted current minimal funding, Flynn said even that amount would still have been insufficient to allow needed major projects. The state is treading water, she said, it's barely able to maintain its existing

system. She said that the 1997 winter and subsequent flooding have added millions in road repair expenses. She said that without a significant gas tax increase, property taxes may eventually have to make up the difference, especially in those municipalities receiving small percentages of the constitutionally dedicated road funds provided by gas taxes.

Sen. Keith Langseth (DFL-Glyndon), who helped with the amendment adding a penny tax for flood-damage relief, said that preserving Minnesota's highway system is among his primary concerns as a Senator and as a member of the Senate Transportation Committee. Langseth, former Senate Transportation Finance Division chair, agreed with others that the system is fast "slipping behind," causing increased and inadequate maintenance expenditures statewide.

He said that roughly 60 percent of people asked will support a gas tax increase if they're adequately informed about the needed improvements that such a tax provides. He added that other funding sources, such as the use of private financing, paid for with tolls, may someday be needed rescue the declining system.

Senate Transportation Budget Division Chair Janet Johnson said "The problem of transportation underfunding will continue until the demand for improved transportation rises to the current level of demand for better education and safer streets." Johnson said many people oppose gas taxes because of an "anti-tax" feeling that swept the country during the past decade. She said the lack of a comprehensive transit system, forcing people to own cars to reach work, also adds to the resentment toward increased gas taxes.

Johnson sees the constitutionally dedicated gasoline tax as a user fee. She said Minnesota's reliance on the gas tax and registration fees provides a fair system in which those who use the roads the most, pay the most to maintain them.

According to Minnesota Department of Transportation estimates, the accumulation of unmet highway needs may reach nearly \$500 million between 2001-2002. Meanwhile, Senate Transportation Committee members and others will continue to attempt to put Minnesota roads on the smooth road to recovery.



Sen. Janet Johnson

Community-based justice:

Crime prevention efforts focus on involving all stakeholders

by Laura Sinagra

In the 1992 session, Minnesota lawmakers made a bold pledge to balance each new pound of cure with a pound of prevention in terms of coping with criminal offense. With expenditures in a \$900 million budget coming in at \$600 million per year for the Department of Corrections alone, the split has never approached this ambitious half-and-half. This session, the Senate's Crime Prevention Committee took strides towards ferreting out excess in the corrections budget to reduce expenditures on that end of the equation. But while corrections cost-cutting made for lively committee debate, another policy trend quietly emerged, one that evidences a rethinking of the corrections vs. prevention dichotomy. This trend is the Legislature's exploration of community-based justice programs.

The difference between community-based justice and community-based prevention efforts is a conceptually important one. Community-based justice programs hinge upon government

facilitation of interpersonal, proximal accountability for criminal offenses rather than impersonal and isolated punishment. This session, restorative justice sentencing, mediation and alternative dispute resolution, drug courts, curfew centers and victim-offender impact conferencing were some of the community-based justice initiatives sounding a strong counterpoint beneath the corrections-reform debates. Of such programs, Sen. Jane Ranum (DFL-Mpls.) commented, "Prevention is not just WIC, prevention is anything that keeps people from going further into the system." Sen. Randy Kelly (DFL-St. Paul), chair of the Crime Prevention and Judiciary Budget Division, agreed that though his main focus this year was stemming the tide of a burgeoning corrections budget, such community-based measures in many ways are coming to characterize the the state's crime prevention strategy.

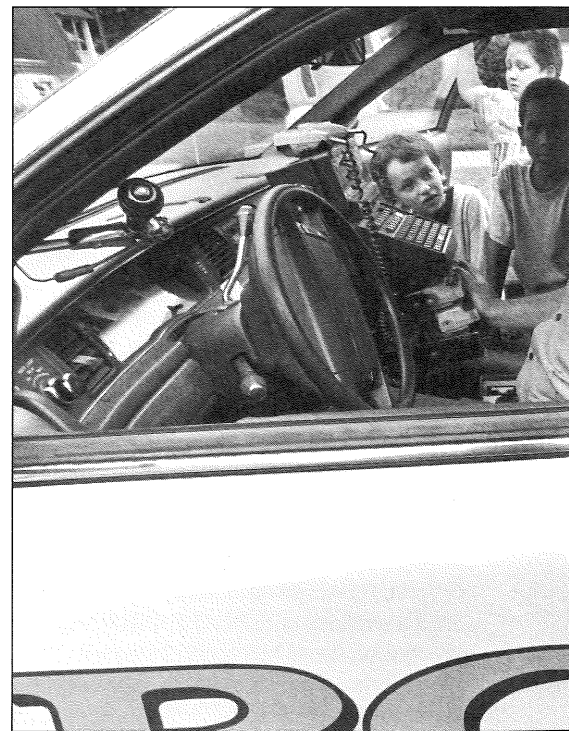
In authoring legislation to directly fund a restorative justice initiative, Sen. Linda Berglin (DFL-Mpls.) did much to colloquialize the term. Her project, which was funded at \$100,000 for the biennium, authorizes courts to sentence offenders to perform work service in a restorative justice program upon a misdemeanor, gross misdemeanor or felony conviction. Before committee, Berglin explained that such a measure is needed simply because, in high crime areas of the state, misdemeanor offenses are deemed by local law enforcement as not worth the effort to pursue. The plan allows for sentences structured around restoration and restitution instead of ineffective short-term incarceration. Of the concept, Kelly said, "For the lower level types of crimes in communities it just makes a great deal of sense. When kids are vandalizing or causing problems in their community, let's make those

people understand what impact they're having on their communities and the lives of others and let's hold them accountable for that."

Sen. David Knutson (R-Burnsville) described restorative justice as it relates to a family conferencing pilot project scheduled for funding in his Dakota County district. "You have to have a recognition on the part of the wrongdoer that they did something wrong, and they have to understand the extent to which the victim has suffered. Otherwise, crimes can become simply isolated acts in the mind of the offender," Knutson said, "these things, what we think of as minor crimes, affect people and have a tremendous effect upon the livability of a community." Along these lines, this



Sen. Randy Kelly



The Weed and Seed Program is a federal matching dollar initiative that allows com-

year's omnibus bill, Chap. 239, includes a provision, authored by Kelly, allowing communities to submit impact statements in court, at the time of sentencing or deposition hearing, describing the adverse social or economic effects an offense had on a community.

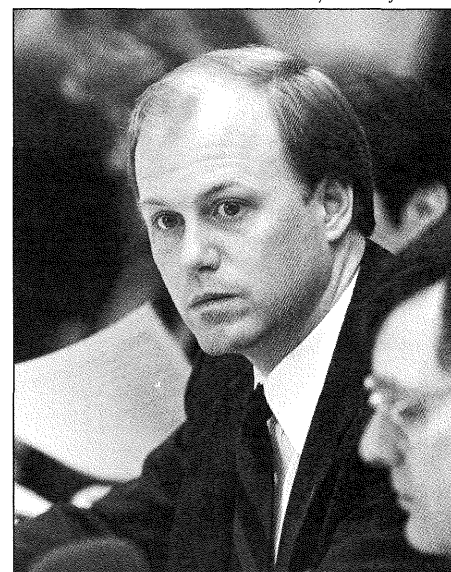
An initiative authored by Sen. Ember Junge (DFL-New Hope) requested that the state provide grant funding for communities to develop localized criminal justice systems, including community policing, community prosecution, community courts, community sentencing and community victim impact programs. Community policing allows for increased curfew enforcement, "knock-and talk" efforts to notify drug house inhabitants that the community is aware of their activity, equipping beat police with camcorders, and forming citizen dispute settlement boards that work in conjunction with law enforcement to collectively solve neighborhood nuisance and crime problems. Community prosecution efforts can involve various kinds of mediation training and implementation, such as low-level drug and teen courts located within a community and presided over by those who are invested in the well-being of local residents and businesses. Junge's

proposal was not fully funded, but elements like innovative justice grants, community police overtime and increased probation proposals did show up in the omnibus bill.

The "Weed and Seed" program is a federal matching dollar initiative that allows communities to increase police presence and try innovative approaches to crime management. In addition to basic dissuasions such as increased street lighting and prevention measures such as funding youth activities, the grants are used for community-based justice approaches. A pilot site in the Railroad Island neighborhood of St. Paul, for example, has used its "Weed and Seed" money to set up training for residents on how to deal with nuisance law violations. The group's signed pledge promises to "create a forum for discussion and resolution of social problems."

In essence, such programs carve out a level of consequence that exists between prevention and the system. Said Knutson, "When you've got a barking dog out there and you just hear your barking dog all the time you don't understand how your neighbors feel, and all your neighbors have done is they've called the police every single night. There's no communication. There's no talking, and we need to get back to that as a society." According to Berglin, matching funds provide an important incentive for the state to fund such community-based initiatives. When it comes to crime prevention dollars, she said, "I tend to find that the most powerful organizations in terms of lobbying are the county attorneys and the police and the BCA, and the ones that are less powerful tend to be the community-based organizations."

Alternative dispute resolution is now being phased into the criminal justice paradigm. The Dakota County family group conferencing legislation, introduced by Sen. James Metzen (DFL-South St. Paul) is funded with a one-time appropriation of \$95,000. The program is designed to provide forums where, as an alternative to prosecution, those accused of crimes meet with victims and the victim's and/or offender's family members. Under the provision, county attorneys establish conference parameters, which can include the authority to sanction an offender with an order for reparation and community service. A



Sen. David Knutson

representative from the fledgling program testified before the Crime Prevention Committee, saying "It's amazing how many conferences I've done where a kid says, 'I didn't know what I did had this effect.'" Knutson, though wary of large government promising to "solve everyone's problems" supports the move toward mediation. "This is exactly what we want. It's the meeting face-to-face. There's no way to repair society unless we do so." Knutson continues, "Mediation centers are a good example of government changing the way it focuses its resources to provide a better service for society."

Sometimes, talking may not be enough, however. In these cases, community-based justice may best take the form



communities to increase police presence and try innovative approaches to crime management.



Sen. Ember Junge

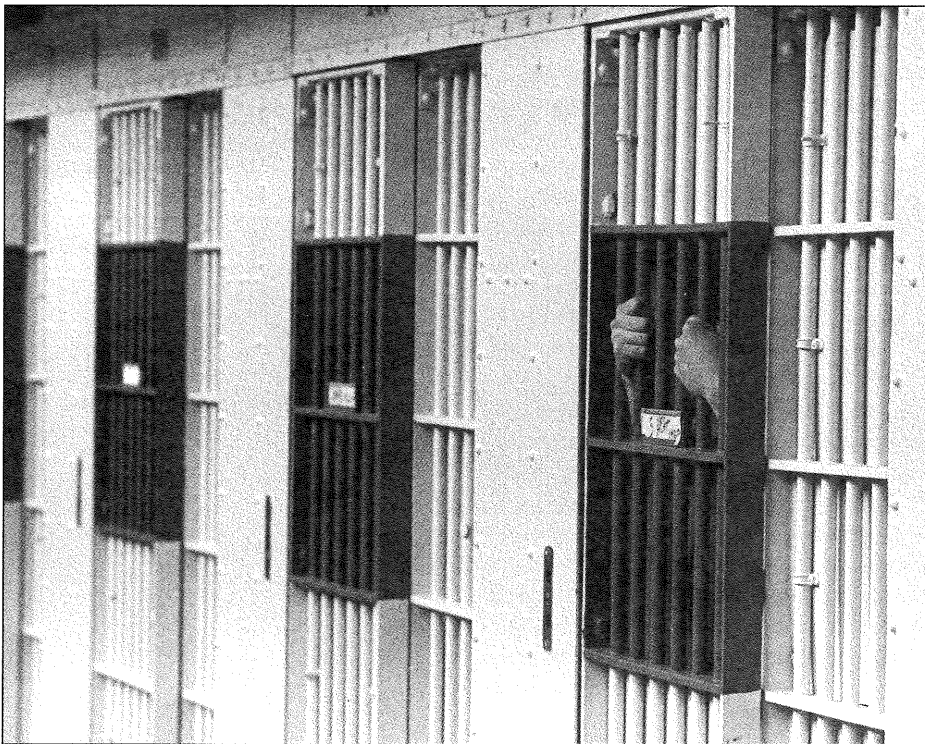
of curfew centers, teen courts and drug courts. This session, Kelly authored a bill providing \$1.3 million in biennial grants to cities of the first class for truancy centers. Earlier in the session, LaRue Fields of the Minneapolis Urban League truancy center, told the committee that the center provides a tough community-based consequence for disruptive social behavior rather than simply rushing kids into a traumatic jail experience. Of the 1,900 adolescents served so far by the center, she said, "We're trying to cramp their style, to show them it's not okay to be hanging out at three a.m. Have we saved lives? I say yes." Similarly, the omnibus crime bill funds an initiative authored by Sen. Ellen Anderson (DFL-St. Paul) providing for a joint-use police storefront and youth activity center that can operate as an early accountability mechanism as well as one of deterrence.

Community-based prosecution efforts will be considered for grant funding and include the governor's recommended drug courts, which would consist of specialized teams of attorneys, probation officers, chemical health professionals and treatment programs supported by police and aftercare services. The drug court provides a community-based alternative to trial. An initiative that did not receive full funding this session but

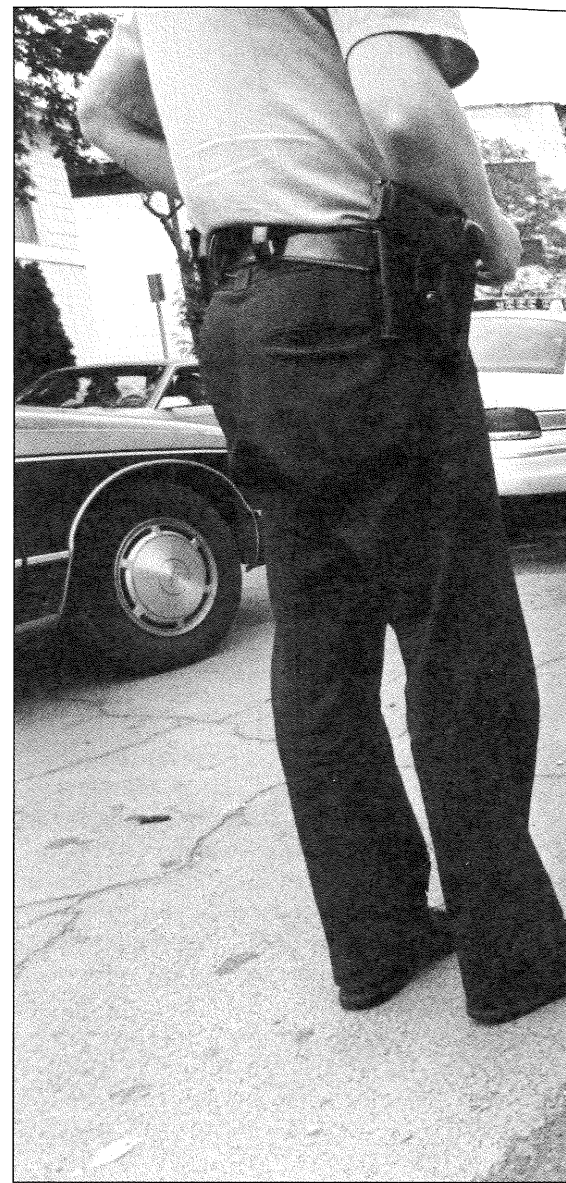
could also qualify under the grant process is teen court, a concept proposed by Sen. Thomas Neuville (R-Northfield), in which teens participate in the legal process, conducting actual binding court proceedings for minor offenses.

Funding for the expansion of a Crime Alert Network, an initiative introduced by Junge is a more indirect community justice measure. Under the program, local businesses can issue warnings through a broadcast fax network which was originally set up to help disseminate information on missing children. The resulting web of shared public safety information can allow a neighborhood to identify problems and possibly react before they escalate.

Even in the realm of corrections, the Senate is beginning to view isolation from the home community as a negative factor. Kelly said this session his committee has attempted to "address the long-standing problem of sending hundreds of kids and tens of thousands of dollars out of the state of Minnesota to as far away as Pennsylvania and Texas and so on." Kelly said, "From a correctional policy standpoint, you don't want to take young people so far away from their communities and their families that it makes it almost impossible for family visits or for an integrated aftercare program."



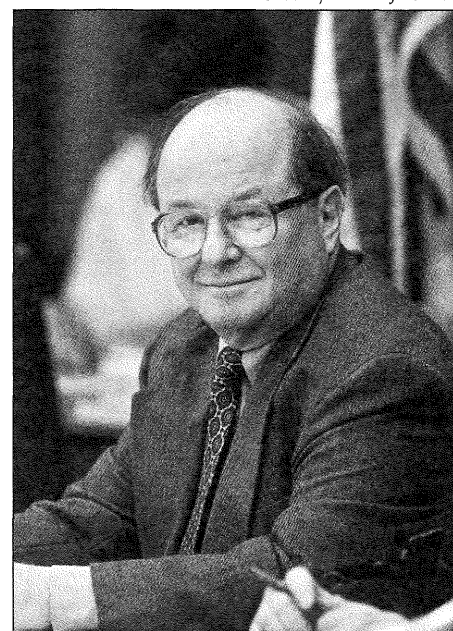
Community based initiatives, such as those enacted this year, are aimed at slowing the escalating prison population.



Neighborhoods are seeing an increased police

Because community-based justice is not limited to the front end of the process, it can include initiatives like community work crews and stepped-up probations efforts. According to an overview of "sentencing to service" provided by the Department of Corrections Community Services Division, on any given day, some 70 crews are managing offenders doing public works that contribute to the betterment of public buildings and streets. To proponents of the community justice model, such activity is seen as allowing an offender to maintain his or her relationship with the community and to remain invested in its survival.

A school-based probation project, sponsored by Knutson, and funded at



Sen. Allan Spear

presence in the efforts to curb crime in Minnesota's communities.

\$450,000 over the biennium, provides for a probation officer to be assigned to a school and be available to help the school address behavioral incidents in the school by probationers. The program prioritizes mainstreaming the offender but holds the child to a closely scrutinized standard of behavior. Similarly, a project, sponsored by Sen. Charles Wiger (DFL-North St. Paul), takes lessons learned from a successful gun control initiative conducted by the city of Boston and applies them to St. Paul. For this program, \$100,000 over the biennium will support coordination between juvenile and probation officers, law enforcement personnel and culturally specific community non-profits in the monitoring of juvenile probationers.

Prison aftercare programs are also receiving fresh focus and scrutiny. Throughout the session, Corrections Commissioner Gothriel LaFleur expressed his desire to heighten his department's efforts in the area of community interface. "Of those incarcerated," he said, "the vast majority come from very designated zip codes, and almost all of these offenders go back to those communities." Kelly agreed, "We have fallen down miserably in our system so far in trying to look in a holistic way. The omnibus bill contains \$4 million over the biennium earmarked for probation caseload reduction, which LaFleur made clear would allow for the department to explore more community-sensitive forms of probation delivery.

Kelly said, "As much as we need to make our systems accountable, we have to make people more accountable. And, that is a shift." Kelly said he recalls that in the past, "the prevailing philosophy, particularly with young people was, don't intervene, you just screw the kids up worse. Ninety-five percent of the kids will simply grow out of this. Anyone who is a parent knows that kind of philosophy is a formula for disaster, because as people develop their patterns, if they see that there are no consequences for their actions then it typically will escalate."

Crime Prevention Committee Chair Allan Spear (DFL-Mpls.) said "The concentration of effort and resources has resulted in system-wide neglect of lower-level criminal behavior which affects day-to-day-lives of citizens. These crimes don't send anyone to the morgue, but they can kill a neighborhood." Spear said he was happy to see that both the governor's crime plan and that of the Senate focused on "livability crimes - those lesser offenses, such as vandalism, graffiti, public drinking and loud noise, which affect the quality of life in our neighborhoods." These initiatives come with caveats, however. One of the lessons learned from representatives of the Boston Gun Project is that the success of community justice initiatives depends to a large extent upon community consensus. Residents have to feel a part of the process, Kelly concluded.

Statewide testing:

Do Minnesota students make the grade?

by Laura Sinagra

Are all the children in Minnesota truly above average? Senate Majority Leader Roger Moe (DFL-Erskine) threw down the gauntlet at the start of the 1997 session, determined to find out. Even with educational accountability at the center of presidential rhetoric and two new voluntary tests being designed at the national level due in 1999, Minnesota remained, in January, one of only ten states without a uniform statewide test. Moe's surprise amendment to a high-profile bill lifting last session's education funding formula caps successfully ushered through a controversial statewide testing requirement for Minnesota students. The new law, Chap. 1, requiring statewide testing, set the stage for passage of a second new law outlining the requirements for testing.

The state's lack of a uniform test did not mean it was lagging with regard to the development of statewide standards. In 1993, the Minnesota Legislature mandated development and implementation of the state's Graduation Rule, the satisfaction of which will be necessary for Minnesota students to receive a high school diploma. This process had actually begun in 1989 when the State Board of Education directed Department of Education staff to begin researching results-based assessment. In fashioning these requirements, however, the state and education establishment stakeholders made a priority of preserving the autonomy of districts in choosing particular testing methods.

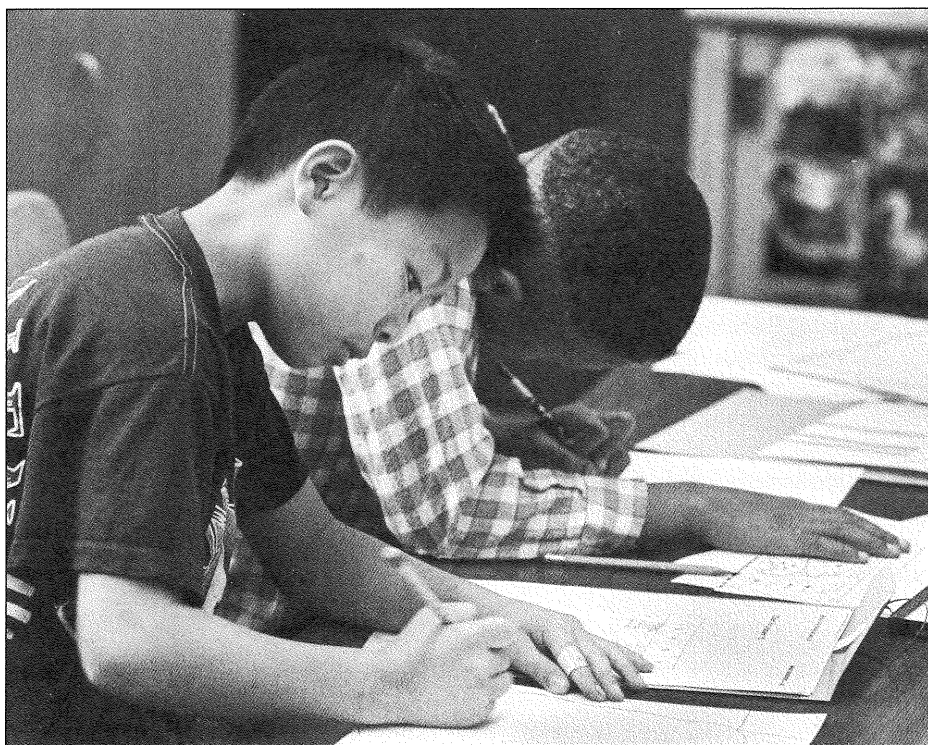
At that time, the state and the districts rebuffed the notion of conform-

ing to any one test. Even the graduation rule's required basic skills test, administered for the first time in 1996, mostly to students in eighth grade, was not mandated to be uniform. Districts like Burnsville and Stillwater took the option of administering national norm-referenced tests instead of those created by the state.

The new law, Chap. 138, reins in this freedom somewhat, in the interest of getting a more comprehensive picture of student progress statewide. Three uniform tests are now required to be given at grades three, five and eight, with

a fourth to be designed to measure critical thinking competencies at the high school level. According to a memo sent out to school districts regarding the new tests, there has been some consternation at the department level that changes will be perceived as a backing-off of the graduation standards package.

Most vulnerable to such misconception is the Profiles of Learning component, a highly flexible portion of the graduation standards, referred to by K-12 Education Budget Division Chair Lawrence Pogemiller (DFL-Mpls.) as the "guts" of Minnesota's Graduation Rule.



A new law requires statewide testing in grades three, five and eight.

The profiles are portfolios of student work collected over time and used at the high school level to evaluate student abilities in various areas beyond those that can be measured by traditional testing. In sculpting the rather intricate guidelines regarding these compendiums, the department has taken pains to preserve decentralized methodology and avoid driving actual curriculum that produces the collected work. "The Profiles of Learning," said Pogemiller, "are designed so that you have a standard that someone has to hit, but how they get to that standard is totally flexible at the local level." He added, "Good teachers will not allow the state to drive the curriculum."

This past year, according to *Education Week* newspaper, Vermont, which has been a leader in the push for portfolio-based assessment having based accountability on collected student work since 1988, experienced similar upheaval when changing its accountability mechanism to include more traditional measures. Vermont officials emphasized that they are not rejecting the notion of portfolios and are in no way backing off of the concept. The Minnesota Department of Children, Families and Learning has done likewise, emphasizing that the new tests do not represent a departure from commitment to the previous graduation standards.

According to a 1996 report issued by the North Central Regional Educational Laboratory, several states reported legislative mandates to put statewide testing programs into place before any tests were ready. In Minnesota's case, a specially appointed Joint House Senate Subcommittee on Statewide Testing got to work immediately, spending much of its time debating the purpose of reporting scores. A commissioned study on educational accountability produced by the dean of the University of Minnesota's College of Education, Robert Bruininks, supported the collection of data on multiple socio-economic and environmental indicators that would allow diagnostic conclusions to be readily drawn from tests. As a result, the statewide testing law defers to the department in the area of test design, but is more prescriptive with regard to data collection and score reporting. Challenges facing subcommittee members included ensuring that students of



Sen. Lawrence Pogemiller

advantage not be viewed as directly competing with poor students and that the tests be designed to hold up to what will surely be intense media and public scrutiny.

According to Pogemiller, the most important consideration in test score reporting is dissuading people from directly comparing districts with one another. "Most of the people in the Legislature didn't take away the right lessons. Some walked away saying, 'look how good our school district is, because only seven percent of our kids didn't pass the test, while in a different district,

forty-three percent didn't pass; wrong lesson."

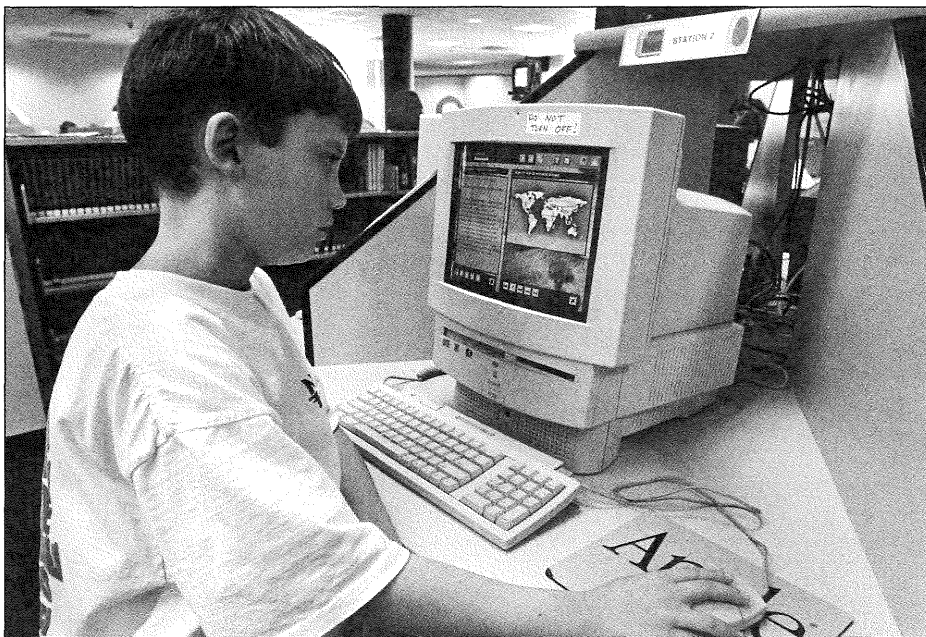
So what do lawmakers expect the tests will reveal? Pogemiller said he is "not overly excited" about the amount of testing to which the state is now committed, because, "a lot of the testing tells you something you already know. It tells you that student ability to succeed is related to their socio-economic status and the level of their parents education." He added however, that the tests' best function may be their service as a feedback mechanism for faculty performance.

Some Legislators on the subcommittee expressed skepticism at the media's handling of reporting. This spring, in a ruling on a September lawsuit filed by the Minneapolis Star Tribune, the Hennepin County District Court ruled that the Department of Children Families and Learning's refusal to make public scores for schools with low enrollment or those where all students passed or failed was not upheld. The state had argued that where individual student results could be discerned, the privacy of these students should be protected. The court, however, contended that as long as scores include no personal data, they remain public information.

Sen. Randy Kelly (DFL-St. Paul), who has been active in recent years in trying to address the effects of housing policy on communities, weighed in on one way test results can illuminate with



Sen. Kenric Scheevel



Statewide tests may be used to set a baseline to find out where students are and to measure how students are progressing.

precision some societal impediments to learning. "Parents who don't have enough money to meet all the bills, they're evicted, they move somewhere, and typically it's only a few blocks, but these kids are switching schools five times a year," said Kelly, "We need to have an understanding that cities should not permit policies that put most of the poor people in any given community. The best community is one that is diverse socio-economically and racially." Consistently poor test results from children in these high-mobility situations can be used as evidence to fuel housing policy reform, he indicated.

So, while tests themselves may not be directly linked to higher achievement, the data gathered can be studied for solutions to nagging problems. Already, some Senators have used last year's basic skills test results to make some precise determinations on what have up to now been anecdotal assumptions. Sen. Kenric Scheevel (R-Preston), a proponent of small schools, has pointed out that small schools in rural communities, even those with a high percentage of poor students, have scored quite well. "We've always known," he says, "that when a site gets very small, the costs per student tends to go up because you don't have the economies of scale, but what I found real interesting was that when the sites got beyond 2,000 students, the costs also began to go up and, simultaneously,

the outcomes started to go down pretty substantially." Another rural legislator, Sen. Keith Langseth (DFL-Glyndon), has been looking at the test results for poor rural students, and pointed out that, "The school district in my district that gets the most money on free and reduced lunch based compensatory aid funding is one of the smallest and got the highest test scores in the district."



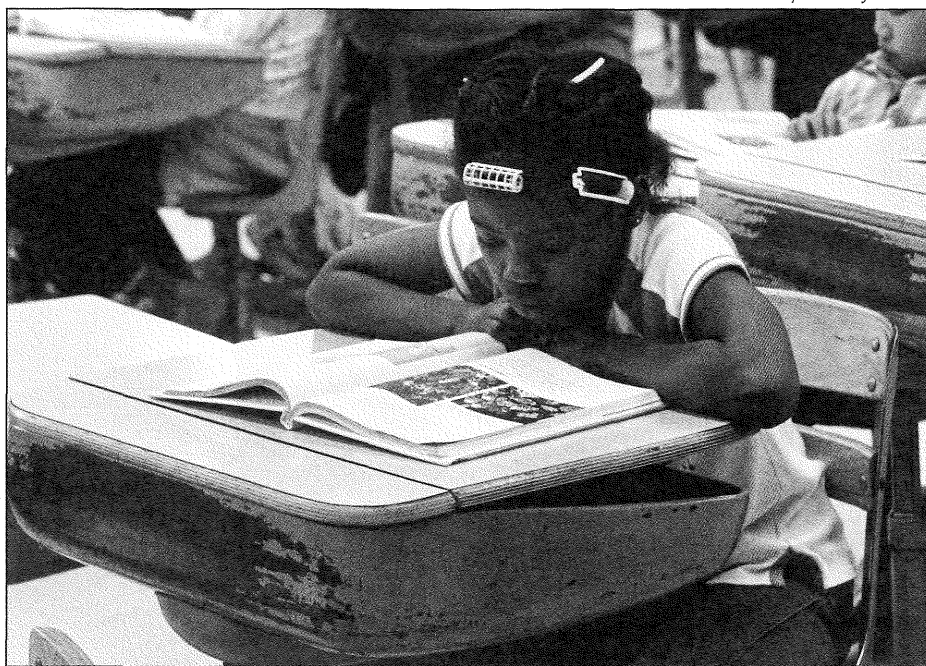
According to the Bruininks study, test results should be viewed in connection with the best practices for a particular set of students.

When test scores revealed that Minneapolis is one of the highest funded, lowest scoring districts, communities of color mobilized to come up with recommendations geared to address problems unique to districts with high concentrations of poverty. The main point made by the Bruininks study, and supported by the Senate, is that test results should be viewed in connection with indicators that can be used to make determinations about best practices for the particular set of test takers.

The institution of the new tests does, however, beg the question of to what extent scores will be used to drive state school funding. During the session, testimony was heard about states like Kentucky and urban districts like Philadelphia that are using test results to reward or penalize buildings and districts. Skepticism surrounding such policies focuses on the impact monetary consequences will have on test administration and reporting, as well as district morale. At a meeting of the Joint House Senate Subcommittee on Statewide Testing earlier this session, Rural Education Association representative Vernae Hasbargen cautioned that tying money to results corrupts collaboration with competition. "Sharing will be discouraged," she said, "if schools are aggressively competing."

Regarding results-based funding, Pogemiller says the House expressed the most interest in such measures. "There is," he said, "some language in the law that starts in that direction, but we have to be careful that we're driving money based on value added, not on demographics. We need to do a baseline and find out where the students are that we're dealing with and then measure how much progress they're making." He said, "We should not drive money based on 'most of the kids in this district are passing the test' because that's just telling us a demographic fact." Pogemiller, who this session frequently questioned the policy trajectory of the education establishment, addressed the issue of instruction and said, "I view this more as iterative feedback. If someone is doing a really good job with a whole array of students, we should be driving money to them so they can do more with more students. For those who are not being successful, they need to find out how to be successful or we need to reallocate those dollars."

A correlate point was made before the subcommittee by Bob Brick of the Coalition of Children with Disabilities who urged members to make deliberate guidelines concerning who would be tested, and to recognize that if rewards come with high scores, it tempts schools



The tests may also prove valuable in providing feedback to teachers and administrators.

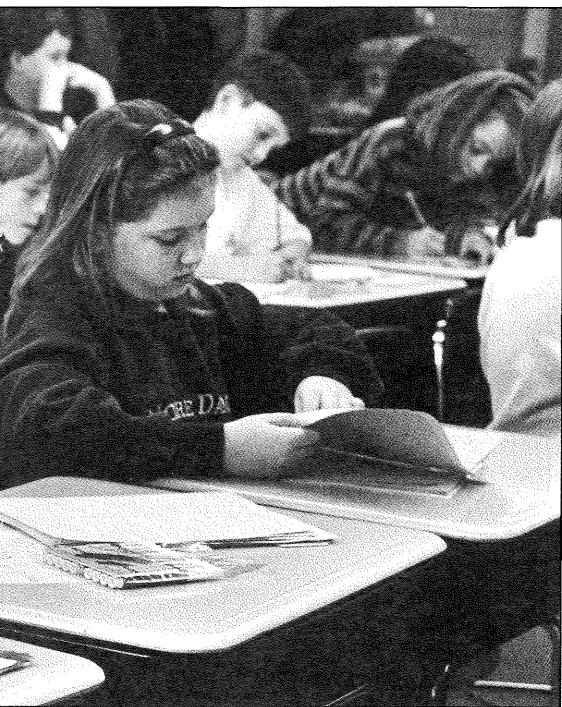
to classify more children as special education students and to exempt those the school feels may score poorly. Likewise, cutting funds to schools with low scores can be a harsh and indirect way of sending a message to faculty. Such sanctions also do not account for schools pressured to absorb an influx of immigrants with Limited English Proficiency (LEP) or those with high mobility students who drop in for only fragments of the school year.

Forty-one states have written guidelines about participation of students with disabilities in their statewide assessment programs. For most states, a special education student is included or excluded from the state assessment based on the recommendations included in the student's Individualized Education Plan. Where states have made attempts to include these students in the test-taking, they have for the most part decided to report the scores with breakouts that show district results with and without these inclusions. Special testing accommodations have also been implemented to allow for maximum participation. Some states, including Maryland and Hawaii, have been active in a push to make their tests accessible, instituting the use of extended time periods, audiotape, large print and braille versions of the tests.

As signed by the governor, the law

requires all students, with the exception of those whose Individual Education Plan (IEP) classifies them as possessing prohibitive disabilities, to take the test. Results will then be reported in three columns: raw scores; scores omitting those of students with Limited English Proficiency; and scores omitting those students who have only been attending school in the district for a short time. Test design is left to departmental discretion but is directed to correlate highly with the graduation standards. Testing will begin in the 1999-2000 school year.

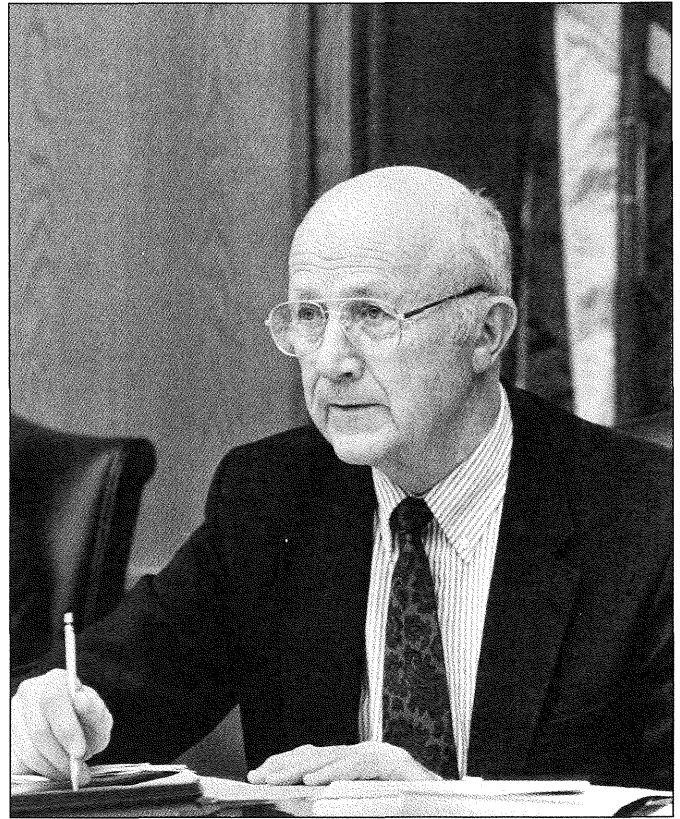
Pogemiller says he sees assessment as playing a role in the culture's rapid movement toward more customized learning. "With technology," he says, "we are able to individualize our approaches to individual learners much easier and then bring to bear wide varieties of curricular options to help those students, so the whole model of driving money to buildings will be outmoded. "But," he added, "no child is going to be able to critically think or synthesize information if they can't read or do the basics. That's really where the issue is at." And what of resistance within the establishment? Pogemiller responds, "With large systems--and education is no different--any change is resisted. Then, once the change is made, people adapt pretty quickly and move on to new battles."



indicators that can be used to determine



Sen. Claire Robling



Sen. Leo Foley

Reflections on a first session

Two Senators discuss their experiences as first-term legislators

by Jason A. Weller

Fresh on the heels of their first legislative session as state Senators, it was difficult to corner Sen. Leo Foley (DFL-Anoka) and Sen. Claire Robling (R-Prior Lake), but eventually the two freshmen Senators spoke about their impressions of the Minnesota Senate. In an earlier interview conducted prior to the beginning of session, Foley said his prior professional experience as a state trooper for 33 years, his experience as a labor representative for the State Patrol at the Capitol, and his work in the Anoka County Attorney's office would lend itself well to serving as a Senator. In retrospect, when asked whether his prior experience proved to be an asset, Foley said, "I already had a fair amount of background in a lot of the issues that we covered this session, but a large part of this session was still spent getting acquainted with how the process worked." Along the same lines, Foley said, "Many of my views have been expanded. Crime, education, welfare, transportation, race relations--all of these issues are tied together so that if you set out to solve one problem, you may affect another area that you would not have expected. For example, the welfare reform effort was much more complex than I had imagined it would be."

In her initial reflections as a Senator, Robling admitted,

"As the only freshman Republican Senator, I had the advantage that I was the only one my colleagues had to look out for. As a result, not only did I get a lot more attention from within my own caucus, but because there were no other freshmen Republicans, I got to know the DFL freshmen Senators well. I was able to develop friendships and relationships with the other incoming Senators, and even though I realize we all have pretty different political philosophies, basically, they all care about helping people." She cited Foley as an example of a person "who is obviously doing this work because he cares about people and his community."

And this theme of cooperation and respect was echoed by Foley when he said, "I was pleased with the general courtesy shown by one Senator to another. My interactions with all my fellow Senators have been good, and I have found them to be very helpful and kind. Though people disagreed, they didn't make it personal."

As for the lessons both Senators took away from their first taste of public policy making, Robling said, "I had many good experiences, particularly in the conference committees, and I now realize that the behind the scenes work is very important." She illustrated her point by describing two pieces of legislation that she sponsored this year. As chief author of S.F. 735, a measure that was eventually approved by both

bodies and sent to the governor, she was the chief Senate conferee. The bill makes several modifications to the Metropolitan Council's wastewater services cost allocation system, and for what was seemingly an innocuous piece of legislation, for Robling, it revealed a vast array of development issues that were pertinent to her district. "I have natural tensions between my own constituents on urban versus rural issues, because much of my district is rural. But there is also a fast growing suburban community that has development needs much different than the nearby rural areas," she explained. Though she had her reservations about chairing her first conference committee, she said the experience was a positive one.

Robling was also the chief author for S.F. 313, a bill that provides a nursing home construction moratorium exemption for a facility located in Belle Plaine. Though the attempt failed, "we ended up making the process better for everyone, and I learned a lot about the nursing home moratorium process, an issue that I was not very familiar with before this year," she said. The pool of money that is appropriated to provide nursing home facilities exemptions from the state-wide moratorium has been increased to \$750,000, partly as a result of the issues raised by the measure carried by Robling. "While it didn't individually benefit my facility, I appreciate that the available pool was significantly expanded. So when the facility comes back next session and applies for an exemption, it has a greater chance of being allowed to move forward with its needed capital improvements," she explained.

Foley also said he learned a great deal from his experience

carrying legislation through the process. One of the more prominent issues this session, the DWI bill, attracted a lot of attention because one of the original provisions lowered the legal driving limit to a .08 percent blood alcohol level. As chief author of S.F. 985, the omnibus DWI bill, Foley said he hoped the legislation "would raise the consciousness of the public." When asked what kind of response he has received as a result of his work on drunk driving issues this session, Foley said, "I have had nothing but popular support from constituents. When I first began working as a state trooper, our drunk driving laws were weak and our enforcement was weaker. The standard was, 'If they could walk, they could drive.' But public opinion has shifted from siding with drivers to sympathizing with the victims." Foley explained that carrying the bill through the committee process taught him a lot, and in the end, even though the bill was vetoed, he was proud of the legislation that emerged.

Both Senators said they were pleased with their experiences this session, and while there were some disappointments, Foley and Robling said they were impressed with the professionalism and work of their fellow Senators. For Robling, though, finding a balance in her daily life made the long hours and intense pressure more bearable. She said, "My work as a Senator is an important job to me, but I'm fortunate that I can go home every day. My family is central to my life, and because of them, I don't get too stressed out." As for Foley, he summed up his impression best when he said, "I am amazed at the skills and courtesy displayed by other Senators when working to diffuse contentious issues, and overall, I'd say we've done a marvelous job."



Senators Foley and Robling join colleagues for a Senate floor session in the Senate Chamber.

Flood!

Heavy winter snows melted into the most devastating flooding seen in the Red and Minnesota River Vallies in generations.

Legislators responded by passing several bills to ease the recovery efforts.

by Ron Hebensperger



Even while western Minnesota excavated itself out from under record snowfalls, weather forecasters warned of the flood potential if temperatures rose rapidly and unleashed an inland tidal wave of snowmelt. When Spring arrived, those predictions turned into a devastating reality as the Red and Minnesota Rivers swelled beyond their banks and into the lives of countless Minnesotans.

Sen. Keith Langseth (DFL-Glyndon) described the damage experienced in Breckenridge. He said that over a third of the south side of town was under water. "There's a railroad that goes right through the town that served as a dike and saved the rest of the town. The dike they had on the river held, but the overland flooding coming in from the back side flooded that whole South side real bad," Langseth said. Assessing the impact of the flood on the community, he said that businesses on the entire south side of town were

Photo by Andrew Von Bank



all under water. "Some of them are not going to open up again," he added.

Further north, the community of Ada found itself submerged by the Wild Rice River, a tributary of the Red. Senate Majority Leader Roger Moe (DFL-Erskine) who lived in Ada for eighteen years, said that occasionally in the past floods would threaten. In those cases, he said, "they'd let school out to sandbag along a creek that runs along the south side of town, to protect a few houses." This year, however, Moe said there was more water than the river could handle. Because of a combination of rain and snow and the ice in the river, water burst out of the main channel, Moe said. The result was overland flooding, which Moe said came into the city from two or three different directions. "The flood, then a blizzard that day, then the power lines went down," Moe recounted, "it was absolute bad luck, and a lot of it."

Moe said East Grand Forks was hardest hit. He explained that as the accumulating pool of water flowed down the Red River, it passed the Fargo-Moorhead and Crookston areas without wreaking as much havoc. "The Red Lake River from the Red Lakes and the Red River meet in Grand Forks. So you had all the basins, water from the South and the North, plus everything else coming in." When all the sources of water converged on East Grand Forks "it was overwhelming," said Moe.

Frustrating efforts to battle the flood in East Grand Forks, said Sen. Leroy Stumpf (DFL-Thief River Falls), were flood crest predictions made Fri., Apr. 18 that seemed to keep rising "by the hour." Stumpf said that once the National Weather Service makes a flood crest prediction, the Army Corps of Engineers only allows the construction of dikes one foot above the predicted crest. The problem, according to Stumpf, was that the crest predictions were frequently revised upward. "There were too many miles of dikes to raise on a short term basis," Stumpf said.

Senate Minority Leader Dean Johnson (R-Willmar) described the damage further south in the Minnesota River valley. He said the mayor of Granite Falls told him that the initial assessment of both public and private property losses is about \$5 million and that there were five to ten homes that would not be usable. Johnson said "if you go up river about 12 miles to Montevideo and Chippewa, they had more extensive damage because they have a housing addition that is right next to the river. I was told that maybe 75 to 100 homes will not be able to be lived in again." Johnson added that officials are still undecided as to whether to build a dike around the area or rebuild the development in a different location.

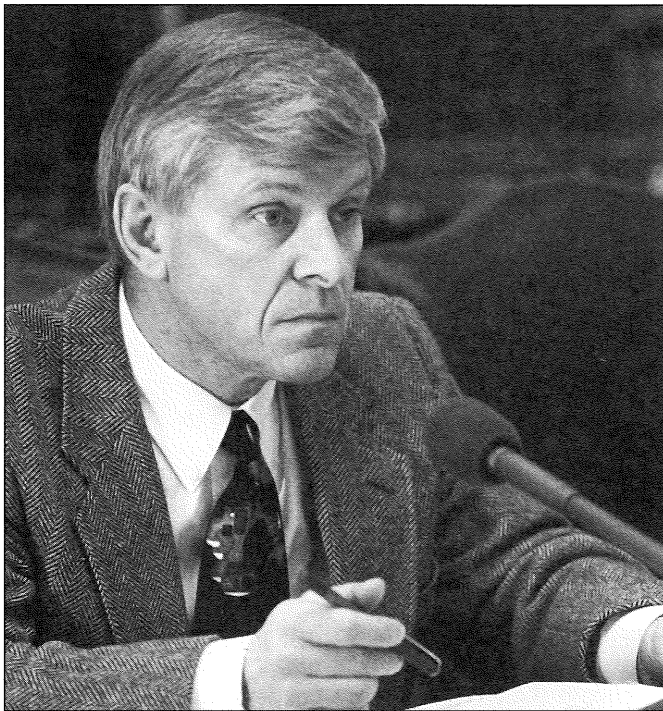
Such enormous damage challenges one's imagination to comprehend the magnitude of the flood. Stumpf said this year's flooding in the Red River valley was certainly by far the most devastating ever recorded. He cited the damage to homesteads and farms up and down the valley as evidence. However, despite the widespread structural damage, agriculture in the Red River Valley sustained little damage. Langseth said farming is in good shape because the valley dried out faster than anticipated. "We went about a month there without rain and we're actually ahead of last year," he said. Johnson similarly described conditions in the Minnesota Valley. "About 80 percent of the farmland is now dried

out and the crops have been planted, but there still remains about 20 percent of the farmland where there is water or the conditions are too wet," Johnson said.

Once the affected areas are cleaned up and the deposited flotsam removed, communities must turn to face the long term effects. Moe said that the psychological effects may be hardest to cope with. He said government restoration programs can help restore physical losses, "but when it's the

family album, or the awards the kids won at school, losses like that are just so devastating." While an area battles a flood and during the clean up immediately after, people are preoccupied with those activities, said Moe. "But as time moves on, I think there are a lot more problems with depression and mental illness. I think you're going to see it because sometimes that's the impact," he said.

Moe said that more information is needed to assess the



Left: Sen. Roger D. Moe. Above: Sen. Dean E. Johnson. Below: Roads and bridges were particularly hard-hit by the devastating floods.

Photos by David J. Oakes



damage to the public infrastructure. He said it will take time to evaluate all the roads and bridges, water and sewage treatment systems. Moe is also concerned about another long term effect that may prove more difficult to remedy -- the permanent displacement of people. He said people fleeing the flood might have come to the Twin Cities to find shelter and have already decided to stay because of their dislocation.

Stumpf echoed that concern. "The greatest fear is that a fairly large percentage of people won't return. Obviously if they don't have a job, if they don't have a home, if it means a huge debt by rebuilding, a lot of them probably aren't going to return," he said. The resulting prognosis, according to Stumpf is that "the schools hurt, the churches hurt, and the businesses hurt." Stumpf said other disaster-stricken areas around the country have had similar experiences, and offered Minot, North Dakota as an example. "It lost 25 percent of its population base. That really is significant," he added.

Moe blames part of the displacement problem on Washington. He said some of the programs contained in the belated federal relief legislation were to help affected businesses get back up and going. "Their employees are now saying 'we've got to get to work' and are accepting jobs elsewhere," according to Moe.

In sharp contrast to congressional rancor, the Minnesota Legislature acted decisively on a number of fronts to help flood victims. An early session bill appropriating money to cover the cost of snow removal, Chap. 12, sponsored by Sen. Jim Vickerman (DFL-Tracy), set aside \$3 million in preparation for Spring flooding. Almost immediately after flooding began in April, Stumpf introduced a bill extending the income tax return filing deadline for people living within the flood affected counties. The measure, Chap. 32, passed both bodies unanimously.

Other legislation was introduced to help communities through property tax abatement. Stumpf explained that under the current abatement process, the tax payer for damaged property within a declared disaster area can ask the county board for an abatement, and the board grants a tax reduction. Under a provision Stumpf added to the omnibus tax bill, Chap. 231, the process is streamlined so that the county board can unilaterally reduce the property taxes on damaged property without the taxpayer's request. In addition, the tax abatement is spread throughout the entire state rather than just within the taxing district Stumpf said. He said that the cost to the state for the abatement is \$5 million. "The reason for the tax abatement is to make it attractive enough for property owners to stay in the community, to rebuild and not have to worry about that big property tax bill that they would have to pay," Stumpf said.

In addition to the property tax abatement, the Legislature responded in other ways. The most dramatic action was the passage of Chap. 105, a \$20 million appropriation bill, sponsored by Moe to aid the recovery. Langseth explained that the appropriations are used to fulfill match requirements with federal disbursements. Vickerman said that Minnesota "leveraged millions and millions of dollars" with the two flood aid packages, but said he was frustrated with the tardiness of congressional action. He said that the \$23 million in state disbursements "cannot be used until the federal government comes through with their part of the

match." Vickerman said that once the federal spending package is finalized, it may require more money from the state than previously authorized in the regular session, and a special session will probably be necessary to meet the match requirement.

Other provisions in the bill include an exception to the nursing home bed moratorium to rebuild destroyed nursing homes, an adjustment to daily school attendance figures for flooded school districts, accelerated payment of local government aid and homestead agricultural credit aid and a waiver of various fees and regulations. A provisions in another bill allows teachers in flooded areas scheduled to retire at the end of the school year to go ahead and retire and make up the missed service time later.

Another measure that removed restrictions on local communities from assisting each other, Chap. 75, was authored by Vickerman. Vickerman explained that the flood assistance authority bill allows work crews and equipment from one county to be used in another county. He said the bill provides an exception to a current legal requirement that money raised within a taxing district be spent within that same district. Vickerman said that in the future, legislation may be passed granting broader authority for the sharing of local assistance but his bill "was just strictly for the flood area."

A policy that Moe and Johnson ushered through the Senate was a one cent per gallon increase in the gasoline tax to pay for highway repairs in flooded areas. Although the



Sen. Keith Langseth



Sen. LeRoy Stumpf

provision gained Senate approval as an amendment to a highway and transit funding package, it failed in the other body. Moe said the fuel tax increase "got swept up in the debate on an overall transportation and transit funding package, but the House just couldn't come to an agreement on what kind of a package they wanted to pass." As a result, Johnson said the Dept. of Transportation will have to divert funds for basic needs in the flooded areas and away from scheduled projects. "If we do not provide additional funds, it will simply mean a delay in projects in other parts of the state," Johnson added. Moe said the increase would have provided a \$20 million infusion, but without it, work to restore less critical damage will be delayed.

Another item that Stumpf would like to see addressed in a special session is authority for state agencies to waive statutes. He said that when agencies are dealing with a whole host of different situations, waiving certain statutes could be very beneficial. "Everything from environmental, to tax, to fees and permits," Stumpf offered as areas to consider for statutory waivers.

Vickerman suggested that the state may want to consider establishing an emergency reserve fund. He said that some disasters may not qualify for federal assistance, and the fund could be used to fill the gaps. Vickerman said, "It seems like we have a tragedies all the time." He added that he would like to author legislation to establish such a fund.

Moe saw the state's response to the flooding as an example of the need for government. He said, "You need a responsive government that can do collectively those things that people can't do individually." Moe said a flood obviously requires government involvement. "Of all the visits I made up there, I never heard one person complain about too much government," Moe said. He was quick to praise the



Sen. Jim Vickerman

help that came from other government agencies and the general public. For example, he said, the people of Crookston felt blessed because they dodged the bullet, and became a refuge for the people from East Grand Forks. He said that anytime the emergency management teams put out a call for help, "they got ten times more than they needed." Moe said that as he toured the area with Federal Emergency Management Agency (FEMA) staff, who travel all over the country from crisis to crisis, they said repeatedly that they couldn't believe how people responded to the needs of flood victims. Moe said that as is often the case, "when you see the worst of natural disasters, you see the best of humanity."

Johnson agreed and said that the cooperation of efforts must be long term. He said that state agencies and local governments will have to coordinate their efforts in the areas of housing and credit. "We're going to be working with these communities for the next one to two years to get them back on their feet. That's an appropriate public policy," Johnson said.

Langseth described the role of the state in disaster recovery as "a giant insurance company." He said, "We paid in taxes so that other people could be helped in disasters before. Now it's our turn."

Helping communities as a partner is a proper role for the state, according to Stumpf. He said Minnesota performs that role in many ways such as local government aid and revenue sharing for school districts. "Our role is to try to rebuild those communities and make them whole, or make them close to whole so that they're viable. The way we can do that best is by being partners with the federal government, private corporations and with all public institutions." Stumpf said. "Maximizing the cooperation between institutions will get the job done," Stumpf summed up.

Special Session I

The first 1997 Special Session was held Thursday, June 26, to consider a compromise omnibus K-12 education funding package. Legislators also passed four additional bills during the course of the one day session.

The K-12 education funding bill, which passed both bodies as H.F. 1, was the product of a series of negotiation sessions between the governor and legislative leaders held since the end of the regular session May 19. The governor had vetoed the omnibus K-12 bill that passed the Legislature the last night of the regular session because it did not contain a provision for \$150 million in tax credits for education expenses. Legislative leaders, on the other hand, contended that tax credits for education expenses--including private and religious school tuition--removed funds from public education and blurred the constitutional line between church and state.

The negotiating sessions resulted in a K-12 education funding bill that contained all of the provisions of the original \$6.7 billion package, as well as some additional compromise provisions.

Under the new bill, the current tax deduction for education expenses is increased from \$650 to \$1,625 for students in grades K-6 and from \$1,000 to \$2,500 for students in grades 7-12. In addition, the deduction is available for tax payers who do not itemize their returns. Under the measure, the deduction may be used for computer software, computer hardware, transportation expenses, education summer school, educational camps, tutoring, textbooks and equipment and private school tuition.

The measure also contains a new tax credit of \$1,000 per child, with a \$2,000 limit per family, for families with incomes under \$33,500. However, private school tuition does not apply to the credit. Finally, the working-family tax credit is expanded, with an average increase of \$200 to \$350 for families with incomes of less than \$29,000.

Chief Senate sponsor, Sen. Lawrence Pogemiller (DFL-Mpls.), urged members to consider the compromise tax provisions in the context of the larger bill, "I think, personally, that what we are doing in the other part of the bill--directing money to follow children, directing money at children at risk, and focusing on technology is a more significant change than the portion of the bill that has been under discussion for the last month." "The key elements of this package are not in the compromise, but are in the original bill," he said.

Pogemiller said that the \$6.7 billion funding proposal contains an increase in funding of 3.2 percent for inflation, a \$100 million increase to the compensatory formula that drives additional funds to children in need. The bill provides a 19 percent overall increase in educational funding, he added. Pogemiller also said that the original bill provides more empowerment for families to make choices about their children's education.

Both Majority Leader Roger D. Moe (DFL-Erskine) and Minority Leader Dean Johnson (R-Willmar) urged members to support the measure. Johnson said, "In the last 30 days, more people than ever before have been engaged in the discussion about their children's education. I am encouraged when I hear people talking about parental involvement, overall I think education is going to be better." Moe urged support and said, "We must continue to have a strong and responsive system of public education and that is what this bill is all about." H.F. 1 passed the Senate on a vote of 50-9.

Members also repassed two bills that had been vetoed without the provisions that drew the governor's objections. The first, S.F. 1, was an omnibus DWI bill. The measure, carried by Sen. Allan Spear (DFL-Mpls.), increases administrative penalties for offenders with blood alcohol levels greater than .2 percent; increases penalties for repeat offenders, moves up forfeiture by one violation; and provides standardized penalties for operating any motor vehicle, such as a snowmobile or boat, and refusing a breath test. The measure does not contain the provision that lowers the blood alcohol limit to .04 percent for drivers under the age of 19. The original bill passed on the last day of regular session had contained the lower limit for young people but that was the provision that drew the governor's veto. The measure, S.F. 1, was passed, with little debate, on a 60-0 roll call vote. The new law will go into effect August 1.

A third bill, S.F. 7, gaining passage during the First Special Session was the omnibus data privacy measure. The original bill was vetoed because of a provision changing the data classification for legislative proposals and budget information in the Office of the Attorney General. Members granted final passage to the original bill without the controversial provision on a vote of 54-7.

A bill changing the effective date of a new law authorizing the payment of health benefits to families of peace officers and firefighters injured or killed in the line of duty was also granted final passage in both bodies. The measure, S.F. 3, changed the effective date from August 1 to June 1 in order to allow payment of benefits to the family of slain state trooper Timothy Bowe. The measure was passed unanimously in the Senate and House.

Finally, the Senate okayed two additional bills. S.F. 2, authored by Sen. Randy Kelly (DFL-St. Paul), provided for an increase in the minimum wage. S. F. 6, carried by Sen. Roy Terwilliger (R-Edina), provided for salary increases for judges, state agency heads, constitutional officers and legislators. However, the House of Representatives declined to take either bill up for consideration. Both measures may be considered later.

Two additional Special Sessions are scheduled for later in the year. The first, in mid August, is to provide additional flood relief. The second, in September, will deal with an open air baseball stadium.

1997 Session Laws

All the bills passed by the Legislature in the 1997 regular legislative session.

Agriculture and Rural Development

Res. 2 S.F. 1283 H.F. 1067* Memorializes the President, Congress, and the Secretary of agriculture of the U.S. to design and implement adjustments to the federal milk marketing order system that are equitable to Minnesota's family dairy farmers; includes reassessment of the use of wholesale price indicators derived from trade on the Green Bay Cheese Exchange. **Sams, Wenzel**. Effective date: Aug. 1, 1997.

Chap. 27 S.F. 1371 H.F. 265* Clarifies the employment status of certain farm crisis assistance personnel. **Fischbach, Molnau**. Effective date: Aug. 1, 1997.

Chap. 55 S.F. 1663 H.F. 1861* Limits entry into facilities in which confined farm animals are kept. **Johnson, D.E., Juhnke**. Effective date: Aug. 1, 1997.

Chap. 110 S.F. 329* H.F. 1381 Modifies provisions regarding liens for veterinary services. **Dille, Juhnke**. Effective date: Aug. 1, 1997.

Chap. 126 S.F. 338* H.F. 2097 Changes limitations on ownership of agricultural land by corporations, limited liability companies, pension or investment funds, and limited partnerships. **Sams, Harder**. Effective date: May 10, 1997.

Chap. 131 S.F. 543* H.F. 569 Changes license requirements and clarifies terms. Repeals the interstate compact on agricultural grain marketing. **Dille, Juhnke**. Effective dates: Various dates.

Chap. 142 S.F. 1630 H.F. 1863* Establishes a task force to make recommendations on modifications to the agricultural marketing and bargaining law. **Frederickson, Vickerman**. Effective dates: May 14, 1997.

Chap. 158 S.F. 1134 H.F. 1409* Provides for legislative review of feedlot permit rules. **Sams, Kubly**. Effective date: May 17, 1997.

Chap. 161 S.F. 526* H.F. 1924 Provides for food handler certification. **Pariseau, Juhnke**. Effective dates: August 1, 1997.

Chap. 220 S.F. 164* H.F. 535 Conforms certain food rules with federal regulations and eliminates a requirement concerning llamas. **Wiger, Juhnke**. Effective date: Aug. 1, 1997.

Chap. 244 S.F. 1834* H.F. 1646 Annually suspends a dairy trade practices provision; requires an investigation and report; eliminates obsolete language. **Lourey, Trimble**. Effective date: June 4, 1997.

Children, Families and Learning

Chap. 1 S.F. 3 H.F. 1* Repeals the K-12 education appropriations caps, permits statewide testing and amends statutes regarding money appropriations. **Langseth, Johnson, A.** Effective date: Feb. 15, 1997.

Chap. 138 S.F. 1934 H.F. 2179* Formulates a statewide testing and reporting system and require the State Board of Education to amend certain educational testing rules. **Pogemiller, Opatz**. Effective date: May 13, 1997.

Chap. 162 S.F. 1858 H.F. 2147* Omnibus family and early childhood education appropriations; provides for community and prevention programs; promotes self-sufficiency; provides for child care; establishes grant programs. **Piper, Kinkel**. Effective date: July 1, 1997.

Chap. 183 S.F. 1888* Omnibus higher education appropriations; appropriates money for education and related purposes to the Higher Education Services Office, the Board of Trustees of the Minnesota State Colleges and Universities; the Board of Regents of the University of Minnesota and the Mayo Medical Foundation; establishes and modifies programs that promote college affordability; establishes the Minnesota Virtual University, a roundtable on vocational technical education and an agriculture education leadership council. **Stumpf, Pelowski**. Effective date: Various dates.

Chap. 242 S.F. 1003 H.F. 1684* Omnibus K-12 education funding; provides for general education, special programs, lifework development, education organization, cooperation and facilities; provides for education excellence, academic performance, education policy issues, libraries, technology, and state agencies. **Pogemiller, Kelso**. Effective date: Vetoed.

Commerce

Chap. 26 S.F. 398 H.F. 447* Requires health plan companies to provide direct access to obstetric and gynecologic services. **Wiener, Murphy**. Effective date: Jan. 1, 1998.

Chap. 47 S.F. 458* H.F. 429 Clarifies the right to escrow for certain losses in certain insurance cases. **Higgins, Jefferson**. Effective date: Aug. 1, 1997.

Chap. 49 S.F. 622 H.F. 645* Provides a uniform minimum definition of medically necessary care for mental health coverage in health plans. **Scheid, Tomassoni**. Effective date: Jan. 1, 1998.

Chap. 52 S.F. 1527* H.F. 1005 Minnesota Insurance Guaranty Act; conforms state law to provisions of the Post-assessment Property and Liability Insurance Association of Insurance Commissioners. **Hottinger, Tomassoni**. Effective date: April 24, 1997.

Chap. 57 S.F. 495* H.F. 653 Requires coverage for diabetes outpatient self-management training and education. **Novak, Pugh**. Effective date: Aug. 1, 1997.

Chap. 64 S.F. 759 H.F. 1045* Prohibits a surcharge for an automobile accident in which the insured is a passenger in a bus, taxi or commuter van. **Kelly, R.C., Farrell**. Effective date: April 29, 1997.

Chap. 71 S.F. 465* H.F. 571 Regulates the sale of certain qualified long-term care insurance policies. **Winer, Kalis**. Effective date: Various dates.

Chap. 73 S.F. 1094* H.F. 1183 Regulates compensation paid by licensees to tenants for referrals. **Scheid, Pugh**. Effective date: Aug. 1, 1997.

Chap. 77 S.F. 1424 H.F. 1637* Adopts insurance related recommendations of the Arson Task Force. **Novak, Anderson, I.**

Effective date: Aug. 1, 1997.

Chap. 92 S.F. 890* H.F. 890 Provides for regulation and licensing of motor vehicle brokers. **Scheid, Entenza.** Effective date: Aug. 1, 1997.

Chap. 127 S.F. 256* H.F. 335 Regulates building and construction contracts and regulates payments and retainages.

Metzen, Jennings. Effective date: Aug. 1, 1997.

Chap. 129 S.F. 277* H.F. 524 Makes numerous changes in provisions relating to liquor sales and alcoholic beverage regulation. **Solon, Tunheim.** Effective date: Aug. 1, 1997.

Chap. 146 S.F. 868* H.F. 970 Extends the sunset relating to state licensing of Minneapolis building contractors. **Higgins, Wejman.** Effective date: *Vetoed*.

Chap. 157 S.F. 339 H.F. 753* Authorizes facsimile or electronic filings and certifications; regulates the powers and structure of certain institutions; regulates consumer credit; modifies lending authority; and regulates fees and charges.

Metzen, Kubly. Effective date: *Various dates*.

Chap. 175 S.F. 1715* H.F. 1605 Makes changes in response to the federal Health Insurance Portability and Accountability Act of 1996. **Oliver, Davids.** Effective date: *Various dates*.

Chap. 178 S.F. 173* H.F. 56 Provides for the use, validity, and security of electronic signatures and messages transmitted in commerce and sets penalties. **Kelley, S.P., Kahn.** Effective date: *Various dates*.

Chap. 197 S.F. 860 H.F. 379* Regulates securities and authorizes small corporate offering registrations. **Oliver, Abrams.** Effective date: May 21, 1997.

Chap. 222 S.F. 501* H.F. 1032 Provides powers and duties to the commissioner of commerce; regulates investments by certain licensees; regulates securities; modifies the real estate licensing exemption for closing agents; regulates real property appraisers; regulates residential building contractors and remodelers; modifies licensing requirements for collection agencies; regulates charitable trusts and regulates certificates of release by title insurance companies. **Solon, Entenza.** Effective date: May 31, 1997.

Chap. 227 S.F. 6 H.F. 117* Requires local units of government to license the retail sale of tobacco; provides mandatory penalties against license holders for sales to minors; requires compliance checks; restricts self-service sales; and requires disclosure of specified substances in tobacco products. **Junge, Rest.** Effective date: Aug. 1, 1997.

Chap. 237 S.F. 960* H.F. 1365 Provides for patient consumer protections; requires disclosures; prohibits certain provider contracts; provides for continuity of care and specialty care; prohibits certain exclusive agreements; modifies dispute resolution provisions; requires identification of health care providers; requires emergency services coverage; establishes a consumer advisory board; and provides civil penalties. **Berglin, Wejman.** Effective date: *Various dates*.

Crime Prevention

Chap. 96 S.F. 32 H.F. 5* Clarifies the elements of the harassment and stalking crime; increases the penalties for a violation of a domestic abuse order for protection and a harassment restraining order; adds certain violations of the harassment and stalking law to the list of crimes for which a mandatory minimum prison sentence must be imposed; expands the definition of "pattern of harassing conduct;" clarifies that the application of the sentencing guidelines system is not a right that a defendant may waive; and limits a defendant's right to take an appeal regarding sentence. **Junge, McGuire.** Effective date: *Various dates*.

Chap. 99 S.F. 950* H.F. 1029 Adopts working group recommendations for conducting teacher background checks.

Kelly, R.C., Mares. Effective date: May 7, 1997

Chap. 185 S.F. 542* H.F. 464 Authorizes the Lower Sioux Indian community to exercise law enforcement authority.

Frederickson, Vickerman. Effective date: May 21, 1997.

Chap. 214 S.F. 294* H.F. 606 Requires law enforcement agencies to do background investigations for applicants for employment as peace officers; requires employers to disclose personnel records for law enforcement background investigations; provides immunity for employers who disclose information to law enforcement; requires notice to the POST Board when a background investigation is initiated; and authorizes sharing of data on subjects of background investigations. **Junge, Stanek.** Effective date: *Various dates*.

Chap. 238 S.F. 179 H.F. 268* Amends the appropriation to build a close-custody correctional facility of at least 800 beds; provides that the new facility shall be at custody level four; deletes certain construction bid requirements; authorizes construction of an access road; forbids inmates from being housed at the facility until its opening is specifically authorized by law; requires trunk highway improvements; and changes occupancy requirements applicable to state prisons. **Kelly, R.C., Murphy.** Effective date: *Various dates*.

Chap. 239 S.F. 1880* Omnibus crime prevention funding; appropriates money for the judicial branch, public safety, public defense, corrections, human rights and related purposes; increases and prescribes criminal penalties for a variety of offenses; clarifies provisions of the Community Notification Act; clarifies and expands crime victim rights; creates a statewide Criminal Gang Council and a Criminal Gang Strike Force to improve the investigation and prosecution of gang related crime; and clarifies laws relating to probations. **Kelly, R.C., Murphy.** Effective date: *Various dates*.

Chap. 243 S.F. 985* H.F. 1004 Omnibus DWI provisions; reduces the legal limit for alcohol concentration from 0.10 to 0.04 for youth under age 19 for operating any kind of vehicle; advances criminal penalties and administrative sanctions for committing a DWI crime while having an alcohol concentration of 0.20 or more; advances license plate impoundment and motor vehicle forfeiture by one offense; and provides for enhanced criminal penalties and civil sanctions. **Foley, Entenza.** Effective date: *Vetoed*.

Election Laws

Chap. 18 S.F. 1030 H.F. 1088* Allows towns to rotate names of candidates on town ballots. **Scheid, Hasskamp.** Effective date: Aug. 1, 1997.

Chap. 19 S.F. 1104 H.F. 1093* Authorizes the electors of a metropolitan town to move the town election from March to November. **Robling, Macklin.** Effective date: *Retroactive to Mar. 1, 1997*.

Chap. 44 S.F. 1356* H.F. 1884 Changes two districts to reflect an annexation. **Langseth, Westfall.** Effective date: April 22, 1997.

Chap. 130 S.F. 35* H.F. 212 Permits the election of soil and water conservation district supervisors from single member districts in Ramsey and Washington Counties. **Wiger, McCollum.** Effective date: July 1, 1997.

Chap. 144 S.F. 1684* H.F. 1914 Authorizes Minneapolis School Board elections to be held at the same time as state elections. **Spear, Biernat.** Effective date: May 16, 1997.

Chap. 145 S.F. 703* H.F. 168 Allows mail balloting in additional cities and towns. **Scheid, Tunheim.** Effective date: Aug. 1, 1997.

Chap. 147 S.F. 72* H.F. 127 Changes and clarifies provisions of the Minnesota election law. **Marty, Folliard.** Effective date: Aug. 1, 1997.

Chap. 166 S.F. 78* H.F. 74 Changes absentee ballot provisions; requires voter to indicate on the application for absentee ballots the reason the voter will be unable to vote in person at the polling place on election day; allows an eligible voter who either becomes a patient in a health care facility during the seven days before an election or is residing outside the U.S. to vote by an electronically transmitted facsimile ballot; and authorizes use of an electronic facsimile device to return the voted ballots to the county auditor. **Marty, Osthoff.** Effective date: *Vetoed*.

Chap. 167 S.F. 73* H.F. 294 Provides a change of address system for registered voters. **Marty, Folliard.** Effective date: *Vetoed*.

Chap. 168 S.F. 1170* H.F. 703 Authorizes minors to be elected a delegate or officer at a precinct caucus. **Scheid, Dawkins.** Effective date: *Vetoed*.

Chap. 173 S.F. 296* H.F. 232 Provides for four-year terms for soil and water conservation district supervisors; conforms the timelines for appointing supervisor replacements to other election law; and cancels the general election and annual meeting for the East Grand Forks School District. **Frederickson, Finseth.** Effective date: *Various dates*.

Chap. 224 S.F. 1255* H.F. 1463 Clarifies limits on contributions to candidates for local elected office; prohibits solicitation and acceptance of contributions during legislative sessions. **Belanger, Mahon.** Effective date: *May 31, 1997*.

Environment and Natural Resources

Res. 4 S.F. 1342* H.F. 1692 Memorializes Congress to recognize Earth Day as a national day of service and education and establishes Earth Day as a state day of service and education. **Krentz, Munger.** Effective date: *Aug. 1, 1997*.

Chap. 28 S.F. 796 H.F. 266* Includes ex officio agency members as voting members of the Board of Water and Soil Resources. **Laidig, Munger.** Effective date: *Aug. 1, 1997*.

Chap. 32 S.F. 1052* H.F. 1213 Authorizes the board of trustees of Minnesota State Colleges and Universities to convey certain land. **Langseth, Goodno.** Effective date: *Aug. 1, 1997*.

Chap. 45 S.F. 127* H.F. 436 Modifies requirements relating to certain environmental advisory councils. **Stevens, Wagenius.** Effective date: *July 1, 1997*.

Chap. 46 S.F. 137* H.F. 718 Modifies the provisions of the Youth Corps Advisory Committee; authorizes the commissioner to make certain contracts and grants; makes conservation corps crew services available for natural resources projects; and changes the method of allocation of conservation corps crew services. **Morse, Folliard.** Effective date: *July 1, 1997*.

Chap. 53 S.F. 354 H.F. 255* Changes the membership of the Environment Quality Board. **Belanger, Johnson, R.** Effective date: *Aug. 1, 1997*.

Chap. 62 S.F. 885 H.F. 949* Makes manufacturers of electric relays or other electrical devices responsible for the waste management costs of these devices. **Johnson, J.B., Wagenius.** Effective date: *July 1, 1998*.

Chap. 82 S.F. 16 H.F. 317* Authorizes towns to exercise eminent domain and other powers for purposes of wastewater infrastructure. **Johnson, D.J., Huntley.** Effective date: *May 3, 1997*.

Chap. 95 S.F. 574* H.F. 311 Permits an individual who is providing angling assistance to a disabled resident to do so without a license. **Scheid, Luther.** Effective date: *Aug. 1, 1997*.

Chap. 104 S.F. 413* H.F. 1118 Authorizes a state general permit for water appropriation. **Frederickson, Sekhon.** Effective date: *May 7, 1997*.

Chap. 109 S.F. 301 H.F. 664* Adds authority for the Board of Water and Soil Resources to accept and administer federal grants, donations, gifts and other contributions to achieve

authorized objectives of the agency. **Frederickson, McCollum.** Effective date: *Aug. 1, 1997*.

Chap. 119 S.F. 1165* H.F. 1908 Restricts the production of planting stock by the commissioner of natural resources; defines planting stock as trees native to this state and includes native tree hybrids that have been improved for conservation purposes; requires public disclosure of information relating to the commissioner's production of planting stock; and extends certain timber permits. **Price, Finseth.** Effective date: *Various dates*.

Chap. 186 S.F. 900* H.F. 947 Amends provisions regulating toxics in packaging. **Johnson, J.B., Wagenius.** Effective date: *Aug. 1, 1997*.

Chap. 189 S.F. 780* H.F. 742 Modifies requirements for mercury testing in incinerator emissions. **Johnson, J.B., Kahn.** Effective date: *Aug. 1, 1997*.

Chap. 207 S.F. 309* H.F. 424 Authorizes the conveyance of tax-forfeited land that borders public water in Blue Earth, Cass, Crow Wing, Becker, Aitkin, Mille Lacs, Cook, Carlton and Washington Counties; authorizes the private sale of state lands to wild rice lessees; and authorizes the private sale of surplus state land in Houston County. **Stevens, Koppendrayar.** Effective date: *May 22, 1997*.

Chap. 216 S.F. 1907 H.F. 2150* Omnibus environment and agriculture funding; appropriates money for environmental, natural resource and agricultural purposes; provides for the regulation of certain activities and practices; and provides for accounts, assessments, and fees. **Morse, Osthoff.** Effective date: *Various dates*.

Chap. 221 S.F. 184* H.F. 707 Modifies requirements relating to toxics in products. **Stevens, Wagenius.** Effective date: *May 31, 1997*.

Chap. 226 S.F. 254* H.F. 313 Omnibus game and fish provisions; modifies fish habitat, harvest, and propagation provisions; authorizes the commissioner to establish special hunts for youth; permits youth residents to hunt deer without a license tag; authorizes the commissioner to sell merchandise; modifies watercraft provisions; modifies trapping provisions; modifies hunting provisions; modifies recreational motor vehicle provisions; and establishes firearms safety pilot program. **Frederickson, Milbert.** Effective date: *Various dates*.

Chap. 235 S.F. 389 H.F. 244* Modifies requirements relating to individual sewage treatment systems. **Price, Bishop.** Effective date: *June 3, 1997*.

Chap. 236 S.F. 386 H.F. 299* Adds to state parks; renames O.L. Kipp State Park; permits liquor sales in certain parks; authorizes the commissioner to contract out certain restaurant services; permits a land sale in St. Louis County; and provides for entry to Tettegouche State Park. **Morse, Bakk.** Effective date: *Aug. 1, 1997*.

Chap. 247 S.F. 385 H.F. 276* Requires public waters work permits for boathouses and provides authority to issue public waters work permits for boathouses to the commissioner of natural resources. **Morse, Pelowski.** Effective date: *July 1, 1997*.

Finance

Chap. 5 S.F. 508 H.F. 631* Clarifies the terms and conditions of a grant to the city of Hopkins for a performing arts center. **Kelley, S.P., Folliard.** Effective date: *Mar. 6, 1997*.

Chap. 17 S.F. 85* H.F. 105 Provides for payment of certain claims against the state for medical services for injuries incurred while performing community service and adds claims to the Revenue Recapture Act. **Kelly, R.C., Olson, E.** Effective date: *April 4, 1997*.

Chap. 30 S.F. 1645* H.F. 1885 Appropriates money for costs relating to the 1837 treaty. **Moe, R.D., Solberg.** Effective date: *April 12, 1997*.

Chap. 105 S.F. 1894* H.F. 2129 Relates to flood relief; provides an exception to the nursing home moratorium; provides for early payment of state aids to local governments; provides temporary authority, waivers, and transfers due to the flood situation; and appropriates money. **Moe, R.D., Peterson.** Effective date: May 7, 1997.

Chap. 246 S.F. 436 H.F. 632* Relates to capital improvements; provides for cleaning up lands contaminated by petroleum leaks; provides for replacement of leaking underground petroleum tanks; provides for cleaning up contaminated building sites; modifies sewer loan repayment provisions; appropriates money for flood damage reduction and for local bridges; modifies provisions for certain capital improvements; defines design and pre-design; and authorizes the sale of state bonds. **Morse, Solberg.** Effective date: June 3, 1997.

Governmental Operations and Veterans Affairs

Chap. 14 S.F. 463* H.F. 582 Allows rentals of the St. Paul Education Center and Teacher Training Institute to offset certain costs. **Anderson, Hausman.** Effective date: *Recalled by the Senate prior to governor's signature.*

Chap. 24 S.F. 99 H.F. 453* Changes certain military requirements, procedures and duties; clarifies language and changes armory provisions. **Betzold, McCollum.** Effective date: Aug. 1, 1997.

Chap. 42 S.F. 434 H.F. 566* Extends an exemption granted by the Board of Innovation and Cooperation for Itasca County during calendar year 1996 allowing the county to implement a demonstration project to determine the feasibility of using a managed care model for financing chemical dependency treatment services until June 30, 1999. **Lessard, Solberg.** Effective date: April 22, 1997.

Chap. 50 S.F. 56 H.F. 108* Provides for the protection of health insurance benefits for certain Range Technical College employees. **Janezich, Tomassoni.** Effective date: Aug. 1, 1997.

Chap. 54 S.F. 696 H.F. 763* Designates Zion Lutheran Church and cemetery as a historic place. **Moe, R.D., Tunheim.** Effective date: Aug. 1, 1997.

Chap. 79 S.F. 363 H.F. 1162* Makes changes of a technical and housekeeping nature relating to state employment. **Johnson, D.H., Koppendrayner.** Effective date: Aug. 1, 1997.

Chap. 97 S.F. 512* H.F. 694 Makes technical and administrative changes in provisions relating to the Department of Employee Relations; modifies provisions governing state employment; modifies terms of certain pilot projects; and requires a study and report. **Runbeck, Koppendrayner.** Effective date: Aug. 1, 1997.

Chap. 98 S.F. 351* H.F. 182 Assigns responsibility for legislative review of administrative rules to the Legislative Coordinating Commission and abolishes the authority to suspend rules without enactment of a statute. **Hottinger, Greiling.** Effective date: Aug. 1, 1997.

Chap. 116 S.F. 854* H.F. 1078 Provides rights and procedures for certain public employees of local government units who are displaced as a result of a transfer of the provision of services from one local government unit to another local government unit. **Higgins, Koskinen.** Effective date: *Vetoed.*

Chap. 117 S.F. 683* H.F. 630 Requires notice before dissolution of certain self insured employee benefit plans. **Janezich, Rukavina.** Effective date: July 1, 1997.

Chap. 125 S.F. 91* H.F. 22 Appropriates money as 1996 police state aid and ratifies the calculation of certain 1996 police state aid amounts. **Cohen, Rukavina.** Effective date: May 10, 1997.

Chap. 139 S.F. 995* H.F. 1129 Relates to pensions; revises various police and fire state aid provisions; modifies teachers retirement provisions; authorizes additional individual retirement account plans; modifies various economic actuarial assumptions; includes additional classes of persons in the definition of state employee; and provides general statewide and local pension plan modifications. **Morse, Kahn.** Effective date: *Vetoed.*

Chap. 154 S.F. 755* H.F. 829 Authorizes meetings of governmental bodies by interactive television if certain criteria are met. **Flynn, Solberg.** Effective date: May 16, 1997.

Chap. 156 S.F. 1351* H.F. 1542 Makes technical changes relating to public employment; modifies certain arbitration procedures and ratifies specific labor agreements and proposals. **Flynn, Solberg.** Effective date: *Various dates.*

Chap. 160 S.F. 4* H.F. 297 Modifies the armed forces National Guard member tuition and textbook reimbursement grant program. **Johnson, D.E., Jennings.** Effective date: Aug. 1, 1997.

Chap. 184 S.F. 1383* H.F. 450 Increases membership on the Legislative Audit Commission and the commission advisory council and prescribes procedures for rotation of the chair. **Belanger, Rest.** Effective date: Aug. 1, 1997.

Chap. 187 S.F. 157* H.F. 197 Enacts, eliminates, continues or modifies certain exemptions from the rulemaking requirements of the Administrative Procedures Act and makes technical and conforming changes. **Betzold, Leppik.** Effective date: *Various dates.*

Chap. 192 S.F. 1316* H.F. 1618 Modifies requirements for advisory councils and committees and multimember agencies; changes certain publication dates and requirements; and changes expiration dates. **Wiener, Greiling.** Effective date: June 30, 1997.

Chap. 193 S.F. 457* H.F. 864 Modifies provisions relating to the Board of Social Work and provides civil penalties. **Betzold, McGuire.** Effective date: Aug. 1, 1997.

Chap. 202 S.F. 1905* Omnibus state departments funding; appropriates money for the general legislative and administrative expenses of state government; modifies provisions relating to state government operations; modifies information technology provisions; provides for community based land use planning; modifies provisions relating to the municipal board; and establishes dispute resolution procedures. **Price, Rukavina.** Effective date: *Various dates.*

Chap. 206 S.F. 420* H.F. 1134 Modifies Dept. of Administration authority for elevator regulation, the building code, leases and other administrative matters; modifies lighting standards; and modifies licensure provisions for manufactured home installers. **Wiger, Knight.** Effective date: *Various dates.*

Chap. 233 S.F. 637* H.F. 647 Increases pension benefit accrual rates; adjusts financing for pension plans; adds supplemental financial conditions information for pension funds; reduces appropriations; and modifies or establishes various pension aids. **Morse, Jefferson.** Effective date: *Various dates.*

Chap. 241 S.F. 1486* H.F. 1727 Revises various police state aid provisions to fully implement intended 1996 modifications; modifies various fire state aid provisions; and makes various other pension changes. **Morse, Kahn.** Effective date: *Various dates.*

Health and Family Security

Chap. 8 S.F. 274* H.F. 374 Makes void the cap on adoption assistance purchase of service reimbursement. **Robertson, Knobloch.** Effective date: Mar. 12, 1997.

Chap. 36 S.F. 754 H.F. 835* Creates an exception for a separate annual audit of a county operated day training and habilitation program. **Betzold, Delmont.** Effective date: Aug. 1, 1997.

Chap. 69 S.F. 652* H.F. 750 Establishes a task force to study treatment options for autism. **Kiscaden, Bradley.** Effective date: Aug. 1, 1997.

Chap. 76 S.F. 891 H.F. 1075* Regulates the practice of certain professional health services. **Johnson, D.H., Pugh.** Effective date: Aug. 1, 1997.

Chap. 85 S.F. 1* H.F. 159 Omnibus welfare reform provisions; establishes the Minnesota Family Investment Program statewide; establishes Work First Program pilot projects; makes changes to public assistance programs; and provides for program integrity initiatives. **Samuelson, Greenfield.** Effective date: Various dates.

Chap. 86 S.F. 210 H.F. 209* Changes provisions for the placement of children and specifies placement decisions to be based on the best interest of the child. **Knutson, Vickerman.** Effective date: May 7, 1997.

Chap. 93 S.F. 1155* H.F. 1356 Relates to mental health case management services for children and adults; extends the time period for review of individual community support plans; and modifies rules extending the time period for updating the community support plans and completing a functional assessment of progress relative to the community support plan.

Chap. 101 S.F. 1146* H.F. 1379 Authorizes the creation of a nonprofit corporation and the transfer of all of the assets and liabilities of the Miller-Dwan Medical Center to the nonprofit corporation and requires that the nonprofit corporation satisfy the state law requirement relating to charitable trusts. **Solon, Huntley.** Effective date: Local approval.

Chap. 102 S.F. 662* H.F. 861 Establishes licensure requirements for volunteer practitioners of psychology; modifies requirements for licensure as licensed psychologists; and modifies requirements for professional identification. **Sams, Delmont.** Effective date: Various dates.

Chap. 103 S.F. 38* H.F. 75 Modifies provisions relating to recordkeeping by persons regulated by the Board of Medical Practice. **Sams, Koskinen.** Effective date: Aug. 1, 1997.

Chap. 107 S.F. 101* H.F. 289 Adds an exclusion to elderly housing with services establishment; downsizes the number of IMD beds; modifies the appeal process for nursing facilities; changes procedures for permanent placement of a child; changes provisions for reimbursement for family foster care; and removes the time limitation on family general assistance. **Berglin, Johnson, R.** Effective date: Aug. 1, 1997.

Chap. 113 S.F. 333* H.F. 291 Relates to home care; modifies an exemption from the definition of provider; requires rules to include certain standards; establishes an assisted living home care provider license; redefines elderly housing with services establishment; modifies reimbursement procedures for assisted living services under medical assistance and alternative care; and defines housing with services establishments as a permitted single family residential use of property for zoning purposes. **Berglin, Greenfield.** Effective date: Aug. 1, 1997.

Chap. 120 S.F. 741* H.F. 1702 Regulates the practice of respiratory care; establishes the requirements for registration and regulation of respiratory care practitioners; provides for continuing education, fees, reporting obligations, disciplinary actions and penalties; provides for an advisory council; and creates a physician assistant advisory council. **Kelley, S.P., McCollum.** Effective date: Various dates.

Chap. 124 S.F. 244* H.F. 136 Allows physicians to prescribe and administer controlled substances in cases of intractable pain. **Kiscaden, Leppik.** Effective date: May 10, 1997.

Chap. 132 S.F. 1722* H.F. 2042 Defines and regulates pharmacy technicians. **Sams, Delmont.** Effective date: Aug. 1, 1997.

Chap. 134 S.F. 1000* H.F. 1071 Modifies board of psychology requirements relating to education and supervision. **Kelley, S.P., Mulder.** Effective date: Aug. 1, 1997.

Chap. 140 S.F. 641* H.F. 1246 Requires a peer of the treating mental health or substance abuse provider to review a utilization review organization's determination not to certify a mental health or substance abuse service. **Berglin, Huntley.** Effective date: Aug. 1, 1997.

Chap. 150 S.F. 920 H.F. 858* Regulates health plans; provides for establishment of cost containment goals; and provides for disclosures. **Morse, Huntley.** Effective date: Aug. 1, 1997.

Chap. 164 S.F. 97* H.F. 555 Provides for the isolation and detention of persons with active tuberculosis who pose an endangerment to the public health; establishes standards and procedures for isolation and detention; requires reporting by licensed health professionals; and modifies tuberculosis screening requirements. **Betzold, Goodno.** Effective date: Aug. 1, 1997.

Chap. 194 S.F. 302* H.F. 931 Allows community health clinics to offer health care services on a prepaid basis. **Berglin, Clark.** Effective date: Aug. 1, 1997.

Chap. 195 S.F. 473* H.F. 1057 Clarifies the exemptions for persons required to obtain a home care provider license; eliminates the Medicare certification requirement for home care providers; and requires the commissioner of health to develop licensure for providers of personal care assistant services. **Berglin, Greenfield.** Effective date: May 21, 1997.

Chap. 199 S.F. 510 H.F. 257* Establishes licensing requirements for the provision of ambulance service; relocates provisions related to emergency medical services; and provides penalties. **Lourey, Dorn.** Effective date: Various dates.

Chap. 203 S.F. 1908* Omnibus health and family security funding; appropriates money for health care, long-term care facilities, children's programs, child support enforcement, and continuing care for disabled persons; creates a demonstration project for persons with disabilities; changes provisions for marriage; and makes technical amendments to welfare reform. **Samuelson, Greenfield.** Effective date: Various dates.

Chap. 205 S.F. 95* H.F. 485 Modifies provisions related to health maintenance organizations; modifies lead inspection provisions; modifies vital statistics provisions; modifies asbestos abatement provisions; modifies provisions relating to traumatic brain injury and spinal cord injury notification and data; modifies provisions for testing infants for inborn metabolic disorders; and requires conformance with federal regulations. **Lourey, Tingelstad.** Effective date: Various dates.

Chap. 215 S.F. 199* H.F. 367 Provides comprehensive regulation of mortuary science; provides for the disposition of dead bodies; establishes enforcement mechanisms; and provides penalties. **Foley, Davids.** Effective date: Aug. 1, 1997.

Chap. 217 S.F. 53 H.F. 735* Clarifies and reorganizes portions of the commitment act; allows the designated agency to consent to voluntary treatment for incompetent persons; creates a new standard for court-ordered early intervention to provide less intrusive treatment; modifies standards and procedures for the administration of neuroleptic medications; provides for access to records; changes provisional discharge procedures; and requires medical documentation of a patient's refusal to be examined and allows determination of need for treatment based on other information. **Betzold, Entenza.** Effective date: Aug. 1, 1997.

Chap. 225 S.F. 1208* H.F. 1441 Modifies the MinnesotaCare Program; modifies general assistance medical care provisions; modifies Medicare supplement plan provisions; modifies loss ratio provisions for health care policies; eliminates the health care commission; modifies MinnesotaCare tax provisions; regulates community purchasing arrangements; eliminates integrated service networks; modifies requirements for health plan companies; modifies medical assistance provisions; establishes a senior citizen drug program and modifies Minnesota Comprehensive Health Association provisions. **Berglin, Greenfield.** Effective date: Various dates.

Chap. 228 S.F. 98 H.F. 556* Modifies provisions for

unique identifiers for health care providers, group purchasers and patients; modifies birth data provisions; limits access to certified copies of birth and death certificates; requires standardized format for birth and death certificates; extends the date of commissioner's access to fetal, infant, and maternal death data; and modifies lead inspection and notice requirements. **Betzold, Greenfield.** Effective date: *Various dates.*

Chap. 248 S.F. 234* H.F. 272 Adds provisions for licensing programs; imposes and modifies civil penalties; requires reports on nonresidential child care programs; provides interim expansion of unlicensed child care providers; and creates a legislative task force to review the background study process. **Morse, Wejzman.** Effective date: *Various dates.*

Jobs, Energy and Community Development

Res. 1 S.F. 1239 H.F. 538* Memorializes Congress to support legislative initiatives to mitigate the economic competition among the states that has resulted from the adoption of targeted business incentive programs. **Lesewski, Knoblach.** Effective date: *Aug. 1, 1997.*

Res. 3 S.F. 1675* H.F. 1877 Memorializes the strawberry industry to recognize and respect the rights of strawberry workers. **Novak, Jefferson.** Effective date: *Aug. 1, 1997.*

Chap. 3 S.F. 109 H.F. 121* Adds the Harrison neighborhood to the Sumner-Glenwood neighborhood for purposes of eligibility for certain youth enrichment grants. **Higgins, Jefferson.** Effective date: *Aug. 1, 1997.*

Chap. 4 S.F. 264* H.F. 343 Provides temporary housing authority for home improvement loans. **Frederickson, Kubly.** Effective date: *Feb. 26, 1997.*

Chap. 15 S.F. 417* H.F. 564 Authorizes an economic development authority for Becker County. **Moe, Olson, E.** Effective date: *Local approval.*

Chap. 20 S.F. 118 H.F. 219* Requires leaves of absence without pay for employees rendering services as members of the civil air patrol. **Samuelson, Hasskamp.** Effective date: *Aug. 1, 1997.*

Chap. 25 S.F. 147 H.F. 281* Provides performance regulation plans for gas utility services. **Novak, Jennings.** Effective date: *Aug. 1, 1997.*

Chap. 38 S.F. 1051 H.F. 1382* Modifies show boiler and engine provisions. **Langseth, Dehler.** Effective date: *Aug. 1, 1997.*

Chap. 59 S.F. 201 H.F. 211* Authorizes the installation of extended area service within combined school districts. **Day, Sviggum.** Effective date: *April 29, 1997.*

Chap. 61 S.F. 786 H.F. 889* Provides for changes in rights of parties to mobile home park rentals. **Krentz, Evans.** Effective date: *Aug. 1, 1997.*

Chap. 66 S.F. 145* H.F. 312 Makes technical and administrative changes related to reemployment insurance; provides civil and criminal penalties; and provides for a waiver from waiting periods. **Runbeck, Jefferson.** Effective date: *Various dates.*

Chap. 68 S.F. 1156 H.F. 1123* Establishes the practices of "slamming" and "loading" as consumer fraud; provides penalties and remedies; and makes permanent the requirement to disclose local telecommunications service options. **Johnson, J.B., Delmont.** Effective date: *April 30, 1997.*

Chap. 74 S.F. 608 H.F. 271* Modifies wage reporting requirements for employers. **Lesewski, Rukavina.** Effective date: *Jan. 1, 1998.*

Chap. 80 S.F. 1519 H.F. 1880* Provides less frequent payment schedules for employers; provides for noncharging of benefits. **Kiscaden, Jennings.** Effective date: *Various dates.*

Chap. 81 S.F. 1081 H.F. 1383* Provides that notices

relating to occupational safety and health are filed when placed in the United States mail. **Ten Eyck, Kinkel.** Effective date: *Aug. 1, 1997.*

Chap. 83 S.F. 911 H.F. 966* Modifies provisions governing payment of wages; includes the state in the definition of employer. **Johnson, D. H., Garcia.** Effective date: *Aug. 1, 1997.*

Chap. 88 S.F. 839* H.F. 810 Modifies bond requirements for search firms. **Belanger, Wolf.** Effective date: *Aug. 1, 1997.*

Chap. 115 S.F. 1693* H.F. 1106 Requires employers to recognize employee organizations. **Hottinger, Leighton.** Effective date: *Vetoed.*

Chap. 118 S.F. 399* H.F. 745 Provides for the administration of employment and training services. **Lesewski, Wejzman.** Effective date: *July 1, 1997.*

Chap. 121 S.F. 156* H.F. 1287 Regulates interest payments on utility deposits. **Sams, Delmont.** Effective dates: *Various dates.*

Chap. 123 S.F. 442* H.F. 322 Modifies provisions relating to municipal utilities, electric cooperatives, and natural gas pipelines; regulates use of public rights-of-way by telecommunications carriers; and creates task force related to public rights-of-way. **Novak, Jennings.** Effective dates: *Various dates.*

Chap. 128 S.F. 1807* H.F. 1870 Changes reporting deadlines related to workers' compensation; modifies workers' compensation procedures; adds state correctional officers to the presumption of occupational disease. **Runbeck, Leighton.** Effective dates: *Various dates.*

Chap. 133 S.F. 756 H.F. 686* Prohibits landlords from penalizing tenants solely for seeking police or emergency assistance; supersedes inconsistent local regulation; and authorizes the attorney general to investigate and prosecute violations. **Johnson, D.H., Paymar.** Effective dates: *July 1, 1997.*

Chap. 152 S.F. 1823 H.F. 1936* Requires arbitration in disputes between employers and employees when negotiation and mediation have failed and when employee representation is newly chosen or elected. **Anderson, Murphy, M.** Effective date: *Vetoed.*

Chap. 163 S.F. 882 H.F. 892* Increases the minimum wage. **Kelly, R.C., Rukavina.** Effective date: *Vetoed.*

Chap. 165 S.F. 1584 H.F. 1755* Provides for procedures between the county housing and redevelopment authority and municipalities and municipal authorities; expands the authority of regional rail authorities; and provides for contamination cleanup and rail improvement. **Kelley, S.P., Jefferson.** Effective date: *Vetoed.*

Chap. 169 S.F. 1697* H.F. 1996 Updates and clarifies bond allocation provisions. **Pogemiller, Rest.** Effective date: *Aug. 1, 1997.*

Chap. 176 S.F. 1328* H.F. 1508 Provides for action by the Public Utilities Commission on purchases of wind and biomass power; exempts utility plants from certificate of need proceedings; and requires a study of biomass facilities. **Johnson, D.E., Kubly.** Effective date: *Aug. 1, 1997.*

Chap. 180 S.F. 575* H.F. 1711 Modifies wage payment provisions; modifies requirements for drug and alcohol testing; clarifies provisions governing review of personnel records by employees; sets a limit for penalties on unpaid OSHA fines; and provides for the criminal penalty of gross misdemeanor for an assault on an occupational safety and health investigator. **Runbeck, Leighton.** Effective date: *Aug. 1, 1997.*

Chap. 191 S.F. 1820* H.F. 1299 Provides for customer-specific terms in electric utility service contracts; modifies provisions relating to the Legislative Electric Energy Task Force; requires study on restructuring the electric industry; allows an exception to the prohibition on natural gas outdoor lighting; exempts property that produces hydroelectric or hydromechanical power on federal land from property taxation; and requires reports on mercury emissions resulting from generation of electricity.

Novak, Jennings. Effective date: May 21, 1997.

Chap. 196 S.F. 546 H.F. 1370* Requires notice of underground facilities in drawings for bid specifications. **Novak, Anderson, I.** Effective date: Aug. 1, 1997.

Chap. 198 S.F. 1289 H.F. 704* Exempts a large electric power generating plant from certificate of need proceeding when selected by the Public Utilities Commission from a bidding process to meet utility's projected energy demand. **Johnson, D.H., Ozment.** Effective date: Aug. 1, 1997.

Chap. 200 S.F. 1909 H.F. 2158* Omnibus jobs, energy and economic development funding; appropriates money for economic development and certain agencies of state government; establishes and modifies programs; modifies housing programs; and establishes a task force. **Beckman, Jaros.** Effective date: *Various dates.*

Chap. 201 S.F. 1646* H.F. 1879 Requires the commissioner of public service to collect and hold in escrow funds for the disposal of high-level radioactive waste. **Murphy, Trimble.** Effective date: July 1, 1997.

Chap. 208 S.F. 555* H.F. 854 Authorizes creation of telecommunication services purchasing cooperatives. **Kelley, S.P., Clark.** Effective date: Aug. 1, 1997.

Chap. 223 S.F. 739* H.F. 1172 Provides policies to carry out the state's role in telecommunications regulation; provides for a state policy encouraging high speed telecommunication services and greater capacity for services; and provides for a single statewide local access and transport area. **Kelley, S.P., Jennings.** Effective date: May 31, 1997.

Chap. 232 S.F. 1419* H.F. 1464 Authorizes a municipal and cooperative utility to form joint ventures for the provision of utility services. **Johnson, D.E., Juhnke.**

Chap. 234 S.F. 740* H.F. 853 Requires a review of the state telephone assistance program and establishes pilot programs for voice messaging assistance. **Kelley, S.P., Clark.** Effective date: June 3, 1997.

Judiciary

Chap. 2 S.F. 17 H.F. 13* Corrects text and makes miscellaneous technical corrections to various statutes. **Kelly, R.C., Skoglund.** Effective date: *Retroactive to July 1, 1996.*

Chap. 7 S.F. 12 H.F. 35* Corrects text and makes miscellaneous technical corrections to various statutes. **Betzold, Chaudhary.** Effective date: Aug. 1, 1997.

Chap. 9 S.F. 202* H.F. 220 Validates certain conveyances by religious corporations; regulates adverse claims by a government agency; clarifies the manner of service of certain notices regarding mechanics liens; requires published notice of disposition of certain real property in a marriage dissolution action; regulates property held in revocable trusts upon the dissolution of marriage; and regulates specific devices and distribution of property under the Uniform Probate Code. **Ten Eyck, Mullery.** Effective date: Aug. 1, 1997.

Chap. 10 S.F. 315* H.F. 431 Makes technical changes applicable to business corporations and limited liability companies; permits mergers of domestic corporations and limited liability companies; and regulates filings with the secretary of state. **Knutson, Mullery.** Effective date: Aug. 1, 1997.

Chap. 11 S.F. 299 H.F. 441* Enacts the revised Article 5 of the Uniform Commercial Code and regulates letters of credit. **Kelley, S.P., Orfield.** Effective date: Aug. 1, 1997.

Chap. 22 S.F. 624* H.F. 794 Modernizes and standardizes the law regulating professional business organizations. **Junge, Rest.** Effective date: *Various dates.*

Chap. 29 S.F. 368* H.F. 439 Provides immunity from civil liability for persons who preside at alternative dispute resolution proceedings. **Junge, Leighton.** Effective date: Aug. 1, 1997.

Chap. 33 S.F. 305* H.F. 908 Modifies and clarifies provisions governing lawsuits by prison inmates. **Krentz, Pugh.** Effective date: Aug. 1, 1997.

Chap. 65 S.F. 432* H.F. 626 Modifies execution and consent requirements for designated caregiver agreements. **Hanson, Luther.** Effective date: Aug. 1, 1997.

Chap. 100 S.F. 513* H.F. 246 Adds to the acts that constitute a public nuisance; and modifies nuisance remedies and procedures. **Anderson, Dawkins.** Effective date: Aug. 1, 1997.

Chap. 112 S.F. 813* H.F. 1373 Provides for the transfer of custody of a child to a relative by a consent decree; authorizes communication or contact agreements between adoptive parents and birth parents; and provides for a relative conference and relative care agreement following a report of child abuse or neglect. **Ranum, Wagenius.** Effective date: July 1, 1997.

Chap. 122 S.F. 536* H.F. 932 Adds to the definition of nuisance and the list of acts constituting a public nuisance. **Berglin, Wejcman.** Effective date: Aug. 1, 1997.

Chap. 137 S.F. 269 H.F. 156* Regulates filing fees and procedures in the Office of the Secretary of State. **Ten Eyck, Slawik.** Effective date: Aug. 1, 1997.

Chap. 171 S.F. 323* H.F. 814 Provides that it is an unfair discriminatory practice for any individual who participated in an alleged discrimination as a perpetrator to intentionally engage in any reprisal against any person. **Knutson, Koskinen.** Effective date: Aug. 1, 1997.

Chap. 172 S.F. 324* H.F. 227 Reclassifies human rights investigative data. **Knutson, Goodno.** Effective date: Aug. 1, 1997.

Chap. 174 S.F. 298* H.F. 329 Enacts the Uniform Partnership Act of 1994 and provides for limited liability partnerships. **Ten Eyck, Leighton.** Effective date: *Various dates.*

Chap. 177 S.F. 122* H.F. 58 Requires notification of placement or adoption of a child to the other birth parent; requires background checks for adoption; requires affidavits for an emergency order requiring updates to adoption study; defines content of the postplacement assessment and report; permits court-ordered grandparent visitation with an adopted child; provides recognition of adoptions which occurred in a foreign country; and defines when adoption records shall become public records. **Robertson, McElroy.** Effective date: *Various dates.*

Chap. 182 S.F. 242* H.F. 786 Specifies that the running of the 12-month period during which the commissioner of human rights must make a determination of probable cause to credit allegations is suspended during a period of time specified by the commissioner during which the parties are involved in mediation or other alternative dispute resolution that has been sanctioned by the commissioner. **Kiscaden, Hilty.** Effective date: Aug. 1, 1997.

Chap. 204 S.F. 1833* H.F. 1620 Specifies that issuance of a permit to hold or sponsor any scheduled public race, regatta, tournament or other competition or exhibition or trial race on water or ice does not make a county liable for any injury at the event. **Ten Eyck, Kinkel.** Effective date: Aug. 1, 1997.

Chap. 209 S.F. 848* H.F. 642 Creates a state court action for relief for damages caused by a federal court action that affects public participation by the plaintiff (slap suits). **Flynn, Skoglund.** Effective date: Aug. 1, 1997.

Chap. 210 S.F. 1114* H.F. 1489 Increases tort liability limits for claims against governmental units. **Kelly, R.C., Pugh.** Effective date: *Various dates.*

Chap. 211 S.F. 877* H.F. 1076 Clarifies the admissibility of evidence regarding seat belts and child passenger restraint systems in civil actions. **Foley, McGuire.** Effective date: *Vetoed.*

Chap. 212 S.F. 627* H.F. 832 Requires certification of expert review in civil actions against professionals and sets duties of the Office of Technology. **Ranum, Pugh.** Effective date: Aug. 1, 1997.

Chap. 213 S.F. 1513* H.F. 1404 Modifies and expands

provisions for sanctions in civil actions and fixes time limitations on civil actions against occupational therapists. **Hottinger, Pugh**. Effective date: *Aug. 1, 1997*.

Chap. 218 S.F. 203* H.F. 296 Creates a putative fathers' adoption registry and changes adoption notice and consent provisions relating to fathers. **Berglin, Wejzman**. Effective date: *Various dates*.

Chap. 229 S.F. 1277 H.F. 1460* Omnibus data practices provisions; classifies data and modifies the classifications of specific data. **Betzold, McGuire**. Effective date: *Vetoed*.

Chap. 245 S.F. 830* H.F. 925 Modifies provisions and procedures governing child support and maintenance, visitation and related matters. **Cohen, Entenza**. Effective date: *Various dates*.

Chap. 249 S.F. 117* H.F. 445 Adds an exclusion to the tort claims act for a loss incurred by a user of property owned, leased, or otherwise controlled by the Minnesota National Guard or the Dept. of Military Affairs, except that the state is liable for conduct that would entitle a trespasser to damages against a private person. **Betzold, Pugh**. Effective date: *Aug. 1, 1997*.

Chap. 251 S.F. 1955* H.F. 2203 Corrects miscellaneous noncontroversial oversights, inconsistencies, ambiguities, unintended results and technical errors in legislative enactments. **Knutson, Skoglund**. Effective date: *Various dates*.

Local and Metropolitan Government

Chap. 6 S.F. 160 H.F. 125* Authorizes the city of Kenyon to recertify its final levy for taxes levied in 1996. **Day, Sviggum**. Effective date: *Mar. 12, 1997*.

Chap. 16 S.F. 124* H.F. 483 Authorizes the charging and collection of service charges for emergency services. **Vickerman, Olson, E**. Effective date: *Aug. 1, 1997*.

Chap. 21 S.F. 504* H.F. 640 Permits the city of Nashauk to own and operate a gas utility. **Lessard, Solberg**. Effective date: *Local approval*.

Chap. 23 S.F. 700* H.F. 941 Provides that the offices of mayor of a statutory city and fire chief of an independent non-profit firefighting corporation are not incompatible under certain conditions. **Larson, Nornes**. Effective date: *Aug. 1, 1997*.

Chap. 31 S.F. 216 H.F. 293* Makes technical and administrative changes and corrections.

Belanger, Johnson, A. Effective date: *April 16, 1997*.

Chap. 37 S.F. 748 H.F. 958* Provides that St. Louis County may attach some sections of unorganized territory to the town of White without a petition of residents. **Janezich, Rukavina**. Effective date: *April 16, 1997*.

Chap. 39 S.F. 227* H.F. 2009 Provides for the distribution of certain federal payments. **Vickerman, Bakk**. Effective date: *April 22, 1997*.

Chap. 40 S.F. 424* H.F. 972 Provides for certification of eligibility for a position under county rules. **Wiger, Hausman**. Effective date: *Local compliance*.

Chap. 41 S.F. 1306 H.F. 1187* Authorizes the city of Buffalo Lake to negotiate contracts for a specific project without competitive bids. **Johnson, D.E., Kubly**. Effective date: *Local compliance*.

Chap. 43 S.F. 1071 H.F. 1257 Authorizes the removal and reinterment of bodies in the city of Luverne cemetery. **Vickerman, Winter**. Effective date: *Local approval*.

Chap. 56 S.F. 284 H.F. 356* Clarifies the effect of errors in public notice publication; allows Roseville and Independent School District 623 to use lower cost newspapers for public notice publication. **Marty, Greiling**. Effective date: *Local approval*.

Chap. 58 S.F. 1116* H.F. 971 Allows use of certain county facilities for commercial wireless service providers; allows the lease of sites for public safety communication equipment; and

modifies Hennepin County Housing and Redevelopment Authority provisions. **Higgins, Mullery**. Effective date: *County compliance*.

Chap. 63 S.F. 884 H.F. 1301* Defines the department's classified service under a merged St. Paul and Ramsey County Dept. of Public Health. **Wiger, Slawik**. Effective date: *Aug. 1, 1997*.

Chap. 72 S.F. 197 H.F. 473* Permits the Metropolitan Council to provide a program for health and wellness service for council employees. **Wiger, Chaudhary**. Effective date: *Aug. 1, 1997*.

Chap. 75 S.F. 1928* H.F. 2169 Allows cities and counties to provide assistance to other Minnesota cities and counties for 1997 flood relief. **Vickerman, Skare**. Effective date: *Expires Jan. 1, 1998*.

Chap. 78 S.F. 869 H.F. 601* Authorizes boundary commissions. **Vickerman, Wenzel**. Effective date: *Aug. 1, 1997*.

Chap. 87 S.F. 691 H.F. 756* Changes procedures for population estimates. **Knutson, Hilty**. Effective date: *Aug. 1, 1997*.

Chap. 89 S.F. 951* H.F. 1144 Authorizes the county board to assign duties of the county auditor and treasurer. **Stumpf, Tunheim**. Effective date: *May 7, 1997*.

Chap. 90 S.F. 1037* H.F. 1148 Permits the appointment of the auditor, recorder and treasurer in Scott County; and provides for a reverse referendum. **Belanger, Wolf**. Effective date: *July 1, 1997*.

Chap. 91 S.F. 1669* H.F. 1840 Permits the combining of the offices of auditor and treasurer and appointment to the combined office and to the offices of recorder and coroner in Benton County; provides for completion of current terms and for a reverse referendum; and provides for the reorganization of duties and terms of office. **Stevens, Schumacher**. Effective date: *July 1, 1997*.

Chap. 94 S.F. 36* H.F. 469 Authorizes hospital districts to provide support services to elderly persons not yet in need of nursing home care; and authorizes a study of assisted living financing. **Sams, Otremba**. Effective date: *Aug. 1, 1997*.

Chap. 111 S.F. 525* H.F. 713 Modifies ownership restrictions for privatization of capital intensive public services; provides for the nonpublic status of internal competitive proposals. **Pappas, Koskinen**. Effective date: *May 9, 1997*.

Chap. 136 S.F. 1136* H.F. 1380 Provides for acquisition of a family practice residency program by the city of Duluth or the Duluth Economic Development Authority. **Solon, Huntley**. Effective Date: *May 13, 1997*.

Chap. 148 S.F. 388 H.F. 512* Authorizes bankruptcy filing for municipalities. **Hottinger, Rest**. Effective date: *May 14, 1997*.

Chap. 149 S.F. 470 H.F. 282* Provides for appointment, discharge, and discipline of metropolitan transit police peace officers; and provides an exception for part-time officers of the Metropolitan Council Transit Police. **Wiger, Stanek**. Effective date: *Various dates*.

Chap. 151 S.F. 175 H.F. 423* Provides for an elected Metropolitan Council; regulates economic interest statements of candidates and members; regulates contributions to, and expenditures by, candidates; provides public subsidies to candidates; requires a policy advisory committee; modifies levy authority. **Flynn, Orfield**. Effective date: *Vetoed*.

Chap. 153 S.F. 612* H.F. 658 Permits the appointment of the Washington County recorder and auditor/treasurer. **Wiger, Marko**. Effective date: *Local approval*.

Chap. 155 S.F. 566* H.F. 700 Authorizes groupings of paddleticket cards; authorizes lawful purpose expenditures related to lawful gambling; increases percentages of lawful gambling gross profits that may be spent for expenses; restricts authority of Gambling Control Board to impose sanctions against lawful

gambling premises permits for illegal gambling; increases maximum bingo prices; and authorizes certain social skill games. **Vickerman, Delmont.** Effective date: May 16, 1997.

Chap. 170 S.F. 1266* H.F. 1313 Authorizes town electors to require the removal of snow or ice from town roads. **Vickerman, Dehler.** Effective date: May 1, 1997.

Chap. 181 S.F. 735* H.F. 857 Modifies the Metropolitan Council cost allocation method for wastewater services. **Robling, Rhodes.** Effective date: Various dates.

Chap. 188 S.F. 1423* H.F. 1291 Adds court bailiffs to the unclassified service in St. Louis County; and authorizes the town of Breitung to convey real property for nominal or other considerations. **Janeczich, Tomassoni.** Effective date: Various dates.

Taxes

Chap. 34 S.F. 1904 H.F. 2132* Provides an extension of time to file and pay certain state taxes for residents in a flood disaster area. **Stumpf, Tunheim.** Effective date: April 16, 1995.

Chap. 84 S.F. 456 H.F. 807* Makes policy changes to income and withholding taxes, property taxes, mortgage registry and deed taxes, sales and use taxes, MinnesotaCare taxes, and tax collections; provides civil penalties for tax violations. **Belanger, Olson, E.** Effective date: Various dates.

Chap. 106 S.F. 472* H.F. 340 Recodifies sales taxes on cigarettes and tobacco products and provides criminal and civil penalties. **Belanger, Harder.** Effective date: Various dates.

Chap. 179 S.F. 378* H.F. 341 Recodifies taxes on liquor and provides civil and criminal penalties. **Murphy, Daggett.** Effective date: Aug. 1, 1997.

Chap. 219 S.F. 1754* H.F. 1995 Modifies provisions relating to the issuance of debt and the use and investment of public funds. **Pogemiller, Rest.** Effective date: May 31, 1997.

Chap. 231 H.F. 2163* Omnibus tax provisions; provides property tax class rate reform; dedicates future state revenues to property tax reform; provides a property tax rebate; changes truth-in-taxation requirements; imposes levy limits on cities and counties for taxes levied in 1997 and 1998; changes and modifies the application of tax increment financing provisions; increases the budget reserve; and makes miscellaneous property, income and sales tax changes. **Johnson, D.J., Long.** Effective date: Various dates.

Transportation

Chap. 12 S.F. 114 H.F. 100* Provides for emergency expenditures related to the continuing severe weather conditions and their aftermath; provides additional funding for state road operations; and provides for state trooper overtime in fiscal year 1997. **Vickerman, Wenzel.** Effective date: Various dates.

Chap. 13 S.F. 129* H.F. 40 Provides for under-21 Minnesota identification cards. **Robertson, Leppik.** Effective date: Aug. 1, 1997.

Chap. 35 S.F. 61 H.F. 90* Allows exemption from commercial driver's license requirement for snowplow operators. **Johnson, J.B., Lieder.** Effective date: April 17, 1997.

Chap. 48 S.F. 475* H.F. 768 Exempts applicants for farm work licenses from minimum six-month permit possession requirement. **Vickerman, Westrom.** Effective date: April 24, 1997.

Chap. 51 S.F. 539* H.F. 385 Modifies designation of the George Mann Memorial Highway; designates the Augie Mueller and Don Rickers Memorial Highways; and designates the Ruby L. Hughes Boulevard. **Frederickson, Swenson, H.** Effective date: Aug. 1, 1997.

Chap. 60 S.F. 178 H.F. 179* Provides for designation of

advance health care directives on drivers' licenses and Minnesota identification cards. **Ranum, Bishop.** Effective date: Aug. 1, 1997.

Chap. 67 S.F. 578 H.F. 591* Requires the commissioner of transportation to transfer certain easements to the city of Faribault and authorizes the commissioner to transfer certain excess property. **Newville, Boudreau.** Effective date: Local approval.

Chap. 70 S.F. 1025* H.F. 1223 Changes notice period relating to impounded vehicles in custody. **Junge, Rest.** Effective date: Aug. 1, 1997.

Chap. 108 S.F. 166* H.F. 342 Allows sale 15 days after notice of vehicles impounded in Minneapolis or St. Paul. **Kelly, R.C., Farrell.** Effective date: Local approval.

Chap. 114 S.F. 1179* H.F. 1243 Authorizes state and local authorities to issue overwidth permits for snowplowing vehicles. **Hanson, Tingelstad.** Effective date: May 9, 1997.

Chap. 135 S.F. 1404* H.F. 609 Requires vehicle buyer to notify registrar of motor vehicles of vehicle transfer within ten days; and imposes fees and penalties for unlawful motor vehicle transfers. **Robling, Erhardt.** Effective date: Aug. 1, 1997.

Chap. 141 S.F. 1097* H.F. 723 Creates revolving loan accounts for trunk highways, county state-aid highways, and municipal state aid streets; creates transportation revolving loan fund for federally eligible transportation projects, managed by public facilities authority; and adds commissioner of transportation as member of the authority. **Pappas, Marko.** Effective date: Various dates.

Chap. 143 S.F. 724* H.F. 458 Increases speed limits on some highways; exempts some roads, streets, and highways from noise standards; directs the commissioner to study and prepare a report proposing a comprehensive, statewide highway access management policy; and modifies requirements for Highway 280 noise barrier. **Johnson, J.B., Juhnke.** Effective date: Various dates.

Chap. 159 S.F. 1881 Omnibus transportation bill; appropriates money for the Dept. of Transportation and other agencies. **Johnson, J.B., Molnau.** Effective date: Various dates.

Chap. 190 S.F. 1023* H.F. 1888 Authorizes a fee on motor vehicle rentals to compensate for the cost of the registration of the vehicle. **Murphy, S., Milbert.** Effective date: May 1, 1997.

Chap. 230 S.F. 1096 H.F. 241* Allows personnel of the Dept. of Transportation and the Dept. of Public Safety to conduct joint or combined audits of motor carrier records; requires the commissioner of public safety to provide the commissioner of transportation information on traffic accidents involving commercial motor vehicles; modifies requirements to obtain restricted driver's license for farm work; conforms state law to federal motor carrier safety regulations; and provides for the reauthorization of the uniform hazardous materials registration and permit program for an addition year. **Sams, Mullery.** Effective date: Aug. 1, 1997.

Chap. 240 S.F. 397 H.F. 454* Allows issuance and display of single license plate for collector vehicles and vehicles that meet collector vehicle requirements but are used for general transportation purposes. **Flynn, Johnson, A.** Effective date: June 1, 1997.

Chap. 250 S.F. 435* H.F. 242 Makes a technical change to clarify that a pickup truck with a slip in camper may be registered depending upon its weight; provides registration tax refund for total loss vehicle damaged by flood; eliminates in 2009 the authority for the appointment of corporations as deputy registrars; restricts telephonic access to certain information related to vehicle registration; allows vehicle dealers 21 days to send purchase receipt to Dept. of Public Safety if vehicle not sold; allows waiver of six-month possession requirement for driver's instruction permit in limited cases; and provides for driver's license agents. **Foley, Juhnke.** Effective date: Various dates.

1997 Senate Membership

Party	Phone	Name	Room	District	Party	Phone	Name	Room	District
DFL	296-5537	Anderson, Ellen R.	G-24 Cap.	66	DFL	296-5645	Marty, John	325 Cap.	54
DFL	6-5713	Beckman, Tracy L.	124B Cap.	26	DFL	6-4370	Metzen, James P.	303 Cap.	39
R	6-5975	Belanger, William V.	113 SOB	41	DFL	6-2577	Moe, Roger D.	208 Cap.	2
IND	6-5094	Berg, Charles A.	G-95 SOB	13	DFL	6-5649	Morse, Steven	G-24 Cap.	32
DFL	6-4261	Berglin, Linda	309 Cap.	61	DFL	6-4264	Murphy, Steve	301 Cap.	29
DFL	6-2556	Betzold, Don	306 Cap.	48	R	6-1279	Neuville, Thomas M.	123 SOB	25
DFL	6-5931	Cohen, Richard J.	317 Cap.	64	DFL	6-4334	Novak, Steven G.	322 Cap.	52
R	6-9457	Day, Dick	117 SOB	28	R	6-4837	Oliver, Edward C.	121 SOB	43
R	6-4131	Dille, Steve	103 SOB	20	R	6-1282	Olson, Gen	119 SOB	34
R	6-2084	Fischbach, Michelle L.	151 SOB	14	R	6-5981	Ourada, Mark	145 SOB	19
DFL	6-4274	Flynn, Carol	120 Cap.	62	DFL	6-1802	Pappas, Sandra L.	120 Cap.	65
DFL	6-4154	Foley, Leo T.	G-9 Cap.	49	R	6-5252	Pariseau, Pat	109 SOB	37
R	6-8138	Frederickson, Dennis R.	139 SOB	23	DFL	6-9248	Piper, Pat	G-9 Cap.	27
DFL	6-3219	Hanson, Paula E.	328 Cap.	50	DFL	6-7809	Pogemiller, Lawrence J.	235 Cap.	59
DFL	6-9246	Higgins, Linda I.	227 Cap.	58	DFL	7-8060	Price, Leonard R.	235 Cap.	57
DFL	6-6153	Hottinger, John C.	120 Cap.	24	DFL	7-8061	Ranum, Jane B.	306 Cap.	63
DFL	6-8017	Janezich, Jerry R.	328 Cap.	5	R	6-4314	Robertson, Martha R.	125 SOB	45
DFL	6-9261	Johnson, Dave	111 Cap.	40	R	6-4123	Robling, Claire A.	132D SOB	35
R	6-3826	Johnson, Dean E.	147 SOB	15	R	6-1253	Runbeck, Linda	107 SOB	53
DFL	6-8881	Johnson, Douglas J.	205 Cap.	6	DFL	7-8063	Sams, Dallas C.	328 Cap.	11
DFL	6-5419	Johnson, Janet B.	G-9 Cap.	18	DFL	6-4875	Samuelson, Don	124 Cap.	12
DFL	6-2889	Junge, Ember Reichgott	205 Cap.	46	R	6-3903	Scheevel, Kenric J.	129 SOB	31
DFL	7-8065	Kelley, Steve	321 Cap.	44	DFL	6-8869	Scheid, Linda	317 Cap.	47
DFL	6-5285	Kelly, Randy C.	323 Cap.	67	DFL	6-4188	Solon, Sam G.	303 Cap.	7
R	6-4848	Kiscaden, Sheila M.	135 SOB	30	DFL	6-4191	Spear, Allan H.	120 Cap.	60
R	6-6455	Kleis, Dave	143 SOB	16	R	6-8075	Stevens, Dan	105 SOB	17
R	6-4120	Knutson, David L.	133 SOB	36	DFL	6-8660	Stumpf, LeRoy A.	G-24 Cap.	1
DFL	6-7061	Krentz, Jane	235 Cap.	51	DFL	6-4913	Ten Eyck, David J.	G-24F Cap.	4
R	6-4351	Laidig, Gary W.	141 SOB	56	R	6-6238	Terwilliger, Roy	115 SOB	42
DFL	6-3205	Langseth, Keith	122 Cap.	9	DFL	6-5650	Vickerman, Jim	226 Cap.	22
R	6-5655	Larson, Cal	153 SOB	10	DFL	7-8073	Wiener, Deanna L.	303 Cap.	38
R	6-4125	Lesewski, Arlene J.	131 SOB	21	DFL	6-6820	Wiger, Charles W.	325 Cap.	55
DFL	6-4136	Lessard, Bob	111 Cap.	3	Capitol address: 75 Constitution Ave State Office Building address: 100 Constitution Ave St. Paul, MN 55155				
R	6-2159	Limmer, Warren	127 SOB	33					
DFL	6-0293	Lourey, Becky	G-9 Cap.	8					

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