




Perspectives

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On the cover: Minnesotans celebrate Independence Day with a brilliant display of fireworks at the Capitol. Photo by David J. Oakes.

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Special Session Convened to Address Biennial Budget, Taxation Issues

by Karen L. Clark
and Joshua A. Dorothy

When the final gavel came down to end the regular session at midnight on May 21, Senators left the Chamber with the knowledge that a special session was inevitable. Negotiations between Senate and House conferees on several major pieces of the state's budget had broken down with the result that only one of the omnibus spending bills had been sent to the governor. And, that measure—the early childhood education appropriations bill—was ultimately vetoed.

The next day, Tues., May 22, lawmakers reformulated the various conference committees into working groups and set about trying to arrive at compromise versions of eight omnibus spending bills and an omnibus tax proposal. State appropriations have

traditionally been broken down into several large categories. Members of the working groups grappled with appropriations for family and early childhood education; K-12 education; higher education; environment and agriculture; jobs, housing and economic development; health, human services and corrections; transportation, public safety and the judiciary; and state departments.

Senate and House leadership, along with representatives of the administration, began negotiations aimed at leading to a “global agreement,” which would then set spending targets for the individual bills and resolve the impasse on a tax proposal.

The governor called for a Special Session to begin Mon., June 11, but negotiators had yet to reach an agreement on a broad framework for the overall state budget. Over the course of the next three weeks the working groups

met, in some cases around the clock, in an effort to resolve differences between Senate and House proposals.

Senate Majority Leader Roger Moe (DFL-Erskine) and Speaker of the House Steve Sviggum (R-Kenyon) spearheaded discussions that reflected the deep philosophical differences in tax and spending policy between the DFL and the Republican parties.

Several times it appeared that the logjam was about to be broken, only to have talks break down. Early on, Senate leadership agreed to the House position on a sales tax rebate and on a broad tax framework. However, the Senate leadership continued to advocate for a balanced property tax cut that did not shift the tax burden to low and mid value homes and for stable K-12 education funding, whereas the House leadership argued for more cuts in property taxes on all classes of property,



Sen. Lawrence Pogemiller (DFL-Mpls.), right, debates tax policy with House members in the tax working group.

particularly commercial and industrial property. Finally, Fri., June 20, Senate leadership accepted a compromise global tax and K-12 education proposal put forth by the administration. House leadership also accepted key principles, while arguing that several other matters could be ironed out by the various working groups.

As an added complication, all of the legislative activity was taking place in a race against the clock. If the budget bills were not passed and signed by midnight June 30, state government would be forced to shut down and crucial services would cease operations.

Senate leadership vowed that a shutdown would not occur, but as the final week in June approached, some were concerned that the sheer logistics of engrossing, copying and distributing the omnibus bills would run up against the deadline.

Thus, it was within the context of a looming deadline and a variety of complex negotiations that the final week of the Special Session began June 25.

The first two omnibus bills had, in fact, been completed for some time before being brought to the Senate floor

for final action. S.F. 10, the omnibus environment and agriculture appropriations bill, was the first to gain final passage. Sen. Leonard Price (DFL-Woodbury), chief sponsor of the measure, said that the target for the bill had been reduced to \$16 million in new spending, but that the working group was instructed to provide for a 3 percent salary increase. "We were left with \$5 million in new spending," Price said, "and the bill strikes a good balance between the limited amount of money available and the needs that had to be met."

The omnibus environment and agriculture appropriations bill provides total appropriations of \$798.91 million for environmental and agricultural programs in the state for the 2002-03 biennium and \$500,000 for the current fiscal year. Under the compromise package \$104.39 million is earmarked for the Pollution Control Agency, \$55.4 million for the Office of Environmental Assistance, \$15.4 million for the Zoological Board, and \$472.57 million for the Department of Natural Resources.

The appropriations for the Pollution Control Agency are intended for

programs that curb air, water and land pollution. In addition the PCA appropriations also contain funding for integrated environmental programs and administration of the agency. The measure provides \$1.4 million for feedlot permit administration and \$1 million in new funding for feedlot administrative grants to counties. In addition the measure provides funding for building site remediation on Empire Drive in St. Paul and for air toxics monitoring in the Metro Area.

Price said that the House included a provision eliminating the Office of Environmental Assistance, but that the Senate position maintaining the agency prevailed. However, the

measure does reduce the base of the agency by \$600,000.

The DNR funding contains appropriations for land and mineral resources management, water resources management, forest management, park and recreation management and fish and wildlife management. Ecological services within the department receive \$18.94 million for nongame wildlife management and for habit restoration and management.

The measure also appropriates a total of \$38.09 million to the Board of Water and Soil Resources, \$393,000 for the Minnesota-Wisconsin Boundary Area Commission and \$2.6 million to the Science Museum of Minnesota.

In the area of agriculture, the total appropriation to the Department of Agriculture is \$44.85 million. In addition, the bill provides \$5.83 million for the Board of Animal Health, \$164,000 for the Minnesota Horticultural Society and \$8.41 million for the Agricultural Utilization Research Institute.

Price said that the measure does not include some of the more controversial provisions that were debated during the regular session. The compromise

package does not contain provisions relating to biodiesel, coyotes or tractor clocks, Price said.

Finally, a variety of programs falling under the purview of the Legislative Commission on Minnesota Resources receive total appropriations of \$50.27 million with the bulk of the funding provided by the Environment and Natural Resources Trust Fund and the Future Resources Fund. Projects funded range from state fish hatchery rehabilitation to metro greenways.

Several Senators questioned a provision in the measure that increases the cost of fishing licenses for senior citizens from \$6.50 to \$17. Price said that the provision originated with the House and that sponsors argued that with baby boomers reaching retirement, the discounted license provided too much of a subsidy. He added that the Senate was able to delay the provision's effective date until 2003, thus providing adequate time for citizens to become aware of the provision.

Other Senators questioned the lack of funding for a variety of projects that had been in the original Senate bill. Price responded that the measure was developed in the spirit of compromise and that the Legislature could continue work on agricultural and environmental issues in subsequent sessions.

The governor signed the measure Fri., June 29, but vetoed several line items. A \$25,000 appropriation to the city of Taylor's Falls for fire and rescue operations at the Interstate State Park and two appropriations recommended by the Legislative Commission on Minnesota Resources were vetoed.

The second measure to gain final passage, the omnibus higher education appropriations bill, had also been completed soon after regular session adjournment. Chief Senate sponsor, Deanna Wiener (DFL-Eagan) said, "The bill has \$186 million in new spending. It is a good bill, but not a very good bill." She said, "Three themes have guided former Legislatures in funding higher education: quality, affordability and access. This bill changes affordability because there will be double digit increases in tuition."

Wiener also said that the compromise package improved upon the measures put forth by both the administration and the other body. Finally,

Wiener said there was a great deal of discussion about accountability on the part of higher education institutions. She said, "We believe the institutions are accountable, but there is a need to better communicate with the public." Thus, the measure requires several reports to the Legislature.

The compromise higher education budget bill appropriates a total of \$2.859 billion in FY 2002-2003. The University of Minnesota receives \$1.298 billion, while Minnesota State Colleges and Universities (MnSCU) receives \$1.242 billion in funding for the biennium. The Higher Education Services Office is allocated a budget of \$306 million. The bill also earmarks \$3.274 million for the Mayo Medical Foundation. Tobacco settlement payments made in 2002 and 2003 are dedicated in full to the academic health center account and the tobacco settlement fund is sunsetted in 2004 under the bill.

The bill also includes two major policy programs for higher education in Minnesota.

The measure requires the MnSCU chancellor to designate one MnSCU institution and at least four school districts to participate in a developmental education readiness project. The project is designed to increase the number of high school graduates who are academically ready for college level course work. During the first quarter of their junior year in high school, under the program, students will be assessed in math, reading and writing skills. MnSCU is required to monitor the students and track their enrollment and placement in college courses when the participating students graduate from high school.

A commission on University of Minnesota excellence is also created under the bill. The commission is charged to identify how the U of M can create additional centers of excellence in its programs and propel those programs into the realm of the top 10 nationally ranked program within 10 years. The commission, according to the bill, is also to examine the University's mission, scope and spending and propose ways for the U of M to refocus its mission and financing habits.

The budget bill also redesignates the Edvest program, which assists Minnesota families in saving for higher education, as the Minnesota College Savings Plan

and adjusts policies of the plan.

A number of Senators were critical of the measure. Sen. Richard Cohen (DFL-St. Paul), speaking about the University of Minnesota appropriations, said, "For decades the dream was to have a high quality, affordable, accessible institution. This bill does not do that, the University will no longer be affordable."

However, other Senators said that given what the working group had to work with, the bill is the best that could be done. The measure was passed on a vote of 41-19 and the governor signed the measure Sat., June 30.

Two additional omnibus appropriations packages were granted final passage at the Weds., June 25, floor session. The early childhood and family education appropriations package, H.F. 4, was the first measure to be considered. Chief sponsor, Sen. Becky Lourey (DFL-Kerrick), said that the working group had a target of zero in developing the bill.

"The original Senate bill had \$41 million in new funding, but this bill has zero in new funding; it is essentially the same bill the governor vetoed," she said. "Those of you who don't believe in funding early childhood education will be able to vote for the bill; those who felt the bill didn't do enough before will feel the same way," Lourey said.

The measure contains a total of \$544 million in general fund dollars for early childhood and family education, including funding for children and family support services, violence prevention, self-sufficiency and lifelong learning and libraries. The measure also adds \$9 million in temporary aid to needy families (TANF) dollars to the basic sliding fee child care program.

The original bill, passed the last day of the regular session, was vetoed because the measure did not contain a consolidation of the three child care programs. The compromise package developed by the working group also did not contain the consolidation, Lourey said. Lourey also said that funding for libraries remains at the base level with no new funding. Programs such as Head Start and school readiness were also funded at the base level.

Lourey said that one of the good things in the bill was the resolution of some problems with adult basic education. Under the bill, the department will

be able to get a handle on how money is being spent in adult basic education through the audit process, Lourey said.

Members granted final passage to the bill on a 36-27 roll call vote and the governor signed the measure Sat., June 30.

The jobs, housing and economic development appropriations package was also granted final passage at the Weds., June 27 floor session. Sen. Ellen Anderson (DFL-St. Paul), the chief Senate sponsor, outlined the provisions of the measure.

She said the measure, H.F. 5, was not as good as the original Senate bill, but was a lot better than the bill that originally passed the House. The bill appropriates a total of \$487.903 million from all funds for the biennium.

"The bill takes care of our basic goals for job training and affordable housing," Anderson said. The original Senate bill had three times the funding for housing, but we were still able to fund some programs, she said. The measure provides \$24 million in TANF funds for the affordable rental investment fund, which encourages the construction or rehabilitation of permanent rental housing. In addition, several small programs were funded, including the manufactured housing pilot project to redevelop manufactured home parks, the high-risk tenant pilot project, the family homeless prevention projects and the 50/20 home buyer education project.

Anderson said the bill also provides funding for several workforce development and job training programs. Anderson said the Senate was able to prevail on a provision for dislocated worker programs. "The final bill maintains the program at the current level," Anderson said, "Laid off workers will have someplace to turn. It was critical to fund and keep the program whole because of record layoffs."

A number of other workforce programs were also funded and maintained, Anderson said.

Other key provisions in the measure pertain to the implementation of the merger of the Dept. of Trade and Economic Development and the Dept. of Economic Security.

Anderson said that there were some disappointments as a result of the working group compromise, but that the measure did contain positive provisions.

"I'm proud of this bill, but the Senate wanted to do more and we could have done more," Anderson concluded.

The measure was passed on a vote of 63-0. The governor signed the measure, Sat., June 30, but did veto several line items. The provisions vetoed included a \$500,000 appropriation for the Roy Wilkins Auditorium and Exhibit Hall in St. Paul; a \$100,000 appropriation to the Albert Lea Port Authority to remodel a building in an industrial park; a \$300,000 appropriation for the Trillium site that is part of the Trout Brook Greenway corridor in St. Paul; a \$50,000 appropriation for the Big Bear Education and Logging Center; a \$150,000 appropriation to local governments to promote tourism in a specific region; and a \$200,000 appropriation to the State Board of Investment to pay staff costs related to focusing efforts on investing in Minnesota startup businesses.

The center piece of the entire special session, the omnibus tax bill, was passed Thurs., June 28. Sen. Lawrence Pogemiller (DFL-Mpls.), co-chair of the tax working group, presented the bill and highlighted its provisions.

The bill provides for takeover of court costs from counties and provides a reimbursement program for some out-of-home placement costs paid by counties. The bill also transfers over 20 percent of motor vehicle excise tax collections to a dedicated transit fund.

Pogemiller said the bill does not include several provisions included in the original Senate tax bill. He cited language providing for an elected Metropolitan Council, placing a tax on the Minneapolis-St. Paul International Airport and St. Paul Downtown Airport and gasoline tax indexing as items that did not prevail in the working group.

The governor's initiative for biomedical investment did not survive the working group, Pogemiller said, except for a \$10 million grant to be administered by the Dept. of Trade and Economic Development. Pogemiller said the grant will likely find its way to the University of Minnesota for research.

The bill, Pogemiller said, provides double digit property tax relief for all classes of property. However, he said, depending on the county, some Minnesotans may actually see increases this year.

The bill compresses tax rates and fundamentally alters the paradigm of tax increment financing, he said.

Sen. Claire Robling (R-Prior Lake) said one of the best features of the bill is that it treats active duty military personnel not stationed in Minnesota as nonresidents for income tax purposes, thus exempting their military pay from Minnesota income taxes.

Minority Leader Dick Day (R-Owatonna) said that it was a good day for Minnesota. The bill provides the motherlode of tax relief, he said. If you live in a house or rent an apartment or own a business, you are going to get tax relief, Day said. He praised the bill for setting levy limits on local governments. There is no reason not to require more accountability in city and county government, he said. Day called the tax bill the best bill he has seen in his 11 year tenure as a Senator.

Majority Roger Moe (DFL-Erskine) said that, although there are several very good provisions in the bill, he was going to vote against the tax bill. Moe said he didn't see balance in the tax bill. Balance, he said, would be providing everyone with sustainable tax relief. Moe said the Senate was not able to accomplish as much investment as he'd hoped and that he was puzzled by the lack of geographic balance in the tax bill. Moe also said that the state will be in serious trouble if the economy stays flat or slips and the general fund balance is projected to be a shortfall. Expenditures will not be the source of the problem, he said. This particular tax bill, Moe said, is short-term pleasure without long-term reform.

The omnibus tax package includes double-digit property tax reductions for all classes of property, a sales tax rebate, education credits and numerous provisions relating to local government. The sales tax rebate, based on a projected \$852 million general fund balance, provides for rebates from \$118 to \$1,625 for individual income tax filers and rebates from \$233 to \$3,250 for married couples filing joint returns and heads of households. If the general fund balance is less than \$852 million, the Department of Revenue is authorized to adjust the rebate schedules accordingly.

The bill sets class rates for all single unit residential property—including homes, rental homes and cabins—at 1.0 percent for homes valued up to \$500,000 and 1.25 percent for homes valued above \$500,000. Multiple unit properties—including duplexes, triplexes,

apartments and subsidized apartments—are phased into a 1.25 percent class rate by taxes payable in 2004. Currently, the class rates are as high as 2.4 percent for apartments and as low as 1.0 percent for subsidized apartments. Commercial-industrial property tax rates are reduced to 1.5 percent for properties valued at less than \$150,000 and at 2.0 percent for properties with a market value above \$150,000. Currently, commercial-industrial property is taxed at 2.4 percent of market value below \$150,000 and 3.4 percent of market value above \$150,000. Seasonal commercial property tax rates are reduced to 1.0 percent for resorts valued at less than \$500,000 and 1.25 percent for resorts valued above \$500,000. Agricultural property class rates are set at 0.55 percent for homestead agricultural land valued at less than \$600,000 and at 1.0 percent for homesteads valued above \$600,000. Non-homestead and timberland class rates are reduced to 1.0 percent under the bill.

In addition, a Senate position requiring that the new statewide

business levy be dedicated to K-12 education was adopted. Under the bill, the remaining six judicial districts not taken over by the state will be taken over by July 1, 2005. The bill also provides for a reimbursement to counties for up to 30 percent of the nonfederal cost of out-of-home placement.

The bill gained final passage on a 52-11 roll call vote and was signed into law Sat., June 30.

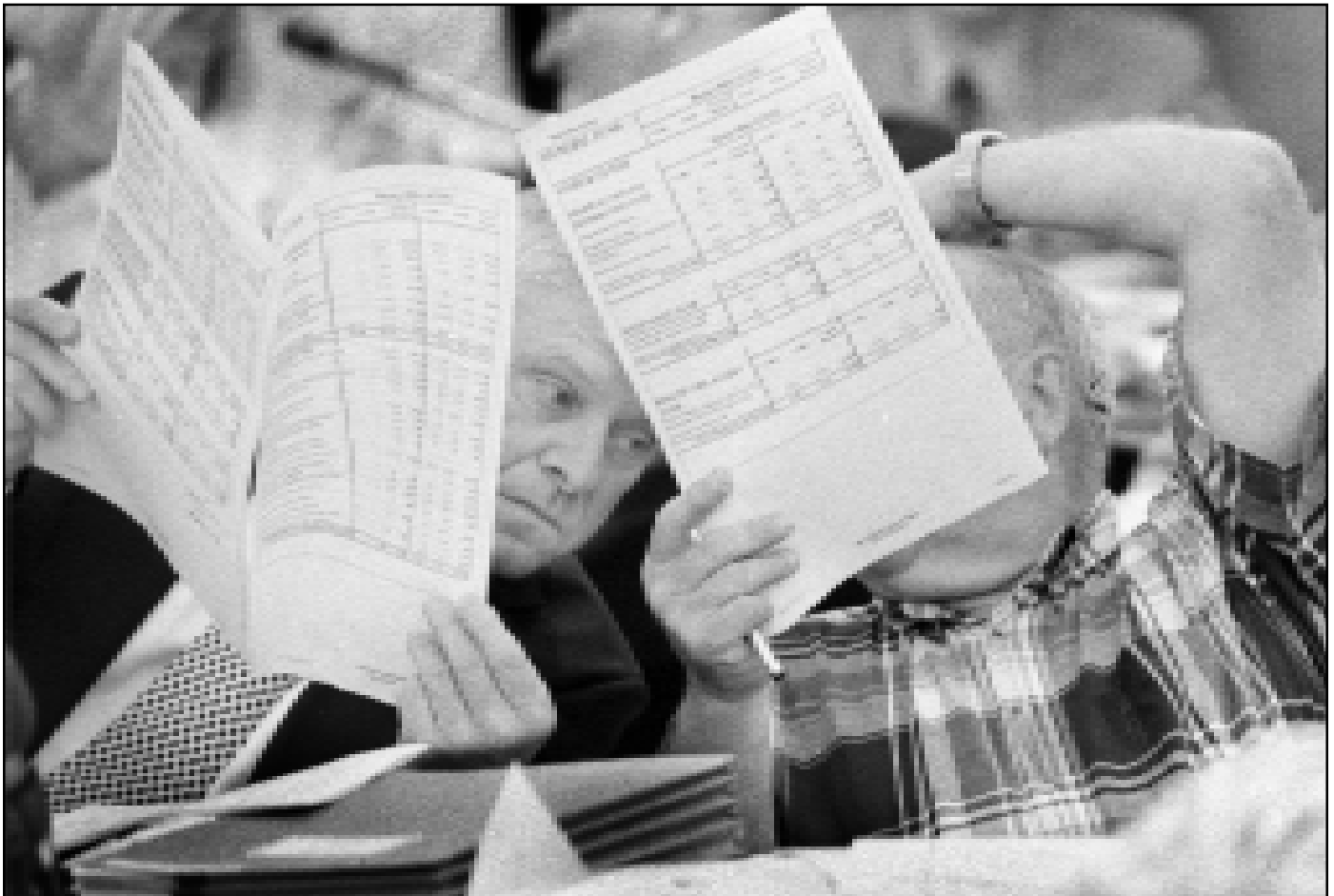
The \$8.7 billion K-12 education appropriations bill, a second lynch pin of the special session, was granted final passage by the Senate, Fri., June 29, at the beginning of what was to turn into a marathon floor session. The measure provides \$381 million in new spending for the biennium, said chief Senate sponsor LeRoy Stumpf (DFL-Thief River Falls). “Funding education is one of the most important responsibilities we have and Senate members of the working group felt that education must have stable funding if the tax reform package was to be enacted.” Stumpf said that much of the new funding is earmarked for the general education formula, which

provides an increase of about 2.6 percent in the formula. The bill also provides that \$415 in referendum levy be added to the general education funding formula in order to increase stability in all districts. The provision is designed to aid in the reduction of disparities between districts, Stumpf said.

One of the main principles for the Senate, Stumpf said, was to balance what some districts lost because of the tax package.

Stumpf said that the measure also contains provisions to require accountability in how districts spend funds, a compromise provision on “structural balance” for negotiating teacher contracts, provisions implementing a seventh-grade test that is required by the federal government and provisions maintaining charter school lease aid.

One portion of the measure generated considerable debate on the Senate floor. The provisions in the bill detailing integration aid provide for a reduction of aid for the Minneapolis school district. Sen. Julie Sabo (DFL-Mpls.) said, “This attacks our most vulnerable students, the



Sen. Roger Moe (DFL-Erskine), left, and Sen. Don Samuelson (DFL-Brainerd) examine spreadsheets during a meeting of the tax working group.

most poor concentrated in Minneapolis.” Sen. Martha Robertson (R-Minnetonka) countered that the bill spends more on integration aid in total than the original Senate proposal.

The measure was granted final passage on a 41-17 roll call vote and signed into law Sat., June 30.

The omnibus transportation, public safety and the judiciary appropriations bill was debated and granted final passage in the early evening hours Fri., June 29. Sen. Randy Kelly (DFL-St. Paul), co-chair of the working group that developed the measure, outlined the various provisions. Kelly said the measure, S.F. 7, contains total appropriations from all funds of \$3.6 billion. The original Senate bill, Kelly said, contained \$300 million in one time spending for transportation, however the appropriation is not in the final compromise.

He said the bill provides \$36 million for transit in Greater Minnesota, a \$5 million increase over the base. The measure provides about \$975 million in the first year of the biennium for state road construction with a similar amount for the second year of the biennium. The measure also contains \$1 million for rail service improvement and \$1 million for port development assistance, Kelly said. He also said, “The bill provides about \$43 million in additional transportation funding each year, which is essentially a status quo increase.”

The measure does provide for a 25 cent increase in bus fares for the Metro Area, but does not contain a gas tax increase. The compromise package also does not include provisions calling for a constitutional amendment to dedicate more of a percentage of the motor vehicle excise tax to highways. Kelly said the measure does include language specifying that a previous appropriation for the Stillwater bridge does not cancel.

The measure also includes funding for the courts. Kelly said there was a strong plea to increase the number of judges and to increase funding because of the state takeover of the direct costs of the court system. To that end, the measure provides a \$57 million increase over the base to meet increased costs. In addition, the provides \$27 million for CRIMNET, the statewide computerized criminal justice network. Kelly also said that the package contains some additional funding over the base for several

programs in the criminal justice and public safety area.

In his remarks about the compromise package, Kelly said, “I am saddened we have not done more. This is not a bad bill, but it is a status quo bill.” Sen. Mark Ourada (R-Buffalo) echoed Kelly’s comments. Ourada said, “Any significant funding is missing. Our transportation system is like our arterial system carrying the life blood of our economy. I don’t know when we will wake up to the fact that the system is crumbling around us. The congestion won’t stop and the system will get worse.”

A section of the bill containing provisions relating to racial profiling generated some heated debate. Sen. Myron Orfield (DFL-Mpls.) offered an amendment to delete the section from the bill. Orfield said, “The communities of color feel the language in the bill is worse than nothing and feel that they were not able to participate in the process of arriving at the language.” Kelly opposed the amendment and said, “This is the most comprehensive approach to racial profiling in the U.S. although it is a compromise.” The amendment failed on a 17-38 roll call vote.

The bill was then granted final passage on a 46-15 roll call vote and was signed into law Sat., June 30. However, the governor did veto a \$300,000 appropriation from FY 2001 that was contained in the bill. The appropriation was for COPS, HEAT and Financial Crimes Investigation Unit grants.

The massive 700 page health, human services and corrections omnibus appropriations bill was considered in the late evening hours. The measure, S.F. 4, provides total appropriations of \$7.67 billion. Working group co-chair, Sen. Linda Berglin (DFL-Mpls.), detailed the provisions of the measure. One mission was to do something about better access to dental care, Berglin said, although there was nothing in the governor’s budget. She cited work done by Lourey and Sen. Sheila Kiscaden (R-Rochester) to include provisions providing for access to dental care.

The measure includes a 3 percent rate increase for nursing homes and long term care facilities and a 3.5 percent increase for intermediate care facilities for people with mental retardation and day training and habilitation services in order to provide salary increases for

employees. The measure also includes provisions to assist the elderly to stay in their homes.

Berglin said that the House bill contained significant cuts to chemical dependency programs, but that the Senate prevailed in saving most of the chemical dependency funding.

The measure does not contain language relating to the 24 hour waiting period for abortion services, nor does the bill contain language prohibiting family planning funds from going to agencies that provide abortions or refer women for the procedure. Berglin said, though, that there is no funding for a new teen pregnancy prevention program.

In addition, Berglin said that the measure provides for an expansion of health care coverage for about 20,000 additional children and provides for a bridge between medical assistance and MinnesotaCare for children in families moving off of welfare.

In the area of welfare, Berglin said the measure allows for the extension of welfare benefits beyond the five year lifetime limit under certain conditions. The measure specifies that single parents who work at least 25 hours per week and are sanction free for 10 out of the previous 12 months may qualify for an extension. For two parent families, the requirement is 45 hours of work. Berglin said the hours of work required are subject to good cause exemptions and that the measure contains hardship extensions and extensions for a category of hard to employ persons. The measure also allows counties to enter into a stricter sanctions policy, Berglin said.

Members granted final passage to the bill on a vote of 60-0. The governor signed the bill into law Sat., June. 30.

The final omnibus appropriations bill, S.F. 9, the state government omnibus package, was approved in the early morning hours of Sat., June 30. Sen. Richard Cohen (DFL-St. Paul), detailed the provisions in the measure. Cohen said, “When the bill left the Senate it contained a number of provisions that members thought important—most are not in this bill.” The bill provides for a total of about \$713 million in spending. The measure funds the constitutional officers, the Legislature and several state agencies. In addition, the compromise package contains a number of provisions relating to public employee pensions. The

original Senate bill contained much of the governor's campaign reform initiative, but the omnibus bill contains only two of those provisions, Cohen said. One provision provides that candidates may receive public subsidies prior to the general election and the other makes it easier for third party candidates to receive public financing.

The compromise package was one of the last of the bills to be finalized, Cohen said, because three issues proved exceptionally difficult to resolve. One of the issues, a request by the Senate for technology funding, was ultimately included in the bill. A House proposal to move the Legislative Council on the Economic Status of Women from the Legislative Coordinating Commission to the Dept. of Strategic and Long Range Planning and a proposal relating to the governor's status as a state employee were both dropped from the final package.

Two additional provisions, language relating to domestic partners and a provision requiring photo identification for voter registration, were also dropped from the bill.

Cohen said the measure also includes partial funding for the conversion to digital television technology by public television stations. The appropriation of nearly \$8 million is below the minimum of \$17 million that is needed, Cohen said, but the governor indicated he would veto anything over \$8 million.

Cohen said the bill keeps state government operating and that alone justifies voting for the measure. The bill was granted final passage on a 59-0 roll call vote.

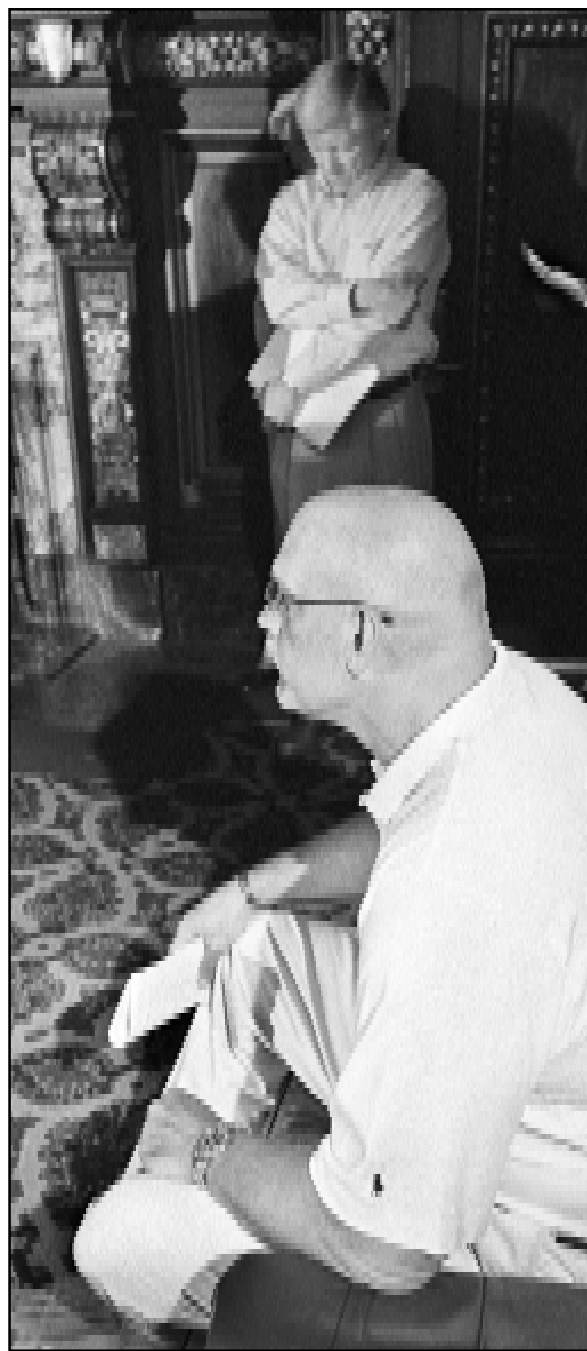
The governor signed the measure Sat. June 30, but vetoed five projects funded by the bill. The line item vetoes included a \$35,000 appropriation to the city of Longville for an ambulance building, and language regarding a 2000 appropriation to the Guthrie Theatre. Finally, the governor vetoed all three appropriations to the Amateur Sports Commission. The vetoes were a \$475,000 appropriation for matching grants for after-school enrichment grants, a \$25,000 grant to the Range Recreation Civic Center for a bleacher purchase and a \$100,000 grant for operation of a shooting sports program to train for Olympic events.

The final funding bill passed in the special session, the bonding bill, was also signed Sat., June 30. The measure, H.F.

8, contains about \$118 million in bonding projects. Sen. Keith Langseth (DFL-Glyndon), chief Senate sponsor, said the measure contains nearly \$51.5 million for the conservation reserve enhancement program (CREP). The bond funding is to be used to acquire easements and implement conservation improvements along the Minnesota River. The goal is to improve water quality and enhance habitat, Langseth said. Other provisions of the measure provide \$10 million for local bridge bonding; \$2 million for wetland restoration; \$1.2 million for electrical infrastructure repairs to the Capitol Complex; \$2.2 million for State Office Building repairs; \$5 million for Eagan and \$2 million for Austin for flood relief; \$3 million to the Dept. of Natural Resources for flood mitigation; \$1.7 million for the East Metro Magnet School; \$19 million in maximum effort loans for East Central School; and \$20.5 million for landfill bonds reauthorization.

The bill was passed on a 57-0 vote. The governor vetoed a \$1 million appropriation to the St. Paul Port Authority for acquisition of the Trillium site.

Senators also granted final passage to three additional bills during the Special Session. S.F. 18, authored by Sen. David Knutson (R-Burnsville), extends from 5 years to 10 years the period for apartment manager background checks. S.F. 1, authored by Sen. Don Betzold (DFL-Fridley), is a Revisor's bill providing for corrections to the other omnibus bills passed during the Special Session. Finally, members also granted final passage to S.F. 21, authored by Sen. Roger Moe (DFL-Erskine). The bill was intended as a bridge to keep state government functioning should the logistics of the



Sen. Roger Moe and the governor follow the proceedings of a press conference as the Special Session draws to a close.

lawmaking process prevent all the omnibus bills from being signed by the midnight June 30 deadline. The governor vetoed the measure because all of the necessary measures were signed and enrolled before the deadline.

The Senate wrapped up business at about 3:30 a.m. Sat., June 30, having completed work on all the omnibus appropriations bills and the tax bill and assured the continued operation of state government for the next biennium.



Legislative Balancing Acts

by Greg Scanlan

In an odd-year session, it is easy, too easy, to get lost in the numbers. Budgeting is job one, after all, and Senators are awash in forecasts, requests and change items. In ten-pound binders, sideways spreadsheets, and enough fiscal notes to wallpaper the Capitol, the numbers come. They swell, shift, recede and come again, unrelenting, like a spring river.

Sen. William Belanger (R-Bloomington) struggles with a tax bill that he thinks lacks vision and a unified approach to reform. Sen. Jane Krentz (DFL-May Township) holds ground on equity funding among Metro Area school districts, as scarce dollars and complex funding mechanisms are

debated. Sen. Sheila Kiscaden (R-Rochester) questions underspent long-term care funding being swept away as a surplus, when a staffing shortage hindered maximum usage of available beds.

Billions, millions and, just as often, tens of thousands of dollars in appropriations are debated to the point of impasse. In the end, of course, all the numbers have to balance. The income has to equal the output, give or take a reallocation.

In fine-tuning an omnibus budget bill, the process of containing the overflow of numbers becomes, if not easy, at least uncomplicated. For every increase in the bill's spending, to paraphrase Newton, there has to be an

equal, and opposite, decrease. An extra \$1 million to address homelessness has to come from somewhere; where, exactly, may be unclear. From job training programs? Out of operations at National Guard armories? Through staffing level reductions at the Department of Revenue?

Senators have to decide such trade-offs, and at least at these times the lawmaking act of achieving balance is plainly visible.

What is not quite as clear is that all bills require essentially the same process of give-and-take. There are two sides, at a bare minimum, to every issue. Even proposed laws that seem at first quite simple, can soon be found overstepping bounds, falling short of the mark or

sliding down slippery slopes. Balancing the books on such bills is even trickier, if only because bills that address competing values, nebulous notions of freedom or differing personal philosophies lack the satisfying arithmetic of the budgeting process. There is no spreadsheet for protecting those who are perceived to be victims. There is no cut-and-dry budget target that summarizes why people believe it's important to preserve natural resources. There is no fiscal note that measures what, at the end of the day, people really want out of life.

In the daily work that Senators do to decide these kinds of trade-offs, one sees most clearly the intricate, exhausting, exciting, patience-testing, brain-busting balancing act that lawmaking really is.

To start with, in lawmaking, there is the act of translation. When average people talk about problems or generate ideas for making Minnesota a better state, they don't speak the language of bills. Where more complex policy is involved, the bills do not speak the language of people, either.

Stated very simply, the problem is this: when citizens say they want "better schools," Legislators can't simply enact a law saying "there shall (or must) be better schools." And, even if, hypothetically, there is wide agreement that, for example, having better teachers is exactly what will create better schools, Legislators can't just enact better teachers either. It doesn't even help if, hypothetically, you translate the values into dollars and agree that more funding is what is needed. There still can not just be a law that gives more money to schools. How much more, and from where? To which schools? Do all schools get the same amount more or do some need more help than others? Which ones? How do we know?

As the answers to these kinds of questions are divined over the years, some policy areas become intensely complicated, incomprehensible even, to anyone who has spent less than a few years studying them. Inside the machine that is state government, especially for key issues like taxes or education funding, the various gears, cogs and sprockets are enmeshed in ways that do

not always translate easily to the way the average person talks about what they want or need.

Belanger, for example, who admits to not having liked math in school, is himself amazed at the extent to which he understands the state's tax policies and structure. Indeed, he thinks that in some ways, the complexity is troublesome in that it keeps taxpayers from understanding how their taxes are



Sen. Sheila Kiscaden

determined, what they are actually paying and where it goes. When he is asked by a constituent to explain the tax structure, he has the same reply. "I can explain it to you," he answers, "but when I'm done you still won't understand it." All the more reason, Belanger says, why something like an omnibus bill needs an overall vision. An omnibus tax bill in particular, because of the interweaving of policies, must be crafted as a whole—with a unifying direction for the provisions—and not just as a conglomeration of individual ideas and unrelated initiatives.

He also sees the complexity of issues as an argument against the Senate's instituting term limits for committee chairs and against including first year Senators on the Tax and Finance Committees. It takes a great deal of study and experience to adequately understand how all the revenue and expenditures work and, he said, in the case of committee chairs in particular, very difficult pieces of legislation can fall under the direction of relatively new people. Senators with accumulated

knowledge and experience in a given area are an asset to the Legislature, in Belanger's view, and are a great help to the process when they are allowed to guide the more complicated bills to fruition.

For Krentz, being undaunted by complexity is what makes her "a policy maker, not a politician." A simple passion of hers, from the beginning as a Legislator, has been the simple concept of equity in education funding. Year by year, she has dug more and more deeply into the many nuances of school funding to find issues such as competition for teaching staff, disparities in districts' capacity to pass their own levies and labyrinthian formulas for distribution of state education dollars.

She has developed a scholar's understanding of the different kinds of equity—horizontal, vertical and taxpayer equity—and will explain it to anyone, constituents and members alike, who will listen. More to the point, she works constantly to tune the machinery of funding to ensure that all types of equity are addressed.

In certain suburban districts, for example, it takes a much higher rate of taxation to achieve the same funding increase that other districts get with a lower rate. The overall policies of education funding, in Krentz's view, need to account for this disparity (as well as many others). Armed with years of experience dissecting the policy, she understands how to translate these broad values into the number crunching of an omnibus K-12 education appropriations bill. Any given parent or school supporter who agrees with Krentz on matters of equity may not understand exactly how the mechanisms all work, but they don't have to. What they value is translated into policy by Senators who do understand.

Even an apparent fiscal certainty such as a tax rebate is never quite as simple as it seems. When there is state revenue left over at the end of a biennium, the mechanism whereby the excess money is automatically returned to taxpayers assumes that the revenue was not spent because it was not needed. That is, granting a rebate assumes that all of the important work of the state

was finished fully and satisfactorily in the biennium. Many Senators in the 2001 Legislative Session held the position that important work was left undone and that some of the “surplus” money should go toward one-time investments to address lingering needs.

Again, the complexity of the issue, the spending and accounting of expenditures by state government, demands broader understanding and closer scrutiny. In health and human services funding, for instance, Kiscaden and Sen. Linda Berglin (DFL-Mpls.) said unspent allocations do not necessarily constitute a surplus. With nursing homes in particular, the economy’s workforce shortage prevented many people from being admitted because homes could not maintain adequate staffing to care for all the patients. Fewer beds filled, though, meant more money left at the end of the year, which then gets counted as a surplus and is given back. In a case such as this, it seemed clear, said Kiscaden, that the accounting of surpluses and rebates should take into account unmet needs and allow more flexibility to consider not what was spent, but what should have been.

It is in this embracing of complexity that some of the work of the Senate seems to outstretch the reach of the average Minnesotan. And, quite honestly, at the level of the individual bill, any policy might well outstretch some Senators’ reaches too, because each Senator can not be expected to understand completely the details of every policy area. They focus on certain areas and, wisely, rely greatly on their fellow members and on the nonpartisan staff of researchers and analysts. Sen. Becky Lourey (DFL-Kerrick) credits greatly the late Sen. Gordon Rosenmeier (Minnesota Senator from 1940-1971) for the wisdom of first establishing permanent, full-time, non-partisan researchers and counsel. Lourey said Rosenmeier made a great contribution to the Legislature by recognizing the need for internal, unbiased sources of information on any number of complex issues.

And so, Senate counsels and researchers draft bills, fiscal analysts crunch numbers and the important

behind-the-scenes work gets done. Senators, with the aid of staff, translate opinions, ideas and wishes into working legislation.

Does this mean the Senators and their staff are the complete experts, the sole font of knowing solutions to the problems of the uninformed masses?

Hardly. Where, after all, do the opinions, ideas and wishes come from? And how do they get pulled together in the first place?

“I can explain [tax policy] to you, but when I’m done, you still won’t understand.”

– Sen. William Belanger

That’s the really tricky part.

The pooling of a vast array of ideas and concerns as the raw material for legislation is, as a core democratic ideal, the part of lawmaking that Senators and staff could never do entirely on their own. Whether the idea for a bill comes from a person, business, or agency—the proverbial “there ought to be a law” approach—or through the initiative of a Senator, the creator of the idea is merely the first one to have it.

Many others, through studies and task forces, at hearings and hallway discussions, have ideas of their own. The lawmaker goes to work not as expert, but as listener, and the real act of respecting, assimilating and drawing together divergent viewpoints begins.

For Sen. Jane Ranum (DFL-Mpls.), the most consuming balancing act of the 2001 session was a bill attempting to address the issue of racial profiling. Funding streams and the total cost of implementation were surely undercurrents in the discussions, but one aspect of the bill that proved difficult to compromise was, at its core, a philosophical one. The contentiousness arose concerning whether or not the bill would make it mandatory for law enforcement units to collect data on racial profiling.

On the surface, the concept of “mandatory” does not have much of a middle ground. It would seem that a provision is either mandatory or it is not. In the case of the racial profiling bill, Senators and testers debated at length the efficacy of making the data collection mandatory. Some said that, since there was general agreement on the scope of the problem, collecting data was not the best use of time and resources. Others believed that the effectiveness of any solution could only be known in the long run by including ongoing monitoring of the problem.

In the bill’s first committee, the Crime Prevention Committee, an even vote deadlocked the mandatory issue and the bill left without the provision. Next, before the Judiciary Committee, a first step was taken toward finding a middle ground in the concept. Kiscaden suggested the data collection could be mandatory only in certain areas of the state. Sen. Myron Orfield (DFL-Mpls.), a strong supporter of the requirement, said the Kiscaden amendment sounded reasonable to him, but he paused and asked instead what members of the community thought of the compromise. A representative of communities of

color returned to the table for testimony and said partial data collection is not enough because people’s civil rights in one part of the state are not less important than in another part.

“If partial data collection is not good enough for them,” Orfield said, “it’s not good enough for me.” The mandatory provision returned to the bill, unmodified, by a one-vote margin.



Sen. Becky Lourey

That wasn’t the end, of course. Committee hearings continued, as did modifications to all aspects of the bill. From the beginning, a number of other ideas offered by Sen. Thomas Neville (R-Northfield), Berglin, Sen. Satveer Chaudhary (DFL-Fridley), Sen. Randy



Sen. Jane Ranum

Kelly (DFL-St. Paul) and others had been weighed and balanced into the evolving plan. Video cameras for police cars, a hotline phone number for complaints, training for officers and information for motorists—all of these aspects followed similarly contentious paths into the bill.

Then, with session deadlines looming, Ranum convened and facilitated an ad hoc group where representatives of communities of color and law enforcement sat down, face to face, and talked to each other. Day after day, they listened and considered, offered and negotiated.

The ad hoc committee, in one sense, showed a Legislator not just as a listener, but as a leader, one who brings people together in new ways so that they can be a part of solving problems. Starting with a task force on the issue in the summer of 2000, parties from all sides of the debate had been engaged, heard and continually sought out for input and opinions on a solution to racial profiling.

Ranum, who had been the Senate's representative on the task force, understood that it was critical to keep everyone at the table right up to the end. She said she hopes that the openness of the dialogue that ultimately crafted the final version of the plan will serve as a model nationwide.

"It's about people feeling like they've been heard and respected," she said. People understand they might not get everything they want, she added, but

when you hear them and keep them involved in the solution, you build trust.

The process, therefore, is not only important because it produces a piece of legislation. The process is important because it helps build a foundation of trust between people, trust that will be necessary for the solution to work in the long run.

Sen. Dennis Frederickson (R-New Ulm) says the energy bill passed in the session is another example of this kind of balance in the lawmaking process. He says the leadership of Telecommunications, Energy and Utilities Committee Chair James Metzen (DFL-South St. Paul) brought an immense breadth of perspectives to the discussions of energy policy. Frederickson said that, both in committee hearings and in one-on-one discussions, Senators listened to representatives of consumers, municipalities, advocacy groups, energy cooperatives, investor-owned utilities and constituents. "Some wanted to go full steam ahead with new plants and transmission lines. Some wanted stronger conservation. Some wanted more emphasis on new or alternative technology," he said. And everyone, Frederickson emphasized, was heard.

In the end, as with the racial profiling bill, no group got everything they wanted, but everyone got something. It has been said that a good bill is one that makes no

one happy, but Frederickson makes an important distinction. "A good bill," he said, "is one that makes everyone just happy enough."

Of course, Kiscaden cautioned, listening to all the points of view carries its own challenges. She said that, in some cases, the voices heard most frequently are not the ones of those most in need. Some people in society simply do not receive as much attention and support from advocate groups as other

people, and one of the tougher aspects of achieving balance is to hear what is not being said. For example, in meetings related to health care policy and funding, Kiscaden says that abused and neglected children do not have as many advocates as children with developmental disabilities.

As a result, the amount of policy or program support is in danger of being disproportionately low for child welfare. It's not that disabled children don't need support as well, she said, it just makes it difficult to weigh the input and address needs in the right proportion when the testimony and advocacy itself is not well balanced.

Lourey certainly understands that some voices at the Capitol are louder than others. And she said she worries that, in some cases, "sound-bite politics" distracts from the inherent complexity of very important issues. Lourey recognizes that, to make sound judgments on legislation, it's necessary to be able to understand the "all-or-nothing" argument as well as its intricate details. Certainly, understanding one's own



Sen. William Belanger

position on an issue is no less important than understanding the opposing arguments, especially when a middle ground needs to be found in the details. Twice this session, on a handgun bill and a bill relating to abortion access, Lourey found herself wanting to support basic concepts but struggling with the details of what the legislation sought to do.

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Campaign Finance: An Ongoing Debate

by Sarah Ruth Lorenz

Over \$310,000 was spent by independent groups in 2000 on the most expensive Minnesota House of Representatives race. A 1997 poll shows that 88 percent of Minnesotans believe that big donors receive preferential treatment from Legislators. These and similar statistics surfaced time and again in the debate over three campaign finance reform bills introduced during the 2001 Legislative Session. S.F. 388, authored by Assistant Majority Leader John Hottinger (DFL-Mankato), S.F. 90, carried by Sen. John Marty (DFL-Roseville), and S.F. 1579, proposed by the governor and sponsored by Hottinger, all seek in some way to address the joint problems of public perception and independent expenditures.

But statistics are notoriously unreliable representations of the truth, and the health of Minnesota's campaign finance system is not easily quantified. While some members contended that our current system functions well, those who supported reform differed on the wisdom of the various approaches embodied in the three bills. Diverse opinions emerged as members of the Rules and Administration Subcommittee on Elections tried to separate perception from reality, pinpoint the true failings of the current system and determine whether elections in Minnesota can be conducted more fairly.

Hottinger led this session's reform effort with a bill providing for the complete overhaul of the current campaign finance system. Based on systems recently adopted in Maine and Arizona, S.F. 388 provides for the full

public financing of state elections. Under the bill, candidates who collect 300 qualifying contributions of between \$5 and \$50 receive a public subsidy of \$60,000. Of that amount, \$12,000 is available immediately after filing for office, another \$12,000 is dispersed after the close of filings to candidates who have an opponent and a final \$36,000 subsidy is provided one week after the primary.

According to Hottinger, the bill targets the ballooning influence of independent expenditures in elections. Excessive spending by independent groups is a two-pronged problem, he says. The spending not only greatly increases the cost of campaigns, it also fosters the public perception that access to a Legislator can be bought.

Total public financing eliminates any question of the influence of money

in elections, Hottinger said, regardless of whether the influence is a misguided perception or a reality, "If you take the perception away by having public financing, whether it's true or false, influence through money isn't happening."

Participation in the publicly financed system is voluntary under S.F. 388. The bill's sponsors realized that candidates might elect not to participate in the system out of fear of being outspent by nonparticipating candidates and unregulated independent groups. Two provisions are meant to allay those fears. First, the bill provides additional public funds, up to \$60,000, to match fundraising by a non-participating opponent who exceeds the spending limits. Second, candidates can access up to \$60,000 to respond to independent expenditures made on behalf of an opponent. The subsidy is structured to encourage positive campaigning; candidates receive an amount equal to the independent expenditure for an ad that advocates their defeat, but only one half of that amount if the ad advocates their opponent's election.

The evolution of S.F. 388 was marked by considerable public involvement. Minnesotans for Fair and Clean Elections (FACE) played a central role in drafting and promoting the bill, Hottinger said. The group, which is a coalition of approximately 43 different community and activist organizations, designed a system based on clean election systems in Maine and Arizona. The system was drafted in a bill, which Hottinger agreed to sponsor. He praised the group's work, and said, "This truly is an effort by an involved and active umbrella group of citizens to develop and come forward with a proposal. It's the way the founders of democracy would like to see it work."

Public input continued to play a role as several consecutive meetings of the Subcommittee on Elections were filled with testimony from Minnesota citizens. Individuals ranging from a Minnetonka High School student to representatives of the League of Women Voters and Education Minnesota aired their concerns over the state's current system and the reforms proposed in the bills. Former candidates from the Independence Party and the Green Party, as well as the DFL and Republican parties, discussed their campaign

experiences under the current system. Much of the testimony related to the assertion that Minnesota voters feel increasingly marginalized by the role of money in the current system. Other testimony, however, pointed to the constitutional right of individuals and groups to make a statement with a political contribution.

One of the first meetings of the Subcommittee on Elections even attracted visitors from outside Minnesota. Doris "Granny D" Haddock, who walked from California to Washington, D.C. in support of campaign finance reform, gave spirited testimony urging members to enact change. Wearing a flamboyant hat and a vest covered with buttons, Granny D decried the fundraising that requires a politician to "give up his soul to run in this country." Accompanying Granny D were two state legislators from Maine who discussed their experiences running publicly-financed campaigns in the 2000 election. The state's new system allowed them to dispense with fundraising efforts and spend more time meeting constituents face to face, they said.

The comprehensive reform proposed in S.F. 388 is attractive to those who perceive a pressing need for sweeping changes. However, some members felt it would be wiser to build on the successes of the state's current campaign finance system. Marty used such an approach in drafting S.F. 90. "I like our system because we have 100 percent compliance," he said, "Our system is better than average and something we can be proud of but it's got a ways to go." Marty's bill increases the level of public financing and attempts to take all "big money" out of politics. Specifically, the bill repeals the income tax checkoff as a source of public subsidies and uses general fund money to pay for 70 percent of a candidate's spending limit. Individual contributions are limited to \$100 per year, while the maximum political contribution refund (PCR) is doubled from \$50 to \$100. The PCR program thus makes it possible for individuals to receive full reimbursement from the state for all contributions to candidate's campaign.

The system proposed in his bill, Marty said, retains an emphasis on private contributions, yet the combination of an increased PCR and a 70 percent public subsidy results in cam-

paigns that are more or less 100 percent publicly financed. Other provisions are intended to ensure that the individual contribution is not overshadowed by larger spenders. To receive public money, a candidate must agree not to accept any contributions from lobbyists or political action committees (PACs). In addition, parties that agree not to make independent expenditures on behalf of their candidates receive \$200,000 from the state. Like Hottinger's bill, S.F. 90 also provides candidates with public money to respond to independent expenditures or to match nonparticipating opponents who exceed the spending limit.

Building on Minnesota's current system will lead to greater participation, according to Marty. He pointed out that states with a full public financing system have only a 30 to 40 percent participation rate, while Minnesota has close to 100 percent participation in the current system of partial public funding. Hottinger, on the other hand, does not find the participation argument credible. "A 30 to 40 percent participation rate is pretty significant since other states are starting from zero," he said. "We already have an ethic and a culture of public financing. If suddenly candidates get 100 percent, why would they not participate in that program?"

Although Marty's approach to reform is gradual, his concern over the influence of money in politics exceeds that of most other members of the Subcommittee on Elections. Like most members, he agrees that few Legislators consciously allow themselves to be influenced by money. "I have a high respect for most people of all parties," he said, "There are few people here who wouldn't turn and run if you came to their office and said, 'Here's a thousand dollars, vote for this.'"

However, Marty said, money has a more subtle impact on the legislative process. In his opinion, lobbyists are not overtly buying votes, but hope to gain access to members through contributions. Proof of the influence of money, he said, lies in the fact that promoters of major projects give money to candidates of both parties. "If somebody gives you money, at least subconsciously you're favorable towards them," he contends.

Marty illustrated his views with a story from his personal experience. Early in his legislative career, he said, a



Embroiled in the reform debate (from left): Sen. Mark Ourada, Sen. John Marty and Sen. John Hottinger.

lobbyist offered him a ticket to the World Series. Such a gift allows a lobbyist to make friends with a Legislator, according to Marty, and personal rapport helps the lobbyist gain the Legislator's ear when the time comes to promote major policy. "Lobbyists will say, 'John good buddy let's talk about this.' That's the way it works," Marty explained.

Legislators are often offended by the suggestion that there is any reality behind the public perception that votes can be bought, Marty said. But, in his view, the problem is not with individuals but with the system that allows money to play a role. "It's not corrupt people in the system, it's a corrupt system we have to address," he said.

Marty pointed out that, if perception is the only problem, all the state needs is a public relations campaign to convince citizens that corruption is a perception. But the influence of money is real and reform should be a priority, he insisted, "Campaign finance reform becomes so important because it influences the way every other issue is decided."

In spite of all the discussion about Hottinger's and Marty's bills, neither made it to the Senate floor in this year's session. Marty tabled S.F. 90 in order to work together with Hottinger on S.F. 388. A later attempt by Marty to bring S.F. 388 closer to the concept of a 70 percent public financing system was voted down in the subcommittee. S.F. 388 advanced to the full Rules Committee, where it still remains. The bill is not

dead and will come up again next year, Hottinger said.

The only campaign finance measure to advance to the floor was the governor's proposal, S.F. 1579, called the "Open and Accountable Campaigns Bill." The bill was incorporated into the omnibus state government operations appropriations bill, S.F. 2360. However, all but two provisions were dropped from the compromise bill passed in the Special Session. The changes advocated by the governor, while significant, are not as far-reaching as the systems proposed by either the Hottinger bill or the Marty bill. The governor's bill primarily aims at stricter regulation of independent expenditures. The definition of "expenditure" is broadened to include any communication that names or depicts a candidate within 60 days of the election. The bill prohibits political parties from making independent expenditures and creates a revolving fund to provide loans for candidates to respond to independent expenditures. Stricter disclosure requirements make use of the Internet's speed to ensure that a candidate has time to respond to an independent expenditure. In other provisions, candidates are prohibited from accepting contributions from lobbyists, and public subsidies are paid to candidates immediately following the primary election, rather than after the general election.

Reactions to the governor's proposal range from mild approval to strong opposition. Sen. Mark Ourada (R-Buffalo), a member of the Rules and

Administration Subcommittee on Elections, shares the dislike of independent expenditures, but expressed doubt that the provisions in S.F. 1579 will alleviate the problem. In banning independent expenditures by parties, he says, the bill disarms political parties while giving outside groups free rein. "If we limit party accounts, we're saying 'We'll get rid of our arms but we'll let you keep your arms and do whatever you want,'" Ourada said.

In an ideal situation, Ourada said, contributions would be given directly to candidates, allowing them to control their own campaign. But, as he pointed out, enforcing such a system would require a complete ban on independent expenditures, which is likely to violate the constitutional ideal of free speech. In Ourada's view, further regulation is likely to be ineffective in light of the constitutional right to spend money and publish a message. "All this is going to do is force the money to go somewhere else. I don't think you're going to stop the influence of money," he said.

Ourada expressed some interest in the idea of matching funds to respond to independent expenditures, but questioned the timing of the disclosure and response process. Most of the independent spending occurs at the end of a campaign, he said, leaving candidates little time to effectively get their message out. "The concept sounds good but it probably won't help candidates out," he concluded.

Minnesota's current system strikes a balance between public and private

financing, Ourada said. He estimated that public subsidies, together with the 90 percent of contributions refunded through the PCR program, account for about 75 percent of candidates' spending. "I am philosophically opposed to 100 percent public financing," Ourada said. He pointed out that the average candidate for the Minnesota Senate spent \$28,000, a modest amount compared to the excesses of national campaigns. "We are much different in Minnesota from the national level and people don't recognize that," he said, "I think the idea that all we do is fundraise is pure myth."

Lobbyists and PACs also play a legitimate role in the legislative process, according to Ourada. He pointed out that lobbyists simply represent a group of people with shared interests, some of whom reside in his district. "If a lobbyist wants to come talk about an issue, I'm willing," he said. However, he continued, "If a constituent wants a meeting, he or she gets it. Constituents have the best access to me in the world, better than lobbyists and PACs."

Sen. Warren Limmer (R-Maple Grove), also a member of the subcommittee, seconded Ourada's trust in Minnesota's current system. "For years Minnesota has been known as one of a few states that has a sterile environment toward funding and influencing of government decisions," he said. In his view, a combination of public subsidies, the PCR program, and limits on spending and lobbyist contributions creates a clean election system. In addition, the public is so jaded by negative advertisements, he said, that such ads are likely to harm the candidate on whose behalf they are produced. "I think you need to trust in the public," he said, "Negative campaigning doesn't work well in Minnesota - 'Minnesota nice' prevails."

Limmer also downplayed the influence of money and lobbyists in determining votes. Lobbying gives you familiarity, but doesn't necessarily bring access. "I have more of an open door to constituents than to lobbyists," he said. Contributions also fail to sway his views, he said. If people whose views he disagrees with are foolish enough to give him money, he said, he will use it, provided he has no moral objection to the source.

In response to those who blame the perception of corruption for low voter

turnout, Limmer pointed to the high voter turnout in his district. Those voters apparently have confidence in the current system, he said. "I don't perceive the problem as intensely as some," he concluded.

Nevertheless, Limmer agreed with his colleagues that independent expenditures need more focus. "These dollars are just blowing up," he said, "all for control of the majority of the chamber." He continued, "If we're going to do anything we should empower individuals, make their contributions more significant." But limits on speech are unconstitutional and incentives are imperfect tools, he said. Like Ourada, he doubts that the matching funds proposal in S.F. 1579 will work, because candidates will not be able to respond fast enough. In his view, independent expenditures are an obstacle that every candidate has to overcome.

In short, Limmer concluded, there is no compelling reason to reform Minnesota's campaign finance system. "I've never voted for change for change's sake," he said. In his opinion, this year's push for campaign finance reform was motivated partially by a third party victory in the governor's race, "Everyone's saying, 'There's a problem—our side didn't win.'" Political envy can also lead to calls for reform, Limmer said, when candidates get a message on their behalf that their opponents wish they had. In any case, Limmer believes that S.F. 1579 "is a window dressing bill and a sham to the public. It will not change anything."

For the supporters of campaign finance reform, the governor's proposal doesn't go far enough. "At least it starts to address some of the issues," Hottinger said, "if that's as far as the Legislature is willing to go." In Hottinger's opinion, the only way independent expenditures can be constitutionally regulated is in the context of a totally new system, such as full public financing.

Marty is more enthusiastic. He was surprised and pleased at the changes proposed in the administration's bill, he said, "We've done nothing since 1994, and the system has gotten much worse. Any change is a reversal of direction and a step forward." He applauded the administration's efforts to address the crisis in independent expenditures.

Sen. Linda Scheid (DFL-Brooklyn Park) provided a balanced evaluation of

this session's three campaign finance bills. Scheid was the author of major reform legislation in 1990. This year, as a member of the subcommittee but not a chief sponsor of any of the bills, she said she was able to weigh the pros and cons of the three bills in a more detached fashion. Although she signed on as a coauthor of Hottinger's bill, she expressed a preference for a middle route. "I think we should move more than the governor's bill, but not as much as Hottinger's," she said.

Like Hottinger, Scheid believes that increasing independent expenditures and public perception are the major problems with Minnesota's current system. For example, she said, the students she encounters as a substitute teacher often wonder why a Legislator would need to work as a teacher. "They think cash is changing hands all the time," she said, "I don't think it's true at all, but the perception is there that lobbyists control us because they give us money."

Ballooning independent expenditures are difficult to contain, Scheid said. "When you squeeze a balloon it pushes out somewhere else. If you dry up a source in one place, it will find another way to be spent," she said. Providing money to respond to independent expenditures is an idea worth trying, she said.

Scheid parts ways with Hottinger by preferring a modification of Minnesota's current system rather than a completely new program. A full public subsidy may lead to decreased candidate participation, she said. It is better to have a mixture of public and private money, she said.

Scheid turned the focus away from legislation with an appeal to personal integrity. She was disgusted, she said, by the way political parties distorted records in recent elections. During her own campaigns, she said, she holds fast to a principle of never talking about her opponent, thus avoiding any appearance of negative campaigning.

Reformers continue to seek to create a better campaign finance system, one that encourages fairness and trust in government. New approaches and modifications are likely to continue being debated in the hearing rooms of the Capitol as reformers strive toward a balance of free speech and clean elections.

Traffic Congestion:

A Minnesota Nightmare

by Anne Auger



Like millions of Americans, Metro Area drivers are facing a road congestion crisis that threatens to compromise their quality of life, the environment and the economy. Increased traffic and lack of transportation funding has exacerbated traffic congestion on the roads—and there is no end in site. The Metropolitan Council projects there will be another 500,000 people living in the Twin Cities area by 2020. That means over 300,000 more cars on the roads, more wear and tear on the roads—and more congestion.

Sen. Randy Kelly (DFL-St. Paul), chair of the Transportation Committee, says today's congestion is insignificant compared to what it will be if the Legislature doesn't position the state's transportation policy for the eminent population increase. "We will compromise the quality of life in the Metropolitan Area as well as significantly stifle the economic viability of our region," he said.

The Texas Transportation Institute estimates that Metro Area drivers spend an average of a full work week annually sitting in traffic on congested roads. This is a national trend and according to the chair of the Transportation and Public Safety Budget Division, Sen. Dean Johnson (DFL-Willmar), it is not just about time; it's about money too. One survey estimates that congestion costs Americans \$78 billion a year in wasted fuel and lost time—up 39 percent since 1990. Studies show that people with long commutes are at a higher risk for an array of ailments. Topping the list are high blood pressure, sleep deprivation and depression.

According to the most recent federal data, the time mothers spend behind the wheel increased 11 percent between 1990 and 1995, more time than it takes them to feed, dress and bathe their children. "The average mother of school-age children spends about 66 minutes driving per day—taking more than 5 trips and covering 29 miles," according to an article in the May 28 issue of U.S. News & World Report. Findings in a report compiled by the Washington Family Council show that the long-term consequences of traffic reach far beyond simple economics; it seeps into the foundation of society—people and their families.

More time spent in vehicles inching toward home and work means less time

for family relationships, friendships and contributing to community activities. Scheduling has become the "buzz word" for commuters. Husbands and wives schedule dates, quality time with the kids and family meals. Extensive studies on the reasons for American's decreased involvement in social groups like PTA, church, recreational clubs and political parties, were conducted by Robert Putnam, professor of public policy at Harvard University. "Long commutes are a bigger reason than almost any demographic factor," he said in U.S. News. "The relationship can be plotted on a curve," Putnam said, "For every 10 minutes spent driving to work, involvement in community affairs drops by 10 percent."

The environmental impact of congestion worsens daily due to increased hours crawling along roads, which causes vehicles to operate less efficiently and consume more fuel while emitting more pollutants. "Congestion is an environmental issue and nobody ever talks about that," said Sen. Julie Sabo

(DFL-Mpls.). "We are Minnesotans," she said, "We love our outdoors. We love our green space." And yet, she said, we are all resistant to changing the one factor we are contributing that is destroying this way of life—traffic congestion. With green space being consumed by more and more asphalt, and global warming aided by air pollutants transmitted from vehicles, Sabo said, "I think we've reached the point where pointing the finger at factors is done and it's time for a little bit of personal responsibility on the part of Minneostans in changing their behaviors."

Traffic congestion costs businesses and consumers money. Commercial freight carriers and shippers are sitting in brigades of bumper to bumper vehicles crawling at a rate that is 10 percent of the posted speed limit, according to the Minnesota Transportation Alliance. They are incurring the same gas and vehicle maintenance costs as every other driver on the freeway. However, their costs are multiplied by the number of



Sen. Randy Kelly



Sen. Dean Johnson

trucks in the fleet and ultimately, the costs are paid for by consumers.

Congestion is also becoming a serious planning consideration for many companies. Recruiting and retaining employees is more expensive because workers balk at the prospect of getting up 30 to 60 minutes earlier than necessary as a prelude to a slow crawl on a freeway overpopulated by Type A personalities.

More and more, workers are complaining about the cost of fueling and maintaining cars that idle on congested freeways for almost an hour a week.

According to Johnson, help is on the way, at least for some Metro Area employees. In cooperation with the Minnesota Department of Transportation (MNDOT) and in an effort to employ more mentally alert workers, he said, American Express/IDS pays for its employees' bus rides to and from work. Over 500 companies in the Twin Cities are joining American Express/IDS in responding to the congestion by providing transit incentives and offering flexible work hours to lessen the number of vehicles on roads during peak driving hours. For some businesses, it is too little, too late and they have been forced to relocate to less congested areas.

Although corporate efforts at quelling some of the effects of congestion have succeeded in providing a modicum of short-term congestion relief, members of the Senate transportation

panels are united in their attempts to ensure adequate long-term transportation funding, which they say is the fundamental barrier to congestion relief.

MNDOT estimates that \$20 billion over the next 20 years is necessary to address transportation needs, while current funding streams are only projected to raise \$5 billion. According to Kelly, the \$15 billion gap is what the transportation panels tried to focus on in the long-term funding initiatives in the Senate 2001 transportation budget bill.

The bill, as passed by the Transportation and Public Safety Budget Division, provides the possibility for an increased dedication of the motor vehicle excise tax (MVET). The dedicated amount of MVET, a tax on newly purchased vehicles, will increase from 32 percent to 50 percent, contingent on voter approval of a constitutional amendment. The increase is estimated to raise anywhere from \$350 to \$450 million. However, Senate Minority Leader Dick Day (R-Owatonna) said monies only backfill the funding void left last year as a result of the governor's license plate fee reduction.

To provide additional long-term resources, the Senate bill provides a second opportunity for voters to fund transportation needs. On ballots next fall will be a question regarding a constitutional dedication of a portion of the gas tax for highway construction and maintenance projects. A 3-cent per gallon gas tax increase with indexing allows for a revenue growth of about \$15 million per year, said Johnson. In 1988, he said, the Minnesota gas tax was increased to the present 20 cents per gallon. With inflation, that is only 12 cents per gallon in today's money, and that is all constitutionally dedicated to road repairs, maintenance and construction, he said. "Wisconsin, on the other hand, was at the same place Minnesota was in 1988 but they have indexing and are at 27 cents per gallon. Federal and state gas tax monies used to expand our road system have not kept up," he said.

By supplanting \$300 million from the surplus to the transportation system, the Senate bill also attempted to provide one-time monies to get to the back-log of projects that have been in the pipeline for years, said Kelly. He said that is what the Senate began doing last year when over \$500 million were

transferred from the surplus to transportation. He said, "Those dollars will be absolutely committed by the end of 2003. If we do not increase dollars, either one-time or long-term, there will be a significant cliff where we will drop from about \$840 million of investments per year down to about \$500 million per year, which is the amount that has typically been spent," he said.

Other one time monies were aimed at transit under the original Senate bill. This year \$23 million is allocated for three rail initiatives: a \$10 million state commitment for engineering and preliminary studies for the North Star Commuter Rail that goes between St. Cloud and downtown Minneapolis; another \$10 million for a high-speed rail project, the Midwest Regional Railroad Initiative, connecting Chicago and Minneapolis with seven other states; and \$3 million for the state to purchase the St. Paul Union Depot for future use as a multi-modal transit hub.

Kelly, author of the St. Paul Union Depot bill, said the idea behind the purchase is to move Amtrak back to the depot, have high-speed rail coming in from Chicago, commuter rail coming in from St. Cloud in the north and Hastings from the south and a bus transit-way intersecting with the depot



Sen. Julie Sabo



Some Senators have proposed using the St. Paul Union Depot, above, as a multi-modal transit hub, linking buses, light-rail, commuter rail and railroad traffic in one location.

from the airport and Mall of America. If studies bring forth a recommendation to build light rail between Minneapolis and St. Paul, that too would come into the Union Depot, providing a multi-modal transit hub in downtown St. Paul where people could choose to move by commuter rail, high speed rail or buses.

In addition, the original Senate bill appropriated \$5 million for preliminary engineering studies for the Central Corridor, between St. Paul and Minneapolis, to determine what is most appropriate—light rail or a sophisticated bus system.

Johnson said the whole system could be in place within 10 years if funding was available.

“The Administration was a strong proponent for transportation last year, but I feel like the governor gave up after one try,” said

Sabo. She said, “That left the Senate holding the ball because the House basically walked away from their responsibility by not providing any meaningful transportation funding in their bill.”

Although constitutionally dedicated funds were an integral part of the bill, she says it locks the state into an inadequate amount of funding that cannot be changed unless amended and it is not flexible. She had a provision in the original Senate tax bill, which was subsequently dropped, that reduced the

sales tax by half a cent and reinstated it as a dedicated transportation funding source. She said it made sense because the tax, which was estimated to

raise in the neighborhood of \$164 million, came from local areas and the transportation revenue would have gone

back to local areas to use on any mode of transportation that was needed. “It may not have gotten us close to the actual needs but it was significantly more than we have right now and it was flexible,” she said.

According to Sabo, funding remedies in the Senate bill didn’t match the answer to transportation problems. The Legislature, she said, has a funding structure that is locked into one mode—roads. She said it is inflexible and unsustainable both cost-wise and in terms of dealing with the congestion problem. “We haven’t diversified and now we have fallen so far behind in our one modality that we cannot catch up to diversify in any significant way,” she said. A multi-modal proponent, Sabo is a strong advocate for transit and, although the bill does invest in rail, she believes the investment is inadequate.

Although funding issues were yet to be resolved, Sabo said she believes rail moves people safely, efficiently and effectively while providing a mode of transportation that is environmentally

“We should invest in rail because without it, sprawl will continue and rural Minnesota won’t be rural any more.”

– Sen. Julie Sabo

friendly, aids in halting urban sprawl and bolsters integration.

"The issue really ties into the identity we have as Minnesotans in terms of linking a transit issue to people that live outside of the Metro Area," she said. The question that needs to be asked of people living in small towns, she said, is: "Is that (rural) a life worth preserving?" If rural Minnesotans think it is, then, said Sabo, "We should invest in rail because without it, sprawl will continue and rural Minnesota won't be rural any more."

Another transit issue, one that doesn't get much air time, is integration. Minnesota is becoming more diverse. More and more immigrants and minorities are flocking to the core downtown areas. Without a mass transit system, it is much more difficult to diversify because newcomers don't have transportation access to the suburbs and surrounding areas. Sabo is on board with those that believe transit is one of the keys to opening the door to integration.

"Part of the problem is that it's easy to do roads and everybody understands it

because it is established. Beyond the Capitol it's an easy sell," she said. As disappointed as Sabo is about the lack of transit funding in the bill, she hasn't given up.

Last year the governor succeeded in securing approximately \$800 million for light rail between downtown Minneapolis, the Mall of America and the airport. Although she believes the governor has not sustained the high level of advocacy for transit that he displayed last year, she is hopeful that he will step forward again next year and fund the transit initiatives that will give the state the multi-modal approach needed to alleviate congestion.

"As far as I'm concerned, transportation is the number one issue in the state right now—even over education," said Day. Priority one for both the governor and Speaker of the House, he said, is to return all \$800 million of the surplus back to Minnesotans in rebate checks. He said the governor is going to force the rebate issue and if he is successful, all that will be left in the compromise budget bill is the money to backfill the lost money from last year's

license plate fee reductions. [Editor's note: A sales tax rebate of all "surplus" monies from FY 2001 was included in the final tax bill agreed upon by all three parties.]

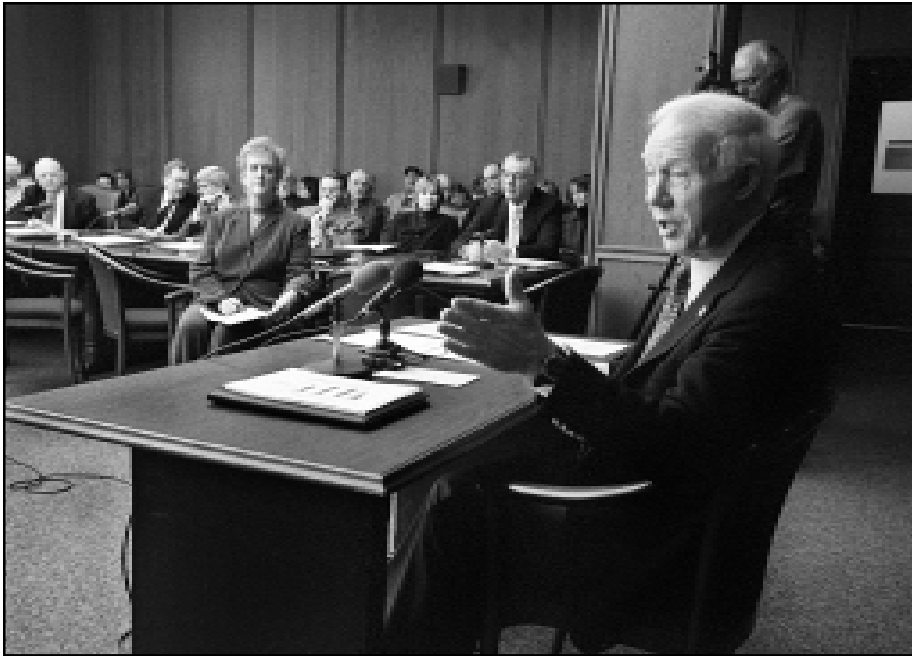
A self-professed lover of the automobile, Day says, "We need to build more roads. Nobody's going to get out of their car and use rail." He said he doesn't believe light rail will help congestion because only 4 percent of the population in the country is using rail and the rest are driving. A balanced approach, or a multi-modal approach, Day said, is not going to work because people will not give up their automobiles.

Although he has long been a proponent of cars and roads, Day now strongly supports buses as a means of lessening congestion. "I really think buses are great," he said. He learned from his bus rides this session that one of the reasons people ride buses is because they don't like to drive on congested roadways.

As a means of relieving congestion, Day said the Legislature needs to appropriate \$500 million for the bus



Commuters gather in downtown St. Paul to board Metro Transit buses.



Congressman Jim Oberstar addresses a joint legislative transportation panel Feb. 20, 2001.

system. However much he believes in buses, Day is at odds with a provision in the original bill that subsidized the quarter rate bus fare increase. "When it is a dollar to ride the bus, it is bogus to have to pick up \$18 million because we don't want to have to charge another quarter." With sky-rocketing gasoline prices, Day believes riders should pick up the cost, not government.

He also believes that government should step in when planned projects no longer satisfy needs. That is why he supported provisions in the Senate bill that put a halt to the Highway 62/ Crosstown construction project and accelerate the lane expansion project on the I-494/694 beltway. The original intent of the Highway 62 project was to alleviate congestion on one of the 20 worst bottle-necks in the country.

However, after 20 years of planning, when completed, the project would only alleviate

60 percent of the congestion, according to committee testimony from Department of Transportation representatives. Hence, the original Senate bill transferred all funding from the Cross-town project to the beltway project, allowing for a redesign for improved

capacity. Day said the provisions made sense and will improve congestion by improving capacity on two of the busiest roads in the state.

As transportation panel chairs, both Kelly and Johnson are convinced that additional long-term funding streams are essential for congestion relief and that is why they steered members toward a bill that was both bold and aggressive in its funding provisions. However, when asked what grade the Senate deserves for funding transportation this session, Johnson said, "It maintained a C average—nothing to celebrate. We maintained the status quo at a time when there is increased pressure on the transportation system."

The reason for this, he said, is that it would have taken some general fund money and increased taxes to adequately address congestion relief and the administration and House were not

willing to do that. "Quite honestly, there is a lack of courage around here," said Johnson. He points to the half dozen gas taxes he voted for in the last 20 years and says, "It's never been an issue for me. Legislators are underestimating the people."

"Long-term funding in the Senate bill is inadequate and in the House bill it is absolutely terrible," said Kelly. The House bill, he said, would have caused dramatic decreases in public transit service, including route cancellations and over 400 lay-offs. According to Kelly, the House moved in exactly the opposite direction that needs to be taken to solve congestion. "I am very disappointed in the lack of commitment on the part of the House to public transit," he said. Describing the bill as "one dimensional," he said the meager investments that were in the House bill are all on the road system. He said, "We need roads, we need highways and freeways, but we also need to be investing in our public transit and rail systems."

Looking toward the future, Johnson said, "I think Gov. Ventura, the Legislature and the Minnesota Department of Transportation need to be more serious and intentional in transportation planning." Kelly said, "I hold out a small hope that in the overall negotiations, the House, Senate and administration will recognize the tremendous transportation needs of this state and put in place some long-term funding that meets the needs now and in the future."



Sen. Dick Day

Minnesota's Affordable Hou



by Mary Kate Stimmler

Surplus, surplus, surplus. When Senators went back to the Capitol in January, they were faced with the happy, perplexing task of figuring what to do with an estimated \$924 million left in the general fund after Fiscal Year 2001 and the projected \$2 billion in excess revenue in FY 2002-2003. It's a tough job, but everybody wants to do it.

Yet, as the state treasury was experiencing a surplus, homeless shelters across the state were stretched to the limit. More than 1,000 people are turned away each night in from homeless shelters in Minnesota that are full. More than 8,600 people are homeless on any given night in Minnesota. More than twice as many people are homeless in Minnesota than a decade ago. More than five times as many people were turned away from shelters on an average night in 2000 than on a normal night in 1991. These figures were gathered by the Wilder Research Center's comprehensive survey of all of Minnesota's homeless shelters in October. The numbers do not show thousands more people who are precariously housed in overcrowded living quarters or are staying with relatives while looking for stable shelter. In addition, the explosion of homelessness has been exacerbated by soaring energy costs this winter.

While more Minnesotans than ever are struggling to keep warm, Minnesota has been basking in the sunshine of an economic boom. According to the Department of Economic Security, last year unemployment levels in Minnesota dipped below 3 percent, suggesting that Minnesota had reached full employment in the workforce.

The strange coupling of startlingly low unemployment and a growing homeless population has produced an unusual increase in the number of homeless people with jobs. According to the Wilder Research Center, the proportion of homeless adults working full- or part-time has more than doubled from 19 percent in 1991 to 41 percent in 2000. The percent working full time has tripled from 7.5 percent to 26 percent.

However, wages have not kept pace with the cost of living. The Wilder study found that about 70 percent of the working homeless earn less than \$10 per hour. Half of all jobs in Minnesota pay less than \$10 per hour, according to the AFL-CIO. Yet, in order to afford the average one-bedroom apartment in the Twin Cities—\$664 per month—a person needs to earn \$12.70 per hour, according to the Wilder estimate.

"So many jobs that are unfilled are lower income jobs," said Sen. Linda Higgins (DFL-Mpls.). "But these jobs

don't pay enough to keep people off the streets."

"My district," she said, "used to be the last hope for affordable housing in Minneapolis, but that's changed quite a bit now." Higgins, who represents North Minneapolis, illustrated how family budgets have been stretched to the snapping point by high housing costs. She calculated the budget of a fictional four-person family. An average three-bedroom apartment in her district costs about \$1,200, she said. If two parents with two children are working full-time for \$7 an hour, she figured, the total family income after taxes is about \$1,400 per month. That leaves \$200 for food, utilities, transportation, clothes, medical care and other necessities, she concluded. "The math just doesn't work out," she said.

The math isn't working out for a lot of people. "It isn't just low, low income people who are struggling to afford homes," said Sen. Arlene Lesewski (R-Marshall). "Some middle class people are having problems, too." Between 1990 and 1999, median home sale prices rose 61 percent while median household incomes only increased 50 percent, according to an extensive report on the housing shortage by the Legislative Auditor. The study found that while the average Metro Area rent soared 34

ousing Crisis



percent in the last decade, the median renter income rose only 9 percent, barely keeping up with inflation. The resulting mismatch has rendered more middle income families in Minnesota less able to maintain a basic standard of living.

As working parents find it harder to make ends meet, children are put increasingly at risk. Minors now account for half of shelter residents, according to the Department of Children, Families and Learning.

The experience of homelessness has a proven effect on children's mental and emotional development. According to Cynthia Fashaw from the Minneapolis Public Schools, children who experience homelessness are often two years behind academically. They also tend to show signs of emotional distress including aggressive, disruptive behavior in the classroom, she said. The constant switching of homes and schools disrupts children's ability to focus and learn, she said. The repeated moving among school districts interrupts students' academic tracks because kids are forced to enter classes in the middle of terms and constantly make up for missed lessons, she said.

"I think we will find that as homeless kids get older there is a psychological effect to all of this," said Higgins. Today 800 students are bused to schools

within the Minneapolis public school system, she said. This session Higgins introduced a bill to expand the school stability project, an initiative aimed at keeping kids in the same school district while their families are in periods of transition and economic stress.

Since the project began 2 years ago, it has sheltered 71 kids from the whirlwind of schools and relocations associated with homelessness. The expansion of the program proposed by Higgins will allow the school stability project to serve three St. Paul and three Minneapolis schools where there is a high population of children who are forced to move frequently because their families are unable to secure stable housing. The project provides rental assistance to families with children who have changed schools at least once or been absent more than 15 percent of the school year and have been evicted, are living in overcrowded conditions, or are paying more than half of their income on rent. The program gives families the financial assistance to tide them over while they secure stable housing. The project prevents families from having to take their children out of schools as the family moves from shelter to shelter, relative's house to relative's house.

"Imagine being a kid in school," Higgins said, "and you don't want to get

on the bus because you never know if you're gonna have a home when you get off the bus. It's got to be hard to concentrate on your work."

The original Senate omnibus jobs, housing and community development budget bill appropriated \$3 million to the project. However, because the majority of people who participate in the program are highly at risk for homelessness, but are prevented from using shelters, the programs can be considered a bargain, despite the cost, according to Sen. Ellen Anderson (DFL-St. Paul).

"It's a real bargain and we ought to invest in it," said Anderson during a Jobs, Housing and Community Development Committee meeting where family homelessness programs were debated. The school stability program was not included in the final omnibus jobs, housing and community development bill passed by the Legislature.

According to the Minnesota Coalition for the Homeless, family homelessness prevention costs about \$370 per family whereas housing a family in a shelter may cost up to \$4,000. The coalition estimates that 97 percent of people in Hennepin County who received homelessness prevention services stayed out of the shelter for at least a year.

"Kids need a place to call home," said Higgins. "A home helps them put down roots. It helps give them a sense of identity and a chance to have a family life that looks like those they see around them."

Just as the housing shortage is hurting the development of kids, it is also stunting the growth of rural communities, where aging housing stock is not being replaced. "The shortage of affordable housing is a very, very real issue for rural Minnesota," said Lesewski. "We lose a lot of our housing stock each year due to deterioration."

"It's tough out there in rural Minnesota," said Sen. Jim Vickerman (DFL-Tracy). "It's very tough to find a home now."

"In Lincoln County," Lesewski said, "the need for housing is obvious. You can't drive three miles without seeing five farm houses that are deteriorated and empty. As farms get bigger and bigger, retired farmers are selling out and moving into town. But there isn't a lot of housing for them there."

The Minnesota Senate has turned to an untraditional solution to the rural housing crisis—trailer parks, more formally referred to as manufactured home parks. According to the Minnesota Manufactured Housing Association, 14 percent of all single family homes sold in the state are manufactured

homes, the large majority of which are sold in Greater Minnesota. The average cost of a manufactured home is \$54,200, about \$100,000 less than the average price for a comparable traditional single family home, according to the Office of the Legislative Auditor's report.

Vickerman introduced a bill that creates a manufactured home park redevelopment program.

"There are quite a few home parks out there that could use some help, but the manufactured homes can be great homes, affordable homes," he said. "They are some of the last affordable housing in rural areas."

In the original Senate omnibus bill, the manufactured home park redevelopment program was appropriated \$1 million to give grants to cities, counties and community action programs to

improve manufactured home parks. Some of the funding was to be used to better park facilities with landscaping, increased lighting and road condition-

ing. The keystone proposal in the program is a provision to take older, dilapidated homes off of the market with buyout assistance and have them replaced with newer homes. Manufactured home owners are given a buyout option based on the value of their homes and

down payment assistance up to \$10,000 to buy a new manufactured home. The final omnibus bill appropriated \$400,000 for the project and set caps of \$4,000 per homeowner for the buyout option and \$10,000 per homeowner for down payment assistance.

"Maybe somebody has an older home worth only \$600. We can help them get rid of it and the \$10,000 can help them buy a new home," said Vickerman. "Maybe their neighbors will see the changes and start to fix up their place too. That's how I hope it's going to work. It's a win-win situation."

Vickerman emphasized that the program only helps people who want to be helped. "The buy-out option is strictly voluntary," said Vickerman. "Nothing in the bill forces anyone to move. It's just an option to get a nicer home and to fix up the parks."

To qualify for assistance in upgrading their manufactured home, households must have an income that is less than 80 percent of the area median income and preference is given to households with less than half the area median income. "Many senior citizens will probably use the program," said Vickerman. "You've got to have a pretty good job to pay rent these days. Some of the younger people are making good money and can buy a good home. But what about the elderly, if they're on social security, it isn't much."



Sen. Martha Robertson



Sen. Jim Vickerman

Both the manufactured home redevelopment plan and the school stability project assist the people affected by the housing shortage, a problem that affects the elderly in rural communities and children in the inner-city. Yet, the housing crisis threatens even those Minnesotans who are blessed with their own home, because the growth and economic vitality of all communities is stifled by the lack of affordable housing.

Entrepreneurs searching for a location for a new business have to consider the availability of housing for their workers, explained Sen. Martha Robertson (R-Minnetonka). For example, she said, "In my district, Ridgedale and several smaller malls are having trouble finding employees. There is a critical need for workers, but there is no place for them to live nearby. Housing is a missing piece of the larger puzzle."

For rural communities struggling to attract more businesses, housing is critical to catching the eye of companies looking for a new location. "Which came first, the chicken or the egg?" asked Lesewski, "If you have an affordable housing shortage, you can't attract a workforce and that becomes a hindrance to doing business in small communities." Yet, she said, in order to spur housing development, a community needs a vital economy. "If we seriously want to do economic development in rural Minnesota, we have to have housing," she said.

"Irrespective of ideology or party affiliation, people are coming to understand that housing is needed in every part of the state," said Sen. Richard Cohen (DFL-St. Paul). "It isn't something that just affects the central city. It plays a part in transit problems and workforce development too. Housing is a major component in everything we are trying to do at the Senate, whether its business development, taxes or transit."

While everyone seems to acknowledge that there is a housing crisis, the reasons vary broadly. The most obvious of the reasons for the crisis has been the state's population growth. According to the 2000 Census, Minnesota's population has escalated 12.6 percent in the past decade. "The change in Minnesota's demographics has caught everyone by surprise," said Cohen. "Immigration is at its peak level since 1920." "We just don't have the inventory of housing we need to keep up with population



Sen. Richard Cohen

growth," said Robertson. "We have people moving in and no more housing being built," said Lesewski, "That's where the problem is."

The growth of the state's population has strengthened the demand for more homes, but there are several explanations for why supply has not followed demand. The Office of the Legislative Auditor's survey of over 1,000 developers, builders and housing organizers found that reasons for the lack of new development are many. Developers cited the cost of labor, materials and land as the cause of the limited production of housing. Builders attributed housing shortages to development and construction fees. Housing organizations cited financing issues as a major barrier to affordable housing. Taxes, community indifference, building codes and zoning ordinances were also tied into the package of reasons for the short housing supply.

The Senate has recognized the manifold barriers to affordable housing and has been working to resolve the crisis on all fronts. The Senate has had bills introduced that address construction fees, property taxes, zoning laws and other triggers of the housing crisis.

Sen. Douglas Johnson (DFL-Tower) took on one of the major complaints of

housing developers, the fees imposed by local governments on new construction. The fees are charged for services provided by the city to the development—including plan review, park dedication and sewer and water access. The fees vary widely from municipality to municipality.

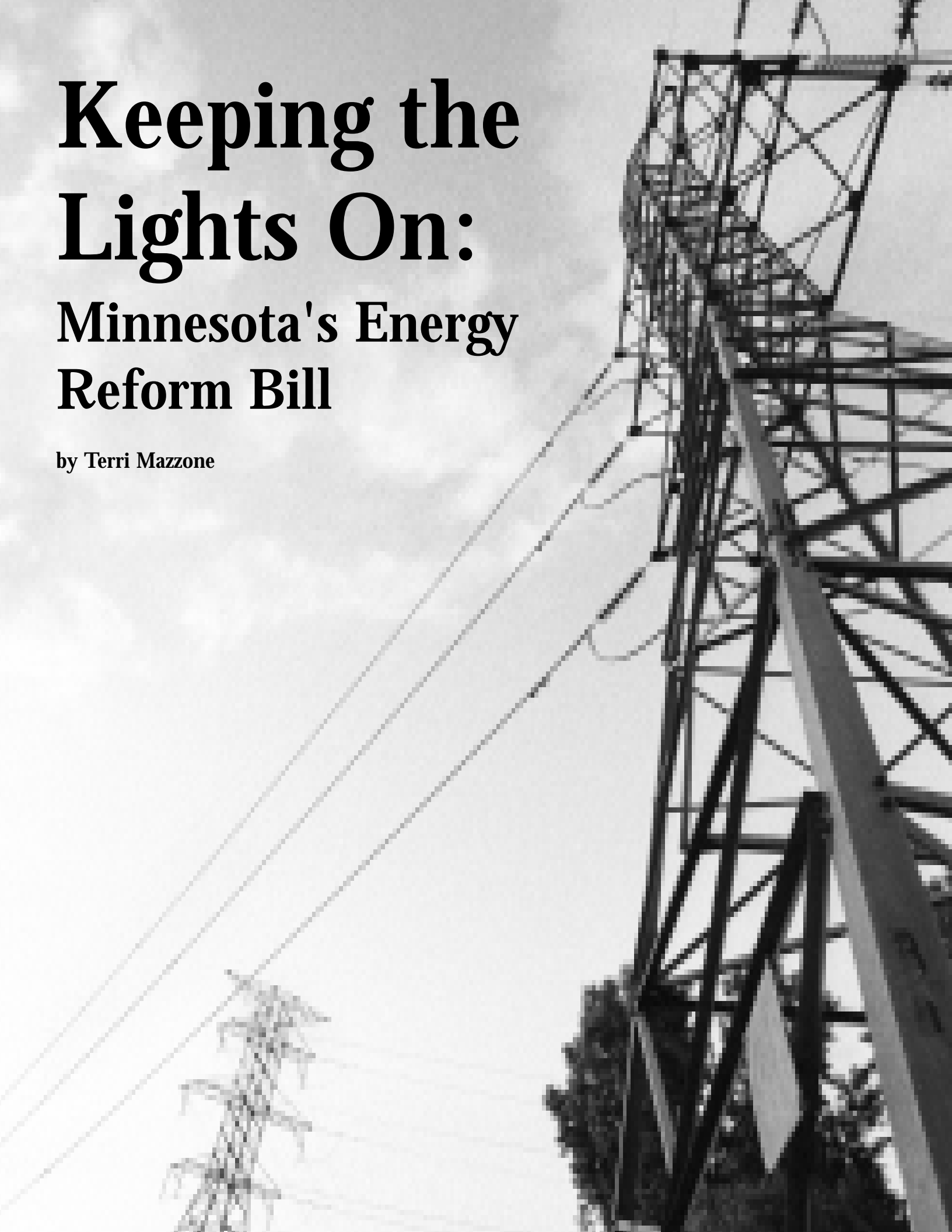
Johnson's bill required fees to be commensurate with the actual cost of providing the service. The bill also required each local government unit to submit a report to the Legislature detailing the nature of the construction fees it imposes. The resulting reports, said Johnson, will help the Legislature determine how to further reduce the cost of development in the future. "If we are serious about affordable housing," he said, "this is the kind of thing we can do and it won't cost the state a thing to do it."

Another cost put on construction by government is a little less direct. Builders are required to comply with the state building code, a set of standards that govern the design, construction, materials, fire protection, energy conservation, health and sanitation of homes. "We make a lot of specifications about what kind of housing gets built,"

Continued on page 36

Keeping the Lights On: Minnesota's Energy Reform Bill

by Terri Mazzone



Against a backdrop of rolling blackouts in California and looming power grid shortfalls in the Upper Midwest expected by mid-decade, the Senate Telecommunications, Energy and Utilities Committee constructed a new energy plan for Minnesota. At the national level, President George W. Bush has declared that the United States faces "the most serious energy shortage since the oil embargo of the 1970s." As Minnesota Senate committee hearings began in January for the 2001 Legislative Session, plummeting winter temperatures and soaring heating costs signaled the urgency in planning to meet the short-term crisis while preparing for long-term energy policy reform.

In his opening address to the Telecommunications, Energy and Utilities Committee, Chair James Metzen (DFL-South St. Paul) said that despite rising heating costs, the state was not yet experiencing a serious energy supply crisis and probably would not experience a crisis situation until at least 2006, given current capacities and usage. He concluded that the absence of a crisis in Minnesota allowed the committee time to explore and implement a thorough, thoughtful plan.

Metzen invited stakeholders to help define problems, contribute ideas and form possible solutions. Stakeholders included the Department of Commerce, the Public Utilities Commission (PUC), the Attorney General's Office, the utility companies, municipal utilities (munis), cooperatives (co-ops), environmental representatives and informed citizens. "I wanted to address the concerns of environmentalists as well as those of the utilities," said Metzen in a recent interview, adding, "I knew we had to provide a cost effective plan that was also environmentally friendly."

Beginning the hearings with a report from the Department of Commerce, Commissioner Jim Bernstein

defined several challenges facing policymakers. "When surveying consumers," he said, "three energy priorities are consistently named—reliability, affordability and price stability." Bernstein said that to meet and maintain consumer expectations, the committee must address the estimated shortage of between 3,000-5,000 megawatts of electricity expected to occur in Minnesota by the end of the decade. According to Bernstein, the energy situation in regard to natural gas is problematic because natural gas fuels most of Minnesota's electric power plants. Consumers saw natural gas prices increase by almost 300 percent from



Sen. James Metzen

January 2000 to January 2001. The price increases were blamed on higher demand and a hot summer followed by a very cold, long winter. Supplies of natural gas are tight, he said, and prices have tripled in a year and are expected to continue increasing for the long run. Bernstein reported that the transmission of electricity is another challenge because the transmission system is operating close to capacity and needs substantial infrastructure investments.

To better understand what happened with natural gas supplies in Minnesota this winter, Department of Commerce Energy Planning and Advocacy Manager Marya White was invited to address the committee concerning distribution and procurement practices. In response to White's

testimony about the state's 28 percent decline in gas storage levels, Sen. David Tomassoni (DFL-Chisholm) asked whether or not storage capacity was linked to the natural gas supply problem. White said that the storage levels indicate that supplies are down and do not represent a causal factor. She explained that the price of gas is not a cost-based price, but a market-based price, relative to supply and demand. Natural gas is traded on the New York Stock Exchange (NYSE) like any other commodity, and prices are based on the trade exchanges as set by the market. The market represents the price that the last buyer, for the last unit of gas, was

willing to pay. White said that prices from producers usually decline during the summer months, but did not last summer, which affected purchasing practices. In other words, utilities failed to buy for the long-term because prices remained high rather than declining seasonally, as expected. White assured the panel that utilities in Minnesota are carefully scrutinized and regulated. Currently in Minnesota, the retail rate for electricity sold by utilities is regulated or established by the PUC, regardless of whether the power is

sold by an investor-owned utility like Xcel, a municipal utility like Rochester Public Utilities, or a rural electric association, like Federated or Kandiyohi (co-ops). The PUC reviews the costs incurred by the utility and establishes or approves a rate sufficient to allow the utility an opportunity to recoup those costs.

Sen. Arlene Lesewski (R-Marshall) and other Senators have maintained that we need to be less dependent on outside energy sources. No new large generating plants have been built in the state since the 1980s and much of Minnesota's energy comes from the Dakota's and Canada. Testimony established that utilities were not coming forward with applications to build new plants in Minnesota for

several reasons. Environmental Quality Board Executive Director Mike Sullivan explained that usage cycles are difficult to predict, long delays sometimes occur prior to obtaining permits and add to the normal risks involved in building new facilities, and uncertainty about deregulation all contribute to hesitancy on the part of utility companies.

It was generally agreed by the panel that the state should promote new construction of electric generation and transmission facilities by streamlining the siting and permitting process. Currently, according to Metzen, it usually takes five or six years to site a new plant. "The process is too long and tedious," he said. Siting for generating facilities involves determining a location and obtaining a "certificate of need" to determine the size, type and timing of the facility. The assessment of need process includes establishing whether or not constructing the facility is consistent with other public policies. Also, public hearings and an environmental report are required by law as part of the process for both power plants and transmission lines.

Policymakers throughout the country were focused on California where deregulation set off supply shortages and meteoric price increases. Commenting on the California crisis, Lesewski said, "I do know that when experiencing a shortage of resources, that's the worst time to deregulate

because prices skyrocket." She continued, "There was a push to deregulate in 1994-1995 and I went to a conference to learn more, and I did not like what I heard . . . I believe that electricity should be regarded a necessity of life and that we need government control," she said.

Prior to the energy debacle in California, the assumption by many was that deregulation would result in benefits for consumers, including the ability to choose one's own energy supplier, as opposed to purchasing electricity from the utility in whose exclusive territory the customer is located at rates established by a regulatory authority. Deregulation was thought to encourage lower costs from efficiencies brought about by competition, pricing options, better services and the development of new technologies. California Legislators deregulated the wholesale market but capped the price that could be charged, so that profit margins decreased along with long-term energy purchasing, which was prohibited by California deregulation laws. A shortage of generating capacity was blamed for the power shortages, but reports have claimed that some utilities shut down several of their plants for repairs or were operating below full capacity to reduce available supplies and drive up prices. In any event, the outcome of the deregulation in California was a devastating shortage of power



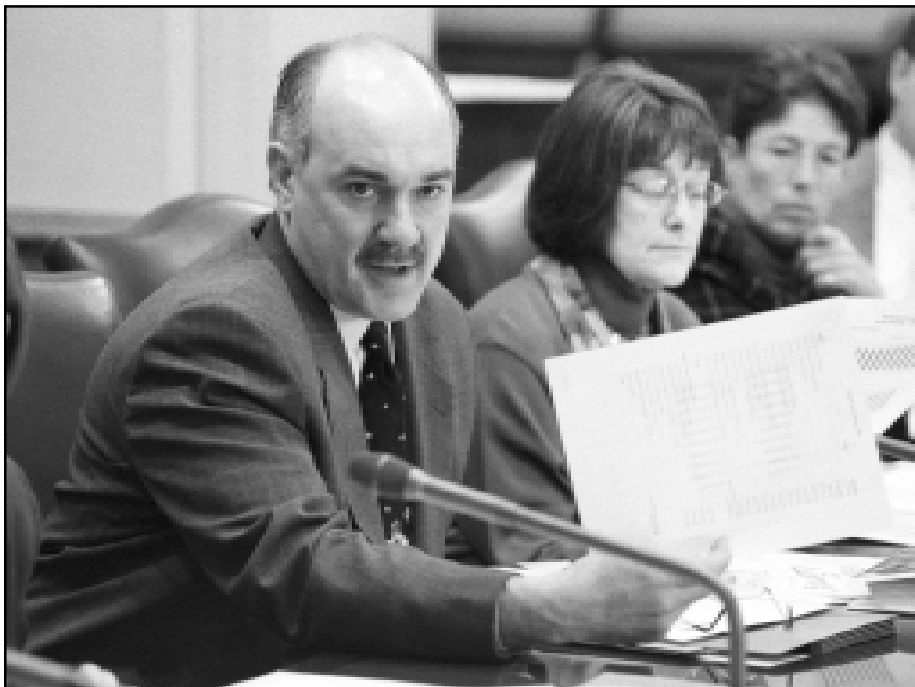
Sen. Arlene Lesewski

and electricity bills that rose to \$500 per month for an average-sized home. Back in Minnesota, "We don't want to end up like California," resounded like a mantra at Senate hearings.

Senators were enthusiastic about promoting clean, renewable energy technologies to supplement traditional sources and prepare for the future. Sen. Ellen Anderson (DFL-St. Paul) said that as fossil fuels become more expensive, renewable sources of energy have become more cost competitive, especially when health and environmental benefits are factored in.

In testimony for the Power Campaign, Bill Grant said, "The state is just scratching the surface of the renewable energy potential." He said that six other states have already adopted energy portfolio requirements for renewables, including wind, solar, biomass, small hydro and hydrogen fuel cells. Deputy Commissioner of Commerce Linda Taylor said, "The goal is to move renewables into the mainstream and to reach a 10 percent renewable energy capacity by 2010." Currently, renewable energy supplies only 1 percent of Minnesota's energy.

Utilities were not in favor of mandates under consideration requiring that a specified amount of energy be produced by renewable energy technologies. Several industry representatives testified that utilities are already doing a good job of making investments in renewables, and cooperative producers



Sen. David Tomassoni

thought mandates would over-burden their limited funds.

Lesewski, who has wind generated turbines in her district, said, "Of the renewables, wind is the most feasible. We have some biomass projects on board in Minnesota, but wind is more advanced in terms of providing proven efficiencies." According to the Minnesota Office of Environmental Assistance, wind now provides enough electricity to meet the annual needs of 45,000 homes. Lesewski said that one problem is that wind-produced electricity can't be stored—and it costs about \$1 million to buy and install three wind-mills. "They're only about 30 percent efficient," she added, "If every acre in Minnesota had a windmill, it still wouldn't produce enough electricity to meet the needs of the state." In regard to biomass, which refers to plant materials or animal waste that can be used for fuel, a turkey litter plant has worked the best. Other biomass projects include a woodchip plant in Sen. Bob Lessard's (IND-Int'l. Falls) district and an anaerobic digester cow manure plant that processes manure from 430 head of dairy cows for energy, Lesewski said. Sen. Dan Stevens authored a measure, S.F. 1516, to include biogas recovery facilities—an anaerobic digester system to process animal waste to produce gas for generating electricity—in the renewable energy production incentive programs.

Xcel Energy worked out a deal with Legislators in 1994 that advanced the use of wind and biomass fuels to provide electricity from renewable sources in exchange for gaining approval for storing above ground casks of radioactive waste at its Prairie Island nuclear power plant. Under terms of the deal, Xcel must generate or buy 425 megawatts of wind power and 125 megawatts of electricity generated from biomass fuel. Metzen stated at the outset of the hearings that rather than react to the panic in California, nuclear plant expansion would probably not be an option for Minnesota at this time.

Former Federal Secretary of Energy Donald Hodel, who served under President Reagan, commented recently about where the reasoning behind the trend to build natural gas-fired plants. He said, "Natural gas has been relatively less expensive than other fuels; contracts to supply it have been readily available; natural gas is considered to be more

environmentally benign, thereby potentially reducing opposition to the plant; physically, the plants can be built quite rapidly; and the conventional alternatives, coal and nuclear, are not viable in today's political climate."

Since the issue of nuclear energy was not on the committee agenda, much of the testimony from the public centered on concerns about dangers related to coal plant emissions. There are two sources of federal regulations of coal plants: New Source Performance Standards (NSPS) and New Source Review (NSR). According to the Minnesota Pollution Control Agency, none of Minnesota's coal-fired power



Sen. Ellen Anderson

plants meets today's federal New Source Review (NSR) levels for nitrogen oxide or sulphur dioxide, and no unit meets the most recent (NSPS) value for nitrogen oxide. Sierra Club Project Coordinator Paula Maccabee told the committee that 73 percent of Minnesota's coal-fired electric power megawatts meet no federal emissions or technology standards at all since the 1970's Clean Air Act exempted coal-fired plants from the strictest control standards for nitrogen oxide and sulphur dioxide. She said that Minnesota's coal plants are responsible for nearly 60

percent of particulate emissions detected in the state and for increased rates of asthma, lung cancer and cardiopulmonary disease. Mercury emissions from coal-fired plants are especially alarming because the toxic particles become lightweight as they evaporate and can travel airborne for as far as 600 miles, according to a report by the Minnesota Pollution Control Agency. Maccabee said that data analyzed from a Harvard study indicated that an estimated 153 Minnesota deaths could be avoided each year by reducing coal plant emissions by 75 percent. She also said that because the grandfathered plants are not required to install the same pollution control equipment as modern plants, they are operating at artificially low cost. In committee, Anderson spoke in favor of supporting efforts to convert existing coal-burning plants to cleaner-burning natural gas plants.

Everyone concerned agreed that a multifaceted strategy beginning with conservation efforts would move the state in the right direction. Currently, utilities in Minnesota are required to spend specified percentages of their gross revenues on conservation improvements under the Conservation Improvement Plan (CIP).

Four major energy proposals containing provisions from various interests were presented to the panel. They included initiatives offered by the Minnesota Chamber of Commerce, H.F. 710; People Organized for Workers, the Environment and Ratepayers (Power Campaign), S.F. 433; the administration, S.F. 722; and the Minnesota House plan carried by Rep. Loren Jennings (DFL-Harris) and Rep. Ken Wolf (R-Burnsville), H.F. 659.

Advocating the proposal endorsed by the administration, Assistant Commerce Commissioner for Energy Linda Taylor addressed the committee. "The key to the proposal," she said, "is in looking to conservation measures as a significant factor in solving energy problems. Taylor said the department also recommends the establishment of a goal for limiting adverse environmental emissions for the generation of electric energy. Additionally, the plan establishes a hierarchy of preferred energy sources, emphasizing renewable energy sources such as wind, solar and biomass. It also establishes modern interconnection standards for distributed generation

facilities and exempts all new generation facilities and capacity additions at existing facilities from the personal property tax. Following her presentation, Sen. Edward Oliver (R-Deephaven) questioned whether or not the proposal from the department assumes an environment of regulation or deregulation. Taylor informed members that the department's intention is to maintain the regulatory system currently in place.

Friendlier to a deregulated environment, the Minnesota Chamber of Commerce proposal allows customers to choose their electric supplier beginning Jan. 1, 2003. The proposal requires the unbundling of utility operations into separate corporate functions for the generation, transmission and distribution of energy. The term "restructuring" initially referred to a broad scope of electric industry reforms, but is now commonly used as a synonym for "unbundling" the generation component of the electricity rate from other components, and pricing generation separately. Restructuring also refers to deregulating the choice of electricity supply.

The plan offers a tax exemption for all personal property used to generate electricity and provides for payment of replacement revenues to local government units, with revenues collected from a "nonbypassable" surcharge. Also, the measure provides for streamlining the regulatory requirements related to power plant and transmission line permitting and siting. In terms of renewable energy provisions, the plan establishes a renewable energy tax credit program to subsidize the research, development and capital construction costs of renewable generation until 2010.

The proposal carried by Jennings and Wolf of the Minnesota House also allows customers or groups of customers with an aggregated or connected load of 5 megawatts or more to choose to purchase electricity from a supplier other than their host utility. Theoretically, a utility in another area that provides better services and lower costs would gain customers from higher priced utility services, which would encourage more competitive pricing. The House proposal contains the most aggressive approach for building new power generating

plants. The plan creates electric generation parks for multiple generation facilities, including gas, coal and renewables and authorizes the Environmental Quality Board (EQB) to oversee siting. H.F. 659 also contains provisions for streamlining the siting process. The House proposal provided that once an electric generation park is sited and a Certificate of Need is issued for the park, individual generation facilities constructed within the park are exempt from the Certificate of Need and EQB requirements. The proposal also authorizes greater generation credits for renewable and high efficiency resources relative to traditional generation technologies and provides monetary incentives to increase operating efficiencies and decrease emissions from facilities.

The proposal developed by the Power Campaign is distinguished in part by a provision to charge on a percentage of retail sales of electricity and natural gas to fund a public benefit account, a universal fund, that pays for energy efficiency projects and assist low-income bills. The program specifies that 30



Xcel Energy's Black Dog generating facility is being converted from reliance on coal to natural gas.

percent of the funds collected from electric sales and 80 percent collected from natural gas sales be allocated to low-income assistance and 70 percent of the funds collected from electric sales and 30 percent from natural gas must be allocated to energy efficiency programs. An estimated \$135 million would be generated annually through the fund. Another provision in the proposal authorizes the PUC to order utilities to invest in generation, transmission and distribution infrastructure and imposes a renewable energy portfolio standard to stimulate construction of new renewable generation facilities. Of major importance to citizens concerned about pollution from coal plant emissions, the Power Campaign's plan includes a statewide emissions cap established for nitrogen oxide, sulfur dioxide, mercury and carbon dioxide.

Following weeks of testimony and debate, the Senate committee developed the omnibus energy bill, S.F. 722, which incorporates elements from each of the four proposals, including numerous amendments by Senators. In Metzen's words, "The bill contains four primary ingredients: plans for energy conservation, streamlining the facility siting process, promotion of modern renewable and distributed energy policies and establishing safety and service standards."

The first portion of the bill addresses conservation measures. It incorporates proposals by Sen. Leonard Price (DFL-Woodbury) and Sen. Steve Kelley (DFL-Hopkins) to extend a shared energy conservation savings program to wholly-state leased buildings. It requires that buildings in the program must exceed existing energy codes by 30 percent. Also, sustainable building design standards, which must also exceed existing energy codes by 30 percent, are required for new state buildings funded by bond proceeds. Testimony had previously established that Minnesota could save 70-90 percent of energy costs in state buildings, or \$70-\$100 million per year, by incorporating energy saving technologies. The bill provides tax credits for energy efficiency improvements to commercial or residential buildings and establishes the Center for Minnesota's Energy Future within the University of Minnesota. The center is created to research improvements to thermal and

energy efficiency, techniques for storing wind and solar energy—including the use of hydrogen fuel cells—and to develop more efficient methods for generating electrical energy.

Another conservation provision amends the current Conservation Improvement Program (CIP) and adds language requiring that the CIP spending requirement for cooperative electric associations be based on their retail revenues as required of all other utilities. Under the bill, the spending requirement for municipal utilities is raised from .5 to 1 percent of gas revenues and from 1 to 1.5 percent of revenues from electric service. The rate for all investor-owned utilities, except Xcel, is set at 2 percent. A provision allows utilities to meet specified percentages of the conservation investment and spending requirements on load management activities that do not reduce energy use but that increase the efficiency of the electric system. Also, the commissioner of commerce is required to provide a list of programs that may be offered to customers, including rebates for high efficiency appliances, rebates or subsidies for high efficiency lamps, small business energy audits and building recommissioning.

Metzen said in committee that "The intention in changing regulatory siting standards is not to cut out any process but to cut it down to three or four years." The siting portion of the bill retains all aspects of public participation and environmental review but places the question of need in the exclusive jurisdiction of the PUC and the questions of environmental review, siting and routing with the EQB.

Under the bill, if the EQB sites a power plant or transmission line, local units of government have no authority over the site or route. New language was adopted to speed up the siting process by



Sen. Kenric Scheevel

requiring that a determination about whether or not an application is complete must be made within 10 days of receipt. Also, the EQB must make a decision on a permit within three months. The bill allows a new alternative siting procedure, authorized for generating plants with a capacity of less than 80 megawatts, for plants of any size that are fueled by natural gas and for specified transmission lines. The alternative procedure authorizes an environmental assessment rather than an environmental impact statement and authorizes a public hearing conducted by the board rather than by an administrative law judge. Additionally, a provision allows emergency route or site permits for facilities that require immediate construction in order to meet electric system supply needs.

The renewable energy portion of the Senate bill requires that all utilities must provide at least 10 percent of their energy supply to retail customers from generation facilities using renewable fuel sources by 2015. Provisions require and specify minimum rates of production by utilities for wind and biomass energy and provide tradeable credits for producers who comply with the renewable standards.

The safety and service standards provisions include protections from cold weather disconnections and requirements that utilities provide budget billing plans and payment agreements for low income customers who are in payment arrears. Under the bill, the commission has the authority to consider ability to pay as a factor in setting utility rates and may establish



Biomass energy facilities use agricultural by-products such as cow manure and turkey litter to create electricity.

programs for low-income residential ratepayers to ensure affordable, reliable and continuous service.

On Friday, May 4, the Senate Energy bill was granted final passage by a unanimous vote, 59-0. In his floor presentation, Metzen told members, "The bill won't solve all of our energy problems but it represents a good start toward meeting Minnesota's energy needs." Disagreement between Senate and House versions of the bill required that issues be resolved in conference committee.

While in conference committee, Senate provisions were substantially amended. "The Senate bill was a challenge, but it really moved us forward in trying to meet energy needs in a sustainable way," said Anderson. She continued, "But, in conference committee, we were forced to weaken the bill substantially—that was really disappointing . . . the bill the Senate passed was a positive thing . . . in the end, the House changed that and we missed an opportunity to do something great."

The final version of the bill was altered to provide that electric utilities "shall make a good faith effort to generate or procure energy from renewable resources." Strong opposition to the renewables mandate by the utilities proved successful.

According to Anderson, the renewables portion was "a big sticking point in our conference—the House

absolutely refused to accept the renewables portfolio standard, even though it had a lot of support from House members and had failed on the House floor by only three or four votes." Anderson said, "Had we been allowed to keep the original renewables provisions we would have jump-started the wind industry in Minnesota. It would have put us on the map," she said.

"Much of the world is moving far ahead of us in wind generation and we're not keeping up—we would have attracted millions and millions of investment dollars with the renewables standards because it would have created a market for renewable energy," she added.

Anderson continued, "There were investors who said they were committed to invest in rural Minnesota—areas that could really use the economic infusion."

"There is a big loophole in the bill," said Anderson. She explained the concept of load management—setting up systems so that appliances, for example, can be used at different times for better management. While overall load can be used more efficiently, the amount of energy used is not reduced.

"We've defined conservation as saving energy on the one hand, then we put in the percentage that can be used for load management, and it starts at 90 or 95 percent—very, very baby steps," Anderson said. "The other big piece that is missing is the whole issue of coal plant emissions."

"The House bill had some provisions that made it easier for merchant plants to be built near Minnesota borders to generate electricity that could be sold to Chicago, so that we would get the emissions and they would reap the benefit of lower prices—the House bill was deregulation light, to use my term—and we did not accept those provisions," confirmed Anderson.

Another frustration noted by Anderson concerned the inability of Legislators to come up with energy assistance this year, although weatherization plans were considered for low-income families and a percentage of CIP dollars goes to low-income programs.

Sen. Kenric Scheevel (R-Preston) voiced a different angle concerning the outcome of the bill. He said, "The bill primarily addresses the issue of 'not in my backyard,'" which is why the siting provisions are important. Scheevel continued, "The streamlining effort works for non-controversial facilities but the coal-fired siting process is not streamlined under the bill, so the bill is not balanced in terms of the three components: conservation, renewables and increasing generation." He said that the large utilities are "not crying foul because they're allowed the elimination of property taxes." Scheevel agreed with other Senators that, for the long-term, conservation is the cheapest way to meet energy needs. "If we don't conserve, we'll need to site and build in the traditional manner," he said.

Overall, Senators seemed pleased that their work points Minnesota in the right direction. "We don't need deregulation in Minnesota because we don't have unreasonable costs here," Metzen said. He added, "We're dealing with excellent companies that keep up with the rate of use." He said that he would have liked it if the mandates on renewables been retained in the bill because he thinks it's important to look to the future and to protect our resources.

"I really tried to create a consensus, but in the end, the House surprised me by eliminating or changing much of what we'd worked for. The good news is that we've set positive goals with co-ops and munis—we're almost an island in terms of our goal-setting," he said.

Metzen concluded, "As we learned from California, we should never take our energy supplies for granted."

Balance

Continued from page 13

On the handgun issues, she empathized with the desire for personal protection. But she said that the Personal Protection Act was aimed a more complex balance between personal freedom and public safety. She said that she could not support the "shall issue" provision in the bill. She had to mediate the pressure she received from the National Rifle Association with the stories from local sheriffs who told her that, often, a person applies for a permit and the sheriff knows its just not a good idea for that person to carry a handgun. Similarly, Lourey says that women who want abortions do have a "right to know," but she was frustrated by the lack of willingness to talk about the bill's effect on doctors and health care providers, who Lourey believed might be chilled into decreasing access to family planning.

With both of these bills, Lourey said that as the attention, momentum and rancor grew around the bills, it became more and more difficult to engage in meaningful, constructive, thoughtful dialogue about how to make truly balanced legislation.

Trying to assemble and weigh all the facts and opinions is what Kiscaden referred to as the lawmaker as juror. She said the committee process is like a jury where a proposed solution to a problem is put on trial. The Legislators hear all of the testimony, consider the "evidence" in light of the definition of the problem, and ultimately decide if the solution will work or not. As a "juror," Kiscaden said sometimes you have to say "no," which is not an easy thing to do. A prescription drug bill carried by Sen. John Hottinger (DFL-Mankato) is one example where Kiscaden had to say no. She said that prescription drug reform has been a theme of political debate across the country, but in the final analysis of the bill in question, she said she did not see it as a balanced solution. The bill, she said, did not adequately take all sides of the debate into account, such as price pressures, possible Congressional action on drug reform, or the possibility of using expanded coverage as a solution.

With other bills, it was Kiscaden bringing a solution before the various juries of Legislators. Her bill for increasing dental access in Greater Minnesota, an issue also championed by Lourey and

Sen. Cal Larson (R-Fergus Falls), is another example of disproportionate advocacy at the Capitol. Kiscaden said there is an under-served population of patients that, although large in number, has not had organized or unified advocates taking their needs before the Legislature. She studied, did the research and took the initiative to understand the dental profession's position and how it influenced dentists' resistance to changes in existing practice. Then, as Ranum and others had done with racial profiling, Kiscaden continually engaged consumers and dental professionals in the search for changes that would translate the need into a solution that all parties could accept.

The tasks of a Legislator, then, are also kept in balance. Kiscaden said that, in her view, she tries to make and support laws the way she believes the people would if they had the time and resources she has to learn everything about the issues. And in the definition of "the people," said Belanger, lies the real key to the lawmaker's role as a genuine statesman. It is not a Senator's duty, he said, to narrowly represent the views of a district or a constituency or a party. The Senate's constituency is all of Minnesota. "We have the broader view," he says, "that what we do is good only when its good for the whole state."

Throughout the session, daily and, at times, nightly, what one sees in committee meetings and floor debates is Senators working to hear all the needs, accommodate all the points of view and make hard decisions about what is best for Minnesota. Through a late-evening committee meeting close to deadline, Sen. Dan Stevens (R-Mora) carries a low-grade electrical deregulation bill like a tray of carefully tiered champagne glasses, exhorting members and remaining opponents to help him keep the bill moving forward, to keep working, to keep alive the years' worth of work that had already gone into the legislation. Larson returns undaunted three times to the Judiciary Committee before members there believe they have adequately amended the unintended consequences out of his Good Samaritan prescription monitoring bill. Sen. David Johnson (DFL-Bloomington), eager for progress promised but delayed, pushes to keep workforce reorganization on an aggressive schedule or to mitigate the looming impacts of airport expansion.

The individual stories are too numerous to tell. In truth, the vast majority of the stories cannot be told, because they are, as yet, unfinished. Balance does not come easily or quickly, and many issues, bills, ideas, and concerns remain to be worked out in the interim, in the next session or maybe a long time from now.

When the Legislature adjourns the Special Session, there will be a budget and the numbers will balance out. Much else will remain. Lawmaking, many have said, is like putting a puzzle together, and only over time does the picture completely take shape.

This analogy—putting a puzzle together—is one that, Kiscaden said, Majority Leader Roger Moe (DFL-Erskine) himself uses on occasion. In many ways, it provides an apt image of the process.

In the analogy, people are gathered around a table strewn with puzzle pieces. Many hands reach for pieces, place pieces, hold pieces together to see if they fit. Some work on one part, the border, perhaps, or the section with the windmill, while another gathers all the pieces that have that shade color of blue.

The difficult thing is, no one has been provided the box top to show what the finished picture is. Or, more accurately, everyone has his or her own image in mind. They may not be all the same and the images may not even fit together, but the group, with respect and diligence and patience, works together to balance the small pieces with the big picture, whatever it turns out to be.

In floor debates on omnibus funding bills, in committee hearings on mental illness, at press conferences and discussions ranging from the most civil tete-a-tetes to hard fought negotiations, "balance" has been more than a mere buzzword for the 2001 Senate. It has been both underlying philosophy and everyday tool. It has been the big picture and the small detail.

And that is as it should be. After all, the lives of Minnesotans, of people in general are, at the individual level, nothing if not exercises in balance. It perhaps should come as no surprise that lawmakers' principle challenge is to achieve balance, because that is what we all do, with our own lives, our own families, with our work and our leisure and ourselves.

Housing

Continued from page 27

said Lesewski. "We tell builders how many rooms and occupants units can have. As we move into an energy shortage, we are going to start requiring even more energy efficiency. Every time we make a specification, we raise the cost of housing." She said that in the face of the affordable housing crisis, some members of the Senate have begun to think twice before making additional requirements on construction. "We've been seeing a little less of it," she said.

Housing has played significantly in the discussion of tax relief. Both the House and Senate tax proposals have included heavy property tax cuts. The Legislature this session is trying to cut taxes on many types of property, including rental income property. Under the original Senate bill, the property tax on all unsubsidized apartments dropped from 2.5 percent to 1.8 percent. Subsidized apartments fell from a 1 percent rate to an .8 percent rate.

According to the Legislative Auditor's report, property taxes account

for 14 percent of the price of rents. The study suggests that the average rents would decrease by about 7 percent if the effective tax rate on rental income properties were halved to equal the homestead rate.

However, that decrease depends on landlords passing the entire savings directly onto the renters. The final omnibus tax bill phases in a standard tax rate of 1.25 percent for all apartments by 2004.

"Reduction in property taxes might not lead to lower rent," said Lesewski, ranking minority member on the property tax budget division, "but I don't know if we can control that from this end. We can only hope it does."

She said that because the Legislature is not going to increase spending this year, tax cuts provide a way of addressing the housing crisis without upping spending. "We have made some strides in providing affordable housing," she said. "Would everyone like to see more? Yes. But we do have to balance the taxpayers' burden with the spending that we do. We have to be guardians of

the taxpayers. It's a difficult balancing act."

The Senate has also considered the role local zoning ordinances play in the limited availability of housing. Local governments direct how land is developed through their zoning laws, which determines the density and distribution of a community's housing and commercial properties.

Robertson said that cities have avoided allowing high density housing in order to bring in more revenue through the higher commercial property tax rates. "Why would cities choose to zone for more housing when they could have another industrial park, which they can get more taxes from?" she asked.

"City councils have a role in the crisis," said Sen. Myron Orfield (DFL-Mpls.).

He said that city councils try to preserve low density residential neighborhoods, which resemble the traditional suburban communities with single-family homes with large lawns. "We need more high density apartments, but no one wants them in their neighborhood," he said.

"The fundamental problem is NIMBYism," Orfield said, referring to the popular slogan "Not in my backyard." "Cities don't want apartments because they assume that the people who live in them are low-income troublemakers. What cities have forgotten is that the people who need apartments are the people needed to work at low end jobs."

The resistance of city councils to allow high density, affordable housing is one clue to the attitude of neighborhood resistance to fixing the housing shortage. Another key finding is revealed by the demographics of homelessness. According to the Wilder Center study, 46 percent of the homeless population consists of people of color as to opposed to the 6 percent of the total population that is people of color.

"We don't talk about race often enough," said Higgins. "And we don't talk about it very well. For all our pride in Minnesota niceness, there are still people who face terrible discrimination in housing and in jobs."

However, in the compromise bill passed in the Special Session, the inclusionary housing measure was dropped in favor of a study of inclusionary housing.



Sen. Linda Higgins



President of the Senate

Don Samuelson: A photo essay

Text by Joshua A. Dorothy
Photos by David J. Oakes

Not many Minnesotans would sign up for a job that requires them to learn the fine points of technical rules covering a business meeting—or that such meetings will certainly stretch late into the night. In fact, most would likely grimace when they discovered that one of the job's primary tasks was bringing to order a group whose average age is 53, but whose members can get deeply engrossed in rowdy side conversations like high schoolers before the class bell rings. What few volunteers remain might be turned away by the thought of having to look a friend, a colleague of three decades, in the face and say no to an idea, a faint hope, a fervent prayer that just this once we could try it this way.

However, being President of the Senate requires one to do all those things and more, and Sen. Don Samuelson (DFL-Brainerd) knows it well. On Jan. 5, Samuelson took the President's gavel in hand—not on loan while the usual presiding officer takes a break, but on a permanent basis—and began to mold it, and the pace of Senate action, to his grip.

Only the sixth President of the Senate to be elected from the body—prior to the 1972 adoption of an amendment to the state constitution, the lieutenant governor presided over the Senate—Samuelson works in close conjunction with several people on the Senate floor to ensure that daily floor sessions run smoothly and efficiently. He consults primarily with Majority Leader Roger Moe and Secretary of the Senate Patrick

Flahaven on the day's agenda and clarifications in the Senate rules, respectively.

"It is a tremendous honor to be elected by your peers to be the President of the Senate," Samuelson said. "They're trusting you to be fair." Sometimes, he notes, it can be very difficult to rule against a member of one's own caucus or against an issue that Samuelson wants to see debated and passed. It can also be hard to rein members in when they violate Senate rules, such as an impromptu standing ovation for Moe on the last night of the regular session.

Samuelson, however, quickly followed the outburst with some of the humor he frequently uses to soften his admonitions from the chair: "I would remind you of the Senate rule that there are to be no demonstrations. Now that

In addition to his duties as President of the Senate, Samuelson also chairs the Property Tax Budget Division. Right, he confers with Senate Fiscal Analyst Gordon Folkman on a tax proposal coming before the panel.



One of the President's duties is to sign a bill after it has passed the Senate. Before a bill can be presented to the governor for his signature, it must be reviewed and signed by five people, including the President of the Senate, as required by the Minnesota Constitution.

Right, Samuelson confers with Secretary of the Senate Patrick Flahaven on a matter of Senate procedure. Samuelson and other members rely regularly on Senate staff to help ensure that Senate floor sessions run smoothly, effectively and properly.





Samuelson finds time to talk with a Senator during a recess as the session winds down.



Above, the gavel Samuelson uses to preside over the Senate, a gift from a friend who found it in Norway.

you're done." Earlier in the night, he tried to quiet the chamber so members could hear a presentation on a bill. "We're going to have a test on what she's said after she's done saying it."

Being fair in his rulings is, Samuelson said, the primary challenge of presiding. He said he had to make at least half a dozen fairly tough decisions throughout the 2001 session. You'd like to think you won't be challenged from the floor, he said. Samuelson said he was pleased, though, that all his rulings were upheld when they were challenged.

From time to time, Samuelson took a small break from presiding, either to visit with constituents in his office or to shepherd a bill he had authored through floor debate. At those times, another member of the Senate took up the gavel. When he resumed the chair, Samuelson said, one of the members who had relieved him said, "That wasn't very easy."

The hardest for any member to interpret and apply, Samuelson said, is Rule 7.7. The rule, a new inclusion in the Senate Rules for 2001, requires any amendment to a budget bill to be balanced. Thus, members cannot add appropriations to a budget bill without also reducing other appropriations in the same amendment.

Samuelson said the rule is especially hard for him to apply from the President's chair, because he doesn't have all the available information at hand. Thus, he said, he must rely on Senators on the floor and the information they get from staff.

"I'm not sure how good that rule really is," he said. The rule's drafters had very good intentions when they wrote it, Samuelson said, but it has become clumsy now. No one, he said, is sure where the rules starts and stops.

At times, Senators have used the rule to avoid taking difficult positions on

certain issues, claiming that the amendment might have long-term budgetary impacts that aren't perfectly clear. "You don't need to hide behind the rule," Samuelson said.

Like every other member of the Legislature, Samuelson has a life outside the Capitol building. He said his constituents in the Brainerd area are thrilled that their hometown Senator was elected President.

One constituent gave Samuelson a little more power than he really has. "He said, Now you can do anything," Samuelson said, laughing over the incident. Samuelson said it is a source of great pride, both for himself and his community.

One of his friends and constituents found a gavel on a trip to Norway in late 2000 and brought it back for Samuelson. He now uses the gavel to preside over Senate floor sessions, a reminder of home while he is in St. Paul.

2001 Session Laws

All the bills passed by the Legislature in the 2001 regular and special legislative sessions.

Chapter designations indicate if the bill was passed during the regular or special session. Bills passed during the regular session are noted with a three-digit chapter number (e.g. Chapter 018), while bills passed during the special session have a chapter designation starting with "SS" and use a two-digit number (e.g. Chapter SS12). The full text of bills can be found on the legislative web site (<http://www.leg.state.mn.us>).

Agriculture, General Legislation and Veterans Affairs

Chapter 006, H.F. 106*-Ness, S.F. 47-Dille. Authorizing ex officio members of the Minnesota Agriculture Education Leadership Council to designate permanent or temporary replacement members representing the same constituency and extending the expiration date of the council. Signed by the governor: 03/08/01. Effective date: 03/09/01.

Chapter 021, H.F. 394-Seifert, S.F. 327*-Lesewski. Repealing a provision about male animals or breachy cattle roaming at large. Signed by the governor: 04/11/01. Effective date: 08/01/01.

Chapter 054, H.F. 149*-Pawlenty, S.F. 505-Higgins. Regulating the sale and labeling of Halaal food, meat or poultry products. Signed by the governor: 04/30/01. Effective date: 08/01/01.

Chapter 057, H.F. 285*-Ness, S.F. 339-Murphy. Modifying and consolidating agricultural lien regulation provisions. Signed by the governor: 04/20/01. Effective date: 07/01/01.

Chapter 075, H.F. 1247*-Eastlund, S.F. 1506-Larson. Providing for the administration of Veterans Home Board planned giving donations. Signed by the governor: 05/04/01. Effective date: 08/01/01.

Chapter 085, H.F. 406-Jennings, S.F. 511*-Sams. Modifying provisions relating to the state agricultural society. Signed by the governor: 05/10/01. Effective date: 08/01/01.

Chapter 104, H.F. 481-Greiling, S.F. 520*-Wiger. Designating August 7 as Combat Wounded Veterans Day. Signed by the governor: 05/15/01. Effective date: 08/01/01.

Chapter 108, H.F. 1145-Boudreau, S.F. 333*-Kelley. Authorizing veterinary medicine cease and desist orders. Signed by the governor: 05/15/01. Effective date: 08/01/01.

Chapter 111, H.F. 1248*-Eastlund, S.F. 1774-Samuelson. Modifying veterans homes resident deposit accounts requirements. Signed by the governor: 05/15/01. Effective date: 08/01/01.

Chapter 115, H.F. 1778-Walz, S.F. 1269*-Samuelson. Providing for the placement of a Bataan Death March commemorative plaque in the Capitol. Signed by the governor: 05/15/01. Effective date: 08/01/01.

Chapter 125, H.F. 1023-Biernat, S.F. 1222*-Wiger. Authorizing service plaques honoring Merchant Marine and Women Airforce Service Pilots for service in World War II.

Signed by the governor: 05/18/01. Effective date: 05/19/01.

Chapter 128, H.F. 1734-Kuisle, S.F. 1659*-Murphy. Modifying provisions relating to feedlots and providing for a level 1 feedlot inventory. Signed by the governor: 05/18/01. Effective date: 05/19/01.

Chapter 192, H.F. 2514*-Finseth, S.F. 2368-Murphy. Expanding the emergency authority of the Board of Animal Health to eradicate any dangerous, infectious, or communicable disease affecting domestic animals in the state. Signed by the governor: 05/25/01. Effective date: 05/26/01.

Capital Investment

Chapter SS12, H.F. 8*-Knoblach, S.F. 25-Langseth. Capital bonding bill. Signed by the governor: Line item veto. Effective date: 07/01/01.

Commerce

Chapter 012, H.F. 320*-Davids, S.F. 399-Solon. Providing for property casualty insurance agents surplus lines insurance procurement authority. Signed by the governor: 03/29/01. Effective date: 03/30/01.

Chapter 028, H.F. 1951-Goodno, S.F. 1204*-Hottinger. Regulating the use of HIV and bloodborne pathogen tests. Signed by the governor: 04/13/01. Effective date: 04/14/01.

Chapter 048, H.F. 323*-Haas, S.F. 914-Hottinger. Removing the expiration date of the provision requiring motor vehicle fuel franchisors to offer franchisees transfer rights in change in ownership cases. Signed by the governor: 04/26/01. Effective date: 04/27/01.

Chapter 056, H.F. 1084*-McElroy, S.F. 1066-Metzen. Omnibus banking and financial institutions bill. Signed by the governor: 04/30/01. Effective date: Various.

Chapter 063, H.F. 1219*-Gunther, S.F. 1678-Rest. Eliminating state involvement in the State Fund Mutual Insurance Company created to insure employers against liability for personal injuries entitling employees to workers compensation benefits. Signed by the governor: 04/30/01. Effective date: 05/01/01.

Chapter 072, H.F. 933*-Gunther, S.F. 983-Sams. Specifying requirements for farm implements and outdoor power equipment buyback. Signed by the governor: 05/04/01. Effective date: 08/01/01.

Chapter 076, H.F. 489*-Haas, S.F. 311-Scheid. Prohibiting the state or local government units from requiring contractors to procure surety bonds from particular insurance or surety companies, agents or brokers on competitively bid or negotiated public improvements projects. Signed by the governor: 05/07/01. Effective date: 08/01/01.

Chapter 109, H.F. 661-Steng, S.F. 859*-Hottinger. Establishing the Accountancy Act of 2001, authorizing rulemaking and imposing penalties. Signed by the governor: 05/15/01.

Effective date: 01/01/03.

Chapter 117, H.F. 1955-Davids, S.F. 1826*-Oliver.

Providing for insurance producers licensing and regulation. Signed by the governor: 05/15/01. Effective date: 07/01/02.

Chapter 124, H.F. 694-Davids, S.F. 1264*-Scheid. Regulating no-fault auto insurance sale of income loss benefits coverage to senior citizens. Signed by the governor: 05/18/01. Effective date: 08/01/01.

Chapter 129, H.F. 1007-Davids, S.F. 970*-Murphy. Prohibiting gasoline sales below cost and providing enforcement authority. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 131, H.F. 1615-Entenza, S.F. 1610*-Rest. Regulating liquidations and investments of insurers and regulating consolidated or combined financial statements and annuities purchased to finance structured settlement agreements. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 141, H.F. 2253-Davids, S.F. 2033*-Reiter. Modifying minimum continuing education requirements for insurance agents. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 142, H.F. 2130-Larson, S.F. 1964*-Oliver. Modifying provisions regulating life and health insurance guaranty associations. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 148, H.F. 1311-McElroy, S.F. 1485*-Kelley, S.P.. Establishing the Minnesota Money Transmitters Act. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 151, H.F. 1821-Kuisele, S.F. 1666*-Murphy. Allowing a temporary motor vehicle dealers licensing exemption for sale of horse trailers and recreational vehicles. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 170, H.F. 1155*-Abeler, S.F. 1081-Sams. Modifying provisions regulating health plan companies network shadow contracting. Signed by the governor: 05/24/01. Effective date: Various.

Chapter 190, H.F. 1182*-Clark, J., S.F. 831-Frederickson. Modifying requirements for invention developer contracts. Signed by the governor: 05/25/01. Effective date: 08/01/01.

Chapter 193, H.F. 1994-Stang, S.F. 1752*-Solon. Omnibus liquor bill authorizing issuance of on-sale wine and beer licenses to a variety of localities. Signed by the governor: 05/25/01. Effective date: Various.

Chapter 208, H.F. 1270-Entenza, S.F. 1541*-Oliver. Regulating currency exchanges, real estate brokers, real property appraisers, subdivided land sales licenses, residential contractors, notaries public, and collection agencies; modifying certain continuing education requirements; and regulating fees. Signed by the governor: 05/29/01. Effective date: Various.

Chapter 215, H.F. 1338-Haas, S.F. 1054*-Scheid. Omnibus insurance provisions regulating insurers, agents, coverages and benefits, costs, claims, investments, and notifications and disclosures. Signed by the governor: 05/29/01. Effective date: Various.

Crime Prevention

Chapter 016, H.F. 556*-Stanek, S.F. 756-Kelly, R.C..

Authorizing federal law enforcement officers power of arrest in Minnesota. Signed by the governor: 04/09/01. Effective date: 08/01/01.

Chapter 020, H.F. 64-McElroy, S.F. 971*-Kelly, R.C..

Repealing the law prohibiting itinerant carnivals. Signed by the governor: 04/11/01. Effective date: 08/01/01.

Chapter 022, H.F. 466-McElroy, S.F. 972*-Kelly, R.C..

Repealing the law prohibiting endurance contests. Signed by the governor: 04/11/01. Effective date: 08/01/01.

Chapter 071, H.F. 865*-Fuller, S.F. 1266-Kinkel. Authorizing community service in lieu of criminal fines under specified circumstances. Signed by the governor: 05/04/01. Effective date: 08/01/01.

Chapter 073, H.F. 953*-Fuller, S.F. 1265-Kinkel. Expanding the definition of child abuse under child protection provisions to violations of similar laws from other states. Signed by the governor: 05/04/01. Effective date: 08/01/01.

Chapter 080, H.F. 782-McGuire, S.F. 773*-Orfield. Requiring an electronic alcohol monitoring study for DWI offenders. Signed by the governor: 05/10/01. Effective date: 08/01/01.

Chapter 127, H.F. 783*-Stanek, S.F. 1244-Ranum. Modifying the definition of deadly force to exclude peace officer use of less lethal munitions. Signed by the governor: 05/18/01. Effective date: 05/19/01.

Chapter 135, H.F. 570-Hilstrom, S.F. 1043*-Chaudhary. Expanding authority of the Peace Officer Standards and Training Board to deny, suspend or revoke licenses. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 144, H.F. 704*-Fuller, S.F. 719-Lourey. Providing an exception from the criminal offenders rehabilitation law for emergency medical services personnel. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 152, H.F. 1925-Walker, S.F. 1369*-Berglin. Authorizing the director of the Minnesota Center for Crime Victim Services to adopt rules to administer the battered women's shelter per diem program. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 155, H.F. 992-Skoglund, S.F. 1552*-Chaudhary. Defining the level of negligence required for the crime of causing negligent fires. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 157, H.F. 273-Skoglund, S.F. 172*-Ranum. Limiting the number of offenses that are juvenile petty offenses and modifying juvenile petty offense dispositions. Signed by the governor: 05/22/01. Effective date: 08/01/01.

Chapter 167, H.F. 883-Johnson, S., S.F. 846*-Cohen. Authorizing use of the criminal justice data communications network for determining if a civil commitment petition of a proposed patient as sexually psychopathic or sexually dangerous person should be filed. Signed by the governor: 05/24/01. Effective date: 08/01/01.

Chapter 168, H.F. 1997-Hilstrom, S.F. 1324*-Marty. Modifying training requirements that the rules of the Board of Private Detective and Protective Agent Services must address. Signed by the governor: 05/24/01. Effective date: 08/01/01.

Chapter 173, H.F. 707*-Skoglund, S.F. 863-Kelly, R.C.. Modifying the effective date for classifying Carisoprodol as a controlled substance. Signed by the governor: 05/25/01. Effective date: 08/01/01.

Chapter 197, H.F. 848-Skoglund, S.F. 969*-Chaudhary. Extending the authority for administrative subpoenas, enabling peace officers to execute search warrants on foreign corporations to search for electronic evidence and enhancing penalties for

dissemination and possession of child pornography. Signed by the governor: 05/29/01. Effective date: 08/01/01.

Chapter 204, H.F. 205-Nornes, S.F. 103*-Larson. Imposing civil liability on motor vehicle owners failing to pay for motor fuel and modifying liability for the issuance of worthless checks. Signed by the governor: 05/29/01. Effective date: 08/01/01.

Chapter 209, H.F. 372-McGuire, S.F. 229*-Ranum. Requiring that crime victims be notified of expungement proceedings and be allowed to submit a statement. Signed by the governor: 05/29/01. Effective date: 08/01/01.

Chapter 210, H.F. 1261*-Bishop, S.F. 1937-Chaudhary. Modifying and clarifying provisions relating to the Dept. of Corrections. Signed by the governor: 05/29/01. Effective date: Various.

Chapter SS07, H.F. 26-Leppik, S.F. 18*-Knutson. Apartment manager background checks. Signed by the governor: 06/30/01. Effective date: 08/01/01.

Education

Chapter 001, H.F. 34-Seifert, S.F. 28*-Hottinger. Requiring the Board of Teaching upon request to issue teacher licenses to candidates completing accredited teacher preparation programs under current licensure rules. Signed by the governor: 01/16/01. Effective date: 01/17/01.

Chapter 018, H.F. 1046-Clark, J., S.F. 991*-Kelly, R.C.. Providing for school notification of student possession of drug paraphernalia. Signed by the governor: 04/11/01. Effective date: 08/01/01.

Chapter 058, H.F. 550*-Eastlund, S.F. 954-Hottinger. Creating a trust status for funds in the higher education Edvest savings program and extending the time limit for HESO to publish a notice of intent to adopt or a notice of hearing for rules implementing the program. Vetoed.

Chapter 068, H.F. 1192*-Abeler, S.F. 1979-Foley. Requiring the board of teaching to accept applications for temporary limited teaching licenses and personnel variances by July 1 before the start of the school year. Signed by the governor: 05/02/01. Effective date: 05/03/01.

Chapter 084, H.F. 1394-Tinglestad, S.F. 1706*-Wiger. Allowing public elementary and secondary school students to possess and use asthma medications. Signed by the governor: 05/10/01. Effective date: 08/01/01.

Chapter 133, H.F. 977-Leppik, S.F. 1033*-Wiener. Merging unions for technical and community college employees. Signed by the governor: 05/21/01. Effective date: 05/22/01.

Chapter 183, H.F. 2107*-Johnson, J., S.F. 1329-Neuville. Specifying student conduct considered grounds for dismissal or removal from class. Signed by the governor: 05/25/01. Effective date: 08/01/01.

Chapter 217, H.F. 1515*-Sykora, S.F. 1851-Lourey. Omnibus family and early childhood education appropriations. Vetoed.

Chapter SS01, H.F. 6-Leppik, S.F. 11*-Wiener. Omnibus higher education appropriations bill. Signed by the governor: 06/30/01. Effective date: Various.

Chapter SS03, H.F. 4*-Sykora, S.F. 5-Lourey. Omnibus family and early childhood appropriations bill. Signed by the governor: 06/30/01. Effective date: Various.

Chapter SS06, H.F. 2*-Seagren, S.F. 6-Stumpf. Omnibus K-

12 education appropriations bill. Signed by the governor: 06/30/01. Effective date: Various.

Environment and Natural Resources

Chapter 008, H.F. 80*-Hackbarth, S.F. 79-Johnson, Debbie. Providing for Coon Lake water level control. Signed by the governor: 03/16/01. Effective date: 03/17/01.

Chapter 027, H.F. 790-Davids, S.F. 702*-Scheevel. Modifying the requirements for the Bluffland Trail system. Signed by the governor: 04/13/01. Effective date: 08/01/01.

Chapter 032, H.F. 501-Ozment, S.F. 283*-Kinkel. Preventing the use of conservation officer enforcement activity comparisons in performance evaluations. Signed by the governor: 04/24/01. Effective date: 04/25/01.

Chapter 047, H.F. 274*-Dorman, S.F. 70-Marty. Restricting sales of mercury thermometers. Signed by the governor: 04/26/01. Effective date: 01/01/02.

Chapter 067, H.F. 1188*-Gunther, S.F. 1045-Vickerman. Regulating the disposal of ash from fire training exercises. Signed by the governor: 05/02/01. Effective date: 05/03/01.

Chapter 099, H.F. 1481-Cassell, S.F. 1164*-Frederickson. Modifying the definition of landowner for participation in the Reinvest in Minnesota program purposes. Signed by the governor: 05/15/01. Effective date: 08/01/01.

Chapter 116, H.F. 1827-Swenson, S.F. 1613*-Knutson. Clarifying the authority of the Pollution Control Agency to expedite the permit process. Signed by the governor: 05/15/01. Effective date: 08/01/01.

Chapter 146, H.F. 1828*-Ozment, S.F. 1486-Stevens. Modifying wetlands classification and replacement provisions. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 160, H.F. 1612-Kelliher, S.F. 1434*-Price. Modifying water appropriation permit provisions, establishing fees and requiring cooperation with a dam inventory. Signed by the governor: 05/24/01. Effective date: 08/01/01.

Chapter 164, H.F. 873*-Howes, S.F. 1126-Kinkel. Providing for tax forfeited land conveyances, sales, exchanges and easements. Signed by the governor: 05/24/01. Effective date: 05/25/01.

Chapter 165, H.F. 870-Erickson, S.F. 795*-Stevens. Requiring the continuation of grant-in-aid snowmobile trail access when the commissioner of natural resources acquires land. Signed by the governor: 05/24/01. Effective date: 05/25/01.

Chapter 182, H.F. 1071-Bakk, S.F. 1082*-Frederickson. Adding to and deleting from state parks and state recreation areas. Signed by the governor: 05/24/01. Effective date: 08/01/01.

Chapter 185, H.F. 1487*-Haas, S.F. 1346-Lessard. Omnibus Dept. of Natural Resources housekeeping bill. Signed by the governor: 05/24/01. Effective date: 08/01/01.

Chapter 187, H.F. 2028*-Nornes, S.F. 1785-Higgins. Modifying provisions relating to environmental audits and changing the reporting date for the Pollution Control Agency's annual performance report. Signed by the governor: 05/25/01. Effective date: 08/01/01.

Chapter 206, H.F. 1497*-Nornes, S.F. 1580-Moe, R.D. Modifying terms for certain lakeshore land exchanges to include leased farmed wild rice lands; authorizing public and private sales of certain state lands, adding to a state forest, and adding to and creating wildlife management areas. Signed by the governor: 05/29/01. Effective date: 08/01/01.

Chapter SS02, H.F. 10-Holsten, S.F. 10*-Price. Omnibus environment, natural resources and agriculture appropriations bill. Signed by the governor: Line item veto. Effective date: Various.

Finance

Chapter 055, H.F. 1159*-Pawlenty, S.F. 857-Samuelson. Modifying prior funding for Gillette Children's Hospital addition and local bridge replacement and rehabilitation. Signed by the governor: 04/30/01. Effective date: 05/01/01.

Chapter 169, H.F. 634*-Haas, S.F. 648-Kelly, R.C.. Providing for payment of claims against the state. Signed by the governor: 05/24/01. Effective date: 08/01/01.

Health and Family Security

Chapter 003, H.F. 213-Mulder, S.F. 201*-Sams. Repealing requirements for physicians assistants infection control continuing education. Signed by the governor: 02/15/01. Effective date: 02/16/01.

Chapter 004, H.F. 181-Wenzel, S.F. 43*-Samuelson. Reducing the age requirement for adult foster care license capacity and authorizing the commissioner of human services to grant variances to allow providers to admit individuals under the minimum age under certain county recommendation conditions. Signed by the governor: 02/28/01. Effective date: 03/01/01.

Chapter 010, H.F. 357-Mullery, S.F. 289*-Sams. Modifying licensing requirements for alcohol and drug counselors. Signed by the governor: 03/16/01. Effective date: 03/17/01.

Chapter 029, H.F. 994-Dorn, S.F. 883*-Hottinger. Establishing a hospital waiver or variance request procedure. Signed by the governor: 04/13/01. Effective date: 08/01/01.

Chapter 035, H.F. 424-Greiling, S.F. 456*-Berglin. Providing access to respite care in intermediate care facilities for persons with mental retardation or related conditions (ICF/MR) for recipients of services under the (MA) community based waiver and requiring county agency screening. Signed by the governor: 04/24/01. Effective date: 08/01/01.

Chapter 036, H.F. 275*-Abeler, S.F. 210-Foley. Prohibiting the projection of medical assistance (MA) cost savings from closure of nursing facilities located in certain counties with a low ratio of nursing facility beds to county residents over a certain age. Signed by the governor: 04/24/01. Effective date: 04/25/01.

Chapter 037, H.F. 125*-Nornes, S.F. 104-Larson. Modifying dentist licensure requirements for applicants trained in a foreign country. Signed by the governor: 04/24/01. Effective date: 08/01/01.

Chapter 042, H.F. 1634-Mahoney, S.F. 1460*-Marty. Applying the duty to warn law of violent client behavior to social workers and allowing social workers to form and participate in professional firms. Signed by the governor: 04/24/01. Effective date: 08/01/01.

Chapter 046, H.F. 253-Seifert, S.F. 249*-Ring. Repealing obsolete health and human services rules. Signed by the governor: 04/26/01. Effective date: 08/01/01.

Chapter 049, H.F. 1160*-Davids, S.F. 1127-Sams. Reducing the frequency requirement for physician review of delegated

physician assistants drug and medical device prescription activities. Signed by the governor: 04/26/01. Effective date: 08/01/01.

Chapter 065, H.F. 967*-Mulder, S.F. 876-Lesewski.

Allowing schools to sponsor potluck events. Signed by the governor: 05/01/01. Effective date: 08/01/01.

Chapter 066, H.F. 1151*-Mulder, S.F. 1187-Kelley, S.P.. Modifies penalty provisions for psychologists. Signed by the governor: 05/02/01. Effective date: 08/01/01.

Chapter 069, H.F. 1522*-Bradley, S.F. 1421-Stevens. Modifying full-time nursing home administrator requirements. Signed by the governor: 05/02/01. Effective date: 08/01/01.

Chapter 074, H.F. 1748*-Harder, S.F. 2097-Vickerman. Authorizing the Emergency Medical Services (EMS) Regulatory Board to grant temporary variances from staff requirements to rural ambulance services demonstrating hardship. Signed by the governor: 05/04/01. Effective date: 08/01/01.

Chapter 090, H.F. 1067-Boudreau, S.F. 923*-Pariseau. Providing a temporary social work licensure examination exception for persons who are refugees or immigrants. Signed by the governor: 05/10/01. Effective date: 08/01/01.

Chapter 110, H.F. 926*-Goodno, S.F. 1001-Sams. Modifying the standards for the Minnesota uniform health care identification card. Signed by the governor: 05/15/01. Effective date: 01/01/03.

Chapter 118, H.F. 1832-Goodno, S.F. 2361*-Berglin. Omnibus health, human services and corrections appropriations. Vetoed.

Chapter 120, H.F. 1081-Jacobson, S.F. 560*-Sams. Modifying health care review organizations provisions. Signed by the governor: 05/17/01. Effective date: 08/01/01.

Chapter 121, H.F. 976-Abeler, S.F. 359*-Kiscaden. Modifying and clarifying chiropractors licensing and regulation provisions. Signed by the governor: 05/18/01. Effective date: 08/01/01.

Chapter 137, H.F. 322-Rhodes, S.F. 414*-Hottinger. Modifying provisions of the Minnesota Utilization Review Act. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 138, H.F. 1819-Nornes, S.F. 1430*-Higgins. Eliminating health commissioner's reporting requirement for alcohol and drug counselors and providing for exchange of information for investigations of alcohol and drug counselors. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 171, H.F. 1407*-Mulder, S.F. 1415-Sams. Making housekeeping changes to provisions relating to the Dept. of Health. Signed by the governor: 05/24/01. Effective date: 08/01/01.

Chapter 178, H.F. 1397-Tingelstad, S.F. 1394*-Kiscaden. Changing child placement provisions, modifying provisions governing child maltreatment investigations, classifying data and authorizing data sharing. Signed by the governor: 05/25/01. Effective date: 05/26/01.

Chapter 196, H.F. 560-Goodno, S.F. 491*-Berglin. Modifying patient protection provisions. Vetoed.

Chapter 203, H.F. 1928-Walker, S.F. 1407*-Ring. Modifying health care access programs provisions. Signed by the governor: 05/29/01. Effective date: Various.

Chapter 205, H.F. 1304-Nornes, S.F. 1464*-Lourey. Modifying certain provisions relating to lead poisoning prevention, eliminating the exception to the prohibition on pay toilets in public places, and modifying food, beverage and

lodging establishment inspection requirements. Signed by the governor: 05/29/01. Effective date: Various.

Chapter 211, H.F. 1406*-Mulder, S.F. 1398-Kiscaden. Providing for maternal death reviews and studies. Signed by the governor: 05/29/01. Effective date: 08/01/01.

Chapter SS09, H.F. 3-Goodno, S.F. 4*-Berglin. Omnibus health, human services and corrections appropriations bill. Signed by the governor: 06/30/01. Effective date: Various.

Jobs, Housing and Community Development

Chapter 123, H.F. 2225-Nornes, S.F. 2046*-Lesewski. Making technical changes in workers compensation provisions. Signed by the governor: 05/18/01. Effective date: Various.

Chapter 140, H.F. 1589-Howes, S.F. 1301*-Robertson. Modifying bid and performance bond thresholds for economic development projects. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 030, H.F. 47*-Rukavina, S.F. 39-Johnson, Douglas. Requiring maintenance of closed iron mines and extending unemployment benefits to laid off LTV employees. Signed by the governor: 04/11/01. Effective date: Retroactive: 08/01/00.

Chapter 077, H.F. 1872-Marquart, S.F. 1611*-Wiger. Modifying provisions relating to vocational rehabilitation facilities and programs. Signed by the governor: 05/10/01. Effective date: Various.

Chapter 079, H.F. 2070-Gunther, S.F. 1932*-Lesewski. Modifying and repealing economic security statutory provisions. Signed by the governor: 05/10/01. Effective date: 05/11/01.

Chapter 082, H.F. 1409-Jacobson, S.F. 1090*-Reiter. Adding an alternative form for minor employee age certification. Signed by the governor: 05/10/01. Effective date: 08/01/01.

Chapter 095, H.F. 1920-Rhodes, S.F. 1835*-Kelley, S.P.. Authorizing employees to receive employment termination information within 15 days. Signed by the governor: 05/14/01. Effective date: 08/01/01.

Chapter 102, H.F. 1392-Gunther, S.F. 1258*-Frederickson. Expanding the Minnesota investment fund loan or grant authority. Signed by the governor: 05/15/01. Effective date: 08/01/01.

Chapter 145, H.F. 604-Sertich, S.F. 564*-Ring. Providing for access to employee assistance records and requiring employee assistance records to be kept separate from personnel records. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 149, H.F. 1105-Rukavina, S.F. 960*-Tomassoni. Authorizing the Iron Range Resources and Rehabilitation commissioner to acquire discontinued mining property. Signed by the governor: 05/21/01. Effective date: 05/22/01.

Chapter 153, H.F. 1940-Sertich, S.F. 1472*-Metzen. Modifying provisions relating to the capital access economic development program. Signed by the governor: 05/21/01. Effective date: 05/22/01.

Chapter 154, H.F. 1886-Kahn, S.F. 1721*-Anderson. Prohibiting genetic testing as a condition of employment. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 159, H.F. 1655-Entenza, S.F. 1614*-Hottinger. Providing for civil actions against the state under the federal Age Discrimination in Employment Act, the federal Fair Labor Standards Act, the federal Family and Medical Leave

Act and the ADA. Signed by the governor: 05/22/01. Effective date: 08/01/01.

Chapter 175, H.F. 655*-Wolf, S.F. 1277-Higgins. Making technical and substantive changes to unemployment insurance provisions. Signed by the governor: 05/25/01. Effective date: 08/01/01.

Chapter 177, H.F. 1276-Mullery, S.F. 1968*-Samuelson. Requiring a study for the safe operation of cranes. Signed by the governor: 05/25/01. Effective date: 08/01/01.

Chapter 181, H.F. 1941*-Gunther, S.F. 1899-Johnson, David. Clarifying Job Skills Partnership provisions. Signed by the governor: 05/25/01. Effective date: 08/01/01.

Chapter 199, H.F. 1893-Sertich, S.F. 1344*-Higgins. Prohibiting employers from requiring employees or applicants to pay for background checks or training. Signed by the governor: 05/29/01. Effective date: 08/01/01.

Chapter 200, H.F. 2116-McElroy, S.F. 1965*-Anderson. Repealing obsolete provisions relating to Dept. of Trade and Economic Development programs and duties. Signed by the governor: 05/29/01. Effective date: 05/30/01.

Chapter 216, H.F. 1541*-Mullery, S.F. 882-Sabo. Requiring a study of rental application fees. Signed by the governor: 05/29/01. Effective date: 08/01/01.

Chapter SS04, H.F. 5*-McElroy, S.F. 12-Anderson. Omnibus jobs, housing and economic development appropriations bill. Signed by the governor: Line item veto. Effective date: Various.

Judiciary

Chapter 007, H.F. 656*-Lipman, S.F. 231-Betzold. Correcting erroneous, ambiguous and omitted text and obsolete references and eliminating certain redundant, conflicting and superseded provisions. Signed by the governor: 03/15/01. Effective date: Various.

Chapter 015, H.F. 243-Dawkins, S.F. 346*-Betzold. Modifies the Uniform Principal and Income Act. Signed by the governor: 04/06/01. Effective date: 08/01/01.

Chapter 026, H.F. 245-Juhnke, S.F. 225*-Johnson, Dean. Allowing licensed peace officers to determine necessity of patient restraints. Signed by the governor: 04/13/01. Effective date: 08/01/01.

Chapter 034, H.F. 453-Skoe, S.F. 319*-Moe, R.D. Regulating discharge of judgements against bankruptcy debtors. Signed by the governor: 04/24/01. Effective date: 08/01/01.

Chapter 050, H.F. 239*-Lipman, S.F. 170-Neuville. Modifying numerous real estate provisions. Signed by the governor: 04/26/01. Effective date: Various.

Chapter 051, H.F. 1260*-Dawkins, S.F. 1332-Kiscaden. Neutralizing terminology in child support and custody provisions. Signed by the governor: 04/26/01. Effective date: 08/01/01.

Chapter 052, H.F. 1467-Holberg, S.F. 1419*-Scheid. Modifying certain requirements for notices of claims on payment bonds by persons furnishing labor and materials. Signed by the governor: 04/26/01. Effective date: 08/01/01.

Chapter 062, H.F. 779*-McElroy, S.F. 823-Betzold. Modifying motor vehicle dealer franchise transfer practices. Signed by the governor: 04/30/01. Effective date: 08/01/01.

Chapter 064, H.F. 1889*-Lipman, S.F. 1831-Ranum. Regulating Uniform Partnership Act of 1994 transition issues.

Signed by the governor: 04/30/01. Effective date: Various.

Chapter 078, H.F. 2396-Skoglund, S.F. 1999*-Vickerman. Repealing obsolete judicial system references. Signed by the governor: 05/10/01. Effective date: 08/01/01.

Chapter 107, H.F. 935-Goodno, S.F. 824*-Kelly. Clarifying the liability immunity in the good samaritan emergency care law. Signed by the governor: 05/15/01. Effective date: 05/18/01.

Chapter 134, H.F. 2207-Mulder, S.F. 2022*-Lesewski. Clarifying crediting of support payments and modifying implementation of enforcement remedies to accommodate timing of support payments. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 136, H.F. 1516-Hilstrom, S.F. 1583*-Foley. Modifying the definition of child neglect for maltreatment of minors reporting purposes. Signed by the governor: 05/21/01. Effective date: 05/22/01.

Chapter 158, H.F. 1697-Smith, S.F. 1944*-Knutson. Clarifying and modifying the crime of nonsupport of a spouse or child. Signed by the governor: 05/22/01. Effective date: 08/01/01.

Chapter 163, H.F. 440-Knoblach, S.F. 321*-Kleis. Providing for a background study before appointment of guardians or conservators, authorizing access to data on substantiated maltreatment of vulnerable adults and providing for background study systems and records in the Department of Human Services. Signed by the governor: 05/24/01. Effective date: 08/01/01.

Chapter 186, H.F. 1892*-Clark, K, S.F. 1545-Chaudhary. Making technical changes to Human Rights provisions. Signed by the governor: 05/25/01. Effective date: 08/01/01.

Chapter 189, H.F. 1051*-Smith, S.F. 936-Neuville. Regulating certifications of expert reviews in medical malpractice actions, modifying liens for attorney fees and clarifying a reference to the medical malpractice statute of limitations. Vetoed.

Chapter 194, H.F. 767-Holberg, S.F. 1215*-Cohen. Changing provisions pertaining to business discrimination and inquiry into a charge. Signed by the governor: 05/24/01. Effective date: 08/01/01.

Chapter 195, H.F. 1733-Entenza, S.F. 1561*-Hottinger. Making corrective and conforming changes to revised Article 9 of the Uniform Commercial Code. Signed by the governor: 05/25/01. Effective date: 07/01/01.

Chapter 201, H.F. 2510-Johnson, J., S.F. 2249*-Betzold. Correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors to legislative enactments. Signed by the governor: 05/29/01. Effective date: 05/30/01.

Chapter 202, H.F. 1898-Holberg, S.F. 1068*-Betzold. Omnibus data practices and information policy provisions. Signed by the governor: 05/29/01. Effective date: Various.

Chapter SS13, S.F. 1*-Betzold. Revisor's bill. Signed by the governor: 06/30/01. Effective date: Various.

Rules and Administration

Chapter 143, H.F. 486*-Seifert, S.F. 682-Lesewski. Requiring newspaper paid political advertisement disclaimers to be legible. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter SS11, S.F. 21*-Moe, R.D. Transitional financing for state government. Vetoed.

State and Local Government Operations

Chapter 005, H.F. 817-Howes, S.F. 376*-Vickerman.

Increasing the monetary limits on city local improvement contracts required to be advertised for bids and on day labor projects, and specifying a separate contract bid limit for cities under a certain size. Signed by the governor: 03/02/01. Effective date: 03/03/01.

Chapter 009, H.F. 393*-Mahoney, S.F. 155-Kelly, R.C.. Allowing employees of Ramsey County and the city of St. Paul equal competition for vacant county jobs in city-county departments. Signed by the governor: 03/16/01. Effective date: 03/17/01.

Chapter 011, H.F. 487-Vandever, S.F. 433*-Ring. Increasing the amount for which a township may contract for health, social and recreational services. Signed by the governor: 03/21/01. Effective date: 08/01/01.

Chapter 013, H.F. 1016-Holberg, S.F. 509*-Robling. Authorizing cities and counties to make and accept payments with credit cards and electronic funds transfers. Signed by the governor: 04/06/01. Effective date: Various.

Chapter 019, H.F. 172-Mares, S.F. 9*-Wiger. Authorizing cities to provide housing assistance for volunteer firefighters or ambulance personnel. Signed by the governor: 04/11/01. Effective date: 04/12/01.

Chapter 023, H.F. 252-Seifert, S.F. 570*-Reiter. Repealing obsolete rules. Signed by the governor: 04/11/01. Effective date: 08/01/01.

Chapter 031, H.F. 116-Mulder, S.F. 274*-Higgins. Delaying the sunsent for the Respiratory Care Practitioner Advisory Council and providing that athletic trainer registrations are cancelled for nonrenewal after two years. Signed by the governor: 04/24/01. Effective date: 08/01/01.

Chapter 033, H.F. 1455-Osskopp, S.F. 1435*-Price. Modifies provisions relation to the Designer Selection Board. Signed by the governor: 04/24/01. Effective date: 08/01/01.

Chapter 038, H.F. 949*-Rifenburg, S.F. 771-Kierlin. Allowing for a smaller newspaper to serve as the qualified newspaper for smaller communities. Signed by the governor: 04/24/01. Effective date: 08/01/01.

Chapter 039, H.F. 387-Walker, S.F. 142*-Higgins. Increasing the membership of the State Council on Black Minnesotans. Signed by the governor: 04/24/01. Effective date: 08/01/01.

Chapter 040, H.F. 828-Mullery, S.F. 741*-Orfield. Providing for disaster volunteer leave for Hennepin County employees serving as volunteers with emergency disaster services organizations. Signed by the governor: 04/24/01. Effective date: Local approval.

Chapter 041, H.F. 1747-Solberg, S.F. 1780*-Lessard. Extending the exemption from laws or rules governing the delivery of local government services granted by the Board of Government Innovation and Cooperation to Itasca County for a chemical dependency treatment demonstration project. Signed by the governor: 04/24/01. Effective date: 08/01/01.

Chapter 044, H.F. 867*-Seagren, S.F. 646-Rest. Modifying and clarifying provisions relating to the Suburban Hennepin County Regional Park District. Signed by the governor: 04/24/01. Effective date: 04/25/01.

Chapter 045, H.F. 2119*-Erickson, S.F. 1915-Rest.

Modifying charitable organization report filing requirements. Signed by the governor: 04/24/01. Effective date: 04/25/01.

Chapter 053, H.F. 1637*-Buesgens, S.F. 1790-Robling. Repealing provisions requiring hawkers and peddlers to obtain a license. Signed by the governor: 04/30/01. Effective date: 08/01/01.

Chapter 059, H.F. 995*-Buesgens, S.F. 1214-Tomassoni. Modifying provisions relating to horse racing license application procedures and increasing the amount of nonsteroidal anti-inflammatory drugs allowed to be administered to race horses. Signed by the governor: 04/30/01. Effective date: 05/01/01.

Chapter 061, H.F. 525*-McElroy, S.F. 1604-Wiener. Modifying conditions for state or public employee receipt of daily pay for service on administrative boards and agencies. Signed by the governor: 04/30/01. Effective date: 07/01/01.

Chapter 070, H.F. 1681*-Dehler, S.F. 1622-Sabo. Making housekeeping changes in provisions relating to state employment and extending a civil service pilot project. Signed by the governor: 05/02/01. Effective date: Various.

Chapter 081, H.F. 390-Winter, S.F. 110*-Vickerman. Authorizing a specific nonprofit management corporation for the Prairieland Exposition Center. Signed by the governor: 05/10/01. Effective date: 08/01/01.

Chapter 086, H.F. 1410-Gunther, S.F. 849*-Vickerman. Authorizing employees of the Rural Policy and Development Center to participate in state insurance, retirement and other plans that apply to state employees. Signed by the governor: 05/10/01. Effective date: 05/11/01.

Chapter 087, H.F. 1465-Stanek, S.F. 1432*-Wiger. Providing for periodic police civil service examinations to applicants meeting certain threshold requirements and requiring the addition of applicants passing a later examination to the eligible register in the order of standing. Signed by the governor: 05/10/01. Effective date: 08/01/01.

Chapter 088, H.F. 1687-Clark, K., S.F. 1206*-Kinkel. Expanding the Indian Affairs Council membership to include a member from Bemidji. Signed by the governor: 05/01/01. Effective date: 08/01/01.

Chapter 092, H.F. 1021-Buesgens, S.F. 1008*-Betzold. Authorizing racing commission licensees operating card clubs to detain persons suspected of cheating. Signed by the governor: 05/14/01. Effective date: 08/01/01.

Chapter 093, H.F. 2110-Howes, S.F. 1441*-Hottinger. Providing a limited exemption to local government gift policy to attendees at a national or international conference or event. Signed by the governor: 05/14/01. Effective date: 05/15/01.

Chapter 094, H.F. 1657-Haas, S.F. 1404*-Hottinger. Permitting certain retired state employees to purchase group long-term care insurance through the same plan offered to active state employees. Signed by the governor: 05/14/01. Effective date: 05/15/01.

Chapter 096, H.F. 1069-Osskopp, S.F. 986*-Vickerman. Modifying lawful gambling regulation provisions. Signed by the governor: 05/14/01. Effective date: Various.

Chapter 100, H.F. 724-Rhodes, S.F. 1064*-Rest. Specifying procedures for state professional service contracts. Signed by the governor: 05/15/01. Effective date: 07/01/01.

Chapter 101, H.F. 1764-Gleason, S.F. 2049*-Sabo. Ensuring the historical preservation of the Coldwater Springs Camp area. Signed by the governor: 05/15/01. Effective date: 05/16/01.

Chapter 105, H.F. 1290-Howes, S.F. 510*-Pappas. Authorizing Hubbard and Cass County Boards' appointment of the county auditor, treasurer, recorder or auditor-treasurer. Signed by the governor: 05/15/01. Effective date: Local approval.

Chapter 106, H.F. 1537-Lipman, S.F. 780*-Betzold. Making housekeeping and technical changes in state agency rulemaking provisions. Signed by the governor: 05/15/01. Effective date: 08/01/01.

Chapter 114, H.F. 1526-Erhardt, S.F. 1528*-Terwilliger. Authorizing Edina to restrict the operation of recreational motor vehicles under certain circumstances. Vetoed.

Chapter 126, H.F. 2074-Clark, J., S.F. 2031*-Knutson. Regulating public works contracts. Vetoed.

Chapter 132, H.F. 610-Solberg, S.F. 974*-Lessard. Adding exceptions to the local public officer's conflict of interest law. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 150, H.F. 872-Sertich, S.F. 494*-Tomassoni. Repealing St. Louis County special purchasing laws. Signed by the governor: 05/21/01. Effective date: 07/01/01.

Chapter 161, H.F. 1869-Anderson, B., S.F. 1263*-Robertson. Changing the expiration dates of certain advisory councils, committees and other multimember entities and establishing the Council of Health Boards. Signed by the governor: 05/24/01. Effective date: Various.

Chapter 162, H.F. 1938-Kahn, S.F. 1680*-Robertson. Modifying provisions relating to the Dept. of Administration. Signed by the governor: 05/24/01. Effective date: Various.

Chapter 166, H.F. 514-Carlson, S.F. 1124*-Chaudhary. Providing continued insurance coverage for spouses of certain retirees. Signed by the governor: 05/24/01. Effective date: 05/25/01.

Chapter 172, H.F. 1153*-Mulder, S.F. 1529-Lesewski. Exempting certain building projects from the requirement to employ an architect and providing for a study and a report to the Legislature. Vetoed.

Chapter 174, H.F. 1507*-Bishop, S.F. 1572-Langseth. Clarifying municipal planning legal nonconforming land uses treatment. Signed by the governor: 05/24/01. Effective date: 08/01/01.

Chapter 176, H.F. 1218-Rhodes, S.F. 1154*-Kelley, S.P.. Extending the expiration date for the Metropolitan Radio Board. Signed by the governor: 05/25/01. Effective date: 08/01/01.

Chapter 179, H.F. 667-Seifert, S.F. 555*-Betzold. Modifying state agencies rulemaking procedures. Signed by the governor: 05/25/01. Effective date: Various.

Chapter 180, H.F. 1340*-Anderson, B., S.F. 908-Ourada. Permitting the appointment of the Wright County recorder. Signed by the governor: 05/24/01. Effective date: 05/25/01.

Chapter 184, H.F. 2036*-Dempsey, S.F. 1685-Murphy. Permitting the appointment of the Goodhue County auditor-treasurer and recorder. Signed by the governor: 05/24/01. Effective date: Local approval.

Chapter 198, H.F. 1544-Hilty, S.F. 1367*-Lourey. Modifying procedures for creating counties and changing county boundaries. Signed by the governor: 05/29/01. Effective date: 08/01/01.

Chapter 207, H.F. 1310*-Abrams, S.F. 1205-Johnson, Douglas. Giving the state building official final authority for interpreting the State Building Code and prescribing its enforcement, regulating construction-related fees, and

modifying provisions relating to zoning ordinances. Signed by the governor: 05/29/01. Effective date: Various.

Chapter 218, H.F. 1569*-Osskopp, S.F. 1628-Rest. Reclassifying Minnesota state colleges and universities customized trainer positions as classified. Signed by the governor: Vetoed. Effective date: .

Chapter SS10, H.F. 9-Krinkie, S.F. 9*-Cohen. Omnibus state government appropriations bill. Signed by the governor: Line item veto. Effective date: Various.

Taxes

Chapter 214, H.F. 2037-Abrams, S.F. 2208*-Pogemiller. Modifying public finance and debt provisions. Signed by the governor: 05/29/01. Effective date: Various.

Chapter SS05, H.F. 1*-Abrams, S.F. 13-Pogemiller. Omnibus tax bill. Signed by the governor: 06/30/01. Effective date: Various.

Telecommunications, Energy and Utilities

Chapter 002, H.F. 421*-McElroy, S.F. 460-Cohen. Authorizing federal energy assistance program fund expenditure. Signed by the governor: 02/02/01. Effective date: 02/03/01.

Chapter 122, H.F. 1817-Workman, S.F. 1821*-Murphy. Modifying provisions regulating utility facilities in railroad rights-of-way. Vetoed.

Chapter 130, H.F. 1174-Howes, S.F. 694*-Murphy. Establishing a propane education and research council. Signed by the governor: 05/21/01. Effective date: 08/01/01.

Chapter 147, H.F. 1367*-Wolf, S.F. 1306-Metzen. Allowing owner-occupied residential housing to be served by an existing energy loan program. Signed by the governor: 05/21/01. Effective date: 05/22/01.

Chapter 212, H.F. 659-Wolf, S.F. 722*-Metzen. Modifying energy conservation, production and regulatory provisions. Signed by the governor: 05/29/01. Effective date: Various.

Transportation

Chapter 014, H.F. 368-Stang, S.F. 63*-Fischbach. Designates trunk highway 55 in Stearns County as Old St. Anne's Pass. Signed by the governor: 04/06/01. Effective date: 08/01/01.

Chapter 017, H.F. 416-Rifenberg, S.F. 400*-Kierlin. Allowing the town of Hokah to vacate a town road. Signed by the governor: 04/09/01. Effective date: 04/10/01.

Chapter 024, H.F. 37-McElroy, S.F. 480*-Johnson, Dean. Repealing obsolete traffic regulations. Signed by the governor: 04/13/01. Effective date: 08/01/01.

Chapter 025, H.F. 57*-Molnau, S.F. 27-Robling. Including crimes against children as disqualifying offenses for school bus drivers' licenses. Signed by the governor: 04/13/01. Effective date: 06/01/01.

Chapter 043, H.F. 1404-Kuisle, S.F. 1709*-Johnson, Dean. Exempting towed implements of husbandry from the tail lamp requirement. Signed by the governor: 04/24/01. Effective date: 04/25/01.

Chapter 060, H.F. 1383*-Workman, S.F. 1598-Schwab. Repealing motorcycle handlebar height restrictions. Signed by the governor: 04/30/01. Effective date: 08/01/01.

Chapter 083, H.F. 1085-Workman, S.F. 1155*-Langseth.

Setting maximum highway width or length limits for recreational equipment and motor homes. Signed by the governor: 05/10/01. Effective date: 08/01/01.

Chapter 089, H.F. 254-Seifert, S.F. 930*-Schwab. Repealing obsolete motor vehicle carrier rules. Signed by the governor: 05/10/01. Effective date: 05/11/01.

Chapter 091, H.F. 1830-Workman, S.F. 2006*-Schwab. Making certain motor vehicle accident data available to certain private agencies or the public. Signed by the governor: 05/10/01. Effective date: 08/01/01.

Chapter 097, H.F. 2181-Workman, S.F. 2225*-Pappas. Authorizing school bus operation by licensed child care providers. Signed by the governor: 05/15/01. Effective date: Various.

Chapter 098, H.F. 1172-Workman, S.F. 1056*-Sabo. Requiring school districts, nonpublic schools or private contractors to annually verify the validity of school bus drivers' drivers licenses with the national drivers register or the Dept. of Public Safety. Signed by the governor: 05/15/01. Effective date: 08/01/01.

Chapter 103, H.F. 1549-Wenzel, S.F. 1772*-Samuelson. Restricting advertising on the C. Elmer Anderson Memorial Highway. Signed by the governor: 05/15/01. Effective date: 05/16/01.

Chapter 112, H.F. 1596*-Workman, S.F. 1599-Chaudhary. Expanding the definition of small vehicle passenger service to include for hire transportation of persons certified by the Metropolitan Council to use special transportation service in certain wheelchair accessible vehicles. Signed by the governor: 05/15/01. Effective date: 08/01/01.

Chapter 113, H.F. 2161-Stanek, S.F. 2005*-Foley. Designating the State Trooper Theodore Ted Foss Memorial Highway on I-90 in Winona County. Signed by the governor: 05/15/01. Effective date: 08/01/01.

Chapter 119, H.F. 887-Leppik, S.F. 910*-Robertson. Modifying the definition of residential roadway for traffic regulations purposes. Signed by the governor: 05/17/01. Effective date: 08/01/01.

Chapter 139, H.F. 2203-Clark, J., S.F. 2142*-Kelly, R.C.. Allowing judicial review of the public purpose and necessity for taking property for a county highway or town road. Signed by the governor: 05/21/01. Effective date: 05/22/01.

Chapter 156, H.F. 325-Howes, S.F. 174*-Moe, R.D.. Allowing gross weight seasonal increase for transporting carrots. Signed by the governor: 05/22/01. Effective date: 08/01/01.

Chapter 188, H.F. 708*-Workman, S.F. 708-Johnson, Dean. Clarifying the motor vehicle registration tax exemption for well drilling machines, pump hoists and related equipment. Signed by the governor: 05/24/01. Effective date: 05/25/01.

Chapter 191, H.F. 1973*-Workman, S.F. 2106-Terwilliger. Regulating state highways in municipalities. Signed by the governor: 05/24/01. Effective date: 05/25/01.

Chapter 213, H.F. 1488-Workman, S.F. 1769*-Ourada. Omnibus Dept. of Transportation housekeeping provisions. Signed by the governor: 05/29/01. Effective date: Various.

Chapter SS08, H.F. 7-Molnau, S.F. 7*-Johnson, Dean. Omnibus transportation, public safety and the judiciary appropriations bill. Signed by the governor: Line item veto. Effective date: Various.

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