

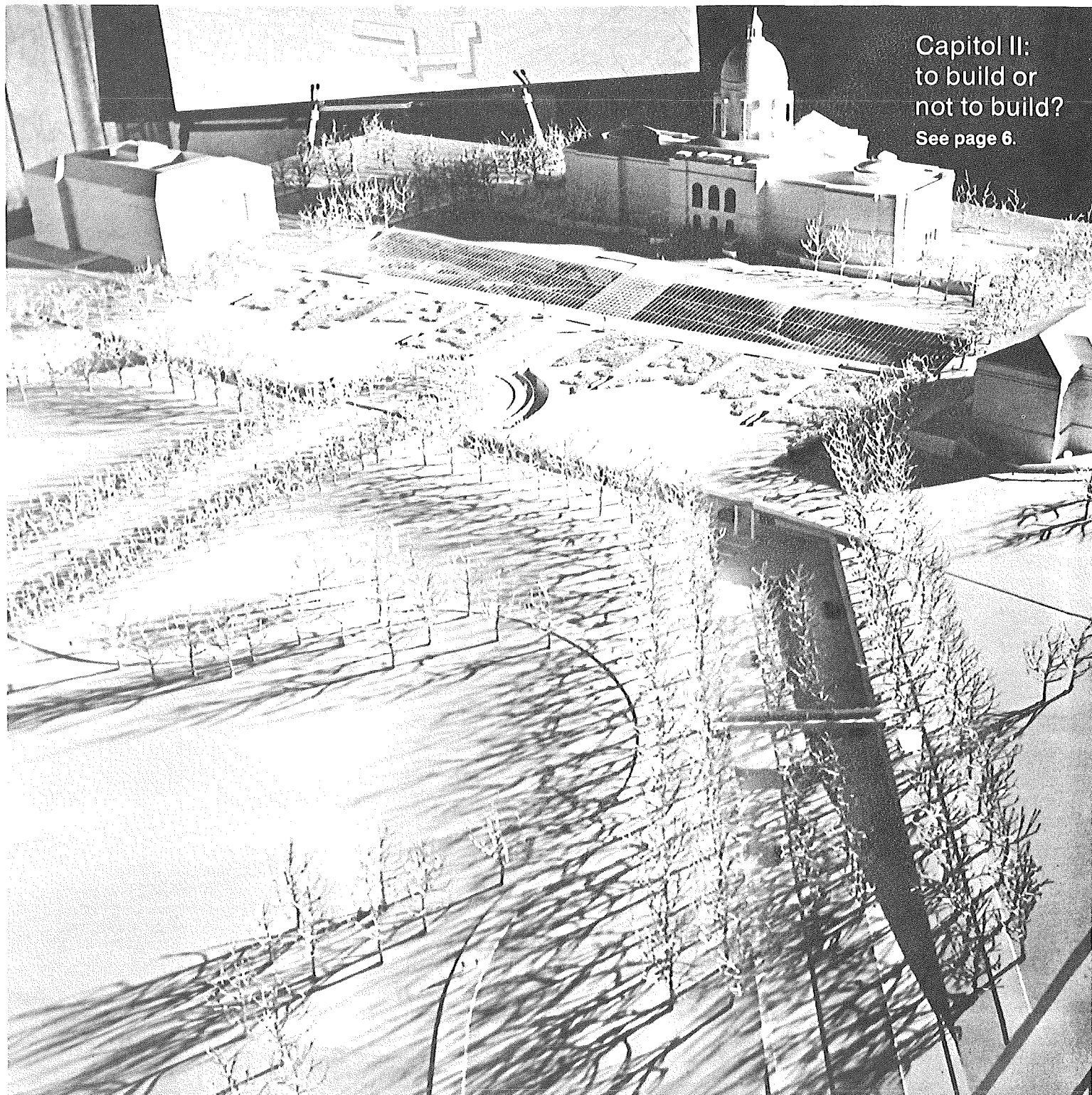
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VOL. 3, NO. 2 MARCH-APRIL, 1977

Perspectives

A Publication about the Minnesota State Senate



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to build or
not to build?
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—Sen. Brataas (pictured above conferring with Sen. Jim Nichols)



"I don't see my position as being a militant feminist advocate, but just the fact that Sen. Braatas and I are here is advocacy in some respects."

—Sen. Staples (pictured at left during committee hearing.)

Women in the Senate: “The time was right.”

by Karen Clark

In recent years women have been gaining increased prominence in government at all levels, with a growing awareness of the women's movement no doubt somewhat responsible for the upsurge of interest in politics. The Minnesota State Senate, no exception to this nationwide trend, now boasts two women Senators, Mrs. Nancy Brataas (I-R, Rochester) and Mrs. Emily Ann Staples (DFL-Plymouth.)

This is the third session for Sen. Brataas and the first for Sen. Staples. Both women emphasize that they wish to be recognized primarily as thoughtful, able legislators rather than as feminist Senators. This is not to say that Senators Brataas and Staples are not fervent supporters of so called “women's issues”, but rather, that they are concerned with a broader range of issues and with representing their districts to the best of their abilities.

As Sen. Brataas put it, “I consider myself a dedicated person as far as trying to help women and supporting women's legislation but I don't think of myself as a ‘women's legislator’ nor do I think that I should.”

“I don't see my position as being a militant feminist advocate, but just the fact that Sen. Brataas and I are here is advocacy in some respects,” Sen. Staples added.

Preparing for the future

Sen. Staples finds the opportunity to direct change the most important aspect of the legislative process: “I am really very interested in change - systematic change - and looking toward the future rather than responding to crises. I feel that elective office is probably the best, most organized way to prepare for the future.”

Sen. Brataas likes the intellectual stimulus that comes from ideas: “What I really enjoy most is the in-depth legislative work. To go from the administrative, data processing kinds of activities that I have been involved with, and, at this stage of my life to be dealing with ideas and concepts is a tremendously exciting thing for me.”

Sen. Staples believes that some of the legislation that has been passed in previous sessions, though broad and sweeping, has “not really addressed the ‘nitty-gritty’ of an issue.”

“I am interested in seeing that there is less legislation, fewer restrictions. I think of the amount of money being spent complying with rules and regulations at both the state and federal level and it becomes just

unconscionable. I would like to assist in coordination and decreasing the demands of all the paperwork we are imposing on people in every area of life,” she continued.

Volunteer background helps

Interestingly, neither Sen. Brataas nor Sen. Staples started out with the career goal of state senator in mind. Both have done extensive volunteer work, in politics and in charitable organizations. As a result both women have high regard for volunteerism as an experiential background for people, especially women, seeking political office.

“Unless a woman is somewhere in the labor market where she has responsibility for other people, volunteer work is the best way to get substantive experience in issues and to learn to think and speak on your feet,” Sen. Staples said.

“We have numbers of women who have received training - managerial, business and administrative planning training - through leadership positions they have held as volunteers. And I certainly believe this experience is transferrable to the legislative world,” Sen. Brataas added.

The two senators share two of the same committee assignments, Employment, and Health, Welfare and Corrections. Both expressed deep interest in issues that come before those committees. Sen. Staples expressed special concern for health related issues, particularly nutrition and preventive medicine. She is also looking forward to serving on the Subcommittee on Economic Development and studying, in depth, the economic climate in Minnesota. Sen. Brataas finds the Employment and Commerce Committees especially interesting because of the learning experience involved. In addition, she is a co-author of the displaced homemaker bill which attempts to deal with the problems faced by growing numbers of mature women entering the work force. She is also a strong supporter of a measure that would set up crises centers for battered women.

Strong support for ERA

Perhaps not surprisingly, both senators are strong supporters of the Equal Rights Amendment and have pledged to oppose any action to rescind Minnesota's ratification. Such action, according to Sen. Brataas “... would be an insult to a progressive state such as Minnesota. In all areas of problem solving we have been a progressive state and to rescind our original action on the ERA would be an absolute insult to all of us.”

Sen. Staples concurred, saying, “People tell me we don't need it (ERA) in Minnesota, O.K., we've been progressive but what about people outside the state; who can't own property in their own names and must live with inequitable inheritance laws; discrimination is still rampant.”

Sen. Staples finds time the primary drawback experienced so far in her new role - she is discovering that there simply isn't enough time to do all that she wants to do. Committee meetings are often scheduled right through the day leaving little time to synthesize and prepare for the next day's active schedule.

Sen. Brataas also calls time demands a major concern. Each woman expressed a desire to have more time to spend working with their constituents.

Subtle discrimination?

In addition, Sen. Staples felt “There is certainly subtle discrimination against the women in the ‘club’ of the Senate. Part of this is, perhaps, being a freshman, part is, perhaps, being a woman, but it is certainly partly the fact of accessibility, of clubbiness; I'm not uncomfortable with it but I think a lot of business still gets done in the ‘steam room’,” she continued.

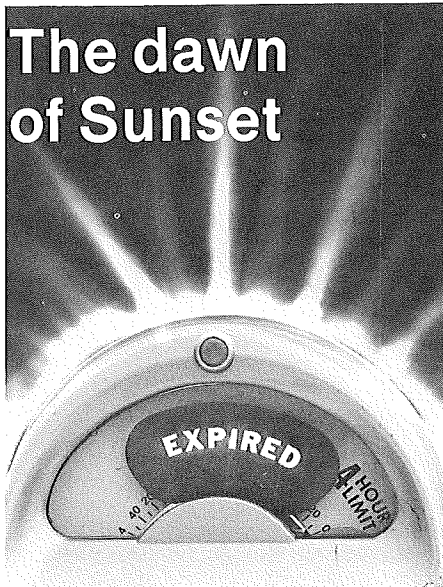
Sen. Brataas observed, “I think there is a burden on women, those of us who are the first, — whether we are imagining it or not — to try and do things well so that people will not say ‘oh those women, give ‘em a little freedom and look what they are doing.’ You are fighting that constantly. But, I must say the members do not make me feel this way. I found that I was welcomed and helped by people from both sides of the aisle when I got here.”

The time is right

Both Senators believe women have a future in politics: “There's a tremendous future for women in the Legislature,” Sen. Brataas declared. Sen. Staples agreed, saying, “I hope more women are being encouraged to realize that they can make a truly substantial impact.”

“The only reason I could get elected is because of the number of women who paved the way, running for local school boards, running for city council. And, I think the time in my constituency, for which I am grateful, seemed to have been right. I think the time in other constituencies is right as Emily Ann Staples has just shown. I think the Legislature is a great career, or step in a career, for a woman; an area where women can fully develop their potential,” Sen. Brataas concluded.

The dawn of Sunset



News Analysis

by Dave Peterson

Editor's note: "Sunset" legislation is one of the most widely discussed governmental operations issues in state legislatures today. "Sunset" is a popular term used to characterize legislation which calls for the automatic termination of agencies or regulatory functions — unless extended by specific legislation.

"Sunset" appears to be dawning in the Minnesota Senate this year with the introduction and possible passage of legislation that would provide for a periodic seven year review of state government regulatory agencies.

The Senate Government Operations Subcommittee on Government Structure, chaired by Sen. David Schaaf (DFL-Fridley), has just completed several weeks of hearings on sunset bills and has recommended that the full committee act favorably on one of them, authored by Sen. Hubert H. Humphrey III (DFL-New Hope).

The Humphrey measure is not "pure" sunset since it limits its scope to the state's 80-odd regulatory functions. A "pure" sunset bill would mandate the periodic expiration of an entire government agency.

How Sunset Works

Under the provisions of the bill as passed by the subcommittee in late March, each selected regulatory function would undergo an 18 month review process in advance of its scheduled expiration date. Each year, approximately one-seventh (or one dozen) of the regulatory functions would come up for review. The process would begin with an internal review in which the agency would be required to answer specific questions to justify the continued existence of the function.

After completion of the internal review, the appropriate standing committee will recommend to the Legislative Audit Commission which functions should be given an in-depth performance evaluation. If the results suggested that the functions involved were not essential and that few problems would result by allowing the regulatory agency involved to go out of existence, the recommendation would be made not to renew statutory authority for the agency. Assuming the legislature concurred, the sun would then set on that regulatory function.

Looking for opposition

Subcommittee Chairman Schaaf said when his hearings began that he had some reservations about the bills, but apparently those reservations were overcome during the hearings and by substantial changes in the bill itself. Similarly, Governmental Operations Chairman John Chenoweth (DFL-St. Paul) is a supporter of sunset legislation, although he wants to proceed cautiously to avoid possible duplication of efforts. So is Sen. John Keefe (R-Hopkins), who authored a similar measure to the Humphrey bill. (The chief difference in the Keefe bill is that it would have required an economic impact assessment of the proposed expiration.)

The fact of the matter is that it is difficult to find **anyone** (in the Legislature at any rate) who is strongly opposed to sunset legislation. (Perhaps this is because the idea is a traditionally conservative one which is now being championed by liberals.) There may be differences over approaches and over specific operational provisions, but there seems to be general agreement in the Senate that the legislative branch must begin to concern itself with ongoing oversight and that some kind of sunset law is the way it should be done.

Zero-based budgeting

Another popular governmental reform concept, "zero base budgeting," has also been looked into by the subcommittee this year. By forcing all state agencies to justify every dollar they spend (instead of just their new requests), zero base budgeting would also affect non-regulatory agencies and would thus complement the sunset approach. But the zero-base measure, introduced by Sen. Conrad Vega (DFL-South St. Paul), has been recommended for further study during the interim.

Immediate prospects

Whether or not the Humphrey sunset law makes it through the full legislative process this session is not yet easily predicted. It is one of the second-level priority items already identified by Majority Leader Nicholas Coleman, but with higher priority items such as the stadium, ban-the-can, Dutch Elm control, salary increases, and a panoply of other pressing issues awaiting attention, it could be that the sunset measure, like the zero base proposal, will undergo further study and refinement during the interim period.

Even so, some sunset law appears to be a virtual certainty before final adjournment in 1978. If, that is, anything is a virtual certainty in the legislative world.

Capsule

Senate News Round-up

Agriculture and Natural Resources

Several major environmental concerns have dominated committee attention during late February and March.

After extensive hearings in the subcommittee on Environmental Protection (chaired by Sen. William Luther, DFL-Brooklyn Center) the full committee passed a \$27.8 million bill to fight Dutch Elm Disease and assist local communities with replanting programs. It was then referred to the Finance Committee where it was later approved, and recently won Senate approval.

The full committee, chaired by Sen. Gerald Willet (DFL-Park Rapids), narrowly approved the controversial mandatory deposit bill at a March 22 meeting. The bill requires a ten cent deposit on all beverage containers.

After extensive hearings into the regulations and procedures involved in the siting process for power plants and power transmission lines, the Environmental Protection Subcommittee began discussion of ten different bills dealing with the powerline issue. The bills are expected to be heard in the full committee later in April.

Commerce

Two important pieces of "consumer" legislation — unit pricing and liquor price advertising — were introduced at meetings of the Commerce Committee in February and March. The unit pricing measure, which requires all grocery stores having more than \$750,000 in annual sales to display the cost of items per standard units for easier price comparisons, was approved by the full committee March 1. The liquor price advertising measure, however, was defeated.

Other important committee action included approval March 24 of a bill that would permit branch banking within economic development regions. Hearings on a proposal to establish a floating interest rate ceiling began in late March. Commerce is chaired by Sen. Robert Tenneson (DFL-Mpls.).

Education

Education Committee Chairman Jerome Hughes introduced a comprehensive early childhood and family education proposal in March and later included it in the omnibus education aids package. Other committee hearings have concerned the controversial school redistricting proposal, and review of a number of special education programs. A subcommittee recently approved a new school aid formula package.

Elections

A referendum would be placed on the 1978 general election ballot to determine whether 18 year olds should be allowed to hold elective office — if a measure approved by the Elections Committee wins final approval. (Currently 18 to 21 year olds are permitted to vote but not to hold office.) The voters would decide whether to change the Minnesota Constitution to allow these younger voters to hold any office to which they were elected (unless an older age is specified by the Constitution).

The Elections Committee (chaired by Sen. Edward Gearty, DFL-Mpls.) also approved a measure by Sen. David Schaaf (DFL-Fridley) that would establish a statewide uniform election time for all municipal, county and state offices, except township elections. The measure passed March 8.

Employment

Those who quit jobs will no longer be eligible to collect unemployment benefits, under a bill passed by the Employment Committee and later approved by both Houses of the Legislature and signed by the Governor. The measure also increases the amount employers must contribute to the fund and had broad business and labor support.

The Employment Committee, chaired by Sen. Roger Laufenburger (DFL-Lewiston), has also okayed a bill prohibiting age discrimination, and passed legislation to increase the State Minimum wage from \$2.10 to \$2.30 an hour, effective January 1, 1978.

A broad measure to reorganize the state's employment-related agencies under a new Department of Economic Security was introduced in March.

Energy and Housing

The Energy and Housing Committee passed a measure on March 10 that would lift the state sales tax on heating fuels during the months of July, August and September. The measure is designed to encourage users to fill their tanks during warm months and thus increase home storage utilization. Most committee meetings have been devoted to background presentations on energy and housing issues. Hearings on several energy related measures, including tax credits for home insulation improvements and for investment in solar energy, will be held during April, according to Committee Chairman Jerald Anderson (DFL-North Branch).

Finance

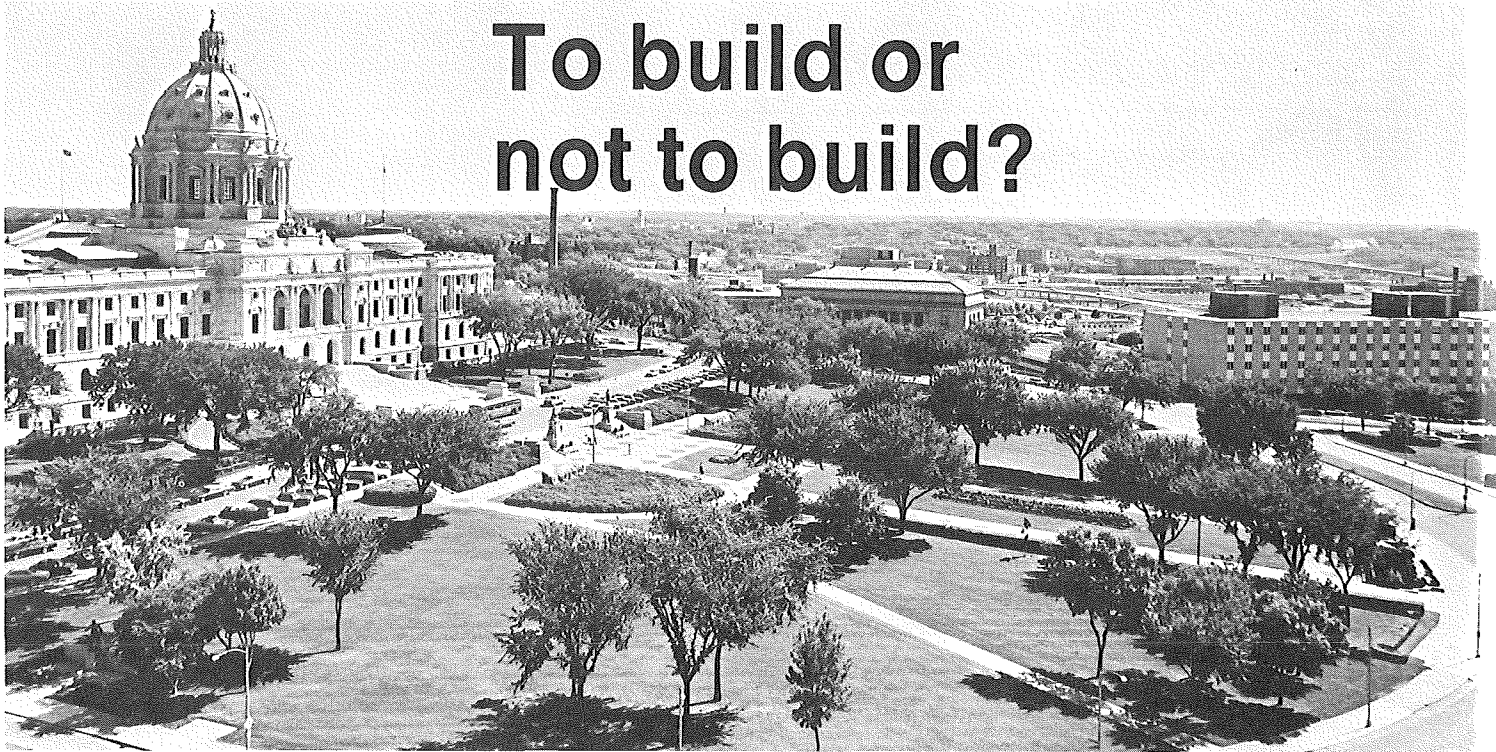
Most of the work being done in Finance has been handled by its four subcommittees, which have examined budget requests in detail and are now making allocations. The full committee, chaired by Sen. Roger Moe (DFL-Ada), okayed the expenditure of \$27.8 million to fight Dutch Elm disease after it had won Agriculture and Natural Resources approval. It also approved an \$11 million deficiency appropriation requested by the Department of Natural Resources to cover extra costs incurred in fighting forest fires last summer, and okayed the unit pricing measure approved by the Commerce Committee. Hearings on the proposed pay increases for top state employees and judges were held late in March and led to approval by the committee.

General Legislation & Veteran Affairs

A bill that would provide deaf persons with guide dogs the same rights granted to blind persons, was approved by the General Legislation and Veteran Affairs Committee (chaired by Sen. Howard Olson, DFL-St. James) in March. The committee also approved a bill to encourage oil recycling. It requires that anyone offering motor oil for retail sale must provide a recycling container on the premises.

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To build or not to build?



by Dave Peterson

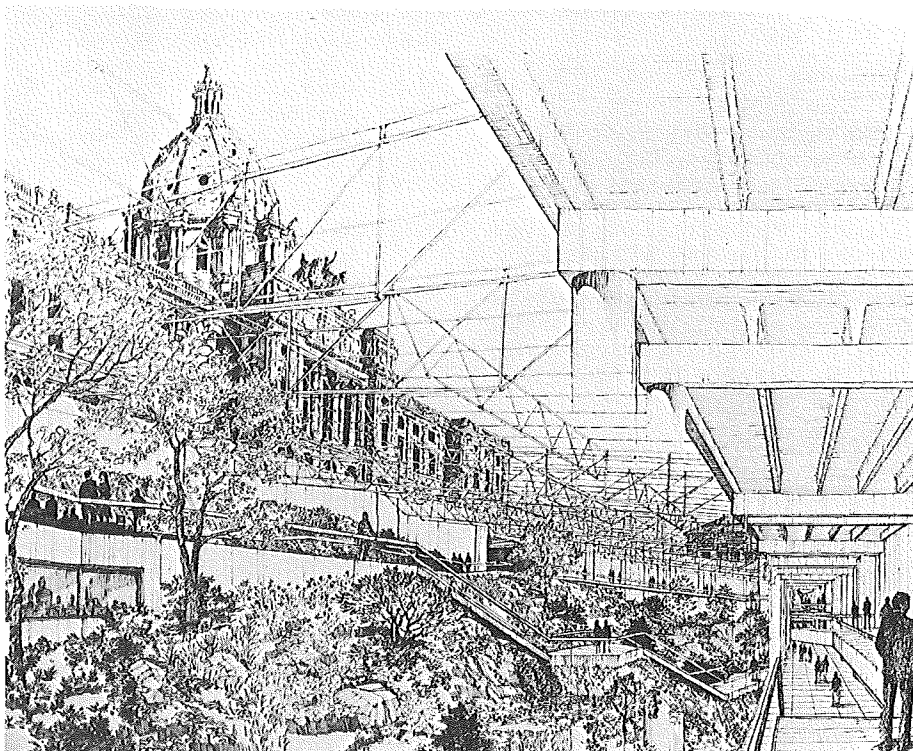
A planned underground annex to the State Capitol — known as the Capitol Government and History Center — has drawn its share of attention and controversy since it was originally proposed. Plans, which moved a step closer to realization in March with the selection of the winning design (the culmination of a national competition), then took a giant step backward in April when the House DFL Caucus voted overwhelmingly against it.

The Selection

The selection, made by a nine-member jury of nationally-renowned architects and prominent Minnesotans, was announced March 8 by Solveig Premack, Minneapolis, vice-chairperson of the Capitol Area Architectural and Planning Board, the agency sponsoring the competition.

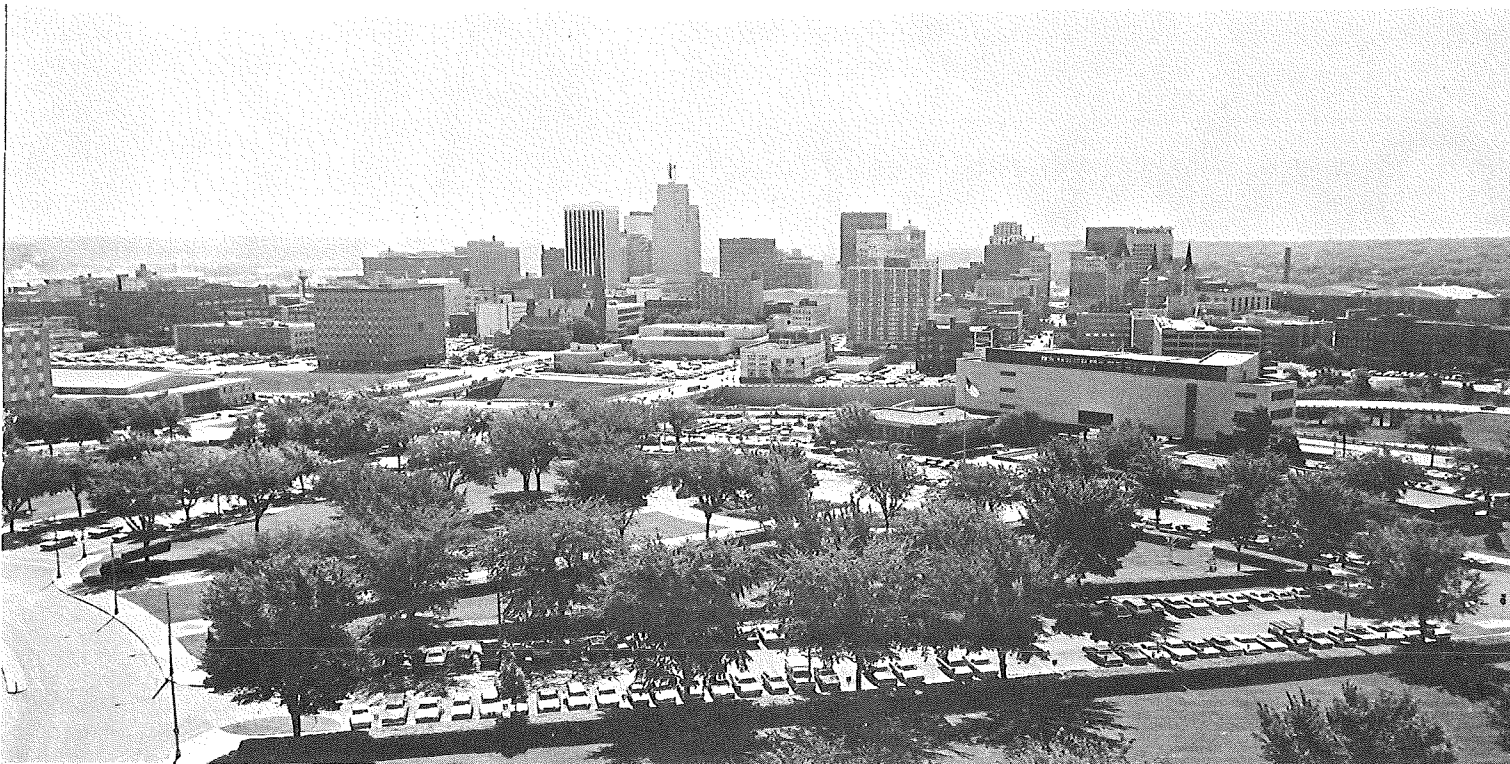
Helmet Jahn of C.F. Murphy Associates, a Chicago architect with considerable experience in designing public facilities, including the new State Office Building in Springfield, Illinois, created the winning design. It features the three levels — parking, a main floor, and a mezzanine — all completely underground and connected to the Capitol through a two-storied terraced garden, also underground and covered with a skylight through which the Capitol can be seen. (By building the structure underground, heating requirements will be cut in half; cooling requirements reduced by 20 percent.)

If built, the new Center would house a Minnesota Historical Society museum and classroom space, public meeting rooms for legislative and state agency hearings, an auditorium, public cafeteria, and parking for 450 cars, including 200 public parking spaces.



The Capitol Mall area (above) has been selected as the site for 'Capitol II'. The entire complex would be built underground and new landscaping and trees would replace the existing elms, many of which are expected to be destroyed by Dutch Elm Disease.

IMMEDIATELY ABOVE: Architects sketch showing view of the Capitol from inside the covered garden.



Of the original 261 architects who entered the national design competition, five semi-finalists were chosen by the jury last December to develop their designs further for the final judging. The entries included large scale models integrating the designs into the overall landscaping plan for the mall, along with 12 large drawings of floor plans and views of the building from various perspectives.

No funds yet

But funds for construction, estimated to cost about \$35 million (which includes furnishing, equipment, and area landscaping) have not yet been appropriated.

Supporters of the building, including Senate Majority Leader Nicholas Coleman (DFL-St. Paul), have not yet given up hope that the building will eventually be approved, even though the project has been abandoned for this session. Gov. Perpich had joined Coleman in publicly supporting the project in March when he announced that the Capitol Complex was the number one priority on his building list.

The Controversy

The intensity of the controversy over the proposed structure has heightened in recent months, apparently as opponents began to realize that the project was moving from the planning stage to the appropriation stage. Opponents have three basic objections: (1) they question the actual need for the facility, (2) they question the location, claiming it could be built for less money elsewhere, and (3) they argue that the building would destroy the character of the Capitol Mall. Critics also claim that the whole project has been planned in secrecy, although supporters quickly reply that the charge is not borne out by the record of public meetings held.

Supporters, such as Majority Leader Coleman defend the plans:

"Anyone who has tried to park at the Capitol when the Legislature is in session knows there is a parking problem. Anyone who has tried to get into a packed committee room for a hearing on a controversial bill knows that there is a need for more spacious rooms. Anyone who has seen the cramped facilities of the State Historical Society knows that we can and should provide more display space for historical exhibitions — currently the Historical Society can display only about one percent of its collection. Anyone who has been in the Capitol Cafeteria at noon knows that there is a problem with overcrowding there also. I just can't see how we can continue to say we are encouraging public participation in the governmental process and then turn around and say 'Sorry, there's no place to park, there isn't room for you, and bring your own lunch.' Improving public access is the only way to facilitate public participation."

Less money or more?

The more vocal opponents of the proposed facility maintain that parts of it — especially the parking ramp — could be built for less money elsewhere. Supporters replied that professional studies show the cost differences are nominal and that any increased costs for the mall site would go for additional landscaping, that it is more convenient for the public to have public function areas in close proximity; and that if legislative haggling over the funding of the proposal blocks its start next year, that increased costs caused by the delay would more than cancel out any possible savings achieved by changing the plans or location.

Seeing clearly now

Critics are also concerned about blocking the view of the Capitol and about altering the character of the Capitol Mall, a concern shared by Governor Perpich, so much in fact that he has hinged his continuing support for the project on it. But that too has been addressed in the design, in fact, over 11 acres of additional green space would be created. Peter Walker, a California architect who served as chairman of the blue ribbon selection panel, said after the selection: "(It) was the most beautiful set of drawings I've seen in a long time. We chose the best design for the Capitol area — it preserves the character of the Mall extremely well."

Another member of the jury, Vermont landscape architect, Dan Kiley, echoed those sentiments: "This is a very respectful yet modern design. The way the Capitol is seen from inside the building is just remarkable. The beauty of the Capitol always remains central to the design." (Kiley has worked on the Champs Elysees in Paris and the U.S. Capitol Mall in Washington, in addition to designing the master landscaping plan for the 20 acre Capitol area.)

Unless Coleman and other supporters change their minds and decide to abandon the project permanently, the issue will undoubtedly re-surface again in subsequent sessions.

Opinion

Minority

by Sen. John Keefe



During the 1977 session there won't be an increase in tax rates, but that doesn't mean state government won't be collecting more revenue. Actually, the people of Minnesota will be contributing millions of additional dollars to support the ever-growing state bureaucracy. This money comes into state government surreptitiously by way of inflation and increased wages. The I-R Caucus wants to do something about this tax, so we've introduced the tax indexing bill this session.

Under the indexing system, persons with larger incomes continue to pay a bigger percentage of their incomes to the government than do poorer and middle-income persons, but wage increases which merely keep pace with higher prices do not raise the average tax rate for any individual.

An example of what happens to the average family shows that a person lucky enough to have their income keep pace with inflation since 1971 is paying more than twice the state income tax in 1976. That means income went up 45%, federal tax went up 73% and state tax went up 118%!

This inequity to the taxpayers of Minnesota - who already rank Number 3 in the nation for the amount they pay for state income tax - is not the only inequity the Independent-Republican Caucus is addressing itself to this session. There is the ever-growing property tax burden which, according to the latest figures, could increase by 40% in the near future. So far, no real solutions have been explored by the DFL.

Complicated tax forms are yet another stumbling block for the average Minnesota taxpayer, who is expected to plow through a maze of directions to comply with Minnesota tax laws. Governor Perpich has stated that one of his top priorities is simplification of tax forms. The DFL leadership doesn't seem to be listening though - what has happened so far this session certainly hasn't simplified anything! Instead, we've been flooded with tax bills. Even the Subcommittee on Income Tax, which was set up to study

bringing state law into conformity with federal law, is getting bogged down with many variations - leading to even more complex and difficult rules to follow when filling out the tax forms.

Along with our effort to improve the tax climate in Minnesota, the I-R Caucus would like to see some much-needed action on Sunset Laws. By making our governmental units responsible for their actions and cutting our unnecessary bureaucracy, we can save tax money for the Minnesota citizen. (State government must learn to treat its spending dollars the same as they would be treated in the family budget.)

In this thrust to make government more responsive and efficient, we would also recommend a closer watch over federal funds as they come into our state. Since President Carter has listed as a top priority - streamlining and reorganizing government - we would hope that at some time in the near future, the Minnesota DFL would heed this command and finally act to carry it out. When and if they do, the I-R Caucus will be ready to lend its support in a united effort to bring Minnesota to the forefront of our nation with a fair, equitable and streamlined tax structure.

Another area of vital concern to the I-R Caucus is the current energy situation in Minnesota. The energy emergency that occurred this winter should furnish the impetus for some legislative action to assure our citizens that they won't be faced with such a shortage again next year. We support positive incentives for research and development and conservation rather than the penalties-and-regulation route so often pursued by the DFL.

The I-R Caucus believes that this positive approach can and will be a successful method for solving the energy problems in the state.

Majority

by Sen. Roger Moe



The early months of any budgeting session are traditionally highlighted by a running debate on taxes. January, February and March find the general public, legislators included, filling out tax forms, and as a result, a significant amount of each legislator's mail focuses on the income and property tax systems and their impact on family budgets.

Early this session legislative discussion and deliberation focused on our income tax system and proposals for simplified tax forms designed to provide close to 100 million dollars in additional income tax relief. However, in recent weeks the emphasis has shifted somewhat from income tax programs to property tax programs. That shift is largely the result of recently publicized predictions for annual property tax increases of close to twenty percent over the coming biennium. Although those predictions may be a little pessimistic, there is clear evidence that we may see substantial increases in property tax levies.

Although I share the growing public concern over potential property tax increases, I should point out that the legislature does not levy property taxes and, in fact, state government neither collects nor spends a single penny of property tax money. If we examine the property tax revenues closely, we will see that 51.5 percent of each property tax dollar goes to local school districts; 26.3 percent to the counties; 19.8 percent to local units of government; and 2.4 percent to special taxing districts such as watershed districts.

Looking at state revenues, drawn from such sources as the income and sales taxes, we find that nearly two-thirds of those monies are earmarked for programs designed either to allow local units to keep property tax levies to a minimum or to provide direct property tax relief. In recent years, state government has worked hard to reduce the property tax load counties, school districts and local governments must place on community residents. Over the past 8 years, for example, we have reduced the locally financed portion of school costs from 57 percent to 30 percent.

In that same time span indirect aids to local units of government have more than tripled. These aids, which include our homestead and circuit breaker tax relief

programs, have jumped from a 300 million dollar biennial appropriation 8 years ago, to close to one billion dollars for the coming biennium.

Direct per capita aids to local governments have also increased, reaching a record \$45 per capita this year. Minnesota, which less than a decade ago had the 11th highest property tax, has now dropped to 24th in the nation.

However, I realize that these past efforts will not help pay the coming biennium's property taxes. As a result, legislators are joining in the effort to devise programs to keep projected property tax increases to a minimum.

Increased local and educational aids will be an important step in minimizing those increases. By providing additional state aids to those local units we can reduce the property taxes they must collect from local property owners in order to finance their operations.

It also appears that some of the tax relief funds earlier earmarked for income tax relief may be shifted to property tax relief programs. Basically, we will work toward a total tax relief program which allocates tax relief monies to the areas and families most in need.

We will also be taking a look at the property tax system in general. At this time, the rapidly inflating values of farm land and residential dwellings is the major factor in projected increases. We have a "sellers" market pushing values up and, as a result, many farmers and homeowners have reached the maximum allowable homestead, circuit breaker and agricultural credits. This session we will be looking at programs designed to provide additional relief to both homesteads and agricultural lands.

Despite the fact the property taxes remain the domain of local governments, counties and school districts, I feel the legislature has an obligation to aid those units in keeping tax levies to a minimum. Just a few years ago the legislature made a strong commitment to helping local units reduce property tax levies, and I can assure you we intend to honor that commitment.

'Certainty in an uncertain world'

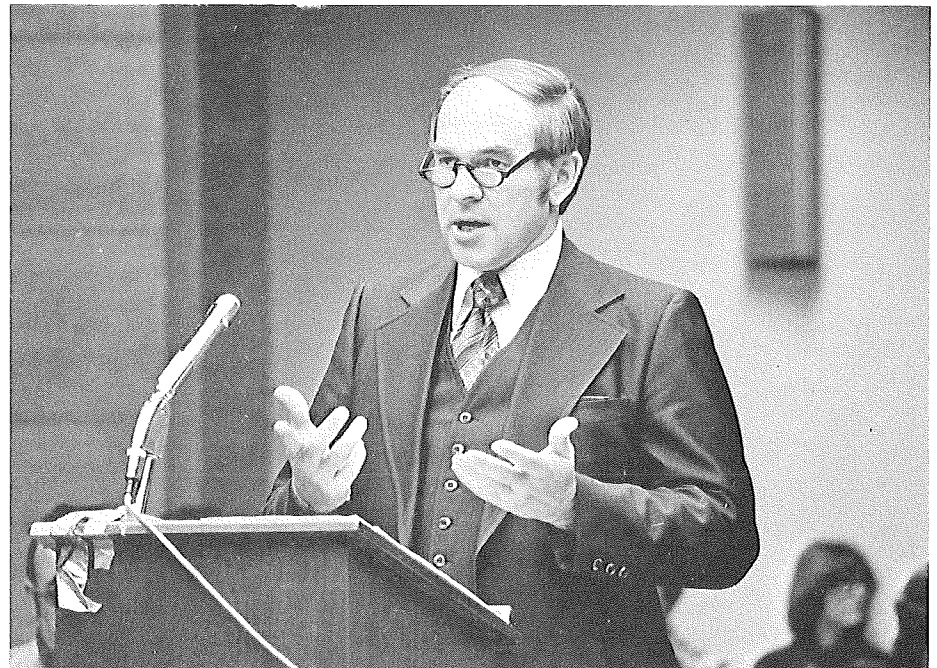
Editor's note: Sen. William McCutcheon (DFL-St. Paul) introduced the controversial "determinate sentencing" bill (S.F. 65) at the meeting of the Senate Health, Welfare and Corrections Committee Tues., Feb. 22. After approval the bill was sent to the Judiciary Committee where hearings were held during the week of March 20. Following approval by the Judiciary Committee, the bill was then sent to the Finance Committee before being heard on the Senate Floor.

While making his initial presentation of the bill, Sen. McCutcheon distributed background material gathered by Senate Researcher Frank Fly. The following article is comprised of excerpts from that material.

Determinate vs. Indeterminate

Determinate sentencing can perhaps be understood best by contrasting it with indeterminate sentencing. It is important to bear in mind, however, that in practice there is no sharp distinction between the two. Rather, the difference is one of degree, depending on how much discretion is given to the courts and state agencies in deciding how to dispose of an offender, and if he is imprisoned, when he should be released. In a "pure" determinate sentencing system, there would be no discretion at all, while in a "pure" indeterminate sentencing system, there would be total discretion; but in practice proposals and existing systems always fall between these two extremes.

Nevertheless, a fairly clear distinction between determinate and indeterminate sentencing can be made in theory, especially in terms of how each conceives of the purpose of sentencing. The purpose of sentencing under the indeterminate system is primarily rehabilitation. Broad discretion is given to the parole board to decide when an inmate can be safely released into the community, based upon its judgment as to how successfully he has been rehabilitated. Hence this system is based on the idea that punishment should fit the person rather than the crime.



Punishment fits the crime

Determinate sentencing, by contrast, is based on the idea that punishment should fit the crime, not the person. It presumes that everyone who commits the same crime should receive the same punishment. The criterion for release is simply that a person has "paid his due" to society.

It is important to note, however, that advocates of determinate sentencing do not want to do away with rehabilitation. They urge only that rehabilitation is not effective unless it is completely voluntary, and that it cannot be used as a criterion for release. Their primary concern is insuring that the criminal justice system operates equitably, or justly, in the sense of everyone in the same circumstances being treated the same way. For this reason, determinate sentencing is sometimes referred to as the "justice" model of corrections.

More equitable terms

For the most part, S.F. 65 has impact only after the court decides to sentence the offender to imprisonment. The bill's main thrust is to insure that defendants imprisoned for the same crime serve terms which are reasonably comparable in length. Thus the bill does not attempt to control or eliminate discretion exercised in other areas of the criminal justice system. The bill does not reduce police discretion or eliminate plea bargaining. To do so is simply not one of the goals of a bill which seeks to make prison terms more equitable.

Also, the bill covers only crimes with felony penalties. The courts would continue to handle gross misdemeanor, misdemeanor and petty misdemeanor offenses as they do now. Since only felonies are covered, the bill obviously does not deal with offenses over which the juvenile court exercises jurisdiction.

Discretion still important

The bill does not eliminate judicial discretion, out of recognition of the fact that there needs to be substantial flexibility in sentencing to take into account the circumstances peculiar to each crime. The measure actually makes the sentencing judge's decisions the single most important element in the entire process. The bill shifts the locus of discretion from the parole board, which would be eliminated, to the sentencing court. Under the bill the court retains absolute discretion to grant or deny probation in all cases except where the offense is a particularly serious crime against the person or where the offender has repeatedly been engaged in serious criminal activity.

The bill also allows the court substantial discretion in determining what sentence a defendant must serve if he is imprisoned. First, the court may increase or decrease the statutory sentence within the limits set forth in the bill. Second, the bill allows the court, in cases where very serious criminal activity is involved, to give the defendant an extended term of up to three times the statutory sentence provided for the crime for which the defendant is presently being convicted. Finally, the bill continues the court's present authority to give consecutive sentences in cases of multiple offenses.

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CAPITOL NEWS DAY



Outstate reporters who attended Capitol News Day got a chance to question all Senate and House Committee Chairmen at a morning session on Thurs. March 17 (top photo). Senate Majority Leader Nicholas Coleman and House Speaker Martin Sabo are seated next to each other beneath the Capitol News Day sign.

After the session, Rep. Tom Berg (DFL-Mpls.) playfully turned a TV camera on the reporter and camera-man as Sen. Clarence Purfeerst (DFL-Faribault) looked on. Berg chairs the House Local and Urban Affairs Committee; Purfeerst chairs the Senate Transportation Committee.

Earlier the reporters had attended a press conference by Gov. Perpich, who is pictured above thinking over his response.

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Government Operations

The Government Operations Committee, chaired by Sen. John Chenoweth (DFL-St. Paul), has begun examination of a number of government reorganization bills during the session and has approved a bill making the terms of state department heads concurrent with that of the Governor. It has also begun hearings into proposed "sunset" legislation and a zero-based budgeting measure. (See article on "sunset" laws on page 4.)

The committee approved the controversial salary bill and approved the Bloomington site stadium bill late in March.

Health, Welfare and Corrections

A proposal to require determinate sentencing won preliminary approval by the Health Welfare and Corrections Committee in late February, and then went on to be okayed by both the Judiciary and Finance Committee in late March. Senate action is expected in April (See the article on page 10).

The committee, chaired by Sen. George Perpich (DFL-Chisholm) also approved a measure establishing four crises centers for battered women, another that establishes several evening child care centers at state universities, and a bill that initiates statewide health screening for four and five year olds. In late March it also passed a bill that would close Hastings State Hospital.

Judiciary

A bill that would require all new homes built in Minnesota to be guaranteed to be free of structural defects was approved by the Judiciary Committee in late February and passed by the Senate and House in March. A conference committee was appointed to work out differences late in March.

The Judiciary Committee, chaired by Sen. Jack Davies (DFL-Mpls.), also approved measures that allow police officers to order one of the spouses involved in domestic quarrels out of the home for a cooling off period, another that outlaws use of electronic devices to avoid telephone charges, and many other technical bills. Determinate sentencing was approved April 1.

Local Government

The Local Government Committee, chaired by Sen. Myrton Wegener (DFL-Bertha) has considered and approved a number of bills with local significance. A measure that would allow counties to withdraw from regional development committees was introduced in March but no decision was reached.

Taxes

Two major topics — possible repeal of tax increment financing and a study of the impact of 1976 federal tax law changes — have dominated the activities of the Tax Committee in late February and March. Each topic is being studied by a subcommittee.

A bill that would exempt home improvements made on homes at least five years old from any increased taxes as a result of the improvements was introduced in March but no final action taken.

Transportation

Repeal of Minnesota's mandatory helmet law won its first approval in the Senate Transportation Committee in February. The Committee, chaired by Sen. Clarence Purfeerst (DFL-Faribault) also banned radar detection devices ("fuzz busters"), increased the weight limits for trucks, and considered legislation that would order a moratorium on freeway noise barrier construction.

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Conditional release

The conditional release provision of the bill allows the release of offenders into community corrections programs in order to facilitate their reintegration into society. To insure that this authority is not abused, and does not result in the institution of a quasi-parole program or in the early release of particularly serious offenders, the bill allows conditional release only during the last year of the offender's term.

At the same time, the bill insures that conditional release decisions will be made equitably, on the basis of uniform criteria, by requiring the commissioner to promulgate rules for the placement and supervision of inmates who are released, and by lodging the conditional release authority in a special three-member inmate review board.

The bill also includes a "good time" provision solely to give prison authorities an effective means of controlling inmate behavior. By specifying that good time may be earned on a day-for-day basis, the bill allows frequent punishment of an inmate who continually commits disciplinary infractions.

The bill would safeguard inmates' rights in this connection by requiring the department to abide by the due process procedures already used for disciplinary infractions in the state's correctional institutions in order to prevent an inmate from earning good time.

A question of balance

In his remarks to the Committee Sen. McCutcheon stressed that "the primary purpose of the bill is to provide certainty in an area filled with uncertainty." He went on to say "the bill strikes a balance between the judicial and medical models of sentencing. Further, the bill does not attempt to deal with the entire criminal justice system, instead, S.F. 65 deals with only the sentencing aspect of the process."