78, January

P88

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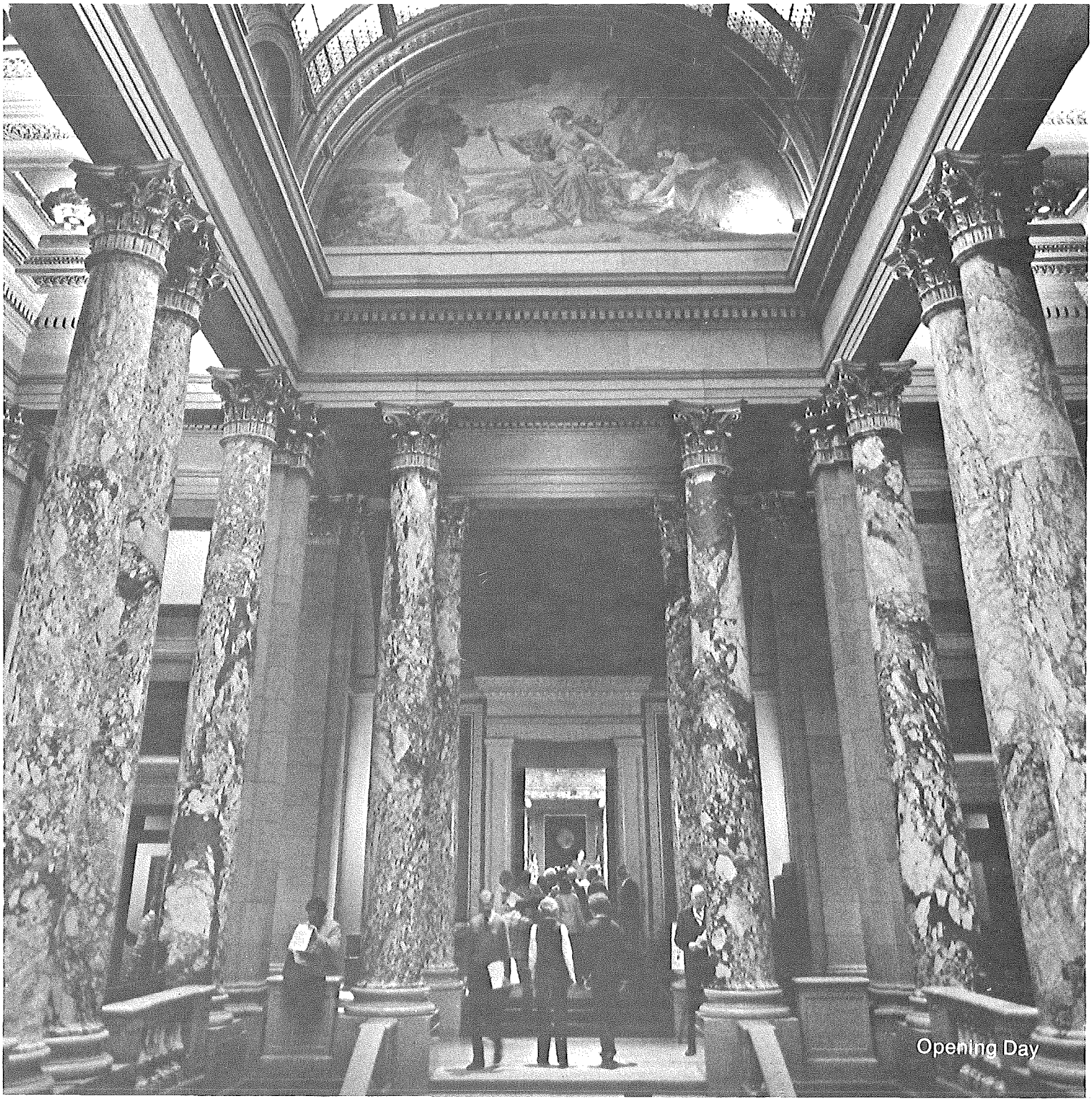
Perspectives

A Publication about the Minnesota State Senate



Opening Day

SESSION 78: What to expect

The Senate Chambers were full for opening ceremonies Jan. 17th.

by Dave Peterson

With the Legislative session only in its infancy, key legislators in the Senate seem to agree on one thing in particular — that the session will be short and will move quickly.

In fact, adjournment dates as early as March 15 or 17 are being mentioned more and more often. Both Senate Majority Leader Nicholas Coleman (DFL-St. Paul) and House Speaker Martin Sabo (DFL-Mpls.) have said they hoped to be done with legislative business by mid-March. Another Senate Committee Chairman indicated that he thought his committee's work could all be completed by the first week of March.

But the agreement *could* end there. For key Senators also acknowledge that a number of important issues must be resolved before adjournment, with the Governor's proposed income tax cut, state funding of abortions, and possible changes in the procedures for filling U.S. Senate vacancies the top three issues most frequently cited as legislative priorities.

Tax cut top issue

Of these three, the tax cut issue is most frequently singled out as the most important issue to resolve. The Governor has already called it his number one priority for the session, but two key and influential Senate Committee chairmen — Tax Chairman William McCutcheon (DFL-St. Paul) and Finance Chairman Roger Moe (DFL-Ada) are reported to have reservations, particularly if the Governor presses for a large cut. McCutcheon has introduced a bill to eliminate residential property taxes and intends to hold hearings on it, although he has said he does not expect passage this session. Regardless of the size of the existing surplus, additional property tax relief clearly conflicts with proposed income tax reductions because both would come out of the same pool of surplus dollars.

And Senate Finance Committee Chairman Moe also has reservations about the tax cut matter. Moe, who was just named to the Finance chairmanship at the start of the 1977 session, has said that he does not want to be responsible for putting the state in the red during his first two years as Finance chairman. He recently suggested that cutbacks in state spending might be necessary to finance any tax cut. He is known to favor retaining a large enough surplus to insure against incurring a deficit during the 1977-79 biennium — regardless of possible economic downturns that could reduce state revenues.

But Senate Majority Leader Nicholas Coleman has already publicly endorsed some kind of income tax cut. And Tax Chairman McCutcheon recently said that if the estimates for the surplus grew to some of the numbers being reported (as high as $175 million), that then some sort of tax cut might be in order.

On the other side, Minority Leader Robert Ashbach (I-R, Arden Hills) also called for a tax cut to end the "overtaxation" that has produced a surplus. Indications are that Republicans will press for an even larger cut — perhaps greatly in excess of $100 million, depending upon the amount of the surplus.

Clearly the tax cut issue will be one to watch closely. It could cause splits between the Governor and the Legislature, among DFL leaders, between the two Houses, and almost certainly between the two parties. The tax cut issue is one of the reasons several committee chairmen said they anticipated that the session would be "highly political." It is also the one issue which could cause the Legislature to stay in session longer than is currently anticipated — if serious deadlocks develop.

But other important issues must also be addressed. A committee by committee breakdown follows.

Agriculture and Natural Resources

Among the key issues facing the Agriculture and Natural Resources Committee are resolution of the mandatory deposit matter, provisions for disposal of radioactive waste, and possibly initial hearings on legislation to preserve prime agricultural land. While the mandatory deposit bill (S.F. 1) is still technically on the Senate floor, a compromise measure recently introduced by Sen. Winston Borden (DFL-Brainerd) may come before the committee at some point. It could also be substituted for S.F. 1 directly on the Senate floor, according to Sen. Gerald Willet (DFL-Park Rapids), who chairs the Agriculture and Natural Resources Committee.

Commerce

According to Commerce Chairman Robert Tennessen (DFL-Mpls.), changes in legislation covering workers' compensation to allow a hearing process to alter rates, amendments to the no-fault insurance act, and liquor license ownership and related issues, are among the top priorities facing his committee. Tennessen said property insurance redlining and reinsurance between insurance companies were also important issues.

Education

Education Committee Chairman Jerome Hughes (DFL-Maplewood) listed aid to non-public schools, housekeeping amendments to the 1977 Omnibus Education bill, possible changes in post-secondary vocational technical governance, and the Midwest Compact for Higher Education, as the top priorities facing his committee. As a personal priority Hughes also indicated he hoped to see a program to insure "adequate nutrition" in schools and a possible tax credit for families in which a parent stays at home to care for children.

Elections

Several controversial measures have come before the Elections Committee during the interim period, according to Chairman Edward Gearty (DFL-Mpls.). The committee has completed work on new procedures to fill U.S. Senate vacancies, has revised campaign finance laws to comply with a recent court decision, and has completed hearings on a bill that would create a uniform statewide local government election day in November of odd-numbered years. (See story on page 10.) Those three items are the top priorities for the Elections Committee in 1978, Gearty indicated.

Finance Chairman Roger Moe (DFL-Ada) confers with Energy and Housing Chairman Jerald Anderson (DFL-North Branch).

Employment

Changes in workers' compensation laws will also come before the Employment Committee, according to Chairman Roger Laufenburger (DFL-Lewiston). Other committee priorities include possible changes in mandatory retirement laws and legislation to permit migrant workers to engage in collective bargaining. In addition, a special subcommittee on the employment impacts of S.F. 1 (mandatory deposit) has held interim hearings and will report to the full committee. (See story page 5.)

Energy and Housing

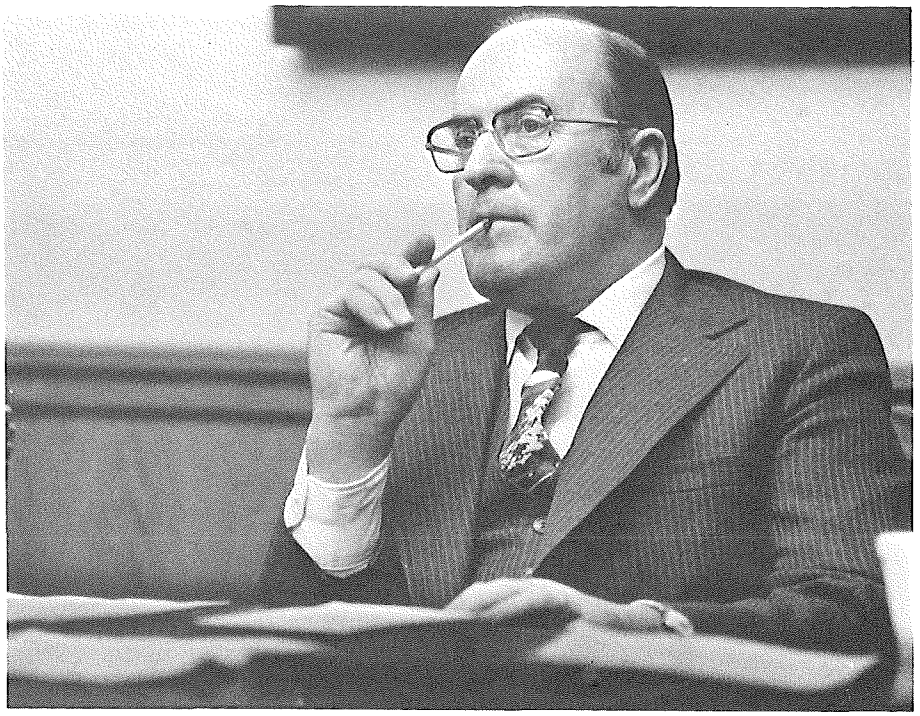
Four of the priority topics facing the Energy and Housing Committee are sun rights, solar tax incentives, standards for energy efficiency in appliances, and clarification of property rights regarding underground construction, according to Committee Chairman Jerald Anderson (DFL-North Branch). (See story on sun rights on page 12.) Independent Republican Senators on the committee, along with Minority Leader Ashbach, are known to favor certain tax incentives for solar installations, including possible exemption from the state sales tax, income tax credits, and exemption from increased property taxes resulting from a solar installation. But some DFL leaders feel that such incentives would benefit those who least need assistance in reducing rising energy bills, because poorer families or many elderly persons on fixed incomes simply could not afford the capital investment necessary to install a solar collector system. What the ultimate outcome will be regarding incentives is therefore uncertain.

Finance

Having completed action on most budget requests for the 1977-79 biennium during the 1977 session, the major funding items facing the Finance Committee will concern building requests, according to Sen. Roger Moe, Finance Chairman. Initial building requests from state departments, agencies, and educational institutions exceeded $220 million, according to staff sources. The Governor's recommendations for capital improvements are expected to total about $100 million, although final figures were not yet available at the time this publication was prepared. In addition, Finance will review any new legislation that involves new expenditures.

General Legislation and Veteran Affairs

A review of the enforcement powers of the Department of Veteran Affairs, authorization for the sale of homes in Officers Row at Ft. Snelling, and various housekeeping matters relating to the Minnesota State Fair are the only current priority items facing the committee, according to its chairman, Sen. Howard Olson (DFL-St. James).



Local Government Chairman Myrton Wegener (DFL-Bertha) ponders a point.

Governmental Operations

During the interim period, several "task forces" were appointed to study selected issues and report back to the full committee. Among these were a task force on the state personnel department and its policies and procedures, a task force on occupational licensing, a task force to study possible changes in the Public Employees Labor Relations Act (PELRA), and another to study the state's computer systems. In addition, Committee Chairman John Chenoweth (DFL-St. Paul) said he hopes to implement certain recommendations coming from the Governor's Task Force on Waste and Mismanagement in Government which has also been studying the state's use of computers and contracts with outside vendors.

Health, Welfare and Corrections

According to Health, Welfare and Corrections Chairman George Perpich, (DFL-Chisholm) the two top priorities facing his committee are passage of "certificate of need" legislation for construction of new medical facilities, and resolution of the abortion issue as it relates to use of state funds or abortions for minors. Perpich indicated that the current Minnesota law relating to certificates of need must be modified to comply with new federal guidelines but also indicated that the new state law will attempt a more extensive certificate of need requirement. Two laws are anticipated on the abortion topic — one would require parental consent before abortions could be performed on minors; the second would prohibit use of state funds for elective, non-therapeutic abortions under state assistance programs. Perpich also indicated that his top personal priority for the session would be passage of the Governor's income tax reduction proposal.

Judiciary

Judiciary Chairman Jack Davies (DFL-Mpls.) listed product liability, court organization, protection of privacy rights, the processing and adjudication of juvenile offenders, and the "family life" legislative package as the most important items he expected to come before his committee this session. He also said changes in the product liability law was one of his top personal priorities for the session, along with changes in tax increment financing regulations and new laws applying to possible theft or misuse of campaign funds.

Local Government

A special subcommittee has been at work during the interim drafting changes to clarify the duties and responsibilities of the Minnesota Municipal Boards. After several hearings a number of changes will be recommended to the full committee this session. Committee Chairman Myrton Wegener (DFL-Bertha) has also chaired a joint subcommittee on preservation of prime agricultural land. (The subcommittee of 12 consisted of three members from four committees - Local Government, Governmental Operations, Taxes, and Agriculture and Natural Resources.) Wegener initially said he hoped to have legislation ready for the 1978 session but the complexity of the issue may mean that no action will be taken until 1979.

Taxes

Top priorities for the Taxes and Tax Laws Committee will include changes in laws relating to the distribution of proceeds from taxes on electric utilities, changes to tighten up the conditions for use of tax increment financing, hearings on S.F. 1507 (the bill to eliminate residential property taxes), changes to bring Minnesota law into conformity with new federal tax codes, and the tax cut proposal offered by the Governor, according to Chairman William McCutcheon (DFL-St. Paul).

Transportation

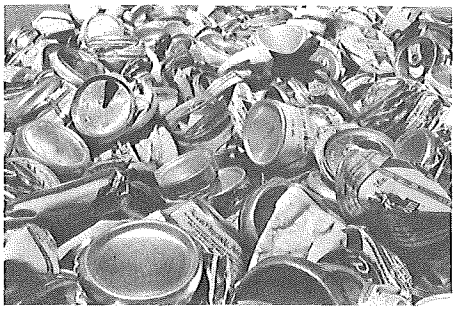
Resolution of the highway moratorium, St. Paul's Downtown People Mover project, possible handicapped transit financing, corrective action on the Minnesota Rail Service Improvement Program, and overall questions relating to transportation regulation, are among the top five most important items facing the Transportation Committee, according to Chairman Clarence Purfeerst (DFL-Faribault). Hearings were recently held on legislation to reinstitute a mandatory motorcycle helmet law, a topic likely to draw considerable interest and controversy.

General conclusions

Depending upon how long the Legislature remains in session, other issues may also be resolved. Among the backburner issues still possibly coming before the legislature are a proposed ban on the construction of nuclear power plants, the extension of branch banking, school reorganization, lifeline utility rates, an elected metropolitan council, and zero-based budgeting — to name but a few. If the key issues are resolved quickly it is likely that the Legislature will adjourn early and hold off action on these and other matters until the 1979 session.

Mandatory Deposit

Subcommittee at odds over employment impact



by Sara Meyer

Senate File 1 — the controversial mandatory deposit bill which was narrowly defeated and then tabled last May — is still alive for the 1978 session.

During the interim a special Employment Subcommittee has been at work trying to resolve conflicting claims on the key issue of controversy — what the bill would do to employment opportunities.

Employment Committee Chairman Roger Laufenburger (DFL-Lewiston) appointed Sen. Jack Kleinbaum (DFL-St. Cloud) to chair the subcommittee, which concluded its work in late December.

But disagreements continue.

According to the bill's author William Luther (DFL-Brooklyn Center) the subcommittee's findings were "very positive toward container legislation . . . Though the conclusion states both positive and negative aspects, it shows that passage of the bill will have a positive effect on employment."

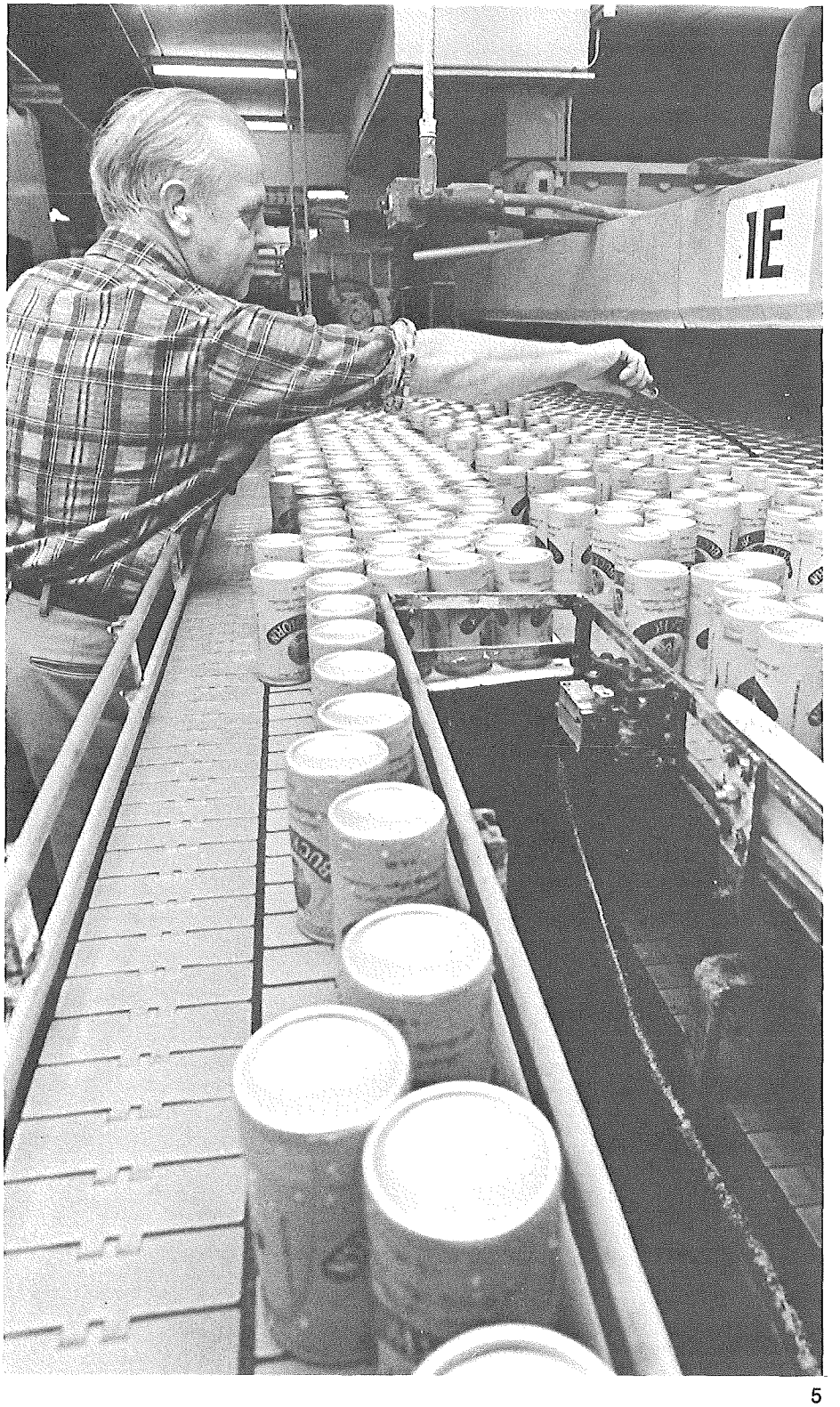
But according to Laufenburger, a key opponent, the subcommittee's report "doesn't give any strong recommendation one way or the other . . . The work of the subcommittee didn't change any of the participants' minds."

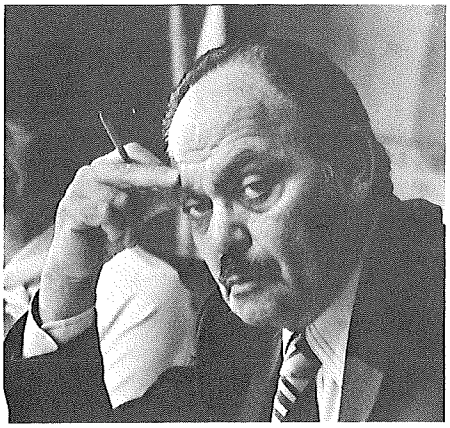
Neither those who were previously opposed nor those who were in favor of the bill changed their positions, he said.

The subcommittee report

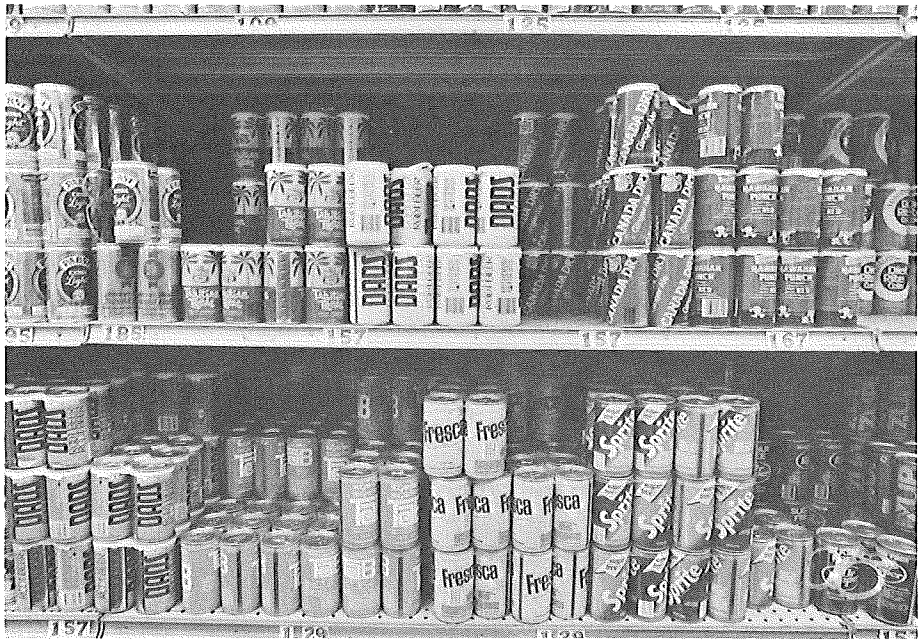
The subcommittee report summarized that "A mandatory deposit law in Minnesota may have negative or positive impacts on employment. While there are studies to indicate an overall gain in jobs, they are accompanied by the following concerns:

"1. We don't know the exact number of the potential job losses and gains.
"2. The bulk of the job displacements would be in the manufacturing sector of the beverage container industry. The bulk of the job gains would be in the distribution and retailing of beverage containers.
"3. The job losses in can and glass bottle production are in the $5 to $8 per hour range. The transportation (distribution) increases in jobs pay about in the same range. However, the retailing job gains are lower paid jobs.
"4. The potential job losses could disrupt the economic security of many Minnesota families."





At left: Sen. Kleinbaum listens to testimony.



Employment impact studies

The subcommittee reviewed three studies of the employment impact of mandatory deposit legislation in Minnesota, two of them done in 1973 for the Minn. Pollution Control Agency and for Gov. Wendell Anderson, and one done in 1974 by the State Planning Agency.

The three Minnesota studies all predicted job losses in the can manufacturing sector of the beverage industry and job gains in the distribution and retail of both cans and glass beverage containers. The net effect would be an estimated gain of 369-715 jobs. According to the subcommittee report, the State Planning Agency concluded that "an all-refillable system or mandatory deposit system would require greater amounts of labor in handling returns in retail stores, by distributors, and by brewers and bottlers . . . However, these new requirements would be in different geographical areas and would be generally lower-skilled, lower-paying jobs."

A number of other state studies were reviewed by the subcommittee, and while the actual number of job losses and gains varied from state to state, the net effect was job gains in all states.

At least one state, Michigan, has considered supplementary legislation to aid displaced or dislocated workers. A mandatory deposit law was passed in November 1976, but it does not take effect until November 1978. According to the subcommittee report, the Michigan state legislature has considered providing up to two years of unemployment benefits equal to 75 percent of a worker's average weekly wage, plus counseling, placement and training if necessary.

According to Luther, there is general agreement that if Minnesota passes a mandatory deposit law that would result in any lay offs, legislation would be drafted to provide "some kind of benefit package" for displaced workers. But Luther said that with proper lead time, normal sales growth in the beverage industries and normal attrition in these job areas, the need for assistance would be minimal. "There's a difference between a lost job *opportunity* and an actual layoff notice," Luther said. "It is important to distinguish between the guy who won't have a job opportunity in making cans, and the guy who will have to go home and tell his wife he lost his job."

Testimony heard

The subcommittee heard testimony from many of the same groups that have supported and opposed mandatory deposit legislation since it was first introduced in 1969. To serve the purposes of the employment impacts subcommittee, several groups were asked to testify specifically on the jobs issue.

The Minnesota Pollution Control Agency and Citizens Against Throwaways testified in support of the bill. The AFL-CIO, Teamsters, Glass Packaging Institute, Can Manufacturers Institute, Minnesota Brewers Association, Minnesota Beer Wholesalers, Minnesota Liquor Retailers, Minnesota Soft Drink Association, and the Minnesota Food and Retailers Association testified against it.

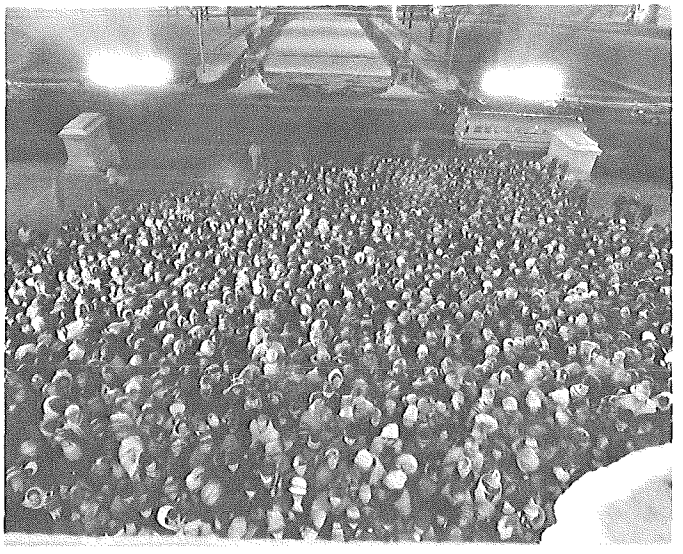
In its present form; the container bill includes a mandatory 10¢ deposit on beverage cans and bottles, a litter tax on the beverage industries, and provisions for county recycling centers.

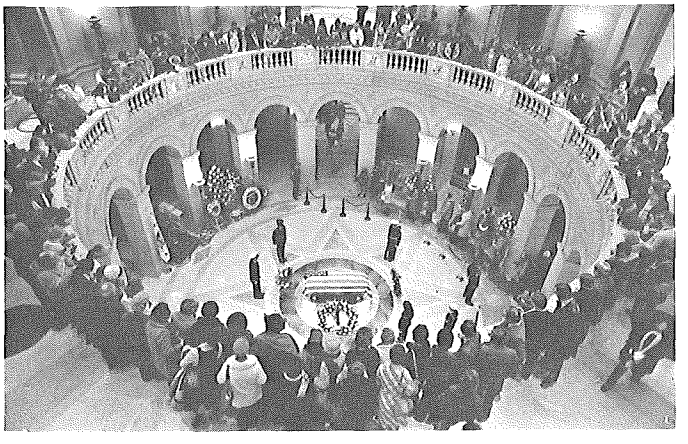
A compromise measure

As a possible compromise measure, Sen. Winston Borden (DFL-Brainerd) said he will introduce a bill that would require retailers to offer returnables; exempt returnables from the 4 percent sales tax; require on-sale establishments to use returnables; and impose a 1/4 of one cent tax on industries which manufacture throwaway containers.

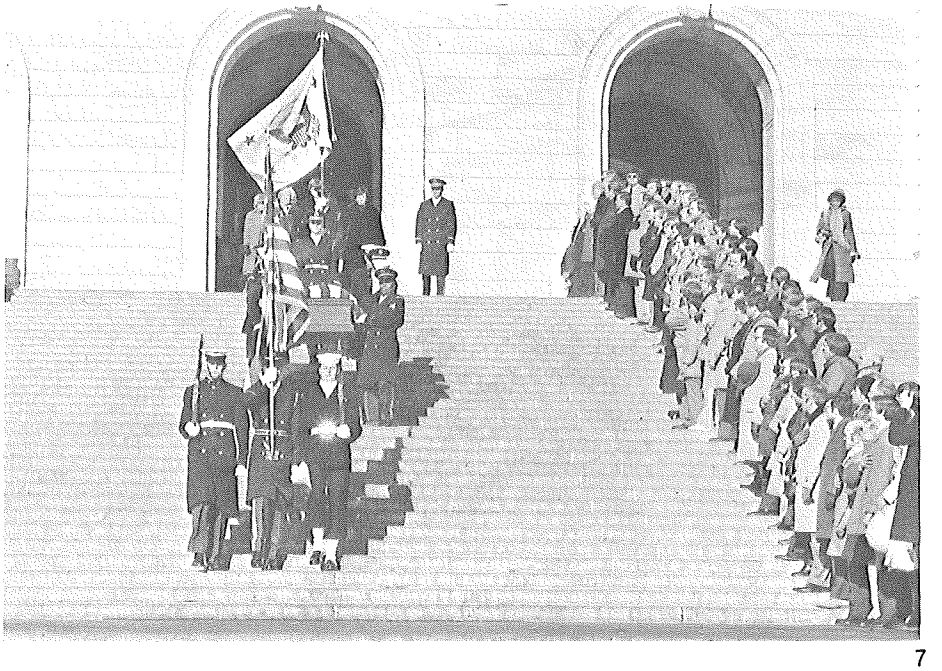
Governor Perpich has indicated that he would prefer some sort of compromise to an all-or-nothing battle over the mandatory deposit bill.

Capitol Tribute to Hubert H. Humphrey



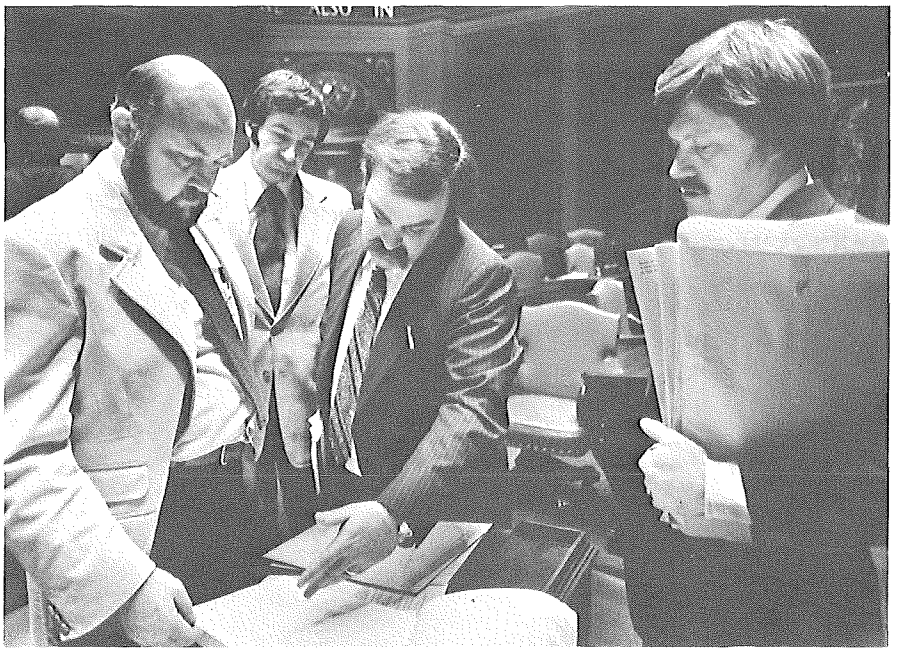


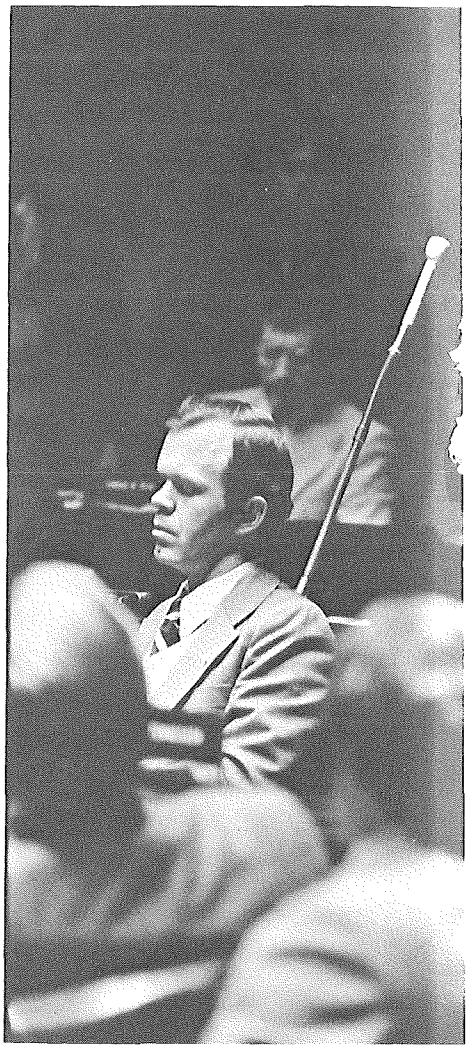
Clockwise from top left: Thousands wait to pay their respects; Family memorial service in the rotunda; Legislators line the capitol steps for honor guard procession; HHH body lies in state in the capitol rotunda.

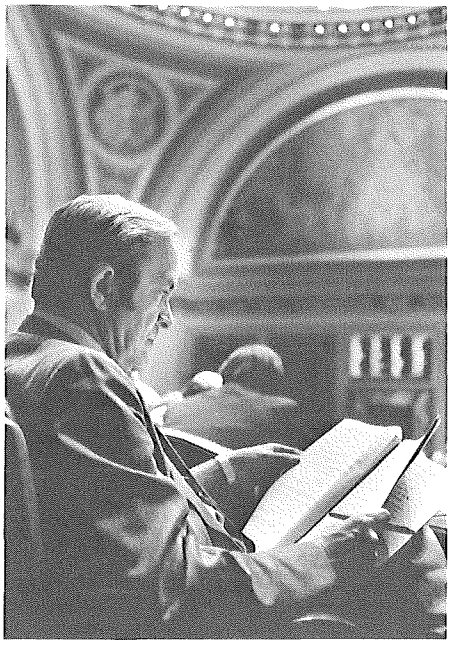


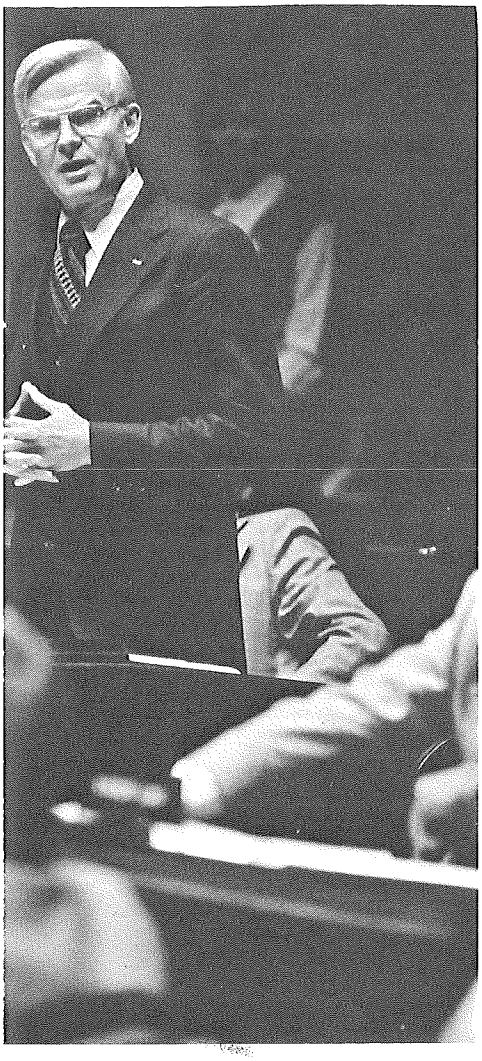
SESSION '78

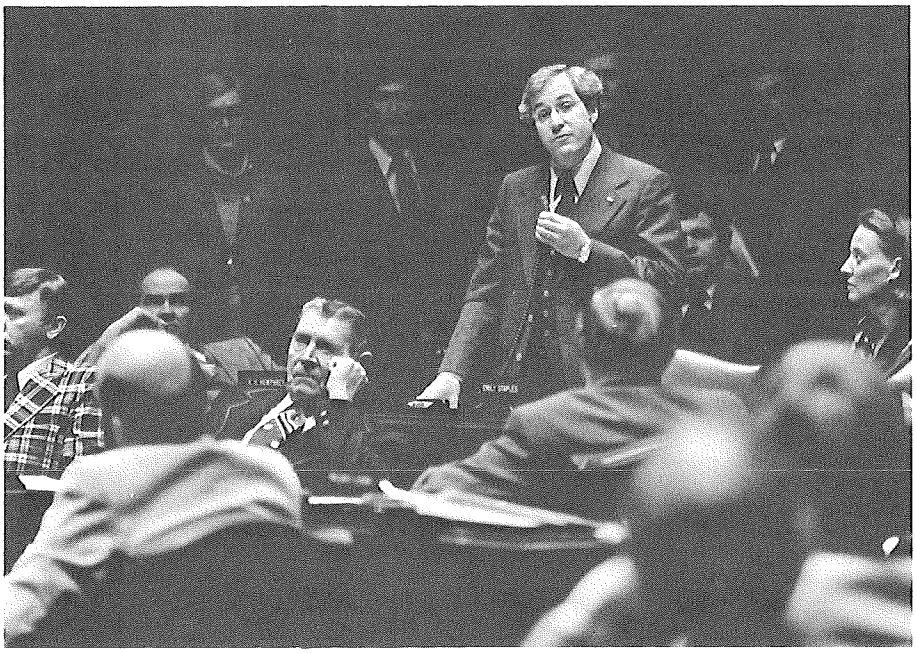
DAY ONE

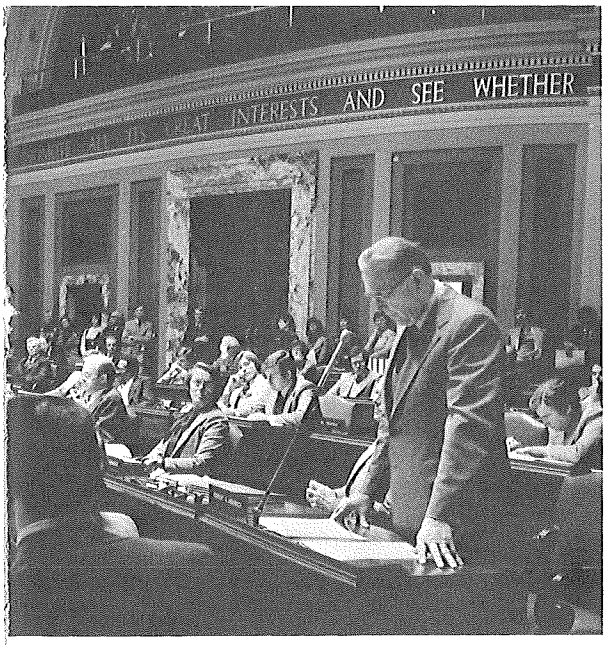


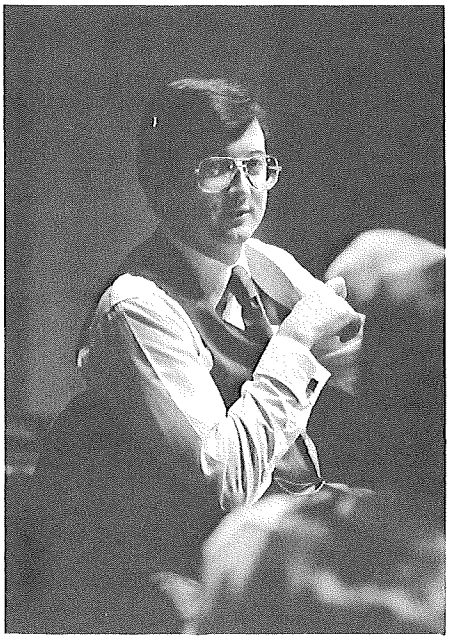












Clockwise from top left: Sen. Marvin Hanson, Sen. Gerald Willet, Senate Counsel Gary Johnson, and Sen. Collin Peterson discuss details of a bill; Sen. Majority Leader Nicholas Coleman cites HHH's legislative contributions; Sen. Hubert H. Humphrey III thanks colleagues; Senate staff member confers with pages; Secretary of the Senate Patrick Flahaven; Sen. Minority Leader Robert Ashbach notes "the passing of a most distinguished American and Minnesotan;" Sen. Arnulf Ueland studies his agenda; and pages listen to HHH eulogies.

S.F. 350

Single date for local elections proposed

by Karen L. Clark

A bill to institute a single statewide date for local elections underwent extensive interim study by the Senate Elections Committee prior to approval. (A similar bill is awaiting a hearing by the House General Legislation Committee.)

The measure, called the "uniform local government election day bill", would designate the first Tuesday after the first Monday in November of odd numbered years as the date for nearly all local elections. Elections for city, county, judicial, school board, county and municipal judges, and all other offices except those in townships, would be covered by the bill. (Townships would have the option of conforming to the bill or maintaining their current system of elections.) As it stands now, varying election times for cities, school board districts and other local government units such as soil and water conservation districts result in elections being held at several different times during the year.

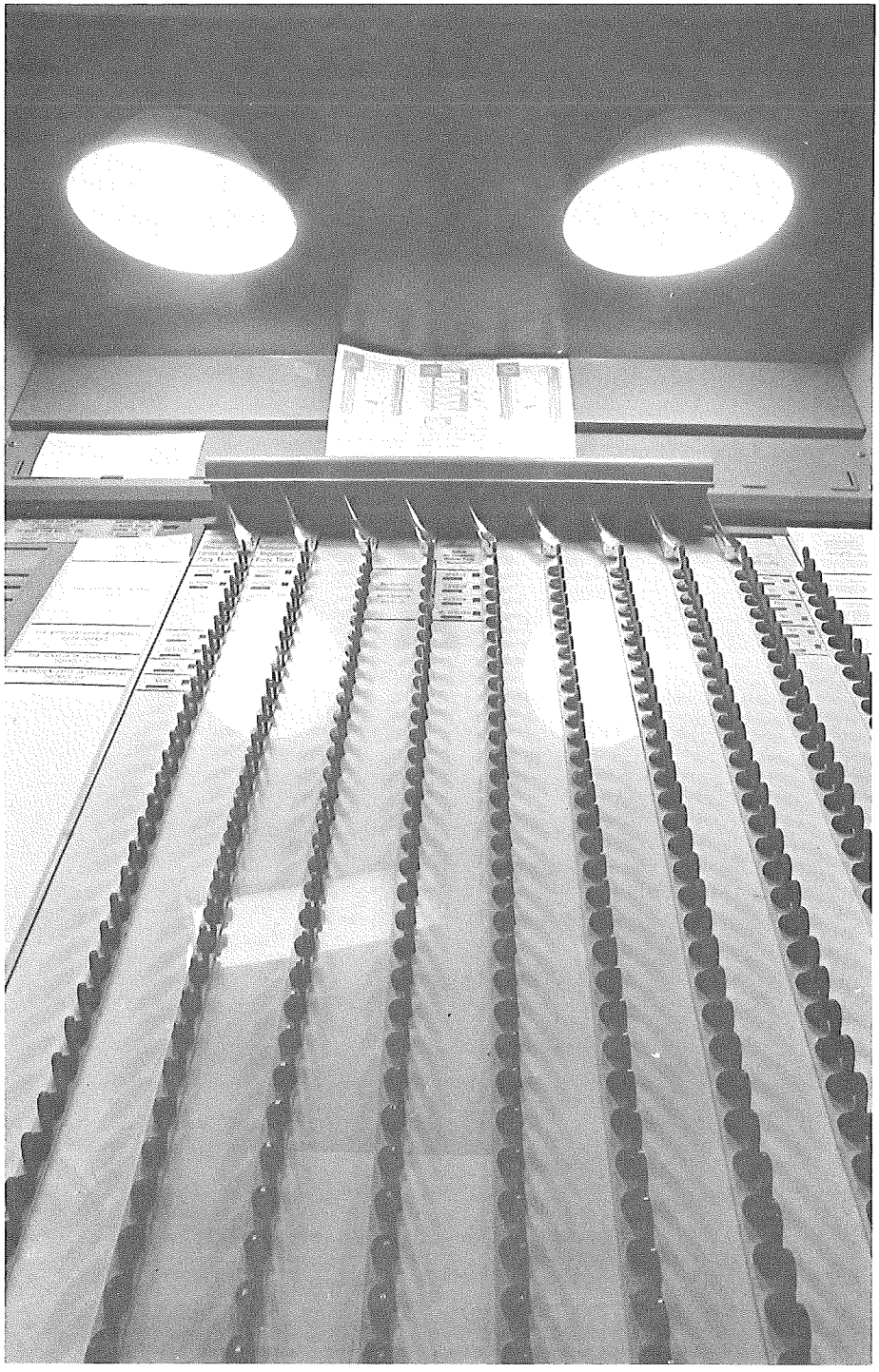
A simpler system for voters

The result of the new law according to its chief Senate author, David Schaaf (DFL-Fridley), "would be a simpler system for the voters. The people would become accustomed to an election every November."

If passed the bill would take effect in 1979 and would extend the terms of local officials whose terms expire in 1978.

In addition to changing the dates for local elections the bill would also initiate a new system of compensating cities and counties for the cost of elections. Cities would receive, from the state, one dollar for every vote cast or a minimum of $100 while counties would receive $.25 per vote or a minimum of $250. Currently local units pay the costs of elections.

Schaaf noted that "the right to vote is of equal value to every citizen in the state but the cost of exercising that right varies throughout the state".



Sen. Schaaf:
"It would be a simpler system for the voters."

Opponents voice objections

However, opponents of the measure, such as Bill Wettergren of the Minnesota School Board Association, raise several major objections to the bill. Among the faults Wettergren finds with the bill is the time at which newly elected school board officials would take office. He pointed out that "school boards are the only state government subdivision with a fiscal year running from July 1 to June 30." He voiced fears that, under the new bill, situations could possibly arise in which "lame duck" officials would participate in the setting of school budgets and in labor negotiations.

Proponents favor simplicity

Proponents of the bill emphasize the advantage of simplification, the fact that voters could count on an election every November. Schaaf noted that now, in some Minnesota communities, voters could be faced with as many as five elections within a two year period. Under the new measure that number could be reduced to two.

Other advantages cited by proponents are the facts that the same election personnel would be used in all elections, voters would go to the same polls for all elections and that the consolidation of elections would allow greater media coverage, thus acquainting voters with the candidates and issues. Schaaf contends that these factors would lead to wider recognition of local governments' importance.

Some opponents, on the other hand, view the bill as a "further encroachment of state government into local politics." Wettergren, for instance, feels that "rather than increasing the visibility of elections, such as those for school board officials, visibility is actually diminished." He maintains that school board elections now are extremely visible and that voter decisions in those elections are extremely valid.

Another objection raised by opponents is the mechanical difficulties involved in implementing the measure. Wettergren pointed out that there are over 300 school districts in the state that lie in more than one city or have different precincts. The Robbinsdale school district, for example, has nine different villages or cities within the school district.

Schaaf, however, counters that the County Auditors Association, while not strongly supportive of the bill, say that the legislation is workable. He said further that the measure tries for the best balance of "maximum voter turnout and meaningful voter decisions." He added that he thought the bill had a good chance for passage during the 1978 session.

History of the bill

Similar concepts have been heard before in the Legislature. During the 1975 session the House passed bills requiring cities and school boards to hold November elections. At that time Sen. Schaaf tried to combine the two bills and sponsor a single bill in the Senate, but the measure did not pass. In the 1977 session, Sen. Schaaf introduced the current bill, S.F. 350. The measure was approved by the Senate Elections Committee and re-referred to the Senate Finance Committee. However, it was too late in the session for any action to be taken by the Finance Committee. During the interim, Sen. Schaaf brought the bill back to the Elections Committee to refine various aspects.

The Uniform Local Government Election Day Bill has already passed its first hurdle in the 1978 legislative session, the Elections Committee has once again given approval to the bill. The measure still has to be heard by the Finance Committee before it reaches the Senate floor. And it must, of course, also undergo hearings in the House of Representatives.

SUN RIGHTS
a solar energy quandary

by Sara Meyer

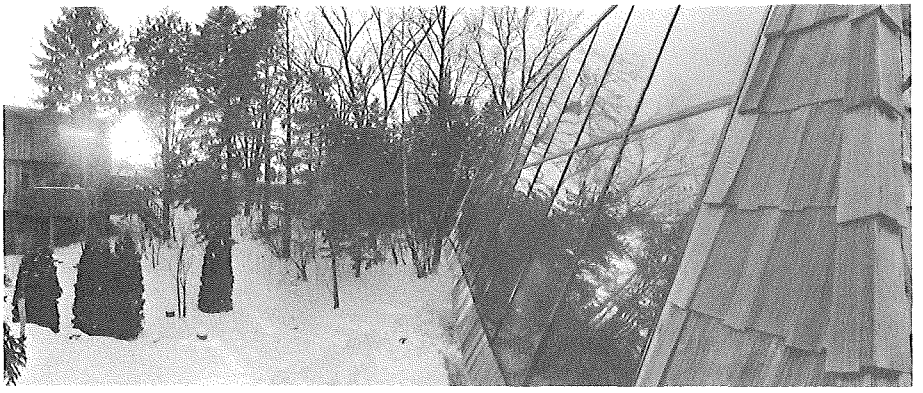
Solar energy — power from the sun — is clearly one part of the solution to the current energy crisis. On that most experts and studies agree.

They also agree that its development and utilization should be encouraged. Yet, what happens if a homeowner installs a $10-15,000 solar heating system, only to find that his neighbor is planning to build an addition or plant some trees which will shade the solar collector for several critical hours of the day? And what happens to a developer's investment if he builds a downtown hotel with a solar collection system and a new office building towers over it ten years in the future?

The Minnesota State Senate has begun to consider the problem of "sun rights" — a property owner's right to sunlight which must cross another's property before shining on his solar collector. The Committee on Energy & Housing's Energy Subcommittee, chaired by Sen. Hubert H. Humphrey III (DFL-New Hope), took testimony on sun rights December 15, 1977 during an evening session at Normandale Community College.

Roots in common law

According to Janel Bush, counsel for the subcommittee, the idea of a right to sunlight comes from fifteenth century English law and is called the Doctrine of Ancient Lights. "Under the Doctrine, property owner (A) was entitled not only to the light falling vertically upon his property, but also to the light across his neighbor's land (B), *up to* the amount needed for reasonable use, if (A) had uninterruptedly enjoyed the light for a very long period of time ("From the time when the memory of man runneth not to the contrary")." "While the United States at the time of the Revolution followed much of English common law, when cases concerning a right to light came before the courts, they held that the 'English doctrine on the subject of lights . . . cannot be applied in the growing cities and villages of this country, without working the most mischievous consequences . . . ' Thus, the courts of a young and developing country, rich in energy resources, felt it more important to protect the development potential in a property than to preserve an adjacent owner's access to light and air," Bush testified.



Sun reflected through trees off solar collectors of William Webster residence in Golden Valley. Left: trees reduce sunlight on collectors. Below: Senators Sillers, Humphrey and staff confer with Webster (at right).

"Today as well, without any legislative initiative, a court would be hard-pressed to find a reason for upholding one property owner's rights to the sun over another's right to develop his land as he wished," according to Bush. "Legislation, on the other hand, could create priorities and standards for the courts to use in solar use cases, and could give expression to the increasing need for alternative energy sources and the promise of solar energy technology."

According to Humphrey, "someone is going to establish the law with regard to sun rights. It's a question of who's going to decide, not if it is going to be decided. The legislature should try to anticipate lawsuits and attempt to resolve this issue through the legislative and hearing process instead of through a series of individual court cases."

Several approaches

Humphrey said the subcommittee is considering several different approaches to the creation of sun rights. Some would use existing legal concepts such as easement, zoning and planning, nuisance, and restrictive covenant law to protect access to the sun. Another approach would be to require substantial changes in property law concepts which could involve either the creation of a general right to the sun for energy use, or the development of a solar use permit system.

There are currently 26 other states which have passed some form of legislation regarding sun rights. Most of these call for some type of solar easements. A solar easement does not interfere with any existing property rights but merely confirms the right of an individual property owner to negotiate with neighboring property owners a right to exposure by the sun. An easement would be a written contract between property owners which would continue in force even if the property changes hands over the years.

A second proposal would call for restrictive covenants, which are mutual promises by adjoining land owners or developers who want certain "sun rights" requirements to run with the land. While easements could preserve solar access in existing neighborhoods, some type of restrictive covenant would be more effective in protecting sun rights for undeveloped land.

Nuisance laws could also be a supplement to easements and restrictive covenants. A state could decide that interference with the use of a solar collector would be considered a "nuisance." According to testimony by the Minnesota Energy Agency, "this interferes to some extent with the right of a landowner to develop his property in whatever manner he sees fit — but the interference is no greater than that contained in most zoning ordinances. A landowner can probably avoid shading his neighbor's solar energy system by shifting the location of his tree or shrub by only a few feet, and this minimal interference with the landowner's property rights can be justified by an overriding public purpose to further solar energy utilization." A "grandfather clause" would exempt persons whose trees or shrubs cast a shadow upon a solar energy system at the time of its installation. The installation of a solar energy system would not require persons to cut down or remove existing trees or shrubs.

Planning for the future

Humphrey expressed concern that most of the above approaches "are only taking care of an immediate problem between two parties, and are not dealing at all with what's going to happen ten years from now." "I hope we can look well beyond just the nuisance law," he said.

The subcommittee is considering various amendments to zoning and planning statutes which would allow a more comprehensive approach and permit planning for the future. According to Bush, individual private agreements or litigation would not be necessary in the establishment of a solar zoning program. If the right to zone for solar access were specifically mentioned in Minnesota's zoning enabling statutes for cities, counties or towns, local units of government could include solar access as a goal for comprehensive planning. Energy Agency testimony emphasized, however, that this proposal "is generally permissive rather than mandatory . . . It suggests that a local government *may* protect and encourage access to solar exposure for solar energy systems, not that a government *must* do so . . . It leaves to the discretion of local governments just how far and how fast they move in protecting sun rights."

continued page 16

Staff profile: Senate Office

by Karen L. Clark

"Anderson, Ashbach, Bang, Benedict . . . " the roll call echoes over the Senate Chamber and marks the beginning of every Senate Session. The man calling the roll and directing the flow of business at the huge front desk is Patrick Flahaven, Secretary of the Senate. Flahaven, who has held the Secretary position since 1973, is the 19th Secretary of the Senate in Minnesota history.

A twofold responsibility

Historically, the Office of the Secretary of the Senate carries a twofold responsibility. First, there are the traditional parliamentary duties; the official record keeping and bill processing. Secondly, the Secretary of the Senate also has the role of administrator of Senate operations under the direction of the Senate Committee on Rules and Administration.

These two areas of responsibility insure that the Secretary of the Senate's Office (Room 231 of the Capitol) is one of the key activity centers of the legislature, especially during the legislative session. During the session phone calls and written inquiries from legislators, staff members and the general public number into the hundreds.

Flahaven, in describing his role, places greatest emphasis on "the smooth operation of internal functions so that the Senators are free to devote their time and energy to legislation." To that end, each of the two broad areas of the Secretary of the Senate's duties can be further broken down into two more areas of responsibility.

Under the parliamentary duties the two main areas may be defined as the official recording of Senate activities and the actual bill processing.

Mr. Joe Varvrosky, the first assistant Secretary of the Senate and Ms. Patrice Urman, the third assistant Secretary of the Senate direct the flow of bills between the Senate and House of Representatives and to and from conference committees. They also direct the preparation of the Senate agendas and calendars.

The other side of the desk, headed by Ms. Janine Mattson, Second Assistant Secretary of the Senate is responsible for the official Senate Journal. The daily Journal is a record of every official action taken by the Senate. It is not, however, a verbatim account of floor debate or unofficial actions. (Every session is tape recorded and anyone wishing to listen to the tape may arrange to do so through the Senate Office.) In addition to her duties at the front desk, Mattson is also the personnel officer for the Senate. Ms. Kay Ganje, the Engrossing Secretary for the Senate, works closely with the revisor's office to see that amendments are placed properly in the bills.

Opposite: Secretary of the Senate Patrick Flahaven with L to R Janine Mattson, Kay Ganje, Joe Varvrosky, Patrice Urman, Brad Lundell. Left: Chief Indexer Ardis Schulz.

On the administrative side, duties are divided into fiscal services and administrative services. Fiscal Services supervisor Joyce Kleinschmidt is in charge of the business affairs of the Senate. Kleinschmidt and her staff coordinate the Senate payroll, purchasing procedures and other business functions for the entire Senate. The administrative services are coordinated by James Greenwalt. He sees to it that Senators and staff have adequate office supplies, desks, typewriters and so forth to keep the offices running smoothly. Greenwalt also insures that the tape recorders and sound systems in Senate Committee hearing rooms are in working condition.

Services for the public

These divisions of the Secretary of the Senate's Office operate primarily on an internal basis in order to insure the timely and efficient flow of Senate business. However, services provided for the public are also a very important function of the Senate Office.

Copies of bills that have been introduced into the Minnesota Senate are available upon request from the Senate Office. In addition, citizens may obtain copies of agendas, calendars and journals from the office. There is no charge for any of these items. An experienced staff is available, too, to answer questions about the Senate and legislative procedures in general. The phone number of Senate Office is 296-2343.

An invaluable service is provided by Senate Index. Staff members of Senate Index help interested persons keep track of bill status. Senate Index is responsible for current information on the content and progress of all bills introduced in the Senate. Staff persons in Senate Index can help identify bills, find companion bills, give bill summaries, trace bill history and give other pertinent information.

Ms. Ardis Schulz, chief Senate Indexer, expressed the aim of the Index staff as being one of service, adding that "People are often so pleased and surprised at the amount of information we are able to give them that they are a pleasure to serve." She cautioned, though, that Senate Index cannot do research for people. She said, however, that "Index staff members are happy to show people how to use the micro-film reader and to direct people to appropriate information sources." The micro-film readers are kept as up to date as possible. Immediately after every floor session the films are updated and new film may be ready in as short a time as two hours, depending on the time of day the floor session ended.

Schulz emphasized that the public should feel free to call or stop by the Index counter at any time because the very latest in bill status and information is available. Senate Index is also located in Room 231 of the Capitol building and their phone number is 296-2887.

The Senate Public Information Office is another service provided by the Secretary of the Senate's Office. The Public Information Office publishes a daily calendar of committee meetings, called **Today in the Senate;** a weekly summary of committee activities and floor action, called **Briefly;** a tentative schedule for the coming week, called **Preview;** and a monthly newsletter called **Perspectives.** In addition, the Public Information Office puts out occasional special pamphlets and brochures. Staff members, including Public Information Officer David Peterson, will also try to answer inquiries about the Senate.

A special Senate Hotline (phone 296-8088) gives up-to-the-minute committee schedule information. A new radio actualities service, initiated for the 1978 session on an experimental basis, will be offered to radio stations throughout the state. To be put on the mailing list for Senate publications, simply call or write the Senate Public Information Office, Room B-29 State Capitol, St. Paul, MN 55155. The phone number is 296-0504.

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People

Supreme Court Justice James Otis offers his congratulations after administering the oath of office to newly elected State **Senator Delores (Dee) Knaak** (above) in a special ceremony Fri., December 9. Her daughter looks on. Knaak, an Independent Republican from White Bear Lake, won the special election December 3 to fill the vacancy in District 49 created by the resignation of Sen. John Milton. With the election of Knaak the number of women Senators is raised to three. She has been assigned to the Health, Welfare and Corrections, Education and Governmental Operations Committees.

Sen. Emily Ann Staples (DFL-Plymouth) has been named vice-chairman of the Senate Employment Committee. In addition to her duties as vice-chairman, Staples will also take over as chairman of the Economic Development Subcommittee.

Secretary of the Senate **Patrick Flahaven** was recently elected President of the American Society of Legislative Clerks and Secretaries, a national association of legislative administrators. Flahaven has also been named one of fourteen legislative staffers to serve on the Executive Committee of the National Conference of State Legislatures.

Sun Rights:
continued from page 13.

Humphrey has proposed that Community Energy Conservation Councils be organized in several communities "to draft model ordinance legislation to deal with the problem of sun rights." Easements and nuisance laws approach the problem from the individual property owner's view, Humphrey said, and the community councils could approach the problem on a much broader scale.

A solar energy bill proposed for the 1978 session establishes shading of a solar collector as cause for a private nuisance action, defines and prescribes the legal requirements for solar easements, includes protection and encouragement of access to direct sunlight for solar energy systems as a goal of planning and zoning requirements, and provides financial incentives for installing new solar energy systems.

Three bills introduced during the 1977 session also deal with solar tax incentives. Sen. Winston Borden (DFL-Brainerd) introduced a bill which exempts solar equipment from the property tax and allows for an income tax credit. Sen. Howard Knutson (IR-Burnsville) also introduced a bill to exempt property owners who install solar equipment from an increased property tax assessment. And Sen. Harmon Ogdahl (IR-Minneapolis) introduced a bill which would exempt solar equipment from property, sales and use taxes.

Perspectives

Perspectives is a publication of the Senate Public Information Office. The office also issues weeky news summaries and other publications that are available free of charge to interested and concerned citizens. For further information, call (612) 296-0504 or write to:
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