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In this issue:

MAJOR RULING RELEASED

BUTTERFLY IS NEW STATE SYMBOL

HF4135-HF4146



SESSION Weekly

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On the cover: Three-year-old Gabbi Woodson of St. Paul clings to a bunch of balloons during a rally April 3 on the Capitol steps to support crisis nurseries in Ramsey and Washington counties.

—Photo by Tom Olmscheid

Court seeks single subject

Taking up an issue that has nagged it since statehood, the Supreme Court issues a ruling that could change the way the Legislature does business

By **NICK HEALY**

A recent Minnesota Supreme Court ruling has many wondering whether the practice of assembling omnibus bills, such as vast measures currently being debated in conference committees, will withstand constitutional challenges.

But the court's action is also significant because the court ruled that only the single provision in question was unconstitutional, rather than striking down the entire law.

That action has raised questions that the judicial branch could be crossing the carefully drawn boundaries between the three branches of state government.

In his dissenting opinion, Justice Alan Page expresses fears the court is putting itself in the position of a "super legislature," approving or rejecting small slices of larger pieces of legislation.

The March 31 ruling struck down a provision in wide-reaching tax legislation passed in 1997. The portion of the law in question established new prevailing-wage requirements on school construction projects.

The measure was challenged on grounds that it did not meet the Minnesota Constitution's requirement that "no law shall embrace more than one subject, which shall be expressed in its title."

While it's not clear what exactly the ramifications of the ruling will be, it seems the court has taken a significant step in its long history of dealing with the scope and character of bills passed by the Legislature.

In his majority opinion, Justice Edward Stringer traces the issue to the days before statehood.

"Early in Minnesota history the potential for mischief in bundling together into one bill disparate legislative provisions was well known," Stringer writes.

Delegates to the Democratic constitutional convention in 1857 first considered a proposal that called for the title to indicate the contents of the bill, but that provision was expanded

to forbid the grouping of unrelated subjects into one bill, a practice known as "logrolling."

The Minnesota Supreme Court first weighed in on the issue in 1858, the year the state was established.

A measure passed by the First Legislature was challenged on grounds that it contained more than one subject, but the court allowed the law to stand.

"We concluded that the single subject requirement was not offended because there was 'no attempt at fraud or the interpolation of matter foreign to the subject expressed in the title,'" Stringer's opinion says.

Thus began a long line of cases that have drawn and redrawn the limits on what is acceptable when it comes to the single-subject test and the bill title requirements.

In 1891, the court issued a major ruling that attempted to clarify the purpose of the "single-subject and title clause" to prevent logrolling.

"We explained, however, that despite these constitutional restrictions, the single subject provision should be interpreted liberally and the restriction would be met if the bill were germane to one general subject," Stringer writes.

The 1891 ruling declared that the single-subject requirement should not prevent the

Legislature from "embracing in one act all matters properly connected with one general subject." And the ruling stated that the term "subject" has "broad and extended meaning" in the constitution.

That ruling also explained that the bill title provision is meant to "prevent fraud or surprise upon the Legislature and the public by prohibiting the inclusion of 'provisions in a bill whose title gives no intimation of the nature of the proposed legislation,'" Stringer says in his description of the 1891 decision.

In 1939, the court issued a ruling that further clarified the requirement that the bill title accurately describe the measure's contents. The court decided that the "generality of the title" was not grounds to invalidate a law and that "the title was never intended to be an index of the law."

While those earlier rulings seemed to provide leeway for the Legislature, more recent cases have moved in another direction.

Stringer's opinion describes a series of rulings in the last two decades that have served to "sound an alarm that we would not hesitate to strike down oversweeping legislation that violates the single-subject and title clause, regardless of the consequences."

In those cases, former Justice Lawrence Yetka emerged as a harsh critic of legislative practices, and he expressed concern that the court had been too lax over the years.

"Now all bounds of reason and restraint seem to have been abandoned," Yetka stated in a concurring opinion on a 1986 case. "... The worm that was merely vexatious in the 19th century has become a monster eating the constitution in the 20th."



'We fully recognize that it is the Legislature's prerogative to establish our state's public policy in the area of prevailing wages and that the legislative process is not bound by rigid textbook rules. Nonetheless, lawmaking must occur within the framework of the constitution.'

—Justice Edward Stringer



'Declaring only the offending provision unconstitutional does nothing to discourage the Legislature from engaging in the conduct.'

—Justice Alan Page



As for the current case, Stringer's opinion seems to argue that the Legislature had been warned by the court but legislative practices were not changed.

The 1997 tax law, which Stringer calls "a prodigious work of legislation," included a provision requiring that the prevailing wage be paid in the construction or remodeling of all educational facilities where project costs exceed \$100,000.

The provision was challenged by a school district, a builders' association, and an electrical contractor on grounds that the law violated both the title requirements and the single-subject clause.

Lower courts found fault with the law because the 800-word title had no clear reference to the wage provision — words like "labor," "wages," and "construction" were nowhere to be found — and because the provision was not "remotely related" to the broad subject of tax reform and tax relief.

In the Supreme Court ruling, Stringer affirms the assessment of the problems with the 1997 bill's title.

"The failure . . . to give even a hint that the prevailing wage amendment was part of the bill leads us to the conclusion that the title did not provide sufficient notice of the amendment to legislators and school districts to meet the constitutional requirement," he writes.

As for the single-subject clause, Stringer lists a series of problems with the prevailing-wage provision. He argues that prevailing-wage laws have historically been considered in labor committees, not tax committees. He also complains that the prevailing-wage provision came from the House, had no Senate companion bill, and was "inserted into a much broader and popular bill with an entirely different legislative theme."

Summing up the court's position on the matter, the ruling says that while the prevailing-wage section "may have a tax impact by affecting construction costs, clearly that is not its purpose and nowhere is consideration of tax relief and reform mentioned in its very short text."

The ruling includes another important aspect that may have far-reaching effects in the future. The court decided that the prevailing-wage provision could be stricken down while the rest of the 1997 law is left in place.

The state had argued that the invalidation of the provision would throw out the entire tax law, but the court rejected that argument. It's unclear what the impact of that decision will be, but it could invite more challenges to portions of omnibus bills.

In his dissent, Page expresses serious

Continued on page 21

Ten-time loser

Perennial candidate's career saw many highs and lows

Sixteen times Ernest Lundeen's name was on the ballot for state or federal office. Sixteen election nights he waited to learn his fate. Such is the life of a perennial candidate.

But Lundeen was not a lifelong also-ran. His political career was a string of failures punctuated by successes of the kind most politicians will never see.

The final tally shows 10 losses and six victories. He ran in every regular and special election for which he was eligible from 1910 to 1936, according to the 1947 book *The Story of Minnesota Politics* by Charles B. Cheney.

Cheney spent half a century writing about politics in Minnesota for newspapers including the *Minneapolis Journal* and the *Minneapolis Tribune*, and he watched Lundeen's unusual career from its relatively inauspicious beginning to its tragic end.

In 1910, Lundeen was elected to the Minnesota House of Representatives from a Minneapolis district, and he won re-election two years later.

With two victories to his credit, Lundeen looked to move up to the U.S. Congress in 1914, but he suffered the first of his many defeats. He rebounded by winning a seat in the U.S. House two years later.

His term in the House was marked by his unpopular 1917 vote against U.S. involvement in World War I. After the vote drew outrage at home, Lundeen stayed in Washington, D.C., for weeks, hoping the situation would cool.

According to Cheney's book, the congressman's eventual return to Minnesota was not announced, and the local reporters found out about it only after a tip from an associate in Washington, D.C.

When Cheney tracked down Lundeen back home, the reporter wryly suggested that it was too bad the congressman did

not publicize his homecoming because there might have been a crowd to meet him at the train station. What Cheney meant was that Lundeen may have been received by a less-than-friendly mob.

Lundeen acted as though his quiet return was simply a product of his modesty.

"Oh, I don't care much for that sort of thing," he told Cheney.

The successes of Lundeen's early career soon gave way to a series of losses. He was dumped from Congress in 1918, losing in the primary. He lost in the primary again when he tried to recover his seat two years later.

He ran for the U.S. Senate in 1922 and in a 1923 special election. He shifted gears and ran for the Minnesota Supreme Court in 1924. Then he

lost another U.S. House campaign in 1926.

Lundeen was the Farmer-Labor candidate for governor in 1928, but he lost in a three-way race won by incumbent Gov. Theodore Christianson, a Republican.

Two more losses followed, coming in a 1929 special election for a U.S. House seat and a 1930 race for the U.S. Senate.

After more than a decade of defeat after defeat, Lundeen managed to win a 1932 campaign for an at-large seat in the U.S. House. A Farmer-Labor ticket headed by gubernatorial candidate Floyd B. Olson was credited with helping Lundeen get back to Congress after a 14-year absence.

The professional candidate's greatest success came four years later. He was selected to be the Farmer-Labor candidate for the U.S. Senate in 1936, and he won.

That meant six years of job security, something Lundeen had never enjoyed. But he would never see the end of that term.

Lundeen died in a 1940 plane crash.

(N. HEALY)



Ernest Lundeen

★ **BUSINESS**

Economic doctrine clarified

The House passed a bill April 4 that would repeal the state's existing economic loss doctrine and replace it with a new provision that proponents say is easier to understand.

The economic loss doctrine sets the boundary for claims, limiting what companies can sue for under contract law and what companies can sue for under traditional tort law.

Rep. Tim Pawlenty (R-Eagan) is sponsoring the bill (HF1267/SF1126*), which would limit commercial parties to legal solutions under the Uniform Commercial Code (UCC). The code provides a shorter statute of limitations time frame than tort law.

"This bill clarifies the law on who can sue and when they can sue," Pawlenty said.

The legislation would apply only to claims by a buyer against a seller. The measure would not apply to claims for injury.

The bill stems from an agreement between several interest groups who met during the past year. During a House Civil Law Committee hearing last month, several legislators were critical of the agreement because they were not invited to take part in the discussions.

"I don't know if that is the way the Legislature is supposed to work," said Rep. Phil Carruthers (DFL-Brooklyn Center).

Carruthers spoke against a provision that says a buyer may not bring a common law misrepresentation claim against a seller unless the misrepresentation was made intentionally or recklessly.

"The buyer depends on that representation," Carruthers said. "I don't think anyone should profit from misrepresentation; I don't care if it is intentional or not."

Despite Carruthers' concerns, he urged legislators to vote for the bill.

"This bill is an improvement in readability and understandability," Carruthers said.

Daniel Kleinberger, law professor at the William Mitchell College of Law, told the committee that every state has an economic loss doctrine, with Minnesota's doctrine beginning in 1981.

If a customer is unsatisfied with the product or service, the person can sue in tort, he said.

"As a consumer advocate, (the bill) is at least as good, if not better," Kleinberger said.

The bill is not retroactive and would have no effect on pending litigation, Kleinberger said. The statute repealed under the bill had been passed in a special session in 1998, after concerns arose over a case involving Marvin Windows, a Warroad-based company.

Secretary of state bill

The House passed a bill April 5 that would make slight changes to the state's corporate registration requirements. The vote was 133-1.

Rep. Jim Seifert (R-Woodbury), the sponsor of the measure (HF3066/SF2783*), said the bill is the Minnesota secretary of state's annual housekeeping bill, clarifying and cleaning up laws relating to the state's corporate registration records.

Currently, Minnesota corporations are required to file a registration annually that lists the legal corporate name and address, as well as the name and address of the chief executive officer.

There is no fee for filing the registration as long as the form is filed annually. If a corporation misses filing the form, it loses its good standing with the state. To reinstate corporate good standing requires a \$25 fee. If a corporation fails to file the form for three consecutive years, the state statutorily dissolves the corporation.

The bill would require the secretary of state to mail the form directly to the corporation's registered office address rather than having the Department of Revenue mail out the form in the corporate tax information. If the corporation does not file the form by December 31 of each year, the state would statutorily dissolve the corporation after one missed year rather than three.

The bill also would change registration requirements for non-Minnesota corporations that do business in the state. Currently, those corporations file a registration with a fee based on the taxable income in the state. The minimum filing fee is \$60. The bill would establish a flat filing fee of \$115 for all non-Minnesota corporations filing their annual registrations with the state.

Seifert said the bill would help standardize the registration requirements for the

different types of entities that file with the secretary of state including for-profit, nonprofit, and non-Minnesota corporations, as well as limited liability companies. The registration requirement helps the secretary of state keep its corporate records up to date.

The bill also would provide that the digital signatures of public and local officials on government records are sufficient to meet legal signature requirements.

The bill now goes to the governor.

★ **CRIME**

Katie's Law signed

Gov. Jesse Ventura signed a measure known as Katie's Law on April 3. The measure stiffens laws regulating sex offenders and provides start-up money for new criminal justice information systems.

The law will provide \$12 million to implement a statewide criminal justice information system, which officials estimate could cost as much as \$100 million before completion.

One goal of the information system is better tracking of registered sex offenders in the state. It also would integrate probation and arrest information from local law enforcement agencies, so law enforcement officers around the state have access to the most up-to-date information about offenders.

The law will also spend \$5 million to increase the number of probation officers handling sex offender cases. The intent is to reduce the number of cases each officer must handle so they can keep better track of their sex offenders.

Further provisions change who is required to register, adding certain penalties to that list. In addition, it extends the period of registration for many offenses, including a requirement that some offenders register for life.

The law will also authorize the Bureau of Criminal Apprehension to establish a Web site where it will post all the names of level 3 registered sex offenders in the state.

Rep. Sherry Broecker (R-Little Canada) and Sen. Randy Kelly (DFL-St. Paul) sponsored the legislation. Many of its provisions were included as a result of the lobbying efforts of Pam Poirier.

Poirier's 19-year-old daughter Katie was abducted from a Moose Lake convenience

store last May. She is presumed to have been murdered.

Donald Blom, a six-time convicted sex offender, is scheduled to stand trial for the crime this month.

In his statement upon signing the law, Ventura said it takes another step to improve public safety for Minnesota.

He also said he favors spending for the integrated criminal justice system. However, he also noted that there are important facets of the plan still unfinished.

Ventura said the Legislature needs to clarify the role of local governments in the system. He also said the system will not be as effective without a new Bureau of Criminal Apprehension building. (The House approved \$28 million in bonding for the project, and the Senate approved the full \$58 million requested.)

He also raised concerns about two provisions of the law — increasing the penalty for failing to register as a sex offender to a felony and doubling the sentences for first-time rape convictions.

While he supports those provisions, he said he does not like the fact that the Legislature provided no funding for them.

Most of the provisions in the law are effective Aug. 1, 2000, and apply to crimes committed after that date. Appropriations in the law are effective July 1, 2000. Remaining provisions, including those for the criminal information system, are effective the day following enactment, or April 4, 2000.

HF2688*/SF2769/CH311

Vehicular homicide bill fails

The House rejected a bill April 4 that would have expanded the definition of criminal vehicular homicide. The vote was 72-61 against the measure.

Rep. Lynda Boudreau (R-Faribault) is the sponsor of the bill (HF2610), which would have made a driver criminally liable if the crash is caused by a trailer that was improperly secured. The bill stipulated that the driver had to know or have reason to know the attachment was faulty.

"I'm simply trying to assure that if they know the equipment is faulty, they are held accountable," she said. "It's blatant disregard and a high standard."

Under the bill, the driver could have been charged with a crime only if someone was killed or suffered great bodily harm due to the trailer and if the driver knew the possible danger existed.

Boudreau said she introduced the bill after a car accident killed three people in her district. She said the driver of the vehicle with a trailer had previously been warned that the

trailer hook-up was faulty. The trailer came loose from the vehicle, hitting another car and killing three people. Boudreau said the driver was charged only with careless driving, which is a misdemeanor.

Several rural legislators objected to the bill, saying they feared a farmer could be found liable for not using safety chains on farm equipment.

Rep. Al Juhnke (DFL-Willmar) said the bill should have gone through the House transportation committees for more examination of the farm equipment issues.

Many farmers do not use chains, although they are recommended, because older equipment is not equipped with chains. The bill could have had the effect of making chains required, Juhnke said.

Rep. Loren Jennings (DFL-Harris) said he feared that well-meaning people would be charged under the bill.

"Are we going to make a whole bunch of criminals out of people who aren't criminals?" Jennings said.

Statute of limitations extended

Domestic abuse victims would have more time to consider filing civil charges against the perpetrator, under a bill the House passed April 5. The vote was 132-0.

The bill (HF47/SF11*) would extend the statute of limitations in domestic abuse cases from two years to six years.

Rep. David Bishop (R-Rochester), who is sponsoring the legislation, said the statute of limitations would begin at the point of the last incident.

"So many times, these domestic abuse wrongs are covered up or delayed," Bishop said. "It doesn't surface for a long time."

Rep. Sherry Broecker (R-Little Canada) offered an amendment that would establish a pilot project domestic abuse unit in the Ramsey County attorney's office. The unit would be able to prosecute cases, recognize interests of children in abuse cases, and reduce the exposure of domestic abuse for victims.

The bill now heads back to the Senate.

Sales tax evasion

People who collect motor vehicle sales tax and then fail to send the tax to the state would be guilty of a felony, under a bill the House passed April 4. The vote was 134-0.

Sponsored by Rep. Matt Entenza (DFL-St. Paul), the bill (HF3303/SF3566*) would create a felony for not submitting vehicle sales tax to the state. The bill states that the person collecting the tax must "willfully" fail to send in the tax.

"This is one of the most important tools we have in stopping fraudulent car sales," Entenza said.

While the House bill creates a felony regardless of the dollar amount involved, the Senate version only creates a felony when the tax involved exceeds \$500. If the tax amount were less than \$500, the crime would be a gross misdemeanor, under the Senate bill.

Entenza said the bill stems from a February state Supreme Court decision, when the court threw out the convictions of Frank Larson, who owns Southwest Leasing, a Mankato company. Larson was convicted in 1997 of collecting \$12,000 in vehicle sales tax that he failed to send to the state.

The state Supreme Court ruled the wrong statute was used in charging Larson with a crime. The court ruling no longer makes it a felony to not send in the vehicle sales tax. Entenza explained that his legislation would simply revert the law to where it was prior to the court decision.

The state will collect about \$526 million in vehicle sales tax in 2001, according to the non-partisan House Research Department. It is

PREVENTION RALLY



Margaret Johnson, right, sits with her 6-month-old daughter Iyanna Woodson as her 6-year-old son Anthony Johnson stands with his grandmother Toni Johnson during a rally on the Capitol steps to raise awareness for Child Abuse and Neglect Prevention Month April 4.

unknown what amount of sales tax is not collected.

The bill now heads back to the Senate.

Serving court orders

A bill that aims to ease the process of serving court orders passed the House on April 4. The vote was 131-2.

Rep. Doug Fuller (R-Bemidji) is sponsoring the bill (HF1067/SF551*), which would allow police officers more leeway to serve court orders to people. The bill creates a short form notification, which officers could serve to people at any time.

For instance, if an officer pulls over a car for speeding, and the officer learns that a court is trying to contact that person to serve court orders, the officer could serve notification then and there, under the bill.

“To me, it made perfect sense,” Fuller said. “If there is something to be served to them, (the law enforcement officer) can serve it.”

An officer could serve paperwork at any time, including Sundays or legal holidays, the bill states.

Though the bill pertains to any court order, it was specifically written to deal with protection orders.

The notification form would include the respondent’s and petitioner’s name, the county that served the order, the name of the judge, and the date of a hearing.

The short order form would direct the recipient to report to the sheriff’s office or courthouse to pick up the full copy of service.

In addition, the short form would have the same weight as the full service, in case the recipient did not go to the courthouse and pick up the full service.

The officer could detain the person as long as necessary in order to fill out and serve the person with the short form, the bill states.

“It gives law enforcement the better tools they need to perform their duties,” Fuller said.

The bill goes to the Senate.

Threatening school officials

Any person who threatens to inflict bodily harm on a school official would be guilty of a misdemeanor, under a bill the House passed April 5. The vote was 127-3.

A second offense would lead to a gross misdemeanor.

Rep. Peg Larsen (R-Lakeland) is sponsoring the bill (HF3465), which would amend the current terroristic threat statute.

If a person makes threats to a school official and knows the words or actions cause terror, the person would be guilty.

“It doesn’t just protect teachers,” Larsen

said. “I’m doing this a lot for prevention. I’m trying to help these kids when their anger is shown.”

Larsen said the bill came from a community justice coordinator in her district, who gave an example of a 14-year-old boy who threatened to beat up his teacher. The threat did not fall under current fifth-degree assault or terroristic threat statutes, Larsen explained. She believes this bill will fill the hole in the law where there is no protection for teachers.

The bill includes all teachers, administrators, or employees at a school, including public and private institutions.

The bill now heads to the Senate.

Domestic violence prevention

The House passed a bill April 3 that would establish an office of domestic violence and sexual assault prevention. The vote was 133-0.

Rep. Larry Howes (R-Hackensack) is sponsoring a bill (HF3331) that creates the office and establishes an interagency task force on domestic abuse and sexual assault prevention.

The bill is a “road map” for putting together the task force, Howes said. The task force would be required to include representatives from the departments of Corrections, Health, Human Services, Economic Security, and Children, Families and Learning. The task force also would include a county attorney, city attorney, and a judge.

The director of domestic violence would serve as chair of the task force.

The bill outlines the duties of the director of the new office, which include advocating victims’ rights, increasing education and awareness, supporting litigation, initiating policy changes, and building partnerships with law enforcement and the courts.

The bill now heads to the Senate.

Check fraud cases

There would be new penalties for crimes involving check fraud, under a bill the House passed April 4. The vote was 134-0.

Rep. Rich Stanek (R-Maple Grove) is sponsoring the bill (HF2751/SF3455*), which would create a misdemeanor offense when someone falsely tells their bank or other financial institution the items are missing or stolen.

“This is not going after people who mistakenly overdraft their accounts,” Stanek said. “This is for people who intentionally and criminally defraud banks and businesses by writing out a number of bad checks.”

The bill also would provide that a person could be charged for possessing, receiving, or

transferring a bad check if he or she knows or has reason to know the check being passed or received is stolen or counterfeit.

Bob Johnson, Anoka County attorney, told the House Civil Law Committee last month that the bill is geared to stop “the tremendous growth in bad checks.” The bill was proposed by a coalition of law enforcement officials, county attorneys, and private businesses, Stanek said.

The bill now heads to the governor’s desk.

★ EDUCATION

Sharing student information

The House passed a bill April 5 that would authorize schools and juvenile justice officials to share information about a student on probation. The vote was 127-6.

The bill’s sponsor, Rep. Mary Jo McGuire (DFL-Falcon Heights), said the measure would amend the provision of the Minnesota Government Data Practices Act by allowing certain data about a student to be disclosed to the system in order to serve the student or protect staff or fellow students.

The bill (HF2833) would allow a juvenile court disposition order to be shared with certain school officials, law enforcement, and specified others when a juvenile has been found to be delinquent for certain violations of criminal law.

It would require that the order be sent to a district’s superintendent and then transmitted to the student’s principal for placement in the student’s education record.

Data that could be disclosed about students on probation would include any information about controlled substance use, possession of weapons, assaults or threatening behavior, or thefts, vandalisms or other property damage.

A student’s principal, under the bill, would be permitted to notify an employee in direct contact with the student if that individual needs the data to work with the student appropriately, to avoid being vulnerable, or to protect others from vulnerability.

The bill now moves to the Senate.

★ ENVIRONMENT

Environment funding amendment

A proposed constitutional amendment to dedicate three-sixteenths of one percent of the state sales tax to fund natural resource needs in the state would go before the voters in a bill forwarded by the House Taxes Committee March 31.

The committee sent the bill (HF3426) to the

House Ways and Means Committee without recommendation.

Rep. Mark Holsten (R-Stillwater), the bill's sponsor, said that under the bill, voters would consider the amendment on the 2000 general election ballot. If approved it would dedicate 45 percent of the proceeds to a newly created account in the state game and fish fund, and the other 55 percent would fund various purposes including spending on state parks, trail grants, and support of various zoos in the state.

Holsten said the new funds would enhance revenues already appropriated by the Legislature. The Department of Revenue estimates that the measure would generate around \$62 million in 2001 and more than \$228 million in the next biennium.

Rep. Loren Jennings (DFL-Harris) asked Holsten why dedicating funds for natural resources was more important than dedicating funds for education, property tax or income tax relief, or other worthy state-funded causes.

Holsten replied that the state's commitment in areas such as education would remain in place even if the voters approved the new fund. He said that a long-term solution to fund the state's natural resources has to be addressed.

Rep. Kris Hasskamp (DFL-Crosby) said she agreed with Holsten, although she said she was not sure the bill was the best way to address the problem. She said that the state's tourism industry depends on the reputation and well-being of the state's natural resources.

Rep. Ron Abrams (R-Minnetonka), the committee chair, said that the bill's financial implications suggest it should have been heard by the House Environment and Natural Resources Finance Committee. He said that committee determines the amount and priority for funding the state's natural resources.

★ FAMILY

Marriage license discount

Couples could reduce the fee for a marriage license if they obtain premarital education under a bill passed by the House April 5. The vote was 97-35.

The bill, sponsored by Rep. Elaine Harder (R-Jackson), would provide a reduced fee for marriage licenses for couples who receive at least 12 hours of premarital education from a qualified person.

A qualified person would include a clergy member, a person authorized by law to perform marriages, or a marriage and family therapist.

The education would include teaching about the seriousness of marriage, conflict management skills, and the desirability of

NATIONAL CHAMPIONS



Members of the University of Minnesota Women's Gopher Hockey Team receive a standing ovation from members in the House chamber April 6, after lawmakers passed a resolution honoring the team. The team became the national champions of women's college hockey March 25 by winning the American Women's College Hockey Alliance tournament. It was the first ever national championship for women's athletics at the U of M.

obtaining counseling if the marriage falls into difficulty later on.

The marriage license fee for those who completed premarital education would be lowered to \$25 under the bill (HF2229/SF884*). In addition, the bill would raise all other marriage license fees from \$70 to \$75.

The bill also changes distribution of the money from marriage license fees. Current law allocates \$50 to the state general fund, while leaving \$15 in the county where the license is obtained and giving \$5 to other projects. The bill increases the amount to the general fund from \$50 to \$55.

The measure now goes to the Senate.

Involuntary commitment

Parents will have more control in admitting mentally ill children to hospitals under a law Gov. Jesse Ventura signed April 3.

The law will add mental illness to current law on involuntary admission and treatment. The law currently allows parents to admit a child age 16 or 17 to a hospital if the child is mentally retarded or chemically dependent.

The previous law allowed parents to admit children to hospitals for a mental illness up to age 16. The law will now extend that provision to age 18. Even if the 16- or 17-year-old child refuses treatment, the parents will be able to admit the child to a hospital.

The law also will require hospital officials to inform the patient that a family member

has made an inquiry about the patient's health. The patient would then have to authorize the release of any information.

Rep. Mindy Greiling (DFL-Roseville) and Sen. Don Betzold (DFL-Fridley) sponsored the legislation. The law takes effect Aug. 1, 2000.

HF3107/SF2634*/CH316

★ GAMBLING

Gambling fraud penalties

Tampering with gambling devices or claiming a gambling prize through fraud or use of counterfeited equipment will now be a felony, under a law Gov. Jesse Ventura signed April 3.

The law will establish felonies if the dollar amount involved in the gambling fraud exceeds \$2,500. The maximum penalty for a felony will be three years in prison and a \$6,000 fine.

A person could be charged with a misdemeanor when the dollar amount involved is \$500 or less or a gross misdemeanor when the value is between \$500 and \$2,500.

The law will make it illegal to knowingly claim a gambling prize using altered or counterfeited equipment. It will also make it illegal to claim a prize through fraud, deceit or misrepresentation.

Tampering with gambling equipment in an attempt to influence the outcome of the game also will be illegal under the law.

Gambling officials say the law is necessary to curb the growth of cheating and fraud.

Rep. Sherry Broecker (R-Little Canada) and Sen. Deanna Wiener (DFL-Eagan) sponsored the bill. The law takes effect Aug. 1, 2000.

HF3023/SF2701*/CH318

★ GAME & FISH

Law allows lighted lures

A new law signed April 3 will allow anglers to use lighted fishing lures.

While the lures are used in neighboring states, current state law allows the manufacture and sale of lighted lures but does not allow anglers to use them in Minnesota waters.

The new law, effective Aug. 1, 2000, contains a provision mandating that batteries used in lighted fishing lures cannot contain mercury. That portion was added due to concerns the batteries could be swallowed by fish or lost in the water.

Rep. Chris Gerlach (R-Apple Valley) and Sen. Pat Pariseau (R-Farmington) sponsored the legislation.

HF3352/SF3586*/CH308

★ GOVERNMENT

Turning over state property

Ownership of a piece of state property that previously housed a juvenile correctional facility was turned over to the city of Sauk Centre under a new law signed April 4 by Gov. Jesse Ventura.

Rep. George Cassell (R-Alexandria), House sponsor of the measure, said the Minnesota Correctional Facility-Sauk Centre was closed in July 1999 and has been vacant since then.

Effective April 5, 2000, the local officials can use the property for economic development or for city or county government purposes, which Cassell said will be a vehicle to create jobs.

If the state had not turned the land over to the city, the state Department of Administration estimated that it would have spent \$200,000 per year in minimal maintenance to the vacant facility.

It was established in 1911 as a facility for delinquent girls, but became coeducational in 1967.

Under state law, when an agency vacates a piece of property, the state Department of Administration offers the property to other state agencies or departments that might want to use the property. But in this case, no other agency expressed interest, Cassell said.

Cassell added that the land originally was purchased by the city and given to the state in

the early 1900s to be used as a correctional facility. The city also extended water and sewer lines to the buildings and has continued to maintain that system.

Sen. Cal Larson (R-Fergus Falls) was the Senate sponsor of the measure.

HF2819/SF2444*/CH326

★ HEALTH

Abortion consent revisited

The House revisited "right-to-know" abortion legislation April 5 and passed a less-restrictive version of a bill intended to

temporarily delay a doctor's procedure. The vote was 89-44.

The bill (HF3652/SF3387*) would require a woman considering an abortion to wait at least 24 hours before undergoing the procedure. And the measure would require that the woman be given information about risks and alternatives at least 24 hours before the procedure is scheduled.

The proposal, sponsored by Rep. Kevin Goodno (R-Moorhead), is similar to earlier language proposed by Rep. Lynda Boudreau (R-Faribault) calling for a woman to give her informed consent prior to an abortion.

That provision was included in the larger

Play ball

Legislators break from regular duties to honor Minnesota's boys of summer

Sporting a Minnesota Twins jersey and cap April 3, Rep. David Tomassoni (DFL-Chisholm) looked ready for the season to begin. Though it was still only 10:30 a.m., Tomassoni's thoughts were on the Twins season opener at the Metrodome later in the evening.

Tomassoni offered a resolution to honor the Minnesota Twins and the team's 40-year history in the state, including World Series titles in 1987 and 1991. The team won the American League pennant in 1965 and won division titles in 1969 and 1970.

"This resolution is about the great memories the Minnesota Twins have given us," Tomassoni said. "It's America's game. Baseball is our beloved national pastime."

The resolution passed on a 132-0 vote.

Hall-of-Famer Harmon Killebrew and former all-star Kirby Puckett played spectator as the House passed the resolution.

They also received a rousing ovation from House members.

Tomassoni told a story about meeting Killebrew as a child, when the legendary home run hitter emerged from the Twins dugout and signed autographs and shook hands with several children. Tomassoni spoke warmly about that memory, and thanked Killebrew for his friendliness toward fans.

The resolution dubs baseball as "a game woven so deeply into our lives that it provides common ground for people of all ages." The resolution also recognizes baseball as "wholesome, family entertainment."

Discussion of the resolution concluded with Rep. Kris Hasskamp (DFL-Crosby) singing "Take Me Out To The Ballgame."

About 43,000 people attended the Twins opener. The Twins lost 7-0.

(C. VETTER)



Former Minnesota Twins slugger Harmon Killebrew uses Speaker Steve Sviggum's gavel to show the swing that hit 573 homeruns in his career. Kirby Puckett also joined Killebrew on the House floor to receive a proclamation commemorating the Twins on the 40-year anniversary of major league baseball in the state.

state government appropriations bill (HF2699), currently in conference committee.

That spending bill was passed by the House in March. During recent conference committee discussions, House members suggested possibly taking policy items out of the bill to avoid constitutional challenges.

There are several differences between the Boudreau "right-to-know" bill and the Goodno version the House passed most recently.

The Goodno bill would waive the 24-hour waiting period for cases when a woman's life or health may put in danger by delaying the procedure.

It also would modify language pertaining to a woman's right to sue if an abortion were performed without following the consent procedures, and would strike the requirement that the name of the doctor performing the procedure be included with the information given to the patient.

Under the bill, a woman would need to receive by mail, phone, Internet, or in person information about prenatal care, child support, adoption, and other material about pregnancy and community support services.

The bill goes to the Senate.

Deregulating hotdish

The House passed a bill April 4 that would ease health regulations regarding food served at community potluck events. The vote was 131-0.

The idea behind the bill originated when Rep. Al Juhnke (DFL-Willmar), attending a DFL bean feed at the American Legion Hall in Willmar, was told health regulations prevented outsiders from bringing prepared food into community potlucks.

According to Aggie Leitheiser, assistant commissioner of the state's Health Protection Bureau, such restrictions exist to prevent outbreaks of food-borne disease. Over the past four years, Leitheiser said, 16 percent of the confirmed food-borne disease outbreaks in the state were traced to privately prepared food.

So, following health regulations to the letter, organizers of the event in Willmar politely rejected Juhnke's beans, asking him to return them to his car.

After the experience, Juhnke said he felt all people should be allowed to attend community potlucks and share their food without being subject to health inspection.

His bill (HF2707/SF3348*) would allow any person attending a potluck event, not just members of the organization sponsoring the event, to bring individually prepared food for consumption. It also would allow an organi-

zation sponsoring potluck events to advertise the events and permit people who are not members of the organization to attend the event and eat the food.

A successful amendment to the bill deleted language that would have required signs at a potluck event stating that the food was not prepared in a licensed kitchen and is not subject to health department regulation.

The bill now returns to the Senate.

Prompt claim payment

The House approved a bill April 3 that would establish prompt payment requirements applicable to health plan companies for clean claims for services rendered by health care providers and care facilities. The vote was 131-0.

Sponsored by Rep. Darlene Luther (DFL-Brooklyn Park), the bill (HF2643/SF2767*) also would apply to third-party administrators, but would not pertain to services provided by pharmacists.

A "clean claim" is defined as a claim that has no defect or impropriety, including any lack of required documentation or any circumstance that prevents timely payment.

The bill would require that health plan companies and third-party administrators pay or deny a clean claim within 30 days of receipt of the claim. Claims not paid in that time would be subject to an interest payment of 1.5 percent of the claim per month, under the bill.

The company providing the health plan or the third-party administrator would be responsible for paying the interest under the bill — not the insured party.

In addition, late claim payments would not be subject to an interest payment if the payment were delayed to review potentially fraudulent or abusive billing practices, however.

Furthermore, the commissioner of the Department of Health would be prohibited from assessing a financial administrative penalty against a health plan company that violates the language contained in the bill.

The bill now moves to the governor's desk.

Registration for therapists

The House passed a bill April 4 that would codify in statute the rules governing occupational therapists and therapists' assistants. The vote was 130-3.

Occupational therapists are currently licensed through the state Department of Health. The bill would merely place into state law the rules employed by the department to govern those therapists and assistants.

Rep. Larry Howes (R-Hackensack), who is sponsoring the measure (HF947/SF1038*),

said the bill would add the option of registration for therapists but would not prohibit individuals who are not registered from practicing as an occupational therapist or assistant.

The bill also would specify educational and examination requirements for registration as an occupational therapist.

The sections of the bill governing registration would apply only to applicants for registration, therapists who are registered, people who use protected titles, and therapists who say they are registered, Howes said.

The bill also makes provisions for renewing registration, as well as temporary and equivalent registration for occupational therapists.

The bill now moves to the governor's desk.

Organ donation checkoff

Motorists would have the option to give money to an organization that increases public awareness of organ donations, under a bill the House passed April 5. The vote was 121-11.

Rep. Darlene Luther (DFL-Brooklyn Park) said she wants to disseminate more information about organ donations. Luther, who had an emergency liver transplant in February 1998, is sponsoring the bill (HF2635/SF2737*) to raise money for public awareness of donations.

The bill would create a \$1 checkoff on driver's license applications. Money raised from the checkoff would go to an organ procurement organization, which would make pamphlets and purchase equipment, such as a mobile unit, to increase awareness of the donation program.

"It's an innovative approach to solve this crisis," Luther said earlier this session.

Approximately 1,160 Minnesotans are currently on an organ donor waiting list, according to Susan Gunderson, executive director for LifeSource.

Luther wants the checkoff placed on driver's license forms because people are already choosing whether they want to be an organ donor at that time.

During floor discussion, Rep. Richard Mulder (R-Ivanhoe) offered an amendment that would make it illegal to sell, purchase, or perform research on human fetal tissue that was obtained after an abortion. The amendment passed 96-35.

Luther said she would be happy if the bill could generate \$250,000 a year. The bill would require the organization that is awarded the money to make a report to the Legislature in 2002 on receipts and expenditures.

The bill now goes to a House-Senate conference committee.

Prescription drug cards

People will be prohibited from selling, marketing, promoting, and distributing any card offering discounts for prescription drugs that fails to meet certain requirements, under a law signed March 31 by Gov. Jesse Ventura.

The measure will allow an individual or the state attorney general to sue to stop any such act and obtain damages any deception may have caused.

The measure will protect consumers from promised discounts that are either confusing or not backed by insurance policies.

Discounts that are deceptive or that are not authorized by contract with the pharmacies listed on the card, will be in violation of the new law, and people issuing or distributing the cards will be subject to prosecution.

Also, discount cards will have to prominently state that discounts offered are not being offered through any insurance policy.

The new law will not apply, however, to vision care, glasses, or contact lenses provided by an optometrist or ophthalmologist.

Discounts promised under contract with the state of Minnesota, or a consumer discount card issued by a store for use at that particular store will also be allowed.

Furthermore, a card administered by a health insurer, nonprofit health service plan corporation, or health maintenance organization (HMO) will be exempt from complying with card requirements put forth by the law.

Rep. Larry Howes (R-Hackensack) and Sen. John Hottinger (DFL-Mankato) sponsored the legislation. The law takes effect Aug. 1, 2000.

HF2883/SF2579*/CH303

★ HIGHER EDUCATION

Designing state buildings

The House passed a bill April 4 that would allow representatives of colleges, universities, and state agencies to vote on the design of state buildings. The vote was 120-10.

Contracts for designing state buildings are awarded through the state Designer Selection Board.

Under current law, the agency or school that will be using a new building appoints a non-voting member to the board, which consists of five voting members. The board looks at design plans from competing firms and decides which firm will receive the contract.

The members of the current board represent the state Department of Administration, the Consulting Engineers Council of Minnesota (with input from other professional engineering societies in the state), the Minnesota Society of Architects, and the Minnesota Board of the Arts.

PRAYING FOR A WINNER



John Gordon, Minnesota Twins radio broadcaster, asks members to join hands as he gives the invocation on April 3, opening day for the 2000 Twins season.

The bill (HF3195/SF3701*) would increase the board to seven voting members, which would include a voting member from the organization that will be using the building. If, for example, a building were being designed for the University of Minnesota, the university would have a vote on the final design of the building.

"This gives the user agency a real voice and real responsibility (on the board)," said Rep. Peggy Leppik (R-Golden Valley), sponsor of the bill.

The bill also would make one of the board members represent the American Institute of Architects, instead of the Minnesota Society of Architects. Also, the board would include a representative of the Associated General Contractors and two citizen members.

The bill now goes to the Senate.

★ HUMAN SERVICES

House votes to override

The House voted April 4 to override a governor's veto of a bill that would assure the continued operation of the Ah-Gwah-Ching center, a nursing facility in Walker.

The Ah-Gwah-Ching center serves residents whose aggressive or difficult-to-manage behavioral needs cannot be met in their home community. The vote to override was 125-5.

Gov. Jesse Ventura had vetoed the measure a day earlier, citing that the bill was "unnecessary" because law currently exists prohibiting

the commissioner of the Department of Human Services from closing the facility without the Legislature's approval.

The bill (HF2809), sponsored by Rep. Larry Howes (R-Hackensack), was passed by the House March 15 and sent to the Senate, where it was passed and forwarded to the governor to sign.

In addition to language in the bill calling for the center to remain open, the bill would clarify the admissions criteria of the facility and require that the center promote emergency admittance and geriatric rapid assessment stabilization programs.

The Senate has not yet reconsidered the bill. To complete the override of the governor's veto, the Senate would need to re-pass the bill by a two-thirds majority.

The 1999 Legislature successfully overrode a veto, the first time that had happened in 17 years.

Nursing home closure

The House passed a bill April 4 that would establish a process for closing nursing facilities. The bill would also allow savings from a closed facility to be reallocated through special rate adjustments and interim payments. The vote was 131-4.

Rep. Fran Bradley (R-Rochester), sponsor of the measure (HF3537/SF3198*), said the bill would allow one or more nursing facilities owned or operated by any nonprofit corporation controlling more than 22 nursing facilities in the state to submit closure plans to the commissioner of the Department of Human Services.

Under the bill, a closure plan would need to include the projected costs and savings of closure, a timetable for closure, and a proposed relocation plan for residents.

A facility's plan would also need to include information on the facilities in line to receive a special rate adjustment as a result of the closure and documentation that such facilities have accepted liability for recovering overpayments to facilities designated to be closed.

If the bill were to become law, the commissioner would first need to obtain certification from the commissioner of the Department of Health that each plan satisfies requirements related to notice of closure and relocation of residents before being allowed to approve the plan.

The bill would require that a determination of the plan itself be made within 60 days of its submittal.

The bill now moves to the governor's desk.

★ INSURANCE

Assisting Holocaust survivors

The House passed a bill April 4 that would assist Holocaust survivors and their heirs in collecting insurance claims. The vote was 133-1.

Rep. Ron Abrams (R-Minnetonka), sponsor of the bill (HF3756/SF3423*), said that similar to today, many families that lived prior to World War II planned for the future by purchasing life insurance. But many of those people have had difficulty in settling insurance claims.

Abrams said that often life insurance claims require a death certificate, which for Holocaust victims is not available. Under the bill, the Department of Commerce would be permitted to establish a registry of records of Holocaust-related insurance policies and claims.

Currently there is an international commission working to establish a registry and recover insurance proceeds from policies issued during the 1930s and 1940s.

Abrams said that there are over 200 Holocaust survivors in the state.

The bill also would require insurance companies to provide the data necessary to assist Holocaust victims and their beneficiaries.

Abrams said the data in the registry that would be established by the bill would be cooperatively exchanged with the registry that serves other states.

He said the measure would encourage insurance companies that do business in the state and that did business in Europe before World War II to settle the insurance claims. The bill would permit the Department of Commerce to suspend an insurer's authority to do business in Minnesota if they fail to comply.

The bill now goes to the governor.

★ LAW

Disqualifying a judge

A bill that outlines the procedure to disqualify a judge from sitting on a case passed the House on April 4. The vote was 99-33.

Rep. Len Biernat (DFL-Mpls) is sponsoring a bill (HF3517/SF2742*) that explains how a judge would be removed from a particular case.

"It prevents disqualification of a magistrate," Biernat said. "It streamlines the process so there is not a lot of motions by attorneys."

Under the bill, when a person involved in a court case is notified of a court date and the name of the judge, the person would have up to 10 days to reject the judge for any reason. The person would have one free

"disqualification" of a judge. To disqualify a second judge, the person must prove the judge has bias in the case.

However, once the first hearing has taken place, even if it is within the 10-day period, the person cannot ask for the judge to be removed from the case.

Rep. Richard Mulder (R-Ivanhoe) spoke against the bill, saying he is worried that the backlog of cases judges have will only become worse.

The bill goes to the Senate.

★ LOCAL GOVERNMENT

Lake improvement districts

Property owners would have a greater say in the establishment and management of lake improvement districts, under a measure the House passed April 5 on a 70-60 vote.

Lake improvement districts are established as a unit of government to provide a method to address issues and concerns on a more local level.

Rep. Mark Olson (R-Big Lake), sponsor of the bill (HF3260/SF2968*), said that currently there are 14 such districts in the state.

Under current law, lake improvement districts can conduct projects for water conservation and improvement, regulate water surface use, and provide and finance services. Districts also are allowed to acquire, construct, and operate dams or other water level control structures.

A county board, or county boards acting jointly, may initiate the establishment of a district. A petition to the county board signed by at least 26 percent of the proposed district's property owners may also initiate the process.

Olson said his bill would allow property owners to petition their county board, no matter how the proposed district is initiated, for a referendum before the district is established. That petition would also require signatures from at least 26 percent of the property owners within the proposed district.

Under the bill, after the initial appointment of district board members by the county board, all subsequent district board members would be elected by the property owners of the district at the district's annual meeting.

The bill also calls for the county board to seek other sources of funding for improvement district projects before imposing service charges, special assessments, or property tax levies on property owners.

Rep. Tom Rukavina (DFL-Virginia) expressed concern with the election portion of the bill. He said the bill would establish a precedent of allowing property owners, rather than residents, to vote in an election.

The bill now goes to the governor.

★ RECREATION

Law sets fine for studs

The governor signed a measure April 4 that adds a civil penalty for using metal traction devices, or studs, on snowmobiles.

The new law was necessary because a civil penalty was inadvertently left out of a 1999 law that required people to purchase a sticker for their snowmobiles if they intend to use studs.

The 1999 measure contains criminal penalties for people who drive a snowmobile with studs on paved state trails.

The new law, effective April 5, 2000, establishes civil penalties for people who use snowmobile studs but do not purchase a sticker.

For the first offense, the penalty is capped at \$50. The fine for a second offense is up to \$300, and for third and subsequent offenses the fine is up to \$600.

Rep. Andrew Westerberg (R-Blaine) and Sen. Linda Runbeck (R-Circle Pines) sponsored the legislation.

HF3555/SF3283*/CH324

★ TRANSPORTATION

Left lane driving restricted

Drivers in the left lane on state highways would be directed to move to the right lane when they are not passing, under a bill the House passed April 5. The vote was 80-50.

The bill (HF3091/SF2484*), sponsored by Rep. David Tomassoni (DFL-Chisholm), would allow the placement of signs along highways reminding drivers to move to the right lane after passing.

"This bill is aimed at people who park in the left-hand lane and never move over," Tomassoni said. "We're just trying to get people to be more courteous."

The bill would require the placement of signs every 50 miles along interstate highways, reminding drivers to move to the right lane after they have passed a car. The signs would say, "Move to the right after passing." Tomassoni said the signs are the key part of the bill he wants.

The left lane should be reserved for passing, avoiding accidents, entering or exiting the interstate, or when a person is directed by law enforcement or construction sites, Tomassoni contends.

Current law provides for a petty misdemeanor for drivers who travel in the left lane below the rate of speed of other vehicles on the road. The bill also would carry the petty misdemeanor charge.

Rep. Steve Dehler (R-St. Joseph) spoke against the bill, saying it is unnecessary.

“This is going to be a primary offense,” Dehler said. “We don’t need laws to tell us to drive with common sense.”

Tomassoni said he does not think police would use this measure for primary offenses.

“I’m confident that our officers won’t be stopping people who are driving in the left-hand lane when there is no one in the right-hand lane,” he said.

Sen. Dick Day (R-Owatonna) is sponsoring the Senate version, which includes a 25 mph maximum speed in school zones. That provision is not in the House bill.

The differences will likely be resolved in a conference committee.

Weight restrictions relaxed

Heavier vehicles such as public utility or electric cooperative trucks would be exempt from springtime weight restrictions under a bill the House passed April 4. The vote was 115-15.

Rep. Tom Workman (R-Chanhassen) is sponsoring the bill (HF3274/SF2785*), which would allow the vehicles to travel on roads that usually have weight restrictions for eight weeks in the spring.

Public utility vehicles need to be able to travel on side roads when emergencies occur, Workman said.

“For them to come onto your street and restore your power, they are technically breaking the law,” Workman said during a House Transportation Policy Committee meeting in February. “That’s ridiculous.”

This bill provides for emergency use of the road, and not general transportation for larger vehicles, Workman said. Exempted vehicles under this bill must not exceed 20,000 pounds per axle.

The bill also would allow recycling trucks to travel on the restricted roads. Workman said the way the law is written now, recycling companies would be required to buy two smaller trucks and employ twice as many workers to pick up recycling during the eight-week stretch to avoid breaking road restrictions.

“It is a complete impossibility to do that,” Workman said.

He noted that school buses, which are heavier than recycling trucks, travel on restricted roads 10 times a week, while a recycling truck makes that route once a week at most.

Reps. Tom Bakk (DFL-Cook) and Gary Kubly (DFL-Granite Falls) then offered successful amendments to exempt trucks containing raw sewage or milk.

The Senate version, sponsored by Sen. Steve Murphy (DFL-Red Wing), does not include those exemptions.

Glen Engstrom, manager of Minnesota

Road Research for the state Department of Transportation, explained that the eight-week restriction is enforced when the ice thaws and roads become particularly soft. Transportation officials decide the beginning date of the restriction based on several weather factors. The starting date changes each year. Road restrictions are generally placed on state and county highways or city streets.

By starting the weight restrictions on time, the department saves \$10 million annually in road replacement costs, Engstrom said.

The bill now heads to a House-Senate conference committee.

State immunity from liability

A bill that would make the state immune from civil lawsuits involving recreational motor vehicle accidents that occur in a highway right-of-way passed the House on April 5. The vote was 79-53.

The measure, sponsored by Rep. Mary Liz Holberg (R-Lakeville), would exempt the state from liability when accidents or injuries occur involving snowmobiles or other off-road recreational vehicles.

“This bill would require a warning,” Holberg said. “The warnings would have to be reasonable.”

The sports vehicles — such as snowmobiles and all-terrain vehicles — are supposed to drive on the side of the ditch opposite the roadway, not at the bottom or the side closest to the highway.

Rep. Carol Molnau (R-Chaska) spoke in favor of the bill, saying the immunity protection would be the same language under the law as for state parks.

Rep. Alice Johnson (DFL-Spring Lake Park) spoke against the bill, saying the state should be responsible for the land it owns.

“This is poor public policy,” Johnson said. “We have made our ditches public trails.”

Rep. Kris Hasskamp (DFL-Crosby) also had concerns about the measure.

“Snowmobilers better know this before they hit the trail next season,” Hasskamp said.

The bill (HF3613/SF3307*) now heads to the governor’s desk.

Newspaper’s stance questioned

A *Star Tribune* official appeared before the House Transportation Finance Committee on March 30 to defend the newspaper’s editorial stance on the proposed Hiawatha Corridor light-rail transit project.

Critics of the light-rail project have pointed out that the newspaper has changed its editorial position from criticism of the project to support in recent months.

Frank Parisi, senior vice president at the *Star Tribune*, said the newspaper’s view toward light rail has evolved over the past couple of years. However, the paper’s switch to support light rail is not based on possible gains the company could receive from a station located near its downtown Minneapolis headquarters, Parisi said.

“We have never made an editorial decision based on the company’s bottom line,” Parisi told the committee. “The *Star Tribune* editorial page is not for sale.”

The current light-rail proposal in the Hiawatha Corridor would include tracks along Fifth Street in Minneapolis. The tracks would cross one of the *Star Tribune*’s parking lots, requiring the newspaper to be compensated. A preliminary survey places the value of the lot at \$10 million.

Parisi said the newspaper has not verified how much the property is actually worth.

However, Parisi said the paper would not benefit from selling the block to make way for the light-rail project. The 249 parking spots on the block are a necessity for *Star Tribune* employees, Parisi said.

“Anyone who claims that loss of this block will benefit the Star Tribune Company is completely out of touch with reality,” Parisi said.

Two legislators, Alice Hausman (DFL-St. Paul) and Dan Larson (DFL-Bloomington) left the meeting shortly after it began, saying they refused to question a newspaper on the merits of its editorials.

“The very fact that we are diving into a newspaper’s views and judgments . . . not only is it unprecedented, I think it is an outrage,” Larson said.

Rep. Ray Vandever (R-Forest Lake) said the paper is entitled to its opinion. He questioned the proposed location of the line when several reports indicated that Fifth Street would be a poor route.

“What concerns me is the implication that proponents of the light-rail project placed the station near the *Star Tribune* to garner political support,” Vandever said.

David Strom, legislative director for the Taxpayers League of Minnesota, testified that the newspaper supports the project because of possible benefits to the company.

“The *Star Tribune* not only supported the plan, but pushed for subsidies along the line,” Strom said. “It questions the journalistic ethics for not revealing (land ownership) on the editorial page.”

Action on feedlot rules

Bill would settle dispute between Pollution Control Agency and farmers regarding changes to rules governing feedlots

By MIKE DE LARCO

The House passed a bill March 30 that would ease a set of new feedlot rules proposed in December by the Minnesota Pollution Control Agency (MPCA). The vote was 80-49.

The bill's passage followed weeks of public testimony opposing new rules for the permit process for animal feedlots. The agency's rules are now before an administrative law judge and an opinion on proposed changes is expected later this month.

The measure the House passed addresses changes to the plan that farmers requested to happen before any support could be given to a revision of the agency's 20-year-old feedlot guidelines.

If it becomes law, the measure would settle the matter, making the judge's ruling unnecessary.

"Something needed to be done to address the concerns brought forward by farmers in my district and producers all over the state."

Farmers are concerned that new requirements will drive small feedlots out of business. In addition, cattle producers oppose having their pastures regulated under feedlot rules, Kuisle said.

Furthermore, counties would see a greater responsibility for enforcement shifted in their direction under new agency rules, a task many counties consider to be overly time consuming and burdensome.

Last month, the Pollution Control Agency took some of the concerns expressed by farmers to heart and suggested it would consider making amendments to the most controversial sections of the proposed feedlot rules.

Kuisle said his bill (HF3692) would give spe-

in Minnesota would be exempt from making lot upgrades viewed as necessary by the agency to protect the environment under Kuisle's bill.

Gary Pulford, feedlot manager for the agency, said approximately half of the state's 40,000 feedlots are in compliance with the agency's current rules. Of the other half, about 8,000 are reported to have waste run-off problems. The status of the remaining lots, Pulford said, is unknown.

The agency has proposed a 10-year window for small farmers to cut down on environmental problems. The most prevalent violation the agency is focusing on involves the flow of animal waste from lots into rivers and streams. Another is air pollution.

Pollution problems caused by livestock odor was a concern of many who voted against Kuisle's bill. HF3692 would exempt animal feedlots from state ambient air quality standards for up to seven days after animal manure is removed from lot storage facilities. And by allowing feedlots to grow in size, air pollution could potentially increase, said Rep. Ted Winter (DFL-Fulda).

"This bill expands the numbers of animals and decreases the oversight without considering the problems that that's going to cause," Winter said.

Kuisle responded to concerns by saying that while livestock odor is a problem at some sites, limiting feedlot expansion isn't the answer.

In the meantime, the agency's new plan would put limits on hydrogen sulfide gas found in manure and require that manure spills on roads be treated as serious problems. Sloppy handling of manure could result in fines if revised rules, as they stand now, go into effect.

The agency's new rules would not apply, however, to feedlots with fewer than 400 animal units if HF3692 were to become law. In addition, a feedlot operator with fewer than 500 animal units could not be forced to dish out more than \$3,000 to address agency requests for lot upgrades unless offered a significant cost match under the bill.

There are some similarities in the bill to modifications the agency considered making in March. Some provisions, however, differ greatly. Language in the bill and the proposed agency changes are far apart on a turn-around time for permits to be issued and an exemption of rules for smaller producers.

"Both sides may have to give a little," Kuisle said.

The bill now moves to the Senate. 



Air pollution from manure pools, like this one in Isanti County, would be regulated under provisions of a feedlot bill passed March 30 by the House.

In January and February, hundreds of farmers in Minnesota expressed frustration that the rules drafted by the MPCA were too strict and could hurt small producers.

"The proposed rule changes coming out of the MPCA were far too restrictive," said the bill sponsor, Rep. William Kuisle (R-Rochester).

cific instruction to the agency on how the rules should be amended before their final adoption.

Under the bill, state livestock operations would be allowed to grow, and regulations by the MPCA would be reduced. More time would be given to producers to make changes.

Officials estimate that eight out of 10 feedlots

A compromise to build

House and Senate bonding bills differ by \$232 million, with major divides related to higher education, environment, and state building projects

BY JON FURE

A House and Senate conference committee is working to reach a compromise on a bonding bill, which would pay for repairs to state buildings and new construction projects, mainly through the sale of state bonds.

The House and Senate versions of the bill (HF4078*/SF3811) each would spend more than the \$499.7 million that is proposed under Gov. Jesse Ventura's capital budget plan. That figure includes money that would be spent by canceling appropriations to capital projects from previous years.

Under the House and Senate bills, bonding would total \$532 million and \$763.6 million respectively.

The House bill would use more revenue from user-financed bonds than the governor's plan — \$76.9 million compared to the governor's proposed \$33.9 million.

The Senate bill would use \$82.8 million from user-financed bonds, and it would spend more money than the other proposals in general obligation bonding and direct spending from the general fund. Also, the Senate bill would cancel smaller amounts of money from old projects than the other two proposals.

In general obligation bonding, the House bill and the governor's plan each would use about \$400 million, but the Senate bill would use about \$665.6 million.

Some lawmakers have been critical of proposals to borrow money by selling bonds due to the \$1.8 billion projected budget surplus. When the bill was debated on the House floor, Rep. Satveer Chaudhary (DFL-Fridley) said borrowing money and paying interest on the bonds would be like a person using a credit card instead of cash.

But Rep. Jim Knoblach (R-St. Cloud), sponsor of the House bill, said that the capital projects such as state buildings are used for many years, so it is appropriate to spread the costs over a period of time, instead of using tax dollars that were paid by people and organizations in the current biennium.

Rep. Dave Bishop (R-Rochester) added that Minnesota is one of only a few states that has a AAA bond rating, which delivers bonds at the most attractive interest rates, due to its fiscal policies in previous years. The state has limited the amount of money it spends on interest payments on bonds, or debt service, to a maximum of 3 percent of the total revenue in a biennium.



The Art Building on the University of Minnesota's West Bank would be replaced by a \$21 million facility under the Senate bonding bill. The House bill would provide only \$2 million for design of a new building.

Also, Bishop said the state's payments are amortized so that 40 percent of the overall cost is paid within five years and 70 percent is paid within 10 years, which helps reduce the amount of money that the state spends on interest.

Under those guidelines, Bishop said the state could authorize \$970 million in bonds this

year and still be on solid financial ground.

The conference committee has had some preliminary meetings, but so far no major compromise has been reached regarding the amounts of money that should be spent or borrowed.

Here are some highlights of the projects in the House and Senate proposals.

U of M facilities

Overall spending for higher education would be \$169.9 million under the House bill and \$296.9 million under the Senate bill, compared to \$118.3 million under the governor's plan.

All three proposals would spend \$35 million on a Molecular Cellular Biology building at the University of Minnesota.

The Senate bill would spend \$21 million for a new Art Building, which would receive \$2 million for design costs under the House bill.

But the House bill would not fund a \$10 million Microbial and Plant Genomics building at the U of M campus in St. Paul, which would be funded under the Senate bill and the governor's plan.

The House and Senate would fund other projects at U of M campuses in St. Paul, Crookston, and Morris that would not receive funding under the governor's plan.

The Senate bill would fully fund the \$16 million request for maintenance and repair

Continued on page 23

A plan for parenting

Bill would give divorcing parents the option to work out their own custody agreements rather than fighting it out in court

BY CHRIS VETTER

A bill that would allow divorced parents to create parenting agreements passed the House March 30. The measure received approval by a 116-12 vote.

The measure, sponsored by Rep. Andy Dawkins (DFL-St. Paul), would allow divorced couples to make agreements on splitting parenting time. Currently, parenting agreements are neither specifically forbidden nor al-

lowed in state law.

"This bill would allow parents to reinsert their own plan," he said. "Why choose one parent over another parent when you have two good parents?"

Parenting plans could specify anything from where a child lives during the day to which parent can teach religious philosophy or which parent picks up the child from soccer practice. Child support would be a separate issue not included in parenting plans, he added.

Dawkins, a family lawyer, said he has worked on the issue for several years. He introduced a similar bill in 1997, which did not pass either the House or Senate. However, a Parental Cooperation Task Force to study parenting agreements was established as part of the omnibus judiciary law in 1998.

He said his current bill (HF3311/SF3169*) incorporates many of the task force's recommendations.

Parenting plans would encourage mediation and reduce lengthy custody battles and further litigation, Dawkins said.

"Our current law has a winner-take-all mentality to it," Dawkins said. "And I think that has a wrong angle to it."

Under both the Senate and House bills, a parenting plan could be formed if both parents agree to it. However, the House bill would allow the court to require mediation if only one parent agrees. That provision is not in the Senate bill.

During the mediation, each parent would work with the mediator to negotiate the terms of the parenting plan. Both parents would be bound by the decision reached at mediation.

Dawkins said the judge should have the au-

thority to require parenting plans to get the two sides talking. Without the judge's authority, "we're back to the current law," he said.

The House bill would not allow judges to require a parenting plan if there are previous allegations of domestic abuse.

William Howard, judge with the Fourth Judicial District, supports the Senate bill because it applies only to couples that submit to parenting plans.

"It gives them the option to do it," Howard said. "But don't force people to do it. (The Senate version) is a permissive bill."

Howard said parenting plans would allow a whole spectrum of relationships.

"This clears up the murkiness of the court to submit to parent plans," he said.

A Minnesota Supreme Court ruling from September 1999, *Frauenshuh vs. Giese*, made some parent agreements invalid, Dawkins said.

In the case, the couple was allowed to establish a custody agreement based on a different standard from the one typically applied by the court to such cases. The Supreme Court ruled that the couple should not have been allowed, by the lower court, to use a different standard, and thereby ruled their agreement invalid.

Dawkins contends that couples should be given the freedom, with proper legal representation, to reach any custody agreement they prefer, subject to approval of the court, presuming it is in the best interest of the child.

"That threw out all these cases where two good lawyers and two good parents decided what is best for children," he said.

The House bill has a retroactive effective date of Sept. 1, 1999, to re-instate parenting plans invalidated by the court's decision.

Suzanne Born, family lawyer and member of the task force, disagreed. Born said the ruling threw out a specific parenting plan, but did not eliminate all previous agreements.

According to the task force summary, at least 20 states currently allow parenting plan agreements.

Washington County has developed a written plan format, which could become a model for other counties, said Mindy Mitnick, a child psychologist at the Uptown Mental Health Center. The packet asks parents to decide which adult is responsible for doctor visits, physical custody of the child, or dividing holidays.

"What we have now is specific forms, so counties don't have to keep starting over from scratch," Mitnick said.

All references to "visitation" in statute would be eliminated under the bill. Visitation would be replaced by the phrase "parenting time," which is defined as the time a parent spends with a child regardless of the custodial designation of the child.

"It always bothered me, the word 'visitor,'" Dawkins said. "You both have parenting time."

Born agreed, saying she is happy with the word change.

"Visitation is a very offensive word to parents who have been involved with their kids their whole life," Born said.

The bill also would allow the non-custodial parent to object when the custodial parent chooses to move out of Minnesota. The bill would require a hearing be held to discuss the issue. If the court determines the move is not in the best interest of the child, the court must forbid the move from occurring, according to the bill.

The bill now moves to a House-Senate conference committee. 

"Why choose one parent over another parent when you have two good parents?"

—Rep. Andy Dawkins

A legislative lesson

Fourth-grade students combine school projects into real-life civics lesson and successfully campaign for 13th state symbol

By JON FURE

It all started as a school project about monarch butterflies. But when Rep. Harry Mares (R-White Bear Lake) visited OH Anderson Elementary School in Mahtomedi to explain how a bill becomes a law to fourth-graders there, the students had a brilliant idea — why not put the two projects together?

What they ended up with is a new law, making the monarch the official state butterfly.

Gov. Jesse Ventura signed the law March 31, making the state butterfly the 13th state symbol.

The students brought the idea to Mares, who sponsored the bill. Mares had been asked to visit the school last November, and he said the students wanted to participate in the law-making process.

They were studying the monarch butterfly through a program called “Monarchs in the

Classroom,” which Mares said is the among the largest education programs in the country. The program is administered through the University of Minnesota, and more than 20,000 students participate statewide.

Mares said those students learn about science, conservation, and the ecosystem by studying the monarch’s life cycle and migratory flight to and from Minnesota each year. They use computer technology to follow the monarch’s flight to central Mexico, so they also learn about geography.

While establishing a new state symbol may not seem as important as some other types of legislation, Mares said the monarch is an appropriate choice for the state butterfly for several reasons.

“A lot of people have an early introduction to the magical world of nature through the monarch, and as we get older it becomes a thread that takes us through science to beauty and aesthetics,” Mares said.

Birchwood resident Randy LaFoy, whose daughter attends the school, said it helped the students — and their parents — learn first-hand about how a bill becomes law. He said about 60 students attended House and Senate committees and wrote letters to various lawmakers, and several students made public presentations. The students also met the governor and several lawmakers.

“It was a great lesson in civics, and what a great country that allows fourth graders to get involved and make a difference,” LaFoy said.

LaFoy added that many people tend to be more familiar with other aspects of law, such as police officers or the court system. The students enjoyed the experience at the Legislature because it brought that part of the lawmaking process to life, LaFoy said.

A similar bill (HF3508) that was proposed this year would make the timber wolf the official state mammal, but that bill has not advanced through the committee process in either the House or Senate.

The last state symbol to be established was the blueberry muffin in 1988, which was proposed by third-grade students from Carlton, a small town near Duluth. The students felt that the choice was appropriate because blueberries are plentiful in northern Minnesota, and farmers throughout the state produce other ingredients needed to make the muffins.

Other state symbols are the state flag and state seal, state tree (red or Norway pine), state song (“Hail! Minnesota”), state bird (loon), state fish (walleye), state mushroom (morel), state drink (milk), state grain (wild rice), state flower (lady slipper), and state gemstone (Lake Superior agate).

Sen. Charles Wiger (DFL-North St. Paul) sponsored the measure in the Senate. The law is effective Aug. 1, 2000.

HF2588/SF2326*/CH306 



Rep. Harry Mares, center, along with fourth-grade students and teachers from OH Anderson Elementary School in Mahtomedi testify in front of the House Governmental Operations and Veterans Affairs Policy Committee earlier this session in support of a bill that would designate the Monarch butterfly as the official state butterfly. Gov. Jesse Ventura signed the bill into law March 31.

A challenge ahead

A former speaker of the House is leaving to take a top post with the Ramsey County attorney

By MICHELLE KIBIGER

When Rep. Phil Carruthers (DFL-Brooklyn Center) came to the Legislature in 1986, he brought his criminal justice background in an effort to change the system.

"I felt that the criminal justice system needed more accountability, especially concerning drunk driving and violent crime," Carruthers said. "I feel we've made some good progress."

Now, 14 years later, the former speaker of the House will take that knowledge back into the justice system as he leaves the Legislature for a job with the Ramsey County Attorney's Office.

"I won't have to stay up until three in the morning debating on the floor," he said with a smile.

Carruthers said being a member of the House has been very rewarding for him, especially his work with individual constituents to promote legislation.

He said he decided during his last term, when he was speaker and the DFL Caucus had a majority, that he would not seek an 8th term.

When he looks up from his desk, pictures of his sons — 11-year-old Alex and 8-year-old Rory — greet his eyes. They often accompany him to the Capitol.

Family played a big role in his decision to leave the House. Carruthers said he is ready for a more regular, normal life.

"It's a very intense job," he said. "It's exciting and satisfying. I have young kids. I'd like to have a little bit more sane lifestyle, a little more predictable."

Carruthers grew up in St. Anthony and attended the University of Minnesota, where he obtained a degree in political science and later attended law school. He received his law degree in 1979 and worked for a number of different firms.

In 1983, Carruthers was appointed to the Metropolitan Council. He served there for three-and-a-half years, until his election to the House of Representatives.

His two goals as a legislator were to change the criminal justice system and institute more openness in government.



During his first few years in the House, Carruthers served on committees dealing with judiciary, taxes, and financial institutions. In 1990, he sponsored a law clarifying the provisions of the state's no-fault insurance law. And by 1992, he had sponsored the omnibus drunken-driving and data practices laws.

He also sponsored laws providing due process for police officers in dispute situations and further clarifying the implied consent provisions for drunken driving arrests.

In 1993, he sponsored legislation restricting violent criminals' ability to be licensed foster parents. He also supported the provision that instituted zero-tolerance alcohol provisions for people younger than 21.

Later that year, Carruthers was elected as House Majority Leader, after Rep. Irv Anderson (DFL-Int'l Falls) became speaker of the House.

Carruthers served in that role for three years, until he was selected to replace Anderson in the speakership.

At the time, Carruthers' supporters said he would bring more openness to the House and

would strive for more cooperation between the DFL and Republican caucuses.

The DFL lost control of the House after the 1998 election, and Rep. Steve Sviggum (R-Kenyon), assumed the role of speaker.

Looking back now, Carruthers said the most important lesson he learned was to get along with people and work with them. He said the House is not about partisanship, but it's about making the best decisions for constituents.

"It doesn't matter what party you are or what part of the state you're from," Carruthers said. "Everyone has something to contribute."

"It's easier and quicker for a few people to make the decision. But I don't think it makes for better laws."

Carruthers said it's important to get as many people and points of view involved as possible. He said he worries that the Legislature is becoming too partisan at the expense of the average citizen and his or her concerns.

"Minnesota has a very open legislative system," Carruthers said. "Average people can make suggestions and see them actually get accomplished. But the House tends to be too partisan in my view. Satisfaction is working hard to solve a problem in society."

Carruthers, who has been a city prosecutor in Hennepin County for 20 years, will serve as chief of the prosecution division for the Ramsey County attorney, when he begins his job. He will supervise the prosecution of juvenile and adult criminal cases.

Though the job will likely put Carruthers in the courtroom, he'll spend most of his time developing prosecution policies and working with the prosecutors in the office.

"It's very exciting," Carruthers said. "I'm looking forward to it." 

STEPPING DOWN

Rep. Phil Carruthers

DFL

District 47B – Brooklyn Center

Terms: 7

Career notes: After serving as majority leader, Carruthers was elected speaker of the House in 1997. He led the House during years that were marked by passage of property tax rebates and rejection of public financing for a baseball stadium. Throughout his career, Carruthers has specialized in legislation related to civil and criminal law.

Health care pioneer

Greenfield known for persevering to make revolutionary MinnesotaCare program become law

By DAVID MAEDA

When Rep. Lee Greenfield (DFL-Mpls) was elected 22 years ago, one of the issues he ran on was ensuring that the state's health care system took care of all Minnesotans.

For Greenfield, 58, who was active in the civil rights and anti-war efforts in the 1960s, it was just another policy issue for the under-represented in need of political reform.

"I've always believed that everybody should be treated equally," said Greenfield, who still has a hint of a New York accent in his voice, betraying a Brooklyn upbringing.

Greenfield's political activism brought him to Minnesota to work. That activism ultimately led him to seek and win election to the House in 1978.

Perhaps the legislative achievement he will best be remembered for, and the one he still points most proudly to, is being one of the so-called "gang of seven" legislators who in 1992 helped establish MinnesotaCare, the state's health care system working toward health care access for all Minnesotans.

Greenfield was then serving as chair of the House Health and Human Services Finance Division. He worked with members from both parties and former Gov. Arne Carlson to pass the legislation that expanded the state's health coverage of the uninsured from children to all residents who did not have access to employer-supported coverage.

The group gained its nickname through tenacity in addressing the concerns raised by officials from the insurance and health care industries, among others, in the state's effort to become the first to achieve health care access to all.

The gang of seven also included DFLers Sens. Linda Berglin and Pat Piper and former Rep. Paul Ogren, and former Republican Sen. Duane Benson and Reps. Dave Gruenes and Brad Stanius.

Greenfield said Minnesota has one of the lowest uninsured rates of any state in the coun-



try — a tribute to how progressive and strong the state's system continues to be.

Since the MinnesotaCare program's inception, the rate of uninsured in the state has dropped from 6.1 percent to 5.2 percent. The national rate is around 16 percent.

Greenfield said he is confident the state will remain a leader in health care access because the state's citizens believe it is important to subsidize care for all.

With a degree in physics from Purdue University and graduate work in philosophy of science at the University of Minnesota, he said his scientific background uniquely prepared him for his legislative work and led to his interest and involvement in health care issues.

Greenfield said the scientific method values hard data over anecdote. But with the abundance of data presented in crafting legislation, he said he learned that often the use

of a personal story can be more effective in swaying legislators.

Yet in the final analysis, he said, his roots in science were useful in helping him form objective decisions.

He said that he felt fortunate to be at the leading edge of many of the causes he fought for because of the liberal nature of the area he represents, which includes parts of the West Bank, Powderhorn Park, and Seward neighborhoods in Minneapolis.

Ironically, it is Greenfield's devotion to the health care arena that has led to his decision not to seek re-election to the House.

"My interests keep narrowing," he said. "As a member you have to maintain a broad perspective."

Greenfield said that although he isn't quite sure what he will do next, he is pursuing several opportunities that will allow him to continue his commitment to health care related issues, including universal health care, from a different angle.

He said he will miss being part of the legislative process and working with many of his colleagues. And he is proud of playing a part in helping to maintain and improve the state's programs for people with disabilities, community mental health services, and expanding home health care for senior citizens.

"Many of the most exciting things I'll ever do will have been done here in this chamber," Greenfield said. 🐼

STEPPING DOWN

Rep. Lee Greenfield
DFL

District 62A – Minneapolis

Terms: 11

Career notes: Greenfield made his name working on issues related to health and human services, and he was instrumental in the creation of MinnesotaCare, the state's health insurance program for low-income residents.

Tracking new laws, vetoes

Once a bill has passed both the House and Senate in identical form, it's ready to be sent to the governor for consideration. The governor, who has several options when considering a bill, can:

- sign the bill and it will become law;
- veto the bill;
- line-item veto individual items within an appropriations bill;
- or do nothing, which can have two different effects. The timing of these actions is as important as the actions themselves.

In the second year of the biennium (even-numbered years), a bill passed by the Legislature and presented to the governor before the final three days of the session will become law unless the governor vetoes it by returning it to the Legislature within three days. The governor normally signs the bills and files them with the secretary of state, but his signature is not required.

But if a bill is passed during the last three days of session, the governor has a longer time to act on it. He or she must sign and deposit it with the secretary of state within 14 days after the Legislature adjourns "sine die" (Latin for adjournment "without a date certain"). If the governor does not sign a bill within this time frame, it will not become law, an action known as a "pocket veto." The governor is not required to provide a reason for the veto.

Only on appropriations bills can the governor exercise the line-item veto authority. This option allows the governor to eliminate the appropriation items to which he or she objects. As with all vetoes (save pocket vetoes) the governor must include a statement listing the reasons for the veto with the returned bill. Here, too, the timetable is either 14 days after adjournment for bills

passed during the final three days of the session, or within three days after the governor receives the bill at any other time.

A two-thirds vote of the members in each house is needed to override a veto. But because only the governor can call a special session of the Legislature, anything vetoed after the Legislature adjourns is history — at least until the next year.

The governor's veto authority is outlined in the Minnesota Constitution (Article IV, Section 23).

This information is also available on the governor's Web site (www.governor.state.mn.us). Select the "It's a New Day" link, then click on "The Legislative Log."

Key:
CH=Chapter; HF=House File; SF=Senate File

CH	HF	SF	Description	Signed	Vetoed
Res. 4	4060	2348*	Resolution for release of Americans held in North Korea, China, Russia and Vietnam.	4/3/00	
300	3219	2903*	Omnibus gambling bill.	3/31/00	
301	1333	2193*	Wood sales contracts regulated.	3/31/00	
302	2785	2821*	Charitable organization annual report filing requirements modified.	3/31/00	
303	2883	2579*	Prescription drug discounts regulated.	3/31/00	
304	2675	2569*	Vicarious liability insurance coverage for punitive and exemplary damages authorized.	3/31/00	
305	3399	3145*	Minnetonka qualified newspaper designation priority variance.	3/31/00	
306	2588	2326*	Monarch designated as the state butterfly.	3/31/00	
307	3209*	2699	Health care cost containment major commitment expenditure report requirements modified.	4/3/00	
308	3352	3586*	Lighted fishing lures authorized.	4/3/00	
309	2719*	2436	Rental automobile insurance coverage regulated.	4/3/00	
310	2809*	2631	Ah-Gwah-Ching nursing center admissions criteria clarified.		4/3/00
311	2688*	2769	Omnibus crime prevention and judiciary finance bill.	4/3/00	
312	3226	2896*	Nursing home resident assistants authorized and survey process procedure developed.	4/3/00	
313	2994	2748*	Ambulance service and EMT requirements modified.	4/3/00	
314	3212	2734*	Home care and personal care provider transportation expense reimbursement studied.	4/3/00	
315	3048	2868*	New medical assistance case-mix system based on federal minimum data set transition time lines.	4/3/00	
316	3107	2634*	Civil commitment relative notification provided and minor voluntary treatment consent provisions modified.	4/3/00	
317	3306	3549*	Residential hospice program requirements modified.	4/3/00	
318	3023	2701*	Lawful gambling fraud defined and criminal penalties imposed.	4/3/00	
319	3365	2941*	Vulnerable adult neglect and medical error provisions modified.	4/3/00	
320	3220	2510*	Real property recording and redemption and common interest ownership provisions modified.	4/4/00	
321	3596	3369*	Special environmental purpose districts pilot projects.	4/4/00	
322	3310	3055*	Health plan contract stacking regulated and remedy provided.	4/4/00	

*The legislative bill marked with an asterisk denotes the file submitted to the governor.

CH	HF	SF	Description	Signed	Vetoed
323	3290	2894*	Occupational safety and health discrimination complaint communications classified as privileged.	4/4/00	
324	3555	3283*	Snowmobile metal traction device sticker requirement civil enforcement provided.	4/4/00	
325	1590*	1952	Warrant authority of alcohol and gambling agents clarified.	4/4/00	
326	2819	2444*	Stearns County land conveyance authorized.	4/4/00	
327	3103	3005*	Human services licensing provisions modified.	4/4/00	
328	3152	2905*	Local government units purchase provisions modified.	4/4/00	
329	3169*	3167	Dakota County personnel board of appeals provisions modified.	4/4/00	
330	2670*	2566	Mental retardation community-based waived services and family support grants provisions modified.	4/4/00	
331	3868	3260*	Aquatic farm licensing requirements modified.	4/4/00	
332	4076	2653*	Internet state agency grant information required and uniform application developed.	4/4/00	
333	2940*	2735	Dry cleaner environmental response and reimbursement law modified.	4/4/00	
334	2936	2511*	Public and private property entry authorized for the purposes of examinations and surveys.	4/4/00	
335	3327	2676*	Local government authorization to petition to amend or repeal rules sunset modified.	4/6/00	
336	3571	2828*	Gambling regulated, activities prohibited, and shipment of gambling devices regulated.	4/6/00	
337	2559	2546*	Inland water sunken logs recovery and historical artifacts ownership provided.	4/6/00	
338	3342	3025*	Foster care providers medical equipment operation competency required.	4/6/00	
339	3134*	2857	Metropolitan Mosquito Control Commission authority to enter specified state lands limited.	4/6/00	
340	3122*	2901	Medical Assistance, General Assistance, MinnesotaCare, and other health care program provisions modified.	4/6/00	
341	3510*	3378	Taking two deer authorization extended in specified counties.	4/6/00	
342	2656*	3441	Auto glass repair and replacement regulated, and rebates and incentives limited.	4/6/00	
343	3806	3554*	Nonprofit organization re-employment compensation provisions modified.	4/6/00	
344	465	624*	Firefighter training and education board created.	4/6/00	

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Continued from page 4

reservations about the court’s decision to sever the disputed provision from the law as a whole.

“[T]he court has taken on the role of a super legislature, deciding which provisions of [the law] will be given effect by picking and choosing between the law’s various provisions, even though all of its provisions are unconstitutional,” Page writes. “Under Article IV, Section 17 (of the constitution), this court is

not vested with the power to determine that certain provisions of an enactment will become law and that others will not. The court’s only power is to declare the entire law either constitutional or unconstitutional.”

Page also complains that allowing the rest of the 1997 law to stand means the ruling will not discourage the Legislature from improper bundling of unrelated provisions.

“Given the possibility that the law may not

be challenged at all or if challenged, may be held constitutional, there is no downside to enacting such legislation if the worst position the Legislature will be in if the law violates the constitution is the same position it would have been in had the offending provision not been enacted,” Page writes. 

Monday, April 3

**HF4135—Peterson (DFL)
Crime Prevention**

Law enforcement expanded notice to school chemical abuse pre-assessment teams provided for probable cause student underage drinking and driving violations.

Tuesday, April 4

**HF4136—Hackbarth (R)
Crime Prevention**

Death penalty imposed in first degree murder cases involving criminal sexual conduct, automatic appellate review provided, and statutory and administrative framework provided.

Wednesday, April 5

**HF4137—Jennings (DFL)
Governmental Operations &
Veterans Affairs Policy**

Legislature size modified, biennial legislative sessions provided and length reduced, joint House and Senate fiscal committees required, and constitutional amendment proposed.

**HF4138—Marko (DFL)
Commerce**

Cottage Grove authorized to issue an on-sale liquor license to the Cottage Grove Economic Development Authority for River Oaks Golf Course.

**HF4139—McCollum (DFL)
Crime Prevention**

Killing or harming service animals provided criminal penalties, and restitution required.

**HF4140—Seifert, M. (R)
Taxes**

Re-employment insurance taxable wages definition modified.

**HF4141—Peterson (DFL)
Agriculture Policy**

Rural revitalization fund established for economic development purposes.

**HF4142—Seifert, M. (R)
Governmental Operations &
Veterans Affairs Policy**

Public service messages by candidates for state office prohibited.

**HF4143—Seifert, J. (R)
Rules & Legislative Administration**

Revisor's bill correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors.

Thursday, April 6

**HF4144—Abeler (R)
Taxes**

Commuter rail construction materials and equipment sales tax exemption provided.

**HF4145—Murphy (DFL)
Commerce**

Public utilities required to notify property owners prior to tree trimming or removal, and penalties imposed.

**HF4146—Skoglund (DFL)
Crime Prevention**

Challenge incarceration program of fender participation county attorney notification provided, and phase 1 participation for one-half of prison term required.

Reflections



Gov. Harold E. Stassen

The present governor is not the first to advocate for government reform. In 1939, Harold E. Stassen became governor; he made some sweeping

changes by propagating progressive labor relations, by signing civil service legislation into law, and by implementing a major program for state government reorganization.

At age 31, Stassen was the youngest person ever to be elected to such a position. The "boy wonder" governor had his eyes on public office years before — about the time he graduated from Humboldt High School in St. Paul at age 15.

Because of his age, he had to wait a year before he entered the University of Minnesota. Here, he became so involved in activities that he hired a fraternity brother to be his personal secretary. He also laid the groundwork for the Young Republican League.

By 1929, Stassen graduated from the university's law school, passed the bar, opened a law office, and was elected to public office as county attorney — all in one year.

In his race for governor, Stassen out-campaigned the conservative candidates of

the Republican old guard with help from his Young Republican "upstarts." Included was Warren A. Burger, the future chief justice of the U.S. Supreme Court.

Stassen was a political prodigy. The little-known county attorney overwhelmingly beat the popular Farmer-Labor incumbent, Gov. Elmer Benson, by 291,000 votes.

At the height of World War II, he won election to a third term, even though he said he would resign and go on Naval duty "where I belong." On Wednesday, April 21, 1943, when the legislative session adjourned *sine die*, Gov. Stassen signed bills until midnight, then resigned the next day to serve in the U.S. Navy. He was assigned to Admiral Bill Halsey as his chief of staff with the Pacific Fleet.

Stassen was a vocal proponent of peace among nations, international disarmament, and for mediating disagreements among countries. His visionary concepts were made known before President Franklin D. Roosevelt proposed a united organization of nations. In 1945, Roosevelt assigned him to lead a United States delegation in San Francisco for creating a United Nations Charter.

His wife, Esther, also played a key role by noting that the Russian wives suggested

an emissary be sent to speak directly with Stalin to counteract the stubbornness of his delegation. The Russians relented and the Charter was completed. Stassen was one of its eight signatories.

The Minnesota statesman was never elected to public office after he resigned as governor. But for many years, he either filed or ran a campaign — 10 times for U.S. president, and in races for U.S. senator and congressman.

Many said he was like the fictional character, Don Quixote, out "fighting windmills." But the compassionate attorney from West St. Paul often stated that he campaigned many times so that his beliefs could be heard.

Stassen's amazing and full life will reach 93 years at his birthday on April 13. His dedication to end war and his international arbitration for making the world a better place may be equated to a quote on the Isaiah Wall in New York's Tudor City, across the street from the United Nations Secretariat:

They shall beat their swords into plowshares,

And their spears into pruning hooks.

Nation shall not lift up sword against nation.

Neither shall they learn war any more.

— LECLAIR GRIER LAMBERT

Photo from *The Story of Minnesota's Past* by Rhoda R. Gilman

MONDAY, April 10

8:45 a.m.

RULES & LEGISLATIVE ADMINISTRATION

123 State Capitol

Chr. Rep. Tim Pawlenty

Agenda: Calendar for the Day for April 10.

9 a.m.

The House meets in session.

1 p.m.

Conference Committee

HF3800/SF3801

Omnibus education bill

200 State Office Building

Chrs. Rep. Alice Seagren, Sen. Larry Pogemiller

Conference Committee

HF4127/SF2657

Omnibus tax bill

15 State Capitol

Chrs. Rep. Ron Abrams, Sen. Doug Johnson

2 p.m.

Conference Committee

SF2870

Omnibus banking bill

Room to be announced

Chrs. Rep. Greg Davids, Sen. James Metzen

TUESDAY, April 11

8:30 a.m.

Conference Committee

SF3581

Omnibus liquor bill

224 State Capitol

Chrs. Rep. Erik Paulsen, Sen. Sam Solon

WEDNESDAY, April 12 - FRIDAY, April 14

No meetings have been announced.

Continued from page 15

projects on all U of M campuses, which would receive \$9 million in the proposals from the House and the governor.

The Senate bill also would spend \$3 million for the law school and \$8 million for sports and music performance buildings in Duluth.

Total bonding for the U of M would be about \$66.7 million in the House bill and \$122.7 in the Senate bill.

MnSCU construction

Projects in the Minnesota State Colleges and Universities (MnSCU) system would receive \$174.2 million under the Senate bill, compared to \$103.2 million in the House bill.

Anoka-Hennepin Technical College would receive \$14.7 million under the Senate bill compared to \$12.5 million under the House bill for roof repairs; improvements to the heating, ventilating, and air conditioning system; and other necessary work.

Initially, the MnSCU board decided to close the campus because it couldn't afford to make the necessary repairs. Ventura's plan did not recommend funding the repairs. The House and Senate proposals would keep the campus open.

The House and Senate bills each would provide \$6.9 million for construction of athletic and academic facilities at Minnesota State University, Mankato. The money would be part of the Taylor Center project, which benefited from a \$9.2 million donation from

Minnesota Timberwolves owner and Mankato businessman Glen Taylor.

The Senate bill would spend \$49 million for maintenance and repair projects throughout the MnSCU system, which would receive \$30 million under the House bill and the governor's plan. MnSCU requested \$100 million for maintenance and repair, and officials said at least \$56 million would be needed to prevent the system's \$500 million maintenance backlog from growing even larger.

State buildings

The House bill would spend a total of \$48.5 million for building and maintenance projects for the state-owned buildings that are used by state agencies and departments. The Senate bill would spend \$85.2 million for those projects.

The Senate bill would fund the \$58 million proposal for a new building for the Bureau of Criminal Apprehension. The House bill would spend only \$28 million to build a laboratory facility.

The House bill would include \$150,000 for a World War II memorial on Capitol grounds, a project that was line-item vetoed by Ventura in 1999. The project would not be funded under the Senate bill or the governor's plan.

Environment and agriculture

The House bill would spend about \$82.7 million for projects related to agriculture, environment, and natural resources. The Senate bill would spend \$147.8 in those areas.

Wastewater system improvements would receive \$32.6 million under the House bill and \$47.2 million under the Senate plan. The money would provide matching grants to communities through the Public Facilities Authority, which is part of the Department of Trade and Economic Development.

The Board of Water and Soil Resources would receive \$20 million for the Conservation Reserve Enhancement Program under the House and Senate bills. The program is matched by federal funds, and it establishes conservation easements on agriculture land along the Minnesota River, which reduces soil erosion into the river, helps control flooding, and establishes wildlife habitat.

A total of \$140 million in federal matching funds is available through September 2002.

Transportation improvements

House and Senate bonding proposals for transportation are not comparable because most of the Senate's transportation bonding is included in its omnibus transportation finance bill rather than a bonding measure.

The House bill would spend \$44 million for repairs to bridges throughout the state, \$5 million for Rail Service Improvement Loans, \$10.4 million for a Department of Transportation headquarters in St. Cloud, \$8.7 million for an addition to the Detroit Lakes headquarters, and \$1.6 million for a Moorhead Truck Station. 

SPEAKER OF THE HOUSE: STEVE SVIGGUM
 MAJORITY LEADER: TIM PAWLENTY
 MINORITY LEADER: THOMAS W. PUGH

MINNESOTA INDEX

Health and family

Births in Minnesota, 1998	65,207
In the United States, 1998, in millions	3.9
In Minnesota, 1997	64,491
In Minnesota, 1940	52,915
Births to married mothers, 1998	48,449
Births to mothers younger than 15, 1998	90
To mothers age 15 to 17	1,850
To mothers older than 45	77
To mothers age 25 to 29	19,354
Births where mother received no pre-natal care, 1998	115
Average number of first births occurring daily, 1998	70
Percentage of 1998 births to African American mothers, 1998	6
To Asian American mothers	5
To American Indian mothers	2
Deaths statewide, 1998	37,152
In 1997	36,878
Violent deaths, 1998	2,379
Number of counties where deaths outnumber births, 1998	19
Deaths attributed to heart disease (most of any cause), 1998	9,372
Deaths attributed to cancer	8,963
Deaths caused by motor vehicle accidents or falls	1,741
Suicides statewide, 1998	463
Percentage increase from 1997	10
Marriages statewide, 1998	32,218
In 1997	32,598
In 1940	27,419
Marriages in Hennepin County (most of any county), 1998	8,689
In Traverse County (least of any county), 1998	15
Divorces and annulments statewide, 1998	15,165
In 1997	15,568
In 1940	2,957
Number of counties where divorces outnumber marriages	1
Number of divorces where both spouses were age 35 to 39 (most of any age group)	1,255

Source: 1998 Minnesota Health Statistics, Minnesota Center for Health Statistics, Department of Health, January 2000.

FOR MORE INFORMATION

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