

A NONPARTISAN PUBLICATION ★ ★ ★

SESSION Weekly

MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION OFFICE

APRIL 21, 2000
VOLUME 17, NUMBER 12



In this issue:

ABORTION BILL VETOED

STALEMATE AT HOLIDAY BREAK

HF4154-HF4161

Session Weekly

Session Weekly is a nonpartisan publication of the Minnesota House of Representatives Public Information Office. During the 1999-2000 Legislative Session, each issue reports daily House action between Thursdays of each week, lists bill introductions and upcoming committee meeting schedules, and provides other information. The publication is a service of the Minnesota House. No fee.

To subscribe, contact:
Minnesota House of Representatives
Public Information Office
175 State Office Building
St. Paul, MN 55155-1298
(651) 296-2146 or
1-800-657-3550
TTY (651) 296-9896

Director
LeClair G. Lambert

Editor/Assistant Director
Nick Healy

Assistant Editor
Michelle Kibiger

Art & Production Coordinator
Paul Battaglia

Writers
Mike DeLarco, Jon Fure,
David Maeda, Chris Vetter

Chief Photographer
Tom Olmscheid

Photographers
Laura Phillips, Andrew Von Bank

Office Manager
Nicole Wood

Staff Assistants
Christy Novak, Laurel Waldoch

Session Weekly (ISSN 1049-8176) is published weekly during the legislative session by the Minnesota House of Representatives Public Information Office, 100 Constitution Ave., St. Paul, MN 55155-1298. Periodicals postage paid at St. Paul, MN, and at additional mailing offices. POSTMASTER: Send address changes to *Session Weekly*, Public Information Office, Minnesota House of Representatives, 175 State Office Building, 100 Constitution Ave., St. Paul, MN 55155-1298.

Printed on recycled paper which is 50% recycled,
20% post-consumer content.



CONTENTS

HIGHLIGHTS

Business • 5	Family • 9	Law • 12
Consumers • 5	Government • 10	Local Government • 12
Crime • 6	Health • 10	Transportation • 13
Employment • 8	Higher Education • 11	Veterans • 13
Energy • 8	Human Services • 11	
Environment • 8	Insurance • 12	

FEATURES

At Issue: Health — After days of deliberation, the governor vetoed a bill that would have required a 24-hour waiting period before a woman could have an abortion. • 14

People — After 10 years, Rep. Linda Wejcman is leaving the House to return to her work in her south Minneapolis community. • 15

People — Rep. Jim Rostberg says his business pursuits and other interests prompted his decision to leave, not the criminal charge pending against him. • 16

People — Long a leader on tax issues, Rep. Ann H. Rest combined a background as an accountant and a teacher to push for reforms. • 17

History — An early Minnesota editor's views forced a confrontation with political powers and vandals to keep her newspaper alive. • 18

DEPARTMENTS/RESOURCES

It's a Fact: Tax Before Sales • 4	Bill Introductions (HF4154-HF4161) • 22
Governor's Desk (CH390-CH431) • 19	Readership Survey • 23
Reflections: Rites of Spring • 21	Minnesota Index: Property Taxes • 24
Committee Schedule (April 24–28) • 22	

On the cover: More than 1,000 people gather on the steps of the Capitol April 15 to rally for tax reductions.

—Photo by Andrew Von Bank

No end in sight

Legislature breaks for holiday with differences on major spending bills and some key policy initiatives still unresolved

When the 2000 Legislative session began, there was a consensus that the Legislature would attempt to finish its business by the Passover and Easter holidays.

But disagreement on the amount available for spending and permanent tax cuts means the deadline leaders imposed has arrived and the fate of all major omnibus measures hangs in the balance.

House Majority Leader Tim Pawlenty (R-Eagan) and other House Republican leaders have been bombarded with daily questions over the past two weeks regarding whether the House would adjourn on schedule. And as the legislators closed the day before heading out on a four-day legislative break, he had to explain the situation once again.

"Coming away with a good deal is more important than a timely end of the session," Pawlenty said.

The state Department of Finance has indicated that the state can afford approximately \$549 million per year for any combination of tax cuts and new spending measures. But House leadership has suggested those numbers are artificially low because the department has underestimated revenues in its last 17 budget forecasts. They think the Legislature can cut taxes more or spend more.

Until all sides can come to an agreement regarding the spending limit, progress on the major bills — most of which are in conference committee — is stalled.

Taxes cuts and rebates

The House omnibus tax bill would provide permanent income tax cuts totaling over \$840 million per year by cutting rates in all three brackets.

The Senate's tax proposal would provide permanent cuts of around \$162 million per year focusing primarily on increasing exemptions and reducing the rate for automobile license registration fees, though not as much as the governor has proposed. The Senate's omnibus transportation bill also contains a license tab reduction proposal.

Even where there is some agreement, the

House and Senate tax packages differ somewhat in their approach. Both sides, along with the governor, have agreed to a sales tax rebate, they're each just a slightly different size.

The House plan would return around \$489 million to taxpayers in a manner similar to last year's rebate. The House would expand eligibility to those on social security, and allow taxpayers with a qualified dependent to increase the amount of their rebate.

The Senate's \$453 million proposal would expand eligibility for dependents and non-filers over the age of 18 as of December 21, 1998, with at least \$500 of qualifying income. Those people would also be eligible for a retroactive 1999 rebate.

The bill (HF4127) remains in conference committee.

Bonding bill

The House and Senate bonding plans, which would pay for repairs to state buildings and new construction projects, are about \$230 million apart. The two bills differ in the amount

that would be used for such projects, either by issuing general obligation bonds, user-financed bonds, or direct spending.

In general obligation bonding, the House

bill and the governor's capital budget plan each propose to use about \$400 million, whereas the Senate bill would use about \$665.6 million.

The proposals also differ in terms of priorities for spending.

Some projects would be funded equally under each proposal, such as a \$35 million Molecular Cellular Biology building at the University of Minnesota.

But funding for other major projects remains to be negotiated, such as a \$58 million proposal for a new Bureau of Criminal Apprehension building. The House plan would spend \$28 million for a new BCA laboratory facility and repairs to the current building, while the Senate and governor would fully fund the \$58 million request.

The bill (HF4078) awaits action in conference committee.

Transportation plans

Funding for new roads and the future of a light-rail project also sit in conference committee, which had not met for more than a week before the holiday break. The committee is negotiating this year's omnibus trans-



House Minority Leader Tom Pugh describes the House Republican tax plan as being like the ocean liner Titanic, saying that "it too will sink." His comments came during an April 19 press conference in the Capitol rotunda. Pugh, Senate Majority Leader Roger Moe, and other DFL legislators were touting their plans to cut license tab fees and increase funding for education. House Republican leaders held a press conference that day to support their plan to cut income taxes in all brackets. In a stalemate on major tax and spending matters, legislators left for holiday break.

portation finance bill (HF2891).

The House version of the bill would require the Department of Transportation to cancel \$92 million in unspent bonds allocated for a



Hiawatha Corridor light-rail project. The Senate and the governor oppose the proposal.

Both versions of the bill would pump new funding into road construction. The House bill proposes \$402 million in cash, mostly from the general fund, for new roads. The money would be split evenly between the Twin Cities and Greater Minnesota.

The Senate bill offers \$302 million in road projects, but that funding would be divided through county and municipal aid formulas. The Senate also would provide for \$200 million in bonds for road construction in 2002 and 2003.

Both the House and Senate would require a study of the ramp meter system in the Twin Cities. The House bill includes funding to conduct a study. The Senate bill would require the meters to be turned off in October 2000 while the House version would leave the option to the company performing the study.

The House bill contains no license tab fee reductions. The Senate plan offers a constitutional amendment that would dedicate 15 percent of motor vehicle sales tax, or about \$80 million, to a license fee cut. Another 15 percent would go into a transit account.

The governor favors the constitutional amendment that would dedicate 54 percent to cut vehicle tab fees. His proposal would cap fees at \$75 annually. The plan would cost the state \$274 million.

Education finance

The Senate has proposed \$293 million for permanent and one-time education spending. The House has tallied a figure of about \$70 million.

The biggest difference is in permanent financing. The Senate is proposing to increase annual spending by approximately \$144 million, with most of the money earmarked for Internet access, special education, and professional development.

The omnibus education finance bill (HF3800) awaits action in conference committee.

Both House and Senate conferees would like to help school districts pay more for teachers with advanced degrees or extensive service, and plan to discuss the best approach to providing incentives for individuals to enter the teaching profession.

Profile of Learning

Members of a House-Senate conference committee continue to attempt to resolve differences in bill (SF3286) proposing repairs to the Profile of Learning. Several key differences remain.

The House is offering to allow school

Continued on page 20.

Putting the tax before the sale

A failed Depression-era plan would have required consumers to pay a sales tax before they could purchase a product

Upon re-election in 1934, Gov. Floyd B. Olson vowed to change the structure of the state's tax system. Since taking office in 1931, changing the way Minnesota taxed its citizens had been one of his primary goals.

Following the governor's lead, the 1935 session was largely devoted to reforming the state's property tax system. The nation was still in the midst of the Great Depression, and the 1935 tax reform proposals were seen as key to the state's ability to move out of the economic doldrums.

Olson claimed that poorer Minnesotans were bearing too much of the tax burden, and he wanted more taxes on corporations. The Legislature and the governor would clash on this very philosophy as they worked to craft a tax reform package.

Minnesota property taxes at the time were considered high especially in comparison to similar states. In 1934, the state collected \$109 million in property taxes. Wisconsin brought in \$90 million that year.

While legislators generally agreed on the need to relieve the property tax burden on Minnesota taxpayers, they also knew replacement revenues would be needed. To force local governments to reduce their budgets would have had a serious impact on the services they provided, many lawmakers argued.

As the tax committees held hearings on various proposals, officials determined that no single tax could be increased to replace the property tax revenue. In the end, the Legislature instead proposed a combination of increases and new taxes.

The Legislature's proposal included increases in the following: income taxes on both individuals and corporations; inheritance taxes; rates on telephone, telegraph, and railroad companies; and taxes on tobacco products. The bill also called for a gift tax and a 3 percent state sales tax.

It was the last provision that quickly became the focus of debate. Many officials, including Olson, argued that sales taxes placed a greater burden on people with lower incomes.

To offset this burden, legislators proposed increasing rates of other taxes and exempting food from the sales tax. Still there was considerable opposition to the creation of a state sales tax.

And legislators had devised a system where the state could collect the sales tax before the actual sale even transpired.

The 1935 omnibus tax bill called for a stamp system in which two-part stamps of different denominations would be purchased from local authorized dealers. At the point of sale, the consumer would present the stamp to the merchant, who would detach the bottom portion containing a serial number, which he or she would keep as a record in the event of an audit.

Ohio had a similar system, and the method was endorsed by the retailers' associations as being the most effective method of collecting the sales tax. It was generally considered a more honest and accurate accounting because it eliminated an end-of-the-month tax payment by the merchant, based on total sales as shown on the books rather than actual taxes collected.

The massive tax reform bill passed the House by a 70-51 margin, and the Senate 37-22. But Olson vetoed it, saying it was unfair.

In his veto message, Olson wrote, "It is not based on means and ability of the persons taxed to pay the taxes imposed. Those who can least afford to pay taxes are taxed the most, and those who can most afford to pay are taxed the least or not taxed at all."

Shortly after vetoing the bill, Olson introduced his own tax measure, parts of which ultimately passed both houses. His bill also repealed the 28-year-old mortgage registry tax, which taxed property based on the length of time the property owner still had left to pay off the existing mortgage.

Controversy had swirled around the mortgage issue as Depression-era banks were forced to foreclose on a number of Minnesota properties, many of which were farms.

(D. MAEDA)

★ BUSINESS

Veto kills towing bill

Gov. Jesse Ventura vetoed a bill April 13 that would have allowed people to claim any valuables from inside a car that has been towed and impounded.

Rep. Andy Dawkins (DFL-St. Paul) sponsored the bill and was not pleased by the veto.

"The towing truck companies always knew they were stretching the law on keeping personal items," Dawkins said. "I'm surprised they were able to convince the governor their livelihood depended on their need to keep baseball mitts and briefcases."

The bill would have required impound lot owners to notify the vehicle owner within five days of where the car is located. If the vehicle owner did not pick up the vehicle within 45 days of the notice and pay all impound and towing fees, the impound lot would have been allowed to sell or junk the vehicle.

The bill also stated that, in the event of a sale, the bank or financial institution that has a lien on the car would have received first priority in obtaining payment. (Such language also was contained in a separate bill that the governor vetoed. See related story on page 7.)

Ventura expressed concern that Dawkins' bill would hurt the towing industry. He said impound lots would be required to absorb the costs of towing and storing abandoned vehicles.

"Owners of the vehicles would bear no responsibility for the towing, storage, or disposal costs of the vehicle, but would be permitted to obtain their possessions from the vehicle," Ventura wrote in his veto message. "Those possessions may be worth more than the vehicle itself."

State law says the impound lot owners have a lien on a car it has in its possession but says nothing about personal items in the car, Dawkins said. He added that he would like to see a court rule on that statute, because he believes the court would rule against impound lot owners and towing companies.

Ventura also disliked the bill because banks would have received first priority in obtaining payment.

"This law could cause towing costs to increase significantly," Ventura wrote. "Small towing companies may go out of business. Larger companies would pass the costs on to paying customers and the insurance industry,

which would, in effect, raise insurance premiums for everyone."

Sen. Steve Novak (DFL-New Brighton) sponsored the bill in the Senate.

HF3566/SF3291*/CH388

Soliciting funeral goods

The House passed a bill April 18 that would regulate solicitation and sale of funeral goods and services. The vote was 117-0.

The bill (HF2713/SF2686*), sponsored by Rep. Ann H. Rest (DFL-New Hope), would prohibit solicitation at a hospital, gravesite, nursing home, or wake, without a specific request from the family of the deceased or other representative to do so.

It also would prohibit an individual from offering goods and services to a person whose death is impending, or to an individual responsible for funeral arrangements of a deceased person within 10 days of that individual's death. Such acts, however, would be allowed, under the bill, if the deceased or a relative had made arrangements to discuss plans for the funeral or burial before death occurred.

The bill would not apply to communication between an individual and a funeral provider related by blood, adoption, or marriage.

When the deceased has handled his or her own arrangements in advance, the bill would require that the funeral provider produce a copy of arrangement documents and give the copy to the person controlling the disposition of the remains. A copy of the arrangements would be required to change hands no later than 24 hours after first contact between the provider and the individual in charge of the remains.

Provisions that would establish requirements for such arrangements and also allow a person making advance burial arrangements to cancel plans are also contained in the bill.

Furthermore, the measure would require that all funeral establishments and providers clearly state their ownership in all business literature, contracts, and correspondence.

The bill now heads to the governor's desk.

Language pertaining to a potential financial impact of the measure was incorporated into the omnibus state government spending bill (HF2699) last month. The provision would appropriate \$90,000 in fiscal year 2001 for the purpose of responding to public complaints about funeral goods and services

solicitation. That bill remains in a House-Senate conference committee.

Limits on dealership owners

Auto manufacturers are barred from buying car dealerships in Minnesota, under a law signed April 14 by Gov. Jesse Ventura.

The new law forbids manufacturers from buying a dealership and competing with other dealerships in the area.

Rep. Greg Davids (R-Preston), who sponsored the legislation in the House, said his primary concern is that without this law, manufacturers could own dealerships and would have unfair advantage in competition within the local market.

With access to dealers' records and marketing information, the manufacturers "could very easily cause mischief," Davids said.

Davids also said the law protects independent dealers from being muscled out of business by more powerful manufacturers.

The law was introduced after General Motors announced last fall it planned to purchase several car dealerships across the United States, Davids said.

Eleven states already have laws barring manufacturers from owning local dealerships, and more states were pursuing the issue this year, he added.

The law also specifically lists certain unfair market practices that are prohibited, such as refusing to offer all models manufactured in a line to a franchised dealership.

The law does grandfather in one Rochester Saturn dealership, which is already owned by the manufacturer.

Sen. Steve Novak (DFL-New Brighton) sponsored the Senate measure. The law is effective April 15, 2000.

HF2731*/SF2753/CH409

★ CONSUMERS

Credit card consent bill stalls

A bill that would ask consumers to give "adequate consent" for telemarketers to use their credit card stalled April 18.

The House Commerce Committee tabled the bill (HF3492) on a 10-8 vote. Rep. Matt Entenza (DFL-St. Paul), who sponsors the legislation, said the tabling motion effectively kills the bill.

Currently, some telemarketers have access to consumers' credit card account information through arrangements with banks that issue cards, Entenza said. Even if a consumer does not give the credit card number over the phone, the telemarketer can charge the person's account if that person consents to buy a product or service.

Entenza said this telemarketing technique preys on elderly people. Telemarketers might speak quickly or confuse the consumer, then get the person to consent to buy a product, even though the consumer never verbally gave his or her credit card number.

"We need to stop some of the scam artists out there," Entenza said.

The committee heard a tape of a senior citizen who was charged for a product she did consent to buy. The elderly woman sounded confused and twice asked the telemarketer if the call was a scam. She also said on the tape that she believed she would not be charged for the packet of information.

The bill would have required the consumer to actually give the credit card number for the card to be used.

Prentiss Cox, assistant attorney general, brought four boxes filled with complaints about this practice to a recent Commerce Committee meeting.

"This bill is a result of a vehement number of consumer complaints," Cox said. "People use words like 'theft' in their complaints. It's like they are taking \$20 out of your pocket."

Cox added, "Unless the consumer listens to every word carefully and objects, they will be charged."

Cox said he has never seen a telemarketer use a script that asks the consumer if they can charge the credit card number.

Rep. Bill Hilty (DFL-Finlayson) said fraud is not the concern with this bill.

"It is to make sure the consumer is aware of a financial transaction taking place," Hilty said.

★ CRIME

Liability for providing alcohol

Supplying alcohol to people under age 21 would be a cause of action in civil law, under a law signed April 18 by Gov. Jesse Ventura.

Rep. Phil Carruthers (DFL-Brooklyn Center) said the law may help put a stop to parties where adults serve liquor to juveniles. Adults will be less likely to supply alcohol to juveniles at a party if they know they could be held liable for the juveniles' actions when they leave the premises, Carruthers said.

"When adults go and give booze to kids, you know what happens? Kids get killed. That's the

reality," Carruthers said in floor debate on the measure.

The law pertains to people who do not possess liquor licenses, covering events like house parties.

Adults would not be expected to check identification of guests at a party, Carruthers said.

The law will make an adult liable for actions of the minor if the adult supplied alcohol and had control over the premises, was in a reasonable position to stop the juvenile from drinking, or knowingly and recklessly permitted the underage consumption of alcohol.

"It will hopefully make adults think twice before they give alcohol to minors," Carruthers said.

The intoxicated teen who caused any injury or other harm would not be able to sue the person providing the alcohol.

The law includes a Senate provision that says homeowners cannot purchase liability coverage under their homeowner's insurance to cover liability for an intoxicated juvenile's actions, unless it is specifically stated in the policy it is meant to cover such situations. However, that provision will expire Dec. 31, 2001.

"If insurance companies want to provide coverage, they can," Carruthers said.

The law stems from a 1997 New Year's Eve crash, when St. Paul teen-ager Kevin Brockway was killed after leaving a party where alcohol was provided by another teen's parent.

Sen. Don Betzold (DFL-Fridley) sponsored the Senate version. The law takes effect Aug. 1, 2000.

HF2555/SF1733*/CH423

Redefining harassment

Judges would be granted more discretionary power in hearing harassment cases, under a bill the House passed April 19. The vote was 110-18.

Rep. Steve Smith (R-Mound) is sponsoring the bill (HF2516), which also would redefine harassment to include a "single incident" that has a "substantial adverse effect." Current law requires repeated incidents for an act to be considered harassment.

Smith said the key portion of the bill is it does not require a hearing to take place on every harassment complaint.

"It gives the court the flexibility they wanted after 10 years of looking at this statute," Smith said.

Ramsey County District Court Judge Gregg Johnson testified earlier this session that he does not want to close the door on worthy filings, but he hears many frivolous cases that do not deserve court time and keep him from other more important business.

The state began tracking restraining order filings in 1992, when 4,800 were filed. Last year, people filed for 8,800 restraining orders.

A victim would be required to allege a clear and present danger of harassment before the court could issue a temporary restraining order, under the bill.

An earlier version of the bill would have eliminated the fee waiver on filing costs, meaning victims would have been required to pay a \$50 fee to seek a restraining order. However, the House voted 128-0 to strip that part of the bill and keep the waiver intact.

Rep. Wes Skoglund (DFL-Mpls) spoke

THE TAX DEBATE



Members of the conference committee on the omnibus tax bill meet in the Capitol April 12. The committee, along with other conference committees discussing major omnibus spending measures, has met sparingly while House leaders negotiate budget targets with the Senate and the governor.

against the \$50 fee, saying it would hurt low-income women and others. Skoglund supported the bill after the waiver was reinstated.

Rep. Jim Abeler (R-Anoka) spoke against the bill, saying he disliked the redefinition of harassment. He expresses fears that a person might accidentally say something to a mentally unstable person one time that could lead to a harassment case.

The bill now heads to the Senate.

Penalty for assault during arrest

A person who physically assaults an officer during an arrest but does not cause any demonstrable bodily harm could be charged with a gross misdemeanor, under a bill the House passed April 17. The vote was 119-8.

Sponsored by Rep. Tim Mahoney (DFL-St. Paul), the bill (HF2958/SF2830*) would make it a felony for someone to escape from police custody for a felony-related action, even if that person has not yet been charged or convicted of a crime.

Offenders would face a maximum penalty of five years in prison and a \$10,000 fine. Current law only allows for a felony if the person flees after being charged or convicted of a felony.

Rep. Len Biernat (DFL-Mpls) introduced an amendment that would create a gross misdemeanor for a person who physically assaults an officer in the process of an arrest. Current law allows for a felony charge if there is "demonstrable bodily harm" to the officer, but there are currently no additional penalties for other cases.

The House passed the amendment.

Biernat, who presented a similar bill in the House Crime Prevention Committee last month, said the measure stems from a case in which an officer was struck in the groin by a suspect who was resisting arrest. The person couldn't be charged because there was no lasting demonstrable harm, like a bruise or a cut.

The House also changed Biernat's amendment to clarify that a gross misdemeanor charge would only be applicable on physical assaults, and not verbal ones. That change was suggested by Rep. Doug Reuter (Ind.-Owatonna).

The bill now returns to the Senate.

Vehicle forfeiture bill vetoed

Gov. Jesse Ventura vetoed a bill April 13 that would have given banks more rights to funds generated from forfeited vehicles.

Rep. Matt Entenza (DFL-St. Paul) sponsored the bill, which would have allowed banks to acquire forfeited vehicles if there is an outstanding loan or lease on the car.

"Right now, sales are done at impound lots," Entenza explained. "This bill (would have allowed) the banks to remove the vehicle from the impound lot, clean it up, and sell it at a higher value."

Under the bill, banks would have first applied proceeds to the debt they are owed by the vehicle owner. The bank then would have been required to reimburse impound lots for holding the car. Any remaining cash from the sale of forfeited vehicles would have gone into a special fund for law enforcement.

However, Ventura rejected the measure, claiming it had fiscal implications he could not accept.

"This bill does not require a financial institution to reimburse law enforcement agencies for their cost when the sale of the forfeited vehicle does not equal or exceed the loan balance," Ventura wrote in his veto message.

"Current law provides an incentive for the lien holder to get the maximum value for the forfeited vehicle because they must pay the costs incurred by law enforcement before satisfying their lien. This bill eliminates the incentive and would result in increased costs to the taxpayers."

Entenza said he was surprised by the veto.

"It was a disappointment that the Department of Public Safety, which watched this bill for two years, waited until after it passed to register their objections," Entenza said.

The measure is being re-written, and Entenza hopes to introduce it as an amendment to a different DWI bill yet this session. Language that specifies a priority of which party is paid first will not be included in the rewritten version, Entenza said.

Under state law, drivers are required to forfeit their vehicle only after a third drunken driving conviction, Entenza said.

"What we are talking about is the most hard-core repeat offenders that continue to drive drunk," he said.

Sen. Leo Foley (DFL-Coon Rapids) sponsored the Senate version.

HF262/SF76*/CH383

Domestic violence prevention

An office of domestic violence and sexual assault prevention will be established, under a law signed April 13 by Gov. Jesse Ventura.

Sponsored in the House by Rep. Larry Howes (R-Hackensack), the law will create the office, establish a position to direct it, and establish an interagency task force on domestic abuse and sexual assault prevention.

All battered women and crime victim services are now monitored through the Department of Public Safety, Howes said.

"The battered women's groups have been

around for 25 years," Howes said. "They've always been shuffled in the corner."

The law will create 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 must have a county attorney, city attorney, and a judge.

Howes said he wanted a wide variety of people serving on the task force so it represents both urban and rural interests.

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

The law outlines the director's duties, which include advocating victims' rights, increasing education and awareness, supporting litigation, initiating policy changes, and building partnerships with law enforcement and the courts.

The task force will evaluate the progress of the director and the office. In addition, the task force will establish a strategic plan for the director.

Sen. Ember Reichgott Junge (DFL-New Hope) sponsored the Senate version. The law takes effect July 1, 2000.

HF3331*/SF2980/CH368

Evading sales tax payments

People who collect motor vehicle sales tax and then fail to send the tax to the state could be charged with a felony, under a law signed by Gov. Jesse Ventura on April 13.

The law creates a felony for not submitting vehicle sales tax to the state, but it states that the person collecting the tax must "willfully" fail to send in the tax.

The final version of the measure provides for a felony, regardless of the dollar amount involved. Previously, the Senate version would have only provided for a gross misdemeanor if the dollar amount was less than \$500, and a felony above that amount.

House sponsor Rep. Matt Entenza (DFL-St. Paul) said the law stems from a February state Supreme Court decision related to a case in which a Mankato businessman was convicted of collecting \$12,000 in vehicle sales tax and failing to send the money to the state. The effect of the court ruling made it no longer a felony to not send in the vehicle sales tax.

Entenza said his legislation reverses 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 unknown what amount of sales tax is not collected.

Sen. Leo Foley (DFL-Coon Rapids)

sponsored the Senate version. The law is effective April 14, 2000.

HF3303/SF3566*/CH366

Limited calls for inmates

Inmates will no longer have unlimited access to phone services, under a law signed April 14 by Gov. Jesse Ventura.

Rep. Bruce Anderson (R-Buffalo Township) sponsored the House version of the measure, which will give wardens more control over phone systems at correctional facilities.

"We're allowing the warden to make the decision on what is a reasonable level of calls the inmates can make a day," Anderson said.

Inmates have more free time than in the past, Anderson said, and many inmates use the phone to make collect calls to friends and family. Some inmates make three, four, or more calls to one person each day. This frequent use can cause the phone system to become overloaded, Anderson said.

"They were using the phones in a way to clog up or delay, in a way corrections officials couldn't use the phones," Anderson said. "It became a point where they were seeing it as an abuse of the phone system."

State law prescribes that inmates can make only collect calls.

The law will change criminal penalties for officials who refuse to let inmates obtain phone privileges, by exempting them from criminal penalties.

Other inmates who deny inmates' phone calls will still be subject to misdemeanor fines and penalties.

Sen. Arlene Lesewski (R-Marshall) sponsored the Senate version. The law takes effect Aug. 1, 2000.

HF3512/SF3108*/CH408

★ **EMPLOYMENT**

Workers' compensation benefits

Proposed changes to the state's worker's compensation laws, determined by a panel of business and labor leaders, were passed by the House April 19. The vote was 129-0. The bill now goes to the governor.

Rep. Bud Nornes (R-Fergus Falls), the sponsor of the measure (HF3960/SF3644*), said the bill is a reflection of recommendations from the Workers' Compensation Advisory Council. The council is composed of representatives from the Minnesota Chamber of Commerce, the state's AFL-CIO, and the Legislature.

Nornes said the bill would provide an increase in the maximum weekly compensation an injured worker can receive for wage loss

benefits. Currently, that amount is capped at \$615 per week. The bill would increase the amount to \$750. The bill also would increase the minimum amount per week from \$104 to \$130.

In the case of a worker who is killed in a work-related accident, the bill sets the minimum amount of compensation for dependents at \$60,000.

The bill also would transfer \$325 million in surplus funds from the Minnesota Workers' Compensation Assigned Risk Plan to a fund for the second injury and supplemental benefits program.

The assigned risk plan provides a source of workers' insurance for employers who would otherwise be unable to obtain such coverage from the private insurance market.

Rep. Tom Rukavina (DFL-Virginia) said that the bill would not go far enough.

"I'm disappointed more wasn't done for the injured workers of the state," Rukavina said.

Aid for struggling farmers

The House passed a bill April 19 that would allow struggling farmers to qualify sooner for the state's dislocated workers program. The vote was 108-22.

The bill (HF2797/SF2575*), sponsored by Rep. Jim Tunheim (DFL-Kennedy), would direct the commissioner of the Department of Economic Security to give priority in 2001 for grants that provide training to dislocated farmers and ranchers.

Currently, farmers can qualify for the department's dislocated workers' program once they are unemployed as a result of economic conditions or because of natural disasters.

The bill would expand eligibility to farmers that have experienced a significant reduction in income due to inadequate crop or livestock prices, crop failures, or significant loss in crop yields due to pests, disease, adverse weather, or other natural phenomenon.

The bill now goes to the governor's desk.

★ **ENERGY**

Poultry litter as energy source

The House passed a bill April 17 that would move Minnesota closer to becoming the first state in the country to have an electric generating facility that uses poultry litter for fuel. The vote was 105-24.

Rep. Loren Jennings (DFL-Harris), the sponsor of the measure (HF2757), said it would make changes to the biomass mandate that was included as part of 1994 legislation relating to the Prairie Island nuclear power facility.

That legislation, which allowed Northern States Power Company to store more nuclear waste at its Prairie Island facility, required public utilities that operate nuclear power plants in the state to develop 125 megawatts of electric energy generated by certain forms of biomass or plants grown specifically for fuel.

The current bill would provide that 50 of the 125 megawatts may be provided by a facility that uses poultry litter as its primary fuel source.

Fiberwatt, a company based in Great Britain, is proposing to build the poultry litter plant in Minnesota. The company owns and operates three similar power plants in Great Britain. The facilities produce energy by burning the litter at 1,500 degrees Fahrenheit, producing steam that drives a turbine.

Officials from the company testified that they are interested in building the plant in Minnesota because the state is the second largest turkey producing state in the nation.

Members approved an amendment that Jennings said was a compromise addressing concerns raised to the original bill. The original bill would have extended the deadline requiring the production or purchase of 125 megawatts of electricity generated from biomass from 2002 to 2005. The amendment restored the original 2002 deadline.

Rep. Mindy Greiling (DFL-Roseville) said that although she supported restoring the deadline to the original date, she was concerned about providing a public subsidy to a company that proposes to use a valuable state resource when there is such a high demand for that resource. Poultry litter is a popular fertilizer because of its high nitrogen content.

Jennings said that the bill doesn't guarantee that the poultry litter facility will be built, but that it would allow the Public Utilities Commission to review the proposal. He said that although biomass energy would be more expensive than energy generated by traditional plants, the poultry litter proposal was important for economic development purposes in rural Minnesota.

The Senate later approved the bill, which then was sent to the governor.

★ **ENVIRONMENT**

Eventual ban on additive passes

The House passed a bill April 17 that would eventually ban the use of the oxygenating additive methyl tertiary butyl ether (MTBE) in gasoline. The vote was 127-0.

The measure (HF3292/SF2946*) would prohibit the sale of gasoline containing more than one-third of 1 percent of the additive

after July 1, 2000, and provide a complete ban of the additive as of July 1, 2005. The measure also would apply to the two other similar additives.

Contained in gasoline in many states, MTBE is intended to help the environment by lowering pollution emissions into the air. However, research shows the additive is responsible for several incidents of ground and water contamination, including municipal wells in Iowa.

Experts say eight ounces of the additive can contaminate 5 million gallons of drinking water. Spillage from a car accident could threaten an entire aquifer.

"This will give us one of the strongest laws in the nation," said the bill's sponsor, Rep. Dan Dorman (R-Albert Lea).

MTBE is produced from isobutylene, a byproduct in the gasoline refining process, and methanol, a byproduct of natural gas refining. Water contaminated by the additive has a bitter taste and detectable odor. Research has shown that it causes tumors in rats.

Minnesota requires that all gasoline sold in the state contain at least 2.7 percent oxygen by weight. Ethanol, derived from corn, is the additive currently used here.

The bill now heads to the governor's desk.

★ FAMILY

Marriage license discount vetoed

Gov. Jesse Ventura vetoed a bill April 14 that would have reduced the marriage license fees for couples who received at least 12 hours of premarital education.

The bill would have raised the cost of a regular marriage license from \$70 to \$75. But for those couples who received premarital education, the marriage license fee would have been only \$25.

The bill specified that the education topics would include teaching about the seriousness of marriage, conflict management skills, and the desirability of obtaining counseling if the marriage falls into difficulty later on.

Couples would have had to obtain education from a clergy member, a person authorized by law to perform marriages, or a marriage and family therapist.

Ventura said he doesn't believe the government should have a role in marriage counseling.

"This bill is overly intrusive and increases costs for those who choose not to receive premarital counseling," Ventura wrote in his veto message. "I understand the authors' intent and share their concerns about our high divorce rate, however, I do not believe that government should intervene in a couple's marital decisions."

Rep. Elaine Harder (R-Jackson) and Sen. Steve Dille (R-Dassel) sponsored the legislation.

HF2229/SF884*/CH397

Parenting plan bill advances

Parents who are getting a divorce would be allowed to create a parenting plan agreement, under a bill headed to the governor's desk.

The House approved the conference committee version of the bill April 19.

Sponsored by Rep. Andy Dawkins (DFL-St. Paul), the bill would allow divorced couples to make agreements on splitting parenting time. Currently, parenting agreements are neither forbidden nor allowed in state law.

"This bill would allow parents to reinsert their own plan," Dawkins 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 badminton practice. Child support would be a separate issue aside from parenting plans, Dawkins said.

If both parents agree to a parenting plan, the court must accede unless the court determines the plan is not in the best interest of the child, under the bill. If neither parent agrees to a parenting plan, the court would be allowed to create one on its own.

Dawkins said the final bill that emerged from conference committee would do more

to protect victims of domestic violence. According to the new language in the bill, courts could not require a parenting plan if one adult has been accused of domestic assault or sexual abuse.

The court would have to ask individuals if a parenting plan was entered into voluntarily, he said. The final bill is similar to a task force report recommendation, he added.

Rep. Michael Paymar (DFL-St. Paul) said the bill is better than the original version, which would have allowed a judge to order parents to enter into a parenting plan agreement if only one parent agreed to that route.

"I'm happy it is voluntary at this point," Paymar said.

The bill also would replace the word "visitation" in statute with the phrase "parenting time." Dawkins said non-custodial parents find the word "visitation" to be offensive.

"It's a good start," Dawkins said. "It's something we can build on."

Investigating child abuse cases

A law signed April 14 by Gov. Jesse Ventura will repeal a 1999 domestic abuse law defining neglect and will replace it with language redefining counties' responsibilities in domestic violence cases affecting children.

The law eliminates language that required counties to investigate cases where there is any child abuse, including verbal or other non-physical abuse. The repealed law also required an investigation if a child was within sight or

SPRING FEVER



Hundreds of school kids from around the state enjoy the grassy areas of the Capitol mall on an unseasonably warm April 14.

sound of any attempted abuse.

"It was very broad, and that's what concerned me," said Rep. Lynda Boudreau (R-Faribault), House sponsor of the new measure.

Several groups, representing those advocating for domestic violence victims and county social service administrators, joined together asking legislators to repeal the law because of its costs. Boudreau said the county administrators estimated the old law would cost \$30 million statewide if fully implemented.

The \$30 million projection is based on the additional workers needed to investigate all the new mandated cases, Boudreau said.

The new language requires county investigation only when the parent "endangers the child's mental or physical health," the parent engages in "repeated domestic assault," or the child "witnessed repeated incidents" of domestic violence.

"Counties will appreciate this," Boudreau said.

A key part of the law, Boudreau said, states that the local welfare agency shall consider the safety of the child and the victim when determining action.

Under the repealed law, a victim might have chosen to not report an abusive situation out of fear that he or she would be found in neglect if that person kept living with or moved back in with the abuser.

"They'd rather be a victim than lose their child," Boudreau said.

The new law also requires homeless shelter employees to attempt to contact the parents of a runaway within 72 hours. The employee must tell the parents or guardian the runaway's location and status, unless there are compelling reasons to withhold that information.

Sen. Linda Berglin (DFL-Mpls) sponsored the Senate version. The specific guidelines for abuse investigations take effect July 1, 2001. The other parts of the law are effective April 15, 2000.

HF3176/SF3410*/CH401

Designating custodians for children

Parents will have more rights to designate a temporary custodian for their children, under a law signed by Gov. Jesse Ventura on April 14.

Rep. Darlene Luther (DFL-Brooklyn Park) sponsored the House version of the measure, which repeals the designated caregiver statute and replaces it with the temporary and standby custodian language. Luther said the new law makes it clearer what should happen to children in cases where the parent suddenly is not available or is incapable of caring for them.

"It gives parents an opportunity to file with the court a guardian of the child if there was a tragic accident or if they are going out of the country for an extended period," Luther said.

"It helps families plan ahead and reduce an unnecessary burden on governmental child protection or foster care resources."

The law provides more options than the repealed statute, such as outlining standby, temporary, and co-custodian guidelines.

Standby custodians would assume permanent custody in the event of a parent's inability to care for the child. A temporary custodian would have the child or children for two years, up from one year in previous law. A co-custodian shares parenting duties with a parent when that parent has extended illnesses.

The new law also gives a non-custodial parent more rights to decide what happens to the child if the custodial parent becomes ill or dies, Luther said. Under the law, the non-custodial parent would automatically gain custody unless that parent lost parental rights.

The law allows both natural parents to be involved in the decision and requires a hearing if the fitness of a non-custodial parent is called into question, Luther said.

The custodial parent can designate a temporary custodian with the consent of the other parent, under the new law.

Twenty states already have such laws in place, she added. The law originated from several family law organizations, such as the Minnesota Kinship Caregivers Association, Luther said.

The repealed designated caregiver statute said the agreement expired four years after it was signed. The new language designates a person as temporary custodian indefinitely.

Sen. Jane Ranum (DFL-Mpls) sponsored the Senate version.

The law is effective April 15, 2000.

HF3318/SF3018*/CH404

★ GOVERNMENT

Bleacher safety changes

Safety requirements for bleachers, such as those at sports facilities or local parks, will be modified under a new law signed by the governor April 17.

New safety requirements for bleachers were signed into law last year, but Gov. Jesse Ventura line-item vetoed \$100,000 that would have helped communities and school districts pay the costs of complying with the new standards.

The 1999 law required bleachers that are taller than 30 inches to have gaps between seats, floorboards, and guardrails that do not exceed 4 inches or to have safety nets installed. The previous standard for gaps was 9 inches.

Rep. Fran Bradley (R-Rochester), House sponsor of the new measure, said it will ease the financial burden for schools, county fairs, and local parks departments without compromising safety standards.

"It will save tens of millions of dollars and still require significant upgrades to bleachers that are unsafe," he said. "I felt the law last year went further than it needed to in reacting to the serious injuries that have occurred."

The new law will make the 4-inch requirement apply to bleachers that are at least 55 inches (nearly 5 feet) tall. Those bleachers must be in compliance by Jan. 1, 2002.

Retractable bleachers that are in place by Jan. 1, 2001, and that meet the previous 9-inch requirement for gaps, will be exempted from the 4-inch requirement. The responsible school district or organization will have to submit a safety management plan and amortization schedule for complying with the 4-inch standard.

Rep. Steve Smith (R-Mound), House sponsor of the 1999 law, advocated upholding the 30-inch height standard. But the House and Senate voted to accept the 55-inch standard.

Smith had sponsored the 1999 measure in response to a fatal accident. Six-year-old Toby Lee of Mound died in January 1999 after falling from a set of bleachers while attending a hockey game at a Hutchinson arena. Smith said Toby fell through a 13-inch gap in those bleachers.

Bradley said no accidents have been reported where someone has fallen through a 9-inch gap.

The requirements are applicable to all new construction and installation as of Jan. 1, 2001.

Sen. Deanna Wiener (DFL-Eagan) was the Senate sponsor of the measure.

HF2846/SF3272*/CH417

★ HEALTH

Exposure to bloodborne diseases

Gov. Jesse Ventura signed a law April 18 that establishes procedures regarding occupational exposure to bloodborne diseases for emergency medical services (EMS) personnel, corrections employees, and secure treatment facility workers.

The law addresses proper procedure for obtaining consent for testing, obtaining and testing blood samples for bloodborne diseases, and for informing individuals of blood test results, in certain situations.

The situations the new law will apply to include cases when people holding these occupations are exposed to a bloodborne disease in the course of carrying out their jobs.

The measure also will expand the state's HIV and Hepatitis B prevention program for health professionals to cover Hepatitis C. HIV is the virus that causes AIDS.

Also, the law modifies notification requirements that apply when emergency medical

personnel are exposed to a person with active tuberculosis.

Rep. Kevin Goodno (R-Moorhead) and Sen. Allan Spear (DFL-Mpls) sponsored the legislation. The new law takes effect Aug. 1, 2000.
HF1631/SF1202*/CH422

★ HIGHER EDUCATION

Designing campus buildings

Representatives of colleges, universities, and state agencies will be allowed to vote on the design of state buildings, under a new law that was signed by the governor April 13.

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.

Effective Aug. 1, 2000, the board will consist of seven voting members, including one who will represent the school or agency that will be using the proposed building. Other board members will represent the American Institute of Architects, the Associated General Contractors, the Consulting Engineers Council of Minnesota (with input from other professional engineering societies in the state), the Minnesota State Arts Board, and two citizen members who will be appointed by the state commissioner of the Department of Administration.

If, for example, a building is being designed for the University of Minnesota, the university will have a vote on the final design of the building.

Rep. Peggy Leppik (R-Golden Valley) and Sen. Deanna Wiener (DFL-Eagan) sponsored the measure.

HF3195/SF3701*/CH384

★ HUMAN SERVICES

Newborn drop-off law

A law signed by Gov. Jesse Ventura April 18 will allow a mother (or a person of her consent) to leave an unharmed newborn at a hospital emergency room up to 72 hours following the child's birth without fear of prosecution.

A hospital will be required to accept the child and to notify a local welfare agency within 24 hours of the departure of the person bringing the baby to the hospital.

Under current Minnesota law, a mother

who willfully neglects a newborn when she is reasonably able to care for the infant can be charged with a gross misdemeanor.

This new law will allow the individual delivering the unwanted newborn to exit the building without providing identification. The hospital will be allowed to ask questions about the medical history of the mother or newborn, but the person leaving the baby will not be required to provide any information.

A newborn that is left behind will be considered an abandoned child. The baby, according to the new law, must not have any obvious injuries or illness in order for the hospital to accept it.

A hospital or employee of the hospital receiving the child will be considered immune from any civil liability that could potentially result, if the act of receiving the newborn is done in good faith.

Furthermore, a social service agency taking custody of the child will not be required to later reunite the child with its parents or search for relatives of the child as a placement option.

Officials are uncertain how many babies hospitals could realistically expect to be dropped off as a result of the new law.

Rep. Luanne Koskinen (DFL-Coon Rapids) and Sen. Leo Foley (DFL-Coon Rapids) sponsored the legislation. The new is effective April 19, 2000.

HF3008/SF2615*/CH421

Options for vulnerable adults

The House passed a bill April 18 that would create a panel to review decisions made by lead agencies regarding cases of potential maltreatment of vulnerable adults. The vote was 130-0.

The bill (HF3250/SF3028*), sponsored by Rep. Lee Greenfield (DFL-Mpls), would provide a vulnerable adult or individual acting on behalf of such a person the opportunity to challenge an agency's decision before an impartial body.

"As it stands now, the vulnerable adult or person acting on the part of the adult has no other place to appeal but to the agency that produced the decision," Greenfield said.

The board the bill would create would consist of representatives from the Department of Human Services and the Department of Health, the ombudsman for older Minnesotans, and the ombudsman for mental health and mental retardation.

A request for a review, the bill states, would be taken up at the panel's next quarterly meeting.

Greenfield referred to the measure as a "quality assurance approach" to reviewing

decisions in cases of potential maltreatment.

The bill would require that within 30 days of the panel's review, it must notify the lead agency and the person who requested the review of its decision. The panel may decide whether it agrees with the agency's decision or require the agency to reconsider its ruling.

If the panel were to decide that the agency must reconsider its decision, the bill would require that it do so and report back to the panel with its determination within 30 days.

Furthermore, the panel would be required to report to the Legislature each January about the number of requests for review it received and how the panel ruled on each case. The report would include the number of times when the final disposition changed and any recommendations the panel has for improving the review process.

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

Nursing center veto override

For the second time during this two-year session, the Legislature has voted to override one of Gov. Jesse Ventura's vetoes.

This time, the override involved a bill aimed at assuring the continued operation of the Ah-Gwah-Ching center, a nursing facility in Walker.

Ventura vetoed the bill April 3 and the House voted to override the veto the following day. The Senate override came April 17 and now the bill will become law, effective Aug. 1, 2000.

The override is only the second successful override of a governor's veto in the past 18 years.

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

In his veto message, Ventura said that the bill was "unnecessary" because law currently exists prohibiting the commissioner of the Department of Human Services to close the facility without the Legislature's approval.

The governor declined to comment on the veto override during a press conference April 17.

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

Rep. Larry Howes (R-Hackensack) and Sen. Tony Kinkel (DFL-Park Rapids) sponsored the legislation.

Last year the Legislature voted to override a veto by the governor of a bill pertaining to the

introduction of evidence about seat-belt use in auto accident lawsuits.

HF2809*/SF2631/CH310

★ **INSURANCE**

Help for Holocaust survivors

A new law signed April 13 by Gov. Jesse Ventura will assist Holocaust survivors in settling and collecting insurance claims.

Aimed at insurance companies and their affiliates who do business in Minnesota and issued policies in Europe prior to 1946, the law allows the commissioner of the Department of Commerce to provide special assistance to Minnesota residents who have claims to settle.

The law allows the department to establish a registry of records of Holocaust-related insurance policies and claims. The registry will contain information such as a list of policies sold with the names of the insured and their beneficiaries, and whether the proceeds have been paid.

Companies that fail to provide the data to assist victims and their beneficiaries could be fined or have their authority to do business in the state suspended.

Rep. Ron Abrams (R-Minnetonka), House sponsor of the legislation, said that often life insurance claims require a death certificate, which for Holocaust victims is not available.

He said there are about 200 Holocaust survivors living in the state.

Sen. Allan Spear (DFL-Mpls) was the Senate sponsor. The law is effective April 14, 2000. HF3756/SF3423*/CH367

★ **LAW**

Access to information

Public defenders will be given access to law enforcement databases, under a law signed April 13 by Gov. Jesse Ventura.

The law will allow state and district public defenders, along with any attorney who is working for a public defense corporation, limited access to various criminal and juvenile databases.

"The defense felt they should have access to information on the people they are defending," said Rep. Sherry Broecker (R-Little Canada), House sponsor of the measure. "We felt it was a fairness issue."

Public defenders will be given access to data regarding the attorney's client only and will not be able to examine data on other people. The defender also will not have access to active and ongoing investigative data, under the law.

A BIG HIT



Members of the House give a warm welcome to Minnesota blues legend Big Walter Smith as he is introduced on the House floor by Rep. Gregory Gray. Gray later presented Smith with a proclamation recognizing his 30 years in the music business. Smith, a constituent of Gray's, has won virtually every Minnesota music award in existence, and in 1998 was inducted into the Minnesota Music Hall of Fame, joining the likes of Bob Dylan and Judy Garland.

The proposal came from the State Public Defender's Office, Broecker said.

Sen. Jane Ranum (DFL-Mpls) sponsored the Senate version. The law takes effect Aug. 1, 2000.

HF3950/SF3154*/CH377

Legal action for beer wholesalers

A new law signed April 18 by Gov. Jesse Ventura clarifies existing laws regarding legal actions between beer brewers and wholesalers.

The law allows wholesalers to sue a brewer in either state or federal court for violations to state laws regarding the Minnesota beer brewers and wholesalers act.

The new law also gives wholesalers the right to a jury trial against brewers, and it provides that the right to bring action may not be waived except at the time the suit is filed.

The state's beer brewers and wholesalers laws include provisions prohibiting brewers from inducing or coercing wholesalers into accepting delivery of any alcoholic beverage or any other commodity which wasn't ordered by the wholesaler.

The laws also establish the right of free association between all brewers and wholesalers. Brewers cannot collaborate to fix or artificially elevate prices.

Rep. Loren Jennings (DFL-Harris) and Sen. Sam Solon (DFL-Duluth) sponsored the new measure. It is effective April 19, 2000.

HF1947/SF1618*/CH415

★ **LOCAL GOVERNMENT**

Municipal finance provisions

The House passed a bill April 18 that would make a number of changes related to the state's public finance laws. The bill vote was 97-30.

Rep. Ron Abrams (R-Minnetonka), sponsor of the measure (HF4090/SF3730*), said that the bill is the annual public finance bill making changes in the authority of local governments to issue bonds and incur debt.

The bill would permit the cities of Minnetonka and Shorewood to opt out of the metropolitan transit system and establish replacement transit systems. Abrams said that the city of Minnetonka brought the initiative to him.

Rep. Betty McCollum (DFL-North St. Paul) offered an unsuccessful amendment to delete that provision saying that to allow more cities to opt out of the transit system weakens the system as a whole.

Among the bill's other provisions is an exemption in reporting requirements on business subsidy bonds that are issued by a municipality to refund its outstanding bonds. Also, the bill would exempt nonprofit corporations that qualify for federal tax-exempt status from reporting requirements on bonds.

The bill also would authorize the Metropolitan Council to issue an additional \$19.4 million of transit bonds. Abrams said that the authority to issue \$36 million was provided last year and the additional money would fulfill what the council originally requested.

Rep. William Kuisle (R-Rochester) offered a successful amendment that would allow counties outside the seven country metropolitan areas to form economic development authorities. Originally, the bill specified that only counties outside the federally defined 11 county metro area (which includes Chisago, Isanti, Sherburne, and Wright counties) could form economic development authorities.

Rep. Myron Orfield (DFL-Mpls) argued against the amendment saying that economic development in the metropolitan area should be done looking at the area as a whole.

The bill also would require bidders for the contract for the 800-megahertz public safety radio network to propose systems that meet compatibility standards. Then any enhanced features that would affect that compatibility may not be accepted, according to the bill.

The bill now goes to a conference committee.

★ TRANSPORTATION

Right-of-way accident liability

The state will have limited immunity from civil lawsuits involving recreational motor vehicle accidents that occur in a highway right-of-way, under a law signed April 13 by Gov. Jesse Ventura.

The law will establish the state is not liable when accidents or injuries occur involving snowmobiles or other off-road recreational vehicles.

"There has to be a level of responsibility on the hands of recreational vehicle users," said Rep. Mary Liz Holberg (R-Lakeville), who sponsored the measure in the House. "Someone who uses a recreational vehicle in a

prudent and responsible manner will be fine."

Recreational vehicles are supposed to drive only on the outside, or "backslope" of the ditch, not at the bottom or the side closest to the highway. The law does not effect where motor vehicles can be driven.

Statute already gives the state limited liability for accidents that occur on ice-covered roads or in state parks.

Sen. Jane Ranum (DFL-Mpls) sponsored the Senate measure. The law takes effect Aug. 1, 2000.

HF3613/SF3307*/CH373

Right lane measure vetoed

Gov. Jesse Ventura vetoed a bill April 20 that would have authorized the state to post signs requesting that freeway drivers travel in the right lane when possible.

The final bill, which emerged from conference committee April 11, was stripped of language that made it a petty misdemeanor to not stay to the right. The final bill also would not have allowed law enforcement to pull over drivers for failing to follow the provision. Drivers would have been asked, but not required, to move to the right lane after passing.

Rep. David Tomassoni (DFL-Chisholm) sponsored the bill, which would have required the placement of signs every 50 miles along highways reminding drivers to move to the right lane after passing.

"I don't see any reason why he would veto it," Tomassoni said. "I thought this would be the type of bill he would sign."

Tomassoni would not comment further until he sees the governor's veto message. He

noted that the bill passed in both houses by a wide margin, and an override is possible if legislators don't change their votes.

Tomassoni has said throughout the session that his goal was to obtain signs asking people to move out of the left lane, and he was not pushing for the petty misdemeanor language.

The signs would have stated, "Move to the right after passing." The bill did not contain funding for the signs.

Sen. Dick Day (R-Owatonna) sponsored the Senate version.

HF3091/SF2484*/CH425

★ VETERANS

Exempting rebate income

Sales tax refunds or rebates would not be considered income for residents of veterans' homes, under a bill the House passed April 17. The vote was 128-0.

The bill (HF2968/SF3139*), sponsored by Rep. Joe Mullery (DFL-Mpls), would clarify current law that requires residents of veterans' homes to pay for their care based on their ability to pay.

Cost of care is based on the average costs of operating veterans' homes.

Any sales tax rebates that are paid after June 30, 1999, would not be considered income for residents of veterans' homes, under the bill.

The bill also would allow the governing board of the veterans' home in Hastings to use federal grant money to purchase a home to be used as transitional housing for homeless or disabled veterans.

The bill now goes to the governor.

Constitutional Officers

Governor

Jesse Ventura

130 State Capitol

75 Constitution Ave.

St. Paul 55155 (651) 296-3391

Lieutenant Governor

Mae Schunk

130 State Capitol

75 Constitution Ave.

St. Paul 55155 (651) 296-3391

Attorney General

Mike Hatch

102 State Capitol

75 Constitution Ave.

St. Paul 55155 (651) 296-6196

Secretary of State

Mary Kiffmeyer

180 State Office Building

100 Constitution Ave.

St. Paul 55155 (651) 296-2803

State Auditor

Judith H. Dutcher

Suite 400

525 Park St.

St. Paul 55103 (651) 296-2551

State Treasurer

Carol Johnson

303 Administration Building

50 Sherburne Ave.

St. Paul 55155 (651) 296-7091

Veto rankles 'informed consent' backers

After days of deliberation, Ventura vetoes a bill that would have required a 24-hour waiting period before a woman could have an abortion

By MIKE DE LARCO

Wanting to avoid what he called "government intrusion" into an individual's private life, Gov. Jesse Ventura vetoed the contentious "right-to-know" abortion bill April 14.

The bill would have required a woman considering an abortion to wait at least 24 hours before undergoing the procedure. It also would have required that the woman be given information about risks and alternatives at least 24 hours before the procedure is scheduled.

"I have decided that it is wrong for government to assume a role in something that I always believed was between a woman, her family, her doctor and, if she chooses, her clergy,"

The decision by the governor to veto the measure drew criticism from pro-life organizations and House Republican leaders.

In a news release issued after the governor announced his veto, House Speaker Steve Sviggum called Ventura's decision "very upsetting."

He noted that Ventura's staff had appeared to have worked out a compromise with House Republican leadership over the bill, prior to the announcement of the veto.

"Ironically, Gov. Ventura talks about not being your typical politician. This action looks too much like the worst of a politician: Go back on your campaign promises, don't honor

your word through a negotiated agreement, and bend to powerful special interest group pressure," Sviggum said.

The measure was similar to language proposed earlier this session 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 state government appropriations bill (HF2699), currently in conference committee. The abortion-related provision was later pulled from the bill after House members suggested taking policy issues out to avoid constitutional challenges to the omnibus bill.

The language was then amended onto a separate (and relatively minor) measure during an early April floor session in the House.

The bill would have waived a 24-hour waiting period for cases when a woman's life or

health may be put in danger by delaying the procedure.

The bill did not include an earlier proposal that the name of the doctor performing the procedure be included with the information given to the patient.

Rep. Kevin Goodno (R-Moorhead) and Sen. Don Samuelson (DFL-Brainerd) sponsored the vetoed bill.

Any override attempt of the veto would have to begin in the Senate. An override requires a two-thirds majority in both houses — 90 votes in the House and 45 votes in the Senate.

The first time through, the House voted 89-44 and the Senate voted 37-30 in support of the measure.

HF3652/SF3387*/CH412



Gov. Ventura's remarks to staff on the veto of the abortion waiting period

Good Afternoon. It's been a remarkable few days.

You have all worked very hard and for the past week have been under constant stress. For your hard work and your tremendous loyalty to this office, the people of Minnesota, and to me, I want to thank you. From the bottom of my heart, I want you to know how important you all are to me.

Yesterday, a legislator who has been around this business for many years told me that no governor over the last 20 years has been faced with a decision like the one I have been faced with this past week.

But you have served me well. I am proud of you and proud of the way we have come together to make this very important decision.

I have talked to family, friends, and advisors. I have heard from the good people of Minnesota. And listening to the people has brought me back to the convictions that have always been the centerpiece of my administration. Convictions like personal responsibility, self sufficiency, and limited government.

Therefore I have decided. I decided that those deeply held convictions would not allow me to sign this bill. I have decided that it is wrong for government to assume a role in something that I always believed was between a woman, her family, her doctor, and, if she chooses, her clergy.

And so today I vetoed Senate File 3387.

Sure, we tried to find a way. Together, we were willing to explore whether an acceptable bill could be achieved. And we learned something. We learned that there is no middle ground here. And so now we move on.

Thank you for bearing with me, because after all this, I want you to know that I still believe working together... we will not fail.

Thank you.

(These remarks were delivered April 14, 2000, in the reception room of the governor's office.)



In the hallway outside the governor's office April 14, Rep. Betty Folliard voices her approval over Gov. Jesse Ventura's decision to veto the bill that would have imposed a 24-hour waiting period on those seeking an abortion.

Ventura said when he announced the veto.

Ventura said that he thought long and hard about the bill, and talked with family, friends, advisors, and the people of Minnesota before coming to his decision.

Had the governor signed the bill, a woman would have been required 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 prior to having an abortion.

Back to her roots

After 10 years, Rep. Linda Wejcman is leaving the House to return to her pursuits in her south Minneapolis community

By CHRIS VETTER

Rep. Linda Wejcman (DFL-Mpls) got her first taste of politics in her own south Minneapolis neighborhood where she and her neighbors worked to close an adult bookstore.

After 10 years in the Legislature, Wejcman plans to return her focus to helping neighbors and strengthening her community.

Wejcman, 60, a native of Spencer, Iowa, moved to the Twin Cities for the first time in 1961, then went back to Iowa before making a permanent move to south Minneapolis 10 years later.

She has lived in the same home with her husband, Jim, for the past 25 years. It wasn't long after she moved to Minneapolis when she became involved in trying to close the adult bookstore because, she said, the shop drew unwanted people to the neighborhood who

laws?" Wejcman said. "I think building community is the best possible thing I can do now."

Wejcman wants to work on drug and gang issues, and to help people become "positive attributes" to the community.

"I want to help people understand the goodness in themselves and work on that," she said.

While her urban district faces poverty and crime problems, Wejcman is upbeat about the smart and determined youth of her community. She speaks passionately about how the young people in her district are opening their minds to their own abilities to improve conditions in the area.

"Our district is so exciting, just because of the diversity," she says.

During her tenure in the Legislature, Wejcman focused on health and human service issues. She backed an unsuccessful effort to create a consumer protection office where people could call and complain about problems with their health care provider or health maintenance organization.

"People don't know where to go for help," Wejcman said. "This would have been an office with real power."

Wejcman sponsored a 1997 bill that established a fathers'

registry for people who believe they may be the father of a child who may be offered for adoption. The registry provides that the man will be notified of a pending adoption and will have a chance to argue for his right to custody in a court hearing.

Fathers who do not register within a certain time lose their right to later challenge an adoption. The goal is to allow adoptive parents to be sure that the adoption will not be overturned later by an absent biological parent.

In 1997, Wejcman was named speaker pro tempore, which meant she assumed the role of the speaker when then-Speaker Phil Carruthers (DFL-Brooklyn Center) left the podium. She also served as head of the Minneapolis delegation in the Legislature.

Rep. Karen Clark (DFL-Mpls), who serves a district that neighbors Wejcman's, spoke highly of Wejcman's commitment to helping others.

"She's worked hard to empower people in south Minneapolis," Clark said. "She has a good sense of humor. I think she brings people together."

Clark cited work on human services, curtailing prostitution, improving housing, and the patients' bill of rights proposal as Wejcman's chief marks in the Legislature.

Although Wejcman comes from an urban district, she jumped at the opportunity to serve on an agriculture committee this year. She cited the parallels between her district and rural Minnesota — arguing that people in both areas share economic, employment, and environmental concerns.

Rep. Ted Winter (DFL-Fulda) worked with Wejcman on the House Agriculture Policy Committee. He said she "is giving people a helping hand up and out of poverty."

"Her sense of caring and her realistic approach to legislation" are her memorable attributes, Winter said. "She's always been positive, always up front."

Even if the DFL were to regain majority status in the House in the November elections, Wejcman said she wouldn't regret her decision to leave.

"My decision was, it's time to move on and do some more hands-on work," she said, reflecting on her decade at the Capitol. "For me, that's long enough." 🐼



harassed neighborhood residents.

"We did a lot of picketing and protesting," Wejcman recalls. "It was meant to let (the owners) know that neighbors didn't appreciate it."

That focus on community improvement is where Wejcman's future lies. She started thinking about leaving the Legislature and focusing on community issues after the 1998 election.

"Being in the minority was so different. I started to think, could I get more done working with people rather than trying to pass

STEPPING DOWN

Rep. Linda Wejcman
DFL

District 61B – Minneapolis

Terms: 5

Career notes: Perhaps the best known legislation Wejcman sponsored was a 1997 measure that created a registry for men who believe they may be the father of a child that could be placed for adoption. The aim was to prevent cases where a biological father comes on the scene much later and tries to overturn an adoption.

Exiting under a cloud

Rostberg says his business pursuits and other interests prompted his decision to leave, not the criminal charge pending against him

BY JON FURE

After serving three terms in the House, Rep. Jim Rostberg (R-Isanti) will not seek re-election.

He said his decision to leave is not related to a criminal sexual conduct charge pending against him. He has maintained his innocence in the case.

Rather, the 43-year-old Isanti man said he is leaving largely because he and his wife, Kathy, plan to start a family business.

Rostberg said he will have fond memories of the six years he has spent as a lawmaker, but that he wants to dedicate more time to life in the private sector.

"It was never my intent to become a career politician," Rostberg said.

When he first ran for office, he felt that he had some good ideas that could benefit the state, Rostberg said.

At the end of his legislative career, he lists as one of his proudest accomplishments a bill related to property taxes that he originally sponsored in 1996. The proposal was passed into law in 1997 with the help of Rep. Ron Abrams (R-Minnetonka), now the chair of the House Taxes Committee and long a Republican leader on tax issues.

The law allows business owners to negotiate a property tax abatement to help them expand their business. The idea came from a constituent of Rostberg's who wanted to expand his business and increase staff, but the expected higher property taxes made the plan infeasible.

Under the law, a city, county, or school district governing board can reduce the tax on the property that is expanded for up to 10

years, provided that it would accomplish a specified public purpose, such as economic development and job creation.

Rostberg said the law makes sense because a business doesn't realize an immediate profit in that situation. It allows the business to expand and get established before paying the higher property tax. Such an abatement is negotiated through public hearings, he said, so that people in a community can speak for or against such a proposal.

He noted that the measure was significant to him because he helped the bill become law even though his party was in the minority.

"I've never had a problem working with members of either caucus," he said. "They're all professional, and they do a good job representing their districts. If I don't see eye-to-eye with someone on an issue, that's not something I take personally."

This year, Rostberg's life and political career took a turn nobody could have expected. He was arrested March 2 in the Capitol and charged in Isanti County the next day.

Rostberg is facing one count of second-degree criminal sexual conduct in Isanti County, but he has

repeatedly said that is not the reason for his decision to not seek re-election. He said he had already been contemplating leaving the Legislature at the end of this term.

According to the criminal complaint, Rostberg is accused of engaging in criminal sexual contact with a girl under 16.

Rostberg was originally charged with three counts, but two were dropped after prosecutors determined there was not enough evi-

dence to support them. He now faces a single criminal count for allegedly fondling the girl.

A House Ethics Committee probe into the allegations was delayed earlier this session until criminal proceedings are complete. That is unlikely to occur before the 2000 Legislature adjourns.

Addressing his colleagues on the House floor, Rostberg said he is innocent but that he could not comment further on the criminal case.

Looking back on his career, Rostberg said the ability to negotiate and the willingness to hear views from all sides are among the most important qualities for being a successful lawmaker.

"You need to be reasonable, able to negotiate, and willing to negotiate," he said. "You have to have an open door, and to allow input from all sides, and there's usually many sides. And you have to be able to accept criticism, as well as accolades. If you can't do that, you won't be successful here."

Rostberg currently is the vice chair of the House Governmental Operations and Veterans Affairs Policy Committee, and he also serves on the Agriculture Policy, Agriculture and Rural Development Finance, and Environment and Natural Resources Policy committees.

When the Legislature is not in session, Rostberg works as a veterans service officer and emergency management director for Isanti County.

A 1999 law that Rostberg sponsored with bipartisan support set up a training program for 13 local fire and rescue departments along the upper Mississippi River in central Minnesota, so that those departments can effectively respond to oil spills in the river. Quick responses are necessary in cleaning up those spills, he said, and the program could be expanded to other parts of the state. 🐾



STEPPING DOWN

Rep. Jim Rostberg
Republican
District 18A – Isanti
Terms: 3

Career notes: Rostberg has worked on veterans issues and environmental matters. In his final term, he was named vice chair of the House Governmental Operations and Veterans Affairs Policy Committee.

A mind for policy

Long a leader on tax issues, Rest combined background as an accountant and teacher to push for reforms as House member

By DAVID MAEDA

Rep. Ann H. Rest (DFL-New Hope) came to the Legislature in 1984 with a slightly different background from many of her colleagues who are attorneys, farmers, or business owners.

With degrees in Latin, Greek, English, teaching, and accounting from a variety of institutions including Northwestern University, the University of Chicago, Harvard University, and the University of Minnesota, Rest spent nine years as a teacher in the Robbinsdale area school system.

Rest was primarily an English and literature teacher with the district.

She said declining enrollment in the school district led her to make a career switch to another service occupation, working as a certified public accountant.

And because of her growing interest and involvement in her political party's activities, along with her background in education and taxes, she then decided to run for a seat in the Legislature.

Now with her 16 years of experience as a member of the House, Rest, 58, said she has decided to change direction again.

Last winter she announced her decision to run for her district's state Senate seat currently held by Sen. Ember Reichgott Junge (DFL-New Hope). Junge, an assistant majority leader in the Senate, has decided not to run for another term.

"I see it as an opportunity to serve a wider constituency," Rest said.

Her current district covers all of New Hope,

northwest Crystal, and part of Golden Valley. The Senate district includes all of Crystal, New Hope, Robbinsdale, and a portion of Brooklyn Center.

Rest said she'll miss the day-to-day relationships with many of her House colleagues but she hopes to continue working on many of the same issues she has been involved with over the years.

She said she is most proud of working on the following achievements as a member of

the House: reforms to the state's DWI enforcement laws, tightening the restrictions on youth access to tobacco products, and several tax related initiatives including the state's working family credit and reforms to tax-increment finance laws.

Among her ongoing priorities, Rest said, is finding adequate and stable funding for public education — which means finding a method to take education funding off of the property tax. The education homestead credit, which she

helped establish, is one step in that direction, Rest said.

In a way, Rest has come full circle as a House member.

"I came here in my first term as a member of the minority, and I'm going to leave as a member of the minority," she said.

In between that time, as a member of the majority, Rest served as chair of the House Taxes Committee and, later, the House Local Government and Metropolitan Affairs Committee. She said being a member of the minority party doesn't necessarily mean not having an impact on the process.

"When one is willing to work on a bipartisan basis, a member can be effective in influencing public policy whether in the majority or the minority," she said. "I haven't stopped offering legislation since I've been in the minority."

Among her colleagues who hold Rest in high esteem is the current chair of the Taxes Committee, Rep. Ron Abrams (R-Minnetonka). Abrams ended the final Taxes Committee hearing this year by recognizing Rest's contributions and accomplishments.

"You made the committee absolutely the best committee to serve on," Abrams told Rest.

Abrams said that both as the ranking member from the minority party on the committee and as tax chair, Rest was respectful of all members.

"She treated all members with equality regardless of their party designation," Abrams said. "She made her decisions as the tax chair based on what was good tax policy. She was willing to listen to and understand your point of view."

Abrams said he has the highest respect for Rest and will miss serving with her.

"She brings a centrist perspective that is so rare in these days of extreme partisan bickering," he said. 🐼



STEPPING DOWN

Rep. Ann H. Rest

DFL

District 46A – New Hope

Terms: 8

Career notes: A former chair of the House Taxes Committee, Rest is widely respected as an expert in tax policy, and she sponsored several key tax reform measures during her time in the House.

Pressing for change

Early Minnesota editor's views forced confrontation with political powerhouse and vandals to keep newspaper alive

BY JON FURE

Conflicts between politicians and the press have been common throughout history, but those conflicts today seem tame compared to one that occurred in Minnesota's territorial days.

That conflict was between Jane Grey Swisshelm, outspoken editor of the *St. Cloud Visiter*, and Sylvanus Lowry, a prominent businessman and politician in that area.

Swisshelm's editorials caused such animosity that her printing press was destroyed by a few angry community members. Nevertheless, she was able to continue publishing her controversial editorials as other area residents rallied together on her behalf.

Before moving to Minnesota in 1857, Swisshelm had been a school teacher, editor, and writer in Pittsburgh. She had moved to the St. Cloud area after separating from her husband.

She moved to the territory to live near her sister and brother-in-law, George F. Brott. Brott was a recent settler and business owner who had bought a printing press, hoping to publish a newspaper that would promote the town and induce immigration.

Brott asked Swisshelm if she would become the editor, and she agreed under one condition. She told Brott that she "could not edit a paper in which I had not full liberty to express my sentiments on any question."

Brott replied that she could "talk any kind of politics she had a mind to."

She spelled out some of her main views in her first editorial on Dec. 10, 1857, including equal rights for women and the abolition of slavery — two topics she had written vehemently about for many years.

On the subject of voting, for example, she wrote, "Paying taxes is as unwomanly as voting; and is a privilege which should be exclusively confined to 'white male citizens, of this and other countries.'"

She also wrote about the quality of the agricultural land in the area and encouraged people from New England to consider settling

in central Minnesota.

The *Visiter* was struggling financially, as advertising revenue was falling far short of Brott's costs to produce the paper. So in the spring of 1858, Swisshelm set out to find other local businessmen to invest in the newspaper, because she felt that they stood to benefit financially from the paper's role in bringing in new settlers.

When Swisshelm approached Lowry, he refused to contribute any money, because he opposed Swisshelm's political views. Lowry had come to Minnesota from Tennessee, and he specifically opposed her abolitionist position, according to *Newspapers on the Minnesota Frontier*, a 1967 book by George S. Hage.

Swisshelm responded by declaring that she would change her views to support those of Lowry, and advocate the re-election of President James Buchanan.

She explained the switch by writing that she was simply doing what was necessary to stay in business.

Swisshelm wrote, "[W]hat was the use of our keeping up a 'factious opposition' like the little stick

trying to turn the course of a great river. It is nice for women to be gentle and yielding, especially if there is money to be made by it.

"... Self interest suggested that our fortune would be about made if we could support Mr. Buchanan. We thought the matter over five minutes and concluded that maybe we could if we tried."

Despite her claims to support the prevailing political views, the obvious sarcastic tone of her editorial showed through — for example, she endorsed Buchanan for the election of 1260 instead of 1860.

Those and other editorials prompted Lowry's attorney, James C. Shepley, to give a public lecture on the role of women. Without naming Swisshelm, he said that there was a certain type of woman "with whom some of us poor males as yet scarce feel at ease — the strong-minded woman . . . who leaves the sheltered domestic hearth . . . to enter the bitter invective and competition of politics."

After the lecture, Swisshelm wrote that Shepley neglected to describe another type of woman, which many people interpreted as a description of Shepley's wife.

Swisshelm described that type as "thick-skinned," "coarse," "loud-mouthed," "whose conversational tones are audible at the furthest side of the next square," and whose triumphs consist of "card-table successes, displays of cheap finery, and in catching marriageable husbands for herself and her poor relations."

That editorial appeared March 18, 1858, and on March 24, vandals broke into Swisshelm's office, destroyed the printing press and threw its parts into the Mississippi River.

A note was left, signed by the "Committee of Vigilance," saying the *Visiter* was a nuisance and that "it is fit only for the inmates of brothels, and you seem to have had some experience of the tastes of such persons. You will never have the opportunity to repeat the offence in this town, without paying a more serious penalty than you do now."

Swisshelm's supporters gathered that night and passed a resolution at a

Stearns County meeting, stating that they would not tolerate the attempt to stifle free speech and that they would purchase new equipment to allow the continued publication of the *Visiter*.

News of the vigilantes' action spread quickly, and it was condemned in various Minnesota newspaper articles that were reprinted in other states.

Shepley and others sued Swisshelm and Brott's company for libel, and they settled out of court.

Continued on page 22



Jane Grey Swisshelm

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 "Legislative Initiatives" link, then click on "Legislative Log 2000."

Key:

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

CH	HF	SF	Description	Signed	Vetoed
390	3554	3138*	Veterans Affairs commissioner duties technical changes provided.	4/14/00	
391	3424	3346*	Electronic filing of real estate documents task force established.	4/14/00	
392	3597	2795*	State investments modified.	4/14/00	
393	3328	2877*	Iron Range off-highway vehicle recreation area addition in St. Louis County provided.	4/14/00	
394	3075	2655*	Insurance tax laws recodified.	4/14/00	
395	3066	2783*	Secretary of State fees and annual corporate registrations regulated.	4/14/00	
396	3260	2968*	Lake improvement district provisions modified.	4/14/00	
397	2229	884*	Reduced marriage license fee provided for couples who obtain premarital counseling.		4/14/00
398	3964	3626*	Comprehensive Health Association eligibility and coverage modified.	4/14/00	
399	1394	1495*	Uniform Commercial Code secured transactions provisions adopted.	4/14/00	
400	1662	1896*	Medical assistance programs and liens modified.	4/14/00	
401	3176	3410*	Neglect definition modified.	4/14/00	
402	3263	3082*	Duluth Human Rights Commission additional powers authorized.	4/14/00	
403	3519	2794*	Expedited child support process provisions modified.	4/14/00	
404	3318	3018*	Standby and alternate custodians of children designation provided.	4/14/00	
405	3577	3116*	Creditors' garnishments, executions, and levies regulated.	4/14/00	
406	304	173*	Possession of wild animals taken on the Red Lake Indian Reservation authorized.	4/14/00	
407	2570	3259*	Energy code rules to remain in effect for specified residential buildings.	4/13/00	
408	3512	3108*	Local and state correctional facility inmate telephone access regulated.	4/14/00	
409	2731*	2753	Motor vehicle manufacturers, distributors, and factory branches unfair practices regulated.	4/14/00	
410	2935	2363*	Dental benefit plans regulated.	4/14/00	
411	3825	3338*	Tribal police departments annual insurance cap established.	4/14/00	
412	3652	3387*	Abortion informed consent requirements modified.		4/14/00
413	1383	1231*	Optometrist licensing provisions modified.	4/14/00	

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

CH	HF	SF	Description	Signed	Vetoed
414	3633*	3550	Mighty Eighth Air Force Week designated.	4/14/00	
415	1947	1618*	Brewer and wholesaler judicial remedies modified.	4/17/00	
416	2791	2471*	Hennepin County Human Resources Board and department provisions modified.	4/17/00	
417	2846	3272*	Bleacher safety building code requirements modified.	4/17/00	
418	3234	3091*	Sales and use tax law recodified.	4/18/00	
419	1834	1699*	Electronic funds transfers and credit card payments to state agencies authorized.	4/18/00	
420	3495	2972*	State purchases open bidding authorized.	4/18/00	
421	3008	2615*	Persons leaving unharmed newborns at hospital emergency rooms not prosecuted.	4/18/00	
422	1631	1202*	Protocol established for occupational exposure to bloodborne pathogens.	4/18/00	
423	2555	1733*	Civil third-party liability imposed for damages caused by intoxicated persons under age 21.	4/18/00	
424	3901*	3769	Housing finance agency community rehabilitation grants and loans authorized.	4/20/00	
425	3091	2484*	Motor vehicles required to be driven in the right-hand lane clarified.		4/20/00
426	2953	3023*	Vehicle registration and titling provisions modified.	4/20/00	
427	2973	2870*	Financial institution loan charges and payments regulated.	4/20/00	
428	2889	2683*	Bowfishing archery bows exempted from casing requirement.	4/20/00	
429	2671*	2567	Temporary census employee income excluded from public assistance eligibility determinations.	4/20/00	
430	2563*	2381	Mechanics' lien civil cause of action created.	4/20/00	
431	2830*	2771	Pimps and patrons of juvenile prostitution provided enhanced criminal penalties.	4/20/00	

Continued from page 4.

districts to choose between the Profile and a second option to assess student achievement, called the North Star Standard. House conferees are also pushing for a moratorium on holding students accountable until certain conditions can be met.

The Senate has proposed to allow school districts the freedom to vote on the number of content standards students must complete to demonstrate understanding.

Health and human services

State welfare recipients could be forced to forfeit their entire welfare checks if they fail to comply with work rules tied to Minnesota Family Investment Program (MFIP) eligibility.

A provision that would cut off benefits to parents who repeatedly fall into noncompliance is contained in the omnibus state government spending bill (HF2699) currently in conference committee.

The provision proposes spending \$160 million in surplus federal funds earmarked for an overhaul of the state's welfare system for programs to prevent teen prostitution and to aid hard-to-employ parents.

Disabled people on Medicare under age 65 stand to benefit from a provision to expand eligibility for the state's senior prescription drug program. The measure is also contained in the omnibus state government spending bill.

The provision also would make more people

eligible to receive help paying for drugs by doubling the asset limit for inclusion in the program. A sliding enrollment fee for individuals a certain percentage above the federal poverty level would also be created.

Felony DWI

A conviction for a fourth drunken driving offense in 10 years would be a felony under a bill (HF2995/SF2677*) currently in conference committee.

How to pay for increased stresses on jails and prisons is the main difference that remains.

The Senate version has a one-year sunset date if funding is not provided for more jail and prison space. The House measure would not take effect until 2001, giving the next Legislature time to figure out spending proposals.

Wolf management

A bill that would establish a state plan to manage the gray wolf population was passed by the House, but the bill was modified by the Senate and attached to another bill related to the environment.

The wolf management plan would allow people to shoot a wolf in defense of a human life, and to trap wolves under certain conditions in areas where wolves have destroyed livestock. The number of wolves in the state has exceeded the federal requirements for keeping the animal on the list of Endangered and Threatened Wildlife and Plants.

A conference committee had agreed to a

state plan that would allow the wolf to be removed from the list, and the House approved that bill (HF1415), but the Senate rejected it and sent it back conference committee.

The Senate later made slight changes to the wolf-management language and attached the plan to a bill that would increase hunting and fishing fees (HF3046), which had already been passed by the House.

That bill now must return to the House.

Unicameral dead

The governor's proposed switch to a one-chamber, or unicameral, Legislature is apparently dead.

House Speaker Steve Sviggum (R-Kenyon) has been a proponent of the measure, which would put the question before voters as a constitutional amendment.

The first bill (HF159), sponsored by Sviggum, stalled in committee earlier this session. Sviggum introduced another bill (HF4147) last week that included the measure, but he was unable to get the bill sent directly to the House Rules Committee as he wished. The bill awaits a hearing in the House Governmental Operations and Veterans Affairs Policy Committee.

Natural resources amendment

Another proposal to increase funding for natural resources projects would put a constitutional amendment before voters in the 2000 election.

The amendment would divert three-

sixteenths of 1 percent of sales tax revenue to pay for various environmental improvements, including fish and wildlife resource enhancement and improvement. That bill (HF3426) awaits action in the House Ways and Means Committee.

Auto glass incentives

The governor signed a law April 6 that limits rebates from auto glass companies to \$35.

Rep. Ken Wolf (R-Burnsville) said the law (HF2656*/SF3441/CH342) was needed because some glass companies were giving away \$200 rebates and boxes of free steaks to lure customers, then passing the costs on to insurance companies.

Newborn drop-off

Women can leave an unharmed newborn at a hospital up to 72 hours after the child is born without fear of prosecution, under a law signed April 18 by Gov. Jesse Ventura.

The law (HF3008/SF2615*/CH421) came as a result of cases where babies were abandoned — including one left in a dumpster — causing death or serious injury.

Sex offender registration

Ventura signed “Katie’s Law,” which will require some sex offenders to be registered for life. More penalties are added for offenders who fail to register. The law also provides \$12 million for startup costs for a statewide criminal justice information database.

The law came as a result of the kidnapping and apparent murder of 19-year-old Katie Poirier. The man accused of killing her is a repeat sex offender.

Feedlot rules

A bill that would ease a set of new feedlot rules proposed in December by the Minnesota Pollution Control Agency (MPCA) is on its way to the governor’s desk.

The measure (HF3692) would give specific instruction to the agency on how the rules should be amended before final adoption.

The bill would also require that action on permits be taken within 60 days, and prohibit the MPCA from imposing additional conditions as part of a feedlot permit after the proposed rules are adopted.

Right-to-know bill vetoed

A bill requiring a 24-hour waiting period and written consent before a woman could obtain an abortion was vetoed by Ventura April 14.

The bill (HF3652/SF3387*/CH412) would have also required that the woman be given information about risks and alternatives at least 24 hours before the procedure is scheduled.

Background checks for aides

The fate of a bill that would require unlicensed teaching assistants to undergo criminal background checks before being hired remains uncertain. The bill (HF3402) awaits a vote in the House.

Rep. Matt Entenza (DFL-St. Paul), sponsor of the bill, said that any increase in student safety would greatly outweigh any delay in the hiring process that could result if the bill becomes law. 🐼



During annual rites of spring, swallows return to California’s Mission San Juan Capistrano, Japanese cherry blossoms in the nation’s capital peak in late March, and robins build their nests in most states.

In Minnesota, it’s around the time “cabin fever” subsides — which waned early this year. Or, for some, spring comes at the end of the legislative session.

But the second year of the 81st Session continues.

And the Legislature plans to be in session the week after Easter. Since April 19 was the 110th legislative day of this session, the Legislature now has 10 legislative days to complete its work. The Legislature must close by midnight of the 120th legislative day or May 22 this year, whichever comes first.

Around the state, rites of spring happen earlier. Up north in District 2A, a constituent of Rep. Bernie Lieder (DFL-Crookston), Eric Bergeson, has already moved annuals and perennials from the Bergeson Nursery greenhouses so local residents in and near the city of Fertile can prepare their summer gardens.

Reflections

Down in southwestern Minnesota, in District 22B, Rep. Elaine Harder (R-Jackson) had as many as 175 constituents attend an annual Horticulture Day at the University of Minnesota Research and Outreach Service in the city of Lamberton. There they learned the latest in vegetable and fruit gardening, from growing hostas and other perennials to organic gardening.

And across the river from the Capitol in south Minneapolis District 63B where Rep. Mark Gleason (DFL-Mpls) resides, a transplanted Iowa farmboy has already tested the time “to plant.” According to him, each year, he exercises a rite of spring his father taught him.

During a full moon and after midnight, he sits on the ground. If it is not cold and damp, the time is right. The ritual must work, for the ex-Iowan has the most prolific flower garden in the area.

For many, “true” spring does not really come to the Capitol until the diverse, annual flowers are in place throughout the complex. According to groundskeeper Rick Rauen, some 12,000 annuals are planted each year, while thousands of daffodils, tulips, roses and other perennials greet the season of rebirth on their own.

Others believe the blossoming and greening of the trees are the most significant designations of springtime. And tree planting by Rauen and his staff is part of that process.

Recently, Rauen planted some tamarack trees and a Kentucky coffee tree to add to the exterior beauty of the area. As they grow, the new trees will replace two old green spruce trees south of the State Office Building that groundskeepers expect could get lost to a storm.

Some donated trees of note include the red splendor flowering crab trees discovered and introduced by Bergeson’s grandfather, Melvin Bergeson, in 1948. Their lustrous pink blossoms also add beauty to the nation’s capital at the John F. Kennedy Center for the Arts.

Other species are a red oak donated by Mothers Against Drunk Driving (MADD), a white spruce, a white pine, and a Sapporo elm. Unlike the 95 Dutch elm trees that still manage to grace the Capitol lawn, the Sapporo is invulnerable to critical attacks by the elm beetle.

Lawmakers will end session and go home soon, but the stalwart beauty of the Capitol’s trees, flowers, and deeply carpeted green lawn will remain for all to relish.

— LECLAIR GRIER LAMBERT

Monday, April 17

HF4154—Lenczewski (DFL) Governmental Operations & Veterans Affairs Policy

Gifts to legislators from interested persons prohibited.

HF4155—Lenczewski (DFL) Governmental Operations & Veterans Affairs Policy

Legislative meeting notice provisions modified.

HF4156—Abeler (R) K-12 Education Finance

Pupil transportation working group created, and labor and fuel cost increases studied.

Tuesday, April 18

HF4157—Wenzel (DFL) Crime Prevention

Life imprisonment without parole sentence provided to persons causing the death of another while committing a drive-by shooting.

HF4158—Wenzel (DFL) Taxes

State-paid agricultural property taxes provided payable in 2000 and 2001, and money appropriated.

HF4159—Mulder (R) Health & Human Services Policy

Breast cancer treatment by high-dosage chemotherapy with autologous bone marrow transplant health insurance coverage requirement repealed.

HF4160—Abeler (R) Governmental Operations & Veterans Affairs Policy

Historic structures rehabilitation building code required.

Wednesday, April 19

HF4161—Larson, D. (DFL) Health & Human Services Policy

Orthopedic physician assistant practice requirements established, titles protected, and grounds for disciplinary action provided.

COMMITTEE SCHEDULE

APRIL 24 - 28, 2000

MONDAY, April 24

No meetings have been announced.

TUESDAY, April 25

10:15 a.m.

GOVERNMENTAL OPERATIONS & VETERANS AFFAIRS POLICY

Room to be announced
Chr. Rep. Jim Rhodes
Agenda: Campaign Finance and Disclosure Board members confirmation.

12 noon

RULES & LEGISLATIVE ADMINISTRATION

123 State Capitol
Chr. Rep. Tim Pawlenty
Agenda: Calendar for the Day for April 25.
HF849 (Haake) A bill for an act relating to metropolitan government; defining minor use and intermediate use airports for certain purposes; establishing a reliever airport sound abatement council.

1 p.m.

The House meets in session.

3 p.m. or 15 minutes
after the last body adjourns

Conference Committee
SF3793/HF2891
Omnibus transportation bill

118 State Capitol
Chrs. Rep. Carol Molnau, Sen. Dean Johnson

6 p.m.

Conference Committee
SF2677/HF2995
Felony DWI and recodification
500N State Office Building
Chrs. Rep. Doug Fuller, Sen. Dave Johnson

One hour after the last body
adjourns

Conference Committee
SF3801/HF3800
Omnibus education bill
112 State Capitol
Chrs. Rep. Alice Seagren,
Sen. Larry Pogemiller

WEDNESDAY, April 26

8 a.m.

Conference Committee
HF3839/SF2474
Health occupations
10 State Office Building
Chrs. Rep. Kevin Goodno, Sen. Sheila Kiscaden

8:30 a.m.

Conference Committee
HF3505/SF3092 Commerce
Department Enforcement Bill;
managing general agents, securities
broker-dealers, investment
advisors, contractor recovery fund,

collection agencies, and notarial act
provisions modified.
125 State Capitol
Chrs. Rep. Greg Davids, Sen.
Edward Oliver

2 p.m.

Legislative Commission on
Planning & Fiscal Policy
107 State Capitol
Chr. Sen. Roger Moe
Agenda: Department of Finance
Commissioner Pam Wheelock

Continued from page 18

Part of the settlement was that Swisshelm would not continue to write about the incident in the *Visiter*. Her response was to close the *Visiter* and start a new publication, called the *St. Cloud Democrat*. In the first issue, Aug. 5, 1858, she wrote:

"When we authorized the printing company to pledge *The St. Cloud Visiter* to silence on 'the subject' of the destruction of our office, we did so, simply to get our friends out of our way; and to circumvent three lawyers. The men pledged their honor that the *Visiter* should not 'discuss the subject.' We have pledged our honor that the paper we edit will discuss any subject we have a mind.

presentation regarding budget and forecast issues.

THURSDAY, April 27

No meetings have been announced.

FRIDAY, April 28

No meetings have been announced.

"... If these fellows destroy our office again, as they now threaten to do, we will go down to Hennepin County and publish the *St. Cloud Democrat* there."

She published the *St. Cloud Democrat* until 1863, and she then became active in giving lectures in Chicago, Philadelphia, Brooklyn, and Washington, D.C., according to *Women of Minnesota*, a 1998 book by Barbara Stuhler and Gretchen Kreuter. She stayed in Washington when she was appointed to a clerkship in the U.S. War Department. 

Order a free copy of *New Laws 2000*

Complete this form to receive your copy of *New Laws 2000*, a publication describing the new laws passed this year. The publication will provide brief, easy-to-read summaries of the bills that were passed by both the House and Senate and signed or vetoed by the governor. *New Laws 2000* will be available a few months after the session ends. Copies will be mailed without charge to those who order them.



Do you want to receive a copy of *New Laws 2000*? ____Yes ____No

Please place this form (with the mailing label on the back) in an envelope.

Mail it by May 15, 2000, to:

New Laws 2000, House Public Information Office, 175 State Office Building, 100 Constitution Ave.,
St. Paul, MN 55155-1298.

Readership Survey: 2000 *Session Weekly*



Please take a moment to tell us what you think of *Session Weekly*. Your opinions will help us plan for next year.

1. How often do you read *Session Weekly*? (Check one.)

____ Once a month ____ Twice a month ____ Three times a month ____ Every week

2. Where do you receive *Session Weekly*?

____ Home ____ Work ____ School ____ Other

3. How many people read the copy sent to this address? ____

4. Which sections do you most often read? (Check all that apply.)

____ Highlights

____ News Features (First Reading, At Issue)

____ Historical Features

____ Member Profiles

____ Resources (i.e., lists)

____ Governor's Desk

____ Bill Introductions

____ Committee Schedule

____ Minnesota Index

____ Reflections

____ The 50 States

5. Please rate the following aspects of the *Session Weekly* by checking one answer in each set.

Writing ____ Hard to understand ____ Somewhat understandable ____ Easy to understand

Story Length ____ Too short ____ Too long ____ Just right

Layout ____ Poor ____ Average ____ Excellent

Photographs ____ Poor ____ Average ____ Excellent

6. Do you have any suggestions for improving the magazine? _____

7. Do you have Internet access? ____ Yes ____ No

8. Have you ever located *Session Weekly* on the Internet or used its online companion, *Session Weekly*? ____ Yes ____ No

9. What kind of Internet service could *Session Weekly* offer that would be of use to you? _____

MINNESOTA HOUSE OF REPRESENTATIVES
PUBLIC INFORMATION OFFICE
175 STATE OFFICE BUILDING
ST. PAUL, MINNESOTA 55155-1298

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

MINNESOTA INDEX

Home values and property taxes

Net property tax collections statewide, payable 1999, in billions	\$4.6
Year state property tax was eliminated	1971
Property value appreciation of single-family homes, as percent, 1980-1997	149.2
Median home sale prices statewide, 1996	\$87,500
Median price in Carver County (highest of any county), 1996	\$131,320
Percent change since 1985	22
Median price in Kittson County (lowest of any county), 1996	\$18,000
Percent change since 1985	(11)
Property value increase in Lake of the Woods County (largest increase), as percent	34
Property value increase in change in Faribault County since 1985 (largest decrease), as percent	(40)
Number of counties with housing price loss from 1985 to 1996	9
Number of counties with housing price gain from 1985 to 1996	7
Property tax, as percent of gross income for apartment owners	16 to 18
Estimated Hennepin County annual property tax for a \$40,000 home, 1999	\$415
As percent of home's value	1
Estimated Hennepin County annual property tax for a \$300,000 home, 1999	\$5,545
As percent of home's value	1.8
Property tax liability for an apartment complex property valued at \$600,000, per year	\$22,668
Effective tax rate, as percent	3.778
Total property tax payments over 30-year life of property	\$680,040
Potential property tax revenue exempted by statute, fiscal year 2000, in millions,	\$945.5
Elementary and secondary schools, in millions	\$327.9
Hospitals, in millions	\$92.4
Federal parks and refuges, in millions	\$13.4
Cemeteries, in millions	\$8.1
Public property used for public purposes, in millions	\$455.5

Sources: *Smart Signals: Property tax reform for smart growth*, Minnesota Planning Environmental Quality Board, March 2000; *Tax Expenditure Budget-Fiscal Years 2000-2003*, Minnesota Department of Revenue, February 2000; *Population Notes*, Minnesota Planning State Demographic Center, August 1998.

FOR MORE INFORMATION

For general information, call:
House Information Office
(651) 296-2146 or
1-800-657-3550

To obtain a copy of a bill, call:
Chief Clerk's Office
(651) 296-2314

To find out about bill introductions or
the status of a specific bill, call:
House Index Office
(651) 296-6646

For an up-to-date recorded message
giving committee meeting times and
agendas, call:
Committee Hotline
(651) 296-9283

The House of Representatives can be
reached on the World Wide Web at:
<http://www.house.leg.state.mn.us>

Teletypewriter for the hearing impaired.
To ask questions or leave messages,
call:
TTY Line (651) 296-9896 or
1-800-657-3550

Check your local listings to watch
House committee and floor sessions
on TV.

This document can be made available
in alternative formats.