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In this issue:

EDUCATION STANDARDS PRESENTED

STATE BLIND SERVICES, CONGESTION DEBATE, AND MORE

HF774-HF905

# SESSION Weekly

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Minnesota House of Representatives  
Public Information Services  
175 State Office Building  
St. Paul, MN 55155-1298  
(651) 296-2146 or  
1-800-657-3550  
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**Director**  
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**Art & Production Coordinator**  
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**Writers**  
Miranda Bryant, Patty Janovec,  
Jeff Jones, Tom Lonergan

**Chief Photographer**  
Tom Olmscheid

**Photographers**  
Andrew Von Bank, Kristine Larsen

**Office Manager**  
Nicole Wood

**Staff Assistants**  
Christy Novak, Joseph Rude

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On the cover: A visitor climbs a staircase of the Capitol to the first floor.

— Photo by Tom Olmscheid

# Replacing the profile

New English and math standards compiled by a committee are designed to better measure student achievement

BY TOM LONERGAN

Now they come in the form of a 50-page document to be pored over by legislators, educators, and a fair share of parents.

Eventually, the proposed state academic standards in language arts and math may provide the guideposts to measure public school student achievement for kindergartners to seniors in high school.

Draft standards in English and math, developed in three weeks by volunteer committees working with the Department of Children, Families and Learning, were presented March 11 to the House Education Policy Committee by Commissioner Cheri Pierson Yecke.

The new grade-level content standards that could possibly replace the state's unpopular Profile of Learning, were "a fine starting point for discussion," Yecke said. The committee took no action on the proposed standards.

There wasn't a lot of discussion among committee members who received the proposed standards for the first time. "You get to read and memorize this," joked Rep. Barb Sykora (R-Excelsior), the committee chair.

The House voted to scrap the Profile of Learning standards Feb. 17 and directed the education commissioner to develop new standards in English, math, science, history, and geography. Though the profile repeal is not yet law, department officials are moving ahead with plans to develop new standards. In fact, the English and math standards are on a faster timeline to meet a federal requirement to have specific tests for grades three through eight and high school by the 2004-05 school year. The state does not currently test students in all of those grades.

Academic standards have been a contentious issue in the Legislature for the past five years. Attempts to change the profile standards have "crashed before," warned Rep. Mindy Greiling (DFL-Roseville). "We have one idea in the House and one idea in the Senate and end up with nothing."

Yecke also presented drafts of the proposed standards to the Senate Education Committee. The Senate has taken no action on bills

that would repeal the profile and replace it with new standards. Senate DFLers are expected to propose a different set of standards than the commissioner's.

Rep. Lyndon Carlson (DFL-Robbinsdale) asked Yecke, "What happens if there's no agreement (on standards) this session?" Yecke said assessment of student achievement would then be developed using the profile standards.

The state requires two sets of tests to measure student progress and academic achievement. The basic skills test and profile-related Minnesota Comprehensive Assessments are taken by grade school and high school students. State test results alone do not determine whether a child progresses from grade to grade or graduates from high school, Yecke said. The tests are one of many student performance criteria considered by teachers, she added.

The proposed standards are considered a guide for school districts to develop curriculum and instruction plans with teachers. One criticism of the profile standards from teachers and school administrators was that they were too vague.

"There is no perfect curriculum," said Ellen Delaney, a North St. Paul math teacher, who served on the subcommittee proposing high

school math standards. "Math is more about resources and the approach to teaching," she said. "The profile had the right idea, but there was a lack of specificity and guidelines for teachers." Delaney had also served on an academic panel that reviewed profile standards.

Yecke said the proposed standards were "setting the bar" for measuring student progress. "What we want are high expectations at the end of the school year," she said. "You don't want the bar so low that there's nothing to strive for." New state tests will also be developed to measure the new academic standards.

Rep. Jim Davnie (DFL-Mpls), an eighth-grade

social studies teacher, said the proposed standards, "appear challenging but achievable." He questioned how the Pawlenty administration expected school districts to prepare students for new standards when it was proposing cuts in funding for after-school and summer school programs.

Yecke said the administration planned to pursue more federal funding provided through the federal No Child Left Behind Act. "Minnesota is not getting its fair share," she said. "We plan to pull down more federal funds and be creative with existing funding to implement the standards."

Yecke praised the 65 volunteers who, she said, have cumu-

latively spent approximately 3,000 hours since mid-February reviewing other state and national academic organization standards, national studies on reading and math, and a variety of instructional curricula toward developing the proposed state academic standards. The volunteers included parents,



PHOTO BY TOM OLMSCHEID

State Education Commissioner Cheri Pierson Yecke presents the preliminary work of the Academic Standards Committee to members of the House Education Policy Committee March 11. The committee is working on standards to replace the Profile of Learning.

teachers, school administrators, and representatives from higher education and business. Each committee also included a representative from statewide superintendents and principals organizations and the state teachers union.

For sixth-grade, the proposed reading standards, for example, would expect a student to “read narrative and expository text fluently and accurately, both aloud and silently.” One of the writing standards proposed for the ninth-graders would measure the student’s ability to “write in a variety of styles to express meaning: narrative and expository writing.”

The literature standard for high school seniors would require the student to “respond to, analyze, evaluate, and appreciate a wide variety of fiction and nonfiction texts,” meeting eight specified criteria, including reading and analyzing the development of American, British, or world literature.

In math, a fourth-grade student, for example, would be required to “demonstrate mastery of the multiplication tables for numbers between 1 and 12.” Seventh-grade students would show their ability to “multiply and divide fractions and mixed numbers,” as well as “identify the reciprocal of a given fraction.”

For high school students, two sets of math standards are proposed. One set of standards covering algebra, patterns, and functions would apply to all students. A set of additional standards would be geared towards “post-secondary preparation in math related fields.”

Public hearings, which began March 13 and are expected to continue through the end of the month, would provide more suggestions, Yecke said, “so the standards are set appropriately.” Another draft of the standards is scheduled to be provided to the education policy committee on April 1. 🐾

### Standards through the years

- 1998 – Legislature adopts Profile of Learning academic standards.
- 2000 – Legislature allows schools flexibility to implement the Profile of Learning.
- 2002 – Federal No Child Left Behind Act adopted, requiring stricter state learning standards; reporting of student and school performance.
- 2003 – House repeals Profile of Learning and directs the state education commissioner to propose new academic standards. Senate expected to repeal Profile of Learning and draft new standards.
- 2003-04 – Pending Legislature approval, new academic standards implemented in school districts.
- 2004-05 – New state assessment tests, based on new standards, provided to school districts for grades three through eight and high school.



## From game warden to conservation officer

Enforcement of the state's natural resources laws their role since late 19th century

When historians chronicle Minnesota’s early days, they praise the bounty that the state’s land and natural resources provided, particularly in relation to the abundance of trees, water, hunting, and fishing.

Many a resident enjoyed the state’s resources for business and for pleasure. And for the most part, the state’s natural resources went unregulated until the late 19th century.

An essential part of the regulation of those resources were the wardens appointed to enforce laws regarding natural resources. The Legislature authorized the state’s first and only game warden at the time in 1887. A fish warden was appointed two years later. By 1891, the state had established a five-member Board of Game and Fish Commissioners to oversee activities related to fish and wildlife resources.

That board evolved into the Game and Fish Department in 1915.

All during this time, the divisions which would eventually come under the jurisdiction of the Conservation Department, and later the Natural Resources Department, were being created as separate entities and creating their own administrative policies. A state fire warden was created in response to the Hinckley fire in 1894. And the state auditor was given jurisdiction over state parks and the state’s mineral lands.

The state had 120 game wardens and deputy wardens in 1906 to oversee 30,000 licensed deer hunters.

In 1931, all the departments that were overseeing the state’s natural resources were collected under the Department of Conservation. A DNR account of the department’s first 50 years noted that game wardens held very little sway in Greater Minnesota at that time.

“Local juries and citizens in outstate communities considered game and fish laws unnecessary and game wardens themselves an intolerable nuisance,” wrote Greg Breining in the account.

Even when game wardens would catch an offender, juries would not impose significant penalties, the report said, and people were unwilling to turn in their neighbors for poaching.

According to accounts of former game

wardens, the few people who did say a kind word about the wardens were somehow involved in public affairs. And working in his hometown was tough for a game warden; tact was an indispensable skill.

In 1967, the Legislature passed a law that reorganized the Department of Conservation. That move primarily renamed and reconfigured the organizations within the department. And game wardens received new titles: conservation officers.

At the time, there were 147 conservation officers. According to a booklet produced in the late 1960s, *Your Minnesota Department of Conservation*, the state had as many as 3 million fishing licenses, 1 million hunting licenses, and 72,000 trapping licenses in the state.

Conservation officers were also responsible for a significant portion of the public relations and outreach for conservation policies. According to the report, the officers attended about 2,000 meetings with an interest in conservation to discuss policies.

The agency’s name was changed to the Department of Natural Resources in 1971.

Today, about 130 conservation officers enforce the natural resources laws in the state.

According to the DNR Web site, conservation officers are responsible to enforce the following: state laws and regulations related to hunting, commercial and sport fishing, trapping, and fur buying; rules pertaining to state parks, campgrounds and recreational areas under DNR jurisdiction; all-terrain vehicle, boating, off-highway motorcycle, and snowmobile regulations; laws dealing with the alteration of lake beds, streams and wetlands; shooting preserve rules; and laws governing the harvest of Minnesota’s wild rice crop.

In addition, the officers work with outdoors and conservation organizations and other volunteers to administer several training programs including advanced hunter education, bowhunter education, firearm safety, snowmobile safety, and off-highway motorcycle and all-terrain vehicle safety.

(M. KIBIGER)

Photo courtesy of the Minnesota Historical Society



Game warden John Salvator changing a pheasant hunting sign in 1943.

## ★ AGRICULTURE

### Their fair share?

A half-dozen people told the House Agriculture and Rural Development Finance Committee March 6 that the Agriculture Department would bear a "disproportionate" share of cuts if Gov. Tim Pawlenty's proposed 2004-05 budget is approved.

A 14 percent reduction in the department's budget, combined with a proposed 50 percent cut in ethanol producer payments, means state spending on agriculture would be cut 38 percent during the next two years, said Al Christopherson, president of the Minnesota Farm Bureau Federation. "We're being asked to do more than our fair share," Christopherson said. The 34,000-member group does not support a tax increase to balance the state budget, he added.

Representatives of milk, pork, and turkey producers and county fairs also provided testimony.

A grant program that helps dairy farmers increase profitability and plan efficiency improvements should be maintained at full funding, said Bob Lefebvre, executive director of the Minnesota Milk Producers Association. The governor's budget proposes a \$200,000 cut in the more than \$1 million program. "This is definitely a blow to us," Lefebvre said. Investment in agriculture "has been declining as a percentage of the state budget," he added.

If the governor's budget proposal stands, agriculture would represent "one-quarter of 1 percent of the state budget," said former state representative Doug Peterson, now president of the Minnesota Farmers Union. "On balance," he said, "rural Minnesota got more of a severe hit than our city cousins" in the governor's proposal.

The Pawlenty administration also proposes to eliminate \$359,000 in grants that county agricultural societies use to partially fund county fairs.

The state aid, which dates back some 135 years, should be maintained, said Sharron Wessel, chair of the Minnesota Federation of County Fairs. The fairs provide "a chance to educate the public on what agriculture is," Wessel said. A similar amount for county fairs was cut from the current year budget in the governor's unallotments last month.

Representing the fair group, Jerry Schoenfeld said that county fairs collected \$207,000 in sales tax revenue for the state last year. A pair of representatives from each party indicated that they would support restoring state aid to the fairs.

The committee took no action on the governor's budget proposal at the meeting.

### Significance of ethanol

Ethanol advocates told the House Agriculture and Rural Development Finance Committee March 11 that continued state support is critical to the fuel additive industry's growth in rural Minnesota and would help smaller plants survive.

Gov. Tim Pawlenty's 2004-05 biennium budget proposal cuts state producer payments to ethanol plants in half, a \$32.5 million savings to the state's general fund. The payments are based on a per gallon rate that's capped at 15 million gallons produced by a plant. Pawlenty proposes that the rate be cut, effective July 1, 2003, from the current 20 cents per gallon to 10 cents. Ethanol producers told the committee they could live with 16 cents per gallon.

The Legislature "really made a contract" with the ethanol industry when the producer payments began more than a decade ago, said Rod Jorgenson of Kasson, a farmer and president of the Minnesota Coalition for Ethanol. "I can't think of a better economic program for rural Minnesota."

Randall Doyal, chief executive officer of the Alcorn Clear Fuel ethanol plant in Claremont, said the state's incentive program "forced development" to rural areas because it capped production capacity, leading smaller plants to seek locations near corn suppliers.

When the federal government attempted to stimulate growth in ethanol production in the 1970s, Doyal said, the incentive was, "I'll write you a big check." Minnesota's program, he said, was based on an ethanol plant successfully starting before the state provided financial support.

"Today, we're here saying, 'Where's the check?'" Doyal said. He said most of the 13 ethanol plants receiving producer payments "doubled their production facilities with the anticipation that the state would stand behind its commitment."

Rep. Maxine Penas (R-Badger) said the state's hard financial times means it must make "hard choices." She requested that ethanol plants provide their latest annual audit to prove that a 16 cents per gallon producer payment is needed. "You need to make a profit," she said. "If you get a subsidy, we need to know the facts."

From fiscal year 1986 to fiscal year 2002, the state has invested about \$206.3 million in the

ethanol industry, according to the state Agriculture Department.

Last year, ethanol production topped 300 million gallons. Corn production during 2002 was 1 billion bushels, the first time in Minnesota history that level has been reached, according to the state Corn Growers Association. According to the department, about 13 percent of that crop was made into ethanol and livestock feed.

### Regulating repairs

Warranty work performed by farm equipment dealers on behalf of farm equipment manufacturers would be regulated under a bill approved March 11.

Sponsored by Rep. Greg Davids (R-Preston), HF547 was approved by the House Commerce, Jobs, and Economic Development Policy Committee and now moves to the House floor.

The bill received support from three implement dealers in Caledonia, Fergus Falls, and Madison, as well as from the Farm Equipment Dealers Association, based in Owatonna.

According to the dealers association, almost all farm equipment manufacturers offer warranties on equipment sold to farmers through authorized dealers. However, some do not reimburse dealers adequately for repairs done under the warranty. Many manufacturers lack written warranty reimbursement policies or agreements.

Dealers are expected to provide service at a rate far below their established labor rates, and are not reimbursed for handling and freight costs when replacement parts are shipped, said Rich Strom, the dealer association's executive director.

"The dealer is faced with subsidizing the manufacturer's warranty or charging the customer for the un-reimbursed amount," he said.

HF547 would require manufacturers to reimburse dealer's labor expenses at a reasonable rate, and to reimburse for parts at a rate 15 percent higher than the dealer's net price.

In addition, the bill would require that manufacturers approve or disapprove the dealer's reimbursement claims within 30 days, and pay claims that have been approved within 30 days.

According to Bob Klug of Caledonia Implement, Minnesota has a similar law for warranty work on lawn and garden equipment, all-terrain vehicles, boats, snowmobiles, and licensed motor vehicles.

Fifteen states have similar warranty laws, including North Dakota and South Dakota,

said Donald Lund of Lund Implement in Madison.

A Senate companion bill (SF674), sponsored by Sen. Dallas Sams (DFL-Staples), awaits a hearing before the Senate Agriculture, General Legislation, and Veterans Affairs Committee.

## ★ CHILDREN

### Substitute teachers

The House passed a bill March 6 that would allow licensed child-care providers more flexibility in filling-in for absent teachers.

HF419, which passed 132-0, would allow “experienced aides” to continue filling in for classroom teachers without supervision for up to one-quarter of a center’s daily hours. Centers must notify parents that they use experienced aides and post notice in the classroom where the aide works.

Under the bill, experienced aides must be at least 20 years old, be certified in first aid and CPR, and have two years or more of child-care experience, including at least four months at that child-care center. They are not required to be full-time employees or certified teachers.

Similar legislation signed into law in 1999 is set to expire this year.

On the House floor, Rep. Nora Slawik (DFL-Maplewood) asked if the bill would affect the quality of child-care in the state.

The bill’s sponsor, Rep. Barb Sykora (R-Excelsior), said child-care providers have been pleased with the practice since it was first allowed in 1999. Since they are already employees of the center, experienced aides are familiar with the students they would supervise, she said. “So when they fill in for a teacher on a day when they need a substitute it really works out better than a substitute might,” Sykora said.

“There was never a serious problem of any kind with experienced aides,” she added.

Changes suggested by opponents of the 1999 law were incorporated into this year’s version and some of those former opponents testified in favor of the bill in House committees.

The bill now moves to the Senate.

## ★ CRIME

### Child murder sentence

The number of crimes punishable by life imprisonment without possibility of release would increase, under a bill approved by the House Judiciary Policy and Finance Committee March 12.

Murdering a child under age 14 with

premeditation and intent would explicitly become first-degree murder under HF550, sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center). The bill would also add that crime to the list of first-degree offenses requiring life in prison without the possibility of release.

Hilstrom said she proposed the bill at the request of the state Attorney General’s Office, which hopes to deter crime against children and give prosecutors additional leverage when handling such cases.

If approved, she said the sentence would likely be applied in only one case each year.

Current law calls for a life sentence, which means a person must serve at least 30 years behind bars before being eligible for supervised release for the rest of the criminal’s life.

Other crimes eligible for a penalty of life in prison without the possibility of release include the following:

- Murder while committing or attempting to commit criminal sexual contact in the first- or second-degree with force or violence,
- Murder in connection with a kidnapping,
- Murdering a prison guard while he or she is performing their duty, and
- Murder in connection with terrorism.

The bill has no Senate companion and next goes before the full House. A similar bill received committee approval last year, but never came up for a vote on the House floor.

### Child abuse murders

The killing of any child by a person with a pattern of previous child abuse would garner a harsher sentence under a bill approved March 12 by a House committee.

Sponsored by Rep. Doug Meslow (R-White Bear Lake), HF432 would extend a first-degree murder charge to a known abuser who kills a child during an act of child abuse. Current law only provides for the charge if the suspect has a history of abusing that particular child, otherwise the crime is a second-degree offense.

“Our concern is to target (people) who abuse children repeatedly, whether it is the same child or multiple children,” said Assistant Hennepin County Attorney Judy Johnston.

The bill was approved by the House Judiciary Policy and Finance Committee and referred to the House floor.

A Senate companion bill (SF136), sponsored by Sen. Leo Foley (DFL-Coon Rapids), was approved by the Senate Judiciary Committee and awaits a hearing in the Senate Finance Committee.

The fact that this bill, like one proposed by Rep. Debra Hilstrom (DFL-Brooklyn Center) that would toughen penalties for killing a child under age 14, was deemed to have no fiscal impact on the state budget surprised Rep. Eric Lipman (R-Lake Elmo). Lipman said when legislators propose tougher penalties, the prison system generally requires more beds, which requires more money from the state. “If they are putting a marble into the bucket, they should take a marble out of the bucket,” he said.

Hilstrom said she supports decreasing penalties for some less-serious offenses. “Our job is to put away the most heinous criminals,” she said.

### Funding the corrections ombudsman

State Corrections Ombudsman David Larson told lawmakers March 12 that the cost of just a few lawsuits from prisoners would

## IDENTITY THEFT PROPOSAL



PHOTO BY ANDREW VON BANK

With visual aids and the help of a page, John McCullough, representing the Retailers Protective Association, testifies before the House Judiciary Policy and Finance Committee March 13 in support of a bill that would prohibit mail theft and provide a venue for identity and mail theft prosecution.

more than outweigh the money saved by eliminating his office.

Larson told the House Judiciary Policy and Finance Committee the ombudsman's work — investigating and resolving complaints about the state corrections system — has helped avoid costly litigation.

The office of Ombudsman for Corrections was created in 1973 and given broad access to prison records and facilities in order to investigate complaints of unlawful actions, unsafe or unjust conditions, or other reported misconduct by corrections officials in state jails and prisons. "Ours is considered a model for many other states' ombudsman's offices," Larson said.

The office has sustained dramatic cuts in the last three years and is pegged for elimination under Gov. Tim Pawlenty's proposed fiscal year 2004-05 budget. After losing funding for seven employees since 2000, the office now operates with Larson and one part-time deputy.

Of the 1,500 calls Larson expects to receive this year, he said he would only be able to investigate 250, one-sixteenth the number of cases the office could handle three years ago.

"I have to wait for them to cluster up someplace before I can act," he said.

Larson said he spends two days a week taking calls from prisoners, families, the public, and the occasional lawmaker, he said. The other three days are spent visiting facilities to investigate complaints and talk to prisoners and officials to try and resolve reported problems.

Rep. Keith Ellison (DFL-Mpls) said he was disappointed to see the governor's recommendation, especially at a time of rising prison populations and looming overcrowding. Ellison said he feared the consequences would go beyond the financial costs of lawsuits.

"When inmates feel they have nowhere to turn and no one to talk to . . . that's what causes riots," he said.

Rep. Jim Rhodes (R-St. Louis Park) said Minnesota prisons don't have the problems encountered in other states because they are well-run and administered by the Department of Corrections.

According to the governor's proposal, eliminating the office will save the state \$336,000 in the upcoming biennium.

The committee took no action on the proposal at the meeting.

## ★ EDUCATION

### Mandate opt out

The House Education Policy Committee approved a bill March 6 that could relieve school districts from following certain state policy mandates.

Sponsored by Rep. Mark Olson (R-Big Lake), HF472 was referred to the House State Government Finance Committee.

Effective with the 2003-04 school year, the bill would establish a procedure, including public hearings, for school districts to notify the state that they want to opt out of a state mandate.

Olson said the bill was "not targeting any mandate in particular." Its purpose, he said, was to foster "intergovernmental communication, a vehicle which does not exist today."

Opponents said it could potentially allow school districts to seek release from special education, transportation, health, and safety standards or the state's public employee bargaining law, among other mandates. Olson said it was not the bill's intent to allow districts "to avoid the responsibility of a mandate."

Under the bill, if 10 percent (approximately 35) of the state's school districts were to notify the state during a regular legislative session that a required mandate does not apply to them, both the House and Senate must each respond by taking timely action during the session on any bills related to the issues the school districts raised.

The bill would require a district to state the reason it wants to be relieved of a state mandate and "indicate how the school district will otherwise meet the objectives of the mandate." A local school board would be required to hold at least one public hearing on the issue and identify the district's costs of mandate compliance that would exceed state and federal funds the district receives. The district would also have to identify the state or federal revenue it could lose by opting out of the state mandate.

State mandates districts could not opt out of include election law, property taxes, and financial accounting and audit requirements.

A companion bill (SF737), sponsored by Sen. Michele Bachman (R-Stillwater), awaits a hearing in the Senate Education Committee.

### Parental involvement

The House Education Policy Committee approved a bill March 6 that would give local school boards the option to create parent-teacher committees to evaluate parent involvement programs in schools.

Sponsored by Rep. Keith Ellison (DFL-Mpls), HF218 would establish parent involvement review committees on a two-year pilot

basis with the goal to improve the academic achievement of all students, including at-risk students. The bill does not require school boards to establish new programs.

Parental involvement in schools is "spotty," Ellison said. "We want to say as a Legislature that parents need to be engaged. This is a way to do that."

Several committee members questioned why the bill was necessary.

Zona Sharp-Burk, executive director of the Minnesota Academic Excellence Foundation, said nearly all school districts in the state have parent involvement programs, but they're often of the "one page fits all" type. "Do they (districts) do them well and evaluate? No," Sharp-Burk said.

The committees a school board could establish under the bill would consist of two-thirds parents and one-third teachers. They could evaluate the effectiveness of district-wide parental involvement programs or those at a specific school. The bill would require that a majority of committee members be parents of students enrolled in the school district.

Participating district and school site evaluation committees would have to report to the school board by March 1 of the school year.

The bill, which would be effective for the 2003-04 and 2004-05 school years, was referred to the full House.

A Senate companion bill (SF346), sponsored by Sen. Linda Higgins (DFL-Mpls), awaits a hearing before the Senate Education Committee.

### Limiting teacher leave

Leaves of absence for public school teachers to teach at a charter school would be limited to five years, under a bill passed 132-0 by the House March 6.

Sponsored by Rep. Carla Nelson (R-Rochester), HF424 would amend state law by placing a defined length on charter school leaves granted by a school district. The law now allows a leave to be granted for the number of years a teacher requests. The bill would also give school boards the authority to consider extending a teacher's leave beyond five years. The law now requires a school district to extend the leave at the teacher's request.

Nelson said school district associations and the teachers' union support the bill, which was requested by Rochester Public Schools. Unlimited leaves have made it hard for the district to find long-term substitute teachers to replace those who moved to a charter school, Nelson said.

There are 78 charter schools operating in the state, under a law approved in 1991. School districts must grant a teacher's written request

If you have Internet access, visit the Legislature's web page at:  
<http://www.leg.mn>

for a leave to teach in a charter school. Teachers maintain reinstatement rights to the position they vacated, as well as seniority, salary, and insurance rights under their union contract with the school district.

The bill would take effect the day after enactment and apply only to approvals of leaves or extensions of leaves made after that date. It now moves to the Senate.

## ★ ELECTIONS

### School board elections

A bill that would allow a school district to switch from electing its members by ward to electing them on an at-large basis was approved March 10 by a House committee.

Sponsored by Rep. Stephanie Olsen (R-Brooklyn Park), HF 391 was approved by the House Governmental Operations and Veterans Affairs Policy Committee and now moves to the House Education Policy Committee.

Current law allows school districts to elect board members a number of ways — either by ward, by a combination of wards and at-large seats, or all at-large seats. While a district may change from an at-large system to a ward system, it may not elect to do the reverse. The bill would allow that option.

Bob Meeks, director of governmental relations with the Minnesota School Boards Association, said an example of the need for the bill occurred when the Lake of the Woods School Board wanted to close a building due to declining enrollment. The district had the option of electing members at-large, avoiding bias toward ward-elected members who wouldn't vote for the closing because it affected their ward. He says the addition to law "empowers" people.

A special election would need to be held to make the change to at-large elections. It could be called by a school board acting on its own or by a petition of 50 people or a number equal to 10 percent of the votes cast in the most recent school general election.

Rep. Bill Hilty (DFL-Finlayson) expressed concern that the bill could allow a population center to elect every member to its school board, meaning rural areas might not be adequately represented.

Meeks replied that the process is very similar to a representative's election in a district, and currently consolidated districts can do exactly what Hilty described.

An amendment successfully offered by Rep. Marty Seifert (R-Marshall) would require that any change be voted upon at a general election, rather than a special election. He says a rural resident might "not put as much effort" into getting to the polls on a snowy day for a special election, as they would a general election where they might

be voting for president.

Olsen says the bill has good things in it, because it encourages school board members to visit all areas of a consolidated school district.

A Senate companion (SF451), sponsored by Sen. Tom Saxhaug (DFL-Grand Rapids), awaits action in the Senate Rules and Administration Committee.

## ★ EMPLOYMENT

### Passing along information

The House approved a bill March 10 that would make it easier for employers to relay certain information about current and former employees to other prospective employers without the fear of lawsuits.

Sponsored by Rep. Jim Knobloch (R-St. Cloud), HF480 would let companies pass along basic employment information such as wages and job description as well as written disclosures of any instances of theft, harassment, violence, or other illegal conduct that has been documented in the employee's record. The employee's consent would not be required for disclosure of this information.

Knobloch said many companies are reluctant to pass on significant information about employees to other companies for fear of expensive lawsuits resulting when an employee thinks the information shared hurt their chance to get a job. The consequences can be dangerous, he said, when the information failing to be passed along deals with violent behavior, illegal activity, or sexual misconduct in the workplace.

Employees wanting to bring suit under the bill would have to meet a high burden of proof by showing clear and convincing evidence that the information was both knowingly incorrect and harmful to them.

A provision in the bill dealing specifically with school districts would require districts to share documented information about sexual misconduct or violence towards a student.

On a 128-0 vote, the House defeated an amendment by Rep. Anthony Sertich (DFL-Chisholm) to remove the language dealing with schools.

Representatives of Minnesota's business community testified in a House committee Feb. 26 that the bill would help them hire the best possible workers and ensure the safety of their employees and the public.

Labor union representatives testified against the bill, saying employees would not be made aware of what information had been shared between employers. They also claimed the high burden of proof would make it virtually impossible for employees to successfully prove an employer lied about their work record and that they were convincingly harmed as a result.

A similar bill passed both houses of the Legislature in 2001, but did not make it past a conference committee.

This year's bill now moves to the Senate.

### Future jobs

The future of Minnesota's workforce and the measures the state government must employ to meet that workforce's needs are spelled out in a report presented March 11 to the House Jobs and Economic Development Finance Committee.

The Governor's Workforce Development Council presented an inventory of publicly funded workforce development programs and a strategic plan.

Among the report's findings is that a long-term labor shortage will be witnessed again in Minnesota. By 2010 there will be nearly 3.3 million jobs in the state, an increase of 400,000 from 2000. This 13.1 percent gain in jobs compares to only a 12 percent projected gain in the workforce in the same period.

The workforce will be increasingly diverse. In 1990, 6.3 percent of the state's population identified themselves as non-white or Hispanic, or both. In the 2000 census, 11.8 percent were non-white. No future projections were given for this demographic.

"This presents an excellent opportunity to continue and expand efforts to welcome and attract immigrants to Minnesota," stated the report.

Also on the horizon is a shortage in fundamental worker skills, as well as in the skills areas of scientific and technical, managerial and administrative, human services, and medical skills. Some of these shortages can be addressed through primary and secondary level education, according to the report.

"Although we face other challenges in growing Minnesotans' income over time, (it's clear) that Minnesota's economy supports many jobs that require little or no experience or advanced training. ... We could do more to help prepare and place many high school students who will not, at least in the short term, pursue advanced education and training," stated the report.

The report concluded that addressing the long-term labor and skill shortages would require:

- Creating greater mobility in the labor market by making benefits, such as health care and pension coverage, portable;
- Finding additional people to enter the labor market, such as immigrants, people with disabilities, older workers, welfare recipients, ex-offenders, and others; and
- Encouraging a workforce with skills, specifically in the high labor demand area of nursing.

The committee took no action on the report.

## ★ ENERGY

### More nuclear waste storage

A bill that would allow additional radioactive waste storage at the Prairie Island nuclear power plant and remove the Legislature's authority to determine future waste storage requests at either the Prairie Island or Monticello nuclear plants received a first hearing March 12 before the House Regulated Industries Committee.

There was no action on HF775, sponsored by Rep. Torrey Westrom (R-Elbow Lake), the committee chair. The hearing was continued to March 18.

Westrom said the bill would "keep the lights on" in the state, noting that nuclear plants provide 20 percent of the state's energy supply.

Xcel Energy has said it needs additional dry storage casks for spent nuclear fuel rods at Prairie Island or it would have to shut down the plant in 2007.

The bill would allow Xcel to add an unspecified number of dry storage casks to the 17 currently at Prairie Island that the Legislature approved under a 1994 compromise with the utility. Federal regulations would allow up to 48 casks on the site. That 1994 legislation, which allowed the off-site storage silos and committed the utility to develop renewable



Tom Clarke, *left*, who opposes more nuclear waste storage casks at Xcel Energy's Prairie Island nuclear power plant, talks with Diane Peterson, *right*, who brought her sign to the House Regulated Industries Committee meeting March 12. The committee took no action on a bill that would, among other things, allow additional dry storage casks at the facility and reduce the company's obligation to fund renewable energy development.

energy resources, was the culmination of a several-year legal battle between the utility, the Public Utilities Commission, environmental groups, and the Indian community that lives on Prairie Island.

Jurisdiction over future nuclear storage facilities or dry cask storage units at Xcel's two nuclear plants would return to the Public Utilities Commission, according to the bill.

The bill would also reduce Xcel's financial obligation to fund renewable energy development, now at \$8.5 million annually, with a preference for projects in Minnesota. That amount is based on \$500,000 per 17 dry casks at Prairie Island. The bill would reduce the annual amount for renewable development to \$6 million (\$500,000 per each of 12 casks) and direct \$2.5 million to be spent toward a potential settlement with the Mdewakanton Dakota Tribal Council.

The tribal council opposed additional dry cask storage in an appearance before the committee last month, but said it was negotiating with the utility.

Westrom said the parties may be close to an agreement on such issues as emergency access off the island, movement of the plant's high-powered transmission lines, and possible relocation of reservation members who live close to the plant.

The Minnesota Chamber of Commerce and representatives of four businesses who are Xcel customers testified in support of the bill.

George Crocker, executive director of the North American Water Office, spoke against the bill. He said it would reverse the state's commitment to develop renewable fuel sources as potential alternatives to nuclear power. "Why make a commitment to a terribly unforgiving technology?"

## ★ ENVIRONMENT

### Battling animal disease

The House Agriculture Policy Committee approved a bill March 12 that would provide more regulatory tools for the state's Board of Animal Health and Department of Natural Resources to track and control chronic wasting disease, which is fatal to deer and elk.

Sponsored by Rep. Howard Swenson (R-Nicollet), the committee chair, HF649 was referred to the House Environment and Natural Resources Policy Committee. The bill, Swenson said, would help "control the disease and hopefully prevent it from becoming a major issue in our state."

Chronic wasting disease is a slow progressive brain disease caused by an abnormal protein that's fatal to animals of the cervidae

family, including white-tailed deer, elk, moose, and caribou. The state's first cases of the disease were found last summer in two farm elk, part of herds near Aitkin and Sauk Centre.

There are 30 elk herds currently quarantined in the state, said William Hartmann, executive director of the state Board of Animal Health. Along with the Departments of Agriculture and Natural Resources, the board has been monitoring both captive and wild deer and elk more closely since chronic wasting disease was found in Wisconsin wild deer in February 2002. That led to quick legislative action a year ago to control the threat of the disease in Minnesota and restrict imports of deer and elk.

A legislative report on the disease, required by the 2002 law, recommended the animal health board be provided \$600,000 to increase its regulatory program.

Swenson's bill would require owners of deer, elk or other live cervidae to register with the animal health board by Jan. 1, 2004, provide a verified inventory of farm herds, and report any movement of animals in a herd to another location within 14 days. The bill would also require that all perimeter fences for elk or deer herds be at least eight feet high, and that import restrictions on deer and elk that are due to expire June 1, 2003 be made permanent.

James Byrne, president of the Minnesota Elk Breeders Association, said his 250-member group supports the bill. "Our farmers are willing to go the extra step," he said. "It benefits our market to have a disease free state."

About 230 herds have participated in the animal health board's voluntary program to monitor the disease. The bill would require all 770 of the state's deer and elk farms to participate and submit brain samples of deceased animals for testing.

The bill would also give the commissioner of natural resources wide-ranging authority to take emergency action to prevent or control wildlife diseases and would prohibit the taking of wild or native deer as pets.

A companion bill (SF548), sponsored by Sen. Steve Dille (R-Dassel) was approved by one Senate committee and referred to the Senate Agriculture, General Legislation, and Veterans Affairs Committee.

### Wastewater treatment

A bill that would repeal recently published rules regarding water quality standards was approved by the House Governmental Operations and Veterans Affairs Policy Committee March 11.

Sponsored by Rep. Bill Kuisle (R-Rochester), HF426 would require the Minnesota Pollution Control Agency to adopt new water

quality assessment rules by Jan. 1, 2004, instead of those published in the State Register on Jan. 27 of this year.

The rules are used to satisfy a federal requirement whereby states must submit a list of "impaired water" sites to the Environmental Protection Agency every two years. At issue is what definitions the PCA uses to determine whether water is impaired.

For bodies of water deemed to be impaired, states must then adopt total maximum daily loads for the problem pollutants. Counties and municipalities say they don't have the money to fund the costly process to treat wastewater.

Citing a likely reduction in local government aid and other mandates continually being put on cities by the state, Kuisle said test costs should not be "passed onto to local units of government."

Steven Nyhus, an attorney for the Coalition of Greater Minnesota Cities, said the words are so vague that the expensive process could be applied to any accumulating water body, even a golf course pond. Nyhus said PCA rules specify every single body of water must be protected for "aquatic life and recreation."

Nyhus also said attempts have been made to have definitions clarified by agency officials, but no clear explanation has been received.

Keith Nelson, director of public works in Winona, said, "this is a powerful hammer the PCA can use against our communities."

Agency officials said the bill would undo two years of agency rulemaking that cost about \$475,000.

Marvin Hora, program administrator in the agency's executive office, called the bill "unreasonable" considering the process of how the rules were developed. He said the coalition, along with a myriad of groups, asked the agency to come up with the rules that defined the waters that should be put on the list.

Faye Sleeper, program administrator in remediation for the agency, said it is still in the process of deciding how to address the total maximum daily loads, and if the bill became law, the Legislature would be placing the "stakeholder process before the rulemaking process."

Mark Ten Eyck, advocacy director for the Minnesota Center for Environmental Advocacy, said "These definitions are not new," noting they have been in the program for 25 to 30 years and the language hasn't caused problems before. "Golf courses haven't been closed," he said.

The bill moves to the House Environment and Natural Resources Finance Committee. A companion bill (SF419), sponsored by Sen. Dallas Sams (DFL-Staples), awaits action in the Senate Environment and Natural Resources Committee.

## ★ ETHICS

### Complaint filed

House DFLers filed an ethics complaint March 11 against Rep. Arlon Lindner (R-Corcoran) for remarks he made about gays and history.

On the House floor one day prior, Lindner reiterated his belief that homosexuals may not have been persecuted during the Nazi Holocaust.

Lindner is also the sponsor of a bill (HF341) that would remove sexual orientation as a protected class under the state Human Rights Act and in other statutory provisions.

"What I'm trying to prevent is the holocaust of our children getting STDs, AIDS, and various other diseases that's going to affect their lives the rest of their lives," he said. "If you want to sit here and wait until America becomes another African continent, well then, you do that, but I'm going to try to do something about it."

The complaint offers two counts against Lindner: that his conduct "violates accepted norms of House behavior" and that his comments "bring the House into dishonor or disrepute." The complaint is signed by five Minneapolis DFLers (Rep. Karen Clark, Rep. Keith Ellison, Rep. Frank Hornstein, Rep. Margaret Anderson Kelliher, and Rep. Neva Walker), Rep. Lyndon Carlson (DFL-Robbinsdale), House Minority Leader Matt Entenza (DFL-St. Paul), and Rep. Ron Latz (DFL-St. Louis Park).

On the House floor Rep. Dennis Ozment (R-Rosemount) said Lindner has the right to free speech under the First Amendment whether someone agrees with him or not.

Entenza agrees, but said a day later, "The question is has he brought the House into dishonor and disrepute." Entenza says yes. House rule 6.10 says an ethics complaint may be brought against a member if his or her conduct does that.

The next step in the process would be a hearing before the House Ethics Committee, which under existing rules must occur within 21 days of the receipt of the complaint by the committee chair, Rep. Sondra Erickson (R-Princeton). She received the complaint March 12. The committee has options ranging from doing nothing to expelling Lindner from the House.

DFLers are asking for Erickson to be removed from the proceedings because she is a co-author on HF341. House Speaker Steve Sviggum (R-Kenyon) doesn't intend to do that, saying, "That will not affect Rep. Erickson's decision in any way, shape, or form. I have the utmost faith in Rep. Erickson, but I will speak to her about it."

DFLers are also calling for the removal of

Lindner as chair of the Economic Development and Tourism Division of the House Commerce, Jobs, and Economic Development Committee.

Sviggum said he "strongly considered" doing that, but chose not to.

"Even though his words were offensive to me and my caucus, and wrong, think of the chilling effect that would be done to debate on the House floor or in committees if the speaker by one person could say 'These words were offensive so there is going to be a consequence. There's going to be a removal of a committee assignment or chairmanship,'" Sviggum said. "That would be really dampening to this process we believe in so strongly in relationship to the right of free speech.

"I think Rep. Lindner needs to face the consequence of his own words and his own actions. He has a good heart but it seems every word he uses gets him in a worse position."

## ★ GOVERNMENT

### Requiring impact notes

A bill that builds on another moving through the Legislature was approved by the House Governmental Operations and Veterans Affairs Policy Committee March 12.

Sponsored by Rep. Marty Seifert (R-Marshall), the bill (HF624) would require the commissioner of finance to prepare a fiscal impact note, upon the request by a governing body, if proposed administrative rules cost the entity more than \$10,000 over a one-year period. Such rules are enacted by state agencies and have the full force of law. Seifert said that currently only the chair of the House Taxes Committee can request a fiscal note.

Seifert said he "cleaned up" the bill, and added townships to the governing bodies that can request a fiscal note. In addition, he said he lowered the fiscal impact number from \$100 million over a 10-year period, as was suggested in the previous bill.

Rep. Phyllis Kahn (DFL-Mpls) raised questions regarding how the timeline would work for the commissioner to supply a fiscal impact note. For example, she said, what if a governing body requested one 10 minutes before a meeting. She offered an amendment that would give the commissioner 10 days to calculate the impact. The amendment was adopted.

Rep. Stephanie Olsen (R-Brooklyn Park) said the \$10,000 was a "low threshold" considering large school districts such as Minneapolis and counties such as Hennepin County. Seifert responded that an amendment could be offered to "exempt the metro area ... if you want to let the mandates flow."

Kahn raised the question that the bill doesn't address a cost versus cost scenario where a city could pass the financial burden onto another city. Seifert said as the bill moves forward to the State Government Finance committee, he is willing to work on the bill's language to address those concerns.

There is no Senate companion for HF624.

The Senate companion to Seifert's previous bill, (SF61), sponsored Sen. Don Betzold (DFL-Fridley), was passed March 3 by the Senate. SF61 passed the full House March 13.

### Legislative, commission plans

A number of employees could lose their jobs, and services would be reduced if Gov. Tim Pawlenty's planned 2004-05 budgets for the Legislature and areas falling under the Legislative Coordinating Commission heading ultimately become law.

"This is not a pleasant task for any of us to go through," Rep. Bill Haas (R-Champlin), chair of the House State Government Finance Committee, said at the March 11 meeting.

House Controller Paul Schweizer said the estimated need for current operations to continue status quo would mean that \$59.5 million would be needed in the 2004-05 biennium. However, the governor is proposing \$48.3 million.

Schweizer said options are being formulated as to how the target will be met, but that a reduction in services and staff would be necessary.

He said that he has not heard how the Senate would address its equal 15 percent reduction, to \$36.1 million for the biennium.

That status quo includes \$2.8 million that has already been trimmed by the House in fiscal year 2003. In addition to \$2 million in salary and staff savings from things such as voluntary leaves of absence, keeping permanent positions vacant, and reducing the number of temporary staff, \$315,000 has been saved by eliminating out-of-state travel and canceling committee budgets, and \$485,000 has been saved in miscellaneous ways, such as postponing equipment purchases and eliminating newspaper subscriptions, over-the-counter medications, coffee, and some bottled water.

Rep. Paul Thissen (DFL-Mpls) said he has heard from many people wanting to know if television coverage would still be available.

Schweizer said that both the House and Senate allocated an additional \$95,000 for the current fiscal year to keep legislative television on the air through the end of session. Pawlenty canceled grant money for this purpose when he resolved the current deficit. That would have meant

no over-the-air programming as of mid-March.

The Legislative Coordinating Commission serves as an umbrella organization over joint agencies and legislative commissions. Among those are the Office of the Revisor of Statutes, Legislative Reference Library, and the Office of the Legislative Auditor and Legislative Audit Commission.

Representatives from 11 areas said they are all looking at ways to save money as well, but few had any ideas set in stone.

"We're scouring for areas in the budget to

eliminate without hurting services," said LCC Director Greg Hubinger, "but we will probably need to eliminate some staff."

For example, Legislative Auditor James Nobles said they will reduce their workspace to hopefully decrease their rent in the Centennial Office Building by \$40,000 annually, and employee salary saving leaves of 80 hours will be recommended. He said even with those reductions he anticipates having to keep nine vacant positions unfilled, and let go another 8-10 people from his current staff of 70.

"We've pared everything we can find, but it will cut into people," said Robbie LaFleur, director of the Legislative Reference Library, which is looking at an 18.8 percent funding reduction. "We're in the process of seeing all that we can do."

The committee took no action on the proposal at the meeting

### SILENT RALLY



PHOTO BY TOM OLMSCHIED

Crystal Martinez, a freshman in the deaf program at St. Louis Park High School, holds a string of hands provided by students in the sign language program at Chaska High School to demonstrate the importance of services to deaf, deaf blind, and hard of hearing individuals during a March 11 rally in the Capitol Rotunda.

## ★ HEALTH

### Long-term protection

A bill passed by the House March 6 would give state protection to holders of long-term care insurance in the event their insurer goes out of business or declares bankruptcy.

Approved 131-0, HF51 would put long-term care insurance in the same category as health and life insurance.

Under Minnesota law, if a company providing those types of insurance goes bankrupt, the state protects its clients by ensuring up to \$300,000 in claims, under the Minnesota Life and Health Insurance Guarantee Association.

The bill's sponsor, Rep. Greg Davids (R-Preston), said he was surprised to learn that long-term care was not explicitly covered under that protection. He said that his bill was to clarify potential confusion and was not in response to any specific problems that have arisen.

Long-term care insurance mainly covers costs associated with nursing home care. Even though only a small percentage of Minnesotans currently have the insurance, Davids said those who do should be protected.

The Minnesota Life and Health Insurance Guarantee Association is funded by money collected from the insurance companies it protects.

The bill now moves to the Senate.

## ★ HIGHER EDUCATION

### Student concerns

In the late-1980s, John Hoverman had to leave the University of Minnesota-Duluth because he could no longer afford to pursue a

degree in electrical and computer engineering.

He said that since then he has had trouble finding jobs because companies want someone with a degree. By his estimates, he has lost \$450,000 in income since he left the university. He said in his best year he made less than \$30,000.

When he left school, Hoverman said he needed to begin repaying student loans. With his income it was a struggle to pay them off, and they went into default at one point.

Now, Hoverman is back at the Duluth campus in large part he said because his family was able to help him pay off his thousands of dollars in loans.

"My story is that this can happen to others," he told the House Higher Education Finance Committee March 6.

Hoverman was one of nine students to tell legislators what might happen if the reductions in higher education funding, as proposed by Gov. Tim Pawlenty for the next biennium, become law. The students were part of the University of Minnesota's student advocacy day.

"We're poor kids, poor students," said Nicole Lisk, a junior in the pre-nursing program at the Twin Cities campus. "We can't afford the governor's proposal."

The governor's plan calls for a general fund reduction of \$179 million to the university in the next biennium. University leaders, who say that with other proposed reductions the total adds up to almost \$200 million, also say that raising tuition will have to be part of the solution.

Nate Saete, a sophomore at the Crookston campus, said students there mainly come from middle-income families. He said that not only would some students no longer be able to afford college, but also the number of classes could be reduced, meaning fewer elective choices.

"We can deal with colder classrooms and things like that," said Cendy Gonzalez, a sophomore at the Morris campus, citing other ways to reduce costs. But she, too, questioned how some students would deal with higher costs.

One of the larger concerns is a Pawlenty plan to take \$30 million from the base budgets of the university and Minnesota State Colleges and Universities (MnSCU) system and put it in the state grant program.

Lisk said that is not fair to public school students, because the money would go from their institutions, and into a system where more than 50 percent of the funds are distributed to students at private colleges and universities. "That money needs to be kept in the institutions," she said.

The committee took no action on the budget proposal at the meeting.

### HESO budget effects

The 2004-05 biennial budget proposed by Gov. Tim Pawlenty could offer good news for some students, but not enough to ease concerns about tuition increases.

Robert Poch, director of the Higher Education Services Office (HESO), told the House Higher Education Finance Committee March 10 that the governor's plan calls for a \$60 million increase in funding for the state grant program. He said \$54 million of the amount would go towards meeting the increase in demand from fiscal year 2003, and the remainder would help offset tuition and fee increases of about 3 percent in both 2004 and 2005.

However, a number of committee members noted that the University of Minnesota and the Minnesota State Colleges and Universities (MnSCU) system are anticipating tuition increases far greater than 3 percent.

Poch said that if there is insufficient money to cover needed grants, the governor's plan calls for money to be transferred from the state work-study program and then from child-care grants. The programs are proposed to receive \$12.4 million and \$4.7 million in each year of the next biennium, respectively.

With the anticipated tuition rates, Rep. Ron Latz (DFL-St. Louis Park) said that the governor might as well say that work-study and child-care grants will be zero in the next biennium because the money would go to state grants.

If the transfer of that money were still not



Robert Poch, director of the Higher Education Services Office, tells the House Higher Education Finance Committee March 10 what the governor's proposed budget would mean for the State Grant Program and other financial aid programs.

enough, the third option would be to place a surcharge on families, and the fourth option would be to increase the student share by at least 1 percent.

Poch reluctantly admitted that if aid is reduced it could ultimately lead to students not being able to attend a post-secondary program.

Upon questioning from Rep. Jeff Anderson (R-Austin), Poch said that Minnesota ranks high in regards to giving financial aid to students, but it is too early to tell how the current situation will affect the state's rank. "It depends on what other states do," he said.

The governor's recommendation also cuts funding for a program that provides grants to low-income students in grades 7-11 to attend a summer program at a post-secondary institution. Higher Education Services Office officials say the program reinforces or initiates student plans for higher education. The 2001 Legislature allocated \$275,000 for the program for each year of the current biennium, an amount later reduced to \$200,000 by last year's Legislature.

Additionally, grants for students achieving a certain grade in an Advanced Placement/International Baccalaureate high school class would be zero for the next biennium. Nearly 130 awards have been granted at either \$625 or \$525 per student this fiscal year.

Poch said if the plan were approved, both programs would be eliminated. He said there would be no staff savings because those administering the programs had the duties tacked on to their additional activities.

The committee took no action on the proposals at the meeting.

## ★ INSURANCE

### Health care costs

A state health insurance plan for high-risk enrollees would be allowed to offer higher deductibles for clients desiring smaller premiums, under a bill approved by the House Commerce, Jobs, and Economic Development Policy Committee March 6.

HF673, sponsored by Rep. Bill Haas (R-Champlin), now moves to the House floor.

The Minnesota Comprehensive Health Association (MCHA), a nonprofit corporation created in 1976 by the Legislature, offers health insurance to Minnesotans who have been denied private health insurance coverage due to pre-existing health conditions. Under state law, all health insurance companies doing business in the state must belong.

Among 30 high-risk pools in the United States, Minnesota is the second oldest and the largest, according to Association President Lynn Gruber. It counts 31,000 members, of which 60 percent

live in Greater Minnesota. Individuals seeking coverage must have lived in Minnesota for six months and have proof of rejection by a private health insurance carrier. Pre-existing conditions are not covered under the client's first six months on the program.

State law mandates that premiums be offered at prices 1 percent to 25 percent higher than private market rates to individuals in the program. Client premium rates vary by age and deductible plan, but not by gender or medical history. The average age of members is 50, with premiums varying from \$590 a month to \$856 a month.

The plan currently offers premiums with annual deductibles of \$500, \$1,000, and \$2,000. HF673 would add optional deductibles of \$5,000 and \$10,000. Gruber said clients have requested higher deductibles in order to lower premiums.

In addition, the bill would add language pertaining to employees who have lost work, in part, to international competition under the Federal Trade Act of 2002. Under this federal provision, individuals can receive a tax credit for 65 percent of their premiums. The six-month residency requirement is waived, as is the pre-existing condition limitation.

Currently, the risk pool contracts with Blue Cross and Blue Shield of Minnesota for health care services. HF673 would allow extension of the contract for three years.

One-half of the association's costs are covered through premiums, with state law requiring that member insurance companies be assessed the remaining costs. Companies in turn pass the assessment on to clients, which in today's market are usually small businesses and individuals. Medium- and large-size entities, including the State of Minnesota, often opt to self-insure.

Therefore, small businesses bear the brunt of the association's assessment, Gruber said. To ease the pain felt by small businesses, the association received appropriations from the Legislature of \$200,000 in 1978, \$30 million in 1999, and \$15 million in 2000.

Gruber said no money would be requested this year. "As long as the state has a deficit we are not going to be coming to the Legislature looking for dollars," she said.

HF673 has no Senate companion.

## ★ LAW

### Allocating settlement money

Money collected from lawsuits brought by the Minnesota Office of the Attorney General must continue to be deposited in the state's general fund, under a bill that passed the House March 6.

Sponsored by Rep. Tim Wilkin (R-Eagan), HF106 makes a 2001 law permanent by removing its 2004 expiration date. The law requires that damages or settlement money collected on behalf of the state go into the general fund rather than to any special fund or outside entities.

Wilkin cited the historic tobacco settlement as an example of the practice the law seeks to stop.

In that settlement, \$202 million was put into a fund dedicated to anti-smoking programs that he said is now "out of reach" of the Legislature. He also noted a settlement between the state and US Bank that specified money must be given to the non-profit group Habitat for Humanity.

"The Legislature should have deciding authority over where taxpayer dollars are allocated and not the courts," Wilkin said.

Rep. Ron Latz (DFL-St. Louis Park) said the law represented a dangerous precedent.

"The Legislature should not be in the business of interfering with the litigation process and the settlement process," Latz said. He added that sometimes it's a good idea to keep money away from the Legislature. Referring to the tobacco settlement money he said, "If this Legislature had the opportunity to touch that money, I'm sure it would."

Rep. Eric Lipman (R-Lake Elmo) responded that the constitutional obligation to spend the state's money lies with the Legislature, not the executive branch. "Taxpayers are entitled to a little accountability from the Attorney General's Office," he said.

Wilkin said the law only applies when the state brings suit on behalf of the taxpayers, not when it is suing for a specific fund or on behalf of a particular group of people.

The bill passed 83-49. It now moves to the Senate.

## ★ LOCAL GOVERNMENT

### Community withdrawal

The City of Rockford will be allowed to withdraw from the regional planning agency serving the seven-county Twin Cities metropolitan area under a bill approved March 11.

Sponsored by Rep. Dick Borrell (R-Waverly), HF415 passed the House Local Government and Metropolitan Affairs Committee and now moves to the House floor.

Under current law, the Metropolitan Council serves the seven-county metropolitan area, save for three cities. Removed in 1978 was New Prague; 1980, Northfield; and 1983, Hanover.

Rockford has 1,100 homes in Wright County, which does not fall under Metropolitan Council purview, and 84 homes in

Hennepin County, which is in the council's jurisdiction. It's unnecessary, said Borrell, for the city to follow Metropolitan Council policies requiring submittal of long-range plans, low-income housing reports, and other paperwork for a small portion of the city.

"It's quite a burden for a small number of homes," Borrell said.

Rockford Mayor Mike Beyer added that Rockford's city limits extend into Hennepin County by 11 acres. The acreage is undeveloped, hilly, and has been for sale for quite some time. The growth of the city is occurring in another direction, he added.

Rep. Mark Buesgens (R-Jordan) said he not only supported HF415, but also hopes to discuss at a later date allowing all local governmental units within Metropolitan Council jurisdiction to withdraw.

Rep. Frank Hornstein (DFL-Mpls), a former Metropolitan Council member himself, said, "I think it (the bill) makes sense to me in terms of the way the city is growing." However, he said, he doesn't support drawing a conclusion from it about the overall relevance of larger metropolitan governing bodies.

A balance must be struck, added Hornstein, between local control and the need to plan as a region for growth and land use.

A companion bill (SF512), sponsored by Sen. Mark Ourada (R-Buffalo), awaits action from the Senate State and Local Government Operations Committee.

## ★ RECREATION

### Shooting ranges under fire

Though gun ranges are unusual in urban settings, whether range operators should pay for relocation when cities expand toward the ranges in more rural areas is up for debate.

A bill that would prohibit local governments and neighbors from limiting the operation of



David Gross, representing the Minnesota Gun Owner's Civil Rights Alliance, testifies before the House Environment and Natural Resources Policy Committee March 11 in support of a bill that would define shooting range practices in relation to local ordinances, closing and relocations, and nuisance liability.

shooting ranges was approved by the House Environment and Natural Resources Policy Committee March 11 and sent to the House floor.

The bill (HF327) would direct the Department of Natural Resources to develop generally accepted operation practices for shooting ranges and protect those ranges who comply with the guidelines from nuisance lawsuits. The measure also would require local governments to pay for noise buffering when development approaches within one mile of an established shooting range.

"We are telling local governments, 'Please don't encroach on shooting ranges because they are a valuable asset to the state of Minnesota,'" said bill sponsor Rep. Tom Hackbarth (R-Cedar).

"Shooting ranges are a precious and, I'm sorry, fragile resource," said David Gross of the Minnesota Gun Owners Civil Rights Alliance. Towns have "moved out and we've got more people, more development, and there is more pressure on this resource."

Shooting ranges and preserves are one of the largest industries in Minnesota, Gross said. He described the fiscal impact of shooting ranges as a "ripple effect" that contributes as much as \$4 billion to the state's economy.

Rep. Rebecca Otto (DFL-Marine on St. Croix) said she does not know of any other industry where the taxpayers have to pick up the tab if they don't like the emissions.

"He who calls the tune must pay the piper," Gross replied, and suggested that there is a lot more room for cooperation than local governments admit.

Several associations representing cities, towns, and counties oppose the bill because it would unnecessarily restrict local planning and zoning authorities, they say.

Craig Johnson, an intergovernmental relations representative with the League of Minnesota Cities, said the bill would allow the property rights of a shooting range owner to supersede the rights of all other surrounding property owners.

"That's what zoning is all about — striking the balance of competing needs regardless of their use," said Kent Sulem, an attorney with the Association of Minnesota Townships. "This bill does not provide the balance."

A companion bill (SF462) sponsored by Sen. Jim Vickerman (DFL-Tracy) has been referred to the Senate State and Local Government Operations Committee.

### Future park acquisition

The most significant growth years for Minnesota's state parks system were 1937, 1957, and 1963, according to the Department of Natural Resources. Today, the system



Bill Morrissey, director of the Department of Natural Resources Parks and Recreation Division, testifies before the House Environment and Natural Resources Policy Committee March 11 about a bill that would establish a new state park in Meeker County.

includes nearly a quarter of a million acres of land and could grow by 1,140 acres under a proposal (HF681) brought to the House Environment and Natural Resources Policy Committee March 11.

"It's an undeveloped piece of land that we can't afford to lose," bill sponsor Rep. Dean Urdahl (R-Grove City) said of the parcel on Greenleaf Lake in Meeker County. The land is available and affordable now, he said, in response to the question on everyone's mind — why the state would do this under the current budget situation.

This is the beginning of a process that may take six to eight years, Urdahl said. It's an "expression of faith to the future."

The Department of Natural Resources has taken a neutral position on the bill, although they have served in an advisory capacity, said DNR Parks and Recreation Division Director Bill Morrissey.

The parcel meets the criteria for state parks set forth in statute, Morrissey said. It is a "transition zone between big woods and prairie landscape," he explained.

In addition to the potential for hiking, camping, boating, fishing, skiing, and snowmobiling, there is an opportunity for public education because "the Dakota Conflict of 1862 really started here," Morrissey said.

The cost to the state could be in the neighborhood of \$1 million to establish basic facilities, Morrissey said, and he tossed out the following ballpark figures:

- \$300,000 for a headquarters station;
- \$500,000 for a medium-sized campground; and
- \$200,000 to build roads and trails.

The Parks and Trails Council of Minnesota strongly supports the initiative and would be willing to provide some private funding to acquire the land now and seek reimbursement from the state at a later date, said Executive Director Dorian Grilley. The council does not make a profit from the sales, Grilley said.

Mark Geyer, a Greenleaf Lake landowner

speaking on behalf of Ellsworth Township residents, said local support for the park is strong. Geyer mentioned endorsements from the Litchfield and Hutchinson chambers of commerce and Meeker County Board, and he cited a 93 percent approval rating of the park initiative from respondents to a recent local newspaper poll.

The measure will be considered for possible inclusion in the omnibus lands bill. The Senate companion (SF610), sponsored by Sen. Steve Dille (R-Dassel), has been referred to the Senate Environment and Natural Resources Committee.

## ★ SAFETY

### Seat belt usage

A 40-year-old law prohibiting evidence about seat belt use in personal injury cases would be repealed under a bill approved by the House Civil Law Committee March 11.

Civil cases involving injury or property damage due to a car accident currently cannot include evidence of whether the injured person was wearing a seat belt at the time of the incident.

The sponsor of HF513, Rep. Paul Kohls (R-Victoria), said the prohibition can result in unfair awards because a person's injuries may be enhanced due to their own failure to wear a seat belt. Juries should have all the relevant information and be able to assign some percentage of blame to the victim of the accident if they see fit to do so, he said.

An exception to the current law, passed in 1999, allows seat belt evidence in cases where equipment in an automobile is defective. The Legislature passed the exception over the veto of then-Gov. Jesse Ventura, who supported repealing the seat belt evidence prohibition altogether.

Olmsted County Sheriff Steve Borchardt called the bill a "consistent, common sense" approach and said the state sheriffs' association hopes the change would promote



Olmsted County Sheriff Steve Borchardt testifies before the House Civil Law Committee March 11 in support of a bill that would repeal the seat belt evidence admissibility prohibition.

increased seat belt usage. Borchardt said the association would also support making failure to wear seat belts a primary offense.

While most drivers and front seat passengers are required to wear seat belts in Minnesota, law enforcement officers cannot stop drivers merely for failing to wear seat belts. Most back seat passengers, and drivers in some specific instances, are excluded from the requirement.

Opponents said repealing the law would give defense lawyers a way to pass the blame from bad drivers to good ones and result in a windfall to insurance companies.

Mike Bryant, a Minneapolis attorney, said a legislative commission explored the proposal in the 1990s and decided against repealing the law. He said the change would require someone to assume they are going to be in an accident, and punish them if they don't.

Rep. Joe Atkins (DFL-Inver Grove Heights) said allowing seat belt evidence would result in a parade of expert witnesses coming before juries to speculate on what injuries would and would not have been prevented by a seat belt. That, he said, would take time and money from the court system.

Rep. Steve Smith (R-Mound) requested an estimate of the fiscal impact the bill would have on the state's court system when it next goes before the House Judiciary Policy and Finance Committee, which he chairs.

A Senate companion (SF467), sponsored by Sen. Don Betzold (DFL-Fridley), awaits a hearing in the Senate Judiciary Committee.

## ★ TRANSPORTATION

### Metro Transit cuts detailed

At the March 11 House Transportation Finance Committee meeting, Metropolitan Council transit officials detailed strategies to absorb an \$18.9 million reduction in its general fund budget for 2004-05 proposed by Gov. Tim Pawlenty.

The governor proposed a \$106.9 million biennial general fund budget for Metro Transit, in addition to other sources of funding, including 20.5 percent of motor vehicle sales tax revenues and some federal funds.

To handle the cuts, said Nacho Diaz, transportation planning director for the council, Metro Transit will do a combination of the following:

- Increase fares,
- Reduce service,
- Reduce underlying costs of service,
- Shift some federal funding to cover specific operating costs, and
- Reduce administrative overhead costs.

Specifically, Diaz said, Metro Transit is proposing to raise peak fares on local service

routes, and both peak and off-peak fares on express routes and for Metro Mobility services. He also said they are proposing to expand the afternoon peak fare period by 30 minutes.

In addition, the system proposes reducing some regular route service, particularly in routes that are more elastic, Diaz said. Metro Mobility service hours would be adjusted to minimum requirements under the Americans with Disabilities Act, as well.

Diaz said, however, that these measures are all just proposals right now, and would require public hearings prior to implementation. "We are going to have extensive public hearings throughout the region," Diaz said.

The bus system could lose about 1 million riders per year, Diaz said, or about 1.5 percent.

The plan would also shift federal funding for capital expenditures to cover some operating costs. Diaz said that is allowable in some circumstances, such as maintaining the fleet of vehicles or providing ADA services.

In addition, the system will take over operating costs for the Hiawatha Light-Rail Transit line, set to begin partial operations in early 2004. Estimates suggest the line will require \$13.4 million per year to operate, and Pawlenty has recommended dividing operating costs between the state and local governments, with the state picking up 40 percent (or slightly more than \$5 million) and Hennepin County and the cities along the line accounting for 60 percent.

No formal agreement has been established for funding the line.

The discussion prompted a number of questions from committee members regarding how metropolitan transit is funded. Key among the debated items was the degree of benefit such transit lines provide to local governments and the state, as well as providing for operating costs prior to building new transit infrastructure.

Said Rep. Dan Larson (DFL-Bloomington) about plans for dividing the Hiawatha operating costs, "I frankly think the proposal's obscene, and it's clearly unfair."

In response, Rep. Bill Kuisle (R-Rochester), the committee chair, suggested policymakers should take more care in developing transportation infrastructure without providing for future operating costs.

"This whole debate should have happened before we built it," he said.

The committee took no action on the proposal at the meeting.

### Counties call for change

Several county officials testified before a joint meeting of the House Transportation Finance and Policy Committees March 12, saying that state regulations, particularly those governing the environment, have been

driving the cost of construction projects.

Dennis Berg, Anoka County commissioner, and Doug Fischer, Anoka County engineer, testified about the environmental regulations that could have potentially delayed a significant project in the county and did drive up costs of the final project.

The project involved the reconstruction of a county state aid highway from Interstate 35W to the intersection with State Highway 14. As part of the reconstruction, the interchange with I-35W was redone, Fischer said, which dictated a very tight project timeline.

State regulations in many cases are stronger than those required by the federal government, Fischer said. He called the requirements "a paper chase" that didn't really improve the environmental conditions that the project affected, but forced the county to spend more money solving the issues.

He described some new regulations that were recently put in place requiring several different permits for stormwater sewer systems. As part of the permit process for the project, the county had to have a series of public hearings and accommodate other public outreach efforts.

"We're already doing a lot of this stuff, but now we've got to go through the process of documenting all these things," Fischer said. "It's a lot of administrative work with zero benefit to the environment."

Fischer estimated that 20 people at the county level had worked on the permit application in some way throughout the process.

Rep. Frank Hornstein (DFL-Mpls) asked Fischer what could be wrong with involving the public in the process. Fischer said that a public hearing is a little thing. But a number of them, with all the notification, for the same project created a large amount of additional work for staff. He said the county also hired a private consultant to help sort through the permit regulations.

The county replaced between 25 and 27 acres of wetland as part of the project. In addition, three endangered species were identified in the project area. The county paid the state \$500,000 to receive a permit regarding construction where the species were, down from an original price tag of \$1 million, Fischer said.

"We bought our way out of delays on this project, which is frustrating," he said.

Several members asked that Department of Natural Resources and Pollution Control Agency officials come before the committee to testify about the background of the regulations and the necessity for permits and fees.

Fischer and other engineers said they aren't against preserving the environment, they just wish the regulations weren't so stringent.

"We can't do a project in our county without affecting a DNR protected water or (Wetland Conservation Act) wetland," Fischer said. "No one is asking for us to be absolved of our responsibility when we impact" the environment.

Witnesses also testified regarding prevailing wage law concerns, historic preservation regulations, and a desire for the Legislature to fully fund wetland replacement efforts through the Board of Water and Soil Resources.

The committee took no action at the hearing, but Rep. Bill Kuisle (R-Rochester), chair of the Transportation Finance Committee, said he plans for the committee to further examine ways to streamline the permit acquisition process.

## VETERANS



### Identity theft

A bill that would classify veterans' military discharge papers as private was approved by the House Governmental Operations and Veterans Affairs Policy Committee March 12.

Michael Pugliese, deputy commissioner for the Minnesota Department of Veterans Affairs, testified that HF768 would protect veterans from identity theft. He said "currently anyone can walk in (to the department) and get DD214 papers." Identity theft would be easy to do he said, because those papers contain large amounts of private data for a person. Examples include social security number, date of birth, and last mailing address.

Rep. Jeff Anderson (R-Austin), the bill's sponsor, said the agency came to him with the legislation.

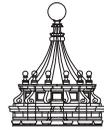
Rep. Paul Thissen (DFL-Mpls) submitted a nearly identical bill (HF667) to the

committee last month, and asked why it has not been given a hearing. Rep. Jim Rhodes (R-St. Louis Park), the committee chair, said because this bill is a department bill "it leads." Rhodes suggested Thissen could sign onto HF768 as a co-sponsor.

Rep. Loren Solberg (DFL-Grand Rapids) expressed concern that persons studying ancestry, under this bill, would not be able to obtain papers that could help in their tracking of family.

Pugliese said there are ways for spouses and children to get copies of a veteran's discharge papers, if a veteran passed away. Solberg asked if a fourth-generation family member could obtain copies. Pugliese said they could not under the bill, but there were other means for them to get information through the National Personnel Records Center.

The bill now goes to the House Civil Law Committee. It has no Senate companion.



## NOTES

**Value-added agricultural products** aren't all about fuel additives like ethanol.

During her testimony before the House Agriculture and Rural Development Finance Committee March 11, Janet Lundebrek, president of First Security Bank in Benson, brought a couple of bottles of vodka made in Minnesota using an ethanol by-product.

"There's an \$8.1 billion vodka market in the country," said Lundebrek, who was also representing the Chippewa Valley Ethanol Co.

As committee members examined the

bottles, Rep. David Dill (DFL-Crane Lake) remarked, "I'm glad to know we're going to have less dependence on imported vodka."

## Where to find information

### House Public Information Services

175 State Office Building  
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House Public Information Services is a nonpartisan office that provides committee meeting schedules; legislator information; and publications, including the *Session Weekly* newsmagazine, educational brochures for all ages, and member directories. All information is available at no charge.

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### Senate Information Office

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TIM PAWLENTY (R)

130 State Capitol

St. Paul 55155

(651) 296-3391

1-800-657-3717

Fax: (651) 296-0674

### Lieutenant Governor

CAROL MOLNAU (R)

130 State Capitol

St. Paul 55155

(651) 296-3391

### State Auditor

PATRICIA AWADA (R)

525 Park St.

Suite 400

St. Paul 55103

(651) 296-2551

### Attorney General

MIKE HATCH (DFL)

102 State Capitol

St. Paul 55155

(651) 296-6196

Consumer Division: (651) 296-3353

1-800-657-3787

### Secretary of State

MARY KIFFMEYER (R)

180 State Office Building

St. Paul 55155

(651) 296-2803

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# Seeing their need

Committee members urged to minimize the impact of proposed cuts to State Services for the Blind

By MIRANDA BRYANT

**K**nowledge is power and never more so than in this age of information. But for the state's blind and visually impaired population, access to that information is often dependent on alternative devices.

Money spent offering those alternatives devices — such as dial-in news, talking books and Braille materials — would be reduced under Gov. Tim Pawlenty's 2004-05 proposed budget.

His budget calls for a \$1.3 million reduction over the next two years to State Services for the Blind, according to House fiscal analysts. The cuts come on the heels of a 45.5 percent budget cut in 2002 and a 47 percent budget cut in 2003, which together equalled \$505,000.

State Services for the Blind is the main state agency serving the estimated 87,500 blind and visually impaired children and adults in Minnesota. Its focus is training blind and visually impaired adults for work, and finding jobs for them.

Thirteen positions have been eliminated due to budget reductions, said Bonnie Elsey, State Services for the Blind director. Five additional vacant positions will remain open.

Blind vendors who contract to serve vending machines at state highway rest areas would be affected by Minnesota Department of Transportation budget cuts. As part of its reduction plan the department may close many rest areas in the state.

Since most of the State Services for the Blind's money comes from the federal government, proposed state budget cuts will likely fall to divisions largely supported by state funds: services for seniors and communications.

The communications division is a special library and transcription service center that produces Braille and taped transcriptions, radio programming, and dial-in news programming. It also distributes special equipment for the Library of Congress. The division employs 29 people and engages 620 volunteers, Elsey said.

The self-sufficiency unit served 2,399 individuals in fiscal year 2002. Of those, 1,348 accomplished their self-care goals, a 32 percent increase from the year prior, Elsey said.

The agency employs about 100 people, she



PHOTO BY TOM OLMSCHEID

Shellie Nelson of Eden Prairie and her guide dog, Glenda, appear before the House Jobs and Economic Development Finance Committee March 12 to testify about the importance of the State Services for the Blind, slated for cuts in 2004-05.

said. About half the employees are assigned to the agency's primary purpose of workforce development and are located in 10 state workforce centers through the state that serve anyone interested in finding work.

State Services for the Blind's workforce development unit set a record last year by finding jobs for 179 of its 1,595 clients, Elsey said. The average wage earned was \$12.28 an hour, and the jobs were as varied as are those gained by people without visual barriers.

Elsey said her agency spends more than \$1 million annually on adjustment-to-blindness training, such as white cane use and Braille, and \$500,000 on assisted technology systems for alternative communication.

In fiscal year 2002, 93 State Services for the Blind customers attended college or junior colleges classes. An additional 18 clients attended

vocational training programs or business schools.

The budget cuts, including those enacted and those proposed, have generated intense criticism of State Services for the Blind.

Elsey, who has been the director since February 2000, has been accused by the National Federation of the Blind's Minnesota chapter and Blind Inc. of directing budget cuts to everything but the agency's administration, of not placing enough blind people on her staff, and of forcing blind clients into private sector jobs without sufficient training.

"Blindness is quickly becoming a very minor part of the agency," said Jennifer Dunnam, vice president of the National Federation of the Blind's Minnesota chapter. She said the state agency has reduced direct services, but not cut administration.

Shawn Mayo, assistant director for marketing and outreach of Blind Inc., asked that legislators insist that nonprofit groups contracting with State Services for the Blind do not bear the brunt of its budget cuts. She also asked that the cuts be reduced and more evenly distributed among other state agencies and departments.

Blind Inc. is one of three entities the agency contracts with to provide adjustment-to-blindness training for clients.

But six people representing various advocacy programs told the House Jobs and Economic Development Finance Committee since March 6 that Elsey deserves praise for innovative and fresh approaches.

"State Services for the Blind has made some significant steps in the past two to three years," said Steve Fischer, executive director of Vision Loss Resources, which also provides adjustment-to-blindness training under contract for the state agency.

Elsey said she had added a few employees to the administration division. But they were hired with money appropriated for a specific task that was no longer available at the task's completion. Elsewhere, the agency is beginning a study of the three agencies that it contracts with for adjustment-to-blindness training; such an examination has never been done. The study will ensure that clients can determine which agency will best meet their training needs.

Elsey acknowledged that some individuals would like her to resign. But not everyone agrees. Outcomes in all of her agency's divisions are better than ever, particularly in the workforce division unit, she added. "They are real people and they're in real jobs." 

# Enforcing laws

Conservation officers' authority to search questioned before the Minnesota Supreme Court

By NICOLE WOOD

One of the struggles in a democratic society is balancing individual rights with the need for public order. While debate over Fourth Amendment protections often revolves around the propriety of traffic dragnets or wiretaps, the discussion in Minnesota has recently been extended to regulated recreational pursuits and taken all the way to the State Supreme Court.

At issue is whether anglers should have a reasonable expectation of privacy under the Fourth Amendment or purchasing a fishing license and dropping a line in public waters should imply prior consent to fish house, boat, or cooler searches.

The Minnesota Supreme Court ruled last year that Department of Natural Resources (DNR) conservation officers must have

there was no evidence of wrongdoing and their catch was within legal limits.

The Minnesota Court of Appeals overturned the conviction last summer, concluding that the officer did not have probable cause to request an inspection of the boat.

If the Supreme Court upholds that decision, enforcement officers have said they will be left wondering whether a person is hiding something by declining to open a cooler or just exercising his or her Fourth Amendment rights.

With more than 15,000 lakes and less than 150 conservation officers in Minnesota, establishing probable cause by staking out fishing parties or waiting for a tip would be a considerable expenditure of time and effort, they say, and violations of species quantity and size limits are easily hidden.

"We acknowledge the difficulty a conservation officer faces in acquiring probable cause for fishing violations that are committed essentially in private," the appeals court decision reads. "And while we agree that the analysis of constitutional requirements and the construction of the statute should not simply be mechanistic, we are not persuaded that public policy concerns raised by the state can override otherwise applicable constitutional protections or statutory



PHOTO BY ANDREW VON BANK

A conservation officer visits with a boat owner near a public access point.

permission, a warrant, or probable cause to enter privately owned ice fishing shacks.

In a parallel case, the court heard arguments March 10 from John Mark Colosimo, a Virginia, Minn. attorney who was convicted in St. Louis County for refusing to allow a conservation officer to search his boat at a landing. Although Colosimo and friends told the officer they had been fishing, they maintained

limitations."

"Further, we cannot conclude that the Legislature has clearly expressed an intent to prefer the enforcement of the fish laws to individual privacy rights."

Supporters of Colosimo's case have said the DNR could hire more conservation officers or the Legislature could pass a law declaring that simply possessing a license means an angler

**Select constitutional and statutory provisions related to conservation officer searches**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

— **Fourth Amendment, U.S. Constitution**

Hunting and fishing and the taking of game and fish are a valued part of our heritage that shall be forever preserved for the people and shall be managed by law and regulation for the public good. [Adopted, November 3, 1998]

— **Article XIII, Sec. 12, Minnesota Constitution**

When an enforcement officer has probable cause to believe that wild animals taken or possessed in violation of the game and fish laws are present, the officer may: (1) enter and inspect any place or vehicle; and (2) open and inspect any package or container.

— **Minnesota Statutes 97A.215 subd. 1(b)(1)**

has already consented to a search.

However, the state's budget situation makes the former solution highly unlikely and, "I haven't heard of anyone talk about forwarding legislation yet," said Rep. Tony Cornish (R-Good Thunder) of the latter.

Cornish spent 22 years as a conservation officer before he came to the Legislature. When asked if he had ever met up with anyone who declined a compliance check, he said there were "none that refused all the way," although some had to be talked into it.

A typical enforcement scenario, Cornish explained, would be an officer encountering a group of people sharing a large cooler on a pontoon boat.

"It's crucial to enforcement and regulation to be able to check a cooler when they come off a lake," he said.

A ruling is expected by mid-summer, although Cornish said he would like to see a decision by the fishing opener in May. 🐾

# Monitoring costs

One organization says another exploits a federal loophole in cancer treatment regulations and could affect price people pay

BY JEFF JONES

**W**hen someone has cancer, the relationship with their doctor becomes a bond of trust and confidence. Patients work together with their oncologist (cancer specialist) to make sensitive, life-altering decisions about treatment, care, and lifestyle choices. They listen carefully to their oncologists' advice and often follow it without regard to cost.

But one group of Minnesota cancer treatment specialists worries that sacred bond is being exploited by physicians who may be putting profit before patients' best interests. And with dramatic changes in the state's cancer care landscape and 21,000 new cancer diagnoses expected statewide this year, the issue takes on added importance.

Representatives of Minneapolis Radiation Oncology, a professional association specializing in radiation treatment for cancer patients, told the House Health and Human Services Policy Committee that a new partnership between two other care organizations amounts to a lucrative kickback scheme not in the best interests of patients or the state.

In an informational hearing March 10, lawyers for the association testified that a partnership between one of the state's largest medical oncology groups, the Minnesota Oncology Hematology Professional Association, and U.S. Oncology, the nation's largest for-profit cancer care network, exploits a loophole in federal law that allows doctors to refer patients to a treatment facility in which they hold financial interest. The natural conflict of interest, said Minneapolis oncology lawyer Peter Coyle, results in unnecessary treatment, higher costs, and an anti-competitive environment.

The two groups only recently became competitors in the increasingly lucrative market for cancer treatment. For many years, Minnesota Oncology specialized in medical oncology — the advising and referring of cancer patients for specialized treatment. Minneapolis Radiation specialized in providing radiation treatments for patients referred to it. But in 1998, Minnesota Oncology entered the treatment business when it opened a radiation treatment center in Maplewood. Under the management of



PHOTO BY ANDREW VON BANK

Mary O'Keefe, a cancer survivor and Minnesota Oncology Hematology Professional Association patient, tells members of the House Health and Human Services Policy Committee March 10 that she is opposed to any restrictions on cancer patients' ability to choose their own treatment facility.

U.S. Oncology, which serves 15 percent of the nation's cancer patients, the group has further expanded treatment options at the facility.

Minnesota Oncology President Thomas Flynn said the model of care exemplified at the Maplewood facility provides a truly integrated experience for patients who want care as easily and quickly as possible. Patients can consult with their medical oncologist and, if they choose, receive treatment right down the hall, he said. His association also offers support group services for patients and their families.

Minneapolis Radiation officials warned against allowing "physician self-referral" — when physicians invest in treatment facilities that are not their own, but to which they may refer patients. Since those physicians have a stake in the profits from that facility, opponents of the

practice say, they become more likely to refer patients there. Self-referral became increasingly popular among health providers in all areas of medicine in the 1980s and 1990s.

Believing it amounted to legalized kickbacks that clouded doctors' judgments and resulted in higher medical costs, Congress wrote laws banning the practice for certain Medicare-covered services, including radiation treatments.

The laws included an exception for group practices, however, so larger entities such as Rochester's Mayo Clinic would not be affected. Using that exception, U.S. Oncology has partnered with groups such as Minnesota Oncology to provide combined referral and treatment services to patients in 14 states.

Minneapolis Radiation's Coyle told legislators that U.S. Oncology's entrance into Minnesota represents a "deal with the devil" and will siphon business from hospitals and other stand-alone treatment providers who may be better suited to a patient's needs or closer to their location.

Minnesota Oncology's Flynn disputed the claim, noting 60 percent of its radiation treatment referrals go to facilities unassociated with his organization.

Coyle also testified on a study of U.S. Oncology services in Texas that showed a much higher rate of referral than the national average, indicating, he said, the organization's oncologists were more likely to recommend unnecessary treatments, substantially raising health care costs for patients and taxpayers.

Flynn said such practice would be a violation of medical ethics and his company's own guidelines. He testified the group practice exception his association relies upon was "created specifically to preserve the recognized advantages such practice arrangements bring to patients."

A bill (HF611) sponsored by committee chair Rep. Lynda Boudreau (R-Fairbault), which was not considered at the hearing, would specify that medical oncologists in Minnesota could not refer patients to radiation therapy facilities in which they have an investment interest. The restriction would not apply to large multi-specialty providers like hospitals or the Mayo Clinic, but would apply to groups such as Minnesota Oncology.

Representatives of hospitals and physicians organizations said they opposed such regulation because it would limit patients' options. Mary Gilbert, representing HealthEast hospitals, said her organization would likely benefit financially from such a law but opposes it because it may "handicap" patients from using nearby facilities. 

# Are we there yet?

House committee examines causes, potential solutions to traffic congestion in context of tight budget times

By MICHELLE KIBIGER

In the 30 years that closed the 20th century, commuters in the Twin Cities metropolitan area exhibited a series of “dramatic” changes, in the words of transportation officials.

On the whole, as the population grew so did trips per person and vehicle miles traveled. But freeway lane miles have not kept pace, according to transportation models. And projected growth predicts those gaps will only increase during the next 20 years.

Analysis shows that from 1970 to 2000, peak hour congestion on the metropolitan freeway system grew from 10 miles to 183 miles. That equates to about 12 percent of the freeway system being congested, according to state Department of Transportation criteria, during peak travel periods.

And while lanes of freeway construction in the metropolitan area has slowed considerably since peak construction in the late 1950s and 1960s, officials suggest highway construction alone will not solve the problem, leaving lawmakers to grapple with what combination of fixes will alleviate metropolitan congestion without exacerbating sprawl to outlying communities.

Highways are part of the answer, said Tim Henkel, transportation planning director for the state Department of Transportation. “More highways are necessary and other transportation options are necessary for us to fill those gaps.”

Henkel testified before the House Transportation Policy Committee March 11. It was the second of three hearings addressing congestion and potential solutions.

He offered a number of statistics, based on analysis of population and job growth in the seven-county Twin Cities metropolitan area between 1970 and 2000. They showed the following items:

- Population in the area grew 14 percent per decade and will continue to grow about 12 percent every 10 years.

- Households in the area increased by 26 percent per decade with continued growth of about 16 percent.
- A growing percentage of all metropolitan households are in developing cities just outside the Interstate 494/694 beltway.



PHOTO BY TOM OLMSCHIED  
As is the case on many freeways in the Twin Cities metropolitan area, eastbound traffic on Interstate 94 begins to back-up during the evening drive time.

- Employment in the area has grown three-times faster than population.
- A growing number of jobs are located in first- and second-tier suburban communities than are in the central cities of Minneapolis and St. Paul.
- Commuters make more trips per day per capita, and the average trip has grown from 5.1 miles to 7.9 miles within the seven-county area.

- Principal highways account for at least half of the vehicle miles commuters travel, due in large part to the length of trips.
- Twin Cities commuters spend an average of eight minutes longer on roads than cities of similar size. However, those cities’ commuters are already spending an average 30 minutes longer as a result of congestion.

Barb Thoman from Transit for Livable Communities, a group that advocates a balanced transportation system achieved through both transit and transportation-related development, suggested that the numbers do more than explain congestion. What it suggests is the need for a balanced solution to congestion and a realistic view of the problem.

Testifying before the committee March 12, she said that even though the Twin Cities metropolitan area experiences significant congestion, it ranks low in comparison to other cities of its size in a few areas.

For example, she said, the Twin Cities are 14th nationally for peak-hour highway congestion and the metropolitan area also ranks 14th in size. In addition, the metropolitan area has the eighth highest ratio of freeway lane miles per capita, she said, and cities with more lane miles actually have worse congestion problems. Successful cities have a transit system and other transportation options that allow drivers to avoid congestion, she said.

Congestion is a reality for vital, vibrant communities, she said. “Successful urban areas have congestion.”

The statistics Henkel presented March 11 confirmed concerns delivered by a number of transportation- and local government-related groups who testified March 5, calling on lawmakers to do something this session to solve the area’s congestion problems.

Representatives from city economic development organizations, regional transportation planning groups, trucking companies, and officials of suburban communities all testified that the congestion problem affects more than commuters – it’s a significant economic development issue.

Russ Thorfinnson, a city councilor from Eden Prairie, spoke on behalf of the I-494 Corridor Commission, which represents six communities along I-494 in the southern met-

Continued on page 31

# Farmer friendly

As one who lives off the land, Koenen looks to improve the livelihood for many rural Minnesotans

BY JEFF JONES

A string of Christmas lights lines the window ledge of Rep. Lyle Koenen's (DFL-Maynard) new office. They are yellow



Rep. Lyle Koenen

and green and in the shape of John Deere tractors. Regarding them with an expert eye, Koenen says, "That's a model 4020. I've actually got one of those."

A life-long farmer, Koenen has spent years keeping an eye on legislative policies that affect agricultural Minnesota. Koenen started making trips to St. Paul when he became active in farm organizations such as the Minnesota Farmer's Union. "I started coming down here to lobby legislators on proposed bills that were being written and trying to influence those decision-makers on what they would do because of the direct effect it would have on farmers and working people," he said.

That interaction with lawmakers led him towards political action. "I came to the realization that it was impossible to outwork poor policy decisions," Koenen says. "That led to the next step — helping the candidates that I felt best represented the ideals that I was looking for." He would soon become a candidate himself. After an unsuccessful run for the Senate in 2000, Koenen won the House seat vacated by now-Sen. Gary Kubly (DFL-Granite Falls).

Like many Minnesota farmers, Koenen has been forced to take a second job to make up for sagging crop prices. Over the years he has driven school busses and hauled milk from dairy farms to processing plants to earn extra money, but he hopes his newest job will give him the chance to make life a bit easier for his fellow farmers.

"I would love to see that farmers could get their entire income from the farm," he said. "I'd like to see livestock on every farm, too, or almost

every farm. That would be ideal because then it would be full-time work. In the wintertime you'd have livestock to take care of."

Koenen owned livestock himself until earlier this year when he sold his herd of beef cows. For him the decision wasn't economic, but a necessity of his work at the Legislature. "There's no way I can be here and take care of livestock so they had to go," he said. "Otherwise I would have kept them, but I can't do both."

Other rural DFL legislators elected Koenen to chair the House DFL Rural Caucus, which meets weekly to discuss rural issues.

In that capacity, Koenen hopes to work with rural Republicans to deal with issues of common interest. "There's so many of the votes that

good roads are necessary for safe transportation of livestock, grain and fertilizer. "They don't need to necessarily be four-lane roads in those light population areas but they do need to carry heavy traffic," he said.

Maintaining school funding is another important issue in his district. Declining enrollments result in lost state dollars, he says. "Our school districts get clobbered. Every year they have budget issues to deal with."

Koenen has remained close to his roots. The farm where he and his wife, Sandy, live with their two children sits outside Maynard, where he went to high school. He has attended the same church all his life, the Reformed Church of Clara City. "The reformed church is socially pretty conservative, so I tend to be that way myself," Koenen said. "Being a Democrat, you wouldn't think of being to the right on that issue. I'm maybe not as far over as the church is, but it draws me to that side."

One thing he learned growing up was to always be evenhanded in the decisions he makes. "Fairness is the first thing," he said. "Other than

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*"I came to the realization that it was impossible to outwork poor policy decisions. That led to the next step — helping the candidates that I felt best represented the ideals that I was looking for."*

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— Rep. Lyle Koenen

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really aren't partisan. I would say way over half aren't partisan," he said.

Bills to improve veterinary facilities at the University of Minnesota and to encourage rural economic development are among the issues receiving bipartisan support from rural lawmakers, he said.

Koenen has signed on to a bill that would provide tax incentives for job creation and retention in rural Minnesota. "We both represent rural Minnesota and we have common concerns," says Rep. Dean Urdahl (R-Grove City), the bill's sponsor. "Lyle brings a sincerity and dedication to the job."

Koenen serves on both House agriculture and both environment committees.

Economic development is among the issues Koenen puts at the heart of his agenda.

One obstacle to development, he said, is the deterioration of roads in rural areas. He said

that, my own life experiences affect the way I look at things, and then I always, always, think back to the district and what is best for the district or what the majority would like to see. And so you roll all that together and that's where my positions come from."

## DISTRICT 20B

2002 population: 36,953

Largest city: Montevideo

Counties: Chippewa, Renville, Yellow Medicine

Location: west-central Minnesota

Top concern: "When all budget considerations are made, they'll be done fairly."

— Rep. Lyle Koenen

# Right at home

After years as a prosecutor, referee, and school board member, Meslow's career brings him to St. Paul

BY TOM LONERGAN

One might say Rep. Doug Meslow (R-White Bear Lake) has a pretty close relationship with rules.



Rep. Doug Meslow

As a high school football referee, he enforces them. As a prosecutor, he attempts to prove others have broken them. And as a freshman legislator, he's involved in making, changing, or repealing them.

One set of rules Meslow is quite familiar with is the state's criminal statutes. "I don't think we need to create more (definitions of) crimes," he said. However, he added, some laws already on the books can be improved.

Meslow has sponsored a bill (HF499) that would increase the penalty (from misdemeanor to a gross misdemeanor) for a person who refuses to take a chemical test and is convicted of driving while intoxicated. "The penalty for someone who cooperated shouldn't be higher than for the person who refused," Meslow said. A gross misdemeanor carries a possible 30-day jail sentence.

He's also co-sponsoring a bill to reduce the state definition of driving while intoxicated from the current 0.10 percent blood-alcohol concentration to 0.08 percent, the standard in 34 states. "Anything that reduces drinking and driving is a plus," Meslow said. There's also a practical side to changing the law, he added. "We need to do it to get more federal highway funding."

Federal highway safety grants to states under the 1998 Transportation Equity Act are tied to the 0.08 alcohol standard for drunken driving. If the level is not changed by Oct. 1, 2003 the state could lose federal transportation dollars.

For 12 years, Meslow has prosecuted adults accused of non-felony crimes like drunken driving, domestic assault, and theft. "Some were bad people and deserved to be locked up,"

he said. "Most were good people who did something they shouldn't have done. My role is not to condemn them."

Former Rep. Harry Mares, who co-chaired Meslow's campaign, approached Meslow about running for the House after the four-term legislator decided not to seek re-election last year. Meslow said he wasn't actively looking at getting involved in politics. "I was involved in my community. Politics found me."

Meslow's committee assignments include the House Education Policy, Higher Education Finance, and Judiciary Policy and Finance committees.

Examining the state's complicated K-12 funding formula for public schools will be among his long-term legislative priorities, said

education, resulting in tuition increases. "My guess is there's not much chance to avoid a tuition hike," Meslow added. Century College, a two-year community and technical college with 10,300 students, is in his district.

Meslow has been a high school football referee for 21 years, continuing a family tradition of sports officiating that's included his parents, brothers, and wife, Jenny. His dad, Bob Meslow, is director of football officials for the Minnesota State High School League.

"Apples don't fall very far from the tree," said Bob, noting that his son became a high school official while he played football at St. Olaf College. "Now he's an umpire and gets right behind those big hulks on the defensive line," he added. "He's learned how to step in and bring peace to opposing factions."

Rep. Meslow, who has been part of the officiating team for several high school championship games, said, "I like to be in the middle of the action. I like the energy and excitement high school students have."

An avid runner, Meslow has a statue of his political hero in his office. It's Popeye, the

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*The state's Profile of Learning academic standards "did not do the job they were created to do. Success or failure was defined by very subjective, very vague standards. We need high standards."*

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— Rep. Doug Meslow

Meslow, who served for seven years on his local school board, and has two teenage sons. "During the last 35 years, there have been so many extras added to the basic formula," he said. "State funding no longer aligns with basic fundamental fairness. It's so complicated, no one can understand who the winners and losers are and why."

The state's Profile of Learning academic standards "did not do the job they were created to do," said Meslow, who voted for the House bill to repeal the profile. "Success or failure was defined by very subjective, very vague standards," he said. "We need high standards." Meslow said he "liked the idea that (the profile) was performance based."

Meslow said taxes and the state budget are district residents' top concerns.

"Given the size of the budget deficit and the problems we have to tackle, we're going to have to do things we don't want to do," Meslow said. That could include state aid cuts to higher

cartoon sailor. "Popeye always said 'I am what I am and that's all that I am,'" Meslow said. "He's there to remind me that I'm here to be myself, not to let ego get in the way and be real."

## DISTRICT 53B

2002 population: 36,699

Largest city: White Bear Lake

County: Ramsey

Location: northeast Twin Cities metropolitan area

Top concern: "The deficit is so big, we're not going to reduce it just by being more efficient. It's a challenge to maximize what the state does best and limit the amount of pain that will come from the cuts we have to make."

— Rep. Doug Meslow

# A new perspective

From parks and local development to education, Nelson brings real life experience to the House of Representatives

By PATTY JANOVEC

Rep. Carla Nelson (R-Rochester) says government is “all about who sits at the table.”

Her first taste of politics was when she noticed a neighborhood being plotted without a park next to her home, which would be against a city regulation about to take effect. She spearheaded a group to work with the planning and zoning commission, and the city council to make sure a park would be built. They won, and she said of the experience, “It showed me the importance of normal average citizens being involved in their local government.”

She moved on to serve on the executive board of her local Republican Party, was elected to state level positions, and has worked on a number of campaigns. After doing all of those, she said, “I never really thought about running myself.”

That changed when former Rep. Dave Bishop retired, and state and community leaders urged her to run. “I enjoy working in the political arena. I know it’s important, so I talked it over with my family,” Nelson said. She said her 21-year-old son told her, “You have to do that Mom. You’re full of integrity.” With a laugh, she said she knew he’d been raised right when he told her, “It’s the perfect job for you.”

Former Minnesota Supreme Court Chief Justice A.M. “Sandy” Keith says he contributed to Nelson’s campaign because “this woman is going to be great. I’m an old DFLer, and we need em’ good.” Along with her “political presence” she has real life experiences and is a good listener, Keith said.

He first met Nelson at the 2002 Minnesota Republican convention, and he said he was greatly impressed with how she dealt with opposing views. Nelson is pro-life, and he observed the way she spoke with pro-choice



Rep. Carla Nelson

supporters while “not offending them.” Said Keith, “She has a wonderful presence that’s hard to describe.” Those qualities will make her a “very outstanding legislator” he said.

One of four Republican representatives from the Rochester area, Nelson serves residents “in the heart of Rochester” she said. That’s appropriate since the district houses the Mayo Clinic, one of the leading health care providers in the world, she said.

Nelson brings her own set of skills in education. She has a master’s degree in teacher leadership from the University of Minnesota, and she has taught elementary and secondary education classes. “Children are tied into what our future is,” she said.

Education is one of the most important concerns she found on the campaign trail, she said. Before agreeing to run, she said, she

for higher education opportunities, yet the area doesn’t have a comprehensive four-year university. She said the community is one of the largest cities in the nation without a four-year higher education institution.

She says she is a strong advocate for local government. “If I look at bills or policies, I always get the best results when those decisions are made at the local level.” She says it’s like a lens she always views policy through.

That’s how she views the state’s budget situation.

She says there are two key goals: The first being the need to make tough choices now. Nelson said she was elected to lead and to gather all the information to be able to make choices that are in the best interest for Minnesotans.

The second goal is to “differentiate between the revenue producers and the revenue users.” Restructuring government is important so it is more efficient, effective, and programs are not duplicated, she said.

There are always several points of view to an issue, and “it’s very important that you look at those different perspectives,” she said. It’s one of her three goals she’s learned from

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*“If I look at bills or policies, I always get the best results when those decisions are made at the local level.”*

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— Rep. Carla Nelson

specifically requested to be on House Higher Education Finance and Education Policy committees, which she is now, particularly because of her expertise in education. She’s also on the House Local Government and Metropolitan Affairs Committee.

Also, “Rochester has a real concern and need for more higher education opportunities,” she said. She explained that the city has one of the premiere two-year institutions in the region, Rochester Community and Technical College. Also private colleges, like the Twin Cities-based Augsburg College, have programs in the area, and the Mayo Clinic offers academic programs. The Minnesota State Colleges and Universities system offers courses through Winona State University.

Nelson said Rochester has a real unique situation with many existing collaborative efforts

working in local government. The other two are building coalitions, and looking for win-win situations.

## DISTRICT 30A

2002 population: 36,890

Largest city: Rochester

County: Olmsted

Location: southeast Minnesota

Top concern: “My personal expertise and energies are in the area of education. Education is a real concern for all Minnesotans.”

— Rep. Carla Nelson

# Keeping the tradition

Nelson followed his father's footsteps into business, and again as a member of the House of Representatives

By MIKE COOK

There is an old adage that the two things people never want to actually see being made are sausages and laws.



Rep. Pete Nelson

Don't tell that to Rep. Pete Nelson (R-Lindstrom).

When not in St. Paul crafting laws, Nelson owns and operates an award-winning meat shop, Community Market & Deli, in his hometown. "I enjoy them

both," he said. "I take great pride in the quality of sausage I make, and I take equal pride in making quality legislation." Nelson was enshrined in the American Cured Meats Hall of Fame in 1994.

He likes to tell the story about when Luciano Pavarotti performed for the first time at St. Paul's Xcel Energy Center, "They flew in bread and wine from Italy, but they had this Dane who lives in 'America's Little Sweden' make the Italian sausage genuine for that thing."

After leaving the Marine Corps in 1968, Nelson began to work at the shop his father, Howard, started in 1936. A few years later, Nelson bought out his elder, who at age 90 still helps out six days a week.

But it wasn't just the business that Pete Nelson followed his dad into.

Howard Nelson was a House member from 1958-60 and served in the Senate for two terms beginning in 1963.

"He was a strong leader in the Senate," Nelson said. "If it was an ag-related bill, he was always on the conference committee, and both houses always deferred and pretty much let him write how the legislation was. He wrote the first meat inspection act that Minnesota had."

His great uncle, George, served in the Wisconsin Assembly, ran for governor of Wisconsin, and ran for vice-president in the mid-1930s with the Socialist Workers Party.

Yet, Nelson learned a lesson from George that he still believes in today: "The important thing that you should remember is sometimes you need to change your mind."

He said that is especially true in the political arena. "That's one of the few — if not the only — reason I did not sign the no new taxes pledge because I want to make sure I have the ability to change my mind if given new information."

Nelson admits he never had a real interest in running for political office, yet he served for four years on the Lindstrom City Council and four years as mayor before winning an open seat in the House created by redistricting.

"Opportunities come along in life and

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*"Opportunities come along in life and sometimes we accept that opportunity and sometimes we pass it up. I had a lot of people that came to me and said 'We need somebody down there that leads like you.'"*

— Rep. Pete Nelson

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sometimes we accept that opportunity and sometimes we pass it up," Nelson said. "I had a lot of people that came to me and said 'We need somebody down there that leads like you.'"

Keith Carlson, a 20-year council member, replaced Nelson as Lindstrom's mayor. "I've known Pete all my life," Carlson said. "He's a guy that'll work hard for you. He'll put in the time and effort."

"What people found with me was they could come into the butcher shop and I would listen to them, give my opinion if they wanted it, and if they wanted a commitment from me to whatever degree, they knew they had it," Nelson said. "I did not go around behind their back and undo what they were trying to do even if I disagreed with them. So even when we disagreed they still respected me."

Nelson sits on the House Taxes Committee and both transportation committees.

The latter is especially important, as 80 percent of the Chisago County's workforce commutes to the Twin Cities metropolitan area, Nelson said. He said that county has been one of state's three fastest growing counties in each of the last 10 years.

The environment is also important to Nelson, who is sponsoring a bill (HF657) that authorizes counties to require the dedication of land for public parks from land or fees received from developers. It awaits committee action.

During Nelson's Lindstrom tenure, an ordinance was enacted whereby developers are told where a park would be created in their development, instead of developers putting greenspace wherever it fit in their plans.

He talks of a city park refurbishment in Lindstrom where the city received some state grant money, used volunteer sweat equity, and had some in-kind contributions of labor and materials to create a facility that was recognized in two national trade publications.

Nelson said he is happy just to be here after

fighting off a stage-four cancer in his neck. "They say I am now cancer-free," he said. "They took out 82 lymph nodes, a bunch of neck and shoulder muscle, and beat me up with radiation, but I'm a lucky guy. God was good to me."

## DISTRICT 17B

2002 population: 36,732  
Largest city: North Branch  
County: Chisago  
Location: east-central Minnesota  
Top concern: "With the growth in our area, transportation is a big issue and taxes is a big issue to everybody."

— Rep. Pete Nelson

**Monday, March 10**

**HF774—Abeler (R)**  
Health & Human Services Policy  
Human Services Department background studies act adopted.

**HF775—Westrom (R)**  
Regulated Industries  
Radioactive waste management facility definition modified, dry cask storage at Prairie Island facility authorized, and commission approval required for additional storage capacity for spent nuclear fuel.

**HF776—Davnie (DFL)**  
Governmental Operations & Veterans Affairs Policy  
Minneapolis fire relief association survivor benefit eligibility requirements waived for a specified individual.

**HF777—Klinzing (R)**  
Governmental Operations & Veterans Affairs Policy  
Voting equipment grant account distribution modified.

**HF778—Holberg (R)**  
Civil Law  
Marriage dissolution pension plan asset distribution provisions clarified.

**HF779—Ozment (R)**  
Environment & Natural Resources Finance  
Environment and natural resources funding provided, and money appropriated.

**HF780—Wardlow (R)**  
Education Finance  
School districts permitted to pay insurance premiums for teachers on an extended leave of absence.

**HF781—Seagren (R)**  
Education Finance  
Kindergarten through grade 12 education funding provided, child-care and early childhood programs provided, and money appropriated.

**HF782—Seagren (R)**  
Education Finance  
Department of Children, Families and Learning administrative amendment provided, and specified kindergarten through grade 12 education provisions repealed.

**HF783—Magnus (R)**  
Environment & Natural Resources Finance  
Floodplain management funding provided for Area II, Minnesota River Basin Projects Inc.; and money appropriated.

**HF784—Powell (R)**  
Judiciary Policy & Finance  
Emergency communications interference prohibited.

**HF785—Buesgens (R)**  
Local Government & Metropolitan Affairs  
Metropolitan government provisions modified relating to reporting requirements, Metropolitan Parks and Open Space Commission abolished, and dischargers directly assessed wastewater treatment user fees.

**HF786—Holberg (R)**  
Civil Law  
One call excavation notice system liability provided.

**HF787—Entenza (DFL)**  
Commerce, Jobs & Economic Development Policy  
Sprinkler system requirements provided for places of public assembly, fireworks displays prohibited, surcharges imposed, civil and criminal penalties provided, and money appropriated.

**HF788—Walker (DFL)**  
Civil Law  
Children in need of protection or services permanency review requirements eliminated.

**HF789—Hoppe (R)**  
Environment & Natural Resources Policy  
Game and migratory waterfowl refuge provisions modified, suspension of license and permit privileges provided, turkey license provisions modified, and walleye possession size limits provided.

**HF790—Hoppe (R)**  
Environment & Natural Resources Policy  
Migratory game bird shooting hours modified.

**HF791—Kielkucki (R)**  
Governmental Operations & Veterans Affairs Policy  
Election requirements and procedures modified.

**HF792—Tingelstad (R)**  
Civil Law  
Gestational surrogacy agreements authorized relating to assisted reproduction.

**HF793—Gerlach (R)**  
Governmental Operations & Veterans Affairs Policy  
Public employee salary and wage rate freeze instituted.

**HF794—Gunther (R)**  
Education Finance  
Education telecommunications fund established, support provided to kindergarten through grade 12 schools and public library telecommunications networks, access fee imposed, and money appropriated.

**HF795—Hornstein (DFL)**  
Transportation Policy  
Minneapolis to Lakeville I-35W bus rapid transit study required, study advisory committee created, and report required.

**HF796—Holberg (R)**  
Governmental Operations & Veterans Affairs Policy  
Essential employee definition expanded to include employees operating and maintaining the metropolitan disposal system.

**HF797—Wilkin (R)**  
Health & Human Services Policy  
Planned closure rate adjustment provided for certain nursing facilities.

**HF798—Anderson, J. (R)**  
Education Policy  
Teacher representative notification required prior to placement of a student with a history of violent behavior.

**HF799—Otremba (DFL)**  
Health & Human Services Policy  
Prescription drug rebate program established, and money appropriated.

**HF800—Hackbarth (R)**  
Commerce, Jobs & Economic Development Policy  
Fireworks regulation provided, fees authorized, and local regulation limited.

**HF801—Wasiluk (DFL)**  
Education Finance  
Public library closing hearing required.

**HF802—Mullery (DFL)**  
Local Government & Metropolitan Affairs  
Hennepin County Housing and Redevelopment Authority clarified.

**HF803—Johnson, S. (DFL)**  
Environment & Natural Resources Policy  
Pollution control equipment required in coal-fired power plants by 2010.

**HF804—Solberg (DFL)**  
Transportation Policy  
Gross weight restrictions regulated on vehicles and combinations hauling raw or unfinished farm or forest products.

**HF805—Severson (R)**  
Transportation Finance  
St. Cloud Regional Airport land acquisition funding provided, and money appropriated.

**HF806—Kielkucki (R)**  
Civil Law  
Liability limits provided for nonprofits providing day training and habilitation services for adults and children with mental retardation and related conditions.

**HF807—Seifert (R)**  
Governmental Operations & Veterans Affairs Policy  
Campaign materials prohibited from containing distorted photographs of candidates.

**HF808—Dill (DFL)**  
Judiciary Policy & Finance  
Radio equipment capable of receiving police emergency transmissions use and possession requirements clarified.

**HF809—Abrams (R)**  
Taxes  
Direct mail delivery or distribution sales and use tax exemption provided.

**HF810—Howes (R)**  
Environment & Natural Resources Policy  
State land acquisition provided, Mississippi whitewater trail modified, outdoor recreation system modified, mineral coordinating committee established, and surplus state land sale authorized in St. Louis and Beltrami counties.

**HF811—Stang (R)**  
Taxes  
Tax increment financing duration extensions authorized to eliminate deficits caused by 2001 property tax changes.

**HF812—Clark (DFL)**  
Health & Human Services Policy  
Apology requested of the governor by resolution on behalf of all persons with mental illness or other disabilities who have been wrongfully committed to state institutions.

**HF813—Davnie (DFL)**  
Education Finance  
Professional teaching standards promotion funding provided, and money appropriated.

**HF814—Davnie (DFL)**  
Commerce, Jobs & Economic Development Policy  
Non-renewals of homeowner's insurance regulated, and insurance discriminatory practices prohibited.

**HF815—Thissen (DFL)**  
Taxes  
Property tax payment compensation required for lost property tax base when real property is acquired by a governmental entity and becomes tax-exempt.

**HF816—Thissen (DFL)**  
Local Government & Metropolitan Affairs  
Airport impact zone established in cities surrounding the international airport, airport mitigation fund created, metropolitan area property tax levy authorized, and money appropriated.

**HF817—Mahoney (DFL)**  
Civil Law  
Commissioner of health responsibilities eliminated relating to occupational safety and health, and certain penalty limits increased.

**HF818—Tingelstad (R)**  
Civil Law  
Artificial insemination parentage provisions modified.

**HF819—Bradley (R)**  
Higher Education Finance  
University Center Rochester capital improvement funding provided, and money appropriated.

**HF820—Buesgens (R)**  
Education Policy  
Area learning center assignments by school districts authorized.

**HF821—Paulsen (R)**  
Judiciary Policy & Finance  
Identity theft reporting procedures and venue provided.

**HF822—Buesgens (R)**  
Education Policy  
Direct judicial review of district exclusion and expulsion decisions allowed.

**HF823—Cornish (R)**  
Environment & Natural Resources Policy  
Natural resources commissioner's authority modified relating to employees, gifts, and grants; state parks working capital fund modified; and other natural resources administrative provisions modified.

**HF824—Peterson (DFL)**  
Environment & Natural Resources Finance  
Prairie Farm Preservation Education and Exhibit Center funding provided, bonds issued, and money appropriated.

**HF825—Peterson (DFL)**  
Agriculture Policy  
Ethanol plant sales restricted.

## Thursday, March 13

**HF826—Seifert (R)**  
Higher Education Finance  
Higher education financial aid requirements modified to include a service requirement for certain stipends.

**HF827—Severson (R)**  
Governmental Operations & Veterans Affairs Policy  
Capitol Area Architectural and Planning Board enabling law revised to remove obsolete language.

**HF828—Paymar (DFL)**  
Governmental Operations & Veterans Affairs Policy  
St. Paul Port Authority employees included in the general employees retirement plan of the public employees retirement association, and prior service credit purchase authorized.

**HF829—Urdahl (R)**  
Education Policy  
Probationary teacher evaluation requirements provided.

**HF830—Kahn (DFL)**  
Governmental Operations & Veterans Affairs Policy  
Sports wagering, pools, and bookmaking authorized under the state lottery; bookmaking tax imposed; and Minnesota active recreation fund established.

**HF831—Gunther (R)**  
Commerce, Jobs & Economic Development Policy  
Unemployment insurance trust fund solvency provisions increased.

**HF832—Seifert (R)**  
Commerce, Jobs & Economic Development Policy  
Prevailing wage requirements repealed.

**HF833—Hilty (DFL)**  
Higher Education Finance  
Fond du Lac Tribal and Community College baccalaureate programs established in elementary education and sustainable development.

**HF834—Slawik (DFL)**  
Transportation Policy  
School zone speed limit of 25 miles per hour established.

**HF835—Samuelson (R)**  
Education Finance  
Independent School District No. 14, Fridley, severance levy authorized.

**HF836—Slawik (DFL)**  
Transportation Finance  
Ramsey County I-94 at Century and McKnight interchange project funding provided, bonds issued, and money appropriated.

**HF837—Olson, M. (R)**  
Environment & Natural Resources Policy  
Clearwater River Watershed District authorized to charge facilities for disposing sewage, and other waste.

**HF838—Krinkie (R)**  
Transportation Policy  
Trunk highway maintenance county contracting provided.

**HF839—Nelson, M. (R)**  
Governmental Operations & Veterans Affairs Policy  
City managers allowed to revoke elections to be excluded from membership in the public employees retirement association.

**HF840—Solberg (DFL)**  
Environment & Natural Resources Policy  
Timber sale on tax-forfeited land provisions modified to allow county boards to impose restrictions.

**HF841—Fuller (R)**  
Governmental Operations & Veterans Affairs Policy  
Bemidji City Council member authorized to terminate public employees retirement association general plan coverage.

**HF842—Zellers (R)**  
Regulated Industries  
Maple Grove authorized to issue additional on-sale liquor licenses.

**HF843—Seifert (R)**  
Higher Education Finance  
Higher education financial aid requirements modified to include service requirement for certain stipends.

**HF844—Smith (R)**  
Governmental Operations & Veterans Affairs Policy  
Full actuarial value service credit purchase provisions made permanent in teachers retirement association, first class city teacher fund associations, MSRS, PERA, and various other plans.

**HF845—Abrams (R)**  
Local Government & Metropolitan Affairs  
Hennepin County Medical Center and health maintenance organization exempted from contracting requirements.

**HF846—Adolphson (R)**  
Environment & Natural Resources Policy  
Wetlands replacement ratios for public transportation projects modified.

**HF847—Anderson, B. (R)**  
Health & Human Services Policy  
Mental health care patients health records access provided to family members.

**HF848—Lipman (R)**  
Transportation Finance  
Trunk Highway 5 safety improvements funding provided, bonds issued, and money appropriated.

**HF849—Walz (R)**  
Jobs & Economic Development Finance  
Displaced homemaker program funding provided by increasing the marriage license fee.

**HF850—Brod (R)**  
Environment & Natural Resources Policy  
Rush River wayside unit of the Minnesota Valley state recreation area local management agreement by natural resources commissioner required.

**HF851—Stang (R)**  
Commerce, Jobs & Economic Development Policy  
Motor vehicle sales and distribution regulated.

**HF852—Lipman (R)**  
Commerce, Jobs & Economic Development Policy  
Motor vehicle retail installment sales regulated.

**HF853—Magnus (R)**  
Transportation Finance  
Traffic control sign replacement grant program bonds issued and money appropriated.

**HF854—Rhodes (R)**  
Commerce, Jobs & Economic Development Policy  
Mechanical contractors bond requirement established and filing fee authorized.

**HF855—Abeler (R)**  
Education Policy  
Substitute teacher attainment of continuing contract or tenure status allowed.

**HF856—Dempsey (R)**  
Governmental Operations & Veterans Affairs Policy  
Teacher retirement coverage election deadline for Minnesota State Colleges and Universities system service extended.

**HF857—Koenen (DFL)**  
Jobs & Economic Development Finance  
Olivia center for agriculture innovation bonds issued and money appropriated.

**HF858—Howes (R)**  
Health & Human Services Policy  
Hubbard County facility nursing home bed moratorium exception provided.

**HF859—Lindgren (R)**  
Environment & Natural Resources Policy  
Timber sale provisions modified and criminal penalties provided.

**HF860—Gunther (R)**  
Regulated Industries  
Conservation reporting requirements exemption provided for municipal utilities.

**HF861—Otremba (DFL)**  
Agriculture Policy  
Livestock development provision eliminated.

- HF862—Seifert (R)**  
Higher Education Finance  
State grant eligibility for students attending private, for-profit higher education institutions eliminated.
- HF863—Peterson (DFL)**  
Taxes  
Re-refined motor oil and recycled paper sales and use tax exemptions provided.
- HF864—Stang (R)**  
Higher Education Finance  
Higher Education Services Office modified.
- HF865—Powell (R)**  
Health & Human Services Policy  
Psychology board independent examination of a practitioner required.
- HF866—Powell (R)**  
Health & Human Services Policy  
Psychologist emeritus registration provided.
- HF867—Powell (R)**  
Health & Human Services Policy  
Psychologist supervised practice provisions modified.
- HF868—Powell (R)**  
Health & Human Services Policy  
Psychology practice definition clarified.
- HF869—Brod (R)**  
Commerce, Jobs & Economic Development Policy  
Rural challenge grant program modified, contamination cleanup grant program administration funds increased, world trade center duties transferred, and report eliminated.
- HF870—Fuller (R)**  
Transportation Finance  
Sewage treatment system pumper vehicle seasonal weight limitation temporary exemption provided.
- HF871—Smith (R)**  
Governmental Operations & Veterans Affairs Policy  
Disability benefit certification by licensed psychologist provided.
- HF872—Anderson, J. (R)**  
Higher Education Finance  
Higher education reciprocity agreements, state grants, fees, and Minnesota College Savings Plan clarifying, conforming, and technical changes provided; revenue bond limit increased, and learn and earn money usage clarified.
- HF873—Dorman (R)**  
Governmental Operations & Veterans Affairs Policy  
County records examination by private accountants authorized and state audit mandate by state auditor removed.
- HF874—Otremba (DFL)**  
Health & Human Services Policy  
MinnesotaCare gross income definition modified.
- HF875—Pugh (DFL)**  
Taxes  
Levies exceeding charter limits as property tax aids decrease allowed.
- HF876—Pugh (DFL)**  
Health & Human Services Policy  
MinnesotaCare provider taxes repealed, tobacco settlement funds disposition provided, and purchaser savings pass-through required.
- HF877—Otremba (DFL)**  
Health & Human Services Policy  
Partial-birth abortion ban act of 2003 adopted.
- HF878—Knoblach (R)**  
Commerce, Jobs & Economic Development Policy  
Tattooing of minors prohibited.
- HF879—Knoblach (R)**  
Civil Law  
Housing and real property benefit data classified.
- HF880—Kuisle (R)**  
Education Finance  
Independent School District No. 806, Elgin-Millville, handicapped access and fire safety improvements levy authorized.
- HF881—Kielkucki (R)**  
Education Policy  
Minnesota State High School League directed to adopt a policy on corporate sponsorship; and other league budget, investment and review provisions repealed.
- HF882—Cox (R)**  
Environment & Natural Resources Policy  
Electronic products with cathode ray tubes prohibited from mixed municipal solid waste, recycling and recovery standards compliant products list established, and anticompetitive conduct immunity provided for participating manufacturers.
- HF883—Wilkin (R)**  
Local Government & Metropolitan Affairs  
Metropolitan Airports Commission chair subjected to confirmation by the Senate, and members' terms of office clarified.
- HF884—Pelowski (DFL)**  
Higher Education Finance  
Higher education financial aid provisions modified to include a service requirement for certain stipends.
- HF885—Seifert (R)**  
Health & Human Services Policy  
Food establishments exempted from equipment design or construction rules under certain conditions.
- HF886—Holberg (R)**  
Local Government & Metropolitan Affairs  
Metropolitan Council agency long-range policy plan regional improvement cost analysis required.
- HF887—Abeler (R)**  
Health & Human Services Policy  
Immunization and vaccination data requirements provided for children enrolling in schools or child-care facilities.
- HF888—Hilstrom (DFL)**  
Judiciary Policy & Finance  
Adult court jurisdiction provided over traffic offenses committed by juveniles age 16 and above.
- HF889—Hilstrom (DFL)**  
Local Government & Metropolitan Affairs  
Metropolitan Council project local approval required for projects for which real property will be acquired by eminent domain.
- HF890—Smith (R)**  
Governmental Operations & Veterans Affairs Policy  
Minnesota State Retirement System and Public Employees Retirement Association definitions modified, clarifications provided, and pension asset disposition provided after death of certain employees.
- HF891—Nelson, C. (R)**  
Agriculture Policy  
Ethanol producer payments suspended to producers after majority ownership of a plant is transferred.
- HF892—Gunther (R)**  
Regulated Industries  
Independent telephone companies deregulated.
- HF893—Howes (R)**  
Transportation Policy  
Utility vehicle gross weight provisions sunset repealed.
- HF894—Pugh (DFL)**  
Commerce, Jobs & Economic Development Policy  
Manufactured homes certificates of title provisions modified.
- HF895—Kuisle (R)**  
Transportation Policy  
Eminent domain; property owners provided access to appraisal data, costs and attorney fees provided, and appraisal and negotiation requirements established before eminent domain proceedings for transportation projects can proceed.
- HF896—Johnson, J. (R)**  
Commerce, Jobs & Economic Development Policy  
School conference and activity employment leave technical clarifications provided.
- HF897—Erickson (R)**  
Education Finance  
Minnesota state library board established.
- HF898—Thissen (DFL)**  
Civil Law  
Eminent domain; inverse condemnation by a business when a governmental entity occupies the market.
- HF899—Dorman (R)**  
Commerce, Jobs & Economic Development Policy  
Ethanol content of 10 percent required in all gasoline sold in Minnesota.
- HF900—Howes (R)**  
Health & Human Services Policy  
Nursing facility wage and benefit distribution plans approval procedures modified.
- HF901—Thao (DFL)**  
Health & Human Services Finance  
Medical Assistance reimbursement rates for certain outpatient rehabilitation services increased.
- HF902—DeLaForest (R)**  
Transportation Finance  
Native grass seeds purchase prohibited with dedicated highway funds.
- HF903—Cornish (R)**  
Environment & Natural Resources Finance  
Individual sewage treatment system contractor license fee increased, surcharge imposed, report required, and individual sewage treatment system program staffing increased.
- HF904—Bradley (R)**  
Health & Human Services Policy  
Public assistance, health care, continuing care, and children's services provisions modified; community services act adopted; medical assistance estate recovery provisions and local public health grants modified, and money appropriated.
- HF905—Bradley (R)**  
Health & Human Services Policy  
Child-care programs, Minnesota economic opportunity grants, and food shelves funding provided; and money appropriated.

**MONDAY, March 17**

**12:30 PM**

**Health and Human Services Policy**

Room: 10 State Office Building

Chair: Rep. Lynda Boudreau

**Agenda:** HF373 (Nornes) Optometrist drug prescription limitations, prescription of controlled substances; standards provided.

HF653 (Olsen, S.) Postadoption services rules modified to require release of non-identifying history of birth family.

HF230 (Abeler) Establish a board of licensed professional counseling.

**Governmental Operations and Veterans Affairs Policy**

Room: Basement Hearing Room

Chair: Rep. Jim Rhodes

**Agenda:** HF494 (Huntley) Independent School District No. 709, Duluth, at-large school board member reduction authorized.

HF668 (Holberg) Woman's right to know act requiring informed consent of a female upon whom an abortion is performed, and providing civil remedies.

**3:00 PM**

THE HOUSE MEETS IN SESSION.

**TUESDAY, March 18**

**8:15 AM**

**Jobs and Economic Development Finance**

Room: Basement Hearing Room

Chair: Rep. Bob Gunther

**Agenda:** HF541 (Sertich) Family homeless prevention and assistance program funding provided, and money appropriated.

**Environment and Natural Resources Finance**

Room: 5 State Office Building

Chair: Rep. Dennis Ozment

**Agenda:** Minnesota Department of Natural Resources budget.

**Health and Human Services Policy**

Room: 10 State Office Building

Chair: Rep. Lynda Boudreau

**Agenda:** Presentation by Rep. Bradley and officials from the administration of the Pawlenty Administration's HHS Finance Bill and Child Care Finance Bill.

(Meeting may continue after 4:15 p.m. in Room 5 of the SOB, if additional time is required).

**Transportation Finance**

Room: 500S State Office Building

Chair: Rep. William Kuisle

**Agenda:** HF395 (Abeler) Driver's license revocation reinstatement fees increased and reallocated.

Presentations by Department of Natural Resources, Pollution Control Agency, and Board of Water and Soil Resources.

**Education Policy**

Room: Room 200 State Office Building

Chair: Rep. Barb Sykora

\*\*\* Note: \*\*\* Change in Agenda

Bill(s) Added

**Agenda:** HF580 (Erickson) School district curriculum and instruction required premised on abstinence until marriage.

HF390 (Erickson) Elections conducted by mail; county auditor approval requirement eliminated.

HF 391 (Olsen, S.) School districts authorized to convert, by election, from election by district to election at large.

HF535 (Nelson) Independent School District No. 535, Rochester, authorized to begin school year on any date set by school district.

HF788 (Anderson, J.) Teacher representative notification required prior to placement of a student with a history of violent behavior.

**10:15 AM**

**Education Finance**

Room: 10 State Office Building

Chair: Rep. Alice Seagren

**Agenda:** HF517 (Demmer) A bill for an act relating to education; renaming the Department of Children, Families and Learning to Department of Education; making conforming changes to reflect the department name change.

HF782 (Seagren) A bill for an act relating to education; providing for the Department of Children, Families and Learning administrative amendment and repeal of certain statutory provisions relating to kindergarten through grade 12.

HF781 (Seagren) A bill for an act relating to education; families and early childhood education; kindergarten through grade 12; providing for child care programs, early childhood programs, prevention, self-sufficiency and lifelong learning, general education, other general programs, nonpublic pupil programs, charter schools, desegregation programs, American Indian programs, accountability and reform, programs for special populations, special programs, facilities and technology, nutrition programs, libraries, and state agencies; renaming the department of Children, Families and Learning to Department of Education; appropriating money.

HF205 (Goodwin) A bill for an act relating to education finance; creating an alternative to the detachment and annexation process for residential property parcels that are split among school districts.

HF365 (Johnson, J.) A bill for an act relating to education; eliminating unneeded mandates affecting kindergarten through grade 12 public schools.

**Environment and Natural Resources Policy**

Room: 5 State Office Building

Chair: Rep. Tom Hackbarth

**Agenda:** HF529 (Hackbarth) Mourning dove hunting season authorized, and stamps and report required.

HF530 (Hackbarth) Mourning dove hunting season authorized and report required.

**Judiciary Policy and Finance**

Room: Basement Hearing Room

Chair: Rep. Steve Smith

**Agenda:** Department of Public Safety overview of Office of Justice Programs Reorganization Plan.

Minnesota Center for Crime Victim Services Grant Program.

**Taxes**

Room: 200 State Office Building

Chair: Rep. Ron Abrams

**Agenda:** Continue Hearing on HF 760 (Abrams) Income, property, estate, sales and use, cigarette and tobacco product, and other taxation policy and administrative changes made, Internal Revenue Code conformity provided, civil and criminal penalties provided.

Presentation on Administration Supplemental Budget Proposal.

**12:30 PM**

**Agriculture and Rural Development Finance**

Room: 5 State Office Building

Chair: Rep. Elaine Harder

**Agenda:** Renewable Fuels - A look at emerging technologies: Dr. Robert Elde, Dean, College of Biological Sciences, University of Minnesota; Greg Cuomo, Head, West Central Research and Outreach Center, Morris, MN; David Gaffaney, USDA Rural Development Business and Industry Program Specialist; Bruce Stockman, Executive Director, MN Corn Growers Association; Al Doering, Staff Member, Agricultural Utilization Research Institute, Waseca, MN; Paul Kramer, Vice President of Malt Operations, Rahr Malting Co. Shakopee, MN; Loren Forest, Project Coordinator/Farmer, Generation II Ethanol, LLC, Luverne, MN; Carl Nelson, Program Manager, The MN Project; Henry Fischer, Business Community Development Manager,

East Central Energy; Wayne Marzolf, Interim Director, MDA Rural Finance Authority; Deputy Commissioner Edward Garvey, MN Dept. of Commerce; Mike Taylor, State Program Administrator, MN Dept. of Commerce.

#### Transportation Policy

Room: 200 State Office Building

Chair: Rep. Ron Erhardt

**Agenda:** Presentation on long-range planning for rural transportation.

#### Commerce, Jobs and Economic Development

Room: 10 State Office Building

Chair: Rep. Greg Davids

**Agenda:** HF732 (Brod) Rural challenge grant program modified, contamination cleanup grant program administrative funding limitations increased, and obsolete references eliminated. HF561 (Gerlach) Tobacco sales to minors uniform mandatory penalties imposed, mitigating circumstances defined, and electronic age verification required.

HF748 (Gunther) Economic development, housing, jobs, and state government finance funding provided, and money appropriated.

#### 2:30 PM

#### Civil Law

Room: 5 State Office Building

Chair: Rep. Mary Liz Holberg

**Agenda:** HF297 (Haas) Health commissioner directed not to adopt certain rules, and specified data collection and research initiative provisions repealed.

HF678 (DeLaForest) Civil commitment technical correction provided.

#### Regulated Industries

\*\*\* Note: \*\*\* Change in meeting room

Room: 10 State Office Building

Chair: Rep. Torrey Westrom

**Agenda:** HF 775 (Westrom) Radioactive waste management facility definition modified, dry cask storage at Prairie Island facility authorized, and commission approval required for additional storage capacity for spent nuclear fuel.

#### State Government Finance

Room: 500N State Office Building

Chair: Rep. Bill Haas

**Agenda:** HF578 (Brod) Arlington regional sludge management project grant contract extended. HF575 (Gerlach) Art expenditures in state-financed buildings limited.

HF555 (Krinkie) Duplicating and printing service requirements relating to Administration Department repealed, and outside service contracts authorized.

#### Local Government and Metropolitan Affairs

Room: 200 State Office Building

Chair: Rep. Jerry Dempsey

**Agenda:** HF444 (Swenson) Municipal contract

judgment awarding of attorney fees authorized in certain cases.

HF744 (Erickson) State Building Code municipal reporting requirements modified.

HF588 (Brod) Township authority granted to require natural gas utilities to obtain a franchise from the township.

HF609 (Kelliher) Minneapolis authorized to establish a community planning and economic development department.

#### Health and Human Services Policy

Licensing Subcommittee

Room: 300N State Office Building

Chair: Rep. Jim Abeler

**Agenda:** HF346 (Abeler) Speech language pathology or audiology practice provisions.

HF496 (Abeler) Nurse temporary licensure provisions modified.

To testify on these bills, please call Andy Gildea at (651) 296-5065.

### WEDNESDAY, March 19

#### 8:15 AM

#### Jobs and Economic Development Finance

Room: Basement Hearing Room

Chair: Rep. Bob Gunther

**Agenda:** To be announced.

#### Transportation Finance

Room: 200 State Office Building

Chair: Rep. William Kuisle

**Agenda:** HF316 (Hackbarth) Anoka County park-and-ride lot funding provided, bonds issued, and money appropriated.

HF570 (Gerlach) Bloomington; Cedar avenue bus transit way funding provided, bonds issued, and money appropriated.

HF481 (Meslow) Rush Line corridor transitway funding provided, bonds issued, and money appropriated.

HF511 (Hilstrom) Brooklyn Center transit center construction mandated through the Metropolitan Council.

HF271 (Hausman) Central Corridor transit way between St. Paul and Minneapolis funding provided, bonds issued, and money appropriated.

#### Health and Human Services Policy

Room: 10 State Office Building

Chair: Rep. Lynda Boudreau

**Agenda:** Public comments on Administration's HHS Finance Bill and Child Care Finance Bill.

To testify, please call Andy Gildea at (651) 296-5065.

(Meeting may continue after 4:30 p.m. in Room 10 of the SOB, if extra time is required).

#### Environment and Natural Resources Finance

Room: 5 State Office Building

Chair: Rep. Dennis Ozment

**Agenda:** Minnesota Department of Natural Resources budget.

#### 10:15 AM

#### Education Finance

Room: 10 State Office Building

Chair: Rep. Alice Seagren

**Agenda:** To be announced.

#### Judiciary Policy and Finance

Room: Basement Hearing Room

Chair: Rep. Steve Smith

**Agenda:** To be announced.

#### Taxes

Room: 200 State Office Building

Chair: Rep. Ron Abrams

**Agenda:** Hearings on bills to be announced.

#### 12:30 PM

#### Higher Education Finance

Room: 300S State Office Building

Chair: Rep. Doug Stang

**Agenda:** Mayo Medical School response to governor's FY04-05 budget

Witnesses: Dr. Tony Windebank, Dean, Mayo Medical School; Dr. Dave Agerter, Chair, Family Medicine Department.

University of Minnesota faculty presentation.

#### Agriculture Policy

Room: 5 State Office Building

Chair: Rep. Howard Swenson

**Agenda:** HF 772 (Swenson) Minnesota Agriculture Education Leadership Council expiration date eliminated.

HFXXXX (Blaine) Enhancing markets for dairy and other nutritional products; regulating the availability and sale of certain beverages in public schools; prohibiting certain provisions in contracts between beverage vendors and schools or school districts.

#### Transportation Policy

Room: 200 State Office Building

Chair: Rep. Ron Erhardt

**Agenda:** Tour of the University of Minnesota's high tech lab and transportation research initiatives sponsored by the University's Center for Transportation Studies.

#### 2:30 PM

#### Local Government and Metropolitan Affairs

Room: 200 State Office Building

Chair: Rep. Jerry Dempsey

**Agenda:** HF760 (Abrams) Income, property, estate, sales and use, cigarette and tobacco product, and other taxation policy and administrative changes made,

Internal Revenue Code conformity provided, civil and criminal penalties provided. Addressing Article 3, Sec. 3, Subd. 1

HF756 (Rhodes) County levy authority modified to fund statewide public safety radio system.

HF756 (Severson) Municipal ordinance authority clarified relating to affordable housing.

#### Civil Law

Room: 5 State Office Building  
Chair: Rep. Mary Liz Holberg

**Agenda:** HF778 (Holberg) Marriage dissolution pension plan asset distribution provisions clarified.

HF565 (Borrell) Government data practices complaints administrative remedies provided.  
HF447 (Blaine) Farm land ownership restrictions modified and penalties imposed.

#### State Government Finance

Room: 500N State Office Building  
Chair: Rep. Bill Haas

**Agenda:** HF585 (Nornes) Certified public accountants authorized to perform annual audits for county nursing homes.

HF472 (Olson, M) School district opt out procedures provided regarding certain state mandates.

#### Regulated Industries

\*\*\* Note: \*\*\* Change in meeting room

Room: 10 State Office Building  
Chair: Rep. Torrey Westrom

**Agenda:** To be announced.

### THURSDAY, March 20

**8:15 AM**

#### Jobs and Economic Development Finance

Room: Basement Hearing Room  
Chair: Rep. Bob Gunther

**Agenda:** To be announced.

#### Environment and Natural Resources Finance

Room: 5 State Office Building  
Chair: Rep. Dennis Ozment

**Agenda:** Minnesota Department of Natural Resources budget.

#### Education Policy

Room: 200 State Office Building  
Chair: Rep. Barb Sykora

**Agenda:** Presentation by Lisa Graham Keegan, Education Leaders Council, on No Child Left Behind.

Bills may be added.

#### Health and Human Services Policy

Room: 10 State Office Building  
Chair: Rep. Lynda Boudreau

**Agenda:** Public comments on Administration's HHS finance bill and child-care finance bill.

To testify, please call Andy Gildea at (651) 296-5065.

(Meeting may continue after 2:15 p.m. in Room 10 of the SOB, if extra time is required).

**10:15 AM**

#### Environment and Natural Resources Policy

Room: 5 State Office Building  
Chair: Rep. Tom Hackbarth

**Agenda:** HF 623 (Hackbarth) Vapor recovery equipment required for gasoline deliveries in the metropolitan area.

Other bills to be added.

#### Taxes

Room: 200 State Office Building  
Chair: Rep. Ron Abrams

**Agenda:** Hearings

HF3 (Magnus) Tax-free property zones established, exemptions provided for individuals and businesses, state aid and repayment of tax benefits provided, and money appropriated.

Other business that may appropriately come before the committee.

#### Judiciary Policy and Finance

Room: Basement Hearing Room  
Chair: Rep. Steve Smith

**Agenda:** To be announced.

**12:30 PM**

#### Agriculture and Rural Development Finance

Room: 5 State Office Building  
Chair: Representative Elaine Harder

**Agenda:** Overview of the Dairy Development and Profitability Enhancement Program.

#### Commerce, Jobs and Economic Development

Room: 10 State Office Building  
Chair: Rep. Greg Davids

**Agenda:** HF748 (Gunther) Economic development, housing, jobs, and state government finance funding provided, and money appropriated HF894 (Pugh) Manufactured housing bill.

### FRIDAY, March 21

**8:15 AM**

#### Health and Human Services Policy

Room: 10 State Office Building  
Chair: Rep. Lynda Boudreau

**Agenda:** Public comments on Administration's HHS Finance Bill and Child Care Finance Bill.

To testify, please call Andy Gildea at (651) 296-5065.

Hearings will continue until testimony is concluded.

People in Hawaii will be paying more for beverages in a couple of years, but they have the option of getting some change back.

Beginning Jan. 1, 2005, Hawaii will charge a nickel deposit for each aluminum beverage can and glass or plastic bottle sold in the state. Consumers will be refunded the deposit when the container is redeemed at a recycling center, or reverse vending machine.

A handling fee of up to 1.5 cents per container, designed to generate funds to cover the recycling and administrative costs, will be nonrefundable.

The fees are exempt from the state sales tax.

Former Gov. Ben Cayetano signed the "bottle bill" into law June 25, 2002, making Hawaii the 11th state to require that customers pay extra for beverage containers. It was the first time in 16 years that a state adopted a new beverage deposit law, according to the Container Recycling Institute.



## Deposit 5¢

### Hawaii is latest state to adopt bottle-bill legislation

Critics argued that the law would be an added burden on retailers and residents and that some will refuse to pay the extra cost.

Cayetano disagreed.

"I think if you were to sit down with an average person on the street and ask that person if they would be willing to pay a fraction more so that we can keep the environment clean, I'm confident that the overwhelming majority of Hawaii's people will say yes."

Linda Lingle, who was elected governor last November, opposed the legislation saying it is another tax for Hawaiians. She also told the *Honolulu Advertiser* that the law does not create a market for recyclable products and "all you have is separated garbage."

"On average, 75,000 beverage containers are thrown in the trash every hour statewide," said Jeff Mikulina, director of the Sierra Club's Hawaii chapter. "States with bottle bills recycle over 80 percent of their beverage containers, while Hawaii currently recycles only about 20 percent."

In Minnesota, a similar bill (HF2266/SF2099) was introduced in 2001 by Rep Carl Jacobson (R-Vadnais Heights) and Sen. Mady Reiter (R-Shoreview), but stalled in committee.

(M. Cook)

ropolitan area. He said that cities in the corridor represent a significant number of jobs. Improvements to the freeway are slated for 2012, but Thorfinnson said the area needs improvements to 494 and I-35W sooner.

“The I-494 corridor will continue to lose business to other less congested areas,” he said.

His thoughts were echoed by David Lindahl, economic development director for Eden Prairie. “This is business’s problem, too. They’re having a hard time getting people to the workplace.”

Representatives from the trucking industry also expressed concern about the area, saying congestion delays delivery, causing trucking companies to build delays into their pricing structures and causing the price of goods to increase.

A number of testifiers also addressed transit, saying the system needs more flexibility in order to serve commuters who come north across the Minnesota River, but travel along the 494 corridor, rather than to either downtown.

According to the Transportation Department, improvement projects throughout the metropolitan area are planned, to help alleviate congestion. Portions of Highways 12, 52, 55, 94, 100, 494, and 610 are set for construction by 2005. Congestion relief efforts along Interstates 35E, 35W, 94, 494, 694 and Highways 36, 41, 100, 169, 280, and 52 are planned through 2012.

The questions for lawmakers – how to fund the projects and what volume of projects the department and construction industry can support each year.

Based on revenue projections through 2025, Henkel said the state can anticipate about \$5.56 billion for transportation. However, needs analyzed in 2003 dollars will approach \$15 billion by 2025.

Members of the committee requested more detailed information about how the state could create additional revenue, such as what combination of bonding and gas tax increases would cover the needs. 



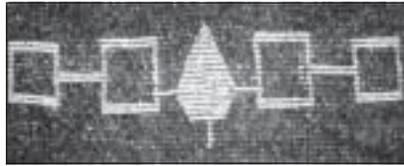
PHOTO BY TOM OLMSCHIED  
Tim Henkel, transportation planning director for the Department of Transportation, testifies on traffic congestion management during a March 11 meeting of the House Transportation Policy Committee.

# Reflections

With much of the legislative session focusing on the state budget, money is a main topic of conversation for many.

Having income is so important that it controls every aspect of managing state government and the lives of its residents. But how did dollars or money become the driving force for making or breaking a state, a business, the stock market, or even individual investors?

Long before pictures of dead presidents appeared on paper currency, items were bought and sold, or business conducted with a wide variety of tender used as currency. Early colonists and Native Americans learned to trade items each found to be of value – furs, trinkets, tools, lumber, land, and other goods.



Wampum

Photo courtesy of PBS Web site

For example, in 1626, the Dutch sea merchant, Peter Minuit, purchased New York’s lower Manhattan for the equivalent of \$24 in wampum — hand-made stringed beads made from clam shells — trinkets, and knives.

Wampum soon lost its value with the advent of the steel drill and the activities of a few entrepreneurs who began to mass produce strings of factory made wampum. Milled gold and silver coins then became the high commodity for trade. As paper currency became available, states and private sources printed so much in the form of bank notes that it soon cost more to print the money than what it was worth. Even so, coins soon became scarce and lost their value.

As colonists, fur traders, and others moved westward and into Minnesota Territory in the early 1800s, the direct bartering of “trade goods” — blankets, flour, sugar, cloth, and tobacco — ruled the area’s economy with fur trading as the dominant resource.

From 1812 to about 1832, a popular monetary item was a paper currency called “beaver money” issued by the American Fur Company. Beaver fur was an expensive item on the East Coast and in Europe, so the American Fur “bankers” stockpiled pelts and issued loans in paper currency to be repaid to them based on the worth of the furs.

A first quality beaver pelt or “plus” was the standard of value. A plus was worth one bear, one otter, one lynx, three martens, and 15 muskrats.

Worthless paper currency printed in other states, cheap bank notes, and merchants seeing losses by selling on credit, caused businesses to close and bank repositories to fail just before statehood. The first Legislature of 1858 passed legislation for banks to issue their own currency, which briefly solved the financial crisis.

Since Civil War days, the federal government has regulated paper currency, while worthless bank notes and scrip that was subject to easy counterfeiting no longer exists. Yet with the use of present-day technology, “funny money” has escalated through massive counterfeiting of millions of fake dollars. In order to try and halt its increase, a U.S. \$20 greenback will soon be the first to have its background changed to the color of blue, gold, or amber.

Maybe it would be easier to keep private printers of paper money out of the market by using a beaver money or trade goods standard without the paper currency. Then a classified ad could read something like: “2003 vehicle for sale — three beavers, one otter, and 75 muskrat pelts. No scrip accepted.”

— LECLAIR GRIER LAMBERT

## Minnesota’s U.S. Senators

**Senator**  
**Mark Dayton (DFL)**  
SR-346, Russell Senate Office Building  
Washington, D.C. 20510  
(202) 224-3244  
Fax: (202) 228-2186

**Senator**  
**Norm Coleman (R)**  
B-3 Dirksen Senate Office Building  
Washington, D.C. 20510  
(202) 224-5641  
Fax: (202) 224-1152

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# MINNESOTA INDEX

## Driving and crashing in Minnesota

Statewide seat belt usage rate in a summer 2002 study, as percent .....	80.1
Percentage in 2001 .....	74
Percentage in 1986 .....	33
Seat belt usage rate in Iowa during summer 2002 study, as percent .....	81
In Wisconsin .....	66.6
In North Dakota .....	57
Child restraints issued by the Department of Public Safety between 2000 and 2002 using fine money from child passenger safety and seat belt violations .....	7,940
Fatalities and serious injuries from crashes in Minnesota in 2001 .....	3,517
In 1986 .....	6,135
Crash fatalities in Minnesota in 2002 .....	614
In 2001 .....	568
Decrease in overall crash fatalities from 2000 to 2001, as percent .....	9.1
Of 2001 fatalities, percentage in rural areas .....	68
Percentage of Minnesota drivers involved in fatal crashes from 1995 to 2001 that failed to yield .....	16
National average, as percent .....	8
Percentage of fatal crashes where inattentive driving was a contributing factor .....	13
National average, as percent .....	7
Economic impact to Minnesota of crashes in 2001, in billions .....	\$1.6
Economic impact in 2000, in billions .....	\$1.2
Number of state alcohol-related traffic deaths in 2001 .....	211
In 2000 .....	245
Consistent percentage of all traffic deaths in past decade related to alcohol .....	40
Driver's license reinstatement fee for a drug or alcohol offense, as of	
July 1, 2002 .....	\$395
Before then .....	\$290
State's current blood-alcohol concentration percentage that defines a drunken driver .....	0.10
What it must be by Oct. 1, else risk losing federal transportation dollars .....	0.08
Estimated millions to be lost in federal fiscal year 2004 without the change .....	\$6.64
Anticipated federal money lost each year beginning in 2007, in millions .....	\$26.6
Number of uniformed Minnesota State Patrol personnel .....	536
Approximate percentage of Minnesota drivers that also have a motorcycle license .....	10
Percentage of all registered vehicles in 2000 that were motorcycles .....	3.2
Average number of motorcyclists killed annually in crashes in last 10 years .....	35
Percentage of those not wearing a helmet .....	77.1

Sources: Minnesota Department of Public Safety, Office of Traffic Safety; [www.stateline.org](http://www.stateline.org); Minnesota Motorcycle Safety Center; Minnesota Safety Council; National Highway Traffic Safety Administration

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